

Consultation Paper

Reform of firearms laws in Western Australia



**GOVERNMENT OF
WESTERN AUSTRALIA**



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Minister's Foreword



The Firearms Amendment Bill will seek to replace the current *Firearms Act 1973*, by developing contemporary legislation which is aligned with the interests of the community.

The key objective of this process has been to place **public safety** as the primary consideration. The Government acknowledges the role of firearms, particularly as a tool for use in workplaces such as farming properties, and the importance of preserving the ability for licenced firearms owners to pursue their sporting and recreational interests. However, ensuring the safety

of the community, which includes our Police Officers, who face threats from gun related crime on a regular basis must be the most important outcome.

Over the past five years 1,769 firearms have been stolen in Western Australia, amounting to an average of one firearm going missing every day.

In developing new Firearms legislation, recommendations from the Law Reform Committee Final Report 2016; Review of the Firearms Act 1973 (WA), have been taken into account, and in addition consultation with stakeholders from the firearms owners community, as well as firearms safety advocates, providing clarity on issues of interest affecting the public.

I want to acknowledge the work of the Western Australian Police Force, and in particular the Officers and staff from the Licensing Enforcement and Legislation and Policy divisions.

I want to thank all the organisations and individuals who have actively and positively participated in the consultation process and provided feedback and representation on behalf of their members, and the wider community. Since the commencement of this process more than **100 separate engagements** with stakeholder groups have been undertaken, including community forums in all regions in the State.

We have established a Primary Producers Advisory Board, comprising of; Pastoralist and Graziers Association (WA), Western Australian Farmers Federation, Vegetables WA, Wines of WA, and the Kimberley Pilbara Cattlemen's Association, with whom I meet on a bimonthly basis.

Through the consultation process a number of significant issues have been raised by stakeholders, including the need to review the process by which authorisations are given for access to a property for use of firearms. It is reasonable that a land owner should have the control over by who and when a firearm can be used on their property.

During the process, the firearms community established the Western Australian Firearms Community Alliance, representing the interests of the firearms sporting and recreational shooters, who have engaged with the Government and Western Australian Police Force, particularly on the provision of advice on the need for improved training, as well as security and storage requirements for firearms.

This document seeks to provide clarity as to the current proposed amendments to the Firearms Act, which have been developed throughout the consultation process, and in consideration of the recommendations of the Law Reform Committee Final Report 2016.

I encourage stakeholders to read the paper carefully and invite your constructive input into the content of this paper.



**HON PAUL PAPALIA CSC MLA
MINISTER FOR POLICE**

1 Introduction

The *Firearms Act 1973* (the current Act) and *Firearms Regulations 1974* (the current Regulations) came into operation on 1 July 1974. It is a licensing regime for persons possessing, using, dealing with or manufacturing firearms and ammunition. There have been several amendments to the Act since its commencement, with notable reforms implemented following the Port Arthur massacre in April 1996 and the consequent 2017 National Firearms Agreement (NFA). The reforms included the banning of certain types of firearms, including semi-automatic rifles, as part of the NFA. Further, basic storage requirements were introduced and minor provisions consequential of other legislation being enacted and reformed.

In 2016, the Law Reform Commission of Western Australia published its review of the Act (the LRC Report) and made 143 recommendations, with community safety being the paramount consideration. Relevantly, recommendation number two of the LRC Report was for the Act to be 'redrafted from the ground up and be re-enacted'.

Significant structural reform has not been made to the Act since it first came into operation nearly 50 years ago. All other Commonwealth jurisdictions have enacted new firearms legislation since the NFA was first introduced in 1996, with the most recent jurisdiction to implement new legislation being South Australia, through the *Firearms Act 2015* (SA).

The most recent reform of the *Firearms Act 1973* is the *Firearms Amendment Act 2022* (Amendment Act). The Amendment Act focuses on Firearm Prohibition Orders, unlawful manufacture of firearms, increased penalties for serious offences involving firearms and a permanent general amnesty, incorporating 13 of the 143 recommendations in the LRC Report.

The proposed legislation rewrites the current Act to improve and exceed WA's regulatory compliance with national firearm practices and to integrate learnings from recent events involving the use of firearms. Regulations to the proposed legislation are being developed alongside the Bill and are intended to be finalised by the end of 2024.

Drafting of new firearms laws for Western Australia is underway and already there has been more than 105 public consultations in metropolitan and regional centres, meetings with relevant stakeholders, particularly shooting and primary producers' associations, and consultations with governmental agencies over a period of almost two years. These consultations have helped frame the proposed legislation. Consideration has also been given to the NFA, the LRC Report and firearms regimes in other jurisdictions, particularly that of the *Firearms Act 2015* (SA) (the South Australian Act) and the *Firearms Regulations 2017* (the South Australian Regulations), which is the most recent rewrite of firearms legislation in Australia.

This Consultation Paper outlines the regulatory regime the proposed legislation will introduce, to seek further public input that will be considered as the drafting of the Proposed legislation is finalised.

The proposed legislation will contain the following:

- Preliminary and administration provisions – Provisions that set out the purpose and objects of the proposed legislation and key definitions, as well as administrative matters;

- Firearm authorities and genuine reason/need – Provisions that set out the types of firearm authorities (i.e. licences, permits) under the proposed legislation, the types of firearm categories and the requirements for both genuine reason and genuine need;
- Firearm authority requirements and restrictions – Provisions that set out the requirements and restrictions for persons holding a firearm authority, including general requirements, mandatory criminal disqualifications and fit and proper requirements, including health assessments;
- Firearm authority procedures – Provisions that set out the procedures relating to firearm authority applications, renewals, conditions and restrictions, surrenders of firearms.
- Offences – Provisions that set out the offences relating to firearms and related things;
- Security and storage – Provisions that set out the security and storage requirements for firearms and related things;
- Firearms prohibition orders – Provisions that set out procedures, offences and powers relating to firearms prohibition orders;
- Amnesty for surrender of firearms and related things – Provisions that provide, and set out procedures for, a permanent amnesty for surrender of firearms and related things;
- Police powers and enforcement – Provisions that set out police powers and enforcement capabilities;
- Evidentiary matters – Provisions that detail evidentiary matters in relation to firearms and related things;
- Disclosure of information – Provisions that provide for the disclosure of information to, and by, the Commissioner;
- Advertising, supply and reporting out of the state – Provisions that address the advertisement, supply and reporting of firearms and related things both inside and outside WA;
- Miscellaneous provisions – Provisions that set out regulation-making powers and other general matters;
- Transitional provisions – Provisions that set out the transitional procedures for firearm authorities and other matters from the current Act to the new proposed legislation;
- Amendments provisions – Provisions that repeal the current *Firearms Act 1973* and amend other legislation.

2 Preliminary and Administration Provisions

2.1 Statement of Purpose

The aims and purpose of the proposed legislation are:

- the primary principle is the need to ensure public safety;
- the possession and use of firearms is a privilege that is always conditional on the need to ensure public safety; and
- public safety can be improved by requiring strict controls on the possession, use, dealing and manufacturing of firearms and requiring the safe storage and carriage of firearms.

This statement of purpose directly addresses recommendations 2.2 and 3.1 of the LRC Report that an underlying principle of firearms regulation is to prevent the harm firearms may cause as dangerous items.

2.2 Objects

The proposed legislation addresses recommendation 3.2 of the LRC Report to assist in interpreting and understanding the proposed legislation.

Consistent with the need for the focus of the proposed legislation to be on public safety, the statement of such objects is based on the following:

- to improve public safety by ensuring the safe and responsible possession and use of firearms;
- to specify the purposes for which a person can be authorised to possess or use a firearm;
- to minimise the risk of persons becoming victims of crimes that involve the misuse of firearms;
- to prevent persons from having access to firearms for criminal purposes;
- to prevent access to firearms by persons who pose a risk of violence or misuse of firearms;
- to minimise the risk of persons causing harm, including psychological harm, to themselves or others by the misuse of firearms;
- to reduce the number of firearms unlawfully possessed in the community; and
- to facilitate a nationally consistent approach to the control of firearms.

2.3 Definitions

Appendix 1 contains details of some relevant definitions in relation to the proposed legislation.

2.4 Delegation

The proposed legislation retains the power of delegation from the Commissioner to a member of the Police Force in respect to the granting or approval of licenses for firearms or related things. This will primarily relate to licensing decisions and is consistent with recommendation 34 of the LRC Report.

However, the Commissioner will not be allowed to delegate the power to make or revoke a firearms prohibition order except to a police officer of or above the rank of Commander.

2.5 Exemptions

The proposed legislation will provide for the following exemptions from the proposed legislation in its entirety in respect of any act or omission by the person in the ordinary course of the person's duty as:

- a member of the Police Force or an employee of the Police Department;
- a member of the Australian Federal Police or of the Police Force of another State or Territory; or
- a member of the Australian Defence Force.

There is to be an additional ability to prescribe further persons, or types of person, to whom an exemption applies, either fully or partially.

An exemption under the proposed legislation will not exempt a person from the operation of a provision relating to firearm prohibition orders. As such, if a person with an exemption is subject to a firearm prohibition order, that order is enforceable.

3 Firearm Authorities

A firearm authority is defined as a firearms licence, a permit or an approval to possess or use a firearm.

A firearm authority will cover the following aspects:

- the individual or entity that will be licensed;
- the licence type;
- any approved firearms;
- the category of firearm they have been approved to possess or use;
- the approved purpose the firearm can be possessed or used for (i.e. relevant to the type of licence); and
- any other relevant approvals or conditions.

3.1 Genuine Reason and Genuine Need

The licensing, permit and approval application processes are underpinned by the requirement for an applicant to demonstrate a 'genuine reason' to have a firearms licence. They must then demonstrate a 'genuine need' in relation to the category of firearm they are seeking to possess and/or use, in line with the NFA and the LRC report.

The genuine reason test will be retained from the current Act, with the addition of requiring an applicant to demonstrate the purpose for which a firearm will be *possessed* under a licence, permit or approval. That is, an applicant for a firearms licence must demonstrate a genuine reason exists for the licence, permit or approval to be granted because the applicant genuinely intends that the firearm will be possessed for that authorised purpose.

The proposed legislation will provide that personal protection is not to be a genuine reason for acquiring, possessing or using a firearm which is in line with clause 10 of the NFA.

The genuine need test will be retained and amended from the existing Act. The proposed legislation will require that a genuine need must be demonstrated to *use* a particular firearm under a firearm authority. That is, an applicant for a firearms licence to authorise the use of a firearm must demonstrate that the proposed firearm is suitable and appropriate for the purpose of the licence. This will apply in respect to any category of firearm.

The proposed legislation will provide the Commissioner with the authority to require a licence holder to prove that they still satisfy the genuine reason and genuine need test at any time. This includes the authority to require a licence holder to produce proof of land permissions (known as 'property letters') to shoot on a particular property.

3.2 Licences

The new firearms laws will provide for various firearm related activities that draw from the NFA and the LRC report. Recommendations not included in the proposed legislation have been replaced by provisions that better ensure the underlying principle of improving public safety in relation to firearms.

Purposes relate to activities involving the possession or use of a firearm. Other purposes include training, conducting a trade in relation to firearms, operating facilities

and places for the purpose of firearms use, and primary production purposes such as shooting vermin.

The proposed legislation will provide for the following types of licences:

- Individual Licence;
- Business Licence;
- Primary Producer Licence;
- Collector Licence;
- Club Licence;
- Range Licence;
- Trade Licence; and
- Government Entity Licence.

Genuine need will be established based on the licence type in relation to the category of firearm the applicant is seeking to possess or use. This includes the firearm category that may be possessed under the particular licence type.

Although there are a number of separate licences, a licence holder of multiple licences will only be issued with one licence document (though this may be represented as a licence card or a digital licence). This licence card will state all licence authorities held by that single licensee.

3.2.1 Individual Licence

An Individual Licence refers to a natural person who possesses and/or uses firearms.

The Commissioner may approve the purpose for which an Individual Licence is used based on the genuine reason of an applicant. The licence holder will be restricted to possessing and using a firearm for an approved purpose, or purposes where there is more than one approval.

The different purposes for an Individual Licence include:

- competition shooting;
- target shooting;
- for hunting (including traditional hunting for Aboriginal and Torres Strait Islander people); and
- paintball.

The proposed legislation will include a limitation on the number of firearms in total, an individual firearm licence holder may possess in accordance with their approved purpose. Where an individual firearm licence holder is approved for multiple purposes, the number of firearms they may possess must not exceed the overall limitation.

Every purpose, apart from paintball, will have a maximum number of firearms licensable for that specific purpose. The maximum combined number of firearms a person can possess under an Individual Firearms Licence is 10. Please see the table below for a breakdown of how many firearms can be licensed under each approved purpose.

Individual Licence

Approved Purpose	Maximum Firearms Licensable
Competition Shooting (<i>Competition Licence</i>)	10*
Target Shooting (<i>Target Shooting Licence</i>)	5
Hunting (<i>Hunting Licence</i>)	5
Max. Combined Firearms under an Individual Licence	10

***Note** - the Commissioner can authorise additional firearms for competition purposes in special circumstances that will be specified in the regulations.

For example, a person has 3 firearms licensed for competition purposes, 2 for target shooting and 4 for hunting. As the combined number of firearms is 9 and below the maximum of 10, this would be acceptable.

If the same person, however, applies for 3 more firearms under the competition purpose to have a total of 6 firearms to participate in shooting competitions (the total of firearms under a Competition Licence is 10), this would not be acceptable because the total number of firearms under the person's Individual Licence, including the 2 for target shooting and 4 for hunting, would be 12, higher than the limit of 10.

Competition Licence

A Competition Licence will authorise the licensee to use the licensed firearm to participate in shooting competitions conducted at a licensed firearm range by an approved or licensed firearm club.

A Competition Licence applicant must be a member of an approved or licensed firearm club and, depending on their particular competitive requirements, may be approved to use Category A, B, C or H firearms. The applicant must show the firearms they are applying for are linked to a supported discipline. This accords with clauses 13 and 14 of the NFA.

Consistent with clause 13(b) of the NFA, where the use of a Category C firearm is involved, it will be further limited to:

- where the licence holder is a member of the Australian Clay Target Association or a club affiliated with the Australian Clay Target Association with a medical need to use a Category C shotgun due to a lack of strength or dexterity; or
- individuals who were on 15 November 1996 registered shooters with the Australian Clay Target Association and, at that time, possessed a semi-automatic shotgun or pump action repeating shotgun for use in clay target events (please note that this applies to the actual firearm/s that have been possessed before and on 15 November 1996).

The licence approval for Category H firearms, or handguns, will only be in circumstances consistent with clauses 14(b) and (c) of the NFA. Those clauses provide as follows:

- Paragraph 14(b) –

“Category H – the firearm must be designed or adapted for competition target shooting or must have a barrel length of at least 120mm for a semi-automatic handgun or 100mm for a revolver or a single shot handgun. If the firearm is fitted with a firearm magazine or cylinder, it must have a capacity of not more than 10 rounds. The calibre of the firearm must not exceed .38 (with the exception of cases listed under paragraph 14(c)).”

- Paragraph 14(c) –

“Handguns with a calibre greater than .38” but no greater than .45” are permitted only where shooters are competing in the two accredited events known as Metallic Silhouette and Single (Western) Action.”

A licence holder with this purpose may be required to attend a prescribed number of events to retain their approval, regardless of the Category of firearm on the licence. The Commissioner will be able to waive this requirement where the licence holder provides an adequate reason for not being able to comply with this requirement.

Target Shooting

A Target Shooting Licence authorises the licensee to use the licensed firearm to participate in target shooting inanimate objects on land for which the licensee has approval.

A Target Shooting Licence applicant must have land permission for target shooting and may be approved to use Category A or B firearms. This accords with clause 15(b) of the NFA.

The requirements relating to land permissions will apply.

The regulations may prescribe target requirements for the targets used for target shooting under the authority of a Target Shooting Licence or any other licence that authorises target shooting. These requirements may include reference to target size, shape, design, appearance and material.

Hunting

A Hunting Licence will authorise the licensee to use the licensed firearm to participate in the lawful hunting of pest or game animals on land for which the licensee has approval.

A Hunting Licence applicant must have land permission for hunting and may be approved to use Category A or B firearms. This accords with clause 15(b) of the NFA.

The requirements relating to land permissions will apply.

Land permission for shooting (Property Letters)

Land permission for shooting (also known as property letters) can apply both in respect to hunting and target shooting. An applicant for an Individual Licence for the purpose of hunting or target shooting, must provide proof of a written approval by an occupier of the land (defined as ‘authorised person’ for the purposes of written approvals) that authorises the use of the proposed land for the indicated purpose(s). Consistent with recommendation 63 of the LRC Report, a written approval must be provided for in relation to each application to add a firearm to a licence for the purposes of hunting or target shooting.

The written approval will serve as part of the evidence to prove the genuine reason. As such, it will be one of the requirements to be satisfied when an application is made (see recommendation 59.2 of the LRC Report).

The form and manner of the land permission for shooting will be approved by the Commissioner. An authorised person for the land will include the occupier of the land, a person entitled to give permission on behalf of the occupier of the land, or a person otherwise prescribed by the regulations (see recommendations 57, 58.1 and 59.3 of the LRC Report). The sale of land permissions for shooting to prospective licence applicants or holders will be prohibited.

A licence holder can only use the firearm on land for which they have obtained written approval/s. For instance, the holder of an Individual Licence for both hunting and target shooting purposes has land permission for shooting on Property A for hunting and Property B for target shooting. This means the licensee will only be allowed to do target shooting activities in Property A and hunting in Property B.

An authorised person for land will have the ability to rescind a written approval at any time. This is to be done by notifying the permission holder and Commissioner.

Where a written approval is rescinded, the person to whom the approval applies must, within 28 days, arrange for an alternative written approval that is suitable to satisfy the genuine reason for a licence or apply for another purpose under the licence. Failure to have genuine reason for a firearm authority will lead to the cancellation of the authority.

Where the authorised person for land changes, the person to whom the written approval applies will, as soon as reasonably practicable, notify the Commissioner in writing. The person must also provide the Commissioner, within 28 days, a new written approval to support the genuine reason relating to the previously owned, occupied, or managed land, otherwise the licence is revoked. This means the onus is on the licensee to ensure the currency of the genuine reason to hold the licence.

A written approval is not required where the person wishes to hunt or undertake target shooting on their own property. However, they must provide evidence they are an authorised person for the land, along with any other required evidence for land and firearm suitability to meet the genuine reason requirement (see recommendation 60 of the LRC Report).

Where the authorised person for land is no longer authorised (e.g. the property is sold or leased to another person), any licences connected by a property letter are no longer considered to have the required land approval. As such their genuine reason for having a licence may also no longer exist and they must, within 28 days, either arrange for an alternative written approval that is suitable to satisfy the genuine reason for a licence or apply for another purpose under the licence. Failure to have genuine reason for a firearm authority will lead to the cancellation of the licence.

The proposed legislation provides where a written approval has been provided, a licence holder still requires express approval from the occupier of the land to shoot on any specific occasion. A written approval will be needed for every new land a licence holder wishes to conduct shooting activities.

The regulations will further prescribe the period in which a written approval has to be renewed.

Suitability of Land for Shooting

The Commissioner will be able to consider any factors relevant in determining the suitability of the proposed land for the use of a particular firearm in hunting or outdoor target shooting (noting recommendation 56.2 of the LRC Report). Accordingly, the proposed legislation will include considerations such as:

- the size and location of the land (including proximity of shooting areas to public roads and populated areas);
- the nature of the shooting likely to take place on the land;
- the suitability of the firearm for the shooting purpose on that land;
- the capabilities of the firearm;
- the number of shooting permissions in force on the land at a particular time; and
- such other matters as the Commissioner thinks relevant.

Paintball

A Paintball Licence will authorise the licensee to possess and use a prescribed paintball gun to participate in paintball games conducted under the authority of a Paintball Business Licence.

A Paintball Licence will only be approved to use prescribed paintball guns and will not be subject to a numerical limit. The use of a prescribed paintball gun will also be limited to use with prescribed paintball pellets.

3.2.2 Business Licence

Business Licences can be issued to an individual, a body corporate or a partnership that have a genuine reason and genuine need to possess or use a firearm in the course of the activities of the licensed business. For body corporates and organisations, the Commissioner must be satisfied the applicant is fit and proper before approving a Business Licence. This includes consideration as to the body corporate and its relevant officers.

The proposed legislation will provide for purposes to which a Business Licence can be granted. The various activities that can be included as an approved purpose include:

- Security Agent Business;
- Firearms Training Business;
- Theatrical Business;
- Paintball Business;
- Professional Shooter Business; and
- Prescribed Business.

The category of firearm permitted under a Business Licence will relate directly to the genuine reason and need for the firearm and purpose for which the licence is issued. Further, a Business Licence will be issued under one genuine reason and firearms are to be used for the stated purpose, alongside any conditions placed on the licence.

The standard authority of each Business Licence will be:

- possession of a business firearm for authorised use; and
- use of a business firearm in the course of business for authorised purposes.

Security Agent Business

A Security Agent is responsible for providing various services, including that of a Security Officer (section 12 of the *Security and Related Activities (Control) Act 1996*). Security Officers are required to work on behalf of a Security Agent [section 19 of the *Security and Related Activities (Control) Act 1996*]. There is no restriction on a Security Agent also being a Security Officer. A Security Officer can only carry a firearm in the course of their duties where they:

- hold a licence endorsement under that legislation enabling them to carry a firearm; and
- they are undertaking duties related to that endorsement, consistent with sections 23 and 24 of the *Security and Related Activities (Control) Act 1996*.

The activities for which they can carry a firearm are for undertaking armed escorts. They can also carry a firearm for other prescribed activities, detailed in regulation 5 of the *Security and Related Activities (Control) Regulations 1997*.

Consistent with clause 18 of the NFA, the genuine reason for this endorsement can only be for the carrying of Category H firearms, noting such endorsements may be subject to ongoing firearm training requirements.

Firearms Training Business

The proposed legislation will include Firearms Training as an approved purpose that includes training in the safe handling of firearms, along with other training requirements that may be prescribed. Firearms Training Business Licences may also include businesses that provide training in firearm proficiency.

A Firearms Training Licence will only be approved to use Category A, B, C or H firearms.

Firearm Trainers

Further to the ability to grant a licence for the purpose of delivering training in the safe use of firearms, the Commissioner will have the ability to approve a suitable person to deliver an approved course or examination in safe firearm use.

This approval does not authorise the possession or use of firearms. It will be given to an instructor delivering safe practice theory.

Similar to clause 29(2)(b) and 29(3) of the Firearm Regulations 2017 (SA), an approved trainer will be required to compile, in a form approved by the Commissioner, a record of the names and addresses of all persons who attend the course or sit for examination. The person will also be required to provide the Commissioner with this information on request.

Theatrical Business Licence

A Theatrical Business purpose approval will apply to theatrical firearm businesses or performances. A theatrical firearm business is considered a business that provides firearm training to, and supervision of actors and others engaged in theatrical

performances to ensure the safe handling and use of firearms throughout the performance. A theatrical performance is considered both the rehearsal or presentation of a work of live or recorded entertainment.

A Theatrical Business Licence will authorise an actor, or other person involved in a theatrical performance, to use a business firearm under the immediate supervision of an authorised person for the licence who is providing that supervision in the course of the authorised business.

A Theatrical Licence applicant will only be approved to use Category A, B or H firearms. The licence will not authorise the use of any firearm with live ammunition unless approved by the Commissioner in a particular case.

Paintball Business

Paintball is a further approved purpose for which a licence can be issued and applies to paintball business that conduct and provide facilities and equipment for the conduct of games of paintball.

The proposed legislation will provide that a Paintball Business Licence holder can be approved to possess prescribed paintball guns, including prescribed paintball pellets, for the purposes of conducting the business of paintball. The prescribed paintball guns can be used:

- in the ordinary course of conducting the business of paintball;
- under the supervision of an Authorised Person for the licence; and
- at an approved venue.

Professional Shooter Business

A Professional Shooter relates to a shooter who requires the possession of a firearm as part of their occupation involving the culling, euthanasia or other humane destruction of animals by means of a firearm.

A common example is where such a shooter is engaged to shoot vermin on a primary producer's property. A further reason may be the destruction of animals for a welfare purpose (see recommendation 66 and 67 of the LRC Report).

As per clause 17 of the NFA, a Professional Shooter Licence applicant will only be approved to use Category A, B or C firearms. The professional shooter must satisfy the Commissioner there is a genuine need for the use of the firearm pertaining to their occupation and this cannot be achieved by some other means (as per clause 17 of the NFA).

Prescribed Business Licence

The proposed legislation will provide for a Prescribed Business Licence. A prescribed business is a business prescribed by the regulations as a business for which a Business Licence may be granted. This will allow for future developments in firearm related business activities to be accommodated by the legislation.

3.2.3 Primary Producer Licence

The proposed legislation introduces a dedicated Primary Producer Licence. This licence authorises the use of a licensed firearm for primary production activities. For example, this may relate to the use of firearms for the purpose of primary production such as the shooting of:

- vermin and certain types of birds that destroy crops;
- injured or sick animals;
- vertebrate animals such as wild pigs, foxes and dogs that attack and injure or kill stock.

Firearm Categories A, B, or C are to be available under this endorsement. Select Category E firearms will also be available (prescribed paintball guns and tranquilliser guns). Category H will be permitted in exceptional circumstances prescribed in the regulations.

The maximum number of firearms that a Primary Producer Licence will be able to apply to at any one time is 10. Prescribed paintball guns and tranquiliser guns to which the licence applies will not be counted towards the maximum firearm allowance.

Business Licences can be issued to an individual, a body corporate or a partnership that conducts or controls the conduct of the licensed business. Family members of Primary Producers may be approved by the Commissioner to be an Authorised Person for the licence. A family member refers to:

- the spouse or de facto partner of the person; or
- a parent, child, brother, or sister of the person or of the person's spouse or de facto partner.

Other persons approved as Authorised Persons of the Primary Producer Licence may also use the licensed firearms for primary production activities, subject to the conditions of their respective licence.

If an individual holds a Primary Producer Licence, that person is also taken to hold a Target Shooting Licence and Hunting Licence that applies to the firearms under the Primary Producer Licence. However, should a person wish to target shoot or hunt under their Primary Producer Licence, they are still subject to the requirements and conditions under the Target Shooting and Hunting Licences, such as seeking permission to shoot on another person's land if they are not shooting on their own land.

The proposed legislation will provide a young person aged between 12 and 18 who is a child of a licensee, or of the licensee spouse or de facto partner, the use of a licenced firearm for the purposes of primary production activities. This will be limited to the licensee's primary production property and subject to the young person being under immediate supervision by the licence holder while in possession or using the firearm.

3.2.4 Collector Licence

A single Collector Licence will encompass the two purposes for collection; which are the collection of firearms and the collection of ammunition. A licence holder with an approved purpose of having a Collector Licence for firearms is entitled to possess but not use:

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

Similarly, a licence holder with an approved purpose of having a Collector Licence for ammunition will be entitled to possess but not use licensed ammunition. The proposed legislation provides the regulation-making power to restrict the type and quantity of

ammunition a Collector Licence for ammunition may possess.

The prerequisites of being a Collector, and having a genuine collection of firearms or ammunition, are:

- significant commemorative value;
- significant historical value;
- significant thematic value;
- significant heirloom value to the collector; or
- significant investment value.

Additional requirements will be placed on the collection of handguns manufactured after 1946. A Collector Licence applicant wishing to collect firearms of this nature must satisfy the Commissioner of the following:

- the licensee is a student of arms, a person who can demonstrate a prolonged and genuine interest in the study, preservation or collection of firearms;
- the handgun is within the scope of the licensee's interest as a student of arms; and
- the person is a member of an approved society of firearm collectors.

Approved Society of Collectors

An approved society of firearm collectors facilitates the study, preservation or collection of firearms. The Commissioner will have the ability to approve an incorporated association as an approved society of firearm collectors and the regulations will be able to specify other requirements.

Approved society of firearm collectors will be obligated to provide information to the Commissioner in writing whenever a member ceases membership in the society, detailing the reason/s for cessation. Information provided by an approved society of firearm collectors may be considered by the Commissioner when considering whether a person is fit and proper to hold a Collector Licence and whether a firearm has significant Collector value.

3.2.5 Club Licence

The proposed legislation introduce a Club Licence which authorises:

- the licensee to possess a club firearm;
- an authorised person for the licence to use a club firearm at a licensed range for the purposes of competition shooting, target shooting or firearms training; and
- any person to use a club firearm at a licensed range for the purposes of competition shooting, target shooting or firearms training under the immediate supervision of an authorised person for the relevant licence.

A Club Licence also authorises an Authorised Person for the licence to:

- manufacture (also known as 'reload') ammunition for a club firearm for use in the club firearm under the authority of the licence; and

- supply ammunition for a club firearm to a person for use in the club firearm under the authority of the licence.

A Club Licence will only be approved to use Category A, B or H firearms.

Club Licences can only be issued to a body corporate (which includes an incorporated association) that operates a club that has its primary purpose being the making of arrangements for participation by its members in competition or target shooting using firearms.

The proposed legislation will provide the regulation-making power to set out the baseline requirements for a person to become a club member (such as them not being a person to whom a Firearm Prohibition Order applies) and the circumstances in which the club must suspend or cancel club membership.

Club Reporting Obligations

Club Licence holders will be obligated to report to the Commissioner on the following matters:

- a person becoming a member of the club;
- a refusal of application or membership renewal by the club;
- the suspension or cancellation of a membership;
- a person ceasing to be a member, other than suspension or cancellation;
- if an officer of the club forms the opinion that a member is not a fit and proper person to possess or use a firearm; and
- any other matter prescribed by the regulations.

The regulations will have the ability to prescribe reportable information, the manner in which the report must be made and the time within which the report must be made.

3.2.6 Range Licence

A Range Licence may apply to operation of a firearm range or for operation of a shooting gallery. For the purpose of the proposed legislation, firearms range means a facility for the use of firearms for competition shooting, target shooting and firearms training, generally for commercial purposes. Comparatively, a shooting gallery is considered a moveable firearms range.

A Range Licence will authorise:

- the licensee to possess a range firearm;
- an authorised person for the licence to use a range firearm at the licensed range for the purposes of competition shooting, target shooting or firearms training; and
- any person to use a range firearm at the licensed range for the purposes of competition shooting, target shooting or firearms training under the immediate supervision of an authorised person for the relevant licence.

Holders of other firearms licences may also have the authority to use their licensed firearm/s at a licensed range for purposes permitted under their licence with permission from an Authorised Person under the relevant Range Licence. The Commissioner will have the ability to place requirements and conditions on a Range

Licence in relation to when permission may be granted and how records of range permissions must be kept.

A Range Licence also authorises an Authorised Person for the licence to:

- manufacture (also known as 'reload') ammunition for a range firearm for use in the range firearm under the authority of the licence; and
- supply ammunition for a range firearm to a person for use in the range firearm under the authority of the licence.

For a firearm range under this licence, the Commissioner will be able to consider any factors relevant in determining the range as suitable for use. Accordingly, the proposed legislation will include considerations such as:

- the location of the firearm range is a suitable location for a licensed range;
- the firearm range meets standards of construction necessary for the safe operation of a licensed range at that location; and
- use of the land for the purposes of a licensed range is a lawful use of the land.

For a Range Licence for a shooting gallery, the shooting gallery will be subject to the following restrictions:

- the shooting gallery is a licensed range only when it is being operated in accordance with the regulations and at locations, or locations of a kind, specified in the licence; and
- the licence does not authorise the use of a firearm for the purposes of firearms training.

A Range Licence will only be approved to use Category A, B, C or H firearms unless the licence is for a shooting gallery. A Range Licence for a shooting gallery will only apply to a Category A firearm.

3.2.7 Trade Licence

The various activities that can be included as an approved purpose under a Trade Licence include:

- Firearms Dealer;
- Firearms Repair;
- Firearms Manufacture;
- Firearms Storage;

Trade Licences can be issued to an individual, a body corporate or a partnership. A Trade Licence will apply to firearms and related things, and may apply to prohibited accessories with approval by the Commissioner.

A single Trade Licence purpose will apply to a single location specified by the licence and the authority of that licence authorises the conduct of activities only on the premises to which the licence applies (one licence for each business premise). However, one person can hold more than one Trade Licence for the same trade purpose/s to authorise the conduct of activities at different locations.

Firearm Dealer

A Firearms Dealer approval entitles the licence holder to, in the course of a business:

- acquire and supply the things to which the licence applies;
- possess a thing to which the licence applies;
- use a thing to which a licence applies for the purpose of testing or demonstrating it for supply; and
- possess a thing to which the licence applies having received it for delivery to another licensee under a Trade Licence.

Firearm Repair

A Firearms Repair approval entitles the licence holder to, in the course of a business:

- repair a thing to which the licence applies;
- possess a thing to which the licence applies;
- possess ammunition for a firearm for a firearm that the licensee is authorised to repair; and
- use a thing to which a licence applies for the purpose of testing it.

Firearm Manufacture

A Firearms Manufacture approval entitles the licence holder to, in the course of a business:

- manufacture a thing to which the licence applies;
- possess a thing to which the licence applies;
- supply a thing to which a licence applies that is manufactured; and
- use a thing to which a licence applies for the purpose of testing or demonstrating it for sale.

Firearm Storage

A Firearm Storage approval applies to businesses providing secure firearms storage facilities for firearm owners. It involves anything that has to be stored securely as prescribed by the proposed legislation or licensing conditions including firearms, ammunition and major firearms parts.

The storage security requirements for this and other businesses and individuals are introduced in Part 8 and will be detailed in the regulations.

A Firearm Storage approval authorises the licensee to possess a thing to which the licence applies in the course of a business for the purpose of storage under the licence.

Trade Licence Minimum Activity and Reporting Requirements

The proposed legislation provides for regulations which may prescribe a minimum level of business activity Trade Licence holders must satisfy. For example, a Trade Licence holder may be required to make 20 or more transactions of firearms or major firearm parts (or a combination of both), or 50,000 rounds of ammunition in a 12-month period to maintain their genuine reason for a licence.

The Commissioner, though, will be able to waive this requirement where the licence holder provides an adequate reason for not being able to comply with this requirement.

It is intended this would extend solely to regional or rural licence holders, or where the inventory is considered antique or historic.

The proposed legislation will also provide the ability to prescribe the reporting requirements by the holder of a Trade Licence to the Commissioner. The Commissioner will be able to approve the manner in which the reporting is done, including by electronic means.

3.2.8 Government Entity Licence

The Government Entity Licence will capture local government entities and those Departments or Instrumentalities that come within the meaning of the *Public Sector Management Act 1994*. The licence will permit authorised persons of the licence to use the licensed firearm in the performance of the persons duties as an employee of the Government entity.

3.2.9 Replacement and Additional Major Firearm Parts

The proposed legislation will include the ability of the Commissioner to approve a licence holder to possess replacement or additional major firearms parts.

For replacement parts, the Commissioner will be able to approve a replacement for an existing part of a licensed firearm. When this happens, for the purposes of the licence, the replacement part will become a major firearm part for the licence and the old major firearm part ceases to be a part of that firearm. The old major firearm part must then be surrendered to the Commissioner or to a trade licence holder with an approved purpose of firearms destruction.

For additional parts, including those that would change the category of the firearm, a person must apply for an additional firearm authority to possess and use that major firearm part. The Commissioner will be able to approve new major firearm parts for a licensed firearm. When this happens, an additional firearm configuration will be added to the licence which depicts the original firearm fitted with the new firearm part. Each approved configuration of the firearm is treated as a separate firearm under the licence, but will not count towards the maximum number of firearms.

3.2.10 Responsible and Authorised Persons for a Licence

For licences held by a body corporate, a partnership or a Government Entity, it will be a requirement for a 'Responsible Person' to be approved for the licence. Additional persons underneath that licence will be 'Authorised Persons' (please note that authorised persons are also subject to fit and proper assessments, firearm training, etc.). An approval for a Responsible or Authorised Person may be subject to conditions by the Commissioner.

Responsible Persons

There will be one Responsible Person for a licence involving an entity. The Responsible Person must be:

- an officer or employee of the body corporate;
- a member or employee of the partnership; or
- an employee of the Government Entity concerned.

A Responsible Person for a licence has all of the obligations of the licensee under the licence and is authorised or required to do anything required of the licensee on their behalf. The Responsible Person will be the main conduit to ensure the licensee

complies with licence requirements. Their duties include providing any information requested by the Commissioner of Police, informing the Commissioner of Police of any changes to the authorised persons (e.g. an authorised person leaves the organisation) and providing adequate storage facilities for the firearms.

Any act or omission by the Responsible Person in relation to the licence is taken to be an act or omission of the licensee. As such, if the licensee is guilty of an offence as a result of an act or omission by the Responsible Person, the Responsible Person is also guilty of that offence.

If a Responsible Person does not plan to have immediate possession of the firearm, a Responsible Person can apply for a limited possession condition. This will allow the Responsible Person to perform all duties associated with the firearm authority but they will not be authorised to have immediate possession of the licensed firearms. Should a Responsible Person need immediate possession of a licensed firearm, they will require approval as an Authorised Person. Please note that all persons planning to have immediate possession or use licensed firearms must satisfy all fit-and-proper (including a health assessment) and training.

Should a Responsible Person become ineligible for, or leave, the role, they will be required to notify the Commissioner of this within 7 days.

A person under 18 years of age will not be eligible to be a Responsible Person for a licence.

Authorised Persons

An Authorised Person for a licence may be the licensee or a close associate of the licensee. A close associate of a licensee means:

- an employee or approved agent of the licensee;
- an officer of a body corporate that holds the licence;
- a person who holds a management position in a body corporate or partnership that holds the licence; or
- a member of the club if the licensee is the club.

A person under 15 years of age will not be eligible to be an Authorised Person for a licence.

If an act or omission by the Authorised Person in the course of activities under the licence would constitute an offence under the proposed legislation, either the authorised person or the licensee, or both of them, can be prosecuted for the offence.

3.2.11 Additional Firearm Licensing Authorities

Any firearm licence authorising the use of a firearm will also authorise, for the purposes of the use of that firearm:

- possession of the firearm;
- possession and use of ammunition for the firearm;
- possession and use of any magazine capable of being used with the firearm that will not change the Category of the firearm;
- use of that firearm for target shooting, firearms training and any other prescribed purpose at a licensed range; and

- manufacturing but not supply of ammunition for the firearm.

A licence that authorises the use of a firearm by a casual user who does not have a licence (e.g., visitors to a firearm range) authorises the supply of ammunition for the firearm to the casual user for use in a licensed firearm.

Any firearm licence that authorises the possession of a firearm or related thing also authorises the licensee to:

- acquire and take possession of the firearm, related thing or ammunition;
- supply and give possession of the firearm, related thing or ammunition to a person in circumstances permitted by the regulations; and
- any approved repair or alteration to the firearm or major firearm part that is approved by the Commissioner.

The regulations will have the ability to limit or expand the authority conferred by a licence. Conditions of a licence may also limit the authority of that licence.

3.3 Permits

The intent of a permit is as a temporary alternative to a licence. The purpose of permits is to cover instances where a firearm authority is needed for a more limited time than for a licence and for individuals that may not meet some eligibility criteria for a licence (e.g., residency in Western Australia). International/interstate travellers would need a permit to possess or use a firearm in Western Australia.

The purposes for which a permit may be granted include:

- the possession or use of a firearm or related thing in circumstances or for purposes prescribed by the regulations;
- the acquisition or supply of a firearm or related things in circumstances or for purposes prescribed by the regulations;
- the possession of firearm technology in circumstances or for purposes prescribed by the regulations; and
- anything else that the proposed legislation or the regulations provide can be authorised by a permit.

3.3.1 Young Competition Shooters

The proposed legislation will still allow young persons aged 12 to 18 to participate in firearm related sporting competitions under the immediate supervision of authorised persons on a relevant firearm authority (i.e., Club Licence or Permit for an interstate/international firearm club).

3.4 Approvals

There will be several references in the proposed legislation to approvals. These will generally relate to matters relevant to licences and permits. These include:

- any approved firearms and the firearm category those firearms are (also encompassing firearm related things for that firearm);
- ammunition other than that relevant to their approved firearm (for example, where a person is an ammunition collector);
- approvals in relation to the firearms related activities the licence holder

is entitled to undertake;

- any major firearm part other than a magazine subsequently approved by the Commissioner;
- approvals to acquire, supply, repair or manufacture a prohibited firearm accessory;
- any approvals relating to remote or autonomously operated firearms;
- any approvals relating to firearms technology; and
- an approval to possess and use a sound suppressor for Government Entity Licences.

3.5 Firearms Categories

The proposed legislation will retain and amend the firearms categories from the existing Act and Regulations as per the LRC Report and the NFA.

The proposed legislation creates the firearms categories (A, B, C, D, E, H), and the regulations will detail firearms included in each category. Further, the proposed legislation will provide that the regulations may move, add and remove types of firearms from firearm categories as well as introduce new firearms categories if needed.

3.6 Prohibited Firearms

The proposed legislation will provide for the non-granting of an approval for a firearm that is a prohibited firearm unless permitted by the regulations. Consistent with the current Act, the regulations will detail what firearms are designated as prohibited. Further, the regulations may provide for the circumstances in which a person may possess, use, manufacture, acquire or supply a prohibited firearm.

Firearms that are not included in any category are taken to be prohibited firearms.

3.7 Prohibited Accessories

A licence will not authorise a person to possess, use, manufacture, or supply a prohibited accessory except as permitted by the regulations. The Commissioner will be able to approve a prohibited accessory for a firearm only if:

- the prohibited accessory is of a kind that the regulations authorise the Commissioner to approve;
- the licence is of a kind that the regulation provide is appropriate to authorise the supply, possession and use of the accessory; and
- any other requirement of the regulations.

If a prohibited accessory is approved for a firearm to which a licence applies as a permitted accessory, the licence may authorise:

- a person who is authorised by the licence to possess the firearm is authorised to possess the permitted accessory;
- a person who is authorised by the licence to use the firearm is authorised to use the permitted accessory in conjunction with the firearm;

- Trade Licensees with the approval to possess and supply a sound suppressor only when bringing in stock with an authorised identified end user.

Sound Suppressors

The proposed legislation will provide approvals for possession and use of sound suppressors (provided for in section 17B of the current Act) will only be available for:

- Government Entity Licensees with the approval to possess and use a sound suppressor;
- Trade Licensees with the approval to possess and supply a sound suppressor only when bringing in stock with an identified end user (being a Government Entity Licence holder).

The Government Entity licence and Trade Licensee will be able to seek approval for the storage of sound suppressors. This is subject to such storage requirements that the Commissioner may require.

4 Firearm Authority Requirements and Restrictions

4.1 General Restrictions

A firearm authority will not be granted:

- if granting the firearm authority is not desirable in the interests of public safety;
- the applicant is not a fit and proper person; or
- the applicant or authority holder is a disqualified or prohibited person.

These restrictions will extend to individuals and persons who hold relevant management positions in body corporates and partnerships. The proposed legislation will enable the regulations to restrict the grant of a firearm authority and prescribe other mandatory or discretionary grounds for refusing the grant of a firearm authority.

4.2 Fit and Proper Requirements

When considering whether a person is a fit and proper person for a firearm authority, the proposed legislation will provide that the Commissioner may have regard for the following matters:

- the person's conduct and behaviour (e.g., violent behaviour);
- the person's physical and mental health;
- the person's views, opinions and attitudes;
- the person's way of living or domestic circumstances; and
- whether the person is of good repute, having regard to the person's character, honesty and integrity.

These matters will not limit what other matters the Commissioner can have regard to in forming an opinion on whether a person is a fit and proper person. If there is a reliable indication a person is not fit and proper to hold a firearm authority, the Commissioner will be required to ensure there is sufficient evidence to satisfy the Commissioner of that opinion.

1.1.1 Criminal Record

The Commissioner must have regard for a person's relevant criminal record held by the Western Australia Police Force, and where practicable police forces elsewhere, when forming an opinion as to whether they are a fit and proper person for a firearm authority.

The proposed legislation will provide that the Commissioner will have sufficient grounds for forming an opinion that a person is not a fit and proper person if at any time in the preceding five years, a person was convicted in any jurisdiction of:

- an offence involving assault with a weapon;
- an offence involving violence; or
- an offence under a provision of the proposed legislation or a written law of another jurisdiction that corresponds to the proposed legislation.

This provision will not prevent the Commissioner from having regards to a conviction for an offence outside a five-year period.

Disqualifying Offences and Orders

A person is a Disqualified Person where they are subject to either a disqualifying order or are convicted of a disqualifying offence. This will prevent them from:

- holding or continuing to hold a firearm authority; and
- becoming or being a Responsible or Authorised Person.

A person will be considered a Disqualified Person:

- when the person is the subject of a disqualifying order;
- during the disqualifying period prescribed by the regulations as the disqualifying period for a disqualifying order;
- when the person has been charged with a disqualifying offence and proceedings for the offence are pending against the person; or
- 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.

A Disqualifying Offence will be considered a serious offence as defined in the *Criminal Investigation Act 2006* section 128 [an offence for which the statutory penalty is imprisonment for five years or more] or a corresponding offence under the law of another Australian jurisdiction. A Disqualifying Offence will be irrespective of whether a spent conviction was made at the time of the finding of guilt.

A Disqualifying Order will include:

- a violence restraining order, family violence restraining order or conduct agreement order made under the *Restraining Orders Act 1997*;
- 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 those orders; or
- an order of a kind that is prescribed by the regulations as a disqualifying order.

The fact a person has ceased to be a disqualified person will 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 the person's fit and proper status to hold a firearm authority.

1.1.2 Associates

It will be open to the Commissioner to consider any person's associations when considering any matter pertaining to a firearm authority.

The proposed legislation will provide that regard may be had as to a person's close associates, or any other person with whom the person associates, would themselves be considered a fit and proper person. This directly relates to public safety. It is particularly in the context of the risk of their association with the person for matters resulting in:

- a firearm being used for an unlawful purpose;
- a firearm being used to harm anyone;

- injury or harm will be caused to another by the use or threatened use of a firearm; and
- the person failing to exercise responsible control over a firearm.

A person will be considered a close associate if:

- one is the relative of the other;
- they are in partnership;
- they are related bodies corporate within the meaning of the *Corporations Act 2001* (Cth);
- one is a body corporate (other than a public company whose shares are listed on a stock exchange) and the other is a shareholder in the body corporate;
- one is a trustee of a trust and the other is a beneficiary of the trust or, in the case of a discretionary trust an object of the trust;
- one has a right to participate, or participates, (other than as a shareholder in a body corporate) in the income or profits derived from a business conducted by the other;
- one is in a position to exercise, or exercises, control or significant influence over the conduct of the other.

Member of a Disqualifying Organisation

Of particular regard in relation to a person's associates is their association with, or membership of, a disqualifying organisation. In the proposed legislation a member of a disqualifying organisation means a person who is a member of an organisation named in Schedule 2 of the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*.

A person is considered a member of an organisation if that person:

- has been accepted as a member of the organisation, whether informally or through a process set by the organisation;
- identifies in any way as belonging to the organisation; or
- whose conduct in relation to the organisation would reasonably lead another person to consider the person to be a member of the organisation.

A person will be a disqualified person for a firearm authority:

- when the person is a member of a disqualifying organisation; or
- during the period prescribed by the regulations as the disqualifying period for membership of a disqualifying organisation.

1.1.3 Risk of Firearm Misuse and Threat to Public Safety

In forming the opinion a person is not a fit and person for a firearm authority, the proposed legislation will enable the Commissioner to have regard for whether a person poses any of the following risks:

- a risk of the person using a firearm for an unlawful purpose;

- a risk of the person using a firearm to harm themselves;
- a risk of the person causing injury or harm to another person by the use or threatened use of a firearm;
- the risk of the person failing to exercise responsible control over a firearm.

The Commissioner may also consider a person not a fit and proper person if the Commissioner reasonably suspects on the basis of an intelligence report or other intelligence information held in relation to the person, that the person is a threat to public safety. The Commissioner will not be obligated under any law to disclose an intelligence report or intelligence information relied upon to decide that a person is not fit and proper.

1.1.4 Health Requirements

The Commissioner will have regard for a person's health in forming the opinion of whether they are a fit and proper person for a firearm authority. Consistent with the overarching principle of public safety, health requirements will include:

- prescribed medical assessments to be undertaken for a new firearm authority application;
- prescribed medical assessments for a person seeking to renew a firearm authority; and
- the Commissioner to require a firearm authority holder to undergo medical examination where there is reasonable suspicion that they may have a health issue that impacts their fitness to hold a firearm authority.

Firearm authority health standards will consider both a person's physical and mental health. A person who does not meet the firearm authority health standards may not be considered a fit and proper person to hold a firearm authority.

The Commissioner will be able to request a report from applicants' or firearm authority holders' medical practitioners stating they have not been found to have any condition that could reasonably result in that person not being considered to meet the firearm authority health standards, as well as require any medical evidence or further information. The proposed legislation will also enable the Commissioner to require a person to attend their regular medical practitioner, or an independent medical practitioner, for a medical assessment. This includes the ability to require follow up attendances where determined necessary.

4.4 Minimum Age

As per item 15.4.1 of the LRC Report, and consistent with other jurisdictions, 12-years old will be the minimum age at which a minor will be allowed to use a firearm. Persons aged between 12 to 18 years may only use an authorised firearm while under the immediate supervision of a person authorised for the firearm under a firearm authority. This requirement for immediate supervision is lowered to young persons aged between 12 and 16 for paintball licences.

Additional minimum age requirements for firearm authorities are as follows:

- The minimum age for which a firearm licence may be granted will be 18 years old.
- The minimum age for which a firearm permit may be granted will be 18

years old.

- The minimum age for which a firearm approval may be granted will be 15 years old.

Persons under the minimum age for a firearm authority may apply for that firearm authority up to 3 months before they turn the minimum age for that authority.

4.5 Citizenship and Residency

A firearms authority will only be issued to residents of Western Australia who are:

- Australian Citizens;
- the holder of a Permanent Resident Visa in Australia; or
- a resident in Australia in circumstance prescribed by the regulations.

Persons that do not meet these citizenship and residency requirements may alternatively be eligible for a firearm permit.

4.6 Identity Verification

A firearms authority will only be granted to individuals if the identity of that individual can be established to the satisfaction of the Commissioner. In the case of a body corporate, a firearm authority will only be granted if the incorporation of the body and the identity of each person who hold a management position in the body can be established to the Commissioner's satisfaction.

The Commissioner will have the ability to refuse the grant of a firearm authority if an applicant fails to comply with a direction of the Commissioner to supply a photograph.

4.7 Training Requirements

A firearms license will only be granted if an applicant undertakes any required mandatory firearms training including a theoretical and practical safe handling element. It is proposed that this requirement will not apply to existing firearms license holders and their current licensed firearms.

It is proposed that the regulations will provide the Commissioner with the power to authorise trainers. The current consideration is that TAFE institutions will develop the theoretical component and deliver it in person or online. Whilst the practical element will be delivered by authorised trainers which may include TAFE institutions, dealers, firearm clubs or WA Police in remote locations.

4.8 Firearm Condition Requirements

The granting of a firearms authority requires the attached firearm is in appropriate condition for use. A firearms authority may not be granted to a firearm or major firearm part that is considered by the Commissioner as unsafe or unserviceable. An unsafe firearm or major firearm part is one that is not safe to operate in its current state).

This requirement will not prevent the grant of a Trade Licence authority for the purpose of testing, repairing or salvaging firearms in an unsafe or unserviceable state. It will also not prevent the grant of a Collector Licence for an unserviceable firearm or major firearm part.

5 Licensing, Permits and Approvals Procedures

5.1 Firearm Authority Applications

The proposed legislation will enable applications for firearm authorities to be made in a prescribed manner.

The Commissioner will be able to request further information from an applicant for a firearm authority, with the applicant being required to comply within 28 days of the request. An applicant may also be required to attend an interview with an employee of the Licensing Enforcement Department in relation to their firearms authority application.

A person may also be required to prove to the Commissioner that any firearm to which an application relates is capable of complying with the safety standards and tests prescribed by the regulations.

Failure to comply with any of these requirements may result in the refusal of an application.

Grant of Application

The proposed legislation will provide that the Commissioner must not grant an application for a firearm authority before 42 days from the day of application.

A person will be able to hold more than one kind of firearm authority at the same time.

A firearm authority will not be transferable.

Refusal of Application

Where the application has been refused, the reasons for the refusal will be provided in writing to the applicant by the Commissioner.

5.2 Firearm Authority Terms and Renewals

A firearm authority will not be renewable as of right and the regulations will have the ability to restrict the renewal of a firearm authority.

Licence Term and Renewal

A licence may be granted for one, three or five years. The Commissioner will also be able to align the term and renewal dates of two or more licences held by the same person (noting paragraph 7.1.4 of the LRC Report).

The Commissioner will be able to renew a licence upon application of a licence holder before the relevant licence expires or within three months after the licence expires. A licence will not be renewed on an application made more than three months after licence expiry and the licence holder will be required to apply for a new licence if they wish to obtain another firearm authority. If an application for licence renewal is made within three months after the relevant licences expires, the renewal period will end when the application for renewal is determined.

During a renewal period of a recently expired licence, and at the Commissioner's discretion, a person may keep the relevant firearms in approved storage while the application is being determined.

Permit Term and Renewal

The maximum period for which a permit can be issued is three months, with the ability to grant an extension for a further maximum of three months. Permits may only be granted for a maximum of six months within a 12-month consecutive period for the same firearms.

Approval Term and Renewal

The proposed legislation will provide that an approval can be granted or renewed for any period determined by the Commissioner.

5.3 Conditions and Restrictions

The proposed legislation will include provisions for the Commissioner to issue a firearm authority subject to conditions and restrictions. This will relate to a specific firearm authority and may:

- impose limitations or restrictions on the authority conferred by the firearm authority;
- impose obligations and restrictions on the holder of the firearm authority;
- impose obligations and restrictions on any person acting under the authority of the firearm authority;
- impose obligations and restrictions on the holder of the firearm authority in connection with the carrying on of any business or other activity to which the firearm authority relates; or
- impose obligations and restrictions on the responsible or authorised person.

There will also be the ability for the regulations to include further conditions on firearm authorities. Conditions or restrictions imposed on a firearm authority by the Commissioner may be varied or removed.

5.4 Amendments of Firearm Authorities

The proposed legislation will include provision for amendments of firearm authorities upon application to:

- add a firearm as an additional firearm on a firearm authority;
- replace an existing firearm on a firearm authority with another firearm;
- remove a firearm from a firearm authority; or
- change the purpose/s of a firearm authority.

The Commissioner can amend any firearm authority without an application by the holder of the authority by adding or removing a purpose to the firearm authority. If there are no more firearms or purposes on a firearm authority, that authority will be cancelled.

The Commissioner will be required to give a firearm authority holder written notice of any amendment to their firearm authority with a statement of reasons for the relevant amendment/s. An amendment to a firearm authority will take effect from the date of service of this written notice.

5.5 Cancellation and Refusal to Renew

The Commissioner will be able to, at any time, investigate whether a person who is the holder of a firearm authority is a fit and proper person to hold that authority. For the purpose of that investigation, the Commissioner can request a person to provide specified, relevant information to the Commissioner and attend an interview with an employee of the Department. This request will be made in writing and specify the particulars of the request. The request must be complied with within 28 days and non-compliance may result in a finding of not fit and proper.

Within the proposed legislation, it will be open to the Commissioner to cancel or refuse to renew a firearm authority. A firearm authority holder will have the capacity to request for their authority to be cancelled at any time.

The Commissioner will be required to give a firearm authority holder written notice of any cancellation or refusal to renew a firearm authority with a statement of reasons for the decision. A cancellation or refusal to renew will take effect from the date of service of this written notice.

Mandatory Cancellation or Refusal to Renew

The proposed legislation will require that the Commissioner cancel or refuse to renew a firearm authority if:

- it is not in the interests of public safety that the firearm authority remains in force or is renewed;
- the holder is not a fit and proper person to hold a firearm authority; or
- the holder is a prohibited or disqualified person.

Discretionary Cancellation or Refusal to Renew

The Commissioner will have the ability to cancel or refuse to renew a firearm authority if:

- the firearm authority was obtained by fraud or deception;
- the holder of the firearm authority has contravened a condition the authority is subject to;
- the holder of the firearm authority would not be granted the firearm authority under another provision of the proposed legislation if they were applying for it at that time;
- the firearm authority was granted incorrectly as a result of administrative or procedural error;
- cancelling or refusing to renew the firearm authority would be in the public interest;
- the holder of the firearm authority has failed to comply with a direction to supply the Commissioner of a photograph of themselves;
- the holder of the firearm authority has failed to comply with a direction by a police officer to provide the Commissioner with a statement relating to the storage facilities for a relevant firearm or related thing in an approved form;

- the holder of the firearm authority has refused to permit a police officer to inspect their storage facilities for a relevant firearm or related thing at a reasonable time;
- in the case of an approval, the circumstances in which the approval was granted are no longer applicable.

The regulations may prescribe other grounds on which a firearm authority may be cancelled or refused for renewal. The proposed legislation will allow the Commissioner to impose or vary conditions on a firearm authority as an alternative to cancelling or refusing to renew the firearm authority.

5.6 Notification of Disqualifying Offences and Orders

A person that holds a firearm authority will be obligated to notify the Commissioner in an approved manner and form within seven days of:

- a disqualifying order being made against that person;
- the person being charged with a disqualifying offence; or
- there being a finding of guilt in relation to a disqualifying offence committed by the person.

5.7 Suspension

The proposed legislation will provide the ability of the Commissioner to suspend a firearm authority. While a firearm authority is suspended, it has no authority and cannot be renewed. During a period of suspension, a person must be surrendered to Police.

The Commissioner will provide firearm authority holders written notice of any decision to suspend a firearm authority with a statement of reasons for the decision. A suspension will take effect from the date of service of this written notice. A suspension remains in force until revoked by the Commissioner or until the firearm authority is otherwise cancelled.

Mandatory Suspension

The proposed legislation will require that the Commissioner suspend a firearm authority if:

- the holder is subject to an interim disqualification;
- a person who holds a relevant management position in a body corporate or partnership that holds the firearm authority is subject to an interim disqualification.

A person is considered to be subject to interim disqualification if the disqualifying order they are subject to is interim in nature or if proceedings for a disqualifying offence are pending. The Commissioner must revoke the suspension if the interim disqualification ceases, unless the Commissioner otherwise decides to cancel the firearm authority.

Discretionary Suspension

The Commissioner will have the ability to suspend a firearm authority if there are reasonable grounds to believe the holder may not be a fit and proper person. This may include when:

- the person has been charged with an offence and the Commissioner is of the opinion a finding of guilt is likely to result in cancellation of the

firearm authority on the grounds that the person is not a fit and proper person to hold the firearm authority; or

- when there is any reliable indication that the person may fail to meet firearm health standards; or
- if a fee payable under the proposed legislation or in connection with the grant, amendment or renewal of the firearm authority has not been paid.

If a firearm authority is suspended due to an unpaid fee, the Commissioner can revoke this suspension at any time and must revoke this suspension when the fee is paid.

5.8 Licence Cards

The proposed legislation introduces licence cards to replace Extracts of Licences. The Commissioner can issue a licence card to a licensed person and may be in a format (including digital) approved by the Commissioner. A licence card will:

- identify the person who holds the relevant licence;
- provide evidence of the authority held by the relevant licence;
- provide other information considered appropriate by the Commissioner (such as the conditions of the relevant licence); and
- display a photograph of the person who holds the relevant licence.

If a person who has been issued a licence card has a firearm or related thing in their immediate possession, the licensed person will be required to have that licence card in their immediate possession and, on request, immediately produce the licence card for inspection by any police officer.

Should a person cease to be a licensed person because of expiry, cancellation or refusal to renew, the relevant licence card must be surrendered to police as soon as practicable.

Offences Relating to Firearm Authorities and Licence Cards

The proposed legislation will provide that the following are offences:

- altering, using or possessing a firearm authority or licence card without lawful authority;
- allowing another person that is not an agent of the authority holder to use their firearm authority or licence card;
- fraudulently obtaining, possessing, using, or attempting to use a firearm authority or licence card that is granted or issued to another person if they are not an agent of that person; and
- supplying information that the person knows to be false or misleading.

5.9 Reviews by the State Administrative Tribunal

A person who is aggrieved by a decision by the Commissioner may apply to the State Administrative Tribunal (SAT) for a review of that decision.

Should any supporting evidence in a SAT review be considered by the Commissioner as exempt matter, the Commissioner will be required to notify the SAT identifying the relevant material. When notified of exempt material, the SAT will:

- be unable to direct a party to the review to produce a document that is exempt material to another party;
- be required to ensure the exempt material is returned to the Commissioner when it is no longer required by the SAT;
- be required to ensure the exempt material is not disclosed in any way other than to a Justice of the Supreme Court of Western Australia;
- be required to receive evidence relating to exempt material in private and in the absence of any party to the proceeding other than the Commissioner or the Commissioner's representative; and
- be prohibited from publishing anything in relation to exempt material.

Should a court consider that exempt material provided under the *SAT Act 2004* cannot be considered protected for the purposes of the proceeding, the court will be required to give the Commissioner the opportunity to withdraw the exempt material from consideration.

6 Offences

The proposed legislation will provide for:

- offences relating to the possession of firearms and major firearm parts;
- offences relating to the use of firearms;
- offences relating to supplying and giving possession of firearms and major firearm parts;
- offences relating to acquiring and taking possession of firearms and major firearm parts;
- offences relating to ammunition;
- offences relating to ammunition components;
- offences relating to prohibited accessories;
- offences relating to interference with serial numbers;
- offences relating to the prohibited alteration of a firearm;
- offences relating to trade activities;
- offences relating to firearm technology;
- offences of lesser seriousness.

Other general offences will include:

- pointing a firearm at another person;
- use of firearm that causes danger or fear;
- giving or allowing possession of firearm or part by intoxicated person or person of unsound mind;
- using or carrying firearm while intoxicated;
- shooting onto, from or across a road;
- using or carrying a firearm while trespassing;
- failing to prevent unlawful possession by minor.

When any of the offences involve any of the below aggravating circumstances, they will constitute a separate offence with increased penalties:

- the person had been refused, or disqualified from holding, a firearm authority;
- the person had their firearm authority cancelled;
- the offence involved to a handgun or prohibited firearm;
- the offence involved three or more firearms or major firearm parts;
- the person was also in immediate possession of a prohibited drug or plant;
- the person was also in immediate possession of a large sum of money without reasonable excuse.

7 Security and Storage

The proposed legislation will outline storage, security, and safekeeping requirements for firearms and related things. The regulations will have the power to make specific provisions in relation to the storage of firearms and related things such as:

- requirements as to the design, construction, placement and fixing of storage facilities;
- requirements for security arrangements on premises to be used for the storage of firearms and related things, including requirements for security alarms, premises surveillance and surveillance monitoring.

The Commissioner will have the power to refuse the grant of a firearm authority to possess a firearm or related thing if:

- the Commissioner is not satisfied the storage arrangements or facilities are adequate to store the firearm or related thing in complying storage;
- the applicant for the firearm authority fails to comply with a request by the Commissioner to provide a statement in the approved form as to the storage arrangements and facilities for the firearm or related thing;
- the applicant for the firearm authority has refused to allow a police officer to inspect the storage facilities for the firearm or related thing.

A person who holds a firearm authority must allow a police officer to inspect any storage facilities used by the person to store their firearms or related things.

A firearm or related thing will be considered in use when:

- it is being used;
- it is being readied for use; or
- it is in a person's immediate possession for use.

1.1 Storage Requirements

Safekeeping

Consistent with recommendation 109 of the LRC Report, there will be general obligation for a person in possession of a firearm or related things to ensure the safekeeping of that firearm or related things at all times. This includes safeguarding from loss, theft and unauthorised possession and use. A person in possession of a firearm or related things will be required to:

- take all reasonable precautions to ensure its safekeeping;
- comply with any requirements of the regulations for its safekeeping.

Security for Firearms and Related Things in Transit

A firearm or related things will be considered in transit whenever it is not at an approved storage place. A person in possession of a firearm or related thing that is in transit will be required to comply with the following:

- a firearm must not be loaded;
- a firearm must be secured against unauthorised use by means of a trigger lock or other prescribed means in the regulations;

- when the firearm or related thing is not in the person's immediate possession it must be kept in the most secure location (including both place or vehicle) that is reasonably available to them.

Security for Firearms and Related Things in Transit in a Vehicle

A person in possession of a firearm or related thing that is in transit in a vehicle and not in use will be required to comply with the following:

- the firearm or related thing must be in the best reasonable place in the vehicle to ensure its safekeeping;
- a firearm must be kept separate from any related thing in the vehicle;
- the vehicle must not be left unattended unless the vehicle is securely locked and any firearm or related thing is not visible from outside the vehicle.

Complying Storage

Complying storage will mean storage, at an approved storage place, in compliance with requirements of the storage regulations. A person in possession of a firearm or related thing will be required to store it in complying storage at all times except when:

- the firearm or related thing is in use;
- the firearm or related thing is in transit;
- the firearm or related thing is in a person's immediate possession while undergoing maintenance.

Maintenance will include:

- care, cleaning and adjustment;
- removal or installation of a part or accessory;
- the making of an approved repair or approved alteration.

For Trade Licensees, a firearm or related thing under the licence is not required to be stored in complying storage when it is in an authorised person's immediate possession under the authority of the licence. For Collector Licensees, a firearm or related thing under the licence is not required to be stored in complying storage when it is in a person's immediate possession while being examined or studied for a genuine purpose.

Current proposal for the Storage and Security requirements in the regulations

The Storage and security requirements in the regulations will adopt a gradual storage regime that considers all the circumstances of a license holder and the type and number of firearms they possess.

The proposed graduated storage will consider:

- enhanced storage cabinets or safes with mandated locking mechanisms
- more robust storage cabinets of 4mm and 6mm depending on the type of firearm
- if the cabinet is located in an occupied or unoccupied premise
- how the cabinet is affixed within the premise

- Due to the number and the type of firearm whether an electronic monitoring system is required
- The ability to monitor and record images of the storage requirement
- Specifying the number of locking points used to secure the door of the cabinet or safe.

The existing requirement for ammunition to be stored separately from firearms will continue under the proposed new regime.

Consideration is being given to adopting grandfathering or transitional provisions to minimise the impact of existing firearms license holders.

1.2 Commercial Transport of Firearms and Related Things

Transport of firearms and related things by a commercial carrier must comply with prescribed requirements. Commercial carrier activities subject to requirements include:

- arranging for the transport of a firearm or related thing by a commercial carrier;
- giving possession of a firearm or related thing to the commercial carrier for the purpose of it being transported by that carrier;
- taking possession of a firearm or related thing as a commercial carrier or an employee of a carrier;
- transporting a firearm or related thing as a commercial carrier or as an employee of a carrier.

The regulations will further detail prescribed requirements.

8 Firearms Prohibition Orders

A firearms prohibition order (FPO) immediately suspends any firearm authority held by the prohibited person (i.e., the person subject to the FPO) and maintains this for the period of the order. The proposed legislation will retain provisions relating to FPOs, empowering the Commissioner with the ability to make an FPO if:

- the person is not a fit and proper person to possess a firearm;
- the person is a member of a disqualifying organisation; or
- it is otherwise in the public interest to make an FPO against the person.

An FPO may be made against a person whether or not the person:

- holds or has held a firearm authority;
- has had a firearm authority revoked or not renewed;
- is exempt from the operation of any provision of the proposed legislation;
- was the subject of a previous FPO that has expired or been revoked.

The proposed legislation will detail the form and content of an FPO, the required manner of service for FPOs and associated police powers relating to that service (i.e., powers to stop, detain and request personal particulars for the purpose of service).

An FPO will come into force when it is served on the relevant person and will remain in force for 10 years unless sooner revoked by the Commissioner. The Commissioner will have the power to revoke an FPO at any time for any or no stated reason.

FPOs made and in force under a law of another State or Territory that is prescribed by the regulations as a corresponding FPO. If a corresponding FPO is in force, for the purposes of the proposed legislation, that order will be enforceable in WA and that person will be taken to be a prohibited person.

1.3 Offences Relating to Firearm Prohibition Orders

The proposed legislation provides for offences committed specifically by a prohibited person subject to an FPO. These offences will incur higher penalties due to the risk posed by prohibited persons. The offences relating to FPOs that the proposed legislation will provide for will include:

- failure to surrender licence card, firearms and related things;
- buying, possessing or using firearms and related things;
- entering, remaining or residing at certain places (e.g., firearm trade premises, firearm ranges, firearm clubs, firearm collector society premises, paintball premises, places set aside predominantly for activities involving firearms);
- associating with persons in immediate possession of firearms and other things;
- giving possession of firearms and other things to prohibited persons;
- failure to notify change of address within 7 days.

9 Amnesty for Surrender of Firearms and Related Things

A permanent amnesty regime will apply in respect to the surrender of firearms and related things and will outline the obligations of the persons surrendering these items.

Any person in possession of a firearm or related thing will be able to surrender it at a police station or to a Trade Licensee approved by the Commissioner. A Trade Licensee approved to take possession of surrendered firearms and related things will be referred to as an approved person and approved location. An approved person and approved location will be subject to compliance requirements, including:

- handling and storage requirements for surrendered firearms and related things;
- requirements as to the manner in which surrendered firearms and related things must be delivered to the Commissioner; and
- reporting requirements in relation to surrendered firearms and related things.

If a person surrenders a firearm or related thing to a police station or approved Trade Licensee, they will have amnesty against action taken for an offence in relation to the possession of that surrendered thing. However, this amnesty does not extend to any other offence/s involving the surrendered thing committed by the person under the proposed legislation or any other law before its surrender.

A person who surrenders a firearm or related thing will be able to make an application under the proposed legislation for the necessary firearm authority to authorise the possession of that thing. This application must be made in the prescribed manner.

10 Police Powers and Enforcement

In addition to other powers provided by any other law, powers that police will be provided by the proposed legislation to enforce its provisions include:

- the power to seize a firearm or related thing if a licence card is not produced;
- the power to require the surrender of firearms and related things in unlawful possession;
- powers in relation to unsafe or unserviceable firearms or related things;
- powers in relation to firearm technology;
- the power to ask questions in relation to offences;

In addition to the entry powers provided by section 35 of the *Criminal Investigation Act 2006*, a police officer will have the power to seize and take possession of any firearm or related item in possession of any person, licenced or otherwise, where the police officer:

- is satisfied that the person is a disqualified person;
- reasonably suspects that the firearm or related thing is in the person's possession or is being used in contravention of a condition of a firearm authority;
- reasonably suspects that possession of the firearm or related thing by the person may result in harm being suffered by any person or is a threat to public safety; or
- is of the opinion that the person is not a fit and proper person to be in possession of the firearm or related item at the time.

Further, a police officer will have the power to enter and search any place or vehicle where they reasonably suspect a firearm or related item may be found in concerning circumstances. This power may be exercised in the enter and search of a vehicle without a warrant. In relation to entering and searching any place, this power may be exercised without a warrant only if the police officer reasonably suspects that there is an immediate threat of harm to a person and that the delay involved in obtaining a warrant would likely increase the risk or extent of that harm.

Enforcement of Firearms Prohibition Orders

The powers provided may be exercised without a warrant in the enforcement of FPOs. The proposed legislation will provide that, if a police officer is satisfied that an FPO has been made against a person, they can seize a firearm or related thing that is in the possession of that prohibited person before the FPO is served on them. This power may be exercised in the enter and search of a vehicle without a warrant. In relation to entering and searching any place in this circumstance, this power may be exercised without a warrant only if the police officer is reasonably of the opinion the prohibited person may attempt to avoid surrendering the firearm or related thing after the FPO has been served and the delay involved in obtaining a warrant would likely increase the risk of the prohibited person not surrendering the items after the FPO has been served.

For the purpose of determining whether a prohibited person has committed an offence, the proposed legislation includes provisions enabling a police officer the power to enter and search a place or vehicle occupied by, or under the care, control or management of, a prohibited person. In the exercise of these powers, a police officer will have the power to stop and detain a vehicle for as long as reasonably necessary to conduct the search, and seize any relevant thing relevant to an offence under the proposed legislation. A police officer will also have the powers to stop and search a prohibited person for the purpose of determining whether they have committed an offence, and stop and search a person in the company of a prohibited person if the police officer reasonably suspects that either they or the prohibited person has committed an offence.

Police Powers on Licensed Firearm Premises

The proposed legislation will include provisions in respect to a police officer's entry into, and inspection of, a licensed firearm premises (i.e., premises of a Business Licensee, Trade Licensee, Club Licensee, Range Licensee or Government Entity Licensee), in compliance with recommendation 99.7(b) of the LRC Report. A police officer may enter a licensed firearm premise at any reasonable time without a warrant, and while on those premises will be able to:

- inspect the premises;
- require any authorised person on the premises to produce any record kept for the purposes of the proposed legislation for inspection by the police officer;
- inspect any record produced to the police officer and make a copy of, or of any entry in, the record;
- require any authorised person on the premises to answer questions asked by the police officer about any activities carried on under the authority of a firearm authority or that are otherwise relevant to the operation of the proposed legislation;
- require any authorised person on the premises to provide reasonable assistance to the police officer to facilitate the exercise of the police officer's powers.

Records produced under these provisions will be required to be the actual record itself with the contents of the record in a readable format.

Further, a police officer will have the ability to give a compliance direction to a licensee if:

- the licensee has contravened a provision of the proposed legislation, the regulations or the conditions of the licensee's licence;
- the contravention is continuing; and
- activities should not be engaged in under the authority of the licence until the contravention has been rectified.

A compliance direction will explain the contravention committed and the requirements of the licensee under that direction.

Police Powers Related to Seized and Surrendered Firearms and Related Things

In respect of a firearm or related thing seized under the proposed legislation and in possession of a police officer, the *Criminal and Found Property Disposal Act 2006* applies. Subject to the 14-day application period, a firearm or related thing surrendered under amnesty can be dealt with by the Commissioner by sale, forfeiture to the State, destruction or in any other manner deemed fit by the Commissioner. Proceeds of the sale of a surrendered thing, after the deduction of sale expenses, will be required to be paid to the person who surrendered the thing to the Commissioner if appropriate and practicable or otherwise credited to the Consolidated Account.

A firearm or related thing that comes into the possession of the Western Australian Police Force other than through seizure or surrender, must be returned to the person who is entitled to its lawful possession unless no longer authorised. If that person cannot be identified or found, then that thing can be dealt with by sale, forfeiture to the State, destruction or in any other manner deemed fit by the Commissioner.

For this purpose, section 33 of the Act will be broadly retained, though amended to align with recommendation 133 of the LRC Report, by requiring the Commissioner or their delegate to take all reasonable steps to locate the owner prior to disposal of a thing.

A court that convicts a person of an offence under any written law will have the ability to, in addition to any other penalty imposed, order the forfeiture of a firearm or related thing that was the subject of, or involved in, the commission of the offence to the State or for destruction.

Offences in Relation to Police Powers and Enforcement

The proposed legislation will provide for a number of offences that particularly relate to the provisions of police powers and enforcement. These offences will include:

- failure, without lawful excuse, to answer any question asked by a police officer under the proposed legislation;
- providing information that the person knows is false or misleading in answer to a question asked by a police officer;
- wilfully misleading or attempting to mislead any police officer in any particular manner, likely to affect the discharge of the police officer's duty under the proposed legislation;
- failure to produce to a police officer any licence card issued to the person under the proposed legislation within reasonable time after being directed by the police officer to do so;
- failure to produce any firearm or related thing in the person's possession within a reasonable time after being directed by the police officer to do so.

Evidentiary Matters

The averments in a prosecution for an offence presently contained in the current Act will be retained in the proposed legislation. An averment to the following matters will be admissible and accepted in the absence of evidence to the contrary:

- that a person is, or at a particular time was or was not, the holder of a particular firearm authority under the proposed legislation;
- that a particular thing is a firearm, ammunition or component of ammunition;
- that a particular firearm or ammunition is of a particular calibre or kind;
- that a particular firearm authority granted under the proposed legislation was, at a particular time, subject to a particular restriction, limitation or condition;
- that person named in the prosecution notice is, or at a particular time was a police officer acting with the authority of the Commissioner, or a police officer to whom a particular function has or had been delegated by the Commissioner;
- that an authorisation or delegation granted by the Commissioner under the proposed legislation is, or at a particular time was, subject to a particular condition; or
- that particular premises were a place to which an approval or a requirement under the new firearm laws applies, or at a particular time applied.

An official document will be admissible evidence and accepted in relation to the matter contained in the document in absence of proof of the contrary. An official document is considered a document that is, or is a copy of or extract from, a firearm authority, a document issued under the proposed legislation or a document provided or produced by the Commissioner or a police officer in connection with an application or request for information under the proposed legislation.

12 Disclosure of Information

12.1 Disclosure of Information to the Commissioner

The proposed legislation will allow any person to provide information to the Commissioner about another person (the person of concern) if they believe the information indicates the person of concern:

- is not a fit and proper person to have access to a firearm;
- is in such a physical, mental or emotional condition that it is not in the interests of that person or the public for them to have access to a firearm; or
- is seeking, or has sought, medical assistance for an injury which is believed to have been inflicted by the involvement of a firearm.

The inclusion of these provisions is consistent with recommendation 126 of the LRC Report.

Mandatory Notification of Information by Firearm Clubs

Under the proposed legislation, officers of the Firearms club will be required to notify the Commissioner of certain matters. These matters will include:

- any opinion that a member of the firearm club and who holds, or intends to apply for a firearm authority, or who possesses, or intends to possess, a firearm is not fit and proper to have access to a firearm;
- any decision by the Club to refuse a person's membership application to the Club or to cancel a person's membership of the Club;

An officer of a Club Licensee that notifies the Commissioner of the above matters will also be required to provide the grounds for which those opinions or decisions were made.

Protections for Persons Making Disclosures of Information

In line with LRC Report recommendations, the legislation will provide several protections for persons making disclosures of information to the Commissioner. In particular, there will be protection of the identity of the reporting person and protection of a person against civil and criminal liability (including breach of confidentiality or professional ethics duties) when the information is provided in good faith.

As such, a person will be prohibited from disclosing identifying information in relation to the Commissioner unless:

- the person who provided the information to the Commissioner consents to the disclosure of the identifying information;
- it is necessary to disclose the identifying information to enable the matter to be investigated effectively;
- there are reasonable grounds to believe that disclosing the identifying information is necessary to prevent or minimise the risk of injury to a person or damage to property;
- the identifying information is disclosed in accordance with an order of a court or a person or body having authority to hear, receive and examine evidence.

12.2 Disclosure of Information by the Commissioner

The proposed legislation will also include a protection on the disclosure of relevant firearm information by the Commissioner in particular circumstances. This information includes:

- information indicating a person holds a firearm authority or is authorised by a firearm authority to possess or use a firearm;
- information as to the terms and conditions of any firearm authority granted to a person;
- information about any refusal to grant, cancellation or suspension of a firearm authority in relation to a person; or
- information about the person's compliance with the requirements of the proposed legislation or conditions of a firearm authority.

The Commissioner will have the ability to disclose relevant firearm information about a person to:

- any law enforcement agency;
- a person or body with functions under the law of another jurisdiction that are substantially similar to the functions of the Commissioner under the proposed legislation;
- the holder of a firearm authority if the Commissioner is satisfied that disclosure of the information will assist the holder to comply with the Act;
- any State agency engaged in the provision of services if the Commissioner is of the opinion that it is in the interest of the public and the provision of those services that the agency is aware of relevant firearm information about the person.

If a disclosure of information by the Commissioner is made in good faith, the Commissioner will be protected against any civil or criminal liability in respect of that disclosure.

13 Advertising, Reporting, and Supply Outside the State

Advertisements of firearms will be required to include the type, make, serial number and calibre of the firearm. Similarly, advertisements of major firearm parts will be required to include a description of the part, a serial number (if applicable), and any other prescribed particulars. Trade Licensee advertisements will also be required to include the licence number of the licence and the licensee's business name or other identifying particulars.

14 Miscellaneous Provisions

14.1 Regulations

The regulation-making powers will include provisions in relation to:

- applications for the grant, renewal, suspension and cancellation of firearm authorities;
- record keeping requirements by firearm authority holders;
- obligations of firearm authority holders to notify the Commissioner of changes in personal or other particulars;
- obligations of firearm authority holders to report to the Commissioner on any relevant matters to the firearm authority;
- the manner in which information must be reported or notified to the Commissioner;
- the forms to be used for the purposes of the proposed legislation, and the manner and time for their completion;
- authorising the Commissioner to require a Trade Licensee to provide information about any other person involved in the management of, or any financial interest in, any business conducted under the licence;
- the categorisation of firearms and ammunition for the purposes of the proposed legislation;
- restricting the amount of ammunition that can be possessed by a person;
- regulated the sending or conveyance of firearms and related things;
- the construction and conduct of licensed firearm ranges (including shooting galleries);
- any other purpose the Governor considers necessary for safeguarding the public and the public interest in relation to firearms and related things.

14.2 Fees

The proposed legislation will also provide regulation-making powers in relation to prescribing fees. These regulations will be able to:

- require the payment of a prescribed fee for, or in connection with, the making of an application under the proposed legislation or the grant, amendment or renewal of a firearm authority, licence card or other matter under the proposed legislation;
- provide for the amount of a prescribed fee as a specified amount or as an amount to be calculated in a specified manner;
- prescribe the person liable for the payment of a prescribed fee; and
- prescribe the method of recovery of a prescribed fee not duly paid, including by the confiscation and sale of any related firearm or related thing.

The Commissioner will have the ability to reduce, waive payment of, or refund a

prescribed fee that is payable or has been paid. If an application is rejected as it is not properly made or it is refused, a prescribed fee in connection to that application will not be required to be refunded.

14.3 Review by the Minister

A review of the operation and effectiveness of the new legislation will take place five-years after enactment, or as soon as practicable after that period has elapsed, with particular consideration for the proposed legislation' principles and objects as per Recommendation 1 of the LRC Report

15 Transitional Provisions

Transitional arrangements will detail the transition from the current *Firearms Act 1973* to the new legislation. The proposed legislation will provide for the ability to prescribe further transitional arrangements in the regulations. Commencement day, means the day on which the current Act is repealed and the new proposed legislation comes into force.

16 Repeals and Amendment Provisions

The proposed legislation will repeal the existing *Firearms Act 1973*. It is anticipated that the proposed legislation will include a number of consequential amendments to other existing legislation with varying degrees of impact. It is expected that the majority of consequential amendments will have minor impacts on other legislation and focus largely on ensuring consistency in the use of the new proposed legislation title and amended terminology. These amendments are under consideration.

Term	Definition
ammunition	<p>(a) means ammunition for a firearm; and</p> <p>(b) includes the following —</p> <ul style="list-style-type: none"> (i) anything made, modified or intended for use as ammunition for a firearm; (ii) blank ammunition; (iii) any other prescribed thing; <p>but</p> <p>(c) does not include any of the following —</p> <ul style="list-style-type: none"> (i) ammunition incapable of being fired in a firearm, 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 prescribed thing.
antique firearm	<p>means —</p> <ul style="list-style-type: none"> (a) a muzzle loading firearm manufactured before 1900; (b) any other firearm manufactured before 1900 that is not a modern firearm;
approved firearms trainer	<p>means a person who is approved to provide firearms training</p>
disseminate	<ul style="list-style-type: none"> (a) send, supply, exhibit, transmit or communicate firearm technology to another person; or (b) make firearm technology available for access by electronic or other means by another person; or (c) enter into an arrangement with another person to do anything referred to in paragraph (a) or (b).
firearm	<p>(1) A firearm is a device that is made, modified or capable of being modified to fire or propel a bullet, shot or other projectile by means of —</p> <ul style="list-style-type: none"> (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. <p>(2) A device can be a firearm whether or not the device is —</p> <ul style="list-style-type: none"> (a) operable or inoperable; or (b) assembled or in parts; or

	<p>(c) complete or incomplete.</p> <p>(3) The following things are not firearms —</p> <p>(a) anything that is prescribed in regulations under the <i>Weapons Act 1999</i> to be a prohibited weapon or a controlled weapon;</p> <p>(b) 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;</p> <p>(c) a device that is manufactured to fire signal flares;</p> <p>(d) a device, commonly known as a kiln gun or ring blaster, that is manufactured to be used for dislodging solid materials in kilns, furnaces or cement silos;</p> <p>(e) a device, commonly known as a line thrower, that is manufactured to be used to establish lines between structures, natural features or vessels;</p> <p>(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;</p> <p>(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;</p> <p>(h) a thing prescribed by the regulations.</p>
firearm technology	<p>means any of the following things —</p> <p>(a) a programmable manufacturing device that is programmed, configured or otherwise enabled —</p> <p>(i) to carry out a step in the manufacture or repair of a firearm, major firearm part, prohibited accessory or ammunition; or</p> <p>(ii) without limiting subparagraph (i), to change an object or material into a component of a firearm, major firearm part, prohibited accessory or ammunition;</p> <p>(b) a digital or electronic reproduction of a technical drawing of the design of a firearm, major firearm part, prohibited accessory or ammunition;</p> <p>(c) a plan, drawing, instruction, template or computer program, in digital or electronic form, for the manufacture or repair of a firearm, major firearm part, prohibited accessory or ammunition;</p>

	(d) a hard copy of a digital or electronic thing referred to in paragraph (b) or (c);
firearms training	means training and instruction in — (a) the safe handling and safe use of firearms; or (b) the proficient use of firearms;
handgun	means a firearm that — (a) is reasonably capable of being carried concealed about the person; and (b) can be aimed and fired from 1 hand;
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 (b) has custody or control of the thing in close proximity to the person. (2) A person is not considered to have a firearm or other thing in the person's immediate possession when possession is possession in complying storage.
licenced 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	<p>(1) In this Act —</p> <p>major firearm part means any of the following, made or modified for use as part of a firearm —</p> <ul style="list-style-type: none"> (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 prescribed by the regulations. <p>(2) A firearm authority that authorises possession of a firearm (the authorised firearm) also authorises possession of the major firearm parts of the authorised firearm.</p>
management position	<p>(1) A person holds a management position in a body corporate if the person holds any of the following positions in the body —</p> <ul style="list-style-type: none"> (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. <p>(2) A person holds a management position in a partnership if the person is a member of the partnership.</p>
modern firearm	<p>means any of the following firearms —</p> <ul style="list-style-type: none"> (a) a handgun that is capable of discharging breech-loaded metallic 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 metallic or polymer cartridge ammunition other than obsolete ammunition; (d) a firearm that has revolving chambers or barrels; (e) a cannon.
possession	<p>(1) A person is in possession of a thing in any of the following circumstances —</p> <ul style="list-style-type: none"> (a) the person has actual physical possession of it;

	<p>(b) the person has the custody or control of it, whether directly or remotely;</p> <p>(c) the person has and exercises access to it in a place either alone or in common with others;</p> <p>(d) the person occupies, or has care, control or management of, a place where it is found;</p> <p>(e) the person is in charge of a vehicle where it is found.</p> <p>(2) A person is in possession of firearm technology in any of the circumstances provided for by subsection (1) and in the following circumstances also —</p> <p>(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;</p> <p>(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).</p> <p>(3) A person is not in possession of a thing if —</p> <p>(a) the person is in possession of the thing solely by reason of circumstances referred to in subsection (1)(d) or (e); and</p> <p>(b) the thing is in the lawful possession of another person at the time.</p> <p>(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.</p> <p>(5) When a person is using a firearm under the supervision of a person (<i>the supervisor</i>), both the supervisor and the person using the firearm are in possession of the firearm.</p>
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prohibited accessory	<p>means any of the following —</p> <p>(a) a sound suppressor;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p>
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
serial number	on a firearm or major firearm part includes any number or mark on the firearm or major firearm that is for the purpose of the unique identification of the firearm or part;
sound suppressor	<p>(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</p> <p>(b) includes a device commonly known as a silencer;</p>
supply	means supply by sale or gift.
use	<p>(1) For the purposes of this Act, a person uses a firearm when the person —</p> <p>(a) fires the firearm; or</p> <p>(b) has the firearm in their immediate possession when the firearm is loaded.</p> <p>(2) Without limiting what constitutes a firearm being loaded, a firearm is considered to be loaded when —</p> <p>(a) any magazine that is part of the firearm is loaded with ammunition; or</p>

	(b) any magazine fitted to the firearm is loaded with ammunition.
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The definition of an *antique firearm* has been drafted in a manner consistent with recommendation 15 of the LRC Report. Further, the proposed legislation introduces and defines the term *modern firearm* to improve clarity around the difference between antique and contemporary firearms.