Western Australia

Retail Barring Orders Act 2026

Retail Barring Orders Regulations 2026

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Contents

Part 1 — Preliminary

1. Citation 1
2. Commencement 1
3. Terms used 1

Part 2 — Firearm items and firearms authorisations

4. Giving up possession of firearm items or firearms authorisations (Act s. 19(4)) 2
5. Dealing with firearm items or firearms authorisations given up (Act s. 19(5)) 3

Part 3 — Explosives and explosives licences

6. Giving up possession of explosives or explosives licences (Act s. 20(4)) 5
7. Dealing with explosives or explosives licences given up (Act s. 20(5)) 5

Part 4 — Substituted service

8. Steps prescribed (Act s. 68(1)) 7
9. Ways of bringing relevant order to attention of person being served (Act s. 68(3)) 7
10. Steps to be taken for bringing relevant order to attention of person being served orally (Act s. 68(5)) 7

11. Steps to be taken for bringing relevant order to attention of person being served by post (Act s. 68(5)) 8

Defined terms

Retail Barring Orders Regulations 2026

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Retail Barring Orders Regulations 2026*.

2. Commencement

These regulations come into operation on 3 December 2026.

3. Terms used

In these regulations —

Chief Dangerous Goods Officer means the person designated as the Chief Dangerous Goods Officer under the *Dangerous Goods Safety Act 2004* section 25(2);

co-licensee, in relation to a firearm item, has the meaning given in regulation 4(6);

explosives order means —

(a) an RBO that imposes an explosives restraint; or

(b) an order under section 50(1)(b) of the Act varying an RBO to include an explosives restraint;

explosives restraint has the meaning given in section 20(1) of the Act;

restrained person, in relation to an RBO or an order under section 50(1)(b) of the Act varying an RBO, means the person who is bound by the RBO.

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Part 2 — Firearm items and firearms authorisations

4. Giving up possession of firearm items or firearms authorisations (Act s. 19(4))

(1) In this regulation —

firearms RBO has the meaning given in section 74(1) of the Act.

(2) This regulation applies if a firearms RBO is served on a restrained person who is in possession of a firearm item or firearms authorisation.

(3) If the firearms RBO is personally served on the restrained person by a police officer, or a police officer serves the firearms RBO on the restrained person by substituted service under section 67(3) or 68(5) of the Act orally while in the restrained person's presence, and at the time the firearms RBO is served the restrained person is physically in possession of the firearm item or firearms authorisation, the restrained person must immediately give the firearm item or firearms authorisation to the police officer.

(4) Subject to subregulation (6), if the firearms RBO is personally served on the restrained person by a police officer, or a police officer serves the firearms RBO on the restrained person by substituted service under section 67(3) or 68(5) of the Act orally while in the restrained person's presence, and at the time the firearms RBO is served the firearm item or firearms authorisation is at a place to which the police officer can reasonably accompany the restrained person, the restrained person must —

(a) immediately go with the police officer to that place; and

(b) once there, immediately give the firearm item or firearms authorisation to the police officer.

(5) Subject to subregulation (6), in any other case the restrained person must, as soon as is reasonably practicable and in any

event within 24 hours after the firearms RBO is served, give the firearm item or firearms authorisation to —

(a) a police officer who attends the place at which the firearm item or firearms authorisation is located for the purpose of collecting the firearm item or firearms authorisation; or

(b) the police officer in charge of the police station nearest to where the firearm item or firearms authorisation is located.

(6) If a firearm item in respect of which the restrained person holds a firearms authorisation is in the actual physical possession of another person (a ***co-licensee***) who holds a firearms authorisation in respect of that firearm item, the restrained person —

(a) must comply with subregulation (4) or (5), as the case requires, in respect of the firearms authorisation; but

(b) need not comply with subregulation (4) or (5), as the case requires, in respect of that firearm item.

5. Dealing with firearm items or firearms authorisations given up (Act s. 19(5))

(1) A firearm item or firearms authorisation given to a police officer under section 19(4) of the Act must be held in safe custody by the Commissioner of Police until —

(a) the firearms restraint is removed from the RBO; or

(b) the RBO ceases to be in force; or

(c) in the case of a firearm item, it is reclaimed by a co-licensee of that firearm item; or

(d) it may otherwise lawfully be disposed of.

(2) Subregulation (1) —

(a) is subject to the exercise by the Commissioner of Police of functions under the *Firearms Act 2024* Part 4

Division 8 or 9, Part 8 or any other provision of that Act; and

(b) does not require the Commissioner of Police to return a firearm item or firearms authorisation to the restrained person or any co-licensee of the firearm item if the Commissioner of Police is not satisfied the person or co-licensee is entitled to its lawful possession under the *Firearms Act 2024*.

(3) Subregulation (4) applies to a firearm item held by the Commissioner of Police under subregulation (1) if —

(a) after the RBO ceases to be in force —

(i) the Commissioner of Police is satisfied that neither the restrained person nor any co-licensee of the firearm item is entitled to lawful possession of the firearm item under the *Firearms Act 2024*; or

(ii) subparagraph (i) does not apply and the firearm item has not been reclaimed by a person entitled to its lawful possession within 1 month after the day on which the RBO ceases to be in force;

or

(b) the firearms restraint is removed from the RBO and the firearm item has not been reclaimed by a person entitled to its lawful possession within 1 month after the day on which the firearms restraint is removed.

(4) The Commissioner of Police may deal with the firearm item under the *Firearms Act 2024* section 368(3) and (4) as if a person entitled to its lawful possession cannot be identified or cannot be found.

Part 3 — Explosives and explosives licences

6. Giving up possession of explosives or explosives licences (Act s. 20(4))

(1) This regulation applies if an explosives order is served on a restrained person who is in possession of an explosive or explosives licence, possession of which the restrained person must give up under section 20(4) of the Act.

(2) The restrained person must give the explosive or explosives licence to the Chief Dangerous Goods Officer —

(a) as soon as is reasonably practicable after the explosives order is served; and

(b) in any event within 36 hours, or any longer period specified in the explosives order, after the explosives order is served.

7. Dealing with explosives or explosives licences given up (Act s. 20(5))

(1) An explosive or explosives licence given to the Chief Dangerous Goods Officer under section 20(4) of the Act must be held in safe custody by the Chief Dangerous Goods Officer until —

(a) the explosives restraint is removed from the RBO; or

(b) the RBO ceases to be in force; or

(c) the explosive or explosives licence may otherwise lawfully be disposed of.

(2) Before returning an explosive or explosives licence, the Chief Dangerous Goods Officer must have regard to the matters referred to in the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 164 as if the restrained person were an applicant for an explosives licence.

(3) If an explosives licence that is being held by the Chief Dangerous Goods Officer has not been reclaimed within 1 month after an event referred to in subregulation (1)(a) or (b), the Chief Dangerous Goods Officer may regard the restrained person as having surrendered the explosives licence under the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 170.

Part 4 — Substituted service

8. Steps prescribed (Act s. 68(1))

(1) For the purposes of section 68(1) of the Act, this regulation sets out the steps that are prescribed for a police officer who has failed to achieve personal service (the ***latest attempt***) of a relevant order.

(2) The police officer must make at least 1 unsuccessful attempt, in addition to the latest attempt, to achieve personal service of the relevant order.

9. Ways of bringing relevant order to attention of person being served (Act s. 68(3))

For the purposes of section 68(3) of the Act, the ways of bringing a relevant order to the attention of the person being served are —

(a) orally; or

(b) by post.

10. Steps to be taken for bringing relevant order to attention of person being served orally (Act s. 68(5))

(1) For the purposes of section 68(5) of the Act, this regulation sets out the steps for the way prescribed by regulation 9(a) (bringing a relevant order to the attention of the person being served orally).

(2) If the relevant order is an RBO, the person serving the RBO must orally inform the person being served of —

(a) the fact that the RBO has been made; and

(b) the general nature of the restraints imposed by the RBO; and

(c) the duration of the RBO; and

(d) a place where a written copy of the RBO, and a document containing the explanation required to be given under section 22 of the Act, can be obtained.

(3) If the relevant order is an order under section 50(1)(b) of the Act varying an RBO, the person serving the order must orally inform the person being served of —

(a) the fact that the RBO has been varied; and

(b) the general nature of the restraints imposed by the RBO as varied; and

(c) the duration of the RBO as varied; and

(d) a place where a written copy of the order varying the RBO can be obtained.

(4) The information required to be given under subregulation (2) or (3) (the ***required information***) may be given face to face or by telephone, radio, video conference or another similar method.

(5) The person serving the relevant order is not required to be in possession of a copy of the relevant order at the time the required information is given under subregulation (2) or (3) if, at that time, the terms of the relevant order are communicated to the person being served.

(6) If the person being served does not readily understand English, or the person serving the relevant order is not satisfied that the person being served understood the required information, the person serving the relevant order must, as far as practicable, arrange for another adult to give the required information to the person in a way that the person can understand.

11. Steps to be taken for bringing relevant order to attention of person being served by post (Act s. 68(5))

(1) For the purposes of section 68(5) of the Act, this regulation sets out the steps for the way prescribed by regulation 9(b) (bringing

a relevant order to the attention of the person being served by post).

(2) The person serving the relevant order must send the relevant order by prepaid registered post addressed to the person being served to the person's last known place of residence or business.

A. O'SULLIVAN, Clerk of the Executive Council

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)
Chief Dangerous Goods Officer	3
co-licensee	3, 4(6)
explosives order	3
explosives restraint	3
firearms RBO	4(1)
latest attempt	8(1)
required information	10(4)
restrained person	3

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