

Firearms Amendment Bill 2021

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Firearms Amendment Bill 2021

A Bill for

An Act to amend the *Firearms Act 1973* and to make consequential and related amendments to other Acts.

The Parliament of Western Australia enacts as follows:

1
2
3
4
5
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7
8
9
10

Part 1 — Preliminary

1. Short title

This is the *Firearms Amendment Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) section 42(8) and Part 3 (but only Division 1) — on the 28th day after assent day;
- (c) the rest of the Act — on a day fixed by proclamation.

1 **Part 2 — Firearms Act 1973 amended**

2 **3. Act amended**

3 This Part amends the *Firearms Act 1973*.

4 **4. Part 1 heading inserted**

5 Before section 1 insert:

6

7 **Part 1 — Preliminary**

8

9 **5. Section 3 deleted**

10 Delete section 3.

11 **6. Section 4 amended**

12 (1) In section 4 delete the definitions of:

13 *ammunition*

14 *firearm*

15 *handgun*

16 *possession*

17 (2) In section 4 insert in alphabetical order:

18

19 *ammunition* —

20 (a) means anything made or modified specifically

21 for discharge from a firearm; and

22 (b) includes the following —

23 (i) a cartridge, projectile, primer or

24 propellant made or modified specifically

25 for use in manufacturing something

26 described in paragraph (a);

s. 6

- 1 (ii) any other prescribed thing;
2 but
3 (c) does not include any of the following —
4 (i) ammunition rendered inoperative;
5 (ii) an inert cartridge, dummy round or drill
6 round that does not contain primer,
7 propellant or explosive charge;
8 (iii) a prescribed paintball pellet;
9 (iv) a spent primer;
10 (v) a spent casing, whether or not it can be
11 reused;
12 (vi) any other prescribed thing;
13 ***firearm*** —
14 (a) means a device that is made, modified or
15 capable of being modified to discharge or
16 propel a shot, bullet, missile or other projectile,
17 whether or not the device is —
18 (i) operable or inoperable; or
19 (ii) assembled or in parts; or
20 (iii) complete or incomplete;
21 but
22 (b) does not include any of the following —
23 (i) anything that is prescribed in
24 regulations under the *Weapons Act 1999*
25 to be a prohibited weapon or a
26 controlled weapon;
27 (ii) an industrial tool powered by cartridges
28 containing gun powder, compressed air
29 or other gas, that is made to fix fasteners
30 or plugs or for similar purposes;
31 (iii) a device made to discharge signal flares;

-
- 1 (iv) a device commonly known as a kiln gun
2 or ring blaster, made specifically for
3 knocking out or down solid materials in
4 kilns, furnaces or cement silos;
- 5 (v) a device commonly known as a line
6 thrower, made to establish lines between
7 structures or natural features and
8 powered by compressed air or other
9 compressed gases;
- 10 (vi) a device commonly known as a
11 promotional launcher, made to
12 discharge packaged promotional
13 material among event crowds and
14 powered by compressed air or other
15 compressed gases;
- 16 (vii) anything that appears to replicate a
17 firearm but is obviously a child's toy
18 and is not made or modified to
19 discharge a projectile capable of causing
20 physical harm;
- 21 (viii) any other prescribed thing;
- 22 *firearms precursor* has the meaning given in
23 section 23AF(1);
- 24 *firearms prohibition order* has the meaning given in
25 section 29A(1);
- 26 *firearms technology* has the meaning given in
27 section 23AG(1);
- 28 *handgun* means a firearm that —
- 29 (a) is reasonably capable of being carried or
30 concealed about the person; and
- 31 (b) when used, can be aimed and fired or
32 discharged from 1 hand;

s. 6

1 **major firearm part** means any of the following, made
2 or modified for use in a firearm —

- 3 (a) a gas piston, friction assembly, action bar,
4 breech bolt or breech block;
- 5 (b) a frame or chassis, including a frame blank or
6 chassis blank;
- 7 (c) a barrel or barrel blank;
- 8 (d) an assembled trigger mechanism;
- 9 (e) a receiver or slide;
- 10 (f) a magazine;
- 11 (g) a thing that includes at least 1 of the things
12 listed in paragraphs (a) to (f);
- 13 (h) any other prescribed thing;

14 **place** has the meaning given in the *Criminal*
15 *Investigation Act 2006* section 3(1);

16 **possession** —

- 17 (a) in relation to a firearm, major firearm part,
18 prohibited firearm accessory, sound suppressor,
19 firearms precursor (other than a firearms
20 precursor that is firearms technology) or
21 ammunition — has the meaning given in
22 section 4A; or
- 23 (b) in relation to firearms technology — has the
24 meaning given in section 23AH(2);

25 **prescribed** means prescribed by regulations made
26 under this Act;

27 **prohibited firearm** means a firearm, the acquisition,
28 sale, possession or use of which is prohibited by
29 regulations under section 6(1);

1 ***prohibited firearm accessory*** means any of the
2 following —

- 3 (a) a device commonly known as a bump stock,
4 being a stock that is made or modified to allow
5 a self-loading firearm to fire more rapidly than
6 is possible with trigger-finger manipulation
7 alone;
- 8 (b) a device commonly known as a folding stock,
9 being a stock with a mechanism that allows the
10 stock to be folded to reduce the overall length
11 of a firearm;
- 12 (c) a device commonly known as a detachable
13 stock, being a stock that when removed from a
14 firearm allows the firearm to remain capable of
15 being fired or discharged;
- 16 (d) a device commonly known as a chassis carbine
17 kit, that alters a firearm in such a way that the
18 category of firearm to which the firearm
19 belongs under the regulations is altered;
- 20 (e) any other prescribed thing that may be fitted to
21 or used in conjunction with a firearm;

22 ***prohibited person*** means a person in relation to whom
23 a firearms prohibition order is in force;

24 ***sound suppressor*** —

- 25 (a) means a device that is made or modified to be
26 fitted to a firearm to reduce the noise of the
27 firearm firing or discharging; and
- 28 (b) includes a device commonly known as a
29 silencer;

30 ***thing relevant to an offence*** has the meaning given in
31 the *Criminal Investigation Act 2006* section 5;

32 ***vehicle*** has the meaning given in the *Criminal*
33 *Investigation Act 2006* section 3(1).
34

s. 7

1 (3) In section 4 in the definition of *dealer* delete “firearms” and
2 insert:

3

4 firearms, major firearm parts

5

6 (4) In section 4 in the definitions of *paintball gun* and *paintball*
7 *pellets* paragraph (b) delete “designed” and insert:

8

9 made or modified

10

11 (5) In section 4 in the definition of *section* delete “Act.” and insert:

12

13 Act;

14

15 **7. Section 4A inserted**

16 After section 4 insert:

17

18 **4A. Possession of firearms and other things**

19 A person is in *possession* of a firearm, major firearm
20 part, prohibited firearm accessory, sound suppressor,
21 firearms precursor (other than a firearms precursor that
22 is firearms technology) or ammunition if any of the
23 following circumstances apply —

24 (a) the person has actual physical possession of it;

25 (b) the person has the custody or control of it,
26 whether directly or remotely;

27 (c) the person has and exercises access to it in a
28 place either alone or in common with others;

- 1 (d) the person occupies, or has care, control or
2 management of, a place where it is found;
3 (e) the person is in charge of a vehicle where it is
4 found.
5

6 **8. Section 5A amended**

7 After section 5A(3) insert:
8

- 9 (4) The Commissioner may delegate the following powers
10 only to a member of the Police Force who holds the
11 rank of Commander or above —
12 (a) the power under section 29A(1) to make a
13 firearms prohibition order;
14 (b) the power under section 29G(3) to revoke a
15 firearms prohibition order.
16

17 Note: The heading to amended section 5A is to read:

18 **Delegation of Commissioner's powers**

19 **9. Section 6 amended**

- 20 (1) In section 6(1):
21 (a) delete “firearm, silencer or other contrivance of a similar
22 nature,” and insert:
23
24 firearm, major firearm part, sound suppressor
25
26 (b) delete “firearm, contrivance” and insert:
27
28 firearm, major firearm part, sound suppressor
29

s. 10

1 (2) In section 6(1a) and (2) delete “firearm” (each occurrence) and
2 insert:

3

4 firearm, major firearm part

5

6 **10. Section 7 amended**

7 In section 7(1) delete “firearms” (2nd occurrence) and insert:

8

9 firearms, major firearm parts

10

11 **11. Part 2 heading and Part 2 Division 1 heading inserted**

12 Before section 8 insert:

13

14 **Part 2 — Licences, permits and approvals**

15 **Division 1 — General matters**

16

17 **12. Section 8 amended**

18 (1) In section 8(1):

19 (a) in paragraphs (d) and (e) delete “firearm” and insert:

20

21 firearm, major firearm part

22

23 (b) in paragraph (f) delete “section 16(2) by a body licensed
24 by the Commissioner under section 16(1)(c) who has a
25 firearm” and insert:

26

27 section 16D(4) by a body licensed by the Commissioner
28 under section 16D who has a firearm, major firearm part

29

- 1 (c) after paragraph (f) insert:
2
- 3 (fa) by a responsible person (as defined in
4 section 33A(3)(b)) or an approved person (as
5 defined in section 33A(3)(c)) who has a
6 firearm, major firearm part or ammunition
7 surrendered under section 33A(1)(b) in their
8 possession, or carries it, in accordance with an
9 approval given by the Commissioner under
10 section 33A(2);
11
- 12 (d) in paragraphs (g) and (i) delete “firearm” (each
13 occurrence) and insert:
14
15 firearm, major firearm part
16
- 17 (e) in paragraph (j) delete “designed” and insert:
18
19 made or modified
20
- 21 (f) in paragraph (j) after “uses” (2nd occurrence) insert:
22
23 a major firearm part or
24
- 25 (g) delete paragraph (mb);
26 (h) in paragraph (mc) delete “firearm;” and insert:
27
28 firearm or a major firearm part that forms part of that
29 antique mechanism firearm;
30

s. 13

1 (2) In section 8(2) in the definition of *antique mechanism firearm*
2 delete “or other missile” and insert:

3

4 missile or other projectile

5

6 **13. Section 9A amended**

7 In section 9A(2a) delete the passage that begins with “renewed”
8 and ends with “last”.

9 **14. Part 2 Division 2 heading inserted**

10 Before section 10 insert:

11

12 **Division 2 — Requirements and restrictions**

13

14 **15. Section 11 amended**

15 (1) After section 11(1) insert:

16

17 (1A) The Commissioner cannot grant an approval or permit
18 or issue a licence under this Act to a prohibited person.

19

20 (2) In section 11(7)(c):

21 (a) delete “inspect” and insert:

22

23 inspect, at a reasonable time,

24

25 (b) delete “possess, when requested in writing by a member
26 of the Police Force to do so.” and insert:

27

28 possess.

29

1 **16. Section 11A amended**

2 (1) In section 11A(1) and (2) delete “firearm or” and insert:

3

4 firearm, major firearm part, prohibited firearm accessory or

5

6 (2) In section 11A(3) and (4) delete “firearm” (each occurrence)
7 and insert:

8

9 firearm, major firearm part

10

11 **17. Section 12 amended**

12 In section 12(1) after “firearm” insert:

13

14 or major firearm part

15

16 Note: The heading to amended section 12 is to read:

17

Unsafe or unserviceable firearms or major firearm parts

18 **18. Part 2 Division 3 heading inserted**

19 Before section 15 insert:

20

21 **Division 3 — Firearm collections and accredited**
22 **societies of collectors**

23

24 **19. Section 15 amended**

25 In section 15(1) and (2) after “firearm” (1st occurrence) insert:

26

27 or major firearm part

28

1 **20. Section 15B amended**

2 In section 15B(1) delete “is required to” and insert:

3

4 must

5

6 **21. Part 2 Division 4 heading inserted**

7 After section 15B insert:

8

9 **Division 4 — Categories of licences**

10

11 **22. Sections 16 and 16A replaced**

12 Delete sections 16 and 16A and insert:

13

14 **16. Overview of Division**

15 This Division sets out the licences which may be issued
16 under this Act.

17 **16A. Firearm Licence**

18 A Firearm Licence entitles the holder to possess, carry
19 and lawfully use —

20 (a) the firearm named and identified in that licence;
21 and

22 (b) ammunition for that firearm; and

23 (c) any magazine capable of being used with that
24 firearm; and

25 (d) any major firearm part forming part of that
26 firearm when that licence was issued; and

- 1 (e) any major firearm part (other than a magazine)
2 that did not form part of that firearm when that
3 licence was issued, but that is approved by the
4 Commissioner, and named and identified in that
5 licence, in accordance with section 16B.

6 **16B. Approval in relation to replacement or additional**
7 **major firearm parts**

- 8 (1) In this section —
9 *major firearm part* does not include a magazine.
- 10 (2) The Commissioner may grant the holder of a Firearm
11 Licence approval to possess, carry and lawfully use a
12 major firearm part (the *relevant major firearm part*)
13 for the purpose of —
- 14 (a) enabling a major firearm part that the holder is
15 entitled to possess, carry and lawfully use under
16 section 16A, and that has become irreparably
17 damaged or worn, to be replaced with the
18 relevant major firearm part; or
- 19 (b) enabling the holder to possess, carry and
20 lawfully use the relevant major firearm part in
21 addition to the major firearm parts that the
22 holder is already entitled to possess, carry and
23 lawfully use under section 16A.
- 24 (3) An application for an approval under subsection (2)
25 must be in the approved form.
- 26 (4) The Commissioner cannot grant an approval under
27 subsection (2) unless the Commissioner is satisfied that
28 the relevant major firearm part is capable of forming
29 part of a firearm named and identified in the Firearm
30 Licence referred to in that subsection.
- 31 (5) If the Commissioner grants an approval under
32 subsection (2), the Firearm Licence referred to in that

1 subsection must be amended by naming and identifying
2 the relevant major firearm part in the Firearm Licence.

3 **16C. Firearm Collector's Licence**

4 A Firearm Collector's Licence entitles the holder to
5 possess, but not to carry or use —

- 6 (a) the firearm named and identified in that licence;
7 and
8 (b) any major firearm part forming part of that
9 firearm when that licence was issued.

10 **16D. Corporate Licence**

11 (1) A Corporate Licence may be issued in the corporate or
12 trading name of any bank, financial institution,
13 Government department, State instrumentality or other
14 organisation (the *holder*) approved by the
15 Commissioner.

- 16 (2) A Corporate Licence entitles the holder to possess —
17 (a) the firearms named and identified in that
18 licence; and
19 (b) ammunition for those firearms; and
20 (c) any magazine capable of being used with any
21 of those firearms; and
22 (d) any major firearm part forming part of any of
23 those firearms when that licence was issued;
24 and
25 (e) any major firearm part (other than a magazine)
26 that did not form part of any of those firearms
27 when that licence was issued, but that is
28 approved by the Commissioner, and named and
29 identified in that licence, in accordance with
30 section 16E.

-
- 1 (3) Subject to subsection (5), a Corporate Licence
2 authorises the holder to permit any person to whom
3 subsection (4) applies to possess, carry or use, in
4 accordance with terms, restrictions, limitations and
5 conditions applicable to that licence, a thing referred to
6 in subsection (2) either —
- 7 (a) on the premises of the holder; or
8 (b) in the course of carrying out a function
9 approved by the Commissioner and authorised
10 by the holder.
- 11 (4) The holder of a Corporate Licence may permit any of
12 the following to possess, carry or use, in accordance
13 with that licence, a thing referred to in
14 subsection (2) —
- 15 (a) a person who is an employee of the holder;
16 (b) a person who is, in respect to any particular act
17 or omission authorised by the holder —
- 18 (i) an agent of the holder; or
19 (ii) a person acting at the request of and on
20 behalf of the holder;
- 21 (c) a person employed in the Public Sector by or
22 under an employing authority, as defined in the
23 *Public Sector Management Act 1994* section 5,
24 who is required or authorised by the holder to
25 act on behalf of the holder with respect to a
26 relevant act or omission.
- 27 (5) If the holder of a Corporate Licence holds a security
28 agent's licence under the *Security and Related*
29 *Activities (Control) Act 1996*, the Corporate Licence
30 authorises the holder to permit an employee to possess
31 a thing referred to in subsection (2) to the extent only
32 that the employee is authorised to do so by a security
33 officer's licence endorsed under section 24, or a permit
34 issued under section 25, of that Act.

- 1 **16E. Approval for holder of Corporate Licence to possess**
2 **replacement or additional major firearm parts**
- 3 (1) In this section —
4 *major firearm part* does not include a magazine.
- 5 (2) The Commissioner may grant the holder of a Corporate
6 Licence approval to possess a major firearm part (the
7 *relevant major firearm part*) for the purpose of —
- 8 (a) enabling a major firearm part that the holder is
9 entitled to possess under section 16D(2), and
10 that has become irreparably damaged or worn,
11 to be replaced with the relevant major firearm
12 part; or
- 13 (b) enabling the holder to possess the relevant
14 major firearm part in addition to the major
15 firearm parts that the holder is already entitled
16 to possess under section 16D(2).
- 17 (3) An application for an approval under subsection (2)
18 must be in the approved form.
- 19 (4) The Commissioner cannot grant an approval under
20 subsection (2) unless the Commissioner is satisfied that
21 the relevant major firearm part is capable of forming
22 part of a firearm named and identified in the Corporate
23 Licence referred to in that subsection.
- 24 (5) If the Commissioner grants an approval under
25 subsection (2), the Corporate Licence referred to in that
26 subsection must be amended by naming and identifying
27 the relevant major firearm part in the Corporate
28 Licence.

16F. Dealer's Licence

- 1
- 2 (1) A Dealer's Licence entitles the holder, on the premises
- 3 named and identified in that licence, to —
- 4 (a) deal in firearms, major firearm parts and
- 5 ammunition; and
- 6 (b) receive firearms for the purpose of their being
- 7 dismantled for parts; and
- 8 (c) arrange for the repair or servicing of firearms
- 9 and major firearm parts by the holder of a
- 10 Repairer's Licence; and
- 11 (d) deal in a prohibited firearm accessory that is the
- 12 subject of an approval granted by the
- 13 Commissioner under section 16I(2) and
- 14 endorsed on that licence under section 16I(6),
- 15 provided the prohibited firearm accessory is
- 16 bought from, or sold to, a person who can
- 17 lawfully possess the prohibited firearm
- 18 accessory under this Act.
- 19 (2) A Dealer's Licence authorises the holder or an
- 20 employee or partner of the holder to —
- 21 (a) have in their possession, and to carry in the
- 22 ordinary course of the business of that dealer, a
- 23 thing referred to in subsection (1); and
- 24 (b) use a thing referred to in subsection (1) for the
- 25 purpose of testing it or of demonstrating it to a
- 26 prospective purchaser.

16G. Repairer's Licence

- 27
- 28 (1) A Repairer's Licence entitles the holder, on the
- 29 premises named and identified in that licence, to —
- 30 (a) repair firearms or major firearm parts belonging
- 31 to persons who are authorised by this Act or
- 32 any other law to possess them; and

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- 1 (b) possess ammunition for those firearms; and
2 (c) repair a prohibited firearm accessory that is the
3 subject of an approval granted by the
4 Commissioner under section 16I(2) and
5 endorsed on that licence under section 16I(6).
- 6 (2) A Repairer's Licence authorises the holder or an
7 employee or partner of the holder to —
- 8 (a) have in their possession, and to carry in the
9 ordinary course of the business of that repairer,
10 a thing referred to in subsection (1); and
11 (b) use a thing referred to in subsection (1) for the
12 purpose of testing it.
- 13 (3) If an approval granted under section 16J(1) is endorsed
14 on a Repairer's Licence under section 16J(4), the
15 Repairer's Licence authorises the holder or an
16 employee or partner of the holder to create, develop
17 and be in possession of firearms technology for the
18 purposes of —
- 19 (a) the repair of the firearms or major firearm parts
20 the holder is entitled to repair under
21 subsection (1)(a); and
22 (b) the repair of a prohibited firearm accessory the
23 holder is entitled to repair under
24 subsection (1)(c).
- 25 (4) If an approval granted under section 16J(2) is endorsed
26 on a Repairer's Licence under section 16J(4), the
27 Repairer's Licence authorises the person to whom the
28 approval is granted, for the purposes referred to in
29 subsection (3)(a) and (b) —
- 30 (a) to create or develop firearms technology on
31 behalf of the holder of the Repairer's Licence;
32 and

- 1 (b) to be in possession of firearms technology so
2 created or developed; and
- 3 (c) to disseminate (as defined in section 23AJ(2)),
4 to the holder of the Repairer's Licence firearms
5 technology so created or developed.

6 **16H. Manufacturer's Licence**

- 7 (1) A Manufacturer's Licence entitles the holder, on the
8 premises named and identified in that licence, to —
- 9 (a) manufacture firearms, major firearm parts or
10 ammunition of the kind specified in that
11 licence; and
- 12 (b) sell or otherwise dispose of those firearms,
13 major firearm parts and ammunition; and
- 14 (c) manufacture a prohibited firearm accessory that
15 is the subject of an approval granted by the
16 Commissioner under section 16I(3) and
17 endorsed on that licence under section 16I(6);
18 and
- 19 (d) sell or otherwise dispose of that prohibited
20 firearm accessory to a person who can lawfully
21 possess a prohibited firearm accessory under
22 this Act.
- 23 (2) A Manufacturer's Licence authorises the holder or an
24 employee or partner of the holder to —
- 25 (a) have in their possession, and to carry in the
26 ordinary course of the business of that
27 manufacturer, a thing referred to in
28 subsection (1); and
- 29 (b) use a thing referred to in subsection (1) for the
30 purpose of testing it or of demonstrating it to a
31 prospective purchaser.

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- 1 (3) If an approval granted under section 16J(1) is endorsed
2 on a Manufacturer's Licence under section 16J(4), the
3 Manufacturer's Licence authorises the holder or an
4 employee or partner of the holder to create, develop
5 and be in possession of firearms technology for the
6 purposes of —
- 7 (a) the manufacture of the firearms, major firearm
8 parts or ammunition that the holder is entitled
9 to manufacture under subsection (1)(a); and
- 10 (b) the manufacture of any prohibited firearm
11 accessory that the holder is entitled to
12 manufacture under subsection (1)(c).
- 13 (4) If an approval granted under section 16J(2) is endorsed
14 on a Manufacturer's Licence under section 16J(4), the
15 Manufacturer's Licence authorises the person to whom
16 the approval is granted, for the purposes referred to in
17 subsection (3)(a) and (b) —
- 18 (a) to create or develop firearms technology on
19 behalf of the holder of the Manufacturer's
20 Licence; and
- 21 (b) to be in possession of firearms technology so
22 created or developed; and
- 23 (c) to disseminate (as defined in section 23AJ(2)),
24 to the holder of the Manufacturer's Licence,
25 firearms technology so created or developed.

26 **16I. Approval for certain licence holders to deal in,
27 repair or manufacture prohibited firearm accessory**

- 28 (1) The Commissioner may grant the holder of a Dealer's
29 Licence approval to deal in a prohibited firearm
30 accessory.
- 31 (2) The Commissioner may grant the holder of a
32 Repairer's Licence approval to repair a prohibited
33 firearm accessory.

-
- 1 (3) The Commissioner may grant the holder of a
2 Manufacturer's Licence approval to manufacture a
3 prohibited firearm accessory.
- 4 (4) An approval under subsection (1), (2) or (3) may relate
5 to prohibited firearms accessories generally or to a
6 particular prohibited firearm accessory specified in the
7 approval.
- 8 (5) An application for an approval under subsection (1),
9 (2) or (3) must be in the approved form.
- 10 (6) If the Commissioner grants an approval under
11 subsection (1), (2) or (3), the approval must be
12 endorsed on the licence referred to in that subsection.
- 13 **16J. Approval for certain licence holders and other**
14 **persons to create, develop and be in possession of**
15 **firearms technology**
- 16 (1) The Commissioner may grant the holder of a
17 Repairer's Licence or Manufacturer's Licence approval
18 to create, develop and be in possession of firearms
19 technology.
- 20 (2) The Commissioner may grant a person who is
21 nominated by the holder of a Repairer's Licence or
22 Manufacturer's Licence approval —
- 23 (a) to create or develop firearms technology on
24 behalf of the holder of the Repairer's Licence
25 or Manufacturer's Licence; and
- 26 (b) to be in possession of firearms technology so
27 created or developed; and
- 28 (c) to disseminate (as defined in section 23AJ(2)),
29 to the holder of the Repairer's Licence or
30 Manufacturer's Licence, firearms technology so
31 created or developed.

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- 1 (3) An application for an approval under subsection (1)
2 or (2) must be in the approved form.
- 3 (4) If the Commissioner grants an approval under
4 subsection (1) or (2), the approval must be endorsed on
5 the Repairer's Licence or the Manufacturer's Licence
6 (as the case requires).

7 **16K. Shooting Gallery Licence**

8 A Shooting Gallery Licence entitles the holder to
9 conduct a shooting gallery in accordance with the
10 regulations on the premises specified in that licence.

11 **16L. Ammunition Collector's Licence**

12 An Ammunition Collector's Licence entitles the holder
13 to possess and carry, but not to use, ammunition not
14 exceeding such quantity as may be specified in that
15 licence and not being of a type prescribed as being
16 ammunition to which such a licence does not apply.
17

18 **23. Part 2 Division 5 heading inserted**

19 Before section 17 insert:
20

21 **Division 5 — Categories of permits and other approvals**
22

23 **24. Section 17 amended**

24 In section 17(1) and (2) delete "firearm" (each occurrence) and
25 insert:
26

27 firearm, major firearm part
28

1 **25. Section 17B amended**

2 (1) In section 17B(8) delete the definition of *silencer*.

3 (2) In section 17B(8) in the definition of *Corporate Licence* delete
4 “section 16(1)(c);” and insert:

5

6 section 16D;

7

8 (3) In section 17B(8) in the definition of *department* delete “2007;”
9 and insert:

10

11 *2007.*

12

13 (4) In the provisions listed in the Table:

14 (a) delete “silencer” (each occurrence) and insert:

15

16 sound suppressor

17

18 (b) delete “silencers” and insert:

19

20 sound suppressors

21

22

Table

s. 17B(1)	s. 17B(3)(a)
s. 17B(3)(b)	s. 17B(3)(c)
s. 17B(3)(d)	s. 17B(3)(e)
s. 17(3)(f)	

1 Note: The heading to amended section 17B is to read:

2 **Minister may authorise agriculture inspector to possess, carry**
3 **and use sound suppressors**

4 **26. Part 2 Division 6 heading inserted**

5 Before section 18 insert:

6

7 **Division 6 — Licensing procedure**

8

9 **27. Section 18 amended**

10 In section 18(6) delete “issue to the applicant a licence or
11 permit” and insert:

12

13 grant or issue to the applicant a licence, permit or approval

14

15 **28. Part 2 Division 7 heading inserted**

16 Before section 19 insert:

17

18 **Division 7 — Offences in relation to licences, permits**
19 **and approvals**

20

21 **29. Section 19 amended**

22 (1) In section 19(1) delete the passage that begins with “firearm”
23 and ends with “subsection” and insert:

24

25 firearm, major firearm part or ammunition and is not the holder
26 of a licence or permit under this Act entitling the person to do so
27 commits a crime unless subsection (1ADA) or

28

- 1 (2) In section 19(1aa) after “firearms” insert:
2
3 or major firearm parts
4
- 5 (3) In section 19(1ab):
6 (a) in paragraph (a) after “firearm” insert:
7
8 or major firearm part
9
10 (b) in paragraph (b) after “firearms” insert:
11
12 or major firearm parts
13
- 14 (4) In section 19(1ac):
15 (a) after “firearm” (1st occurrence) insert:
16
17 or major firearm part
18
19 (b) in paragraph (a) delete “kind; or” and insert:
20
21 kind, or the firearm or a firearm of the same kind to
22 which the major firearm part relates; or
23
24 (c) in paragraph (b) delete “a prescribed firearm; or” and
25 insert:
26
27 prohibited firearm; or
28

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- 1 (d) after paragraph (b) insert:
2
- 3 (ba) the major firearm part relates to a handgun or
4 prohibited firearm; or
5
- 6 (e) in paragraphs (c) and (d) after “firearm” insert:
7
8 or major firearm part
9
- 10 (5) After section 19(1ad) insert:
11
- 12 (1ADA) Subsection (1) does not apply if —
13 (a) a person is in possession of a firearm, major
14 firearm part or ammunition in a place or vehicle
15 solely by reason of section 4A(d) or (e); and
16 (b) the firearm, major firearm part or ammunition
17 is in the lawful possession of another person at
18 that time.
19
- 20 (6) In section 19(2) delete “firearm” (each occurrence) and insert:
21
22 firearm, major firearm part
23
- 24 (7) In section 19(2) delete the Penalty and insert:
25
- 26 Penalty for this subsection:
27 (a) if the firearm concerned was a handgun or
28 prohibited firearm, imprisonment for 5 years;
29 (b) if the major firearm part concerned relates to
30 a handgun or prohibited firearm,
31 imprisonment for 5 years;

1 (c) in any other case, imprisonment for 3 years
2 or a fine of \$12 000.
3

4 (8) Delete section 19(4).

5 **30. Section 19AA amended**

6 In section 19AA(2) delete “firearm” and insert:

7

8 firearm, major firearm part
9

10 **31. Part 2 Division 8 heading inserted**

11 Before section 20 insert:

12

13 **Division 8 — Revocation, cancellation and other**
14 **matters**

15

16 **32. Section 20 amended**

17 In section 20(1)(aa) delete “firearm” and insert:

18

19 firearm, major firearm part, prohibited firearm accessory
20

21 **33. Part 2 Division 9 heading inserted**

22 Before section 21A insert:

23

24 **Division 9 — Conduct of business**
25

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1 **34. Part 3 heading inserted**

2 Before section 22 insert:

3

4 **Part 3 — Review of decisions**

5

6 **35. Section 22 amended**

7 (1) In section 22(1) insert in alphabetical order:

8

9 *FPO decision* means a decision made by or on behalf
10 the Commissioner under Part 8;

11 *section 24 material*, in relation to a decision, means the
12 statement of the reasons for the decision, other
13 documents and other material referred to in, and
14 required to be provided to the State Administrative
15 Tribunal under, the *State Administrative Tribunal*
16 *Act 2004* section 24.

17

18 (2) In section 22(1) in the definition of *decision* delete “Act.” and
19 insert:

20

21 Act;

22

23 (3) After section 22(2) insert:

24

25 (3) In a proceeding for the review of a decision, when the
26 Commissioner provides the section 24 material for the
27 decision to the Tribunal the Commissioner must —

28 (a) advise the Tribunal if any of the section 24
29 material is or contains matter (*clause 5 matter*)
30 that the Commissioner considers is exempt

- 1 under the *Freedom of Information Act 1992*
2 Schedule 1 clause 5; and
- 3 (b) sufficiently identify the clause 5 matter.
- 4 (4) If, in a proceeding for the review of a decision, the
5 Commissioner identifies clause 5 matter under
6 subsection (3)(b) —
- 7 (a) the Attorney General cannot issue a certificate
8 under the *State Administrative Tribunal*
9 *Act 2004* section 159(2) in relation to the
10 clause 5 matter; and
- 11 (b) the Tribunal must comply with the *State*
12 *Administrative Tribunal Act 2004*
13 sections 34(6) and 160(1) and (2)(a) in relation
14 to the clause 5 matter as if the clause 5 matter
15 were considered by the Tribunal to be protected
16 matter under that Act; and
- 17 (c) the Tribunal must comply with the *State*
18 *Administrative Tribunal Act 2004* sections 77
19 and 78 in a way that ensures the Tribunal
20 complies with section 160(1) and (2)(a) of that
21 Act in relation to the clause 5 matter; and
- 22 (d) despite the *State Administrative Tribunal*
23 *Act 2004* section 61, the Tribunal must receive
24 any evidence in relation to the clause 5 matter
25 in private and in the absence of any party to the
26 proceeding other than the Commissioner or the
27 Commissioner's representative; and
- 28 (e) despite the *State Administrative Tribunal*
29 *Act 2004* section 62, the clause 5 matter cannot
30 be published.
- 31 (5) The *State Administrative Tribunal Act 2004*
32 sections 21, 22, 25(2) and 29(5)(b) do not apply in
33 relation to an FPO decision.

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- 1 (6) An FPO decision as affirmed or varied by the Tribunal,
2 or a decision that the Tribunal substitutes for an FPO
3 decision, has effect from the date that the Tribunal
4 affirms or varies the FPO decision or substitutes its
5 decision for the FPO decision (as the case requires).
6

7 Note: The heading to amended section 22 is to read:

8 **Reviews by State Administrative Tribunal**

9 **36. Section 22AA inserted**

10 After section 22 insert:
11

12 **22AA. Appeals and references to Supreme Court under**
13 ***State Administrative Tribunal Act 2004***

14 (1) In this section —

15 ***clause 5 matter*** has the meaning given in
16 section 22(3)(a);

17 ***Supreme Court proceeding*** means —

- 18 (a) an appeal to the Court of Appeal, or to the
19 Supreme Court, under the *State Administrative*
20 *Tribunal Act 2004* section 105 from a decision
21 of the State Administrative Tribunal in a
22 proceeding under section 22 of this Act; or
23 (b) the reference to the Supreme Court under the
24 *State Administrative Tribunal Act 2004*
25 section 59(10)(b) of a question of law arising in
26 a proceeding under section 22 of this Act.

27 (2) This section applies if —

- 28 (a) a document is given by the executive officer of
29 the State Administrative Tribunal to the
30 Supreme Court under the *State Administrative*
31 *Tribunal Act 2004* section 94(3) for the
32 purposes of a Supreme Court proceeding; and

- 1 (b) the document is or contains matter identified by
2 the Commissioner under section 22(3)(b) as
3 clause 5 matter; and
- 4 (c) the court dealing with the Supreme Court
5 proceeding considers that the matter identified
6 by the Commissioner as clause 5 matter cannot
7 properly be considered to be protected matter
8 for the purposes of the *State Administrative*
9 *Tribunal Act 2004* section 94(5)(a).
- 10 (3) The court dealing with the Supreme Court proceeding
11 must —
- 12 (a) give the Commissioner the opportunity to
13 withdraw the matter identified by the
14 Commissioner as clause 5 matter from
15 consideration in the Supreme Court proceeding;
16 and
- 17 (b) if the matter is withdrawn — prohibit the
18 publication of, or a reference to, the matter.
19

20 **37. Part 4 heading inserted**

21 Before section 22A insert:
22

23 **Part 4 — Extracts of Licences**
24

25 **38. Section 22A amended**

26 (1) In section 22A(1)(c) delete “firearm” and insert:
27

28 firearm, major firearm part
29

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- 1 (2) In section 22A(2):
2 (a) delete “firearm,” (1st occurrence) and insert:
3
4 firearm, major firearm part
5
6 (b) in paragraph (b)(ii) delete “firearm” and insert:
7
8 firearm, major firearm part
9
- 10 **39. Section 22B amended**
11 In section 22B(d) delete “firearm” and insert:
12
13 firearm, major firearm part
14
- 15 **40. Section 22C amended**
16 In section 22C(1):
17 (a) delete “Any person who,” and insert:
18
19 A person commits an offence if the person,
20
21 (b) in paragraph (d) delete “firearm” and insert:
22
23 firearm, major firearm part
24
25 (c) in paragraph (f) delete the passage that begins with
26 “misleading,” and ends with “offence.” and insert:
27
28 misleading.
29

1 **41. Part 5 heading and Part 5 Division 1 heading inserted**

2 Before section 23 insert:
3

4 **Part 5 — Offences**

5 **Division 1 — General offences**
6

7 **42. Section 23 amended**

8 (1) In section 23(1) delete “firearm” and insert:
9

10 firearm, major firearm part
11

12 (2) In section 23(3):

13 (a) after “firearm” (1st occurrence) insert:
14

15 or major firearm part
16

17 (b) delete paragraph (a) and insert:
18

19 (a) if the firearm concerned was a handgun or
20 prohibited firearm, on conviction, to
21 imprisonment for 7 years; or

22 (ab) if the major firearm part concerned relates to a
23 handgun or prohibited firearm, on conviction,
24 to imprisonment for 7 years; or
25

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- 1 (3) In section 23(3) in the Summary conviction penalty:
2 (a) delete “penalty:” and insert:
3
4 penalty for this subsection:
5
6 (b) in paragraph (a) delete “applies: Imprisonment” and
7 insert:
8
9 or (ab) applies, imprisonment
10
11 (c) in paragraph (b) delete “applies: Imprisonment” and
12 insert:
13
14 applies, imprisonment
15
- 16 (4) In section 23(5):
17 (a) in paragraph (a) delete “firearm; or” and insert:
18
19 firearm or major firearm part; or
20
21 (b) in paragraph (b) after “firearm” insert:
22
23 or major firearm part
24
25 (c) in paragraph (c) delete “firearm —” and insert:
26
27 firearm or major firearm part —
28
29 (d) in paragraph (c) after “firearm” (2nd occurrence) insert:
30
31 or major firearm part
32

- 1 (e) after paragraph (d) insert:
2
- 3 (da) if the major firearm part concerned relates to a
4 handgun or was modified in a prescribed
5 manner, on conviction, to imprisonment for
6 7 years; or
7
- 8 (5) In section 23(5) in the Summary conviction penalty:
9 (a) delete “penalty:” and insert:
10
11 penalty for this subsection:
12
- 13 (b) in paragraph (a) delete “applies: Imprisonment” and
14 insert:
15
16 or (da) applies, imprisonment
17
- 18 (c) in paragraph (b) delete “applies: Imprisonment” and
19 insert:
20
21 applies, imprisonment
22
- 23 (6) Delete section 23(6), (7) and (7a) and insert:
24
- 25 (6) Subject to subsection (7A), a person who uses a sound
26 suppressor commits an offence.
27 Penalty for this subsection: imprisonment for 7 years.
- 28 (7) Subject to subsection (7A), (7B) and (7C), a person
29 who is in possession of a sound suppressor commits an
30 offence.
31 Penalty for this subsection: imprisonment for 3 years or
32 a fine of \$12 000.

- 1 (7A) A person does not commit an offence under
2 subsection (6) or (7) if the person uses or is in
3 possession of (as the case requires) a sound
4 suppressor —
- 5 (a) in accordance with an authority which is in
6 force under section 17B; or
- 7 (b) in the course of the performance of the person's
8 duties as a member of the Police Force or an
9 employee of the Department; or
- 10 (c) in the course of the performance of the person's
11 duties as a member of the armed forces of the
12 Crown or a member of any other disciplined
13 force specified by the Governor for the
14 purposes of this paragraph by notice in the
15 *Gazette*.
- 16 (7B) A person does not commit an offence under
17 subsection (7) if the person —
- 18 (a) is a responsible person (as defined in
19 section 33A(3)(b)) or an approved person (as
20 defined in section 33A(3)(c)); and
- 21 (b) is in possession of a sound suppressor
22 surrendered under section 33A(1)(b) in
23 accordance with an approval given by the
24 Commissioner under section 33A(2).
- 25 (7C) A person does not commit an offence under
26 subsection (7) if —
- 27 (a) the person is in possession of a sound
28 suppressor in a place or vehicle solely by
29 reason of section 4A(d) or (e); and
- 30 (b) the sound suppressor is in the lawful possession
31 of another person at that time.
32

- 1 (7) In section 23(9):
2 (a) delete “who, —” and insert:
3
4 commits an offence if the person —
5
6 (b) in paragraph (a) delete “firearm” and insert:
7
8 firearm, major firearm part
9
10 (c) in paragraph (b) delete “firearm; or” and insert:
11
12 firearm or major firearm part; or
13
14 (d) in paragraph (c) delete “bullet or other missile” and
15 insert:
16
17 bullet, missile or other projectile
18
19 (e) in paragraphs (d) and (e) delete “firearm” (each
20 occurrence) and insert:
21
22 firearm, major firearm part
23
24 (f) in paragraph (e) delete the passage that begins with
25 “time” and ends with “offence.” and insert:
26
27 time.
28
- 29 (8) Delete section 23(9a) and insert:
30
31 (9a) A person commits a crime if the person discharges
32 from any place a firearm, or any shot, bullet, missile or

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1 other projectile from a firearm, to the danger of, or in a
2 manner to cause fear to, the public or any person.

3 Penalty for this subsection: imprisonment for 7 years.

4 Summary conviction penalty for this subsection:
5 imprisonment for 3 years and a fine of \$36 000.
6

7 (9) In section 23(10a) delete “firearm,” and insert:

8

9 firearm or major firearm part,
10

11 (10) In section 23(11A) after “firearm” insert:

12

13 or major firearm part
14

15 **43. Part 5 Divisions 2 to 4 inserted**

16 After section 23 insert:
17

18 **Division 2 — Offences relating to prohibited firearm**
19 **accessories**

20 **23AA. Acquisition, sale, possession or use of prohibited**
21 **firearm accessories**

22 (1) In this section —

23 *circumstances of aggravation* means circumstances in
24 which —

25 (a) a prohibited firearm accessory is fitted to a
26 firearm; or

-
- 1 (b) a person has physical possession of a prohibited
2 firearm accessory, together with a firearm —
- 3 (i) to which the prohibited firearm
4 accessory may be fitted; or
- 5 (ii) in conjunction with which the
6 prohibited firearm accessory may be
7 used.
- 8 (2) A person who acquires, sells, is in possession of, or
9 uses a prohibited firearm accessory commits an
10 offence.
- 11 Penalty for this subsection: imprisonment for 3 years
12 and a fine of \$36 000.
- 13 (3) A person who acquires, sells, is in possession of, or
14 uses a prohibited firearm accessory in circumstances of
15 aggravation commits a crime.
- 16 Penalty for this subsection: imprisonment for 7 years.
- 17 (4) A person does not commit an offence under
18 subsection (2) or (3) if the person acquires, sells, is in
19 possession of, or uses a prohibited firearm accessory —
- 20 (a) in accordance with an approval granted under
21 section 23AB(1); or
- 22 (b) in accordance with a licence upon which an
23 approval under section 16I(1), (2) or (3) is
24 endorsed under section 16I(6); or
- 25 (c) in the course of the performance of the person's
26 duties as a member of the Police Force or an
27 employee of the Department; or
- 28 (d) in the course of the performance of the person's
29 duties as a member of the armed forces of the
30 Crown or a member of any other disciplined
31 force specified by the Governor for the
32 purposes of this paragraph by notice in the
33 *Gazette*.

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- 1 (5) A person does not commit an offence under
2 subsection (2) or (3) if the person —
- 3 (a) is a responsible person (as defined in
4 section 33A(3)(b)) or an approved person (as
5 defined in section 33A(3)(c)); and
- 6 (b) is in possession of a prohibited firearm
7 accessory surrendered under section 33A(1)(b),
8 in accordance with an approval given by the
9 Commissioner under section 33A(2).
- 10 (6) A person does not commit an offence under
11 subsection (2) or (3) if —
- 12 (a) the person is in possession of a prohibited
13 firearm accessory in a place or vehicle solely
14 by reason of the operation of section 4A(d)
15 or (e); and
- 16 (b) the prohibited firearm accessory is in the lawful
17 possession of another person at that time.

18 **23AB. Approval to acquire, sell, possess or use prohibited**
19 **firearm accessories**

- 20 (1) The Commissioner may grant approval to a person, or
21 the persons in a class of person, to acquire, sell, possess
22 or use a prohibited firearm accessory.
- 23 (2) An approval under subsection (1) must be in writing.

24 **Division 3 — Offences relating to manufacture, repair**
25 **and dealing in firearms and other things**

26 **23AC. Unauthorised manufacture of firearms and other**
27 **things**

- 28 (1) A person who manufactures a firearm, major firearm
29 part, prohibited firearm accessory or ammunition

1 commits a crime unless the person is authorised by a
2 licence under this Act to do so.

3 Penalty for this subsection: imprisonment for 14 years.

4 (2) This section applies whether or not the firearm, major
5 firearm part, prohibited firearm accessory or
6 ammunition is, or could form part of, a functioning
7 firearm, major firearm part, prohibited firearm
8 accessory or ammunition.

9 **23AD. Unauthorised repair of firearms and other things**

10 A person who repairs a firearm, major firearm part or
11 prohibited firearm accessory commits a crime unless
12 the person is authorised by a licence under this Act to
13 do so.

14 Penalty: imprisonment for 14 years.

15 **23AE. Unauthorised dealing in firearms and other things**

16 A person who deals in a firearm, major firearm part,
17 prohibited firearm accessory or ammunition commits a
18 crime unless the person is authorised by a licence under
19 this Act to do so.

20 Penalty: imprisonment for 14 years.

21 **23AF. Participating in unauthorised manufacture, repair
22 or dealing in firearms and other things**

23 (1) In this section —

24 *firearms activity* means —

25 (a) the manufacture of a firearm, major firearm
26 part, prohibited firearm accessory or
27 ammunition; or

28 (b) the repair of a firearm, major firearm part,
29 prohibited firearm accessory or ammunition; or

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- 1 (c) the dealing of a firearm, major firearm part,
2 prohibited firearm accessory or ammunition;
- 3 ***firearms precursor*** means any of the following —
- 4 (a) firearms technology;
- 5 (b) a thing that —
- 6 (i) is not programmed, configured or
7 otherwise enabled as referred to in
8 section 23AG(1)(a)(i) or (ii); but
- 9 (ii) is capable of being so configured,
10 programmed or otherwise enabled;
- 11 (c) a substance or material used, or capable of
12 being used, in a step in the manufacture or
13 repair of a firearm, major firearm part,
14 prohibited firearm accessory or ammunition,
15 including fingerprint proof polymers, other
16 polymers, alloys or components;
- 17 (d) hand grip moulds or other moulds for
18 manufacturing or repairing a firearm, major
19 firearm part, prohibited firearm accessory or
20 ammunition;
- 21 (e) any other prescribed thing used, or capable of
22 being used, in a step in the manufacture or
23 repair of a firearm, major firearm part,
24 prohibited firearm accessory or ammunition.
- 25 (2) A person commits a crime if —
- 26 (a) the person participates in a firearms activity;
27 and
- 28 (b) the firearms activity is not authorised by a
29 licence under this Act.
- 30 Penalty for this subsection: imprisonment for 14 years.

- 1 (3) For the purposes of subsection (2), a person
2 *participates* in a firearms activity if the person does
3 any of the following for the purposes of the firearms
4 activity —
- 5 (a) takes, or participates in, a step, or causes a step
6 to be taken in the firearms activity;
- 7 (b) provides or arranges finance for a step in the
8 firearms activity;
- 9 (c) provides the place in which a step in the
10 firearms activity is taken, or allows a step in the
11 firearms activity to be taken at a place of which
12 the person is an owner, lessee or occupier or of
13 which the person has care, control or
14 management;
- 15 (d) without limiting paragraph (a) — is in
16 possession of, provides or supplies a firearms
17 precursor for a step in the manufacture or repair
18 of a firearm, major firearm part, prohibited
19 firearm accessory or ammunition.
- 20 (4) This section applies regardless of whether a firearm,
21 major firearm part, prohibited firearm accessory or
22 ammunition is actually manufactured, repaired or
23 otherwise dealt with.

24 **Division 4 — Offences relating to firearms technology**

25 **23AG. Firearms technology**

- 26 (1) Any of the following is *firearms technology* —
- 27 (a) a thing that is programmed, configured or
28 otherwise enabled —
- 29 (i) to carry out a step in the manufacture or
30 repair of a firearm, major firearm part,
31 prohibited firearm accessory or
32 ammunition; or

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- 1 (ii) without limiting subparagraph (i), to
2 change an object into a component of a
3 firearm, major firearm part, prohibited
4 firearm accessory or ammunition;
- 5 (b) any type of digital or electronic reproduction of
6 a technical drawing of the design of a firearm,
7 major firearm part, prohibited firearm
8 accessory or ammunition;
- 9 (c) a plan, drawing, instruction, template or
10 computer program, in digital or electronic form,
11 for the manufacture or repair of a firearm,
12 major firearm part, prohibited firearm
13 accessory or ammunition;
- 14 (d) a hard copy of a digital or electronic thing
15 referred to in paragraph (b) or (c).
- 16 (2) The reference in subsection (1)(a) to a thing is a
17 reference to any machinery, equipment, object or
18 device, including the following —
- 19 (a) a 3D printer or other similar additive
20 manufacturing technology;
- 21 (b) a moulding device;
- 22 (c) a milling device;
- 23 (d) a remote controlled device (for example, a
24 drone);
- 25 (e) an electronic firing mechanism;
- 26 (f) railgun technology;
- 27 (g) any other prescribed thing.

28 **23AH. Unauthorised possession of firearms technology**

- 29 (1) A person who is in possession of firearms technology
30 commits a crime unless the person is authorised by a

1 licence under this Act to be in possession of firearms
2 technology.

3 Penalty for this subsection: imprisonment for 10 years.

4 Summary conviction penalty for this subsection:
5 imprisonment for 3 years.

6 (2) For the purposes of subsection (1), a person is in
7 **possession** of firearms technology if —

8 (a) any of the circumstances referred to in
9 section 4A apply in relation to the person and
10 the firearms technology; or

11 (b) any of the circumstances referred to in
12 section 4A apply in relation to the person and a
13 computer or other data storage device (a
14 **relevant storage device**) on which the firearms
15 technology is held or contained; or

16 (c) the person controls or accesses the firearms
17 technology by means of a remote computer or
18 web portal, including a remote computer or
19 web portal that is —

20 (i) in the control of another person; or

21 (ii) outside the jurisdiction.

22 (3) Subsection (1) does not apply if —

23 (a) a person is in possession of firearms technology
24 in a place or vehicle solely by reason of the
25 circumstances referred to in section 4A(d)
26 or (e) applying in relation to the firearms
27 technology or a relevant storage device; and

28 (b) the firearms technology is in the lawful
29 possession of another person at that time.

1 **23AI. Unauthorised creation or development of firearms**
2 **technology**

3 A person who creates or develops firearms technology
4 commits a crime unless the person is authorised by a
5 licence under this Act to do so.

6 Penalty: imprisonment for 10 years.

7 Summary conviction penalty: imprisonment for
8 3 years.

9 **23AJ. Unauthorised dissemination of firearms technology**

10 (1) A person who disseminates firearms technology
11 commits a crime unless the person is authorised by a
12 licence under this Act to do so.

13 Penalty for this subsection: imprisonment for 10 years.

14 Summary conviction penalty for this subsection:
15 imprisonment for 3 years.

16 (2) For the purposes of subsection (1), a person
17 *disseminates* firearms technology if the person —

18 (a) sends, supplies, exhibits, transmits or
19 communicates firearms technology to another
20 person; or

21 (b) makes firearms technology available for access
22 by electronic or other means by another person;
23 or

24 (c) enters into an arrangement with another person
25 to do any of the things set out in paragraphs (a)
26 and (b).

27 **23AK. Exceptions to s. 23AH, 23AI and 23AJ**

28 (1) A person does not commit an offence under
29 section 23AH, 23AI or 23AJ if the conduct engaged in

-
- 1 by the person is in the course of the performance of the
2 person's duties as —
- 3 (a) a member of the Police Force or an employee
4 of the Department; or
- 5 (b) a member of the armed forces of the Crown or
6 a member of any other disciplined force
7 specified by the Governor for the purposes of
8 this paragraph by notice in the *Gazette*.
- 9 (2) A person does not commit an offence under
10 section 23AH, 23AI or 23AJ if the conduct engaged in
11 by the person is necessary for or of assistance in, but
12 did not extend beyond, any of the following —
- 13 (a) enforcing or administering a written law or a
14 law of another State, a Territory or the
15 Commonwealth;
- 16 (b) monitoring compliance with, or investigating a
17 contravention of, a written law or a law of
18 another State, a Territory or the
19 Commonwealth;
- 20 (c) the administration of justice.
- 21 (3) The question of whether a person's conduct is
22 necessary or of assistance in any of the matters outlined
23 in subsection (2)(a), (b) or (c) is a question of fact and
24 the person's motives for engaging in the conduct are
25 irrelevant.
- 26 (4) A person does not commit an offence under
27 section 23AH, 23AI or 23AJ if the conduct engaged in
28 by the person —
- 29 (a) is necessary for or of assistance in conducting
30 scientific, medical, educational, military or law
31 enforcement research that has been approved
32 by the Commissioner in writing for the
33 purposes of this paragraph; and

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1 (b) does not contravene a condition of that
2 approval.
3

4 **44. Part 5 Division 5 heading inserted**

5 Before section 23A insert:
6

7 **Division 5 — Limitation periods**
8

9 **45. Part 6 heading inserted**

10 Before section 23B insert:
11

12 **Part 6 — Disclosure of information under this**
13 **Act and other matters**
14

15 **46. Part 7 heading and Part 7 Division 1 heading inserted**

16 Before section 24 insert:
17

18 **Part 7 — Enforcement**

19 **Division 1 — General enforcement matters**
20

21 **47. Section 24 amended**

22 (1) In section 24(1), (2) and (2a) delete “firearm” (each occurrence)
23 and insert:
24

25 firearm, major firearm part, prohibited firearm accessory
26

- 1 (2) In section 24(3):
2 (a) after “firearm” insert:
3
4 or major firearm part
5
6 (b) delete “firearm,” and insert:
7
8 firearm or major firearm part,
9
- 10 (3) After section 24(3) insert:
11
- 12 (3A) A member of the Police Force who suspects on
13 reasonable grounds that a person is in possession of
14 firearms technology may direct that the person provide
15 a password, device or some other information or thing
16 to enable the member of the Police Force to access the
17 firearms technology.
- 18 (3B) A person who refuses or fails without lawful excuse to
19 comply with any direction given by a member of the
20 Police Force under subsection (3A) commits a crime.
21 Penalty for this subsection: imprisonment for 10 years.
22 Summary conviction penalty for this subsection:
23 imprisonment for 3 years.
24
- 25 (4) In section 24(4):
26 (a) in paragraph (b)(i) delete “firearm” and insert:
27
28 firearm, major firearm part, prohibited firearm accessory
29

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- 1 (b) in paragraph (b)(ii) delete “firearm” and insert:
2
3 firearm, major firearm part, prohibited firearm accessory
4 or ammunition
5
- 6 (5) In section 24(5) delete “firearm” and insert:
7
8 firearm, major firearm part, prohibited firearm accessory
9
- 10 (6) In section 24(6):
11 (a) delete “who —” and insert:
12
13 commits an offence if the person —
14
- 15 (b) in paragraph (c) delete the passage that begins with
16 “Force,” and ends with “\$4 000.” and insert:
17
18 Force.
19
- 20 (7) At the end of section 24(6) insert:
21
22 Penalty for this subsection: a fine of \$4 000.
23
- 24 (8) Delete section 24(8) and insert:
25
- 26 (8) The regulations may make provision as to the giving of
27 the report required by subsection (7)(b).
28

1 (9) In section 24(9) delete “silencer, within the meaning of
2 section 17B(8), and any part of a firearm.” and insert:

3

4 sound suppressor.

5

6 **48. Section 25 amended**

7 In section 25(2):

8 (a) delete “firearm” and insert:

9

10 firearm, major firearm part or prohibited firearm
11 accessory

12

13 (b) delete “firearm.” and insert:

14

15 firearm, major firearm part or prohibited firearm
16 accessory.

17

18 **49. Section 26 amended**

19 (1) In section 26(1):

20 (a) delete “firearm or ammunition,” and insert:

21

22 firearm, major firearm part, prohibited firearm
23 accessory, ammunition, firearms precursor or sound
24 suppressor

25

26 (b) in paragraph (a) delete “firearm, ammunition, silencer”
27 and insert:

28

29 firearm, major firearm part, prohibited firearm
30 accessory, ammunition, firearms precursor, sound
31 suppressor

32

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1 (c) delete “firearm, ammunition or other thing, and to seize
2 any such firearm, ammunition or other” and insert:

3
4 firearm, major firearm part, prohibited firearm
5 accessory, ammunition, firearms precursor, sound
6 suppressor or other thing, and to seize any such
7

8 (2) In section 26(2) delete “firearm” and insert:

9
10 firearm, major firearm part, prohibited firearm accessory
11

12 **50. Part 7 Division 2 inserted**

13 After section 26 insert:
14

15 **Division 2 — Enforcement powers relating to firearms**
16 **prohibition orders**

17 **26A. Additional police powers in relation to firearms**
18 **prohibition orders**

19 The powers conferred by this Division on a member of
20 the Police Force —

21 (a) are in addition to, and do not limit, the powers
22 that a member of the Police Force has under
23 Division 1 or any other law; and

24 (b) may be exercised by a member of the Police
25 Force without a warrant.

26 **26B. Use of force when exercising powers under this**
27 **Division**

28 (1) When exercising a power in this Division, a member of
29 the Police Force may use any force against any person

- 1 or thing that it is reasonably necessary to use in the
2 circumstances —
- 3 (a) to exercise the power; and
- 4 (b) to overcome any resistance to exercising the
5 power that is offered, or that the person
6 exercising the power suspects on reasonable
7 grounds will be offered, by any person.
- 8 (2) If under subsection (1) a member of the Police Force
9 uses force, the force may be of a kind that causes
10 damage to the property of another person.
- 11 (3) Any use of force under subsection (1) against a person
12 is subject to *The Criminal Code* Chapter XXVI.

13 **26C. Entry to and search of places and vehicles in**
14 **relation to firearms prohibition orders**

- 15 (1) The powers of a member of the Police Force under this
16 section —
- 17 (a) may be exercised only if reasonably required
18 for the purpose of determining whether a
19 prohibited person or any other person has
20 committed an offence under Part 8; and
- 21 (b) may be exercised at any time after the service
22 of a firearms prohibition order (including
23 immediately after its service, if the prohibited
24 person has been given an opportunity to
25 surrender all firearms, major firearm parts,
26 prohibited firearm accessories and ammunition
27 in the person's possession).
- 28 (2) A member of the Police Force may exercise any of the
29 following powers —
- 30 (a) enter and search a place occupied by or under
31 the care, control or management of a prohibited
32 person, including entering and searching a
33 vehicle at the place;

- 1 (b) search a vehicle being occupied by or in the
2 charge of a prohibited person, wherever the
3 vehicle is located.
- 4 (3) A member of the Police Force who enters or searches a
5 place or a vehicle may do the following —
- 6 (a) stop and detain the vehicle being searched for
7 so long as is reasonably necessary to conduct
8 the search;
- 9 (b) seize a thing relevant to an offence under this
10 Act.
- 11 (4) A member of the Police Force may seize a firearm,
12 major firearm part, prohibited firearm accessory or
13 ammunition under subsection (3)(b) even if a person is
14 authorised under this Act to be in possession of the
15 firearm, major firearm part, prohibited firearm
16 accessory or ammunition.

17 **26D. Search of persons subject to firearms prohibition**
18 **orders and certain other persons**

- 19 (1) The powers of a member of the Police Force under this
20 section may be exercised in relation to a prohibited
21 person —
- 22 (a) only if reasonably required for the purpose of
23 determining whether the prohibited person or
24 any other person has committed an offence
25 under Part 8; and
- 26 (b) at any time after the service of a firearms
27 prohibition order (including immediately after
28 its service, if the prohibited person has been
29 given an opportunity to surrender all firearms,
30 major firearm parts, prohibited firearm
31 accessories and ammunition in the person's
32 possession).

- 1 (2) The powers of a member of the Police Force under this
2 section may be exercised in relation to a person in
3 company with a prohibited person only if the member
4 of the Police Force suspects on reasonable grounds that
5 the person in company or the prohibited person has
6 committed an offence under Part 8.
- 7 (3) A member of the Police Force may exercise any of the
8 following powers —
- 9 (a) stop and search a prohibited person;
- 10 (b) stop and search a person who is in the company
11 of a prohibited person;
- 12 (c) search any item, package or thing in the
13 possession of a person who is the subject of a
14 search under this section.
- 15 (4) A member of the Police Force who conducts a search
16 of a person under this section may do any of the
17 following —
- 18 (a) stop and detain the person being searched for so
19 long as is reasonably necessary to conduct the
20 search;
- 21 (b) seize a thing relevant to an offence under this
22 Act —
- 23 (i) that is found on the person or in an item,
24 package or thing in the person's
25 possession; or
- 26 (ii) that the person is carrying or using.
- 27 (5) A member of the Police Force may seize a firearm,
28 major firearm part, prohibited firearm accessory or
29 ammunition under subsection (4)(b) even if a person is
30 authorised under this Act to be in possession of the
31 firearm, major firearm part, prohibited firearm
32 accessory or ammunition.

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- 1 **26E. Seizure of things not immediately surrendered**
2 **under s. 29I**
- 3 (1) This section applies if —
- 4 (a) a prohibited person —
- 5 (i) does not immediately surrender a thing
6 under section 29I(2), (3) or (4); or
- 7 (ii) as referred to in section 29I(6), cannot
8 immediately surrender a thing under
9 section 29I(2), (3) or (4) (for example,
10 because the thing is located or stored at
11 a different place);
- 12 and
- 13 (b) a member of the Police Force suspects on
14 reasonable grounds that the prohibited person is
15 in possession of the thing.
- 16 (2) The member of the Police Force may —
- 17 (a) enter a place in which the member of the Police
18 Force suspects on reasonable grounds the thing
19 is located or stored; and
- 20 (b) search for, and seize, the thing.
- 21 (3) This section is in addition to, and does not limit, the
22 other powers conferred by this Division on a member
23 of the Police Force.
- 24

25 **51. Part 7 Division 3 heading inserted**

26 Before section 27A insert:

27

28 **Division 3 — Powers of the court and other matters**

29

1 **52. Section 28 amended**

2 In section 28:

3 (a) delete “firearm or ammunition, silencer” (1st occurrence)
4 and insert:

5

6 firearm, major firearm part, prohibited firearm
7 accessory, ammunition, sound suppressor

8

9 (b) delete “firearm or ammunition, silencer or other thing to
10 which this Act applies” (2nd and 3rd occurrence) and
11 insert:

12

13 thing

14

15 **53. Part 8 inserted**

16 After section 29 insert:

17

18 **Part 8 — Firearms prohibition orders**

19 **Division 1 — Making of firearms prohibition order and**
20 **other matters**

21 **29A. Commissioner may make firearms prohibition**
22 **order**

23 (1) The Commissioner may make an order (a *firearms*
24 *prohibition order*) against a person if the
25 Commissioner is satisfied that —

26 (a) possession of a firearm, major firearm part,
27 prohibited firearm accessory or ammunition by
28 the person would likely result in undue danger
29 to life or property; or

- 1 (b) the person is not a fit and proper person to
2 possess a firearm, major firearm part,
3 prohibited firearm accessory or ammunition; or
- 4 (c) it is otherwise in the public interest to make a
5 firearms prohibition order against the person.
- 6 (2) Without limiting the matters to which the
7 Commissioner may have regard in determining
8 whether to make a firearms prohibition order against a
9 person, the Commissioner may have regard to any
10 intelligence report or other information held by the
11 Commissioner in relation to the person.
- 12 (3) A firearms prohibition order may be made whether or
13 not the person against whom the order will be made —
- 14 (a) holds or has held a licence, permit or approval
15 under this Act; or
- 16 (b) has had a licence, permit or approval issued
17 under this Act revoked or not renewed; or
- 18 (c) is exempt under section 8 from requiring a
19 licence under this Act; or
- 20 (d) was the subject of a previous firearms
21 prohibition order that has expired or been
22 revoked.

23 **29B. Form and content of firearms prohibition order**

- 24 (1) A firearms prohibition order must be in the approved
25 form.
- 26 (2) A firearms prohibition order must specify the
27 following —
- 28 (a) the name and date of birth of the person against
29 whom the order is made;
- 30 (b) the date on which the order was made;

- 1 (c) the provision of this Act that empowers the
2 making of the order;
- 3 (d) that the order remains in effect for a period of
4 10 years beginning on the day on which the
5 order is served, unless revoked sooner;
- 6 (e) the effect of the order, including the conduct
7 prohibited by the order and the powers for
8 enforcing the order under this Part;
- 9 (f) that if the person against whom the order is
10 made changes their address, the person must
11 notify the Commissioner within 7 days of that
12 change;
- 13 (g) that the person against whom the order is made
14 may apply to the State Administrative Tribunal
15 under this Act for a review of the decision to
16 make the order;
- 17 (h) any other prescribed particular.

18 **29C. Service of firearms prohibition order**

- 19 (1) The Commissioner must ensure a firearms prohibition
20 order is served on the person against whom the order is
21 made in accordance with subsection (2).
- 22 (2) To serve a firearms prohibition order on the person
23 against whom the order is made, a member of the
24 Police Force must —
- 25 (a) hand the order to the person; or
- 26 (b) if the person refuses to accept the order —
27 leave it near the person and orally draw the
28 person's attention to it.

- 1 **29D. Powers to request particulars and detain for**
2 **purposes of service**
- 3 (1) This section applies if a member of the Police Force
4 suspects on reasonable grounds that someone is a
5 person on whom a firearms prohibition order is
6 required to be served under section 29C.
- 7 (2) The member of the Police Force may do any or all of
8 the following —
- 9 (a) direct the person to stop;
- 10 (b) direct the person to provide their personal
11 details;
- 12 (c) direct the person to remain at a particular place
13 for as long as is reasonably necessary (but no
14 longer than 2 hours) to serve the firearms
15 prohibition order;
- 16 (d) direct the person to —
- 17 (i) accompany the member of the Police
18 Force to the nearest police station or
19 some other place; and
- 20 (ii) remain at the police station or other
21 place for as long as is reasonably
22 necessary (but no longer than 2 hours)
23 to serve the firearms prohibition order.
- 24 (3) If a member of the Police Force suspects on reasonable
25 grounds that a personal detail given by a person in
26 response to a direction under subsection (2)(b) is false,
27 the member of the Police Force may direct the person
28 to produce evidence of the correctness of the detail.

- 1 (4) If a person refuses or fails to comply with a direction
2 under subsection (2) or (3), the member of the Police
3 Force may do either or both of the following —
- 4 (a) detain the person at the place at which the
5 direction is given for as long as is reasonably
6 necessary (but no longer than 2 hours) to serve
7 the notice;
- 8 (b) take the person to another place (including a
9 police station) and detain the person at that
10 place for as long as is reasonably necessary (but
11 no longer than 2 hours) to serve the firearms
12 prohibition order.
- 13 (5) A person who is directed to remain or is detained at a
14 place, or who is accompanying, or being taken by, a
15 member of the Police Force to a place, under this
16 section when the person is not under arrest is taken to
17 be in lawful custody.
- 18 (6) Subsection (7) applies if, following a direction under
19 this section, a person accompanies, or is taken by, a
20 member of the Police Force to a police station or some
21 other place.
- 22 (7) Unless the person requests otherwise or it is not
23 reasonably practicable to do so, the member of the
24 Police Force must ensure that the person is taken back
25 to the place at which the direction was made, or taken
26 to a place near that place.

27 **29E. Offences for failing to comply with directions under**
28 **s. 29D**

- 29 (1) A person who, without lawful excuse, refuses or fails
30 to comply with a direction of a member of the Police

1 Force under section 29D(2)(a), (c) or (d) commits an
2 offence.

3 Penalty for this subsection: imprisonment for
4 12 months and a fine of \$12 000.

5 (2) A person who is directed by a member of the Police
6 Force under section 29D(2)(b) to provide their personal
7 details commits an offence if the person, without
8 lawful excuse —

9 (a) refuses or fails to comply with the direction; or

10 (b) provides any personal detail that is false in a
11 material particular.

12 Penalty for this subsection: imprisonment for
13 12 months and a fine of \$12 000.

14 (3) A person who is directed by a member of the Police
15 Force under section 29D(3) to produce evidence of the
16 correctness of a personal detail commits an offence if
17 the person, without lawful excuse —

18 (a) refuses or fails to comply with the direction; or

19 (b) produces evidence that is false in a material
20 particular.

21 Penalty for this subsection: imprisonment for
22 12 months and a fine of \$12 000.

23 **29F. Proof of service of firearms prohibition order**

24 (1) As soon as practicable after a member of the Police
25 Force serves a firearms prohibition order under
26 section 29C, the member of the Police Force must
27 complete a certificate of service.

28 (2) The certificate must state that, on the day and at the
29 time and place stated in the certificate, the member of
30 the Police Force giving the certificate served the
31 firearms prohibition order in accordance with
32 section 29C.

1 (3) The certificate must state the full name of the person
2 served.

3 (4) A certificate under this section is, in the absence of
4 evidence to the contrary, sufficient proof of service of
5 the firearms prohibition order on the person stated to
6 have been served.

7 **29G. Commencement and duration of firearms**
8 **prohibition order**

9 (1) A firearms prohibition order comes into force when the
10 firearms prohibition order is served on the person
11 against whom it is made under section 29C.

12 (2) A firearms prohibition order remains in force for a
13 period of 10 years, beginning on the day on which it
14 comes into force, unless the firearms prohibition order
15 is revoked sooner under subsection (3).

16 (3) The Commissioner may revoke a firearms prohibition
17 order at any time for any or no stated reason.

18 **29H. Revocation of licences, permits, approvals and**
19 **authorisations of prohibited persons**

20 (1) If a firearms prohibition order comes into force under
21 section 29G(1), all licences, permits, approvals and
22 authorisations under this Act held by the prohibited
23 person are revoked.

24 (2) The regulations may provide for the reinstatement of a
25 licence, permit, approval or authorisation revoked
26 under subsection (1), or make any other provision
27 necessary or convenient to be made, to deal with the
28 consequences of the setting aside or quashing, by the
29 State Administrative Tribunal or a court, of a decision
30 of the Commissioner under section 29A to make a
31 firearms prohibition order.

1 **Division 2 — Offences relating to firearms prohibition**
2 **orders**

3 **29I. Failure to surrender firearms and other things**
4 **when firearms prohibition order served**

5 (1) This section applies if a firearms prohibition order is
6 served under section 29C.

7 (2) Except as provided in subsection (6), the prohibited
8 person must immediately surrender to the member of
9 the Police Force serving the firearms prohibition order
10 any licence, permit, approval or authorisation under
11 this Act, and any Extract of Licence, that are in the
12 person's possession.

13 Penalty for this subsection: imprisonment for 5 years
14 and a fine of \$20 000.

15 (3) Except as provided in subsection (6), the prohibited
16 person must immediately surrender to the member of
17 the Police Force serving the firearms prohibition order
18 any of the following that are in the person's
19 possession —

20 (a) a firearm (other than a handgun or prohibited
21 firearm);

22 (b) a major firearm part (other than a major firearm
23 part related to a handgun or prohibited firearm);

24 (c) a prohibited firearm accessory;

25 (d) ammunition.

26 Penalty for this subsection: imprisonment for 7 years
27 and a fine of \$35 000.

-
- 1 (4) Except as provided in subsection (6), the prohibited
2 person must immediately surrender to the member of
3 the Police Force serving the firearms prohibition order
4 any of the following that are in the person's
5 possession —
6 (a) a handgun;
7 (b) a prohibited firearm;
8 (c) a major firearm part related to a handgun or
9 prohibited firearm.
10 Penalty for this subsection: imprisonment for 14 years
11 and a fine of \$75 000.
- 12 (5) An offence under subsection (2), (3) or (4) is a crime.
- 13 (6) If the prohibited person cannot immediately surrender a
14 thing referred to in subsection (2), (3) or (4) (for
15 example, because the thing is located or stored at a
16 different place) —
17 (a) those subsections do not apply; and
18 (b) the member of the Police Force serving the
19 firearms prohibition order may direct the
20 prohibited person to give, to the member of the
21 Police Force, information about the location of
22 the thing and any other information necessary
23 to enable a member of the Police Force to then
24 locate the thing and seize it in accordance with
25 this Act.
- 26 (7) A prohibited person commits a crime if the prohibited
27 person refuses or fails without lawful excuse to comply
28 with any direction given by a member of the Police
29 Force under subsection (6)(b).
30 Penalty for this subsection: imprisonment for 10 years
31 and a fine of \$50 000.

- 1 **29J. Prohibition on prohibited persons acquiring,**
2 **possessing or using firearms and other things**
- 3 (1) A prohibited person commits a crime if the person
4 acquires, is in possession of, or uses a firearm (other
5 than a handgun or prohibited firearm), major firearm
6 part (other than a major firearm part related to a
7 handgun or prohibited firearm), prohibited firearm
8 accessory or ammunition.
9 Penalty for this subsection: imprisonment for 7 years
10 and a fine of \$35 000.
- 11 (2) A prohibited person commits a crime if the person
12 acquires, is in possession of, or uses a handgun,
13 prohibited firearm or major firearm part related to a
14 handgun or prohibited firearm.
15 Penalty for this subsection: imprisonment for 14 years
16 and a fine of \$75 000.
- 17 (3) Subsection (4) applies if —
18 (a) a prohibited person —
19 (i) cannot immediately surrender a firearm,
20 major firearm part, prohibited firearm
21 accessory or ammunition (the *relevant*
22 *thing*) under section 29I(3) or (4); but
23 (ii) gives information to the member of the
24 Police Force serving the firearms
25 prohibition order in compliance with a
26 direction given by the member of the
27 Police Force under section 29I(6)(b);
28 and
29 (b) the information given by the prohibited person
30 enables a member of the Police Force to then
31 locate and seize the relevant thing within
32 24 hours of the firearms prohibition order being
33 served under section 29C.

- 1 (4) If this subsection applies, the prohibited person does
2 not commit an offence under subsection (1) or (2) in
3 relation to possession of the relevant thing at any time
4 before the relevant thing is seized by a member of the
5 Police Force.

6 **29K. Prohibition on prohibited persons entering, or**
7 **remaining or residing at, certain places**

- 8 (1) In this section —
9 *commercial premises* means any premises (including
10 premises that are also a residence) —
11 (a) named and identified in a Dealer’s Licence, a
12 Repairer’s Licence or a Manufacturer’s
13 Licence; or
14 (b) used by an approved warehouseman to store a
15 firearm, major firearm part or ammunition for
16 another person;
17 *residence* means a place used for residential purposes.
- 18 (2) A prohibited person commits a crime if the person
19 enters or remains at any of the following —
20 (a) a place where a firearm, major firearm part,
21 prohibited firearm accessory or ammunition is
22 sold, repaired or manufactured;
23 (b) a shooting range;
24 (c) a shooting club;
25 (d) a firearms collectors club;
26 (e) a paintball club;
27 (f) a commercial premises where a firearm, major
28 firearm part, prohibited firearm accessory or
29 ammunition is stored;

1 (g) a place that is set aside predominantly for
2 activities involving firearms.
3 Penalty for this subsection: imprisonment for 10 years
4 and a fine of \$50 000.

5 (3) A prohibited person commits a crime if the person
6 resides at a commercial premises where a firearm,
7 major firearm part, prohibited firearm accessory or
8 ammunition is stored.
9 Penalty for this subsection: imprisonment for 10 years
10 and a fine of \$50 000.

11 (4) A prohibited person commits an offence if the person
12 enters or remains at a residence (other than a
13 commercial premises) where a firearm, major firearm
14 part, prohibited firearm accessory or ammunition is
15 stored.
16 Penalty for this subsection: imprisonment for
17 12 months and a fine of \$4 000.

18 (5) A prohibited person commits an offence if the person
19 resides at a residence (other than a commercial
20 premises) where a firearm, major firearm part,
21 prohibited firearm accessory or ammunition is stored.
22 Penalty for this subsection: imprisonment for 5 years
23 and a fine of \$20 000.

24 **29L. Prohibition on prohibited persons associating with**
25 **persons in possession of firearms and other things**

26 (1) A prohibited person commits a crime if the person is in
27 company with a person who is in possession of a
28 firearm (other than a handgun or prohibited firearm),
29 major firearm part (other than a major firearm part

1 related to a handgun or prohibited firearm), prohibited
2 firearm accessory or ammunition.

3 Penalty for this subsection: imprisonment for 7 years
4 and a fine of \$35 000.

5 (2) A prohibited person commits a crime if the person is in
6 company with a person who is in possession of a
7 handgun, prohibited firearm or major firearm part
8 related to a handgun or prohibited firearm.

9 Penalty for this subsection: imprisonment for 14 years
10 and a fine of \$75 000.

11 **29M. Prohibition on giving possession of firearms and**
12 **other things to prohibited persons**

13 (1) A person commits a crime if the person gives to a
14 prohibited person possession of a firearm (other than a
15 handgun or prohibited firearm), major firearm part
16 (other than a major firearm part related to a handgun or
17 prohibited firearm), prohibited firearm accessory or
18 ammunition.

19 Penalty for this subsection: imprisonment for 7 years
20 and a fine of \$35 000.

21 (2) A person commits a crime if the person gives to a
22 prohibited person possession of a handgun, prohibited
23 firearm or major firearm part related to a handgun or
24 prohibited firearm.

25 Penalty for this subsection: imprisonment for 14 years
26 and a fine of \$75 000.

27 **29N. Prohibited person to notify change of address**

28 (1) If a prohibited person changes their address, the person
29 must give the Commissioner notice of their new
30 address not later than 7 days after the change occurs.

31 Penalty for this subsection: a fine of \$4 000.

s. 54

1 (2) The notice must be given to the Commissioner in the
2 approved manner.

3 **290. Recognition of firearms prohibition orders of other**
4 **jurisdictions**

5 (1) In this section —
6 *corresponding firearms prohibition order* means a
7 prescribed order that —

8 (a) is made under a law of another State or a
9 Territory containing provisions that
10 substantially correspond to this Part; and

11 (b) substantially corresponds to a firearms
12 prohibition order.

13 (2) If a corresponding firearms prohibition order is in force
14 in relation to a person —

15 (a) the person is, for the purposes of this Act, taken
16 to be a prohibited person; and

17 (b) this Act applies to, and may be enforced in this
18 State against, the person accordingly.
19

20 **54. Part 9 heading inserted**

21 Before section 30 insert:
22

23 **Part 9 — Sale, destruction of firearms and other**
24 **matters**
25

1 **55. Section 30A amended**

2 (1) Delete section 30A(1) and insert:

3

4 (1) A person who, except as described in subsection (2),
5 advertises that a firearm or major firearm part is for
6 sale must ensure that the advertisement includes —

7 (a) in the case of a firearm — the type, make, serial
8 number and calibre of the firearm; or

9 (b) in the case of a major firearm part —

10 (i) if the major firearm part has a serial
11 number — that number; and

12 (ii) any other particulars of the major
13 firearm part that are prescribed.

14 Penalty for this subsection: a fine of \$2 000.

15

16 (2) In section 30A(2):

17 (a) after “firearm” insert:

18

19 or major firearm part

20

21 (b) delete “is required to” and insert:

22

23 must

24

25 (3) At the end of section 30A(2) insert:

26

27 Penalty for this subsection: a fine of \$2 000.

28

s. 56

- 1 (4) In section 30A(3):
2 (a) after “firearm” (1st occurrence) insert:
3
4 or major firearm part
5
6 (b) in paragraph (a) delete “is required to address the
7 firearm” and insert:
8
9 must address the firearm or major firearm part
10
11 (c) delete paragraph (b) and insert:
12
13 (b) must not send ammunition in the package
14 containing the firearm or major firearm part.
15

16 Note: The heading to amended section 30A is to read:
17 **Sale and disposal of firearms and major firearm parts**

18 **56. Section 30B amended**

- 19 (1) In section 30B(1):
20 (a) delete “firearm” (1st occurrence) and insert:
21
22 firearm, major firearm part
23
24 (b) in paragraph (a) delete “firearm” and insert:
25
26 firearm, major firearm part
27
28 (c) in paragraph (b) after “firearm” insert:
29
30 or major firearm part
31

- 1 (d) delete “is required, as soon as is practicable, to” and
2 insert:
3
4 must, as soon as is practicable,
5
- 6 (2) At the end of section 30B(1) insert:
7
8 Penalty for this subsection: a fine of \$2 000.
9
- 10 (3) In section 30B(2):
11 (a) after “firearm” (1st occurrence) insert:
12
13 or major firearm part
14
15 (b) delete “firearm —” and insert:
16
17 firearm or major firearm part —
18
19 (c) delete “is required, as soon as is practicable, to report to
20 the Commissioner the details of the firearm” and insert:
21
22 must, as soon as is practicable, report to the
23 Commissioner the details of the firearm or major firearm
24 part
25
26 (d) delete “firearm;” and insert:
27
28 firearm or major firearm part;
29

s. 57

1 **57. Section 31 amended**

2 In section 31(3) delete “firearms” (each occurrence) and insert:

3

4 firearms, major firearm parts

5

6 **58. Section 32 amended**

7 In section 32 delete “firearms” and insert:

8

9 firearms, major firearm parts

10

11 **59. Section 33 amended**

12 (1) In section 33(1) delete “firearm” (each occurrence) and insert:

13

14 firearm, major firearm part, prohibited firearm accessory

15

16 (2) In section 33(2):

17 (a) delete “firearm” and insert:

18

19 firearm, major firearm part

20

21 (b) delete “can not” and insert:

22

23 cannot

24

- 1 (3) In section 33(3):
2 (a) delete “firearm” (1st occurrence) and insert:
3
4 firearm, major firearm part, prohibited firearm accessory
5
6 (b) delete “conditions, and” and insert:
7
8 conditions, and —
9
10 (c) in paragraph (b) delete “firearm” and insert:
11
12 firearm, major firearm part, prohibited firearm accessory
13
- 14 (4) After section 33(3) insert:
15
- 16 (4) In relation to a firearm, major firearm part, prohibited
17 firearm accessory, ammunition or other thing that is
18 surrendered to, seized by, or that otherwise comes into
19 possession of, a member of the Police Force under this
20 Act, the regulations may —
21 (a) provide for the steps that are required to be
22 taken after the thing is acquired; and
23 (b) provide for the disposal of the thing.
- 24 (5) Regulations cannot be made under subsection (4)(b) in
25 relation to a firearm, major firearm part, prohibited
26 firearm accessory or ammunition —
27 (a) in the circumstances referred to in
28 subsection (1)(a) to (c) and (3)(b); or
29 (b) if section 33C(2) applies.
30

31 Note: The heading to amended section 33 is to read:

32 **Dealing with things in possession of Police Force under this Act**

1 **60. Sections 33A, 33B and 33C inserted**

2 After section 33 insert:

3

4 **33A. Surrender of things to Commissioner**

5 (1) A person who is in possession of a firearm, major
6 firearm part, prohibited firearm accessory, sound
7 suppressor or ammunition may surrender it to the
8 Commissioner by bringing it to —

9 (a) a police station; or

10 (b) either of the following at an approved
11 location —

12 (i) the responsible person (as defined in
13 subsection (3)(b));

14 (ii) an approved person (as defined in
15 subsection (3)(c)).

16 (2) The Commissioner may approve a location for the
17 purposes of subsection (1)(b) if the location is a
18 premises named and identified in a Dealer's Licence or
19 a Manufacturer's Licence.

20 (3) The Commissioner's approval must specify the
21 following —

22 (a) the address of the approved location;

23 (b) the name of the person (the *responsible person*)
24 who is the holder of the Dealer's Licence or the
25 Manufacturer's Licence for the approved
26 location;

27 (c) the name of any other person (an *approved*
28 *person*) to whom a firearm, major firearm part,
29 prohibited firearm accessory, sound suppressor
30 or ammunition may be brought at the approved
31 location;

- 1 (d) the storage requirements in relation to any
2 firearm, major firearm part, prohibited firearm
3 accessory, sound suppressor or ammunition that
4 is surrendered at the approved location;
- 5 (e) the manner in which any firearm, major firearm
6 part, prohibited firearm accessory, sound
7 suppressor or ammunition that is surrendered at
8 the approved location must be delivered to the
9 Commissioner;
- 10 (f) the reporting requirements in relation to any
11 firearm, major firearm part, prohibited firearm
12 accessory, sound suppressor or ammunition that
13 is surrendered at the approved location.
- 14 (4) The responsible person must ensure that the
15 requirements referred to in subsection (3)(d) to (f) are
16 complied with.

17 Penalty for this subsection: imprisonment for
18 18 months and a fine of \$18 000.

19 **33B. Amnesty for things surrendered to Commissioner**

- 20 (1) If a person surrenders a firearm, major firearm part,
21 prohibited firearm accessory, sound suppressor or
22 ammunition (the *surrendered thing*) in accordance
23 with section 33A(1), action cannot be taken against the
24 person for an offence —
- 25 (a) under section 19(1), 23(7) or 23AA(2) or (3) in
26 respect of the possession of the surrendered
27 thing by the person before it is surrendered; or
- 28 (b) under section 23(3) in respect of the carriage of
29 the surrendered thing by the person to the
30 police station or approved location at which it
31 is surrendered.

- 1 (2) Nothing in subsection (1) affects the person's liability
2 for any other offence involving the surrendered thing
3 that is committed by the person under this Act or
4 another written law before the thing is surrendered.

5 **33C. Licensing, sale and disposal of surrendered**
6 **firearms, major firearm parts and ammunition**

- 7 (1) A person who surrenders a firearm, major firearm part
8 or ammunition under section 33A(1) may, within
9 14 days of surrendering it, apply under this Act for the
10 necessary licence, permit or approval to acquire,
11 possess or use the firearm, major firearm part or
12 ammunition.
- 13 (2) The Commissioner may, in the manner that the
14 Commissioner thinks fit, sell or dispose of a firearm,
15 major firearm part or ammunition surrendered under
16 section 33A(1) if —
- 17 (a) the person who surrendered the firearm, major
18 firearm part or ammunition has not made an
19 application under subsection (1) within 14 days
20 of surrendering it; or
- 21 (b) the person who surrendered the firearm, major
22 firearm part or ammunition made an application
23 under subsection (1) that was refused, and any
24 subsequent reviews and appeals in relation to
25 that refusal have been finally determined or
26 otherwise disposed of.
- 27 (3) The proceeds of the sale of a firearm, major firearm
28 part or ammunition under subsection (2), after
29 deduction of the expenses of and incidental to the sale,
30 must —
- 31 (a) if the Commissioner is of the opinion that it is
32 appropriate and practicable to do so — be paid
33 to the person who surrendered it; or

1 (b) if paragraph (a) does not apply — be credited to
2 the Consolidated Account.
3

4 **61. Section 34 amended**

5 In section 34(2)(g), (ga) and (j) and (3)(b) delete “firearms” and
6 insert:
7

8 firearms, major firearm parts, prohibited firearm accessories
9

10 **62. Section 35 inserted**

11 After section 34 insert:
12

13 **35. Review by Minister**

14 (1) The Minister must review the operation and
15 effectiveness of the amendments made to this Act by
16 the *Firearms Amendment Act 2021*, and prepare a
17 report based on the review, as soon as practicable after
18 the 5th anniversary of the day on which the *Firearms*
19 *Amendment Act 2021* section 62 comes into operation.

20 (2) The Minister must cause the report to be laid before
21 each House of Parliament as soon as practicable after it
22 is prepared, but not later than 12 months after the
23 5th anniversary.
24

1 **63. Part 10 inserted**

2 After section 35 (as inserted by section 62 of this Act) insert:

3

4 **Part 10 — Transitional provisions for *Firearms***
5 ***Amendment Act 2021***

6 **36. Licences under repealed s. 16**

7 (1) In this section —

8 *commencement day* means the day on which the
9 *Firearms Amendment Act 2021* section 22 comes into
10 operation.

11 (2) A licence specified in column 1 of the Table that is in
12 force immediately before commencement day is taken,
13 on and after commencement day, to be the licence
14 specified opposite it in column 2 of the Table.

15

Table

Column 1	Column 2
Firearm Licence under s. 16(1)(a)	Firearm Licence under s. 16A
Firearm Collector's Licence under s. 16(1)(b)	Firearm Collector's Licence under s. 16C
Corporate Licence under s. 16(1)(c)	Corporate Licence under s. 16D
Dealer's Licence under s. 16(1)(d)	Dealer's Licence under s. 16F

Column 1	Column 2
Repairer's Licence under s. 16(1)(e)	Repairer's Licence under s. 16G
Manufacturer's Licence under s. 16(1)(f)	Manufacturer's Licence under s. 16H
Shooting Gallery Licence under s. 16(1)(g)	Shooting Gallery Licence under s. 16K
Ammunition Collector's Licence under s. 16(1)(h)	Ammunition Collector's Licence under s. 16L

- 1 (3) An application for a licence specified in column 1 of
2 the Table to subsection (2) that is not determined
3 before commencement day is taken, on and after
4 commencement day, to be an application for the
5 licence specified opposite it in column 2 of the Table.
- 6 (4) Nothing in this section affects the period for which a
7 licence in force immediately before commencement
8 day is valid under section 9A.

9
10 **64. Schedule 1 deleted**

11 Delete Schedule 1.

s. 65

1 **65. Various penalties amended**

2 Amend the provisions listed in the Table as set out in the Table.

3 **Table**

Provision	Delete	Insert
s. 6(3)	a first offence: Imprisonment	this subsection for a first offence: imprisonment
s. 7(2)	penalty: Imprisonment	penalty for this subsection: imprisonment
s. 15B(1) s. 21(2) s. 23(1) and (8)	Penalty: Imprisonment	Penalty for this subsection: imprisonment
s. 19(1ac)	subsection: Imprisonment	subsection: imprisonment
s. 19(1ad)	penalty: Imprisonment	penalty for a crime under subsection (1): imprisonment
s. 19(5) s. 22A(2) and (3) s. 22C(1) s. 23(10), (10a), (11) and (12) s. 30(4) s. 30A(3) s. 30B(2) s. 31(4)	Penalty:	Penalty for this subsection: a fine of

Provision	Delete	Insert
s. 22B	Penalty:	Penalty: a fine of
s. 23(2) and (9)	Penalty:	Penalty for this subsection:
s. 23(2)	\$8 000; or	\$8 000;

1 **66. Various references to gender removed**

2 Amend the provisions listed in the Table as set out in the Table.

3 **Table**

Provision	Delete	Insert
s. 7(1)	he	the Governor
s. 8(1)(d), (e), (g), (h), (j) and (k)	his (each occurrence)	their
s. 8(1)(f) and (m) s. 19A(2) s. 24(4)(b)(i)	his	the person's
s. 17A(1) s. 20(1)	he	the Commissioner
s. 17A(4)	him	the applicant
s. 17B(3)(a) and (f)	he (each occurrence)	the inspector
s. 17B(3)(b), (d) and (f) and (4)	him	the inspector
s. 17B(4)	his	the inspector's

Firearms Amendment Bill 2021**Part 2**

Firearms Act 1973 amended

s. 66

Provision	Delete	Insert
s. 19(5) s. 19A(1) s. 23(3) s. 24(6)(c) s. 30(1)	him (each occurrence)	the person
s. 19(2)	him	the other person
s. 19A(2)	he has	they have
s. 19A(2)	he (2 nd occurrence)	they
s. 19A(2)	he does	they do
s. 19A(3) and (5)	his	the alleged offender's
s. 19A(3) and (5)	him	the alleged offender
s. 19A(4) s. 23(1) and (3) s. 24(1)(a) and (b)	he (each occurrence)	the person
s. 20(1)(d) s. 33(3)	his	the Commissioner's
s. 23(12)	his or her	their
s. 24(1)	he (3 rd occurrence)	the officer
s. 24(3)	him	the officer
s. 24(6)(b) s. 31(2)	his	the member's

Provision	Delete	Insert
s. 30(1), (2) and (4)	himself	themselves
s. 33(1)(c)	him	the owner
s. 33(2)	he	the owner
s. 34(1)	his	the Governor's

1 **Part 3 — Consequential and related amendments to**
2 **other Acts**

3 **Division 1 — *The Criminal Code* amended**

4 **67. Act amended**

5 This Division amends *The Criminal Code*.

6 **68. Section 378 amended**

7 After section 378(5)(f) insert:

8
9 (g) If the thing stolen is a firearm as defined in the
10 *Firearms Act 1973* section 4;

11
12 **69. Section 417A amended**

13 After section 417A(4) insert:

14
15 (4A) If the thing is a firearm, as defined in the *Firearms*
16 *Act 1973* section 4, the offender is liable to
17 imprisonment for 10 years.

18
19 **Division 2 — *Criminal Organisations Control Act 2012* amended**

20 **70. Act amended**

21 This Division amends the *Criminal Organisations Control*
22 *Act 2012*.

23 **71. Section 3 amended**

24 (1) In section 3(1) delete the definitions of:

25 *firearm*

26 *firearms licence*

1
2
3
4
5
6
7
8
9
10
11
12
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14
15
16
17
18

(2) In section 3(1) insert in alphabetical order:

firearm item means any of the following as defined in the *Firearms Act 1973* section 4 —

- (a) a firearm;
- (b) a major firearm part;
- (c) a prohibited firearm accessory;
- (d) ammunition;

firearms authorisation means —

- (a) a licence issued, permit granted or approval given, under the *Firearms Act 1973*, entitling a person to be in possession of a firearm item; or
- (b) an Extract of Licence (as defined in section 4(1) of that Act) issued in respect of a licence, permit or approval referred to in paragraph (a); or
- (c) any other Extract of Licence under that Act;

19
20
21

72. Various references to “firearm” and “firearms” replaced

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 3(1) def. of <i>firearms condition</i> s. 3(1) def. of <i>responsible person</i> s. 58(2)(d)(i) s. 79(1)(d)(i) s. 82(3)	firearm (each occurrence)	firearm item

Firearms Amendment Bill 2021

Part 3 Consequential and related amendments to other Acts

Division 2 Criminal Organisations Control Act 2012 amended

s. 73

Provision	Delete	Insert
s. 84(1), (3) and (4) s. 93(1)(a)(iii) s. 94(1) and (2) s. 108		
s. 33(2) s. 93(1)(a)(i)	firearms	firearm items
Pt. 3 Div. 5 Subdiv. 5 heading	firearms	firearm items

- 1 **73. Various references to “firearms licence”, “firearms**
2 **licences”, “authorisation”, “licence” and “firearms licenses”**
3 **replaced**

4 Amend the provisions listed in the Table as set out in the Table.

5 **Table**

Provision	Delete	Insert
s. 3(1) def. of <i>responsible person</i> par. (a) s. 82(3)(a) and (4) s. 84(2), (3) and (4) s. 85(1) s. 94(1)	firearms licence (each occurrence)	firearms authorisation
s. 82(3)(b)	firearms licences	firearms authorisations
s. 83(1)(a) and (2)	firearms licence or authorisation (each occurrence)	firearms authorisation or other authorisation

Provision	Delete	Insert
s. 84(2)(a) and (b)	licence (each occurrence)	authorisation
s. 93(1)(a)(iii)	firearms licenses	firearms authorisations

- 1 Note 1: The heading to amended section 84 is to read:
2 **Dealing with things surrendered or seized: firearm items, firearms**
3 **authorisations and weapons**
- 4 Note 2: The heading to amended section 93 is to read:
5 **Inquiries about use of, or access to, firearm items**
- 6 Note 3: The heading to section 105 is to read:
7 **Failure to disclose information or giving false information about**
8 **use of or access to firearm items**
- 9 Note 4: The heading to amended section 108 is to read:
10 **Offence for responsible person or co-licensee to allow controlled**
11 **person to access firearm item**

12 **Division 3 — *Prohibited Behaviour Orders Act 2010* amended**

13 **74. Act amended**

14 This Division amends the *Prohibited Behaviour Orders*
15 *Act 2010*.

16 **75. Section 3 amended**

- 17 (1) In section 3(1) delete the definitions of:
18 *firearm*
19 *firearm licence*

Firearms Amendment Bill 2021

Part 3 Consequential and related amendments to other Acts

Division 3 Prohibited Behaviour Orders Act 2010 amended

s. 76

1 (2) In section 3(1) insert in alphabetical order:

2

3 *firearm item* means any of the following as defined in
4 the *Firearms Act 1973* section 4 —

- 5 (a) a firearm;
6 (b) a major firearm part;
7 (c) a prohibited firearm accessory;
8 (d) ammunition;

9 *firearms authorisation* means —

- 10 (a) a licence issued, permit granted or approval
11 given, under the *Firearms Act 1973*, entitling a
12 person to be in possession of a firearm item; or
13 (b) an Extract of Licence (as defined in
14 section 4(1) of that Act) issued in respect of a
15 licence, permit or approval referred to in
16 paragraph (a); or
17 (c) any other Extract of Licence under that Act;

18

19 **76. Various references to “firearm” and “firearms” replaced**

20 Amend the provisions listed in the Table as set out in the Table.

21

Table

Provision	Delete	Insert
s. 14(1)(d) s. 30(2) and (3) s. 31(1) and (3) s. 32(1) def. of <i>responsible person</i>	firearm or (each occurrence)	firearm item or

Provision	Delete	Insert
s. 14(1)(d) s. 30(1) and (4) s. 32(2)(a) s. 39(2)(a)	firearms	firearm items
Pt. 3 heading	Firearms	Firearm items
s. 29(a) s. 32(4) and (5) s. 39(2)(b)	firearm (each occurrence)	firearm item
s. 31(1)(a)	firearm that	firearm item that
s. 32(1) def. of <i>co-licensee</i>	for a firearm	for a firearm item
s. 32(1) def. of <i>co-licensee</i>	same firearm	same firearm item
s. 32(1) def. of <i>responsible person</i>	firearm in	firearm item in

1 **77. Various references to “firearm licence” and “firearm**
2 **licences” replaced**

3 Amend the provisions listed in the Table as set out in the Table.

4 **Table**

Provision	Delete	Insert
s. 14(1)(d) s. 29(b) s. 30(2) and (3) s. 31(1) and (3)	firearm licence (each occurrence)	firearms authorisation

Firearms Amendment Bill 2021

Part 3 Consequential and related amendments to other Acts

Division 4 Restraining Orders Act 1997 amended

s. 78

Provision	Delete	Insert
s. 32(1) def. of <i>co-licensee</i> s. 32(1) def. of <i>responsible person</i>		
s. 14(1)(d) s. 30(1) and (4) s. 39(2)(a)	firearm licences	firearms authorisations

1 Note 1: The heading to amended section 30 is to read:

2 **Constrained person to give up possession of firearm items and**
3 **firearms authorisations**

4 Note 2: The heading to amended section 31 is to read:

5 **Seizure of firearm items**

6 **Division 4 — Restraining Orders Act 1997 amended**

7 **78. Act amended**

8 This Division amends the *Restraining Orders Act 1997*.

9 **79. Section 3 amended**

10 (1) In section 3(1) delete the definitions of:

11 *firearm*

12 *firearms licence*

13 (2) In section 3(1) insert in alphabetical order:

14

15 *firearm item* means any of the following as defined in
16 the *Firearms Act 1973* section 4 —

17 (a) a firearm;

18 (b) a major firearm part;

19 (c) a prohibited firearm accessory;

20 (d) ammunition;

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firearms authorisation means —

- (a) a licence issued, permit granted or approval given, under the *Firearms Act 1973*, entitling a person to be in possession of a firearm item; or
- (b) an Extract of Licence (as defined in section 4(1) of that Act) issued in respect of a licence, permit or approval referred to in paragraph (a); or
- (c) any other Extract of Licence under that Act;

80. Various references to “firearm” and “firearms” replaced

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 14(1)(a), (3), (4), (5) and (6) s. 33(2)(d) s. 36(2)(f), (3)(c) and (6) s. 62E(1) and (2) s. 71(1) def. of <i>firearms order</i> par. (b) s. 71(1) def. of <i>responsible person</i> s. 71(2)(a)(iii), (4) and (6) s. 73(2)(c)	firearm (each occurrence)	firearm item
s. 8(1)(h) s. 71(2)(a)(i)	firearms	firearm items

Firearms Amendment Bill 2021

Part 3 Consequential and related amendments to other Acts

Division 4 Restraining Orders Act 1997 amended

s. 81

Provision	Delete	Insert
Pt. 2A Div. 1 heading	firearms	firearm items
s. 14(2) and (7) s. 36(6) s. 73(2)(b)	firearms and	firearm items and

1 **81. Various references to “firearms licence”, “firearms licences”**
2 **and “firearms licenses” replaced**

3 Amend the provisions listed in the Table as set out in the Table.

4 **Table**

Provision	Delete	Insert
s. 14(1), (3), (4) and (5) s. 36(2)(f), (3)(c) and (6) s. 62E(1) and (2) s. 71(1) def. of <i>responsible person</i> s. 71(4)	firearms licence (each occurrence)	firearms authorisation
s. 14(2) and (7) s. 36(6) s. 71(2)(a)(iii)	firearms licences	firearms authorisations
s. 73(2)(b)	firearms licenses	firearms authorisations

5 Note: The heading to amended section 62E is to read:

6 **Seizure of firearm items and explosives**

1

Division 5 — Other Acts amended

2

82. *Children and Community Services Act 2004* amended

3

(1) This section amends the *Children and Community Services Act 2004*.

4

5

(2) In section 112 delete the definition of *firearm*.

6

(3) In section 112 insert in alphabetical order:

7

8

firearm article means a firearm, major firearm part, prohibited firearm accessory or ammunition, as those terms are defined in the *Firearms Act 1973* section 4;

9

10

11

12

(4) In section 117(2) delete “firearm,” and insert:

13

14

firearm article,

15

16

83. *Court Security and Custodial Services Act 1999* amended

17

(1) This section amends the *Court Security and Custodial Services Act 1999*.

18

19

(2) In section 95(a) delete “ammunition or a silencer or contrivance of a similar nature; or” and insert:

20

21

22

major firearm part, prohibited firearm accessory, sound suppressor, firearms technology or ammunition (as those terms are defined in the *Firearms Act 1973* section 4); or

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26

84. *Prisons Act 1981* amended

27

(1) This section amends the *Prisons Act 1981*.

Firearms Amendment Bill 2021

Part 3 Consequential and related amendments to other Acts

Division 5 Other Acts amended

s. 85

- 1 (2) In section 49B(1)(a) delete “ammunition or a silencer or
2 contrivance of a similar nature; or” and insert:
3
4 major firearm part, prohibited firearm accessory, sound
5 suppressor, firearms technology or ammunition (as those terms
6 are defined in the *Firearms Act 1973* section 4); or
7

8 **85. *Sentencing Act 1995* amended**

- 9 (1) This section amends the *Sentencing Act 1995*.
10 (2) Delete Schedule 1A Part 1 item 5 and insert:
11

5. *Firearms Act 1973*

s. 6(3)	Contravention of regulation made under s. 6(1)
s. 19(1)	Obtaining, disposing of etc. firearm, major firearm part or ammunition when not holder of a licence or permit
s. 23(3), (5) and (9a)	Offences relating to firearms and major firearm parts
s. 23AC(1)	Unauthorised manufacture of firearms and other things
s. 23AD	Unauthorised repair of firearms and other things

- 12
13 (3) In Schedule 1A Part 2 item 5 in the row relating to section 23
14 delete “(9a),”.

15
