



## RECOMMENDED REFORMS FROM ROUNDTABLES

### 1. Roundtable Stakeholder Recommended Reforms

| NO: | ISSUE  | CLAUSE NUMBER   | COMMENTS  |
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| S1  | A principle or object of the Act should be ' <b>to minimise the risk of people becoming a victim of firearm crime</b> '.             | Clause 3(2)(g)  | An object of the Act is to <b>minimise the risk of persons becoming victims of crime involving the use or threatened use of firearms.</b>   |
| S2  | Include provision for the State to prevent firearm owners from possessing firearms used in the commission of a crime.                | Clause 62(2)(e) | Where the Registrar institutes proceedings for the forfeiture of a seized item a court now has authority to order forfeiture, or such other disposal order, if the court is satisfied that <b>the return of a seized item to its owner would not be in the public interest.</b> |
| 3   | Serious firearms crimes should be subject to mandatory sentencing provisions.  | -               | Not drafted.  |
| 4   | Introduce a ' <b>3 strikes</b> ' provision so that upon a third breach of the Act a licence is automatically suspended or cancelled. | -               | Not drafted.  |
| S5  | Introduce mandatory minimum periods of suspensions and cancellations.  | Clause 14(4)    | Upon licence cancellation, the former licensee cannot make application for a firearms licence for a period of <b>3 years.</b>   |

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| 6  | Strengthen current parameters on the constructive and legislative requirements of a firearm safe or cabinet.   | -            | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.  |
| 7  | Include provision that where a person who has not taken ' <b>reasonable steps</b> ' to properly secure a firearm, and that firearm is stolen; the person is not allowed to possess any other firearms. | -            | Not drafted.   |
| 8  | Consider a provision to prevent a mentally ill person from residing at premises where a firearm is being secured and/or possessed by another person.   | -            | Not drafted as recommended, however the <b>Firearms Regulations</b> will include a provision that <b>a firearm owner must report (to the Registrar) a suspicion that a person who resides at, or has access to, the premises where the owner's firearm is stored is suffering from a physical or mental illness or condition, or that other circumstances exist</b> , such that there is a threat to the owner's safety or the safety of another associated with the continued storage of the firearm at those premises. |
| S9 | Consider an ongoing and continual amnesty that also permits the surrender of ammunition.   | Clause 63(1) | The clause 63 general amnesty permits surrender of a firearm, firearm part, prohibited firearm accessory, sound moderator, mechanism, fitting or ammunition at a police station.   |

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| 10  | Consider implementing policy that at every Operation Secure compliance check police ask licensee <b>'Do you have any unregistered firearms in your possession'</b> ?   | -           | Not drafted   |
| S11 | Ensure current Crown exemption is carried into the new Act.  | Clause 8(1) | The Crown exemption is retained at clause 8(1) and in addition, clause 50 has been drafted <b>to permit the Registrar to require Crown agencies to provide information, reports or other documents relating to the possession, use or management of firearms etc in possession of the agency.</b> |
| 12  | Consider incorporating firearm security into a <b>'Memoranda of Understanding'</b> .   | -           | Not drafted.  |
| 13  | Consider a provision that makes firearm owners responsible for crimes committed by others using their firearms, where owners become liable to pay restitution/compensation to victimised persons for the harm caused. Following reparation, the Government should be liable to pay any short fall gap to victim. | -           | Not drafted.  |
| S14 | Consider powers similar to that in section 128B <b>Liquor Licensing Act</b> that would allow the Registrar to issue a public safety order with the effect of shutting down a dealership (or a licensee - e.g. collector)   | Clause 59   | Clause 59 allows a <b>senior police officer</b> to issue a <b>public safety notice</b> for a period of up to <b>72 hours</b> to <b>address an issue or perceived issue of public safety.</b><br><br>The notice may require:   |

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|     | at short notice for a defined period and until dealer/licensee becomes compliant with the Act.   |              | (1) a person to provide information or produce material for inspection;<br>(2) a premises to be closed and remain closed for a specified period;<br>(3) specified activities or operations at a premises to be discontinued or not commenced for a specified period;<br>(4) specified activities or operations not be carried on at a premises except at specified times or subject to specified conditions; or<br>(5) a person to take action in relation to a premises. |
| 15  | Class C firearms are unable to be shot at some types of firearms clubs. Semi-automatic class C firearms, limited to 2 shot capacities, should be able to be shot at firearms clubs.  | -            | Referred by Minister for discussion at National level.  |
| S16 | The Firearms Review Committee process be amended to provide an effective redress mechanism to persons aggrieved by decisions of Registrar.   | Clause 46    | Appeal to Firearms Review Committee replaced, with review <b><i>now to be undertaken by SACAT.</i></b>  |
| S17 | Amend the Act and Regulations to permit an application process for a <b><i>'non-specific'</i></b> firearm of a particular class (e.g. a class B firearm - without the serial number, make, model and calibre etc.), or alternatively providing a real time application and approval process. | Clause 23(1) | Clause 23 has been drafted in terms permitting a <b><i>'non-specific'</i></b> application to acquire a firearm (e.g. without the need to specify serial number).  |

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| 18  | <p>Extend Regulation 33(1)(b) to other COAG approved shooting disciplines, or provide a Registrar authority to approve other disciplines or matches on application.</p> <p>Remove current restrictions to permit sporting shooters to be able to shoot firearms above .38 calibre.</p> | -            | Referred by Minister for discussion at National level.  |
| 19  | Amend section 18(b) to allow dealers to submit/lodge prescribed returns electronically to the Registrar (could be achieved by allowing controlled password access to a protected page on SAPOL web site).  | -            | To be drafted in the <b>Firearms Regulations</b> .  |
| S20 | Consider increasing licence terms for all firearm classes (inclusive of H class) to 5 years (this was the largest subject of 2006 and 2009 public submissions to change the Firearms Act). Consider common terms of expiry – 3 or 5 years for all licenses.                            | Clause 17(1) | <p>Terms of licences for category A, B and C firearms, and dealer licences, remain at maximum of 5 years.</p> <p>Terms of licences for category <b>D and H firearms extended from 1 year to maximum of 3 years.</b></p>   |
| S21 | Amend section 29A to fully or partially legalise the possession/use of silencers (by appropriate licence endorsement) for activities including -<br>* Authorised possession/use for class B firearms for prescribed activities including culling feral                                 | Clause 38(1) | <p>Silencers <b>renamed as sound moderators</b>.</p> <p>Clause 38(1) provides that <b>the Registrar may grant a person a written approval</b> to acquire, own or possess a sound moderator.</p> <p>Clause 38(8) <b>requires a sound moderator to have an identification mark</b> that</p> |

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|    | <p>animals and lawful hunting;</p> <p>* Authorised possession/use for feral pest eradication by accredited volunteers working on behalf of National Parks and Wildlife;</p> <p>* Authorised possession/use by professional shooters for OHS&amp;W reasons (ear protection).</p>  |   | <p>complies with the requirements of the Registrar.</p> |
| 22 | <p>Expand section 35 to state that if the Registrar intends to dispose of any surrendered or forfeited firearm, mechanism, fitting or ammunition, then the item must be valued by a person knowledgeable in current values.</p>  | - | <p>Not drafted.</p>                                     |
| 23 | <p>Expand section 35 to state that following valuation the firearm, mechanism, fitting or ammunition shall be sold by public auction or public tender (proceeds to the Consolidated account), unless the proceeds would be unlikely to exceed the sale costs, in which case the Registrar shall have the option of giving it away.</p> | - | <p>Not drafted.</p>                                     |
| 24 | <p>Amend the nomenclature of this licence type from 'Target Shooting' to 'Informal Target Shooting' or 'Unsupervised Target Shooting'.</p>   | - | <p>Not drafted.</p>                                     |

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|     | The term 'target shooting' is ambiguous and misunderstood by the firearms community.  |                    |   |
| 25  | Permit individual previous training to be recognised (RPL) for security licence training requirements.<br>Consider the recognition of not only prior firearms training, but also firearms knowledge and experience (e.g. length of time been a licensee, armed service experience, general experience with firearms). | -                  | Not drafted.  |
| S26 | Extend section 37 general amnesty provisions to permit licensed dealers to accept surrender of illicit firearms.  | Clause 63(1)       | Not drafted as recommended, however <b>provision has been made for the Registrar to approve another location</b> for a surrender to take place.                             |
| S27 | Extend section 37 general amnesty provisions to permit registration of unregistered firearms to persons holding appropriate licence.  | Clause 63(2) – (4) | Includes <b>provision for the surrendering person to make application, within 21 days of surrender</b> , for the authority to acquire, possess or use the surrendered item. |
| 28  | Introduce improved mechanisms, inter-agency communication and information sharing (particularly with health agencies), to ensure the proper identification of persons not fit and proper to possess firearms.   | -                  | Not drafted.  |

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| 29 | Do not include appearance based legislation in a new Act.   | - | No ' <b>appearance</b> ' based provisions have been drafted in the Bill.  |
| 30 | Purpose of use ' <b>target shooting</b> ' should be dropped as a separate category and incorporated into the other categories.  | - | Not drafted.  |
| 31 | Consider formalising in the Act and/or Regulations the current process whereby the Registrar permits firearms in a collection to be fired on one occasion per year.               | - | The <b>Firearms Regulations</b> will permit the Registrar to grant the holder of a collector licence a written approval to fire collector firearms.                               |
| 32 | Consider legislating transitional arrangements for <b>airsoft firearms</b> .  | - | Advice about <b>airsoft firearms</b> would be publicly disseminated in conjunction with the general firearms amnesty permitting the lawful surrender of <b>airsoft firearms</b> . |
| 33 | Paperwork surrounding all forms, notices and applications required to administer the Act need to be simplified.   | - | A move to online processing will be considered.   |
| 34 | Reduce the age restriction in the Act down from 18 years to allow unsupervised juniors to shoot firearms and to allow 16 and 17 year olds to purchase and own their own firearms. | - | Not drafted.  |
| 35 | Provisions of a new Act must keep up with, and provide consistency with, other jurisdictions, especially in the areas of competitive shooting and permits to acquire firearms.    | - | All measures achieving or promoting national consistency have been considered.  |



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| S36 | Include provision for interstate licences to be recognised in South Australia so that interstate licensees can attend arms fairs, trade shows and Expo's etc.  | Clause 8(2)(c) | <p>An exemption has been created regarding the possession of a firearm, firearm part or ammunition by a person who holds a <b>foreign firearms dealer permit</b>.</p> <p>The <b>foreign firearm dealer permit</b> scheme, to be set out in the <b>Firearms Regulations</b>, will allow the Registrar to grant a permit to a <b>foreign firearms dealer</b> to display, purchase and sell firearms, firearm parts and ammunition at an <b>arms fair</b> in South Australia.</p> |
| 37  | Regulated imitation firearm legislation is vague and needs to be rewritten to provide unambiguous clarity.   | -              | To be drafted in the <b>Firearms Regulations</b> .   |
| 38  | Create a 'Collector Ammunition Licence' permitting collectors (and re-loaders) to possess a small amount of 'representative' ammunition without having to hold another category of firearms licence.   | -              | <p>Not drafted as recommended.</p> <p>The <b>current ammunition permit scheme has been retained</b> in clause 31.</p>  |
| 39  | Include provision for members of the public who come into possession of ammunition to be able to lawfully hold and secure that ammunition until such time that they can surrender it to the Registrar. | -              | Not drafted.   |
| 40  | Include provision for multiple licensees to be able to secure their firearms together in a firearm safe.   | -              | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.  |

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| 41  | Permit farm workers, as part of their duties, to be able to access farm firearm safes to retrieve firearms for use.   | -            | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.   |
| 42  | Permit all purposes of use to be endorsed on a firearms licence, including ' <b>collecting and displaying firearms</b> '.   | -            | Not drafted.  |
| 43  | Consider integrating class A and B firearms into a single class/category (class A) and reducing class C firearms into class B.  | -            | Not drafted.  |
| 44  | Consider a requirement that all persons obtaining a firearms licence in South Australia (despite being the holder of a Firearms Licence in any other state, and despite having sufficient identification for attaining the required 100 points ID), are fingerprinted as part of the process. | -            | Not drafted.  |
| 45  | Include provision for an interstate firearms licence to be transferable to SA.  | -            | Not drafted.  |
| S46 | Include provision for shooting clubs to have more than one armourer e.g. a principal and an assistant club armourer.  | Clause 16(2) | The <b>Firearms Regulations</b> will include provision for a shooting club to obtain a company licence.<br><br>The company will be required under clause 16(1) to have a <b>principal nominee</b> (who may be the club armourer) to exercise control etc of company firearms. |

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|    |   |   | Clause 16(2) also permits the shooting club to have a <b>secondary nominee</b> to assist the <b>principal nominee</b> . |
| 47 | Review requirements on clubs to record personal particulars of members and visitors attending a club. | - | To be conducted in conjunction with the re-write of the <b>Firearms Regulations</b> .                                   |

## 2. FLAG Member Recommended Reforms

| NO: | ISSUE  | CLAUSE NUMBER | COMMENTS  |
|-----|--|---------------|---|
| 1   | Amend the definition of ' <b>active member</b> ' of a collectors club <b>to permit attendance at meetings by written articles or correspondence by electronic media</b> .  | -             | The <b>Firearms Regulations</b> will include a provision that a person may attend a meeting of a collectors club <b>by telephone or video conference or other electronic means, provided that the person physically attends at least 1 meeting of the club in the 12 month period</b> . |
| 2   | Amend the definition of ' <b>active member</b> ' of a collectors club to permit ' <b>making a personal contribution</b> ' to include undertaking ' <b>management and official duties</b> '.  | -             | The current definition of ' <b>active member</b> ' already allows for this, and such provision will be carried over into the <b>Firearms Regulations</b> .  |
| 3   | Give <b>collector club committees discretion to endorse licence renewals for previously active members</b> who, for reasons beyond their control (e.g. too ill to attend meetings) can no longer meet ' <b>attendance</b> ' requirement. | -             | Referred by Minister for discussion at National level.  |

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| 4  | Amend the definition of <b>'active member'</b> of a shooting club to allow <b>'officiating'</b> (e.g. conducting duties as range officers, trainers and probation mentors) in up to 2 club events - to recognise these 2 events as <b>'participating in shooting club organised competitive shooting matches for class H firearms'</b> . | -                    | Not drafted.  |
| 5  | Amend the definition of <b>'antique firearm'</b> , by replacing the current provision of <b>'manufactured before 1900'</b> with <b>'manufactured over 80 (or 100) years ago'</b> , to provide for a rolling age not a fixed year determining an <b>'antique firearm'</b> .   | -                    | Not drafted.  |
| 6  | Amend section 12(7b)(a) so that <b>'unique' firearms'</b> that don't necessarily contribute to a <b>'theme'</b> can be collected for <b>investment purposes</b> .  | -                    | To be drafted in the <b>Firearms Regulations</b> .  |
| F7 | Amend the definition of <b>'antique firearm'</b> to <b>replace the concept of ammunition 'not commercially available'</b> with the concept of ammunition <b>'not readily available through the normal retail chain in Australia'</b> .   | Clause 5(2)(d)(i)(A) | Definition of <b>'antique firearm'</b> amended to read <b>'is a firearm the ammunition for which is not ordinarily available for purchase by retail in Australia'</b> . |

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| 8  | <p>Amend the definition of <b>'antique firearm'</b> pertaining to H class firearms to replace the inclusion of handguns that <b>'fire by means of a flintlock, matchlock, wheel-lock or other system used prior to the use of percussion caps'</b> with handguns that are <b>'proofed for black powder only'</b>.</p>  | - | Not drafted. |
| 9  | <p>Amend the definition of <b>'antique firearm'</b> to include <b>'percussion handguns'</b> (especially single shot) so that these firearms become <b>exempt from licensing and registration</b> (as existed prior to 2004).</p>   | - | Not drafted. |
| 10 | <p>Permit non-firing firearms of a certain age, kept for any purpose, to be <b>'antique firearms'</b> that can be kept as <b>'uncontrolled curios or heirlooms'</b>.</p> <p>Insert a definition of <b>'heirloom'</b>: <b>'a firearm that was owned by a family predecessor and was cherished by that predecessor'</b>.</p> <p>Provide for a <b>'heirloom licence'</b> of long duration (i.e. 10 years or maybe lifetime), at nominal cost and easy to obtain, limited to no more than 3 firearms in total that cannot be fired.</p> <p>Permit free registration of <b>'heirloom firearms'</b>.</p> | - | Not drafted. |

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| F11 | Amend the definition of <b>'class A firearm'</b> to <b>remove the '.22' descriptor from class A rim fire rifles.</b>  | Clause 5(1)(a)(iii) | .22 descriptor removed from definition of category A firearm pertaining to rim fire rifles. |
| 12  | Amend the definition of <b>'class A firearm'</b> to <b>include manually operated repeating shotguns</b> (e.g. bolt, lever or pump action) whether single shot or with magazine capacity of 5-10 rounds (and by consequence removing pump action shotguns with a magazine capacity of 5 rounds or less from the class C firearm definition). | -                   | Referred by Minister for discussion at National level.                                      |
| 13  | Include <b>manually operated repeating rifles as class B firearms.</b>  | -                   | Not drafted.  |
| 14  | Amend the definition of <b>'firearm part'</b> to mean: <b>'the major parts which includes the barrel, the complete firing mechanism, magazine, cylinder, bolt, breech block or slide designed as, or reasonably capable of forming, the major working parts of the particular firearm'.</b>   | -                   | Not drafted.  |
| 15  | Amend the section 5 definition of <b>'firing mechanism'</b> to mean, <b>'the complete mechanism of the firearm that is designed for the purpose of firing the particular firearm'</b> , and excluding all parts not individually capable of firing a shot.  | -                   | Not drafted.  |

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| 16 | Amend the definition of <b>'loading mechanism'</b> to mean, <b>'all the parts of the firearm (except the barrel, receiver, cylinder, bolt, breech block or slide) that are designed to place or hold or to place and hold a round in position for firing and includes the complete separate magazine of the firearm'</b> . | - | Not drafted. |
| 17 | Amend the definition of <b>'round'</b> to reflect that an <b>item must incorporate a primer</b> to be considered a round of ammunition.  | - | Not drafted. |
| 18 | Amend the definition of <b>'round'</b> to the effect that a round must be <b>held together by a cartridge case</b> (thus removing current provision of being held together by a cartridge <u>or not</u> ).   | - | Not drafted. |
| 19 | Expand the definition of <b>'round'</b> to include <b>'in the case of an air or gas powered firearm, the specific projectile only'</b> .   | - | Not drafted. |
| 20 | Recast the definition of <b>'silencer'</b> to reflect devices designed to <b>'reduce the decibel reading'</b> of the report when then the firearm is fired, to a prescribed level (possibly prescribed in the Regulations).  | - | Not drafted. |

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| 21 | Replace the <b>Commissioner of Police</b> as the Registrar of Firearms with a <b>civilian Registrar</b> external to SAPOL (e.g. a Senior Public Servant in a statutory organisation set up similar to the Motor Vehicles Registration Act).        | - | Not drafted.   |
| 22 | Amend regulation 23(2) to <b>extend the exemption (section 11) for children 10-14 years</b> under supervision when possessing/using class A firearms - to also include exemption regarding <b>possession/use of class B firearms</b> .             | - | Not drafted.   |
| 23 | Amend section 15A(4b)(b) to <b>allow new licensees to acquire one air pistol or one .22 rim fire pistol after 28 days</b> of grant of licence.   | - | Referred by Minister for discussion at National level. |
| 24 | Provide a <b>Registrar approved exemption on application for larger magazine capacities for competitors in COAG approved disciplines and matches</b> (Internationally recognised competitions) for licensees competing in Australian and Overseas. | - | Referred by Minister for discussion at National level. |



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| F25 | Extend section 15B(1)(e) to permit the <b>'temporary transfer'</b> of a firearm to an employee of a security company <b>'for the duration of the time the employee is required be on duty or where specifically approved, when on immediate call out duty after normal hours (up to 28 days)'</b> . | Clauses 25(1)(a) and 22(5) | Temporary transfers by way of loans permitted for up to <b>10 days</b> (by oral agreement) and <b>28 days</b> (by written agreement).  |
| 26  | Amend section 17(4)(a) to permit the <b>Registrar to approve a dealer to deal in prescribed firearms</b> (by condition endorsed on licence).  | -                          | Not drafted.   |
| F27 | Permit <b>dealers to manufacture and deal in sound moderators</b> .   | Clause 36(3)(b)            | An exemption has been created at clause 36(3)(b) to permit the Registrar to issue a written approval for a person to manufacture sound moderators. This could apply to a dealer with a written approval to manufacture and deal in sound moderators. |
| 28  | Delete regulation 48(c) and (d) to <b>remove the requirement for applicants for membership of a shooting club to provide 2 references and for clubs to contact the references</b> for validation.   | -                          | Not drafted.   |
| 29  | Regarding <b>'commercial range operators'</b> - consider inserting a definition of what constitutes a <b>'commercial entity'</b> - e.g. <b>'operation for profit or gain'</b> .   | -                          | Not drafted.   |

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| 30 | Facilitate an <b>independent review of registration of all firearms</b> (especially long arms) to consider removing requirements for licensing of class A and B firearms.   | - | Not done.    |
| 31 | Expand section 24B to include provision that <b>'where a cancellation of registration results from a change of policy or interpretation by the Registrar, or a declaration by the Minister, or an amendment to the Act or Regulations, the Registrar or the Minister as applicable must acquire the firearm(s) for just compensation'</b> . | - | Not drafted. |
| 32 | Permit <b>collectors</b> to be able to <b>collect historic artefacts</b> such as <b>silencers, grenade launchers and cup discharges</b> .   | - | Not drafted  |
| 33 | Amend section 31(1)(a) to <b>remove the requirements to produce a licence or certificate of registration upon request</b> .   | - | Not drafted. |
| 34 | Delete section 29C entirely to <b>remove the requirement for a person to carry a firearms licence when carrying a firearm/immediate physical control of</b>   | - | Not drafted. |

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|     | <b>firearm</b> , or alternatively amend section 29C to <b>make the licence carriage requirement applicable only when a firearm is being carried/under physical control in a public place.</b>              |                 |  |
| 35  | Provide clear legislative provisions outlining <b>requirements for how firearms must be secured or locked when under transportation</b> (e.g. boot, cable, case with separation of ammunition and action). | -               | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.  |
| 36  | <b>Exempt licensed interstate security company employees from holding an SA firearms licence whilst on exchange or short term duty up to 28 days</b> in SA.  | Supported       | This is already permitted by current regulation 8(1) and (2).<br><br>The provisions of current regulation 8(1) and (2) are intended to be carried over into the <b>Firearms Regulations</b> when re-written. |
| F37 | Require <b>employees of a dealer to be licensed</b> with endorsement of <b>'Dealer Employee'</b> .   | Clause 11(4)(b) | A person, who in the course of the person's employment will have access to firearms, must be licenced to possess and use firearms as a dealer employee.  |
| F38 | <b>Permit larger companies</b> with multiple premises in regional areas of the <b>State to have more than one company nominee.</b>   | Clause 16(2)    | Clause 16(2) permits a company to have a secondary nominee to assist the company's principal nominee.  |

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| 39  | Delete regulation 21(11)(a) to <b>remove requirements that for all post 1900 manufactured firearms:</b> <ul style="list-style-type: none"> <li>• bolt, breech, block or firing pin must be stored separately; or</li> <li>• trigger immobilised by trigger lock; or</li> <li>• firearm secured by such other method approved by Registrar.</li> </ul>                   | -            | Referred by Minister for discussion at National level.   |
| 40  | Remove regulation 11(4) and 21(11)(d) restrictions to <b>permit some collectors to collect class D and prescribed firearms</b> of historical significance. (Recommend creating a new class of firearms ' <b>Designated Historic Firearms</b> ' – e.g. firearm manufactured prior to 1947 and is of historical significance and collector is a genuine student of arms). | -            | Referred by Minister for discussion at National level.   |
| F41 | Amend section 29 (or regs) to <b>introduce defined or prescribed levels of intoxication (e.g. above .05 or .08)</b> for persons handling firearms when under the influence.   | Clause 41(4) | Not drafted as recommended, however clause 41(4) provides a regulation making power to create a regulatory scheme for alcohol and drug testing of persons in possession of firearms. |
| 42  | <b>Permit discretionary trusts to obtain non-Individual (company) licenses.</b>   | -            | Not drafted.   |

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| 43 | Amend licence fee structure <i>to remove ongoing fees for associations and clubs</i> (particularly not for profit organisations) which should be subject to one off licence fees.  | - | Not drafted.   |
| 44 | Amend the definition of ' <i>shooting club</i> ' to mean <i>'5 or more people or any member of a Recognised Firearms Club with Ministerial approval including Hunting Clubs'</i> . | - | To be included in the <i>Firearms Regulations</i> with shooting clubs required to have at least 10 active members to be declared ' <i>recognised firearms clubs</i> '. |
| 45 | <i>Empower the Registrar to recognise hunting in other jurisdictions</i> (national and international) as a genuine reason for a hunting licence.                                   | - | Not drafted.   |
| 46 | Amend the current licence structure to <i>allow formation of Paint-Ball Clubs</i> where club members use their privately owned markers.  | - | To be included in the <i>Firearms Regulations</i> .  |
| 47 | Permit <i>class C shotguns with a capacity of 5 or less rounds to be authorised for use in primary production</i> , particularly feral pest destruction.                           | - | To be included in the <i>Firearms Regulations</i> .  |
| 48 | Permit the <i>licensing of relatives, part time and casual farm workers</i> who do not live on the farm or are employed at the farm, but <i>who visit to provide unpaid help</i> . | - | Not drafted.   |

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| 49 | Permit the <b>licensing of people who operate rural land for conservation purposes</b> and who experience feral pest difficulties.  | - | To be included in the <b>Firearms Regulations</b> . |
| 50 | <b>Restrict possession/use of class A (and possibly class B) firearms to trained 15-18 year olds.</b>   | - | Not drafted.  |
| 51 | <b>Restrict possession/use of class C and H firearms to experienced adult shooters.</b>   | - | Not drafted   |
| 52 | Registrar approved licence scheme should <b>also incorporate licences for firearms safety instructors/trainers.</b>   | - | To be included in the <b>Firearms Regulations</b> . |
| 53 | Registrar approved licence scheme should also <b>incorporate licences for RSL's and similar ex-service organisations.</b>   | - | To be included in the <b>Firearms Regulations</b> . |
| 54 | Registrar proposed timeframe of 24 hour for <b>dealers reporting the theft or loss of a firearm should be amended to initial report to police within 24 hours followed by provision of specific details of relevant firearms provided within 14 days.</b><br>Destruction of firearm should remain 14 days notification. | - | To be included in the <b>Firearms Regulations</b> . |

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| 55 | <p><b>Permit collector firearms to be fired in the making of documentaries or authorised feature films</b> where authenticity in function is required for close up effects.</p>   | - | <p>This can already be achieved by regulation 21(11)(e) which empowers the Registrar to give written approval for the firing of a collection firearm.</p> <p>This provision is to be carried over into the <b>Firearms Regulations</b> when re-written.</p> |
| 56 | <p>With the proposed <b>expiation of some offences</b> against the Act consider including the offences of:</p> <ul style="list-style-type: none"> <li>• unregistered firearm;</li> <li>• minor breach of security;</li> <li>• minor breach of ammunition storage</li> </ul> | - | <p><b>Minor breaches of ammunition storage will become expiable</b> as part of the re-write of the <b>Firearms Regulations</b>.</p>   |
| 57 | <p>In lieu of the regulation of de-activated firearms proposed by SAPOL, <b>consider a new class of firearms (N for 'Not real firearm') for de-activated and regulated imitation firearms.</b></p>  | - | Not drafted.  |

### 3. SAPOL Recommended Reforms During FLAG

| NO: | ISSUE   | CLAUSE NUMBER | COMMENTS   |
|-----|---|---------------|--|
| P1  | <p>Amendment to the definition of <b>'ammunition'</b> to now read:</p> <p><b>(a) an article consisting of a cartridge case fitted with a live primer and a projectile, and</b></p> <p><b>(b) an article consisting of a cartridge case fitted with a live primer and containing a propelling charge and a projectile, and</b></p> <p><b>(c) live primers, propellants, blank cartridges, airgun pellets, training cartridges and gas cartridges, and</b></p> <p><b>(d) an article of a kind declared by the regulations to be ammunition;</b></p> | Clause 4(1)   | <p>This definition is modelled on the definition of ammunition in section 4 <b>NSW Firearms Act 1996</b>.</p> <p><b>Airgun pellets</b> removed from the recommended definition.</p> <p>Under sub-definition (i) <b>paintballs</b> have been excluded from the definition of <b>ammunition</b>.</p> |
| P2  | <p>Amendment to the definition of <b>'firing mechanism'</b> to now read:</p> <p><b>'the mechanism of the firearm that is designed for the purpose of firing the firearm and includes a trigger mechanism or firing pin.'</b></p>  | Clause 4(1)   | Expands the current definition by including individual components of a <b>trigger mechanism</b> and <b>firing pin</b> .  |



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| P3 | <p>Amendment to the definition of <b>'firearm'</b> to include <b>de-activated firearms</b>, making them subject to licensing and registration.</p> <p>Consideration will be given to appropriate security requirements and mechanisms to differentiate these from functional firearms, so they can remain display items (ie basic licensing and registration).</p> <p>Transitory provisions regarding licensing and registration fees and a grace period will be considered for inclusion.</p> | Clause 4(1)       | <p>The clause 4(1) definition of <b>firearm</b> now incorporates <b>devices which (whether or not rendered temporarily or permanently unusable) would, if in working order, or if assembled and in working order, be a firearm.</b></p> <p>The drafting of clause 5(3)(b) ensures that a <b>deactivated firearm</b> remains classified as the category of firearm to which the operable device was before being rendered unusable.</p> <p>The drafting of clause 23(6)(b) means that a person does not require a <b>genuine need</b> to acquire a properly <b>deactivated firearm.</b></p> |
| P4 | Amendment to the definition of <b>handgun</b> to provide that a handgun does not include a prescribed firearm.   | Clause 5(1)(e)    | <b>Prescribed firearms</b> are excluded from being classified as <b>category H</b> firearms.   |
| P5 | Amendment to dealer licensing to require all <b>dealer employees who handle firearms in the course of their employment to be licensed.</b>   | Clause 11(4)(b)   | A person, who in the course of the person's employment will have access to firearms, must be licenced to possess and use firearms as a dealer employee.  |
| P6 | Nomenclature of firearm ' <b>class</b> ' changed to firearm ' <b>category</b> '.   | Clause 5(1)       | To promote national consistency firearms will now be categorised rather than classified.   |
| P7 | Amendment to the definition of ' <b>class A firearms</b> ' to include ' <b>break action combination shotguns and rim fire rifles</b> '.  | Clause 5(1)(a)(v) | These changes ensure combination firearms considered category A are separated from other combination firearms (such as combination shotgun and centre fire rifle) considered   |

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|    | Amendment to the definition of ' <b>class B firearms</b> ' to include ' <b>break action combination shotguns and rifles (not being break action combination shotguns and rim fire rifles)</b> '.  | Clause 5(1)(b)(v) | category B firearms.<br><br>'Category A firearms' now include combinations incorporating a 'rim fire' rifle, where 'category B firearms' exclude rim fire rifles, and incorporate other rifles such as 'centre fire' rifles.  |
| P8 | Express provision that <b>exemptions from the application of the Act will not apply to</b> a person who:<br><br>* has a <b>disqualified, suspended or cancelled</b> licence (including interstate);<br><br>* is <b>prohibited from firearm possession</b> by order of a court order or a firearms prohibition order.                  | Clause 8(3)       | Clause 8 contains a number of provisions exempting certain persons, and persons in certain circumstances, from the application of the Act.<br><br>The drafting of clause 8(3) however ensures that <b>disqualified, suspended, cancelled or intoxicated persons cannot avail themselves of the clause 8 exemptions.</b> |
| P9 | Insertion of a provision allowing the Registrar to <b>maintain and exchange information, material or data with other law enforcement agencies, law enforcement systems, government agencies and other organisations</b> where the Registrar is of the opinion such maintenance or exchange may support the administration of the Act. | Clause 51         | Clause 51 allows the Registrar to exchange information held or obtained in the course of the administration or enforcement of the Act with an agency, instrumentality, prescribed body or person.   |

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| P10 | <p>Insertion of a requirement that an applicant for a licence requires a <b><i>genuine reason</i></b> to possess or acquire a licence.</p>   | Clause 15(1)(c) | <p>Clause 15(1)(c) permits the Registrar to refuse a licence application when not satisfied the applicant has a <b><i>genuine reason</i></b> to possess a firearm to which the application relates.</p> <p>Clause 15(2) sets out that <b><i>a person has a genuine reason if the person genuinely intends to possess or use a firearm for a purpose</i></b> (e.g. hunting, primary production, security guard) <b><i>that would be authorised under the licence if it were granted.</i></b></p> |
| P11 | <p>Introduction of a <b><i>Registrar authority to issue a permit to an interstate armourer</i></b> temporarily attending SA for filming purposes.</p> <p>The interstate film armourer would not be required to obtain an SA firearms licence so long as he/she, whilst filming in SA, remains the holder of a current corresponding licence in another State or Territory.</p> | Clause 8(2)(b)  | <p>An exemption has been created regarding the possession of a firearm by a person who holds a <b><i>foreign theatrical armourer permit.</i></b></p> <p>The <b><i>foreign theatrical armourer permit</i></b> scheme, to be set out in the <b><i>Firearms Regulations</i></b>, will allow the Registrar to grant a permit to enable a <b><i>foreign theatrical armourer</i></b> to possess or use a firearm for the purpose of theatrical productions in South Australia.</p>                    |
| P12 | <p>Introduction of a requirement that <b><i>paint-ball shooting activities</i></b> on the grounds of recognised paint-ball operators <b><i>must be supervised by the licensed operator or a licensed employee</i></b> of the operator.</p>   | Clause 8(2)(h)  | <p>The exemption at clause 8(2)(h) is only available for unlicensed persons when they are being supervised by <b><i>paint-ball operators, or accredited paint-ball employees.</i></b></p> <p>The accreditation regime for employees (in lieu of licensing) is to be developed and inserted into the</p>   |

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|    |   |   | <p><b>Firearms Regulations.</b></p> <p>The <b>Firearms Regulations</b> will also make it a condition of a <b>paint-ball shooting licence</b> that unlicensed persons must be supervised as per the clause 8(2)(h) exemption.</p> |
| 13 | <p>Insertion of a provision that a <b>purpose of use 6 (security guard) licence expires</b> if the licensee ceases to hold an appropriate licence in force under the <i>Security and Investigation Agents Act 1995</i>.</p>   | - | To be included in the <b>Firearms Regulations</b> .  |
| 14 | <p>Introduction of <b>three additional firearms licenses</b> to be incorporated into a revised licensing scheme</p> <p>* Professional shooter;<br/>* Commercial range;<br/>* Shooting gallery;</p>  | - | To be included in the <b>Firearms Regulations</b> .  |
| 15 | <p>A <b>reduction of the 14 day timeframe</b> that registered owners and licensed dealers have <b>to report the loss, theft or destruction of a firearm</b> to now require a <b>verbal report to a police officer within 24 hours, followed by a written notification to the Registrar within 7 days</b>.</p> | - | To be included in the <b>Firearms Regulations</b> .  |
| 16 | <p>Amendment to regulation 36 to <b>replace the concept of ammunition that exceeds the</b></p>  | - | <p>Not drafted.</p> <p>Refer clause 33(1) which retains the provisions of regulation 36.</p>   |

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|     | <p><b>reasonable needs of a person for the immediate following 12 months' with a defined numerical value</b> limit of ammunition that can be possessed at any time.</p>   |                                |  |
| P17 | <p><b>Extension of section 34 provisions to permit a court to order a firearm forfeited to the Crown, or such other order for disposal</b> as appropriate, when satisfied the firearm:</p> <ul style="list-style-type: none"> <li>* is mechanically unsafe;</li> <li>* is particularly dangerous by reason of its design or construction;</li> <li>* is easily concealable due to its size;</li> <li>* was used in a manner contrary to the principles and objects of the Act.</li> </ul> | <p>Clause 62(2)(e) and (f)</p> | <p>Clause 62(2)(e) has been drafted in response to the recommendation seeking authority for a court to order <b>forfeiture of a firearm used in a manner contrary to the principles and objects of the Act.</b></p> <p>Clause 62(2)(e) permits a court to order forfeiture if satisfied <b>the return of a seized item to its owner would not be in the public interest.</b></p> |
| P18 | <p><b>Extension of the timeframe that the Registrar must return a licence</b> when the licence has <b>not been suspended or cancelled</b> from 14 days to <b>90 days from the date of delivery/seizure.</b></p>   | <p>Clause 57(b)</p>            | <p>Drafted as recommended.</p>   |
| P19 | <p>Introduction of a <b>Registrar authority to dispose of seized or surrendered firearms, firearms parts or ammunition</b> (only items</p>  | <p>Clause 61</p>               | <p>Where a firearm etc is surrendered to the Registrar as a result of:</p> <ul style="list-style-type: none"> <li>* a licence cancellation, suspension or variation;</li> </ul>  |

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|     | <p>not connected to a criminal offence) in his possession <b>6 months after surrender or seizure</b>, if the owner has not already lawfully disposed of the item at the Registrar's written request.</p> <p>Where owner has sought review of a decision related to seizure/surrender of item, the item must be kept by Registrar until review is finally determined.</p> |   | <ul style="list-style-type: none"> <li>* the Registrar refusing to renew a licence; or</li> <li>* the cancellation of the registration of a firearm</li> </ul> <p><b><i>the person/owner must at the written direction of the Registrar, arrange for the firearm etc to be transferred to a licenced dealer, or other person approved by the Registrar, for disposal.</i></b></p> <p>The <b><i>Registrar cannot give a written direction unless</i></b> satisfied the person is not entitled to lawful possession of the surrendered item and until the period for a review of the decision to cancel/suspend etc has expired or lapsed.</p> <p><b><i>If the person fails to comply</i></b> with a written direction of the Registrar <b><i>within 90 days</i></b> the surrendered item becomes <b><i>forfeited to the Registrar.</i></b></p> |
| P20 | <p>Extension of section 35A(2) and regulation 57(2) to make <b><i>the restriction on firearms being transported with a round of ammunition in the chamber, breech or magazine applicable to all firearms</i></b> (currently only applicable to class C, D and H firearms).</p>   | - | <p>To be included in the <b><i>Firearms Regulations.</i></b></p> <p>Will also include an <b><i>exemption for a situation where a round is stuck in a firearm</i></b> and the firearm is being transported to a licenced dealer for the purpose of having the firearm repaired.</p>  |

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| P21 | <p>Insertion of a provision enabling <b>documents/notices</b> required to be served under the Act, to be <b>served by email and fax</b> (service taken to be given at time of transmission).</p>   | <p>Clause 75(1)(d)</p>                         | <p>Drafted as recommended.</p>  |
| 22  | <p>Introduction of <b>expiable offences</b> for minor regulatory breaches:</p> <ul style="list-style-type: none"> <li>* Fail to notify change of address or personal particulars;</li> <li>* Fail to notify change to storage address (&gt;14 days);</li> <li>* Fail to carry licence.</li> </ul>  | <p>-</p>                                       | <p>To be included in the <b>Firearms Regulations</b></p>  |
| P23 | <p>Insertion of a provision that the Registrar must not grant an application for a permit to acquire a firearm unless satisfied that the applicant has a <b>genuine reason</b> to acquire a firearm to which the application relates; and a <b>genuine need</b> to acquire the firearm that cannot be met by a firearm already in the possession of the applicant (including genuine need for class A firearms).</p> | <p>Clause 23(3)d</p> <p>Clause 23(5) – (8)</p> | <p>The Registrar may refuse an application to acquire a firearm if not satisfied the applicant has a <b>genuine reason</b> to acquire the firearm and a <b>genuine need</b> to acquire the firearm that cannot be met by a firearm already in the possession of the applicant.</p> <p>The requirement for <b>genuine reason</b> applies to firearms of <b>all categories</b>. A person will have a <b>genuine reason</b> to acquire a firearm if the person genuinely intends to possess or use the firearm for a purpose authorised by a licence held by the applicant.</p> <p>The requirement for <b>genuine need does not apply to category A firearms and deactivated firearms</b>.</p> |

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| P24 | <b>Guiding statements of principles and objects</b> , reflecting National firearms agreements and their philosophies, to be inserted into the Act.  | Clause 3  | Drafted as recommended.  |
| P25 | Creation of an offence for <b>persons who aid, abet, counsel, procure or conspire with another</b> to commit an offence against the <b>Firearms Act</b> .   | Clause 72 | It will be an offence for a person to aid, abet, counsel or procure the commission of an offence in any place outside of SA, and to conspire with another person to commit an offence against the Firearms Act (or corresponding law of another place outside SA). |
| P26 | Creation of a new offence to <b>misuse a licence or permit</b> , such as:<br><br><ul style="list-style-type: none"> <li>* False representation as being the holder of a licence/permit;</li> <li>* Provision of a licence/permit to an unauthorised person for an unlawful purpose;</li> <li>* Theft of a licence/permit;</li> <li>* Forge/alter a licence/permit;</li> <li>* Knowingly have possession of or use a forged/altered/stolen licence.</li> </ul> | Clause 67 | Drafted as recommended.  |
| P27 | Insertion of a provision articulating that if a person is required to provide information to the Registrar, the Registrar may require the <b>information to be verified by statutory declaration</b> and, in that   | Clause 69 | Drafted as recommended.  |



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|     | <p>event, the person will be taken not to have provided the information as required unless it has been verified in accordance with the requirements of the Registrar.</p>   |                  |  |
| P28 | <p>Introduction of <b>vicarious liability provisions</b> providing that directors of companies possessing, using and dealing in firearms can be held to account when a company and/or employee wilfully breaches, or is recklessly indifferent as to complying with, obligations and responsibilities regarding the possession and control of firearms.</p> | <p>Clause 71</p> | <p>Where a company is guilty of an offence, the <b>company directors and principle nominee are also guilty</b> and subject to penalty as a principle offenders <b>unless the director or nominee proves he/she could not, by the exercise of reasonable diligence, have prevented the commission of the offence.</b></p> <p>Clause 70 also provides that <b>an act or default of an officer, employee or agent of a person will be taken to be an act of that person unless it is proved that the officer, employee or agent acted outside the scope of his or her actual, usual and ostensible authority.</b></p> |

#### 4. SAPOL Recommended Reforms Post FLAG

| NO: | ISSUE   | CLAUSE NUMBER | COMMENTS   |
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| 1   | <p>Amendment to the definition of <b>acquire</b> to read:</p> <p><i>'to take possession of by any means including by finding, purchase, gift, loan or hire'.</i></p>  | -             | Not drafted.   |
| 2   | <p>Amendment to the definition of <b>supply</b> to read:</p> <p><i>'to supply by any means including through sale, gift, loan or hire'.</i></p>   | -             | Not drafted.   |
| PP3 | <p>Amendment to the definition of '<b>dealer</b>' to the effect that the activities of <b>manufacturing firearms or firearm parts</b> are no longer authorised by a '<b>dealer's licence</b>' to now be authorised by an '<b>approved by Registrar</b>' firearms licence.</p> | Clause 4(1)   | The activity of <b>manufacturing</b> has been removed from sub-definition (c) of the clause 4(1) definition of <b>dealer</b> . |
| PP4 | <p>Insertion of a new sub-definition to the definition of '<b>dealer</b>' reflecting that a dealer includes a person who carries on the business of <b>holding and storing firearms and firearm parts for the purpose of repair, safekeeping and disposal</b>.</p>            | Clause 4(1)   | Drafted as recommended at sub-definition (d) of the clause 4(1) definition of <b>dealer</b> .                                  |

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| PP5 | <p>Introduction of a regulatory scheme for the possession and use of <b>non-hand held firearms</b>.</p> <p>(e.g. devices designed to be vehicle fitted/mounted or operated by more than one person such as vehicle mounted machine guns, cannons and anti-aircraft armaments).</p> | Clause 4(1)        | Non-hand held firearms are now considered firearms by virtue of the <b>carried by hand</b> descriptor having been removed from sub-definition (a) of the clause 4(1) definition of <b>firearm</b> .  |
| PP6 | Amendment to the definition of <b>class A firearms</b> pertaining to sub-definition (c) shotguns to <b>remove the single and double barrel descriptor</b> .  | Clause 5(1)(a)(iv) | Category A shotguns are now those shotguns (not being self-loading or pump action shotguns) comprising any number of barrels.  |
| 7   | Amendment of the nomenclature of the class of firearms from ' <b>prescribed</b> ' to ' <b>prohibited</b> '.  | -                  | Not drafted.   |
| PP8 | Amendment to the section 5(14)(b) definition of <b>possession</b> to remove the element that a person must have ' <b>exercised access</b> ' to a firearm to be in possession.  | Clause 6(2)(b)     | <p>Not drafted as recommended. The element that a person must have '<b>exercised access</b>' has been retained at clause 6(2)(b).</p> <p>An additional provision has been added at clause 6(2)(c) to reflect that a person will be deemed to be in possession of an item if <b>the person controls access to the item</b>.</p> |
| PP9 | Amend section 6(2) to provide that that <b>a power or function delegated by the</b>  | Clause (3) – (4)   | Drafted as recommended.  |

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|      | <b>Registrar may</b> , if the instrument of delegation so provides, <b>be further delegated</b> and that such delegation may be absolute or conditional.  |             |  |
| PP10 | Amendment to section 6A providing <b>a Registrar discretion to exclude the identities of certain persons subjects to a firearms prohibition order</b> (FPO), e.g. those issued as a result of a section 27A medical notification or for non-criminal reasons such as own safety, <b>from being recorded and published on the register of FPO's, or alternatively, to include those persons on a separate register not publically available.</b> | Clause 49   | <p>Clause 49(1)(c) has been drafted in terms that <b>permits the Registrar to maintain more than one FPO register.</b></p> <p>While clause 49(3) makes it a requirement that at least one FPO register must be publically available, clause 49(4) gives the Registrar <b>discretion to exclude public access to certain entries on a register or that access to certain entries is to be restricted to specified persons or classes of persons.</b></p> <p>It is intended that a separate <b>non-criminal</b> FPO register be created with mechanisms implemented to ensure access by necessary persons e.g. dealers, firearms clubs etc</p> |
| 11   | Amendment to section 10C(2) to the effect that while an FPO is in force against a person any licence or permit held by the person is ' <b>cancelled</b> ' (in lieu of the current ' <b>suspended</b> ').  | -           | Not drafted.   |
| PP12 | Insertion of <b>pre-conditions to the section exemption for executors and</b>   | Clause 8(j) | The exemption at clause 8(j) means that a properly established executor, administrator etc cannot be charged with a possession   |

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|      | <p><b>administrators</b> that the exemption only applies if the person:</p> <ul style="list-style-type: none"> <li>* provides the Registrar with immediate written notification of details of the firearm and the circumstances in which it has come into his/her possession (e.g. make, serial number, name of deceased licensee);</li> <li>* ensures the transport or storage of the firearm is compliant with the Act;</li> <li>* disposes of the firearm, as soon as practicable, to an authorised/licensed person or by surrendering it to the Registrar.</li> </ul> |                | <p>offence (e.g. unlicensed, unregistered ) if that person has complied with the requirements of clauses 8(j)(i), (ii) and (iii).</p> <p>This includes that the <b>executor etc must dispose of the firearm, as soon as practicable but in any event within 28 days of taking possession</b>, to a person authorised under the Act to have possession of it or by surrendering it to the Registrar.</p> |
| PP13 | <p>Amendment to section 11(7b)(a) to reflect that <b>the presence of 'ammunition'</b> that can be used in the firearm (and not just <b>'a loaded magazine'</b> with a firearm as currently legislated) will constitute an <b>aggravated offence</b>.</p>  | Clause 9(7)(a) | <p>A clause 9 offence (unlicensed etc) is now aggravated if the firearm was <b>in the immediate vicinity of ammunition suitable for use in the firearm</b> (currently only aggravated under section 11(7b)(a) <b>if the firearm was in the vicinity of a loaded magazine</b>).</p>  |
| PP14 | <p><b>Disqualifying Offences</b> - Insertion of a provision that unless cogent reasons exist, <b>a licence must not be issued or renewed if</b> an applicant has, within a defined period of time (e.g. 5 or 10 years), been <b>found guilty of an offence prescribed by the Regulations</b></p>  | Clause 15(5)   | <p>The Registrar must not grant an application for a firearms licence if the applicant has been found guilty of a <b>prescribed offence within the immediately preceding 5 years</b>.</p> <p>The prescribed offences (currently regulation 5A) are to be set out in the <b>Firearms Regulations</b> when re-</p>  |

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|      | (regulation 5A), or under corresponding interstate legislation.   |                     | written.<br><br>Under clause 20(7) if a licensee is found guilty of a prescribed offence the Registrar must, by written notice served personally or by registered post on the licensee, cancel the person's licence.   |
| PP15 | Expansion of section 12(5a) to permit the Registrar to <b>refuse an application for a firearms licence if the applicant is not an Australian citizen or permanent Australian resident.</b>  | Clause 15(1)(h)(ii) | The Registrar may refuse an application for a firearms licence if not satisfied the applicant is an Australian citizen or permanent resident usually resident in South Australia.  |
| PP16 | Amendment to section 12(9) to the effect that <b>if a licence application is not granted within 6 months, the application will be taken to have 'lapsed'</b> (in lieu of the current 'refusal after 90 days).   | Clause 15(9)        | The <b>timeframe of 90 days has been extended to six months</b> , however the current provision that the application has been <b>refused</b> (in lieu of lapsed) <b>has been retained</b> at clause 15(9).   |
| PP17 | Insertion of provision that <b>an application for a firearms licence must be accompanied by the application fee</b> prescribed by the Regulations.  | Clause 14(1)(c)     | Drafted as recommended.  |
| PP18 | Amendment to sections 14(3)(b) and (c) so that the <b>defence to trafficking</b> (pursuant to a temporary arrangement made for the purpose of a business between persons engaged in that same business as authorised by a firearms licence to possess the | Clause 22(5)(a)     | The defence to trafficking means that a person engaged in a business (e.g. primary production or security guard businesses) can transfer possession of a firearm (by loan or hire) to another licenced person engaged in the same business for up to <b>10 days (oral loan) or 28 days (written loan).</b> |

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|      | firearm for use in the business) becomes <b><i>dependent upon a temporary arrangement, a condition of which is that the borrower must return the firearm to the owner within 28 days.</i></b>             |                      |  |
| 19   | Expansion of section 15A(4) to permit a licensee to <b><i>acquire class D firearms pursuant to a firearms licence for the purpose of theatrical or cinematic productions.</i></b>                         | -                    | To be included in the <b><i>Firearms Regulations.</i></b>  |
| PP20 | Amendment to section 16 to create an offence of <b><i>unlawfully dealing in 'firearm parts'.</i></b>  | Clause 10(1) and (2) | <p>A person who is not a licenced dealer commits an offence if he/she carries on the business of a dealer.</p> <p>Under clause 10(2) and (3) a person who purchases or sells more than 20 firearm parts in a 12 month period (unless subject of 1 or more transactions by auction on the same day) will be taken to be carrying on the business of a dealer in respect of the firearm parts purchased or sold in excess of 20 in that period unless the person proves he/she was not carrying on the business of a dealer.</p> |
| PP21 | Expansion of subsection 17(3) providing the <b><i>Registrar may refuse an application to be a licensed dealer if not satisfied that the applicant has a genuine capacity to effectively carry out</i></b> | Clause 15(1)(g)(ii)  | The Registrar may refuse an application to be a licenced dealer if the applicant has, or in the case of an applicant that is a company, the director or directors together have, sufficient business knowledge and experience and financial resources for the purpose of properly  |

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|      | <b>the administrative, practical and/or managerial business</b> of a licensed dealer.  |              | conducting the business that would be carried on under the licence.   |
| 22   | Amendment to section 19A(6) to the effect that an <b>interim licence comes into force upon the expiry of a photographic firearms licence and remains in force for a period of time stipulated by the Registrar.</b><br><br>OR<br><br>Amend the time an <b>interim licence</b> remains in force <b>from 28 days to 90 days.</b> | -            | The <b>Firearms Regulations</b> will include provision that <b>an interim licence comes into force on the day specified on the licence and remains in force for 90 days or until a licence that includes a photograph is issued to the applicant, whichever first occurs.</b> |
| PP23 | Insertion of a provision that <b>If grounds exist for cancelling a licence, the Registrar may instead</b> , by written notice served personally or by registered post, <b>limit the firearms that may be possessed or used by the licensee</b> under the licence, <b>and impose further/other conditions</b> on the licence.   | Clause 20(9) | If grounds exist for cancelling a licence the Registrar may instead, by written notice served personally or by registered post on the licensee, limit the firearms that may be possessed or used by the licensee under the licence.   |
| PP24 | Insertion of a general <b>possession of ammunition offence.</b>  | Clause 31(1) | Clause 31 makes it an offence to <b>acquire, own or possess ammunition</b> unless the person is a person described in clause 31(1)(a), (b) and (c) – (e.g. a licensee or holder of an ammunition permit).   |



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|      |  |               | There are also <b>a number of exemptions</b> to this offence as set out in clause 31(2).   |
| PP25 | Amendment to section 21B(5) to <b>make the offence of supplying ammunition one of strict liability</b> by removing the mens rea element that the supplier must ' <b>know or have reason to believe</b> ' the acquiring person is unlicensed etc.   | Clause 31(14) | <b>The mens rea element has been removed</b> from clause 31(14) to make the offence of supplying ammunition a strict liability offence.  |
| 26   | Insertion of provision that a <b>firearms club recognition application may be refused if not satisfied</b> that the club:<br><br><ul style="list-style-type: none"> <li>* is an <b>incorporated association</b>;</li> <li>* has at least <b>10 active members</b>;</li> <li>* conducts, or will conduct, its activities in a responsible manner;</li> <li>* holds or will hold at least 6 meetings every 12 months (<b>collector's clubs only</b>); and</li> <li>* meets any prescribed requirements.</li> </ul> | -             | To be included in the <b>Firearms Regulations</b> .  |
| PP27 | Insertion of provision that <b>upon a registered owner reporting his/her firearm lost or stolen to police, the registration</b> in the owner's name <b>is cancelled</b> .  | Clause 30(6)  | Drafted as recommended.<br><br><b>Clause 27(4) has also been drafted as a safeguard to ensure that the owner</b> of a firearm deregistered as per clause 30(6) <b>cannot subsequently be charged</b> |

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|      |  |                 | <b>with having possession of that unregistered firearm.</b>   |
| 28   | Expansion of section 25 creating a requirement that <b>a person in whose name a firearm is registered must, within 7 days, give the Registrar written notice if the firearm is supplied to a person outside South Australia.</b>         | -               | To be included in the <b>Firearms Regulations</b> .   |
| PP29 | Amendment to section 27(2) to the effect that <b>the defence to manufacturing firearms parts is no longer applicable to licensed 'dealers', but applicable to a person acting in accordance with an 'approved by Registrar' licence.</b> | Clause 36(3)(a) | The manufacture of firearms and firearms parts will now be authorised by a <b>'miscellaneous'</b> licence (equivalent of current <b>approved by Registrar</b> licence – POU7).<br><br>Clause 36(3)(a) therefore creates an exemption to the unlawful manufacture of firearms and firearm parts for a person approved to manufacture under a <b>miscellaneous</b> licence. |
| PP30 | Insertion of a provision that <b>the Regulations may empower police officers to conduct alcohol and drug testing</b> of persons in possession of firearms and create evidentiary presumptions relating to the tests and their results.   | Clause 41(4)    | Clause 41(4) provides a <b>regulation making power</b> to create a regulatory scheme for alcohol and drug testing of persons in possession of firearms.   |
| PP31 | Insertion of <b>compulsive powers of investigation that require</b> or allow:  | Clause 53(1)    | The powers of investigation set out in clause 53(1) are only available for the purpose of <b>determining</b>  |

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|      | <p>* the production of documents or other physical evidence from a licence holder or third party;</p> <p>* a person including a third party witness to answer any questions;</p> <p>* entry onto premises for use of compulsive powers.</p>   |              | <p><b><i>whether a person should be granted, or continue to hold, a licence, permit, authorisation or approval under the Act.</i></b></p> <p>The need to comply is <b><i>subject to the reasonableness of the requirement</i></b> of the Registrar or person authorised by the Registrar.</p> <p>The power of <b><i>entry and inspection of residential premises can only be exercised with permission of the occupier of the premises or authority of a warrant issued by a magistrate</i></b>, satisfied by information given on oath, that the warrant is reasonably required in the circumstances.</p> |
| 32   | <p>Amendment of section 30(4) to <b><i>make answers given to police officers</i></b> about the whereabouts of a firearm or relating to the person or persons who have, or have had, possession of the firearm, <b><i>admissible in any legal proceedings</i></b> (answers currently only admissible in section 30 proceedings).</p> | -            | Not drafted.   |
| PP33 | <p>Expansion of section 31(2) to allow the provision of an <b><i>evidentiary document certifying the non-production of a</i></b></p>  | Clause 55(2) | Drafted as recommended.  |

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|      | <i>firearm</i> in response to a request by a police officer or National Parks warden.   |           |   |
| PP34 | Deletion of sections 31A(1) and (3) <b>removing the ability of a person whose licence is suspended, cancelled etc. to retain possession of a firearm for a month.</b>   | Clause 21 | The <b>provisions of section 31A have not been carried over</b> into the Bill, and have been replaced with clause 21.<br><br>Clause 21(1) <b>requires a person whose licence is suspended or cancelled, or licence application refused, to surrender all firearms</b> etc to the Registrar <b>immediately</b> (if served personally with notice of the cancellation, suspension or refusal) <b>or within 7 days</b> (if notice is served by registered post). |
| PP35 | Extension of section 31A(2) so that <b>where a licence is cancelled, or the Registrar refuses to renew a licence; or the registration of a firearm is cancelled, the affected person may retain the power of disposition</b> over a firearm, firearm part or ammunition <b>through the agency of a licensed dealer</b> (not personal possession). | Clause 61 | Clause 61(2) (outlined above in this document) <b>provides power of disposal through a licenced dealer.</b>   |
| 36   | Amendment to sections 35A and 35D to include provision for a ' <b>Code of Practice</b> ' for the <b>commercial transportation and storage of firearms</b> to be prescribed in the   | -         | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.   |

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|      | <p>Regulations, possibly incorporating:</p> <ul style="list-style-type: none"> <li>* records being made, kept and produced to the Registrar;</li> <li>* advance notifications being made to the Registrar in respect to the transportation or storage of particular classes and/or quantities of firearms, firearm parts and ammunition.</li> </ul>  |                 |   |
| PP37 | <p>Extension of section 36 to permit the Registrar to sign <b>evidentiary certificates</b> as proof that:</p> <ul style="list-style-type: none"> <li>* a permit was subject to specified conditions;</li> <li>* a firearm previously certified as deactivated, has been modified or altered in such a way that it is capable of firing a projectile;</li> <li>* a device is a firearm as defined in section 5 of the Act;</li> <li>* a firearm is a firearm of a specific category.</li> </ul> | Clause 73(1)(g) | The only evidentiary certificate drafted in response to recommendation 37 is the evidentiary certificate at clause 73(1)(g) that <b>a permit was subject to specified conditions.</b> |
| PP38 | <p>Insertion of provision <b>permitting a document signed by the relevant authority under legislation of another State or Territory certifying</b> that, at a specified time:</p> <ul style="list-style-type: none"> <li>* a specified order (e.g. a firearms prohibition order) was in force against a person;</li> </ul>   | Clause 73(2)    | Drafted as recommended.   |

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|      | <p>* a person was or was not the holder of a licence, permit, or authority etc. under that legislation;</p> <p>* a firearm was or was not registered.</p>  |                        |   |
| 39   | <p><b>General defence provisions being deleted</b> from the Act.</p>   | -                      | <p>The <b>provisions of section 36A have not been carried over</b> into the Bill as recommended.</p>  |
| 40   | <p>Amendment to regulation 4(1)(c) to <b>exclude a paint-ball firearm</b> with a barrel length of less than 330 millimetres <b>from being a prescribed firearm</b>.</p>  | -                      | <p>To be included in the <b>Firearms Regulations</b>.</p>   |
| 41   | <p>Amendment to regulation 11 to provide clarity that <b>a paint-ball shooting licence can be issued to an individual person</b> (including an employee of the operator and a sporting competitor) and not just a paint-ball <b>'operator'</b> or company.</p> <p>α</p>  | -                      | <p>To be included in the <b>Firearms Regulations</b>.</p>   |
| PP42 | <p>A provision permitting the Registrar <b>to require a licensee to conduct an audit of the licensee's practices with respect to the storage and safe keeping of his/her firearms and to report the results of the audit</b> to the Registrar (these self-audits likely to be required to accompany licence renewals).</p> | <p>Clause 18(2)(b)</p> | <p>It is a condition of a firearms licence that the <b>licensee must, in accordance with a written request of the Registrar, conduct an audit of the licensee's practices with respect to the storage and safekeeping of the firearms in the licensee's possession, and report to the Registrar the results of the audit, in the manner and within the time specified by the Registrar.</b></p> |

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| 43 | <p>Provision for a '<b>Code of Practice</b>' for the <b>security of firearms, ammunition and licensed dealer's building</b> to be made. This '<b>code of practice</b>' will overhaul and enhance current security requirements and reinforce the responsibilities that come with firearm ownership and possession. Some considerations include:</p> <ul style="list-style-type: none"> <li>* abolishing current provisions permitting class A and B firearms to be secured by being attached and locked to part of a building;</li> <li>* a minimum security requirement that firearms when not in use be secured in a locked 'steel' cabinet);</li> <li>* a 'tiered' approach to security based upon quantum of firearms possessed;</li> <li>* security requirements at non principle place of residence.</li> </ul> | - | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill. |
| 44 | <p>Amendment to <i>regulation 38</i> creating a requirement to ensure the <b>access to a firearms cabinet/safe (by way of key, code or similar) is secure</b>, not just the cabinet/safe itself. This includes an obligation to ensure a firearm, so far as reasonably practicable, cannot be accessed by</p>   | - | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill. |

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|      | an unauthorised person at all times.  |           |  |
| 45   | Insertion of provisions governing <b>how firearms must be secured when not being used or stored</b> (e.g. under transporting from home to firearms range).  | -         | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.  |
| 46   | Amendment to <i>regulation 41</i> to provide <b>that ammunition must be stored in a locked container, and must not be stored in the same locked container as a firearm unless the ammunition is stored in a locked compartment or locked container within that container</b> that is separate to the firearm.                                   | -         | To be drafted in the security <b>Code of Practice</b> intended to form a part of the <b>Firearms Regulations</b> as allowed by clause 34 of the Bill.  |
| PP47 | Insertion of a provision <b>prohibiting certain persons</b> (e.g. a person having a relevant criminal conviction within the preceding 10 years) <b>from being employed by and as a licensed dealer</b> . E.g. persons:<br><br>* who have had a dealer licence revoked;<br>* found not fit and proper by Registrar;<br>* found guilty of offence | Clause 11 | A <b>disqualified person</b> is set out at clause 11(6).<br><br>Clause 11(1) makes it an offence for a <b>disqualified person</b> to be employed by a licensed dealer in the business of the dealer.<br><br>Clause 11(2) creates a defence for a licensed dealer who proves he/she did not know, and could not reasonably be expected to have known, the employee was a <b>disqualified person</b> . |



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|      | of violence;<br>* found guilty of offence against the <i>Firearms Act 1977</i> .   |                | Clause 11(3) creates a defence for an employee who proves he or she did not know, and could not reasonably be expected to have known, that he or she was disqualified from being employed in the business.  |
| PP48 | Insertion of a <b>permit or licensing regime to authorise</b> a person to lawfully possess firearms for the purpose of <b>'blueing' firearms</b> . | Clause 8(2)(d) | An exemption has been created regarding the possession of a firearm by a person who holds a <b>firearm refurbishment permit</b> .<br><br><b>The firearm refurbishment permit scheme</b> , to be set out in the <b>Firearms Regulations</b> , will allow the Registrar to grant a permit to a person who carries on the business of refurbishing firearms (e.g. <b>bluing and chroming</b> firearms etc) allowing the person to possess firearms for the purpose of refurbishing them. |

##### 5. SAPOL Recommended Reforms Post Roundtable Consultation

| NO: | ISSUE  | CLAUSE NUMBER | COMMENTS  |
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| PX1 | <b>Registrar authority to exempt a person</b> from provisions of the Act | Clause 8(6)   | A new authority has been added at clause 8(6) which permits the Registrar to <b>exempt a specified person</b> , absolutely or subject to conditions, <b>from a specified provision of this Act</b> and may vary or revoke an exemption by written notice served personally or by registered post on the holder of the exemption.<br><br>This authority is intended to |

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|     |  |   | <p>be used sparingly, but is necessary to enhance the flexibility of the regulatory scheme.</p> <p>It is intended the authority will be utilised to assist licensees when appropriate and necessary.</p>   |
| PX2 | <p>Amendment to section 11(7b) to reflect that <b>the possession of a controlled plant or controlled drug</b> with a firearm will constitute an <b>aggravated offence</b>.</p>   | <p>Clause 9(7)(c)</p>   | <p>Clause 9(7)(c) creates an <b>aggravated offence</b> for an <b>unlicensed person</b> in possession of a firearm, and <b>a licensee possessing or using a firearm for a purpose not authorised by the person's licence</b>, when the person is <b>in possession of a firearm and</b> in possession of <b>a controlled plant or controlled drug</b>.</p> <p>Clause 9(8)(f) sets out the circumstances whereby a person will be taken to be in possession of a controlled plant or controlled drug.</p> |
| PX3 | <p>Amendment of section 21B(3)(b) to provide that an applicant for an ammunition permit has a <b>genuine reason to possess ammunition if the applicant has a genuine interest in collecting ammunition of historical or other significance and genuinely intends to possess the ammunition for that purpose</b>.</p> | <p>Clause 31(10)(b)</p>   | <p>Clause 31(10)(b) <b>legitimises the collection of ammunition of historical or other significance</b>, and was drafted at the suggestion of stakeholders following the roundtable consultation process.</p>  |
| PX4 | <p>Expansion of sections 10A(5) and 10B(3a) to provide an additional police authority regarding the service of an interim FPO or an</p>  | <p>Clause 42(5)(a)(ii)<br/>42(6)<br/>43(4)(a)(ii)<br/>43(5)</p> | <p>New FPO service powers have been <b>added to permit a police officer to require a person</b> upon whom an interim FPO or an FPO issued by the Registrar is to</p>   |

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|     | FPO issued by the Registrar.   |                                | <p>be served <b>to accompany the officer to the nearest police station</b> to enable service to occur.</p> <p>If the person accompanies the officer to the nearest police station <b>the officer must ensure the person is returned to the place at which the requirement was made, or taken to a place that is near to that place</b>, unless to do so would be against the person's wishes or there is other good reason for not so doing.</p>   |
| PX5 | Expansion of section 10B(1) regarding service of FPO's against OMCG members etc  | Clause 43(1)(b)                | <p>Clause 43(1)(b) has been inserted to <b>permit the Registrar to issue an FPO against</b> a person whom the Registrar is satisfied is:</p> <ul style="list-style-type: none"> <li>* a <b>member or former member of a declared organisation</b>; or</li> <li>* the <b>subject of a control order</b></li> </ul> <p>Under clause 43(9) a person will be presumed, in the absence of proof to the contrary, to be a member of a declared organisation at a particular time if the person is, at that time, displaying (whether on an article of clothing, as a tattoo or otherwise) the insignia of that organisation.</p> |
| PX6 | Expansion of section 10C to require:<br><br>* a person against whom an FPO is in force to state personal particulars etc when requested by police; and | Clause 44<br><br>Clause 44(13) | <p>If a police officer suspects on reasonable grounds that a person is a person against whom an FPO subject is in force the <b>officer may require the person to state his or her full name, address, date of birth and full names of</b></p>  |

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|     | * a person against whom an FPO is in force to, within 7 days, give written notice of a change of his or her address.  | Clause 44(15)                     | <b><i>the persons with whom he or she resides.</i></b><br><br>Under clause 44(15) an <b><i>FPO subject must, within 7 days, give the Registrar written notice of a change of his or her address.</i></b>  |
| PX7 | Amendments to search authorities in section 32(3b) to permit FPO compliance searches in respect of vehicles, vessels and aircraft that an FPO subject <b><i>is or was a passenger</i></b> and premises in which an FPO subject <b><i>is or was present.</i></b> | Clause 56 12(b)(ii) and 12(c)(ii) | Current authorities are limited by only being applicable to searches of vehicles etc that an FPO subject is <b><i>in charge of</i></b> , and premises <b><i>under the care, control or management</i></b> of an FPO subject.  |
| PX8 | Insertion of a new offence for the <b><i>unlawful assembly of ammunition.</i></b>   | Clause 40                         | Assembling ammunition means <b><i>combining a cartridge case and at least 1 other component of ammunition (e.g. primer, propellant etc) into a single article that is suitable for use in a firearm.</i></b><br><br>Clause 40(3) provides <b><i>exemptions for a number of persons</i></b> (e.g. licensees and persons exempt under clause 8(2) of the Bill).<br><br>Clause 40(4) allows a defendant to prove that the person who assembled the ammunition was entitled to do so. |