

PO302

Firearms Act 1973

Firearms Amendment Regulations (No. 2) 2022

SL 2022/190

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Firearms Amendment Regulations (No. 2) 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 19 November 2022.

3. Regulations amended

These regulations amend the *Firearms Regulations 1974*.

4. Regulation 2 amended

- (1) In regulation 2(1) insert in alphabetical order:

firearm item means any of the following —

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

- (2) In regulation 2(1) in the definition of *firearms safety test* delete “a written test, approved by the Commissioner,” and insert:

an approved written test

5. Regulations 2AA and 2AB inserted

After regulation 2 insert:

2AA. Prescribed things that are not firearms (Act s. 4)

For the purposes of paragraph (b)(viii) of the definition of *firearm* in section 4 of the Act, the following are prescribed —

- (a) a device made to throw a net for the purpose of catching animals, unless operation of the device requires the discharge of blank ammunition;
- (b) a medical device for human or animal therapeutic diagnosis or treatment, including —
 - (i) a surgical staple gun; or
 - (ii) an insulin pump or other battery-powered device for transfer of injectables; or
 - (iii) any other medical device that is spring-loaded, is battery-powered or uses compressed gas.

2AB. Prescribed prohibited firearm accessories (Act s. 4)

For the purposes of paragraph (e) of the definition of *prohibited firearm accessory* in section 4 of the Act, the following are prescribed —

- (a) a device made to be fitted to the barrel of a firearm so as to catch, trap and dispose of firearm cleaning solvent;
- (b) a device made to be fitted in the chamber of a firearm to allow the firearm to discharge a different cartridge than the type it was designed to discharge;
- (c) a device made to be fitted to a magazine so as to limit its capacity.

6. Regulation 2A amended

In regulation 2A(2) delete “and (mb)”.

7. Regulation 2B amended

In regulation 2B delete “Act” and insert:

Act,

8. Regulations 2C and 2D inserted

After regulation 2B insert:

2C. Prescribed manner of unlawful modification of major firearm part (Act s. 23(5)(da))

For the purposes of section 23(5)(da) of the Act, the following are prescribed —

- (a) modifying an assembled trigger mechanism of a firearm from semi-automatic to fully automatic;
- (b) shortening the barrel or stock of a firearm.

2D. Prescribed corresponding firearms prohibition orders (Act s. 29O(1))

For the purposes of the definition of *corresponding firearms prohibition order* in section 29O(1) of the Act, the following are prescribed —

- (a) a firearms prohibition order as defined in the *Firearms Act 1996* (New South Wales) section 4(1);
- (b) a firearm prohibition order as defined in the *Firearms Act 1997* (Northern Territory) section 49B;
- (c) a firearms prohibition order as defined in the *Firearms Act 2015* (South Australia) section 4(1);
- (d) a firearms prohibition order as defined in the *Firearms Act 1996* (Tasmania) section 3;
- (e) a firearm prohibition order as defined in the *Firearms Act 1996* (Victoria) section 112A.

9. Regulation 3A amended

- (1) In regulation 3A(1)(a) delete “the applicable form in Schedule 1” and insert:

an approved form

- (2) In regulation 3A(2)(a) delete “form of Form 6” and insert:

approved form

- (3) In regulation 3A(4) delete “form of Form 6” and insert:

approved form

10. Regulation 3BA deleted

Delete regulation 3BA.

11. Regulation 4 amended

In regulation 4(1):

- (a) delete “licence or a permit under section 17” and insert:

permit or licence granted under section 17 or 18(6)

- (b) delete “a place approved by the Commissioner.” and insert:

an approved place.

Note: The heading to amended regulation 4 is to read:

Notices of renewal for licences and permits

12. Regulation 6 amended

- (1) In regulation 6(2):

- (a) delete “one of the Table hereunder” and insert:

1 of the Table

- (b) delete “second” and insert:

2nd

- (c) before the Table insert:

Table

- (2) In regulation 6(3) delete “shall be taken as a reference to the approval of the Commissioner expressed” and insert:

is taken to be a reference to an approval

13. Regulation 7 amended

- (1) Delete regulation 7(1)(c) and insert:
 - (c) an approved place.

- (2) In regulation 7(3):
 - (a) in paragraph (a) after “the firearm” insert:

or major firearm part
 - (b) in paragraph (b) delete “a manner approved by the Commissioner,” and insert:

an approved manner,
 - (c) in paragraph (c) delete “the form of Form 2” and insert:

an approved form

- (3) In regulation 7(4) after “firearm” insert:

or major firearm part

- (4) In regulation 7(9) delete “shall be guilty of” and insert:

commits

Note: The heading to amended regulation 7 is to read:

Applications for licences and permits**14. Regulation 7A amended**

In regulation 7A(1a)(a) delete “the form of Form 8” and insert:

an approved form

15. Regulation 7B amended

In regulation 7B delete “a manner approved by the Commissioner.” and insert:

an approved manner.

16. Regulation 8 amended

In regulation 8(2a) delete “the form of Form 8” and insert:

an approved form

Note: The heading to amended regulation 8 is to read:

Issue of duplicate licences and permits

17. Regulation 9 amended

In regulation 9(1)(c) after “firearm” insert:

or major firearm part

18. Regulation 10 amended

(1) In regulation 10(1) after “firearms” (each occurrence) insert:

or major firearm parts

(2) In regulation 10(2):

(a) after “firearms” insert:

or major firearm parts

(b) delete “firearm.” and insert:

firearm or major firearm part.

19. Regulation 11 amended

(1) In regulation 11(1):

(a) delete “or ammunition” and insert:

item

(b) delete “the form of Form 7” and insert:

an approved form

(2) Delete regulation 11(2) and insert:

(2) Where the Commissioner accepts into safe custody any firearm item from any person the Commissioner must —

(a) cause an identifying tag or tie label to be placed on, or attached to, the item bearing the name and address of the owner and the depositor of the item, the date of deposit, the type of item, the maker's name and —

(i) in the case of a firearm, the serial number of the firearm and the calibre; or

(ii) in the case of a major firearm part, the serial number, if any;

and

(b) cause that item to be kept secure under lock and key and regularly maintained.

(3) In regulation 11(3):

(a) delete “shall attach” and insert:

attaches

(b) delete “shall” (2nd occurrence) and insert:

can

(c) delete “or ammunition” and insert:

item

20. Regulation 11A amended

(1) In regulation 11A(1) delete “firearms” (each occurrence) and insert:

firearms, major firearm parts

(2) In regulation 11A(2) delete “Firearms” and insert:

Firearms, major firearm parts

- (3) In regulation 11A(8) after “firearm” (each occurrence) insert:

or major firearm part

21. Regulation 12 replaced

Delete regulation 12 and insert:

12. Disposal

If the Commissioner disposes of a firearm item in the Commissioner’s possession by virtue of the Commissioner’s authority under section 33(1) of the *Firearms Act 1973*, the Commissioner may —

- (a) if the item is suitable, enter and retain it in the Police Department Armoury and Ballistics Library; or
- (b) in the case of a firearm, major firearm part or ammunition, sell the item; or
- (c) destroy the item by smelting or other approved method under police supervision.

22. Regulation 15 amended

- (1) In regulation 15(1):

- (a) delete “shall —” and insert:

must do the following —

- (b) in paragraph (c) delete “therein” and insert:

in the shooting gallery

- (2) In regulation 15(2):

- (a) delete “No person” and insert:

A person

- (b) delete “shall,” and insert:

must not,

- (c) delete “no person shall” and insert:

a person must not

- (3) In regulation 15(3):
- (a) delete “No person shall” and insert:

A person must not

- (b) delete “fastening,” and insert:

fastening

- (c) delete “therein.” and insert:

in the shooting gallery.

23. Regulation 17 amended

- (1) In regulation 17(2) delete “shall be maintained in Form 19 in an Ammunition Sales Book kept for the purpose,” and insert:

must be maintained in an approved form in an Ammunition Sales Book

- (2) In regulation 17(3)(c) delete the passage that begins with “entered,” and ends with “observed.” and insert:

entered.

- (3) After regulation 17(3) insert:

- (3A) Subregulation (3) applies unless the Commissioner has approved of some other manner of maintaining the sales record, in which case the Commissioner’s requirements must be observed.

24. Regulation 18 amended

Delete regulation 18(1) and (1a) and insert:

- (1A) In this regulation —

firearm part means —

- (a) a major firearm part; or
(b) a revolving cylinder.

- (1) For the purposes of section 31(2) of the *Firearms Act 1973* —
- (a) the holder of a corporate licence must, in a permanent and legible manner, maintain a record in an approved form showing —
 - (i) particulars of the firearms, firearm parts and ammunition in the possession of each employee at any time; and
 - (ii) the name and place of residence of the employees in such possession; and
 - (iii) if the firearms, firearm parts or ammunition are carried elsewhere than on the premises of the organisation, the purposes and places where the employee is authorised by the organisation to carry the firearms, firearm parts or ammunition;and
 - (b) the holder of a repairer's licence or dealer's licence must, in a permanent and legible manner, maintain —
 - (i) a record of all firearms, firearm parts and prohibited firearm accessories brought into stock in an approved form; and
 - (ii) a record of all firearms, firearm parts and prohibited firearm accessories repaired and delivered, sold or let on hire in an approved form;and
 - (c) the holder of a repairer's licence or dealer's licence must, not later than the 7th day in each month, lodge with the Commissioner in an approved manner a copy of those records for the preceding calendar month, whether or not any transaction took place in that month.

25. Regulation 19 amended

- (1) In regulation 19(1) delete “or ammunition shall” and insert:
- item must

- (2) Delete regulation 19(2) and insert:
- (2) The holder of a manufacturer's licence must, in a permanent and legible manner, maintain a record in an approved form setting out the following in relation to every firearm, major firearm part or prohibited firearm accessory manufactured by the licensee —
- (a) a description;
 - (b) in the case of a firearm — the calibre of the firearm;
 - (c) in the case of a firearm or, if applicable, major firearm part — the serial number imprinted on the firearm or major firearm part;
 - (d) the date of manufacture.
- (3) The holder of a manufacturer's licence must, not later than the 7th day in each month, lodge with the Commissioner in an approved manner a copy of the record for the preceding calendar month, whether or not any manufacture took place in that month.

26. Regulation 19A amended

In regulation 19A(1) delete “a form approved by the Commissioner.” and insert:

an approved form.

27. Regulation 21 amended

After regulation 21(1)(d) insert:

- (da) as to any major firearm part the subject of the application —
 - (i) its type and description; and
 - (ii) the name of its manufacturer and any serial number or numbers;
- (db) as to any prohibited firearm accessory the subject of the application — its type and description;
- (dc) as to any firearms technology the subject of the application —
 - (i) its type and description; and
 - (ii) the type of firearm item to which it relates;

28. Regulation 22A amended

(1) In regulation 22A(1):

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

must

(2) In regulation 22A(2):

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

must

(b) in paragraphs (b) and (e) delete “or ammunition” and insert:

item

(3) Delete regulation 22A(3) to (9).

Note: The heading to amended regulation 22A is to read:

Entry without warrant (Act s. 24(2a) and (7)(b))

29. Regulation 24 amended

In regulation 24(1) delete “shall be —” and insert:

are as follows —

30. Regulation 25A amended

(1) In regulation 25A(1) delete the definition of *firearm serviceability certificate* and insert:

firearm serviceability certificate, in relation to a firearm or major firearm part, means a certificate in an approved form.

(2) In regulation 25A(2):

(a) delete “firearm,” and insert:

firearm or major firearm part,

(b) delete “firearm.” and insert:

firearm or major firearm part.

31. Regulation 26 amended

- (1) In regulation 26(1) delete “firearm” and insert:

firearm, major firearm part, sound suppressor
- (2) In regulation 26(2):
 - (a) delete “a disciplined force approved by the Commissioner,” and insert:

an approved disciplined force,
 - (b) delete “firearm” and insert:

firearm, major firearm part, sound suppressor
- (3) In regulation 26(2BA)(b) delete “section 16(1)(c)” and insert:

section 16D
- (4) In regulation 26(2BB):
 - (a) after “firearm” insert:

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

firearm or major firearm part.
- (5) In regulation 26(2BC)(b) delete “section 16(1)(f)” and insert:

section 16H
- (6) In regulation 26(3):
 - (a) delete “firearm” and insert:

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

is

32. Schedule 1 amended

(1) Delete Schedule 1 Forms 1, 2A, 2, 3, 6, 7 and 8.

(2) In Schedule 1 Form 9:

(a) delete “s. 16(1)(a)” and insert:

s. 16A

(b) delete the passage that begins with “This firearm” and ends with “below.” and insert:

Subject to the Act and any restriction, limitation or condition specified below, this firearm licence entitles the licensee to possess, carry and lawfully use —

- each firearm named and identified below; and
- ammunition for the firearm; and
- any magazine capable of being used with the firearm; and
- any major firearm part forming part of that firearm when this licence was issued; and
- any major firearm part (other than a magazine) that did not form part of that firearm when this licence was issued, but that is approved by the Commissioner and named and identified below.

(c) at the end of the Form insert:

Approved major firearm part 1 (other than magazine) details	
Firearm No.	
Description	
Serial No.	

(3) In Schedule 1 Form 10:

(a) delete “s. 16(1)(b)” and insert:

s. 16C

(b) delete the passage that begins with “This firearm” and ends with “the Act.” and insert:

Subject to the Act, this firearm collector’s licence entitles the licensee to possess, but not to carry or use —

- each firearm named and identified below; and
- any major firearm part forming part of that firearm when this licence was issued.

(4) In Schedule 1 Form 11:

- (a) delete “s. 16(1)(c)” and insert:

s. 16D

- (b) delete the passage that begins with “This corporate” and ends with “the Act.” and insert:

Subject to the Act, this corporate licence entitles the licensee to possess —

- each firearm named and identified below; and
- ammunition for the firearm; and
- any magazine capable of being used with the firearm; and
- any major firearm part forming part of that firearm when this licence was issued; and
- any major firearm part (other than a magazine) that did not form part of that firearm when this licence was issued, but that is approved by the Commissioner and named and identified below.

- (c) at the end of the Form insert:

Approved major firearm part 1 (other than magazine) details	
Firearm No.	
Description	
Serial No.	

(5) In Schedule 1 Form 12:

- (a) delete “s. 16(1)(d)” and insert:

s. 16F

- (b) delete the passage that begins with “This dealer’s” and ends with “the Act.” and insert:

Subject to the Act, this dealer’s licence entitles the licensee, on the premises named and identified below, to —

- deal in firearms, major firearm parts and ammunition; and
- receive firearms for the purpose of their being dismantled for parts; and
- arrange for the repair or servicing of firearms and major firearm parts by the holder of a repairer’s licence; and
- deal in prohibited firearm accessories approved by the Commissioner and endorsed below, provided the prohibited firearm accessories are bought from, or sold to, persons who can lawfully possess them under the Act.

(c) at the end of the Form insert:

Approved prohibited firearm accessory 1 details	
Description	

(6) In Schedule 1 Form 13:

(a) delete “s. 16(1)(e)” and insert:

s. 16G

(b) delete the passage that begins with “This repairer’s” and ends with “the Act.” and insert:

Subject to the Act, this repairer’s licence entitles the licensee, on the premises named and identified below, to —

- repair firearms or major firearm parts belonging to persons who are authorised by this Act or any other law to possess them; and
- possess ammunition for the firearms; and
- repair prohibited firearm accessories approved by the Commissioner and endorsed below.

Subject to the Act, this licence also entitles the licensee, or an employee or partner of the licensee, to —

- possess and carry in the ordinary course of the business of the repairer, the firearms, major firearm parts, ammunition or prohibited firearm accessories; and
- use the firearms, major firearm parts, ammunition or prohibited firearm accessories for the purpose of testing them; and
- create, develop and be in possession of firearms technology approved by the Commissioner and endorsed below for the purpose of repairing the firearms, major firearm parts or prohibited firearm accessories.

Furthermore, subject to the Act, this licence entitles a person nominated by the licensee and endorsed below to —

- create or develop firearms technology on behalf of the licensee; and
- be in possession of the firearms technology; and
- disseminate that firearms technology to the licensee.

(c) at the end of the Form insert:

Approved prohibited firearm accessory 1 details			
Description			
Approved firearms technology 1 details			
Description			
Nominated person's details (if body corporate or partnership)			
Name			
ACN (if any)		ABN (if any)	
Address	Postcode		
Nominated person's details (if natural person)			
Name	Surname		
	Given names		
Date of birth			
Home address	Postcode		

(7) In Schedule 1 Form 14:

(a) delete “s. 16(1)(f)” and insert:

s. 16H

(b) delete the passage that begins with “This manufacturer’s” and ends with “the Act.” and insert:

Subject to the Act, this manufacturer’s licence entitles the licensee, on the premises named and identified below, to —

- manufacture firearms, major firearm parts or ammunition of the kind specified below; and
- sell or otherwise dispose of the firearms, major firearm parts and ammunition; and
- manufacture prohibited firearm accessories approved by the Commissioner and endorsed below; and
- sell or otherwise dispose of the prohibited firearm accessories to persons who can lawfully possess them under the Act.

Subject to the Act, this licence also entitles the licensee, or an employee or partner of the licensee, to —

- possess and carry in the ordinary course of the business of the manufacturer, the firearms, major firearm parts, ammunition or prohibited firearm accessories; and
- use the firearms, major firearm parts, ammunition or prohibited firearm accessories for the purpose of testing them; and

- create, develop and be in possession of firearms technology approved by the Commissioner and endorsed below for the purpose of manufacturing the firearms, major firearm parts, ammunition or prohibited firearm accessories.

Furthermore, subject to the Act, this licence entitles a person nominated by the licensee and endorsed below to —

- create or develop firearms technology on behalf of the licensee; and
- be in possession of the firearms technology; and
- disseminate that firearms technology to the licensee.

(c) delete “**Firearm(s) or**” and insert:

Firearm(s), major firearm part(s) or

(d) after the row relating to Firearm(s) insert:

Major firearm part(s)	
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(e) after the row relating to Ammunition insert:

Approved prohibited firearm accessory 1 details			
Description			
Approved firearms technology 1 details			
Description			
Nominated person’s details (if body corporate or partnership)			
Name			
ACN (if any)		ABN (if any)	
Address			Postcode
Nominated person’s details (if natural person)			
Name	Surname		
	Given names		
Date of birth			
Home address			Postcode

(8) In Schedule 1 Form 15 delete “s. 16(1)(g)” and insert:

s. 16K

- (9) In Schedule 1 Form 16 delete “s. 16(1)(h)” and insert:

s. 16L

- (10) In Schedule 1 Form 17:

- (a) in Part A delete “firearm” and insert:

firearm, major firearm part

- (b) in Part B delete “**Firearm**” and insert:

Firearm, major firearm part

- (c) in Part B after the row relating to Magazine capacity and Barrel length insert:

Major firearm part details			
Description		Serial Nos. (if any)	

- (11) Delete Schedule 1 Forms 19 to 21.

- (12) In Schedule 1 Form 22 delete “firearm” and insert:

firearm, major firearm part

- (13) In Schedule 1 Form 25 delete the passage that begins with “Description of” and ends with “involved.” and insert:

Description of any firearm, major firearm part, ammunition, prohibited firearm accessory, firearms precursor or sound suppressor involved

- (14) In Schedule 1 Form 26 delete “Description of any firearm or ammunition” and insert:

Description of any firearm, major firearm part, ammunition or prohibited firearm accessory

- (15) In Schedule 1 Form 27 delete “found and take it before a Justice of the Peace to be dealt with according to law.” and insert:

found.

- (16) In Schedule 1 Form 28 delete “Description of any firearm, ammunition, silencer etc. involved” and insert:

Description of any firearm, major firearm part, ammunition or prohibited firearm accessory

33. Various references to “shall” replaced

In the provisions listed in the Table delete “shall” and insert:

must

Table

r. 6(4)	r. 10(1)
r. 13	r. 15(1) (2 nd , 3 rd and 4 th occurrences)
r. 16(1)	r. 17(1) and (3)(a), (b) and (c)
r. 24(1) the Table items 1, 3 and 4(a) and (b) and subregulation (4) (each occurrence)	r. 27(1)(b) and (3)

34. Various references to gender replaced

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

Table

Provision	Delete	Insert
r. 4(1)	him or her	the holder
r. 6C(2)(a) and (b) r. 6F(1)(b) and (c)	his or her	the person’s
r. 6F(1)(c)	him or her	the person
r. 6F(3)	he or she	the holder
r. 10(1) and (2)	he	the person
r. 19(1)	he	the licensee
r. 26(2)	his	the member’s