



Western Australia

Firearms Act 2024

Firearms Act 2024

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Western Australia

Firearms Act 2024

An Act —

- **to provide for the control and regulation of firearms and related things; and**
- **to repeal the *Firearms Act 1973*; and**
- **to make consequential and related amendments to other Acts.**

Part 1 — Preliminary

1. Short title

This is the *Firearms Act 2024*.

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) Part 16 — on the day after assent day;
- (c) Part 17 Division 3 Subdivision 11 —
 - (i) if the *Criminal Law (Mental Impairment) Act 2023* section 412 comes into operation on or before assent day — when section 11(1)(d) of this Act comes into operation; or
 - (ii) otherwise — when the *Criminal Law (Mental Impairment) Act 2023* section 412 comes into operation;
- (d) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

4. Principles and objects

- (1) The principles of this Act are as follows —
 - (a) there is an overriding need to ensure public safety in connection with the possession and use of firearms in the community;

- (b) the possession and use of firearms is a privilege that is always conditional on the overriding need to ensure public safety;
 - (c) public safety can be ensured by strict controls to secure the safe and responsible possession and use of firearms in the community.
- (2) The objects of this Act are as follows —
- (a) to improve public safety by ensuring the safe and responsible possession and use of firearms;
 - (b) to specify the purposes for which a person can be authorised to possess or use a firearm;
 - (c) to minimise the risk of persons becoming victims of crimes that involve the use of firearms;
 - (d) to prevent persons from having access to firearms for criminal purposes;
 - (e) to prevent access to firearms by persons who pose a risk of violence, family violence or intimidating behaviour;
 - (f) to prevent access to firearms by persons who pose a risk of misuse of firearms;
 - (g) to minimise the risk of persons causing harm, including psychological harm, to themselves or others by the misuse of firearms;
 - (h) to reduce the number of firearms unlawfully possessed in the community;
 - (i) to facilitate a nationally consistent approach to the control of firearms.
- (3) Persons performing functions in or in connection with the administration of this Act (including when constituting, or as a member of, a court or tribunal) must have due regard to the principles and objects of this Act.

5. Terms used

In this Act —

acquire means acquire by sale or gift;

ammunition —

- (a) means ammunition for a firearm; and
- (b) includes the following —
 - (i) anything made, modified or intended for use as ammunition for a firearm;
 - (ii) blank ammunition;
 - (iii) any other thing prescribed by the regulations;but
- (c) does not include any of the following —
 - (i) ammunition incapable of being fired, including an inert cartridge, a dummy round, and a drill round that does not contain a primer or propellant;
 - (ii) a prescribed paintball pellet;
 - (iii) any other thing prescribed by the regulations;

approval means an approval by the Commissioner under a provision of this Act;

approved means approved by the Commissioner;

approved firearms trainer means a person who is approved by the Commissioner under section 24 to provide firearms training;

authorised person, for a licence, means a person who is an authorised person for the licence as referred to in section 23(2);

calibre, of a firearm, means —

- (a) the size of the bore of the firearm; and
- (b) the name of the calibre of the ammunition for which the firearm is chambered;

category, of a firearm, has the meaning given in section 8(3);

Commissioner means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

deal in means to acquire and supply in the course of a business;

Department means the department of the Public Service principally assisting in the administration of this Act;

disqualified person has the meaning given in section 9(1);

disqualifying offence means an offence that is —

- (a) a serious offence as defined in the *Criminal Investigation Act 2006* section 128(1); or
- (b) an offence under the law of another Australian jurisdiction that substantially corresponds to an offence referred to paragraph (a); or
- (c) an offence under this Act that is prescribed by the regulations as a disqualifying offence; or
- (d) an offence under the *Weapons Act 1999* that is prescribed by the regulations as a disqualifying offence; or
- (e) an offence under *The Criminal Code* that is prescribed by the regulations as a disqualifying offence; or
- (f) an offence under the *Misuse of Drugs Act 1981* that is prescribed by the regulations as a disqualifying offence;

disqualifying order means an order that is —

- (a) a violence restraining order, family violence restraining order or conduct agreement order made under the *Restraining Orders Act 1997*; or
- (b) an order (however described) made under a corresponding law (as defined in the *Restraining Orders Act 1997* section 3(1)) having an effect that is the same as or similar to the effect of an order referred to in paragraph (a); or
- (c) an order of a kind that is prescribed by the regulations as a disqualifying order;

disseminate, in relation to firearm technology, has the meaning given in section 284;

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

finding of guilt has the meaning given in section 11;

fire, in relation to a firearm, includes discharge;

firearm has the meaning given in section 6;

firearm authority means a licence, permit or approval;

firearm authority health standards means standards of mental or physical health that are prescribed by the regulations as health standards that a person must meet to be considered a fit and proper person to hold a firearm authority;

firearms prohibition order has the meaning given in section 317(1);

firearms training means training and instruction in —

- (a) the safe handling and safe use of firearms; or
- (b) the proficient use of firearms;

firearm technology has the meaning given in section 284;

give possession, of a thing to a person, includes permit the person to take possession of or be in possession of the thing;

Government entity has the meaning given in section 101;

handgun means a firearm that —

- (a) is reasonably capable of being concealed about the person; and
- (b) can be aimed and fired from 1 hand;

immediate possession has the meaning given in section 13;

information includes documents;

interim disqualified person has the meaning given in section 9(2);

licence means a licence under Part 2;

licence card has the meaning given in section 206;

licensed firearm club means the body corporate that is the licensee under a Club Licence;

licensed firearm range means a firearm range to which a Range Licence applies;

major firearm part has the meaning given in section 14(1);

member of a disqualifying organisation has the meaning given in section 10(1);

occupier, in relation to land, means a person in exclusive possession or entitled to exclusive possession of the land;

officer, in relation to a body corporate, has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;

paintball means a shooting sport in which players attempt to hit other players with paintball pellets fired from paintball guns;

paintball gun means a firearm that is made or modified to fire paintball pellets;

paintball pellet means a pellet that is —

- (a) made or modified to be fired from a firearm; and
- (b) designed to break on impact with the target at which it is fired for the purpose of marking the target with dye or a similar substance that the pellet contains;

permit means a permit under Part 3;

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

possession has the meaning given in section 12;

possession in compliant storage has the meaning given in section 183(1);

prescribed paintball gun means a paintball gun that complies with the requirements of the regulations for a prescribed paintball gun;

prescribed paintball pellet means a paintball pellet that complies with the requirements of the regulations for a prescribed paintball pellet;

prohibited accessory means any of the following —

- (a) a sound suppressor;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) a device, commonly known as a chassis carbine kit, that alters a firearm in such a way that the category of the firearm without the chassis carbine kit fitted is different from the category of the firearm with the chassis carbine kit fitted;
- (f) any other thing that is capable of being fitted to or used in conjunction with a firearm and that is prescribed by the regulations as a prohibited accessory;

prohibited ammunition means ammunition, or ammunition of a kind, prescribed by the regulations as prohibited ammunition;

prohibited firearm means a firearm, or a firearm of a kind, prescribed by the regulations as a prohibited firearm;

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

projectile means any solid or liquid projectile (including a bullet or shot) that when propelled is capable of causing personal injury;

reasonably suspects has the meaning given in the *Criminal Investigation Act 2006* section 4;

related thing means the following things —

- (a) a major firearm part;

- (b) ammunition;
- (c) a prohibited accessory;

relevant management position has the meaning given in section 15;

responsible person, for a licence, means the person who is the responsible person for the licence as referred to in section 128(2);

serial number, on a firearm or major firearm part, includes any numbers, letters or symbols on the firearm or major firearm part that are for the purpose of the unique identification of the firearm or part;

sound suppressor —

- (a) means a device that is made or modified to be fitted to a firearm to reduce the loudness of the report that results from the firearm being fired; and
- (b) includes a device commonly known as a silencer;

supply —

- (a) means supply by sale or gift; and
- (b) includes offer to supply;

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

use a firearm has the meaning given in section 7(1);

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

young person means a person who is under 18 years of age but not under 12 years of age.

6. Firearms

- (1) A **firearm** is a device that is made, modified or capable of being modified to fire or propel a projectile by means of —
 - (a) the burning of a propellant; or
 - (b) expansion of compressed air or other compressed gas; or

- (c) any other method of propulsion that is prescribed by the regulations.
- (2) A device can be a **firearm** whether or not the device is —
 - (a) operable or inoperable; or
 - (b) assembled or in parts; or
 - (c) complete or incomplete.
- (3) None of the following things is a **firearm** —
 - (a) a firearm that by an approved means has been rendered permanently incapable of operation;
 - (b) anything that is prescribed by regulations under the *Weapons Act 1999* as a prohibited weapon, an edged weapon or a controlled weapon;
 - (c) an industrial tool powered by cartridges that contain a propellant or by compressed air or other compressed gas and that is manufactured to fix fasteners or plugs or for similar purposes;
 - (d) a device that is manufactured to fire signal flares;
 - (e) a device, commonly known as a line thrower, that is manufactured to be used to establish lines between structures, natural features or vessels;
 - (f) a device, commonly known as a promotional launcher, that is manufactured to be used to fire packaged promotional material among event crowds and powered by compressed air or other compressed gas;
 - (g) a thing that is obviously a child's toy and that is manufactured to fire something that is not likely to cause personal injury;
 - (h) any other thing that is prescribed by the regulations.

[Section 6 amended: No. 33 of 2024 s. 30.]

7. Use of firearm

- (1) A person ***uses a firearm*** when the person —
 - (a) fires the firearm; or
 - (b) has the firearm in their immediate possession when the firearm is loaded.
- (2) Without limiting what constitutes a firearm being loaded, a firearm is considered to be loaded when any magazine that is part of or fitted to the firearm contains ammunition.

8. Firearm categories

- (1) The regulations must provide for the following categories of firearms and specify firearms that are in each category —
 - (a) category A;
 - (b) category B;
 - (c) category C;
 - (d) category D;
 - (e) category E;
 - (f) category H.
- (2) The regulations may provide for other categories of firearms and specify firearms that are in those other categories.
- (3) The ***category*** of a firearm is the category that the firearm is in under the regulations.
- (4) If a firearm is not in any category, the firearm is taken to have been prescribed by the regulations as a prohibited firearm unless the regulations provide otherwise.
- (5) Subsection (4) does not prevent —
 - (a) a firearm that is in a category from being prescribed by the regulations as a prohibited firearm; or
 - (b) all the firearms in a specified category from being prescribed by the regulations as prohibited firearms.

9. Disqualified persons and interim disqualified persons

- (1) A person is a ***disqualified person*** —
- (a) when the person is the subject of a disqualifying order; or
 - (b) during the disqualifying period prescribed by the regulations as the disqualifying period for a disqualifying order; or
 - (c) when the person has been charged with a disqualifying offence and proceedings for the offence are pending against the person; or
 - (d) during the period prescribed by the regulations as the disqualifying period for a disqualifying offence for which a finding of guilt has been made against the person; or
 - (e) when the person is a member of a disqualifying organisation; or
 - (f) during the period prescribed by the regulations as the disqualifying period for membership of a disqualifying organisation.
- (2) A person is an ***interim disqualified person*** if the person is a disqualified person solely as a result of being —
- (a) the subject of a disqualifying order that is of a temporary or interim nature only; or
 - (b) a person against whom proceedings for a disqualifying offence are pending.
- (3) Proceedings for an offence cease to be pending against a person when —
- (a) a finding of guilt is made in the proceedings; or
 - (b) the proceedings are concluded (including as a result of the acquittal of the person) other than as a result of a finding of guilt.

- (4) A disqualifying period for a disqualifying order or disqualifying offence can be prescribed to apply in respect of —
 - (a) all disqualifying orders or disqualifying offences; or
 - (b) a particular kind or particular kinds of disqualifying orders or disqualifying offences; or
 - (c) disqualifying orders or disqualifying offences of a particular class or description, including (in the case of disqualifying offences) offences described by reference to the type of finding of guilt that applies in relation to the offences.
- (5) The fact that a person has ceased to be a disqualified person does not prevent the Commissioner from having regard to the conduct of the person that resulted in the person being a disqualified person in forming an opinion as to whether or not the person is a fit and proper person to hold a firearm authority.

10. Membership of disqualifying organisation

- (1) A ***member of a disqualifying organisation*** is a person who is a member of an organisation named in the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* Schedule 2.
- (2) In subsection (1) —
member, of an organisation, means a person —
 - (a) who has been accepted as a member of the organisation, whether informally or through a process set by the organisation; or
 - (b) who identifies in any way as belonging to the organisation; or
 - (c) whose conduct in relation to the organisation would reasonably lead another person to consider the person to be a member of the organisation.

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11. Finding of guilt

- (1) A reference to a ***finding of guilt*** in relation to an offence committed by a person is a reference to any of the following —
- (a) a court making a formal finding of guilt in relation to the offence;
 - (b) a court convicting the person of the offence, if there has been no formal finding of guilt before conviction;
 - (c) a court accepting a plea of guilty from the person in relation to the offence;
 - (d) a finding under *The Criminal Code* section 27, or an equivalent provision of a law of another Australian jurisdiction, that the person is not guilty of the offence on account of mental impairment.
- (2) A finding of guilt that is subsequently quashed or set aside by a court ceases to be a ***finding of guilt*** for the purposes of this Act.
- (3) A finding of guilt in relation to an offence is a ***finding of guilt*** for the purposes of this Act even if it is —
- (a) a spent conviction as defined in the *Spent Convictions Act 1988* section 3(1); or
 - (b) a finding of guilt that under a law in any Australian jurisdiction a person is not required to disclose.

[Section 11 amended: No. 23 of 2024 s. 471.]

12. Possession

- (1) A person is in ***possession*** of a thing in any of the following circumstances —
- (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.
- (2) A person is in **possession** of firearm technology in any of the circumstances provided for by subsection (1) and in the following circumstances —
 - (a) the person is in possession (as provided by subsection (1)) of a computer or other data storage device on which the firearm technology is held or contained;
 - (b) the person controls or accesses the firearm technology by means of a remote computer or web portal (even if the remote computer or web portal is in the control of another person or is outside the State).
- (3) A person is not in **possession** of a thing if —
 - (a) the person is in possession of the thing solely by reason of circumstances referred to in subsection (1)(d) or (e); and
 - (b) the thing is in the lawful possession of another person at the time.
- (4) If a thing is carried in parts by, or is otherwise in the possession of, 2 or more persons, each of those persons is taken to be in **possession** of the thing.
- (5) If a person is using a firearm under the supervision of a person (**the supervisor**), both the supervisor and the person using the firearm are in **possession** of the firearm.

13. Immediate possession

- (1) A person's possession of a thing is **immediate possession** of the thing if the person —
 - (a) has actual physical possession of the thing; or

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- (b) has custody or control of the thing in close proximity to the person.
- (2) A person does not have a firearm or other thing in the person's **immediate possession** when possession is possession in compliant storage.

14. Major firearm parts

- (1) A **major firearm part** is any of the following, made or modified for use as part of a firearm —
 - (a) a gas piston, friction assembly, action bar, breech bolt or breech block;
 - (b) a frame, chassis or stock, 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 thing that is prescribed by the regulations.
- (2) A firearm authority that authorises possession of a firearm (the **authorised firearm**) also authorises possession of the major firearm parts that comprise the authorised firearm.

Note for this subsection:

A person who is authorised by a firearm authority to possess a firearm does not require separate authority to possess the major firearm parts that comprise the firearm.

15. Relevant management positions

- (1) A person holds a **relevant management position** in a body corporate if the person holds any of the following positions in the body other than a position that the Commissioner has

determined under subsection (3) is not a relevant position for the purposes of holding a firearm authority —

- (a) the position of director, manager or other executive position or secretary, however that position is designated;
 - (b) a position on the governing body of the body, however that position is designated.
- (2) A person holds a **relevant management position** in a partnership if the person is a member of the partnership.
- (3) The Commissioner may determine, either generally or in a particular case, that a particular position in a body corporate is not a relevant position for the purposes of holding a firearm authority.

16. Delegation of Commissioner's powers and duties

- (1) The Commissioner may delegate any power or duty of the Commissioner under another provision of this Act to a police officer or employee of the Department.
- (2) The Commissioner cannot delegate the power to make or revoke a firearms prohibition order except to a police officer of or above the rank of Commander.
- (3) A delegation by the Commissioner under this section must be in writing signed by the Commissioner.
- (4) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (5) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

17. Exemptions

(1) In this section —

exempt person means —

- (a) a police officer or an employee of the Department; or
- (b) a member of the Australian Federal Police or of the police force of another State or a Territory; or
- (c) a member of the Australian Defence Force.

(2) An exempt person is exempt from the operation of the following provisions of this Act (and any regulations made for the purposes of those provisions) in respect of any act or omission by the exempt person in the ordinary course of their duties as an exempt person —

- (a) Part 5 (which requires the authority of a licence or permit for the possession and use of, and other activities involving, firearms and related things);
- (b) Part 7 (which relates to security and storage of firearms and related things).

(3) Subsection (2) does not affect the operation of any provision of this Act that confers a function on a police officer.

(4) Without limiting the *Interpretation Act 1984* section 43(8)(d), the regulations may —

- (a) exempt a person or class of persons from the operation of Parts 5 and 7 (and any regulations made for the purposes of those Parts); and
- (b) specify circumstances in which, and conditions subject to which, such an exemption applies.

(5) An exemption pursuant to a regulation under subsection (4) is an exemption under this section for the purposes of a reference in another provision of this Act to an exemption under this section.

- (6) A person who is exempt from the operation of a provision of this Act in respect of an act or omission by the person is not guilty of an offence arising under the provision or arising as a result of a contravention of the provision.
- (7) Conduct of a person that would be a contravention of a provision of this Act were it not for an exemption under this section is taken to be conduct that is authorised by a licence for the purposes of a reference in a provision of this Act or any other written law to conduct authorised by a licence.

18. Antique firearms

- (1) In this section —

antique firearm means —

- (a) a muzzle loading firearm manufactured before 1900; or
- (b) any other firearm manufactured before 1900 that is not an excluded firearm;

excluded firearm means any of the following firearms —

- (a) a handgun that is capable of discharging breech-loaded cartridge ammunition (even if that ammunition is obsolete ammunition);
- (b) a handgun that is a percussion lock or cap lock firearm;
- (c) a firearm (other than a handgun) that is capable of discharging breech-loaded cartridge ammunition other than obsolete ammunition;
- (d) a firearm that has revolving chambers or barrels;
- (e) a cannon;

obsolete ammunition means ammunition that the Commissioner has determined under subsection (5) is not commercially available.

- (2) A licence is not required to authorise the possession, acquisition or supply by a person of an antique firearm, and Part 5 does not

apply to the possession, acquisition or supply of an antique firearm by a person.

Note for this subsection:

The use of an antique firearm is not authorised without a licence or permit.

- (3) Subsection (2) does not apply to the possession, acquisition or supply of an antique firearm by a disqualified person or prohibited person.
- (4) Subsection (2) does not prevent the grant of a licence or permit that authorises the possession, acquisition or supply of an antique firearm.
- (5) The Commissioner may, for the purposes of this section, determine that ammunition is not commercially available.
- (6) A determination that ammunition is not commercially available must be published in the *Gazette*.

[Parts 2-15 have not come into operation.]

Part 16 — Savings and transitional provisions

Division 1 — General

403. Terms used

In this Part —

1973 Act means the *Firearms Act 1973*;

1973 Act authority means a licence, permit or approval under the 1973 Act;

commencement day means the day on which section 440 comes into operation;

Note for this definition:

Section 440 repeals the *Firearms Act 1973*.

pending application means an application for, or for the renewal of, a 1973 Act authority that —

- (a) was made under the 1973 Act before this Part comes into operation but that had not been determined under the 1973 Act before this Part comes into operation; or
- (b) is made under the 1973 Act after this Part comes into operation.

404. Transitional regulations

- (1) In this section —

publication day, for regulations made under subsection (2), means the day on which those regulations are published on the WA legislation website;

specified means specified or described in regulations made under subsection (2);

transitional matter —

- (a) means a matter that needs to be dealt with for the purpose of effecting the transition required because of the enactment of this Act; and

- (b) includes a saving or application matter.
- (2) If there is no sufficient provision in this Part for dealing with a transitional matter, the Governor may make regulations prescribing matters —
 - (a) required to be prescribed for the purpose of dealing with the transitional matter; or
 - (b) necessary or convenient to be prescribed for the purpose of dealing with the transitional matter.
- (3) Regulations made under subsection (2) may provide that specified provisions of this Act —
 - (a) do not apply to or in relation to a specified matter; or
 - (b) apply with specified modifications to or in relation to a specified matter.
- (4) If regulations made under subsection (2) provide that a specified state of affairs is taken to have existed, or not to have existed, on and after a day that is earlier than publication day for those regulations but not earlier than the day on which the relevant provision of this Act came into operation, the regulations have effect according to their terms.
- (5) If regulations made under subsection (2) contain a provision referred to in subsection (4), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to a person (other than the State or an authority of the State) the rights of that person existing before publication day for those regulations; or
 - (b) impose liabilities on a person (other than the State or an authority of the State) in respect of an act done or omission made before publication day for those regulations.

405. Interpretation Act 1984 not affected

This Part is in addition to the provisions of the *Interpretation Act 1984* and does not limit or otherwise affect the operation of those provisions.

406. References to 1973 Act

- (1) Unless the context otherwise requires, a reference in a document or instrument to the 1973 Act includes a reference to this Act.
- (2) Unless the context otherwise requires, a reference in a document or instrument to a provision of the 1973 Act (the **old provision**) includes, if there is a provision of this Act (the **new provision**) that corresponds to the old provision, a reference to the new provision.

407. Delegations under 1973 Act

- (1) A delegation in force under a provision of the 1973 Act may be revoked before commencement day.
- (2) A delegation may be made under a provision of this Act, before commencement day and before the provision comes into operation, to have effect before commencement day for the purposes of the operation of this Part.
- (3) A delegation in force immediately before commencement day under a provision of the 1973 Act is taken to be a delegation under the corresponding provision of this Act.

408. Directions about corresponding provisions and pending applications

- (1) The Commissioner may give directions that —
 - (a) determine any questions as to which licence, permit or approval under this Act corresponds to a licence, permit or approval under the 1973 Act; or

- (b) determine any question as to which provision of this Act corresponds to a provision of the 1973 Act for the purposes of this Part; or
 - (c) determine that a reference in this Part to the corresponding provision of the 1973 Act is to be read as a reference to a specified provision of the 1973 Act; or
 - (d) modify the operation of a provision of this Act in respect of a pending application to make appropriate provision for differences between this Act and the 1973 Act; or
 - (e) modify the effect of anything done or commenced under the 1973 Act in respect of a pending application to ensure that it has an appropriate effect under this Act.
- (2) Directions under subsection (1) have effect according to their terms.

409. Reference to compliance with this Act

A reference in this Act to compliance with this Act includes compliance with the 1973 Act.

410. Reference to contravention of 1973 Act or conditions

- (1) A reference in this Act to a contravention of a provision of this Act includes a contravention of a provision of the 1973 Act.
- (2) A reference in this Act to a contravention of a condition of a licence, permit or approval includes a contravention of a condition of a licence, permit or approval under the 1973 Act.

411. Decisions and other matters under 1973 Act

- (1) In this section —
administrative action means —
 - (a) the refusal to grant, issue or renew a licence, permit or approval under the 1973 Act or this Act; or
 - (b) the revocation or cancellation of a licence, permit or approval under the 1973 Act or this Act.

- (2) A reference in this Act to administrative action under this Act includes administrative action under the 1973 Act.
- (3) Any act, matter or thing done under or for the purposes of a provision of the 1973 Act and having effect immediately before commencement day is taken to have been done under or for the purposes of the corresponding provision of this Act.

Division 2 — Transitional licences, permits and approvals

412. Term used: transitional authority

In this Division —

transitional authority has the meaning given in section 413(1).

413. Continued operation of 1973 Act authority as transitional authority

- (1) A person who held a 1973 Act authority immediately before commencement day is taken to hold a firearm authority under this Act (a ***transitional authority***) to replace the 1973 Act authority on and from commencement day.
- (2) A transitional authority confers the same authority under this Act as the 1973 Act authority that it replaces conferred under the 1973 Act.
- (3) The authority conferred by a transitional authority is subject to any conditions, limitations and restrictions to which it was subject as a 1973 Act authority.

414. Cancellation of transitional authority

- (1) The Commissioner may, by notice in writing to the holder of a transitional authority, cancel the transitional authority if the Commissioner is of the opinion that there is no firearm authority under this Act that is suitable and appropriate to replace the 1973 Act authority concerned.

- (2) The cancellation of a transitional authority under this section takes effect when notice of cancellation is given to the holder or on a later date notified by the Commissioner in the notice of cancellation.
- (3) Notice under this section may be given before commencement day, and for that purpose a reference in this section to the holder of a transitional authority includes a person who will be the holder of a transitional authority on commencement day.
- (4) If notice under this section is given before commencement day, the cancellation takes effect on commencement day or on a later date notified by the Commissioner in the notice.
- (5) This section does not limit section 417.

415. Directions for appropriate grant of transitional authority

- (1) In this section —
firearm authority requirement means —
 - (a) a requirement imposed by a provision of this Act in connection with the grant of a firearm authority; or
 - (b) a requirement that the Commissioner is authorised to impose under a provision of this Act in connection with the grant of a firearm authority.
- (2) The Commissioner may direct the holder of a transitional authority to comply with any firearm authority requirement that the Commissioner considers to be necessary or desirable for ensuring compliance with requirements that would apply in respect of the grant of a firearm authority to replace the transitional authority in the ordinary course of the operation of this Act.
- (3) It is a condition of a transitional authority that a direction under this section must be complied with.

- (4) A condition of a transitional authority may prevent or restrict the possession or use of a firearm under the authority of the transitional authority until a direction under this section is complied with.
- (5) The Commissioner may suspend a transitional authority until a direction under this section is complied with.
- (6) A direction under this section may be given before commencement day, and for that purpose a reference in this section to the holder of a transitional authority includes a person who will be the holder of a transitional authority on commencement day.

416. Term and renewal of transitional authority

- (1) A transitional authority remains in force for the remainder of the term of the 1973 Act authority that it replaces unless —
 - (a) the term of the transitional authority is changed by the Commissioner under subsection (2); or
 - (b) the transitional authority is sooner replaced under section 419 or cancelled.
- (2) The Commissioner may change the term of a transitional authority by notice in writing to the holder of the transitional authority for the purpose of effecting the transition required because of the enactment of this Act.
- (3) A transitional authority cannot be renewed as a transitional authority but may be replaced with a firearm authority under this Act that is granted under section 419 or that is granted on application in the ordinary course of the operation of this Act.

417. Cancellation, suspension and conditions of transitional authority

- (1) A transitional authority is subject to the provisions of this Act that require or authorise the cancellation or suspension of a firearm authority.

- (2) Section 187 applies to a transitional authority.

Note for this subsection:

Section 187 provides for the conditions of a firearm authority.

418. Action before commencement day for cancellation or suspension of transitional authority

- (1) In this section —

authorised action means action comprising, or for the purposes of, the cancellation or suspension of a transitional authority.

- (2) The Commissioner may, before commencement day, take any authorised action in respect of a transitional authority that the Commissioner would be authorised or required to take under this Act on or after commencement day.
- (3) Authorised action taken by the Commissioner under this section has effect on commencement day or a later day specified by the Commissioner.

419. Grant of firearm authority to replace transitional authority

- (1) The Commissioner may replace a transitional authority by granting to the holder of the transitional authority a firearm authority under this Act (a **replacement authority**).
- (2) A replacement authority is to be granted as a firearm authority of a kind, and subject to the conditions, that the Commissioner considers suitable and appropriate to replace the transitional authority and give effect to any conditions, limitations and restrictions to which it was subject.
- (3) A transitional authority ceases to have effect if and when a replacement authority is granted.
- (4) The term of a replacement authority is the remainder of the term of the transitional authority that it replaces unless the Commissioner otherwise determines in a particular case.

420. Licence card for transitional authority

The Commissioner may issue a licence card under this Act for a transitional authority before, on or after commencement day.

421. Exemptions under 1973 Act

- (1) In this section —

1973 Act exemption means an exemption under the 1973 Act section 8 as in force immediately before commencement day.

- (2) For the period of 12 months starting on commencement day, a 1973 Act exemption —

- (a) continues to confer any authority in respect of a transitional authority as it would have conferred under the 1973 Act in respect of the 1973 Act authority that the transitional authority replaces; and
- (b) has any additional operation or effect under this Act in respect of a transitional authority that the regulations provide.

- (3) The regulations may limit the operation of subsection (2) and in particular may impose conditions on the possession or use of a firearm under the authority of subsection (2).

- (4) The Commissioner may replace a 1973 Act exemption in its application to a person by granting to the person a firearm authority under this Act (a **replacement authority**) to replace the exemption.

- (5) A replacement authority is to be granted as a firearm authority of a kind, and subject to the conditions, that the Commissioner considers suitable and appropriate to replace the 1973 Act exemption and give effect to any conditions, limitations and restrictions to which it was subject.

- (6) This section applies with the following limitations in respect of an exemption under the 1973 Act section 8(1)(h) —
 - (a) the exemption only applies in respect of a firearm to which a transitional authority applies;
 - (b) the exemption only applies to the use of the firearm by the holder of the transitional authority or an employee of the holder.

422. Pending applications

- (1) A pending application may —
 - (a) be dealt with and determined under the 1973 Act before commencement day; or
 - (b) be dealt with and determined as an application made under this Act for, or for the renewal of, the firearm authority under this Act that the Commissioner considers appropriate.
- (2) If a pending application is being dealt with under subsection (1)(b) on or after commencement day, this Division applies in respect of the 1973 Act authority with which the application is concerned until the application is determined.
- (3) The Commissioner may treat a pending application as having been made with such modifications as the Commissioner determines to be appropriate for the purposes of its proper determination as an application under this Act.
- (4) A pending application must be refused on or before commencement day if the applicant is a prohibited person or disqualified person.
- (5) The refusal of a pending application under subsection (4) has effect immediately before commencement day.

423. Authority for sound suppressor

An authority in force under the 1973 Act section 17B immediately before commencement day is taken to be a 1973 Act authority for the purposes of this Division.

424. Permits under 1973 Act

A permit held under the 1973 Act is taken to have been held under this Act for the purposes of section 181.

Note for this section:

Section 181 limits the period for which a permit may be in force.

425. Effect of 1973 Act authorities after commencement day

Except as provided by this Division, a 1973 Act authority ceases to have effect immediately before commencement day.

Division 3 — Prohibited and disqualified persons

426. Firearms prohibition orders under 1973 Act

- (1) A firearms prohibition order made and served under the 1973 Act and in force under the 1973 Act immediately before commencement day is taken to be a firearms prohibition order made, served and in force under this Act.
- (2) A firearms prohibition order made under the 1973 Act but not served under the 1973 Act before commencement day and not revoked under the 1973 Act before commencement day is taken to be a firearms prohibition order made under this Act and may be served under this Act.
- (3) For the purpose of calculating the period for which a firearms prohibition order has been in force, any period for which the order was in force under the 1973 Act before commencement day is to count as a period for which the order has been in force.

427. Disqualified persons

Section 9 of this Act extends to —

- (a) a disqualifying offence committed before commencement day; and
- (b) a disqualifying order made before commencement day; and
- (c) membership of a disqualifying organisation before commencement day; and
- (d) a disqualifying period that started before commencement day.

428. Notification of disqualifying offences and orders

Section 197 applies in respect of —

- (a) a disqualifying order made against a person before commencement day as if the disqualifying order had been made on commencement day; or
- (b) a person charged with a disqualifying offence before commencement day as if the person had been charged on commencement day; or
- (c) a finding of guilt made before commencement day in relation to a disqualifying offence committed by a person as if the finding of guilt had been made on commencement day.

Division 4 — Review of decisions under 1973 Act

429. Terms used

In this Division —

Commissioner's decision means a decision (including a decision to impose a restriction, limitation or condition) made by or on behalf of the Commissioner or a delegate of the Commissioner;

pending Tribunal proceedings means proceedings on a review of a Commissioner's decision under the 1973 Act that are pending before the Tribunal immediately before commencement day;

review provisions of this Act means the provisions of Part 9 of this Act;

Supreme Court proceeding has the meaning given in the 1973 Act section 22AA;

Tribunal means the State Administrative Tribunal.

430. Review of decisions under 1973 Act

- (1) The *State Administrative Tribunal Act 2004* and the review provisions of this Act apply on and from commencement day in respect of a Commissioner's decision under the 1973 Act made before commencement day as if the Commissioner's decision were under this Act.
- (2) A decision of the Tribunal on a review of a Commissioner's decision under the 1973 Act that has not been given effect to by the Commissioner under the 1973 Act before commencement day must be given effect to by the Commissioner under this Act.
- (3) If a Commissioner's decision under the 1973 Act is the subject of pending Tribunal proceedings, those proceedings are to continue and be dealt with by the Tribunal under this Act as if the Commissioner's decision were under this Act.

431. Supreme Court proceedings

- (1) A Supreme Court proceeding that is pending immediately before commencement day is to continue and be dealt with on the basis that the pending Tribunal proceedings with which the Supreme Court proceeding is concerned will be dealt with under this Act.

- (2) A decision made after commencement day in a Supreme Court proceeding in respect of pending Tribunal proceedings is to be given effect to as a decision in respect of the pending Tribunal proceedings as continued and dealt with under this Act.

432. Clause 5 matter

- (1) In this section —
clause 5 matter has the meaning given in the 1973 Act section 22(3)(a);
notified exempt material means any supporting material that is the subject of a notification to the Tribunal under section 337(1).
- (2) Matter identified by the Commissioner under the 1973 Act section 22(3)(b) as clause 5 matter is taken to be notified exempt material for the purposes of the review provisions of this Act in the application of those provisions to pending Tribunal proceedings and to Supreme Court proceedings in respect of pending Tribunal proceedings.

Division 5 — Miscellaneous

433. Grant of first licence: 42-day delay

A reference in section 170 to a licence under this Act includes a licence under the 1973 Act.

434. Firearm use by supervised young person under Individual Licence

For the purposes of section 31, any period for which a person held a Firearm Licence under the 1973 Act counts as a period for which the person has held an Individual Licence under this Act.

435. Averments in prosecution documents

A reference in section 386 to an offence or other matter under this Act includes an offence or a corresponding matter under the 1973 Act.

436. Accredited society of collectors

A body corporate designated as an accredited society of collectors under the 1973 Act section 15A with effect immediately before commencement day is taken to have been approved under section 70(1) of this Act as an approved society of firearm collectors.

437. Search warrants

A search warrant in force under the 1973 Act section 26 immediately before commencement day continues in force in accordance with its terms notwithstanding the repeal of that section.

438. Surrendered firearms, major firearm parts and ammunition

A firearm, major firearm part or ammunition surrendered under the 1973 Act section 33A(1) is taken to have been surrendered under section 341(1) of this Act on the date of its surrender under the 1973 Act for the purposes of the application of Part 10 of this Act to and in respect of the surrendered firearm, major firearm part or ammunition.

439. Provision of information

- (1) Part 12 extends to the provision of information about matters occurring before commencement day.
- (2) Section 378 extends to information (including information in the form of an opinion) provided to the Commissioner in good faith under the 1973 Act section 15B or 18(4c) or Part 6 as if the information had been provided under Part 12 of this Act.

Part 17 — Repeals and consequential and related amendments

[Divisions 1 and 2 have not come into operation.]

Division 3 — Acts amended

[Subdivisions 1-10 have not come into operation.]

Subdivision 11 — Firearms Act 2024 amended

470. Act amended

This Subdivision amends the *Firearms Act 2024*.

471. Section 11 amended

In section 11(1)(d) delete “unsoundness of mind” and insert:

mental impairment

[Subdivisions 12-20 have not come into operation.]

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Notes

This is a compilation of the *Firearms Act 2024* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Firearms Act 2024</i> Pt. 1, Pt. 16 and Pt. 17 Div. 3 Subdiv. 11	23 of 2024	27 Jun 2024	Pt. 1: 27 Jun 2024 (see s. 2(a)); Pt. 16: 28 Jun 2024 (see s. 2(b)); Pt. 17 Div. 3 Subdiv. 11: 1 Sep 2024 (see s. 2(c) and SL 2024/175 cl. 2)
<i>Police Legislation Amendment Act 2024</i> Pt. 5 Div. 3	33 of 2024	26 Sep 2024	20 Dec 2024 (see s. 2(1)(b) and SL 2024/277 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Firearms Act 2024</i> (other than Pt. 1, Pt. 16 and Pt. 17 Div. 3 Subdiv. 11)	23 of 2024	27 Jun 2024	31 Mar 2025 (see s. 2(d) and SL 2024/289 cl. 2)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
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1973 Act exemption.....	421(1)
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administrative action.....	411(1)
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antique firearm.....	18(1)
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Defined terms

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Defined terms

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