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

<table>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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

<table>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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

<table>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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

<table>
<thead>
<tr>
<th>Sub-category</th>
<th>Description</th>
</tr>
</thead>
</table>

(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.