



# Supplementary Notice Paper

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## Firearms Bill 2024 [150-2]

SNP 150, Issue No. 5

Monday, 27 May 2024

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When in committee on the *Firearms Bill 2024*:

### Clause 5

**Hon Louise Kingston:** To move —

5/5 Page 4, line 27 — To delete the line.

**Hon Dr Brian Walker:** To move —

25/5 Page 4, after line 30 — To insert:

*dentist* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

**Hon Louise Kingston:** To move —

6/5 Page 5, after line 18 — To insert:

- (g) an offence under the law of a jurisdiction outside Australia that substantially corresponds to an offence referred to in paragraph (a), (c), (d), (e) or (f);

**Hon Peter Collier:** To move —

1/5 Page 6, line 5 — To delete “or physical”.

**Hon Louise Kingston:** To move —

7/5 Page 6, lines 17 to 20 — To delete the lines and insert:

*handgun* means a firearm —

- (a) with a barrel length of less than 400 mm; and
- (b) made or modified for aiming and firing with the hand; and
- (c) reasonably capable of being carried concealed about the person;

**Hon Dr Brian Walker:** To move —

26/5 Page 6, after line 31 — To insert:

*medical practitioner* means a person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

**Hon Dr Brian Walker:** To move —

27/5 Page 7, after line 2 — To insert:

*nurse practitioner* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession whose registration under that Law is endorsed as nurse practitioner;

### Clause 8

**Hon Louise Kingston:** To move —

8/8 Page 11, lines 5 to 16 — To delete the lines and insert:

- (1) The categories of firearms and the firearms that are in each category are as set out in the Table.

**Table**

<b>Firearm category</b>	<b>Firearms in category</b>
Category A	<ul style="list-style-type: none"> <li>• air rifles</li> <li>• rimfire rifles (other than self-loading)</li> <li>• shotguns (other than pump action, lever action or self-loading)</li> <li>• rimfire rifle/shotgun combinations</li> </ul>
Category B	<ul style="list-style-type: none"> <li>• muzzle-loading firearms (other than pistols)</li> <li>• centre-fire rifles (other than self-loading)</li> <li>• centre-fire rifle/shotgun combinations</li> <li>• lever action shotguns with a magazine capacity of no more than 5 rounds</li> </ul>
Category C	<ul style="list-style-type: none"> <li>• self-loading rimfire rifles with a magazine capacity of no more than 10 rounds</li> <li>• pump action shotguns with a magazine capacity of no more than 5 rounds</li> </ul>

Firearm category	Firearms in category
	<ul style="list-style-type: none"> <li>self-loading shotguns with a magazine capacity of no more than 5 rounds</li> </ul>
Category D	<ul style="list-style-type: none"> <li>self-loading centre-fire rifles</li> <li>self-loading rimfire rifles with a magazine capacity of more than 10 rounds</li> <li>self-loading shotguns with a magazine capacity of more than 5 rounds</li> <li>pump action shotguns with a magazine capacity of more than 5 rounds</li> <li>lever action shotguns with a magazine capacity of more than 5 rounds</li> </ul>
Category E	<ul style="list-style-type: none"> <li>cannons</li> <li>line throwers</li> <li>tranquillisers</li> <li>paintball guns</li> </ul>
Category H	<ul style="list-style-type: none"> <li>handguns (including air pistols)</li> </ul>

- (2) The regulations may prescribe the following —
- firearms that are excluded from a category set out in the Table to subsection (1);
  - other categories of firearms and firearms that are in those other categories.

### Clause 11

**Hon Louise Kingston:** To move —

9/11 Page 14, line 6 — To delete “Australian”.

**Hon Louise Kingston:** To move —

10/11 Page 14, lines 11 and 12 — To delete the lines and insert:

- (3) Despite subsection (1), a finding of guilt in relation to an offence is not a *finding of guilt* for the purposes of this Act if it is —

**Clause 28****Hon Louise Kingston:** To move —

11/28 Page 24, after line 13 — To insert:

(d) recreational shooting.

**Hon Louise Kingston:** To move —

12/28 Page 24, after line 21 — To insert:

(d) a licence for recreational shooting may be referred to as a Recreational Licence.

**Clause 29****Hon Louise Kingston:** To move —

31/29 Page 25, lines 7 to 9 — To delete the lines.

**Hon Louise Kingston:** To move —

13/29 Page 25, line 12 — To delete “the licence purpose” and insert:

each licence purpose

**Minister for Emergency Services representing the Minister for Police** To move —

4/29 Page 25, lines 13 to 15 — To delete the lines and insert:

(3) A firearm can be authorised for more than 1 licence purpose.

**Hon Louise Kingston:** To move —

14/29 Page 25, lines 13 to 15 — To delete the lines.

**Clause 30****Hon Louise Kingston:**

15/30 Page 25, line 18 to page 26, line 11 — To oppose the clause.

**Clause 32****Hon Louise Kingston:** To move —

16/32 Page 26, lines 21 to 22 — To delete “an Individual Licence” and insert:

a Competition Licence

**Hon Louise Kingston:** To move —

17/32 Page 26, line 25 — To delete “an Individual Licence” and insert:

a Competition Licence

**Clause 36****Hon Louise Kingston:** To move —

18/36 Page 27, after line 27 — To insert:

- (2) A Hunting Licence authorises the licensee to use a firearm to which the licence applies for the purposes authorised by a Recreational Licence on the land approved for hunting under the Hunting Licence.

**New Clause 41A****Hon Louise Kingston:** To move —

19/NC41A Page 30, after line 20 — To insert:

**Subdivision 3A — Recreational Licence****41A. Authority conferred by Recreational Licence**

- (1) A Recreational Licence authorises the licensee to use a firearm to which the licence applies for the purposes of shooting at inanimate targets for recreation or practise, including sighting in, on land for which the licensee has approval for recreational shooting using the firearm under the licence.
- (2) A Recreational Licence can only apply to a firearm of category A or B.

Note for this section:

Under section 110, a Recreational Licence also authorises target shooting and firearms training at a licensed firearm range. Under section 111, a Recreational Licence also authorises target shooting for the purposes of sighting in a firearm at a location where the firearm is authorised to be used.

**41B. Requirement for approval of land for recreational shooting**

A Recreational Licence to authorise the use of a firearm must not be granted to a person unless the Commissioner is satisfied that there is land for which the licensee has the Commissioner's approval for recreational shooting using the firearm under the licence.

**41C. Approval of land for recreational shooting**

- (1) The Commissioner may approve land for recreational shooting by a person using a firearm under a Recreational Licence.
- (2) The Commissioner must not approve land under subsection (1) unless the Commissioner is satisfied that —
- (a) the land is in the State; and
  - (b) the person has permission to engage in recreational shooting on the land under section 41D.

**41D. Recreational shooting permission for land**

- (1) In this section —
- authorised person***, for land, means —
- (a) the occupier of the land; or

- (b) a person entitled to give permission on behalf of the occupier of the land for a person to engage in recreational shooting on the land; or
- (c) a person prescribed by the regulations.

Note for this subsection:

The owner of land will be an authorised person if the owner is the occupier of the land.

- (2) An authorised person for land may give a person permission (*recreational shooting permission*) in writing in the approved form to engage in recreational shooting on the land.
- (3) A person who is an authorised person for land is taken to have recreational shooting permission to engage in recreational shooting on the land.
- (4) A recreational shooting permission may be revoked at any time by notice in writing given to the permission holder by any authorised person for recreational shooting permission on the land concerned.
- (5) The regulations may provide for the following in connection with recreational shooting permissions —
  - (a) the period for which a recreational shooting permission remains in force (unless sooner revoked);
  - (b) requiring a person who gives recreational shooting permission for land to notify the Commissioner if the person ceases to be an authorised person for the land;
  - (c) the lapsing of a recreational shooting permission in the event that the person who gave the permission ceases to be an authorised person for the land;
  - (d) the obligations of the licensee under a Recreational Licence in the event that a recreational shooting permission for the licensee to engage in recreational shooting on land expires, lapses or is revoked;
  - (e) the renewal of a recreational shooting permission.
- (6) A person must not charge a fee for giving recreational shooting permission for land for the purposes of this section.

Penalty for this subsection: a fine of \$5 000.

- (7) A person who falsely represents themselves to be an authorised person for land and purports to give permission under this section for a person to engage in recreational shooting on the land commits an offence.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

### Clause 58

**Hon Louise Kingston:** To move —

20/58 Page 37, lines 7 and 8 — To delete the lines.

### Clause 61

**Hon Louise Kingston:** To move —

32/61 Page 38, lines 25 to 27 — To delete the lines.

**Clause 90****Hon Louise Kingston:** To move —

21/90 Page 50, after line 28 — To insert:

- (3A) For the purpose of, but without limiting, subsection (3)(b), a person has a reasonable excuse if, in the opinion of the Commissioner, the remote or rural location of the premises at which the business is carried on is likely to prevent the business from achieving the minimum level of business activity.

**Clause 111****Hon Louise Kingston:** To move —

22/111 Page 61, after line 4 — To insert:

- (aa) a Recreational Licence;

**Clause 125****Hon Louise Kingston:**

23/125 Page 65, lines 13 to 20 — To oppose the clause.

**Clause 148****Hon Peter Collier:** To move —

2/148 Page 74, lines 19 and 20 — To delete “physical or”.

**Clause 296****Hon Dr Brian Walker:** To move —

28/296 Page 138, after line 24 — To insert:

- (5) It is a defence to a charge of an offence under subsection (1), (2) or (3) that relates to a person affected by a drug to prove that —
- (a) the drug was —
    - (i) taken by the person pursuant to a prescription from a medical practitioner, nurse practitioner or dentist; or
    - (ii) administered to the person for therapeutic purposes by a medical practitioner, nurse practitioner or dentist;
 and
  - (b) the person did not know, and could not reasonably be expected to have known, that use of the drug was likely to result in conduct or a condition that would be inconsistent with the person being capable of safe possession or use of a firearm; and
  - (c) if the drug was obtained by the person in packaged form — the package (including any label on the package) did not set out a statement to the effect that use of the drug may result in conduct or a condition that would be inconsistent with the person using the drug being capable of safely driving a motor vehicle.

**New Clause 296A****Hon Dr Brian Walker:** To move —

29/NC296A Page 138, after line 27 — To insert:

**296A. When persons affected by alcohol or drugs**

- (1) If it is necessary to prove that a person was affected by alcohol for the purposes of an offence under section 295 or 296, it is sufficient to prove that the concentration of alcohol in the person's blood was at or above 0.05 g of alcohol per 100 ml of blood.
- (2) If it is necessary to prove that a person was affected by drugs for the purposes of an offence under section 295 or 296, it is sufficient to prove that —
  - (a) a drug was present in the person's body; and
  - (b) the person's conduct, condition or appearance was consistent with the conduct, condition or appearance associated with a person affected by that drug; and
  - (c) the conduct or condition associated with a person affected by that drug is inconsistent with the person being capable of safe possession or use of a firearm.
- (3) Nothing in subsection (1) or (2) limits the ways in which it can be proven that a person was affected by alcohol or drugs for the purposes of an offence under section 295 or 296.

**Clause 399****Hon Dr Brian Walker:** To move —

30/399 Page 198, after line 26 — To insert:

- (4) Regulations for the purposes of the definition of *firearm authority health standards* in section 5 may be made only on the recommendation of a medical practitioner nominated by the Royal Australian College of General Practitioners.

**New Clause 437A****Hon Peter Collier:** To move —

3/NC437A Page 214, after line 29 — To insert

**437A. Operation of Act modified in relation to certain licence holders under 1973 Act**

- (1) In this section —

*existing licensed firearm*, in relation to an existing licence holder, means a firearm that immediately before commencement day was named and identified in the holder's Firearm Licence or Firearm Collector's Licence under the 1973 Act;

*existing licence holder* means a person who —

- (a) immediately before commencement day, held a Firearm Licence or Firearm Collector's Licence under the 1973 Act; and
- (b) at all times since the beginning of commencement day, has held or been taken to have held a licence under Part 2 or a firearm authority under section 411 or 417.



- (2) This Act applies in relation to an existing licence holder with the following modifications —
- (a) for the purposes of section 30, 58 or 125 (as the case requires), the maximum number of firearms that a licence, or a licence for any particular licence purpose, held by the existing licence holder can apply to at any one time is —
    - (i) if the total number of existing licensed firearms of the existing licence holder exceeds the maximum number of firearms that would otherwise apply under section 30, 58 or 125 (as the case requires) — that total number; or
    - (ii) otherwise — the maximum number of firearms that applies under section 30, 58 or 125 (as the case requires);
  - (b) the Commissioner cannot impose a requirement under section 148 on, or in respect of, the existing licence holder unless the Commissioner believes on reasonable grounds that it is likely that the existing licence holder does not meet the firearm authority health standards;
  - (c) the Commissioner cannot use the effect of paragraph (a) or (b) as a reason (direct or indirect) for doing any of the following —
    - (i) refusing to grant a firearm authority to the existing licence holder;
    - (ii) if the Commissioner grants a firearm authority to the existing licence holder — refusing to apply the firearm authority to an existing licensed firearm of the existing licence holder or to any other firearm;
    - (iii) doing anything else to the disadvantage of the existing licence holder.
- (3) In subsection (2)(c) a reference to the grant of a firearm authority includes the renewal of a firearm authority.

#### **Clause 490**

**Hon Louise Kingston:** To move —

**24/490** Page 236, lines 6 to 10 — To delete the lines and insert:

In Schedule 3 clause 1(1) in the Table delete item 9.

