

South Australia

## **Firearms Variation Regulations 2003**

under the *Firearms Act 1977*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Firearms Variation Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on day on which the *Firearms (COAG Agreement) Amendment Act 2003* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of Firearms Regulations 1993**

### **4—Amendment of regulation 4—Interpretation**

Regulation 4(1), definitions of *active member* and *antique firearms*—delete the definitions

### **5—Amendment of regulation 7—Exempt firearms**

- (1) Regulation 7(a)—delete paragraph (a)
- (2) Regulation 7—after paragraph (k) insert:  
and receivers of firearms referred to in a preceding paragraph.

### **6—Amendment of regulation 8—Prescribed firearms**

Regulation 8(1)—after paragraph (j) insert:  
and receivers of firearms referred to in a preceding paragraph.

### **7—Amendment of regulation 12—Purpose for which firearms may be used**

- (1) Regulation 12(2)(a)—delete "recognised firearms club" and substitute:  
shooting club
- (2) Regulation 12(5)—delete subsection (5)

### **8—Variation of regulation 17—Training and examinations**

Regulation 17(1)—after "The Registrar may" insert:  
, by notice in writing,

### **9—Variation of regulation 18—Instructors and examiners**

Regulation 18(2)—delete subregulation (2) and substitute:

- (2) A person who conducts a course or examination under this Division—
  - (a) must not allow a person to attend the course or sit for the examination unless the person produces, for his or her inspection, a notice issued by the Registrar under regulation 17; and
  - (b) must compile, in a form approved by the Registrar, and keep for at least three years, a record of the names and addresses of all persons who attend the course or sit for the examination.

## **10—Variation of regulation 19—Conditions of firearms licences**

- (1) Regulation 19(1)(f)—delete paragraph (f) and substitute:
  - (f) where the holder of a licence had informed the Registrar when applying for the licence of the place at which he or she intended to keep firearms pursuant to the licence when not in use and the manner in which he or she intended securing those firearms, the holder of the licence—
    - (i) must allow, at any reasonable time, a member of the police force to enter and inspect the place at which the firearms are kept to ensure the firearms are so secured; and
    - (ii) must give the Registrar prior written notice of any change in the place at which the firearms are kept; and
    - (iii) must not, without the approval of the Registrar, change the manner in which the firearms are secured;
  - (fa) the holder of the licence must, whenever required to do so by the Registrar, provide the Registrar with information relating to a firearm registered in his or her name or in his or her possession.
- (2) Regulation 19(7)(a)—delete "recognised firearms club" and substitute:

shooting club
- (3) Regulation 19—after subregulation (7a) insert:
  - (7b) It is an additional condition of a shooting club member's licence that the holder of the licence must be an active member of a shooting club for each licence year of the licence.
  - (7c) It is an additional condition of a shooting club member's licence that authorises the possession and use of class H firearms that the class H firearms of each of the following categories of which the holder of the licence has possession must be used by the holder in shooting club organised shoots for that category of class H firearms on at least four occasions during each licence year of the licence:
    - (a) air or gas operated handguns;
    - (b) 22 calibre rim fire handguns (long rifle or short);
    - (c) centre fire handguns of not more than .38 calibre;
    - (d) handguns of more than .38 calibre.
- (4) Regulation 19(8)—delete the words preceding paragraph (a) and substitute:

It is an additional condition of a collector's licence—
- (5) Regulation 19(8)(b)—delete paragraph (b) and substitute:
  - (b) that the holder of the licence must be an active member of a collectors' club for each licence year of the licence; and

## **11—Variation of regulation 19A—Conditions of dealers' licences**

Regulation 19A(1)—after paragraph (j) insert:

- (k) the dealer must allow a member of the police force to enter and inspect any premises at which the dealer is authorised by the licence to carry on business for the purpose of enforcement of the Act and these regulations;
- (l) the dealer must, whenever required to do so by the Registrar or a member of the police force, provide the Registrar or member with information relating to a firearm recorded to, or in the possession of, the dealer.

## **12—Insertion of regulations 26A and 26B**

After regulation 26 insert:

### **26A—Handguns—applications for permits—section 15A(4b) and (4c)**

- (1) For the purposes of section 15A(4b) of the Act, the Registrar may grant to an applicant who is the holder of a shooting club member's licence a permit to acquire a class H firearm—
  - (a) despite a restriction on barrel length set out in paragraph (a) of that provision of the Act, if the Registrar is satisfied that the firearm is a visually distinctive and highly specialised target pistol; or
  - (b) despite the restriction to firearms of not more than .38 calibre, if the Registrar is satisfied that the firearm is of not more than .45 calibre and is required for shooting events of the kind known as metallic silhouette or single (western) action.
- (2) For the purposes of section 15A(4c) of the Act, in order for a collector to be granted a permit to acquire class H firearms manufactured after 1946 the collector must be a genuine student of arms who—
  - (a) has been an active member of a collectors' club for at least the preceding two years; and
  - (b) has a significant collection of handguns with a proper thematic structure; and
  - (c) has provided displays or published articles to advance the body of knowledge of firearms history and development.

### **26B—Measurement of barrel length of handguns—section 15A(4b)**

For the purposes of section 15A(4b) of the Act, the barrel length of a class H firearm is to be measured as follows:

- (a) in the case of a revolver, the length is to be measured from the muzzle to the breech end immediately in front of the cylinder;
- (b) in the case of any other class H firearm, the length is to be measured from the muzzle to the breech face (including where the chamber is incorporated in the barrel);
- (c) if the firearm is self-loading, the measurement must be taken when the slide is forward and the breech face or bolt is in a closed position;
- (d) any alteration to the barrel that is permanently attached is to be included in the portion measured.

### **13—Variation of regulation 26—Acquisition of class C firearms**

Regulation 26(a)(iii)—delete subparagraph (iii)

### **14—Variation of regulation 29—Security of firearms**

- (1) Regulation 29(1)—delete "or the receiver of a class A or B firearm"
- (2) Regulation 29(1)—delete "or receiver"
- (3) Regulation 29(2)—delete "or the receiver of a class H firearm"
- (4) Regulation 29(2)—delete "or receiver"

### **15—Variation of regulation 31—Possession of firearms by dealers**

- (1) Regulation 31(1)—delete "or the receiver of a firearm"
- (2) Regulation 31(1)—delete "or receiver"

### **16—Insertion of regulation 38AA**

After regulation 38 insert:

#### **38AA—Acceptance of new members**

A recognised firearms club must not grant an application for membership of the club unless—

- (a) if the club is—
  - (i) a shooting club—the applicant has produced to the club the applicant's shooting club member's licence or a certificate of the Registrar, issued within the preceding 21 days, certifying that the Registrar is satisfied that the applicant is a fit and proper person to hold a shooting club member's licence; or

- (ii) a collectors' club—the applicant has produced to the club the applicant's collector's licence or a certificate of the Registrar, issued within the preceding 21 days, certifying that the Registrar is satisfied that the applicant is a fit and proper person to hold a collector's licence; and
- (b) the applicant has produced to the club two references each of which appears to have been signed by a person within the preceding 21 days and to state that the person has known the applicant for at least the preceding two years and that the applicant is a person of good character and a suitable person to be a member of a firearms club; and
- (c) an office holder of the club has, by personal contact with the person named in each reference as the referee, confirmed the signing of the reference by the person on the date stated in the reference and the contents of the reference.

#### **17—Amendment of regulation 38A—Records to kept by clubs**

- (1) Regulation 38A(1)—after "records" insert:
  - , as required by the Registrar by notice in writing,
- (2) Regulation 38A(1)—before paragraph (a) insert:
  - (aa) in respect of each person granted membership of the club, the actions taken in compliance with regulation 38AA; and

#### **18—Variation of regulation 44—Prescribed person—section 21AC**

Regulation 44—after paragraph (b) insert:

- (c) professional counsellors;
- (d) social workers.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 29 September 2003

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