

PO301*

Firearms Act 1973

Firearms Amendment Regulations 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Firearms Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Firearms Regulations 1974*.

4. Regulation 2 amended

(1) In regulation 2:

- (a) delete “In these” and insert:

(1) In these

- (b) insert in alphabetical order:

Act means the *Firearms Act 1973*;

calibre has a meaning affected by subregulation (2);

(2) At the end of regulation 2 insert:

- (2) A reference in these regulations to a specific calibre is a reference to the calibre in inches, unless the contrary intention appears.

5. Regulation 26B amended

In regulation 26B(4) in the Table:

- (a) delete “7.62 x 39 calibre” and insert:

7.62 mm calibre

- (b) after “(Romanian make) rifle” insert:

designed for ammunition with a case length of 39 mm

6. Schedule 3 amended

- (1) In Schedule 3 delete the heading “*Category A*” and the headings “sub-category” and “description” and insert:

Division 1 — Category A**1. Category A firearms**

Each firearm described in the Table is a category A firearm.

Table

Sub-category	Description
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- (2) In Schedule 3 delete the heading “*Category B*” and the headings “sub-category” and “description” and insert:

Division 2 — Category B**2. Category B firearms**

Each firearm described in the Table is a category B firearm.

Table

Sub-category	Description
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- (3) In Schedule 3 delete the heading “*Genuine need test for category B*” and the passage that begins with “The applicant” and ends with “required.” and insert:

3. Genuine need test for category B

To satisfy the genuine need test for category B the applicant must satisfy the Commissioner that a firearm of category A would be inadequate or unsuitable for the purpose for which the firearm is required.

- (4) In Schedule 3 delete the heading “*Category C*” and the headings “**sub-category**” and “**description**” and insert:

Division 3 — Category C

4. Category C firearms

Each firearm described in the Table is a category C firearm.

Table

Sub-category	Description
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- (5) In Schedule 3 delete the heading “*Genuine need test for category C*” and the passage that begins with “The applicant” and ends with “required.” and insert:

5. Genuine need test for category C

To satisfy the genuine need test for category C the applicant must satisfy the Commissioner that a firearm of category A or B would be inadequate or unsuitable for the purpose for which the firearm is required.

- (6) In Schedule 3 delete the heading “*Restrictions for category C*” and insert:

6. Restrictions for category C

- (7) In Schedule 3 delete the heading “*Category D*” and the headings “**sub-category**” and “**description**” and insert:

Division 4 — Category D

7. Category D firearms

Each firearm described in the Table is a category D firearm.

Table

Sub-category	Description
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- (8) In Schedule 3 delete the heading “*Genuine need test for category D*” and the passage that begins with “The applicant” and ends with “purposes.” and insert:

8. Genuine need test for category D

To satisfy the genuine need test for category D the applicant must satisfy the Commissioner that the firearm is required for Commonwealth or State government purposes.

- (9) In Schedule 3 delete the heading “*Category E*” and the headings “sub-category” and “description” and insert:

Division 5 — Category E

9. Category E firearms

Each firearm described in the Table is a category E firearm.

Table

Sub-category	Description
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- (10) In Schedule 3 delete the heading “*Category H*” and the headings “sub-category” and “description” and insert:

Division 6 — Category H

10. Category H firearms

Each firearm described in the Table is a category H firearm.

Table

Sub-category	Description
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- (11) In Schedule 3 delete the heading “*Genuine need test for category H*” and subclause (1) under that heading and insert:

11. Genuine need test for category H

- (1) To satisfy the genuine need test for category H the applicant must satisfy the Commissioner —
- (a) that a firearm of category A, B or C would be inadequate or unsuitable for the purpose for which the firearm is required; or
 - (b) if the firearm required is of category H1 and is a revolver described in clause 12(7A)(b) —
 - (i) that the applicant is an individual referred to in clause 12(1)(ba) and is involved in mustering or yarding cattle that are grazed on the pastoral lease; and
 - (ii) that the firearm is required when mustering or yarding the cattle to deal with any animals (whether cattle or not) that are dangerous to people.

- (12) In Schedule 3 under the heading “*Genuine need test for category H*”:
- (a) in subclause (2) delete paragraph (b) and “or” after it and paragraph (c) and insert:
 - (b) recreational shooting, unless the person is a person described in clause 12(1)(a) and requires the firearm for a purpose described in that paragraph; or
 - (c) destroying stock or vermin in circumstances other than those described in subclause (1)(b)(ii).
 - (b) after paragraph (a) insert:

or
- (13) In Schedule 3 delete the heading “*Restrictions for category H*” and insert:

12. Restrictions for category H

- (14) In Schedule 3 under the heading “*Restrictions for category H*” in subclause (1):
- (a) after paragraph (a) insert:
 - (ba) it is for a firearm of category H1, and is granted or issued to an individual who either —
 - (i) holds a pastoral lease, whether alone or with one or more other persons, on which cattle are grazed for commercial purposes; or
 - (ii) is nominated by the person or persons who hold such a pastoral lease and is approved by the Commissioner,but not to more than one such person, for the purpose described in clause 11(1)(b)(ii); or
 - (b) after paragraphs (a), (b) and (c) insert:

or
- (15) In Schedule 3 under the heading “*Restrictions for category H*” after subclause (6) insert:
- (7A) Under subclause (1)(ba) one individual cannot be granted an approval or permit or issued a licence —
 - (a) for more than one firearm of category H1; or

- (b) for a firearm of category H1 other than one that —
 - (i) is a revolver; and
 - (ii) has a calibre of 0.38 or more and not more than 0.45; and
 - (iii) has a barrel length of 100 mm or more;or
 - (c) unless it is subject to a condition that the firearm must not be used except on a pastoral lease.
- (7B) Under subclause (1)(ba)(ii) a person who holds 2 or more pastoral leases may nominate one individual for each lease and may nominate the same individual for more than one lease.
- (16) In Schedule 3 under the heading “*Restrictions for category H*” in subclause (7):
- (a) insert in alphabetical order:

pastoral lease means, as the case requires —

 - (a) a pastoral lease of Crown land granted under the *Land Administration Act 1997* section 101 or continued under section 143 of that Act; or
 - (b) the land to which such a lease applies.
 - (b) in the definition of *barrel length* delete “position.” and insert:

position;

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.