



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4417



PERTH, FRIDAY, 6 NOVEMBER 2009 No. 201 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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Firearms Act 1973

## Firearms Amendment Regulations (No. 4) 2009

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Firearms Amendment Regulations (No. 4) 2009*.

### 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 12 November 2009.

### 3. Regulations amended

These regulations amend the *Firearms Regulations 1974*.

### 4. Regulation 2 amended

In regulation 2 insert in alphabetical order:

*current firearm serviceability certificate* means a firearm serviceability certificate provided under regulation 25A(2) that is current;

**Firearms Amendment Regulations (No. 4) 2009****r. 5**

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*firearms safety test* means a written test, approved by the Commissioner, about the *Firearms Act 1973* and firearm safety;

**5. Regulation 3A amended**

After regulation 3A(1) insert:

- (2A) The Commissioner may refund part or all of a fee paid under subregulation (1)(b) if the application is unsuccessful.

**6. Regulation 3B amended**

In regulation 3B(4) delete “the firearm for inspection.” and insert:

a current firearm serviceability certificate for the firearm.

**7. Regulation 7 amended**

- (1) Delete regulation 7(1) and insert:

- (1) An application for a licence is to be lodged by the applicant in person at —
- (a) an Australia Post Office in Western Australia; or
  - (b) the General Post Office in the capital city of any other State or a Territory; or
  - (c) a place approved by the Commissioner.

**Firearms Amendment Regulations (No. 4) 2009**

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**r. 8**

- (2) Delete regulation 7(3) to (7) and insert:
- (3) An application for a licence is to be accompanied by —
- (a) a current firearm serviceability certificate for the firearm in respect of which the application is made; and
  - (b) evidence, in a manner approved by the Commissioner, of the applicant's identity; and
  - (c) evidence in the form of Form 2 that the applicant has passed a firearms safety test conducted by the holder of a Dealer's Licence or an officer of an approved shooting club or other approved organisation.
- (4) After receiving an application the Commissioner may, in writing, direct the applicant to arrange for the firearm to which the application relates to be produced for inspection at a police station specified in the direction.
- (5) Where the application is for an addition to a licence subregulation (3)(c) does not apply.
- (3) In regulation 7(9) delete "his age or any other" and insert:
- any

**8. Regulation 7B amended**

In regulation 7B delete "licence,".

**Firearms Amendment Regulations (No. 4) 2009****r. 9**

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**9. Regulation 9 replaced**

Delete regulation 9 and insert:

**9. Notification of certain events**

- (1) A holder of a licence, permit or approval must give the Commissioner written notice of any of the following events —
  - (a) a change of the holder's name;
  - (b) a change in the holder's place of residence;
  - (c) a change in the storage arrangements for a firearm to which the licence, permit or approval relates.
- (2) The notice referred to in subregulation (1) must be given no later than 21 days after the event occurs.

**10. Regulation 18 amended**

In regulation 18(1)(a) delete "abode" and insert:

place of residence

**11. Regulation 20 replaced**

Delete regulation 20 and insert:

**20. Limits on premises identified in certain licences**

- (1) In this regulation —

*licence* means —

  - (a) a Dealer's Licence; or
  - (b) a Repairer's Licence; or

**Firearms Amendment Regulations (No. 4) 2009**

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**r. 12**

- (c) a Manufacturer's Licence.
- (2) Except as provided in subregulation (3), a licence must identify only one premises as premises to which the licence relates.
- (3) A Repairer's Licence or a Manufacturer's Licence issued to a person who is a member of the Police Force or an employee of the Department in connection with the performance of the person's duties must identify one or more premises as premises to which the licence relates.

**12. Regulation 25A inserted**

After regulation 24 insert:

**25A. Firearm serviceability certificates**

- (1) In this regulation —  
*authorised person* means —
  - (a) the holder of a Dealer's Licence; or
  - (b) the holder of a Repairer's Licence; or
  - (c) the holder of a Manufacturer's Licence; or
  - (d) an officer of an approved shooting club or other approved organisation; or
  - (e) a member of the Police Force;*firearm serviceability certificate*, in relation to a firearm, means a certificate in the form of Form 3.
- (2) An authorised person, having examined a firearm, may provide a firearm serviceability certificate in respect of the firearm.

**Firearms Amendment Regulations (No. 4) 2009****r. 13**

- (3) A firearm serviceability certificate remains current for a period of 3 months commencing on the date it is provided.

**13. Regulation 25 replaced**

Delete regulation 25 and insert:

**25. Delegations**

In respect of a type of firearm set out in an item in the Table, the Commissioner's functions set out in that item may be performed by an officer of the Police Force set out in that item.

**Table**

<b>Item</b>	<b>Type of firearm</b>	<b>Functions</b>	<b>Officer who may perform function</b>
1.	Firearm described in Schedule 2	Grant a permit without conditions	Any officer
2.	Firearm described in Schedule 2	Issue a Firearm Licence without conditions	An officer employed in the Department to carry out licensing functions in respect of firearms

**Firearms Amendment Regulations (No. 4) 2009**

r. 13

<b>Item</b>	<b>Type of firearm</b>	<b>Functions</b>	<b>Officer who may perform function</b>
3.	Firearm or ammunition other than a firearm of category D	<p>Grant a permit or approval, or issue a licence, without conditions</p> <p>Grant a permit or approval, or issue a licence, with conditions</p> <p>Refuse to grant a permit or approval, or issue a licence</p>	Any officer holding the rank of senior sergeant or holding a commission under the <i>Police Act 1892</i> section 6 and employed in the Department to carry out licensing functions in respect of firearms
4.	Firearm of Category D	<p>Issue a licence without conditions</p> <p>Issue a licence with conditions</p> <p>Refuse to issue a licence</p>	Assistant Commissioner of Police responsible for licensing functions in respect of firearms

**Firearms Amendment Regulations (No. 4) 2009****r. 14**

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**14. Regulation 26 amended**

- (1) In regulation 26(1) delete “(2a)” and insert:

(2a), (2BB)

- (2) After regulation 26(2BA) insert:

(2BB) This regulation does not apply to the holder of a Dealer’s Licence who is authorised by the Commissioner to acquire the firearm for the purpose of selling it —

- (a) to a person referred to in subregulation (2); or
- (b) to the holder of a licence for the firearm.

- (3) After regulation 26(3) in the Table after the seventh item insert:

a “forward venting” blank firing imitation firearm





**Firearms Amendment Regulations (No. 4) 2009****r. 15**

5. Is the address above your permanent residential address?
- Yes
- No You cannot proceed with this application. Please contact Police Licensing Services on 1300 171 011.
6. Is your postal address the same as your residential address?
- Yes Go to question 8.
- No Complete your postal address below.
7. Postal address
- |  |   |
|--|---|
| Unit number/Lot number/Floor level/<br>PO Box/RMB/Locked Bag | Street Number                                     |
| Street name  | Street type in full (e.g. Road, Avenue,<br>Court) |
| Suburb/Town/Locality   | State                      Postcode               |
8. Is the address above your permanent postal address?
- Yes
- No You cannot proceed with this application. Please contact Police Licensing Services on 1300 171 011.
9. Have you been known by any other name(s)?
- Yes Please provide the other names that you have been known by below.
- No Go to question 10.
- |             |                 |
|-------------|-----------------|
| Family Name | All given names |
| Family Name | All given names |
| Family Name | All given names |

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

10. Have you lived at any other address during the last 2 years?

Yes Complete details of each address below.

No Go to question 11.

Unit number/Lot number/Floor level Street Number

Street name Street type in full (e.g. Road, Avenue, Court)

Suburb/Town/Locality State Postcode

Unit number/Lot number/Floor level Street Number

Street name Street type in full (e.g. Road, Avenue, Court)

Suburb/Town/Locality State Postcode

11. Details of birth

Place of birth (Suburb/Town/Locality)

Country of birth

Date of birth

NOTE: If you are under 18 years of age you may not apply for a licence.

12. Have you ever lived outside WA?

Yes Please provide details of where and when below.

No Go to question 13.

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

13. What is your gender?

- Male       Female

14. Do you have a WA Driver's Licence?

- Yes    Licence number

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- No    Go to question 15.

15. Contact details

Telephone

Home

Work

Mobile

Email address

**Section 3. History of applicant**

16. In the last 5 years have you been treated for any medical condition that could effect your fitness to hold a firearms licence or regularly used prescription medication or other drugs?

- Yes    Please provide details below.  
 No    Go to question 17.

17. Do you have any physical or mental condition that could effect your fitness to hold a firearms licence?

- Yes    Please provide details below.  
 No    Go to question 18.

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

18. Do you have a current firearms licence under the WA *Firearms Act 1973*?

Yes    Firearms licence number                      Expiry date

--	--	--	--	--	--	--	--	--	--

No    Go to question 19.

19. Have you previously held a firearms licence under the WA *Firearms Act 1973*?

Yes    Firearms licence number                      Last year held

--	--	--	--	--	--	--	--	--	--

(If not known indicate 'unknown'.)

No    Go to question 20.

20. Have you ever had a firearms licence or application refused or cancelled or been disqualified from holding a firearms licence?

Yes    Please provide details including where, when and why below.

No    Go to question 21.

21. Have you ever been convicted of an offence in Australia or overseas?

Yes    Please provide details of all charges, including locations, below.

No    Go to question 22.

22. Have you ever been found guilty of an offence without a conviction being recorded in Australia or overseas?

Yes    Please provide details of all charges, including locations, below.

No    Go to question 23.

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

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23. Do you have any outstanding charges against you in Australia or overseas?

- Yes Please provide details of all charges, including locations, below.  
 No Go to question 24.

24. Are you currently or have you ever been bound by a Violence Restraining Order (WA) or equivalent order in Australia or overseas?

- Yes Please provide details, including locations, below.  
 No Go to question 25.

25. Are you applying for a licence as a business or company?

- Yes Please provide the name of the business or company below and an agents nomination form confirming that you have the authority to make the application on behalf of the business or company.  
 No

Business or company name

You will be contacted by WA Police to provide additional information about your business or company.

**Firearms Amendment Regulations (No. 4) 2009****r. 15****Declaration of applicant**

I certify that all of the information in this application and in every attachment to it is true and correct. I know it is an offence to provide incorrect or misleading information.

Disclaimer and privacy notice — Australia Post is acting as an agent for the Government of Western Australia and collects your information to identify you in accordance with requirements under Australian law. Your details will be forwarded to the Government of Western Australia and may also be disclosed to government agencies such as Centrelink. Subject to certain exceptions you may request access to your personal information. If access is denied, the law says we must tell you why.

**DO NOT SIGN UNTIL YOU LODGE THIS FORM AT AUSTRALIA POST.**

Your signature must be witnessed by the Australia Post verifier.

Applicant's signature

Date

**Australia Post use only**

I confirm that I have sighted original documentation that verifies the applicant's identity and that the applicant has provided the required documents.

Verifier's name

Verifier's signature

Date

Work Centre Code

Comments





**Firearms Amendment Regulations (No. 4) 2009****r. 15**

29. What is the most relevant reason for applying for a licence for this firearm?

- |   |   |
|---|---|
| <input type="checkbox"/> Club use   | You must provide a club support letter confirming that you are a member of an approved shooting club or association.                            |
| <input type="checkbox"/> Recreational/Hunt/Shoot                              | You must provide evidence that you have written permission from a landowner to hunt or shoot on his or her land.                                |
| <input type="checkbox"/> Occupational use —<br>Primary producer               | You must provide evidence confirming that you are the owner of land on which the firearm will be used.  |
| <input type="checkbox"/> Occupational use —<br>Nominee of primary<br>producer | You must provide evidence confirming that you have permission of the primary producer to use the firearm on land owned by the primary producer. |
| <input type="checkbox"/> Occupational use —<br>Other                          | You must provide an occupational support document.  |

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

Collector

What is the reason for applying for a licence for this firearm?

Significant commemorative value

Significant historical value

Significant heirloom value

Significant thematic value

Please provide further details about your selected reason in support of your application below.

Is the firearm a handgun?

Yes Was the handgun manufactured after 1946?

Yes

Are you a student of arms?

Yes

No

No

Please provide further details about the firearm below.

Other use Please provide details of the other use below.

30. What is your need for this firearm?

Please provide information relating to your need for this particular firearm below.

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

31. Are you applying to be the sole licensee for this firearm?

Yes Go to question 32.

No Please select the option below that describes you.

Primary owner Please provide the name of the co-user and licence number of the co-user (if known).

Family name

Given names

Licence number

--	--	--	--	--	--	--	--	--	--

Co-user Please provide the name of the primary owner and the licence number of the primary owner (if known).

Family name

Given names

Licence number

--	--	--	--	--	--	--	--	--	--

Club armourer Please provide the name of the club or association for which you are the armourer. You must provide a club support letter that nominates you as the club armourer.

Name of club or association

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

32. How do you intend to obtain this firearm?

- Purchase from dealer
- Private sale
- Co-use with owner
- Transferred ownership
- Club owned

33. Is this firearm currently licensed in WA?

- Yes Please provide the current licence number.

--	--	--	--	--	--	--	--	--	--

- No Please indicate which of the following best describes this firearm.
  - Imported from outside Australia
  - Interstate transfer
  - Currently unlicensed
  - Other Please provide details below.

#### Section 6. Storage arrangements for this firearm

34. Is this application for an original licence?

- Yes If your application is successful you will be asked to provide a statutory declaration relating to your storage arrangements for the firearm.
- No Are your storage arrangements sufficient to store the firearms and ammunition for which you already have a licence and this firearm?
  - Yes Please complete the details of storage arrangements below.
  - No You cannot proceed with this application. Please contact Police Licensing Services on 1300 171 011.

**Firearms Amendment Regulations (No. 4) 2009****r. 15****Details of storage arrangements for current firearms**

My storage arrangements comply with the *Firearms Act 1973* and the *Firearms Regulations 1974*. I have the following —

- A lockable cabinet or container that meets the minimum specification set out in the *Firearms Regulations 1974* Schedule 4.
- Other storage facilities described below.

The address where my licensed firearms are stored is —

- my residential address
- as set out below

Unit number/Lot number/Floor level      Street Number

Street name      Street type in full (e.g. Road, Avenue, Court)

Suburb/Town/Locality      State      Postcode



**Firearms Amendment Regulations (No. 4) 2009****r. 15**

Assessor's position in organisation
<b>Certification</b>
<b>I certify that on ...../...../..... the person named in section 1 above successfully completed in my presence a firearm safety test in accordance with the requirements set out in the <i>Firearms Act 1973</i> and the <i>Firearms Regulations 1974</i>.</b>
<b>Signature of assessor</b> <span style="float: right;"><b>Date</b></span>
How many attempts were made to complete the test?

**3. Firearm serviceability certificate**

Western Australia <i>Firearms Act 1973</i>	<b>Firearm serviceability certificate</b>												
	Certificate No. <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>												
<b>Firearm details</b>													
Manufacturer													
Model													
Firearm type		Firearm category											
Ammunition type		Calibre											
Loading method													
Primary Serial No.		Secondary Serial No.											
Magazine type		Magazine capacity											
Is the firearm a handgun		Barrel length (handguns only)											





**Firearms Amendment Regulations (No. 4) 2009****r. 15****Declaration**

I am —

- a licensed firearm dealer
- a licensed firearm manufacturer
- a licensed firearm repairer
- an authorised member of an approved club
- a Police Officer

I certify that I have examined the firearm described above and confirm that (please mark each relevant box).

- the details of the firearm are correctly described
- the firearm is fitted with an effective trigger guard
- the firearm is in complete condition without missing parts or components
- the firearm has no visible flaws or defects that could effect its operation
- the firearm is fitted with stocks/grips that are serviceable
- the firearm has a trigger mechanism that does not operate when a force of one kg is exerted on the mechanism
- the firearm is fitted with an appropriate safety mechanism

**Signature****Date**

(2) In Schedule 1 delete Form 22 and insert:

**22. Storage statement (r. 11C)**

Western Australia <i>Firearms Act 1973</i>		<b>Storage statement (statutory declaration)</b>
<b>Person making statutory declaration</b>		
Name	Surname	
	Given names	
	Occupation	

**Firearms Amendment Regulations (No. 4) 2009****r. 15**

Date of birth											
Home address											
	Postcode										
<b>Statutory declaration</b>											
<p>I, the person described above, sincerely declare as follows —</p> <p>To ensure that any firearm or ammunition in my possession is stored in accordance with the <i>Firearms Regulations 1974</i> r. 11A, I have —</p> <p><input type="checkbox"/> A lockable cabinet or container described below that at least meets the specifications described in Schedule 4 of those regulations.</p> <p><input type="checkbox"/> A separate lockable metal container described below that is securely affixed to the above cabinet or container, in which to store ammunition.</p> <p style="padding-left: 40px;">Description of storage arrangements —</p> <p><input type="checkbox"/> Other storage facilities as follows —</p> <p>The storage facilities are located at —</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 5px;">Unit number/Lot number/ Floor level</td> <td style="width: 50%; padding: 5px;">Street Number</td> </tr> <tr> <td style="padding: 5px;">Street name</td> <td style="padding: 5px;">Street type in full (e.g. Road, Avenue, Court)</td> </tr> <tr> <td style="padding: 5px;">Suburb/Town/Locality</td> <td style="padding: 5px;">State</td> </tr> <tr> <td></td> <td style="padding: 5px;">Postcode</td> </tr> </table>				Unit number/Lot number/ Floor level	Street Number	Street name	Street type in full (e.g. Road, Avenue, Court)	Suburb/Town/Locality	State		Postcode
Unit number/Lot number/ Floor level	Street Number										
Street name	Street type in full (e.g. Road, Avenue, Court)										
Suburb/Town/Locality	State										
	Postcode										

**Firearms Amendment Regulations (No. 4) 2009****r. 16**

- Proof of purchase/fitting of the storage facilities is attached.
- Photographs of the storage facilities including the anchor points of the cabinet or container are attached.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ by —

Signature

in the presence of this authorised witness —

Witness's signature

Name

Qualification as authorised witness

**16. Schedule 1A replaced**

Delete Schedule 1A and insert:

**Schedule 1A — Fees**

[r. 2]

<b>Item</b>	<b>Fee for</b>	<b>Fee (\$)</b>
1.	Application for firearm licence (r. 3A, 3B) —	
	(a) by person without such a licence	153.00
	(b) by person renewing such a licence	41.50
	(c) by person with such a licence wanting licence for one or more additional firearms	66.00
2.	Application for firearm collector's licence (r. 3A, 3B) —	
	(a) by person without such a licence	222.00

**Firearms Amendment Regulations (No. 4) 2009****r. 16**

<b>Item</b>	<b>Fee for</b>	<b>Fee (\$)</b>
	(b) by person renewing such a licence	41.50
	(c) by person with such a licence wanting licence for one or more additional firearms	66.00
3.	Application for corporate licence (r. 3A, 3B) —	
	(a) by person without such a licence	373.00
	(b) by person renewing such a licence	104.00
	(c) by person with such a licence wanting licence for one or more additional firearms	66.00
4.	Application for dealer's licence (r. 3A, 3B) —	
	(a) by person without such a licence	373.00
	(b) by person renewing such a licence	96.00
5.	Application for repairer's licence (r. 3A, 3B) —	
	(a) by person without such a licence	373.00
	(b) by person renewing such a licence	73.00
6.	Application for manufacturer's licence (r. 3A, 3B) —	
	(a) by person without such a licence	373.00
	(b) by person renewing such a licence	73.00
7.	Application for shooting gallery licence (r. 3A, 3B) —	
	(a) by person without such a licence	242.00
	(b) by person renewing such a licence	77.00
8.	Application for ammunition collector's licence (r. 3A, 3B) —	
	(a) by person without such a licence	227.00
	(b) by person renewing such a licence	64.00
9.	Application for permit under s. 17 of the Act, per month or part of a month for which permit issued	53.00
10.	Extract of Licence (r. 7A)	19.00

**Firearms Amendment Regulations (No. 4) 2009****r. 17**

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<b>Item</b>	<b>Fee for</b>	<b>Fee (\$)</b>
11.	Duplicate of licence (r. 8)	30.00
12.	Replacement for an Extract of Licence (r. 8)	19.00
13.	Police custody of firearm, per year or part of year (r. 11)	134.00

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**17. Schedule 3 amended**

In Schedule 3 under the heading *Restrictions for Category H* in subclause (4)(b) delete “Shot” and insert:

Action”.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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