



Western Australia

Firearms Amendment Act 2022

As at 18 May 2022

No. 13 of 2022

Published on www.legislation.wa.gov.au

Firearms Amendment Act 2022

Contents

| | | |
|---|---|----|
| Part 1 — Preliminary | | |
| 1. | Short title | 2 |
| 2. | Commencement | 2 |
| Part 2 — <i>Firearms Act 1973</i> amended | | |
| 3. | Act amended | 3 |
| 4. | Part 1 heading inserted | 3 |
| Part 1 — Preliminary | | |
| 5. | Section 3 deleted | 3 |
| 6. | Section 4 amended | 3 |
| 7. | Section 4A inserted | 8 |
| | 4A. Possession of firearms and other things | 8 |
| 8. | Section 5A amended | 9 |
| 9. | Section 6 amended | 9 |
| 10. | Section 7 amended | 10 |
| 11. | Part 2 heading and Part 2 Division 1 heading inserted | 10 |
| Part 2 — Licences, permits and approvals | | |
| Division 1 — General matters | | |
| 12. | Section 8 amended | 10 |
| 13. | Section 9A amended | 12 |
| 14. | Part 2 Division 2 heading inserted | 12 |
| Division 2 — Requirements and restrictions | | |
| 15. | Section 11 amended | 12 |
| 16. | Section 11A amended | 13 |
| 17. | Section 12 amended | 13 |

Contents

| | | |
|-----|--|----|
| 18. | Part 2 Division 3 heading inserted | 13 |
| | Division 3 — Firearm collections and accredited societies of collectors | |
| 19. | Section 15 amended | 13 |
| 20. | Section 15B amended | 14 |
| 21. | Part 2 Division 4 heading inserted | 14 |
| | Division 4 — Categories of licences | |
| 22. | Sections 16 and 16A replaced | 14 |
| | 16. Overview of Division | 14 |
| | 16A. Firearm Licence | 14 |
| | 16B. Approval in relation to replacement or additional major firearm parts | 15 |
| | 16C. Firearm Collector's Licence | 16 |
| | 16D. Corporate Licence | 16 |
| | 16E. Approval for holder of Corporate Licence to possess replacement or additional major firearm parts | 18 |
| | 16F. Dealer's Licence | 19 |
| | 16G. Repairer's Licence | 19 |
| | 16H. Manufacturer's Licence | 21 |
| | 16I. Approval for certain licence holders to deal in, repair or manufacture prohibited firearm accessory | 22 |
| | 16J. Approval for certain licence holders and other persons to create, develop and be in possession of firearms technology | 23 |
| | 16K. Shooting Gallery Licence | 24 |
| | 16L. Ammunition Collector's Licence | 24 |
| 23. | Part 2 Division 5 heading inserted | 24 |
| | Division 5 — Categories of permits and other approvals | |
| 24. | Section 17 amended | 24 |
| 25. | Section 17B amended | 25 |
| 26. | Part 2 Division 6 heading inserted | 26 |
| | Division 6 — Licensing procedure | |
| 27. | Section 18 amended | 26 |
| 28. | Part 2 Division 7 heading inserted | 26 |
| | Division 7 — Offences in relation to licences, permits and approvals | |
| 29. | Section 19 amended | 26 |
| 30. | Section 19AA amended | 29 |

| | | |
|-----|---|----|
| 31. | Part 2 Division 8 heading inserted | 29 |
| | Division 8 — Revocation, cancellation and other matters | |
| 32. | Section 20 amended | 29 |
| 33. | Part 2 Division 9 heading inserted | 29 |
| | Division 9 — Conduct of business | |
| 34. | Part 3 heading inserted | 30 |
| | Part 3 — Review of decisions | |
| 35. | Section 22 amended | 30 |
| 36. | Section 22AA inserted | 32 |
| | 22AA. Appeals and references to Supreme Court under <i>State Administrative Tribunal Act 2004</i> | 32 |
| 37. | Part 4 heading inserted | 33 |
| | Part 4 — Extracts of Licences | |
| 38. | Section 22A amended | 33 |
| 39. | Section 22B amended | 34 |
| 40. | Section 22C amended | 34 |
| 41. | Part 5 heading and Part 5 Division 1 heading inserted | 35 |
| | Part 5 — Offences | |
| | Division 1 — General offences | |
| 42. | Section 23 amended | 35 |
| 43. | Part 5 Divisions 2 to 4 inserted | 40 |
| | Division 2 — Offences relating to prohibited firearm accessories | |
| | 23AA. Acquisition, sale, possession or use of prohibited firearm accessories | 40 |
| | 23AB. Approval to acquire, sell, possess or use prohibited firearm accessories | 42 |
| | Division 3 — Offences relating to manufacture, repair and dealing in firearms and other things | |
| | 23AC. Unauthorised manufacture of firearms and other things | 42 |
| | 23AD. Unauthorised repair of firearms and other things | 43 |
| | 23AE. Unauthorised dealing in firearms and other things | 43 |
| | 23AF. Participating in unauthorised manufacture, repair or dealing in firearms and other things | 43 |

| | | |
|-----|--|----|
| | Division 4 — Offences relating to firearms technology | |
| | 23AG. Firearms technology | 45 |
| | 23AH. Unauthorised possession of firearms technology | 46 |
| | 23AI. Unauthorised creation or development of firearms technology | 48 |
| | 23AJ. Unauthorised dissemination of firearms technology | 48 |
| | 23AK. Exceptions to s. 23AH, 23AI and 23AJ | 48 |
| 44. | Part 5 Division 5 heading inserted | 50 |
| | Division 5 — Limitation periods | |
| 45. | Part 6 heading inserted | 50 |
| | Part 6 — Disclosure of information under this Act and other matters | |
| 46. | Part 7 heading and Part 7 Division 1 heading inserted | 50 |
| | Part 7 — Enforcement | |
| | Division 1 — General enforcement matters | |
| 47. | Section 24 amended | 50 |
| 48. | Section 25 amended | 53 |
| 49. | Section 26 amended | 53 |
| 50. | Part 7 Division 2 inserted | 54 |
| | Division 2 — Enforcement powers relating to firearms prohibition orders | |
| | 26A. Additional police powers in relation to firearms prohibition orders | 54 |
| | 26B. Use of force when exercising powers under this Division | 54 |
| | 26C. Entry to and search of places and vehicles in relation to firearms prohibition orders | 55 |
| | 26D. Search of persons subject to firearms prohibition orders and certain other persons | 56 |
| | 26E. Seizure of things not immediately surrendered under s. 29I | 58 |
| 51. | Part 7 Division 3 heading inserted | 58 |
| | Division 3 — Powers of the court and other matters | |
| 52. | Section 28 amended | 59 |

| | | |
|-----|--|----|
| 53. | Part 8 inserted | 59 |
| | Part 8 — Firearms prohibition orders | |
| | Division 1 — Making of firearms prohibition order and other matters | |
| | 29A. Commissioner may make firearms prohibition order | 59 |
| | 29B. Form and content of firearms prohibition order | 60 |
| | 29C. Service of firearms prohibition order | 61 |
| | 29D. Powers to request particulars and detain for purposes of service | 62 |
| | 29E. Offences for failing to comply with directions under s. 29D | 63 |
| | 29F. Proof of service of firearms prohibition order | 64 |
| | 29G. Commencement and duration of firearms prohibition order | 65 |
| | 29H. Revocation of licences, permits, approvals and authorisations of prohibited persons | 65 |
| | Division 2 — Offences relating to firearms prohibition orders | |
| | 29I. Failure to surrender firearms and other things when firearms prohibition order served | 66 |
| | 29J. Prohibition on prohibited persons acquiring, possessing or using firearms and other things | 68 |
| | 29K. Prohibition on prohibited persons entering, or remaining or residing at, certain places | 69 |
| | 29L. Prohibition on prohibited persons associating with persons in possession of firearms and other things | 70 |
| | 29M. Prohibition on giving possession of firearms and other things to prohibited persons | 71 |
| | 29N. Prohibited person to notify change of address | 71 |
| | 29O. Recognition of firearms prohibition orders of other jurisdictions | 72 |
| 54. | Part 9 heading inserted | 72 |
| | Part 9 — Sale, destruction of firearms and other matters | |
| 55. | Section 30A amended | 73 |
| 56. | Section 30B amended | 74 |
| 57. | Section 31 amended | 76 |
| 58. | Section 32 amended | 76 |

| | | |
|-----|--|----|
| 59. | Section 33 amended | 76 |
| 60. | Sections 33A, 33B and 33C inserted | 78 |
| | 33A. Surrender of things to Commissioner | 78 |
| | 33B. Amnesty for things surrendered to Commissioner | 79 |
| | 33C. Licensing, sale and disposal of surrendered firearms, major firearm parts and ammunition | 80 |
| 61. | Section 34 amended | 81 |
| 62. | Section 35 inserted | 81 |
| | 35. Review by Minister | 81 |
| 63. | Part 10 inserted | 82 |
| | Part 10 — Transitional provisions for <i>Firearms Amendment Act 2022</i> | |
| | 36. Licences under repealed s. 16 | 82 |
| 64. | Schedule 1 deleted | 83 |
| 65. | Various penalties amended | 84 |
| 66. | Various references to gender removed | 85 |
| | Part 3 — Consequential and related amendments to other Acts | |
| | Division 1 — <i>The Criminal Code</i> amended | |
| 67. | Act amended | 88 |
| 68. | Section 378 amended | 88 |
| 69. | Section 417A amended | 88 |
| | Division 2 — <i>Criminal Organisations Control Act 2012</i> amended | |
| 70. | Act amended | 88 |
| 71. | Section 3 amended | 88 |
| 72. | Various references to “firearm” and “firearms” replaced | 89 |
| 73. | Various references to “firearms licence”, “firearms licences”, “authorisation”, “licence” and “firearms licenses” replaced | 90 |
| | Division 3 — <i>Prohibited Behaviour Orders Act 2010</i> amended | |
| 74. | Act amended | 91 |
| 75. | Section 3 amended | 91 |
| 76. | Various references to “firearm” and “firearms” replaced | 92 |

| | | |
|-----|--|----|
| 77. | Various references to “firearm licence” and “firearm licences” replaced | 93 |
| | Division 4 — Restraining Orders Act 1997 amended | |
| 78. | Act amended | 94 |
| 79. | Section 3 amended | 94 |
| 80. | Various references to “firearm” and “firearms” replaced | 95 |
| 81. | Various references to “firearms licence”, “firearms licences” and “firearms licenses” replaced | 96 |
| | Division 5 — Other Acts amended | |
| 82. | <i>Children and Community Services Act 2004</i> amended | 97 |
| 83. | <i>Court Security and Custodial Services Act 1999</i> amended | 97 |
| 84. | <i>Prisons Act 1981</i> amended | 97 |
| 85. | <i>Sentencing Act 1995</i> amended | 98 |



Western Australia

Firearms Amendment Act 2022

No. 13 of 2022

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

[Assented to 18 May 2022]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Firearms Amendment Act 2022*.

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.

Part 2 — *Firearms Act 1973* amended

3. Act amended

This Part amends the *Firearms Act 1973*.

4. Part 1 heading inserted

Before section 1 insert:

Part 1 — Preliminary

5. Section 3 deleted

Delete section 3.

6. Section 4 amended

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

ammunition

firearm

handgun

possession

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

ammunition —

- (a) means anything made or modified specifically for discharge from a firearm; and
- (b) includes the following —
 - (i) a cartridge, projectile, primer or propellant made or modified specifically for use in manufacturing something described in paragraph (a);

- (ii) any other prescribed thing;
- but
- (c) does not include any of the following —
 - (i) ammunition rendered inoperative;
 - (ii) an inert cartridge, dummy round or drill round that does not contain primer, propellant or explosive charge;
 - (iii) a prescribed paintball pellet;
 - (iv) a spent primer;
 - (v) a spent casing, whether or not it can be reused;
 - (vi) any other prescribed thing;

firearm —

- (a) means a device that is made, modified or capable of being modified to discharge or propel a shot, bullet, missile or other projectile, whether or not the device is —
 - (i) operable or inoperable; or
 - (ii) assembled or in parts; or
 - (iii) complete or incomplete;
- but
- (b) does not include any of the following —
 - (i) anything that is prescribed in regulations under the *Weapons Act 1999* to be a prohibited weapon or a controlled weapon;
 - (ii) an industrial tool powered by cartridges containing gun powder, compressed air or other gas, that is made to fix fasteners or plugs or for similar purposes;
 - (iii) a device made to discharge signal flares;

- (iv) a device commonly known as a kiln gun or ring blaster, made specifically for knocking out or down solid materials in kilns, furnaces or cement silos;
- (v) a device commonly known as a line thrower, made to establish lines between structures or natural features and powered by compressed air or other compressed gases;
- (vi) a device commonly known as a promotional launcher, made to discharge packaged promotional material among event crowds and powered by compressed air or other compressed gases;
- (vii) anything that appears to replicate a firearm but is obviously a child's toy and is not made or modified to discharge a projectile capable of causing physical harm;
- (viii) any other prescribed thing;

firearms precursor has the meaning given in section 23AF(1);

firearms prohibition order has the meaning given in section 29A(1);

firearms technology has the meaning given in section 23AG(1);

handgun means a firearm that —

- (a) is reasonably capable of being carried or concealed about the person; and
- (b) when used, can be aimed and fired or discharged from 1 hand;

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

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

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

possession —

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

prescribed means prescribed by regulations made under this Act;

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

prohibited firearm accessory means any of the following —

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

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

sound suppressor —

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

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

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

s. 7

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

firearms, major firearm parts

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

made or modified

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

Act;

7. Section 4A inserted

After section 4 insert:

4A. Possession of firearms and other things

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

- (a) the person has actual physical possession of it;
- (b) the person has the custody or control of it, whether directly or remotely;
- (c) the person has and exercises access to it in a place either alone or in common with others;

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

8. Section 5A amended

After section 5A(3) insert:

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

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

Delegation of Commissioner's powers

9. Section 6 amended

- (1) In section 6(1):
 - (a) delete “firearm, silencer or other contrivance of a similar nature,” and insert:

firearm, major firearm part, sound suppressor
 - (b) delete “firearm, contrivance” and insert:

firearm, major firearm part, sound suppressor

s. 10

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

firearm, major firearm part

10. Section 7 amended

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

firearms, major firearm parts

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

Before section 8 insert:

Part 2 — Licences, permits and approvals

Division 1 — General matters

12. Section 8 amended

- (1) In section 8(1):
- (a) in paragraphs (d) and (e) delete “firearm” and insert:

firearm, major firearm part

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

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

- (c) after paragraph (f) insert:
 - (fa) by a responsible person (as defined in section 33A(3)(b)) or an approved person (as defined in section 33A(3)(c)) who has a firearm, major firearm part or ammunition surrendered under section 33A(1)(b) in their possession, or carries it, in accordance with an approval given by the Commissioner under section 33A(2);
- (d) in paragraphs (g) and (i) delete “firearm” (each occurrence) and insert:

firearm, major firearm part
- (e) in paragraph (j) delete “designed” and insert:

made or modified
- (f) in paragraph (j) after “uses” (2nd occurrence) insert:

a major firearm part or
- (g) delete paragraph (mb);
- (h) in paragraph (mc) delete “firearm;” and insert:

firearm or a major firearm part that forms part of that antique mechanism firearm;

s. 13

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

missile or other projectile

13. Section 9A amended

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

14. Part 2 Division 2 heading inserted

Before section 10 insert:

Division 2 — Requirements and restrictions

15. Section 11 amended

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

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

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

- (a) delete “inspect” and insert:

inspect, at a reasonable time,

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

possess.

16. Section 11A amended

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

firearm, major firearm part, prohibited firearm accessory or

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

firearm, major firearm part

17. Section 12 amended

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

or major firearm part

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

Unsafe or unserviceable firearms or major firearm parts

18. Part 2 Division 3 heading inserted

Before section 15 insert:

Division 3 — Firearm collections and accredited societies of collectors

19. Section 15 amended

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

or major firearm part

20. Section 15B amended

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

must

21. Part 2 Division 4 heading inserted

After section 15B insert:

Division 4 — Categories of licences

22. Sections 16 and 16A replaced

Delete sections 16 and 16A and insert:

16. Overview of Division

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

16A. Firearm Licence

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

- (a) the firearm named and identified in that licence; and
- (b) ammunition for that firearm; and
- (c) any magazine capable of being used with that firearm; and
- (d) any major firearm part forming part of that firearm when that licence was issued; and

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

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

- (1) In this section —
major firearm part does not include a magazine.
- (2) The Commissioner may grant the holder of a Firearm Licence approval to possess, carry and lawfully use a major firearm part (the *relevant major firearm part*) for the purpose of —
 - (a) enabling a major firearm part that the holder is entitled to possess, carry and lawfully use under section 16A, and that has become irreparably damaged or worn, to be replaced with the relevant major firearm part; or
 - (b) enabling the holder to possess, carry and lawfully use the relevant major firearm part in addition to the major firearm parts that the holder is already entitled to possess, carry and lawfully use under section 16A.
- (3) An application for an approval under subsection (2) must be in the approved form.
- (4) The Commissioner cannot grant an approval under subsection (2) unless the Commissioner is satisfied that the relevant major firearm part is capable of forming part of a firearm named and identified in the Firearm Licence referred to in that subsection.
- (5) If the Commissioner grants an approval under subsection (2), the Firearm Licence referred to in that

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

16C. Firearm Collector's Licence

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

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

16D. Corporate Licence

- (1) A Corporate Licence may be issued in the corporate or trading name of any bank, financial institution, Government department, State instrumentality or other organisation (the *holder*) approved by the Commissioner.
- (2) A Corporate Licence entitles the holder to possess —
 - (a) the firearms named and identified in that licence; and
 - (b) ammunition for those firearms; and
 - (c) any magazine capable of being used with any of those firearms; and
 - (d) any major firearm part forming part of any of those firearms when that licence was issued; and
 - (e) any major firearm part (other than a magazine) that did not form part of any of those firearms when that licence was issued, but that is approved by the Commissioner, and named and identified in that licence, in accordance with section 16E.

- (3) Subject to subsection (5), a Corporate Licence authorises the holder to permit any person to whom subsection (4) applies to possess, carry or use, in accordance with terms, restrictions, limitations and conditions applicable to that licence, a thing referred to in subsection (2) either —
- (a) on the premises of the holder; or
 - (b) in the course of carrying out a function approved by the Commissioner and authorised by the holder.
- (4) The holder of a Corporate Licence may permit any of the following to possess, carry or use, in accordance with that licence, a thing referred to in subsection (2) —
- (a) a person who is an employee of the holder;
 - (b) a person who is, in respect to any particular act or omission authorised by the holder —
 - (i) an agent of the holder; or
 - (ii) a person acting at the request of and on behalf of the holder;
 - (c) a person employed in the Public Sector by or under an employing authority, as defined in the *Public Sector Management Act 1994* section 5, who is required or authorised by the holder to act on behalf of the holder with respect to a relevant act or omission.
- (5) If the holder of a Corporate Licence holds a security agent's licence under the *Security and Related Activities (Control) Act 1996*, the Corporate Licence authorises the holder to permit an employee to possess a thing referred to in subsection (2) to the extent only that the employee is authorised to do so by a security officer's licence endorsed under section 24, or a permit issued under section 25, of that Act.

16E. Approval for holder of Corporate Licence to possess replacement or additional major firearm parts

- (1) In this section —
major firearm part does not include a magazine.
- (2) The Commissioner may grant the holder of a Corporate Licence approval to possess a major firearm part (the *relevant major firearm part*) for the purpose of —
 - (a) enabling a major firearm part that the holder is entitled to possess under section 16D(2), and that has become irreparably damaged or worn, to be replaced with the relevant major firearm part; or
 - (b) enabling the holder to possess the relevant major firearm part in addition to the major firearm parts that the holder is already entitled to possess under section 16D(2).
- (3) An application for an approval under subsection (2) must be in the approved form.
- (4) The Commissioner cannot grant an approval under subsection (2) unless the Commissioner is satisfied that the relevant major firearm part is capable of forming part of a firearm named and identified in the Corporate Licence referred to in that subsection.
- (5) If the Commissioner grants an approval under subsection (2), the Corporate Licence referred to in that subsection must be amended by naming and identifying the relevant major firearm part in the Corporate Licence.

16F. Dealer's Licence

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

16G. Repairer's Licence

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

- (b) possess ammunition for those firearms; and
 - (c) repair a prohibited firearm accessory that is the subject of an approval granted by the Commissioner under section 16I(2) and endorsed on that licence under section 16I(6).
- (2) A Repairer's Licence authorises the holder or an employee or partner of the holder to —
 - (a) have in their possession, and to carry in the ordinary course of the business of that repairer, a thing referred to in subsection (1); and
 - (b) use a thing referred to in subsection (1) for the purpose of testing it.
- (3) If an approval granted under section 16J(1) is endorsed on a Repairer's Licence under section 16J(4), the Repairer's Licence authorises the holder or an employee or partner of the holder to create, develop and be in possession of firearms technology for the purposes of —
 - (a) the repair of the firearms or major firearm parts the holder is entitled to repair under subsection (1)(a); and
 - (b) the repair of a prohibited firearm accessory the holder is entitled to repair under subsection (1)(c).
- (4) If an approval granted under section 16J(2) is endorsed on a Repairer's Licence under section 16J(4), the Repairer's Licence authorises the person to whom the approval is granted, for the purposes referred to in subsection (3)(a) and (b) —
 - (a) to create or develop firearms technology on behalf of the holder of the Repairer's Licence; and

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

16H. Manufacturer's Licence

- (1) A Manufacturer's Licence entitles the holder, on the premises named and identified in that licence, to —
 - (a) manufacture firearms, major firearm parts or ammunition of the kind specified in that licence; and
 - (b) sell or otherwise dispose of those firearms, major firearm parts and ammunition; and
 - (c) manufacture a prohibited firearm accessory that is the subject of an approval granted by the Commissioner under section 16I(3) and endorsed on that licence under section 16I(6); and
 - (d) sell or otherwise dispose of that prohibited firearm accessory to a person who can lawfully possess a prohibited firearm accessory under this Act.
- (2) A Manufacturer's Licence authorises the holder or an employee or partner of the holder to —
 - (a) have in their possession, and to carry in the ordinary course of the business of that manufacturer, a thing referred to in subsection (1); and
 - (b) use a thing referred to in subsection (1) for the purpose of testing it or of demonstrating it to a prospective purchaser.

- (3) If an approval granted under section 16J(1) is endorsed on a Manufacturer's Licence under section 16J(4), the Manufacturer's Licence authorises the holder or an employee or partner of the holder to create, develop and be in possession of firearms technology for the purposes of —
- (a) the manufacture of the firearms, major firearm parts or ammunition that the holder is entitled to manufacture under subsection (1)(a); and
 - (b) the manufacture of any prohibited firearm accessory that the holder is entitled to manufacture under subsection (1)(c).
- (4) If an approval granted under section 16J(2) is endorsed on a Manufacturer's Licence under section 16J(4), the Manufacturer's Licence authorises the person to whom the approval is granted, for the purposes referred to in subsection (3)(a) and (b) —
- (a) to create or develop firearms technology on behalf of the holder of the Manufacturer's Licence; and
 - (b) to be in possession of firearms technology so created or developed; and
 - (c) to disseminate (as defined in section 23AJ(2)), to the holder of the Manufacturer's Licence, firearms technology so created or developed.

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

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

- (3) The Commissioner may grant the holder of a Manufacturer's Licence approval to manufacture a prohibited firearm accessory.
- (4) An approval under subsection (1), (2) or (3) may relate to prohibited firearms accessories generally or to a particular prohibited firearm accessory specified in the approval.
- (5) An application for an approval under subsection (1), (2) or (3) must be in the approved form.
- (6) If the Commissioner grants an approval under subsection (1), (2) or (3), the approval must be endorsed on the licence referred to in that subsection.

16J. Approval for certain licence holders and other persons to create, develop and be in possession of firearms technology

- (1) The Commissioner may grant the holder of a Repairer's Licence or Manufacturer's Licence approval to create, develop and be in possession of firearms technology.
- (2) The Commissioner may grant a person who is nominated by the holder of a Repairer's Licence or Manufacturer's Licence approval —
 - (a) to create or develop firearms technology on behalf of the holder of the Repairer's Licence or Manufacturer's Licence; and
 - (b) to be in possession of firearms technology so created or developed; and
 - (c) to disseminate (as defined in section 23AJ(2)), to the holder of the Repairer's Licence or Manufacturer's Licence, firearms technology so created or developed.

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

16K. Shooting Gallery Licence

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

16L. Ammunition Collector's Licence

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

23. Part 2 Division 5 heading inserted

Before section 17 insert:

Division 5 — Categories of permits and other approvals

24. Section 17 amended

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

firearm, major firearm part

25. Section 17B amended

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

section 16D;

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

2007.

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

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

sound suppressor

- (b) delete “silencers” and insert:

sound suppressors

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) | |

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

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

26. Part 2 Division 6 heading inserted

Before section 18 insert:

Division 6 — Licensing procedure

27. Section 18 amended

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

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

28. Part 2 Division 7 heading inserted

Before section 19 insert:

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

29. Section 19 amended

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

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

(2) In section 19(1aa) after “firearms” insert:

or major firearm parts

(3) In section 19(1ab):

(a) in paragraph (a) after “firearm” insert:

or major firearm part

(b) in paragraph (b) after “firearms” insert:

or major firearm parts

(4) In section 19(1ac):

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

or major firearm part

(b) in paragraph (a) delete “kind; or” and insert:

kind, or the firearm or a firearm of the same kind to
which the major firearm part relates; or

(c) in paragraph (b) delete “a prescribed firearm; or” and
insert:

prohibited firearm; or

(d) after paragraph (b) insert:

(ba) the major firearm part relates to a handgun or prohibited firearm; or

(e) in paragraphs (c) and (d) after “firearm” insert:

or major firearm part

(5) After section 19(1ad) insert:

(1ADA) Subsection (1) does not apply if —

(a) a person is in possession of a firearm, major firearm part or ammunition in a place or vehicle solely by reason of section 4A(d) or (e); and

(b) the firearm, major firearm part or ammunition is in the lawful possession of another person at that time.

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

firearm, major firearm part

(7) In section 19(2) delete the Penalty and insert:

Penalty for this subsection:

(a) if the firearm concerned was a handgun or prohibited firearm, imprisonment for 5 years;

(b) if the major firearm part concerned relates to a handgun or prohibited firearm, imprisonment for 5 years;

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

(8) Delete section 19(4).

30. Section 19AA amended

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

firearm, major firearm part

31. Part 2 Division 8 heading inserted

Before section 20 insert:

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

32. Section 20 amended

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

firearm, major firearm part, prohibited firearm accessory

33. Part 2 Division 9 heading inserted

Before section 21A insert:

Division 9 — Conduct of business

34. Part 3 heading inserted

Before section 22 insert:

Part 3 — Review of decisions

35. Section 22 amended

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

FPO decision means a decision made by or on behalf of the Commissioner under Part 8;

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

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

Act;

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

- (3) In a proceeding for the review of a decision, when the Commissioner provides the section 24 material for the decision to the Tribunal the Commissioner must —
- (a) advise the Tribunal if any of the section 24 material is or contains matter (*clause 5 matter*) that the Commissioner considers is exempt

under the *Freedom of Information Act 1992* Schedule 1 clause 5; and

- (b) sufficiently identify the clause 5 matter.
- (4) If, in a proceeding for the review of a decision, the Commissioner identifies clause 5 matter under subsection (3)(b) —
- (a) the Attorney General cannot issue a certificate under the *State Administrative Tribunal Act 2004* section 159(2) in relation to the clause 5 matter; and
 - (b) the Tribunal must comply with the *State Administrative Tribunal Act 2004* sections 34(6) and 160(1) and (2)(a) in relation to the clause 5 matter as if the clause 5 matter were considered by the Tribunal to be protected matter under that Act; and
 - (c) the Tribunal must comply with the *State Administrative Tribunal Act 2004* sections 77 and 78 in a way that ensures the Tribunal complies with section 160(1) and (2)(a) of that Act in relation to the clause 5 matter; and
 - (d) despite the *State Administrative Tribunal Act 2004* section 61, the Tribunal must receive any evidence in relation to the clause 5 matter in private and in the absence of any party to the proceeding other than the Commissioner or the Commissioner's representative; and
 - (e) despite the *State Administrative Tribunal Act 2004* section 62, the clause 5 matter cannot be published.
- (5) The *State Administrative Tribunal Act 2004* sections 21, 22, 25(2) and 29(5)(b) do not apply in relation to an FPO decision.

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

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

Reviews by State Administrative Tribunal

36. Section 22AA inserted

After section 22 insert:

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

- (1) In this section —
- clause 5 matter* has the meaning given in section 22(3)(a);
- Supreme Court proceeding* means —
- (a) an appeal to the Court of Appeal, or to the Supreme Court, under the *State Administrative Tribunal Act 2004* section 105 from a decision of the State Administrative Tribunal in a proceeding under section 22 of this Act; or
 - (b) the reference to the Supreme Court under the *State Administrative Tribunal Act 2004* section 59(10)(b) of a question of law arising in a proceeding under section 22 of this Act.
- (2) This section applies if —
- (a) a document is given by the executive officer of the State Administrative Tribunal to the Supreme Court under the *State Administrative Tribunal Act 2004* section 94(3) for the purposes of a Supreme Court proceeding; and

- (b) the document is or contains matter identified by the Commissioner under section 22(3)(b) as clause 5 matter; and
 - (c) the court dealing with the Supreme Court proceeding considers that the matter identified by the Commissioner as clause 5 matter cannot properly be considered to be protected matter for the purposes of the *State Administrative Tribunal Act 2004* section 94(5)(a).
- (3) The court dealing with the Supreme Court proceeding must —
- (a) give the Commissioner the opportunity to withdraw the matter identified by the Commissioner as clause 5 matter from consideration in the Supreme Court proceeding; and
 - (b) if the matter is withdrawn — prohibit the publication of, or a reference to, the matter.

37. Part 4 heading inserted

Before section 22A insert:

Part 4 — Extracts of Licences

38. Section 22A amended

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

firearm, major firearm part

- (2) In section 22A(2):
- (a) delete “firearm,” (1st occurrence) and insert:

firearm, major firearm part
 - (b) in paragraph (b)(ii) delete “firearm” and insert:

firearm, major firearm part

39. Section 22B amended

In section 22B(d) delete “firearm” and insert:

firearm, major firearm part

40. Section 22C amended

In section 22C(1):

- (a) delete “Any person who,” and insert:

A person commits an offence if the person,
- (b) in paragraph (d) delete “firearm” and insert:

firearm, major firearm part
- (c) in paragraph (f) delete the passage that begins with “misleading,” and ends with “offence.” and insert:

misleading.

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

Before section 23 insert:

Part 5 — Offences

Division 1 — General offences

42. Section 23 amended

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

firearm, major firearm part

- (2) In section 23(3):

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

or major firearm part

- (b) delete paragraph (a) and insert:

- (a) if the firearm concerned was a handgun or prohibited firearm, on conviction, to imprisonment for 7 years; or
- (ab) if the major firearm part concerned relates to a handgun or prohibited firearm, on conviction, to imprisonment for 7 years; or

- (3) In section 23(3) in the Summary conviction penalty:
- (a) delete “penalty:” and insert:

penalty for this subsection:
 - (b) in paragraph (a) delete “applies: Imprisonment” and insert:

or (ab) applies, imprisonment
 - (c) in paragraph (b) delete “applies: Imprisonment” and insert:

applies, imprisonment
- (4) In section 23(5):
- (a) in paragraph (a) delete “firearm; or” and insert:

firearm or major firearm part; or
 - (b) in paragraph (b) after “firearm” insert:

or major firearm part
 - (c) in paragraph (c) delete “firearm —” and insert:

firearm or major firearm part —
 - (d) in paragraph (c) after “firearm” (2nd occurrence) insert:

or major firearm part

(e) after paragraph (d) insert:

(da) if the major firearm part concerned relates to a handgun or was modified in a prescribed manner, on conviction, to imprisonment for 7 years; or

(5) In section 23(5) in the Summary conviction penalty:

(a) delete “penalty:” and insert:

penalty for this subsection:

(b) in paragraph (a) delete “applies: Imprisonment” and insert:

or (da) applies, imprisonment

(c) in paragraph (b) delete “applies: Imprisonment” and insert:

applies, imprisonment

(6) Delete section 23(6), (7) and (7a) and insert:

(6) Subject to subsection (7A), a person who uses a sound suppressor commits an offence.

Penalty for this subsection: imprisonment for 7 years.

(7) Subject to subsection (7A), (7B) and (7C), a person who is in possession of a sound suppressor commits an offence.

Penalty for this subsection: imprisonment for 3 years or a fine of \$12 000.

- (7A) A person does not commit an offence under subsection (6) or (7) if the person uses or is in possession of (as the case requires) a sound suppressor —
- (a) in accordance with an authority which is in force under section 17B; or
 - (b) in the course of the performance of the person's duties as a member of the Police Force or an employee of the Department; or
 - (c) in the course of the performance of the person's duties as a member of the armed forces of the Crown or a member of any other disciplined force specified by the Governor for the purposes of this paragraph by notice in the *Gazette*.
- (7B) A person does not commit an offence under subsection (7) if the person —
- (a) is a responsible person (as defined in section 33A(3)(b)) or an approved person (as defined in section 33A(3)(c)); and
 - (b) is in possession of a sound suppressor surrendered under section 33A(1)(b) in accordance with an approval given by the Commissioner under section 33A(2).
- (7C) A person does not commit an offence under subsection (7) if —
- (a) the person is in possession of a sound suppressor in a place or vehicle solely by reason of section 4A(d) or (e); and
 - (b) the sound suppressor is in the lawful possession of another person at that time.

- (7) In section 23(9):
- (a) delete “who, —” and insert:

commits an offence if the person —
 - (b) in paragraph (a) delete “firearm” and insert:

firearm, major firearm part
 - (c) in paragraph (b) delete “firearm; or” and insert:

firearm or major firearm part; or
 - (d) in paragraph (c) delete “bullet or other missile” and insert:

bullet, missile or other projectile
 - (e) in paragraphs (d) and (e) delete “firearm” (each occurrence) and insert:

firearm, major firearm part
 - (f) in paragraph (e) delete the passage that begins with “time” and ends with “offence.” and insert:

time.
- (8) Delete section 23(9a) and insert:
- (9A) A person commits a crime if the person discharges from any place a firearm, or any shot, bullet, missile or

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

Penalty for this subsection: imprisonment for 7 years.

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

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

firearm or major firearm part,

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

or major firearm part

43. Part 5 Divisions 2 to 4 inserted

After section 23 insert:

Division 2 — Offences relating to prohibited firearm accessories

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

- (1) In this section —

circumstances of aggravation means circumstances in which —

- (a) a prohibited firearm accessory is fitted to a firearm; or

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

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

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

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

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

23AC. Unauthorised manufacture of firearms and other things

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

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

Penalty for this subsection: imprisonment for 14 years.

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

23AD. Unauthorised repair of firearms and other things

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

Penalty: imprisonment for 14 years.

23AE. Unauthorised dealing in firearms and other things

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

Penalty: imprisonment for 14 years.

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

- (1) In this section —

firearms activity means —

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

- (c) the dealing of a firearm, major firearm part, prohibited firearm accessory or ammunition;

firearms precursor means any of the following —

- (a) firearms technology;
 - (b) a thing that —
 - (i) is not programmed, configured or otherwise enabled as referred to in section 23AG(1)(a)(i) or (ii); but
 - (ii) is capable of being so configured, programmed or otherwise enabled;
 - (c) a substance or material used, or capable of being used, in a step in the manufacture or repair of a firearm, major firearm part, prohibited firearm accessory or ammunition, including fingerprint proof polymers, other polymers, alloys or components;
 - (d) hand grip moulds or other moulds for manufacturing or repairing a firearm, major firearm part, prohibited firearm accessory or ammunition;
 - (e) any other prescribed thing used, or capable of being used, in a step in the manufacture or repair of a firearm, major firearm part, prohibited firearm accessory or ammunition.
- (2) A person commits a crime if —
- (a) the person participates in a firearms activity; and
 - (b) the firearms activity is not authorised by a licence under this Act.

Penalty for this subsection: imprisonment for 14 years.

- (3) For the purposes of subsection (2), a person *participates* in a firearms activity if the person does any of the following for the purposes of the firearms activity —
- (a) takes, or participates in, a step, or causes a step to be taken in the firearms activity;
 - (b) provides or arranges finance for a step in the firearms activity;
 - (c) provides the place in which a step in the firearms activity is taken, or allows a step in the firearms activity to be taken at a place of which the person is an owner, lessee or occupier or of which the person has care, control or management;
 - (d) without limiting paragraph (a) — is in possession of, provides or supplies a firearms precursor for a step in the manufacture or repair of a firearm, major firearm part, prohibited firearm accessory or ammunition.
- (4) This section applies regardless of whether a firearm, major firearm part, prohibited firearm accessory or ammunition is actually manufactured, repaired or otherwise dealt with.

Division 4 — Offences relating to firearms technology

23AG. Firearms technology

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

- (ii) without limiting subparagraph (i), to change an object into a component of a firearm, major firearm part, prohibited firearm accessory or ammunition;
 - (b) any type of digital or electronic reproduction of a technical drawing of the design of a firearm, major firearm part, prohibited firearm accessory or ammunition;
 - (c) a plan, drawing, instruction, template or computer program, in digital or electronic form, for the manufacture or repair of a firearm, major firearm part, prohibited firearm accessory or ammunition;
 - (d) a hard copy of a digital or electronic thing referred to in paragraph (b) or (c).
- (2) The reference in subsection (1)(a) to a thing is a reference to any machinery, equipment, object or device, including the following —
- (a) a 3D printer or other similar additive manufacturing technology;
 - (b) a moulding device;
 - (c) a milling device;
 - (d) a remote controlled device (for example, a drone);
 - (e) an electronic firing mechanism;
 - (f) railgun technology;
 - (g) any other prescribed thing.

23AH. Unauthorised possession of firearms technology

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

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

Penalty for this subsection: imprisonment for 10 years.

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

- (2) For the purposes of subsection (1), a person is in **possession** of firearms technology if —
- (a) any of the circumstances referred to in section 4A apply in relation to the person and the firearms technology; or
 - (b) any of the circumstances referred to in section 4A apply in relation to the person and a computer or other data storage device (a **relevant storage device**) on which the firearms technology is held or contained; or
 - (c) the person controls or accesses the firearms technology by means of a remote computer or web portal, including a remote computer or web portal that is —
 - (i) in the control of another person; or
 - (ii) outside the jurisdiction.
- (3) Subsection (1) does not apply if —
- (a) a person is in possession of firearms technology in a place or vehicle solely by reason of the circumstances referred to in section 4A(d) or (e) applying in relation to the firearms technology or a relevant storage device; and
 - (b) the firearms technology is in the lawful possession of another person at that time.

23AI. Unauthorised creation or development of firearms technology

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

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years.

23AJ. Unauthorised dissemination of firearms technology

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

Penalty for this subsection: imprisonment for 10 years.

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

- (2) For the purposes of subsection (1), a person *disseminates* firearms technology if the person —
- (a) sends, supplies, exhibits, transmits or communicates firearms technology to another person; or
 - (b) makes firearms technology available for access by electronic or other means by another person; or
 - (c) enters into an arrangement with another person to do any of the things set out in paragraphs (a) and (b).

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

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

by the person is in the course of the performance of the person's duties as —

- (a) a member of the Police Force or an employee of the Department; or
 - (b) a member of the armed forces of the Crown or a member of any other disciplined force specified by the Governor for the purposes of this paragraph by notice in the *Gazette*.
- (2) A person does not commit an offence under section 23AH, 23AI or 23AJ if the conduct engaged in by the person is necessary for or of assistance in, but did not extend beyond, any of the following —
- (a) enforcing or administering a written law or a law of another State, a Territory or the Commonwealth;
 - (b) monitoring compliance with, or investigating a contravention of, a written law or a law of another State, a Territory or the Commonwealth;
 - (c) the administration of justice.
- (3) The question of whether a person's conduct is necessary or of assistance in any of the matters outlined in subsection (2)(a), (b) or (c) is a question of fact and the person's motives for engaging in the conduct are irrelevant.
- (4) A person does not commit an offence under section 23AH, 23AI or 23AJ if the conduct engaged in by the person —
- (a) is necessary for or of assistance in conducting scientific, medical, educational, military or law enforcement research that has been approved by the Commissioner in writing for the purposes of this paragraph; and

- (b) does not contravene a condition of that approval.

44. Part 5 Division 5 heading inserted

Before section 23A insert:

Division 5 — Limitation periods

45. Part 6 heading inserted

Before section 23B insert:

Part 6 — Disclosure of information under this Act and other matters

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

Before section 24 insert:

Part 7 — Enforcement

Division 1 — General enforcement matters

47. Section 24 amended

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

firearm, major firearm part, prohibited firearm accessory

(2) In section 24(3):

(a) after “firearm” insert:

or major firearm part

(b) delete “firearm,” and insert:

firearm or major firearm part,

(3) After section 24(3) insert:

(3A) A member of the Police Force who suspects on reasonable grounds that a person is in possession of firearms technology may direct that the person provide a password, device or some other information or thing to enable the member of the Police Force to access the firearms technology.

(3B) A person who refuses or fails without lawful excuse to comply with any direction given by a member of the Police Force under subsection (3A) commits a crime.

Penalty for this subsection: imprisonment for 10 years.

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

(4) In section 24(4):

(a) in paragraph (b)(i) delete “firearm” and insert:

firearm, major firearm part, prohibited firearm accessory

(b) in paragraph (b)(ii) delete “firearm” and insert:

firearm, major firearm part, prohibited firearm accessory
or ammunition

(5) In section 24(5) delete “firearm” and insert:

firearm, major firearm part, prohibited firearm accessory

(6) In section 24(6):

(a) delete “who —” and insert:

commits an offence if the person —

(b) in paragraph (c) delete the passage that begins with
“Force,” and ends with “\$4 000.” and insert:

Force.

(7) At the end of section 24(6) insert:

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

(8) Delete section 24(8) and insert:

(8) The regulations may make provision as to the giving of
the report required by subsection (7)(b).

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

sound suppressor.

48. Section 25 amended

In section 25(2):

- (a) delete “firearm” and insert:

firearm, major firearm part or prohibited firearm
accessory

- (b) delete “firearm.” and insert:

firearm, major firearm part or prohibited firearm
accessory.

49. Section 26 amended

- (1) In section 26(1):

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

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

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

firearm, major firearm part, prohibited firearm
accessory, ammunition, firearms precursor, sound
suppressor

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

firearm, major firearm part, prohibited firearm accessory, ammunition, firearms precursor, sound suppressor or other thing, and to seize any such

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

firearm, major firearm part, prohibited firearm accessory

50. Part 7 Division 2 inserted

After section 26 insert:

Division 2 — Enforcement powers relating to firearms prohibition orders

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

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

- (a) are in addition to, and do not limit, the powers that a member of the Police Force has under Division 1 or any other law; and
- (b) may be exercised by a member of the Police Force without a warrant.

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

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

or thing that it is reasonably necessary to use in the circumstances —

- (a) to exercise the power; and
 - (b) to overcome any resistance to exercising the power that is offered, or that the person exercising the power suspects on reasonable grounds will be offered, by any person.
- (2) If under subsection (1) a member of the Police Force uses force, the force may be of a kind that causes damage to the property of another person.
- (3) Any use of force under subsection (1) against a person is subject to *The Criminal Code* Chapter XXVI.

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

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

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

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

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

- (2) The powers of a member of the Police Force under this section may be exercised in relation to a person in company with a prohibited person only if the member of the Police Force suspects on reasonable grounds that the person in company or the prohibited person has committed an offence under Part 8.
- (3) A member of the Police Force may exercise any of the following powers —
- (a) stop and search a prohibited person;
 - (b) stop and search a person who is in the company of a prohibited person;
 - (c) search any item, package or thing in the possession of a person who is the subject of a search under this section.
- (4) A member of the Police Force who conducts a search of a person under this section may do any of the following —
- (a) stop and detain the person being searched for so long as is reasonably necessary to conduct the search;
 - (b) seize a thing relevant to an offence under this Act —
 - (i) that is found on the person or in an item, package or thing in the person's possession; or
 - (ii) that the person is carrying or using.
- (5) A member of the Police Force may seize a firearm, major firearm part, prohibited firearm accessory or ammunition under subsection (4)(b) even if a person is authorised under this Act to be in possession of the firearm, major firearm part, prohibited firearm accessory or ammunition.

26E. Seizure of things not immediately surrendered under s. 29I

- (1) This section applies if —
 - (a) a prohibited person —
 - (i) does not immediately surrender a thing under section 29I(2), (3) or (4); or
 - (ii) as referred to in section 29I(6), cannot immediately surrender a thing under section 29I(2), (3) or (4) (for example, because the thing is located or stored at a different place);
 - and
 - (b) a member of the Police Force suspects on reasonable grounds that the prohibited person is in possession of the thing.
- (2) The member of the Police Force may —
 - (a) enter a place in which the member of the Police Force suspects on reasonable grounds the thing is located or stored; and
 - (b) search for, and seize, the thing.
- (3) This section is in addition to, and does not limit, the other powers conferred by this Division on a member of the Police Force.

51. Part 7 Division 3 heading inserted

Before section 27A insert:

Division 3 — Powers of the court and other matters

52. Section 28 amended

In section 28:

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

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

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

thing

53. Part 8 inserted

After section 29 insert:

Part 8 — Firearms prohibition orders**Division 1 — Making of firearms prohibition order and other matters****29A. Commissioner may make firearms prohibition order**

- (1) The Commissioner may make an order (a *firearms prohibition order*) against a person if the Commissioner is satisfied that —
- (a) possession of a firearm, major firearm part, prohibited firearm accessory or ammunition by the person would likely result in undue danger to life or property; or

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

29B. Form and content of firearms prohibition order

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

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

29C. Service of firearms prohibition order

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

29D. Powers to request particulars and detain for purposes of service

- (1) This section applies if a member of the Police Force suspects on reasonable grounds that someone is a person on whom a firearms prohibition order is required to be served under section 29C.
- (2) The member of the Police Force may do any or all of the following —
 - (a) direct the person to stop;
 - (b) direct the person to provide their personal details;
 - (c) direct the person to remain at a particular place for as long as is reasonably necessary (but no longer than 2 hours) to serve the firearms prohibition order;
 - (d) direct the person to —
 - (i) accompany the member of the Police Force to the nearest police station or some other place; and
 - (ii) remain at the police station or other place for as long as is reasonably necessary (but no longer than 2 hours) to serve the firearms prohibition order.
- (3) If a member of the Police Force suspects on reasonable grounds that a personal detail given by a person in response to a direction under subsection (2)(b) is false, the member of the Police Force may direct the person to produce evidence of the correctness of the detail.

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

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

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

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

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

- (2) A person who is directed by a member of the Police Force under section 29D(2)(b) to provide their personal details commits an offence if the person, without lawful excuse —
- (a) refuses or fails to comply with the direction; or
 - (b) provides any personal detail that is false in a material particular.

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

- (3) A person who is directed by a member of the Police Force under section 29D(3) to produce evidence of the correctness of a personal detail commits an offence if the person, without lawful excuse —
- (a) refuses or fails to comply with the direction; or
 - (b) produces evidence that is false in a material particular.

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

29F. Proof of service of firearms prohibition order

- (1) As soon as practicable after a member of the Police Force serves a firearms prohibition order under section 29C, the member of the Police Force must complete a certificate of service.
- (2) The certificate must state that, on the day and at the time and place stated in the certificate, the member of the Police Force giving the certificate served the firearms prohibition order in accordance with section 29C.

- (3) The certificate must state the full name of the person served.
- (4) A certificate under this section is, in the absence of evidence to the contrary, sufficient proof of service of the firearms prohibition order on the person stated to have been served.

29G. Commencement and duration of firearms prohibition order

- (1) A firearms prohibition order comes into force when the firearms prohibition order is served on the person against whom it is made under section 29C.
- (2) A firearms prohibition order remains in force for a period of 10 years, beginning on the day on which it comes into force, unless the firearms prohibition order is revoked sooner under subsection (3).
- (3) The Commissioner may revoke a firearms prohibition order at any time for any or no stated reason.

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

- (1) If a firearms prohibition order comes into force under section 29G(1), all licences, permits, approvals and authorisations under this Act held by the prohibited person are revoked.
- (2) The regulations may provide for the reinstatement of a licence, permit, approval or authorisation revoked under subsection (1), or make any other provision necessary or convenient to be made, to deal with the consequences of the setting aside or quashing, by the State Administrative Tribunal or a court, of a decision of the Commissioner under section 29A to make a firearms prohibition order.

Division 2 — Offences relating to firearms prohibition orders

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

- (1) This section applies if a firearms prohibition order is served under section 29C.
- (2) Except as provided in subsection (6), the prohibited person must immediately surrender to the member of the Police Force serving the firearms prohibition order any licence, permit, approval or authorisation under this Act, and any Extract of Licence, that are in the person's possession.

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

- (3) Except as provided in subsection (6), the prohibited person must immediately surrender to the member of the Police Force serving the firearms prohibition order any of the following that are in the person's possession —
 - (a) a firearm (other than a handgun or prohibited firearm);
 - (b) a major firearm part (other than a major firearm part related to a handgun or prohibited firearm);
 - (c) a prohibited firearm accessory;
 - (d) ammunition.

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

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

- (a) a handgun;
- (b) a prohibited firearm;
- (c) a major firearm part related to a handgun or prohibited firearm.

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

- (5) An offence under subsection (2), (3) or (4) is a crime.
- (6) If the prohibited person cannot immediately surrender a thing referred to in subsection (2), (3) or (4) (for example, because the thing is located or stored at a different place) —
- (a) those subsections do not apply; and
 - (b) the member of the Police Force serving the firearms prohibition order may direct the prohibited person to give, to the member of the Police Force, information about the location of the thing and any other information necessary to enable a member of the Police Force to then locate the thing and seize it in accordance with this Act.
- (7) A prohibited person commits a crime if the prohibited person refuses or fails without lawful excuse to comply with any direction given by a member of the Police Force under subsection (6)(b).

Penalty for this subsection: imprisonment for 10 years and a fine of \$50 000.

29J. Prohibition on prohibited persons acquiring, possessing or using firearms and other things

- (1) A prohibited person commits a crime if the person acquires, is in possession of, or uses a firearm (other than a handgun or prohibited firearm), major firearm part (other than a major firearm part related to a handgun or prohibited firearm), prohibited firearm accessory or ammunition.

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

- (2) A prohibited person commits a crime if the person acquires, is in possession of, or uses a handgun, prohibited firearm or major firearm part related to a handgun or prohibited firearm.

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

- (3) Subsection (4) applies if —

(a) a prohibited person —

- (i) cannot immediately surrender a firearm, major firearm part, prohibited firearm accessory or ammunition (the *relevant thing*) under section 29I(3) or (4); but
- (ii) gives information to the member of the Police Force serving the firearms prohibition order in compliance with a direction given by the member of the Police Force under section 29I(6)(b);

and

- (b) the information given by the prohibited person enables a member of the Police Force to then locate and seize the relevant thing within 24 hours of the firearms prohibition order being served under section 29C.

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

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

- (1) In this section —

commercial premises means any premises (including premises that are also a residence) —

- (a) named and identified in a Dealer's Licence, a Repairer's Licence or a Manufacturer's Licence; or
- (b) used by an approved warehouseman to store a firearm, major firearm part or ammunition for another person;

residence means a place used for residential purposes.

- (2) A prohibited person commits a crime if the person enters or remains at any of the following —
- (a) a place where a firearm, major firearm part, prohibited firearm accessory or ammunition is sold, repaired or manufactured;
 - (b) a shooting range;
 - (c) a shooting club;
 - (d) a firearms collectors club;
 - (e) a paintball club;
 - (f) a commercial premises where a firearm, major firearm part, prohibited firearm accessory or ammunition is stored;

- (g) a place that is set aside predominantly for activities involving firearms.

Penalty for this subsection: imprisonment for 10 years and a fine of \$50 000.

- (3) A prohibited person commits a crime if the person resides at a commercial premises where a firearm, major firearm part, prohibited firearm accessory or ammunition is stored.

Penalty for this subsection: imprisonment for 10 years and a fine of \$50 000.

- (4) A prohibited person commits an offence if the person enters or remains at a residence (other than a commercial premises) where a firearm, major firearm part, prohibited firearm accessory or ammunition is stored.

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

- (5) A prohibited person commits an offence if the person resides at a residence (other than a commercial premises) where a firearm, major firearm part, prohibited firearm accessory or ammunition is stored.

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

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

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

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

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

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

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

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

- (1) A person commits a crime if the person gives to a prohibited person possession of a firearm (other than a handgun or prohibited firearm), major firearm part (other than a major firearm part related to a handgun or prohibited firearm), prohibited firearm accessory or ammunition.

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

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

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

29N. Prohibited person to notify change of address

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

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

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

290. Recognition of firearms prohibition orders of other jurisdictions

- (1) In this section —
corresponding firearms prohibition order means a prescribed order that —
- (a) is made under a law of another State or a Territory containing provisions that substantially correspond to this Part; and
 - (b) substantially corresponds to a firearms prohibition order.
- (2) If a corresponding firearms prohibition order is in force in relation to a person —
- (a) the person is, for the purposes of this Act, taken to be a prohibited person; and
 - (b) this Act applies to, and may be enforced in this State against, the person accordingly.

54. Part 9 heading inserted

Before section 30 insert:

Part 9 — Sale, destruction of firearms and other matters

55. Section 30A amended

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

- (1) A person who, except as described in subsection (2), advertises that a firearm or major firearm part is for sale must ensure that the advertisement includes —
- (a) in the case of a firearm — the type, make, serial number and calibre of the firearm; or
 - (b) in the case of a major firearm part —
 - (i) if the major firearm part has a serial number — that number; and
 - (ii) any other particulars of the major firearm part that are prescribed.

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

(2) In section 30A(2):

(a) after “firearm” insert:

or major firearm part

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

must

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

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

- (4) In section 30A(3):
- (a) after “firearm” (1st occurrence) insert:

or major firearm part
 - (b) in paragraph (a) delete “is required to address the firearm” and insert:

must address the firearm or major firearm part
 - (c) delete paragraph (b) and insert:

(b) must not send ammunition in the package containing the firearm or major firearm part.

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

Sale and disposal of firearms and major firearm parts

56. Section 30B amended

- (1) In section 30B(1):
- (a) delete “firearm” (1st occurrence) and insert:

firearm, major firearm part
 - (b) in paragraph (a) delete “firearm” and insert:

firearm, major firearm part
 - (c) in paragraph (b) after “firearm” insert:

or major firearm part

- (d) delete “is required, as soon as is practicable, to” and insert:

must, as soon as is practicable,

- (2) At the end of section 30B(1) insert:

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

- (3) In section 30B(2):

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

or major firearm part

- (b) delete “firearm —” and insert:

firearm or major firearm part —

- (c) delete “is required, as soon as is practicable, to report to the Commissioner the details of the firearm” and insert:

must, as soon as is practicable, report to the
Commissioner the details of the firearm or major firearm
part

- (d) delete “firearm;” and insert:

firearm or major firearm part;

s. 57

57. Section 31 amended

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

firearms, major firearm parts

58. Section 32 amended

In section 32 delete “firearms” and insert:

firearms, major firearm parts

59. Section 33 amended

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

firearm, major firearm part, prohibited firearm accessory

(2) In section 33(2):

(a) delete “firearm” and insert:

firearm, major firearm part

(b) delete “can not” and insert:

cannot

- (3) In section 33(3):
- (a) delete “firearm” (1st occurrence) and insert:

firearm, major firearm part, prohibited firearm accessory
 - (b) delete “conditions, and” and insert:

conditions, and —
 - (c) in paragraph (b) delete “firearm” and insert:

firearm, major firearm part, prohibited firearm accessory
- (4) After section 33(3) insert:
- (4) In relation to a firearm, major firearm part, prohibited firearm accessory, ammunition or other thing that is surrendered to, seized by, or that otherwise comes into possession of, a member of the Police Force under this Act, the regulations may —
 - (a) provide for the steps that are required to be taken after the thing is acquired; and
 - (b) provide for the disposal of the thing.
 - (5) Regulations cannot be made under subsection (4)(b) in relation to a firearm, major firearm part, prohibited firearm accessory or ammunition —
 - (a) in the circumstances referred to in subsection (1)(a) to (c) and (3)(b); or
 - (b) if section 33C(2) applies.

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

Dealing with things in possession of Police Force under this Act

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

After section 33 insert:

33A. Surrender of things to Commissioner

- (1) A person who is in possession of a firearm, major firearm part, prohibited firearm accessory, sound suppressor or ammunition may surrender it to the Commissioner by bringing it to —
 - (a) a police station; or
 - (b) either of the following at an approved location —
 - (i) the responsible person (as defined in subsection (3)(b));
 - (ii) an approved person (as defined in subsection (3)(c)).
- (2) The Commissioner may approve a location for the purposes of subsection (1)(b) if the location is a premises named and identified in a Dealer's Licence or a Manufacturer's Licence.
- (3) The Commissioner's approval must specify the following —
 - (a) the address of the approved location;
 - (b) the name of the person (the *responsible person*) who is the holder of the Dealer's Licence or the Manufacturer's Licence for the approved location;
 - (c) the name of any other person (an *approved person*) to whom a firearm, major firearm part, prohibited firearm accessory, sound suppressor or ammunition may be brought at the approved location;

- (d) the storage requirements in relation to any firearm, major firearm part, prohibited firearm accessory, sound suppressor or ammunition that is surrendered at the approved location;
 - (e) the manner in which any firearm, major firearm part, prohibited firearm accessory, sound suppressor or ammunition that is surrendered at the approved location must be delivered to the Commissioner;
 - (f) the reporting requirements in relation to any firearm, major firearm part, prohibited firearm accessory, sound suppressor or ammunition that is surrendered at the approved location.
- (4) The responsible person must ensure that the requirements referred to in subsection (3)(d) to (f) are complied with.

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

33B. Amnesty for things surrendered to Commissioner

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

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

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

- (1) A person who surrenders a firearm, major firearm part or ammunition under section 33A(1) may, within 14 days of surrendering it, apply under this Act for the necessary licence, permit or approval to acquire, possess or use the firearm, major firearm part or ammunition.
- (2) The Commissioner may, in the manner that the Commissioner thinks fit, sell or dispose of a firearm, major firearm part or ammunition surrendered under section 33A(1) if —
 - (a) the person who surrendered the firearm, major firearm part or ammunition has not made an application under subsection (1) within 14 days of surrendering it; or
 - (b) the person who surrendered the firearm, major firearm part or ammunition made an application under subsection (1) that was refused, and any subsequent reviews and appeals in relation to that refusal have been finally determined or otherwise disposed of.
- (3) The proceeds of the sale of a firearm, major firearm part or ammunition under subsection (2), after deduction of the expenses of and incidental to the sale, must —
 - (a) if the Commissioner is of the opinion that it is appropriate and practicable to do so — be paid to the person who surrendered it; or

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

61. Section 34 amended

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

firearms, major firearm parts, prohibited firearm accessories

62. Section 35 inserted

After section 34 insert:

35. Review by Minister

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Firearms Amendment Act 2022*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Firearms Amendment Act 2022* section 62 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

63. Part 10 inserted

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

Part 10 — Transitional provisions for *Firearms Amendment Act 2022*

36. Licences under repealed s. 16

- (1) In this section —
commencement day means the day on which the *Firearms Amendment Act 2022* section 22 comes into operation.
- (2) A licence specified in column 1 of the Table that is in force immediately before commencement day is taken, on and after commencement day, to be the licence specified opposite it in column 2 of the Table.

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 |

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

64. Schedule 1 deleted

Delete Schedule 1.

s. 65

65. Various penalties amended

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

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; |

66. Various references to gender removed

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

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 |

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 |

Part 3 — Consequential and related amendments to other Acts

Division 1 — *The Criminal Code* amended

67. Act amended

This Division amends *The Criminal Code*.

68. Section 378 amended

After section 378(5)(f) insert:

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

69. Section 417A amended

After section 417A(4) insert:

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

Division 2 — *Criminal Organisations Control Act 2012* amended

70. Act amended

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

71. Section 3 amended

- (1) In section 3(1) delete the definitions of:
firearm
firearms licence

(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;

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 Act 2022**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 |

73. Various references to “firearms licence”, “firearms licences”, “authorisation”, “licence” and “firearms licenses” replaced

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

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 |

Note 1: The heading to amended section 84 is to read:

Dealing with things surrendered or seized: firearm items, firearms authorisations and weapons

Note 2: The heading to amended section 93 is to read:

Inquiries about use of, or access to, firearm items

Note 3: The heading to section 105 is to read:

Failure to disclose information or giving false information about use of or access to firearm items

Note 4: The heading to amended section 108 is to read:

Offence for responsible person or co-licensee to allow controlled person to access firearm item

Division 3 — *Prohibited Behaviour Orders Act 2010* amended

74. Act amended

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

75. Section 3 amended

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

firearm

firearm licence

Firearms Amendment Act 2022

Part 3 Consequential and related amendments to other Acts

Division 3 Prohibited Behaviour Orders Act 2010 amended

s. 76

(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;

76. 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)(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 |

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

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

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 Act 2022

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 |

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

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

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

Seizure of firearm items

Division 4 — Restraining Orders Act 1997 amended

78. Act amended

This Division amends the *Restraining Orders Act 1997*.

79. Section 3 amended

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

firearm

firearms licence

(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;

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 Act 2022

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 |

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

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

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 |

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

Seizure of firearm items and explosives

Division 5 — Other Acts amended

82. *Children and Community Services Act 2004* amended

- (1) This section amends the *Children and Community Services Act 2004*.
- (2) In section 112 delete the definition of *firearm*.
- (3) In section 112 insert in alphabetical order:

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;

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

firearm article,

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

- (1) This section amends the *Court Security and Custodial Services Act 1999*.
- (2) In section 95(a) delete “ammunition or a silencer or contrivance of a similar nature; or” and insert:

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

84. *Prisons Act 1981* amended

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

Firearms Amendment Act 2022

Part 3 Consequential and related amendments to other Acts

Division 5 Other Acts amended

s. 85

- (2) In section 49B(1)(a) delete “ammunition or a silencer or contrivance of a similar nature; or” and insert:

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

85. Sentencing Act 1995 amended

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

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 |

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

© State of Western Australia 2022.

This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).

To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.

Attribute work as: © State of Western Australia 2022.

By Authority: GEOFF O. LAWN, Government Printer