

South Australia

Firearms (Regulated Imitation Firearms) Variation Regulations 2009

under the *Firearms Act 1977*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Firearms (Regulated Imitation Firearms) Variation Regulations 2009*.

2—Commencement

These regulations come into operation on the day on which they are made.

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 2008*

4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *prescribed firearm* insert:

regulated imitation firearm—see regulation 5;

5—Variation of regulation 4—Prescribed firearms

Regulation 4(1)—after paragraph (j) insert:

- (ja) regulated imitation firearms that closely resemble a firearm referred to in a preceding paragraph or that do not closely resemble such a firearm or a firearm of Class A, B, C, D or H;

6—Substitution of regulation 5

Regulation 5—delete the regulation and substitute:

5—Certain imitation firearms included within definition of firearm

- (1) Pursuant to paragraph (c) of the definition of *firearm* in section 5(1) of the Act, a regulated imitation firearm is declared to be a firearm for the purposes of the Act.
- (2) A regulated imitation firearm is—
 - (a) an item that contains a mechanism that imitates the loading mechanism or firing mechanism of a firearm; or
 - (b) an item that is an imitation of the receiver of a firearm, other than—
 - (c) an item that is a children's toy or a novelty item; or
 - (d) an item determined by the Registrar under subregulation (3) not to be a regulated imitation firearm.
- (3) The Registrar may, on application or on the Registrar's own initiative, determine that a particular item is not a regulated imitation firearm if satisfied that the item cannot readily be adapted to function as a firearm.
- (4) The Minister may, by notice in the Gazette, declare an item of a specified class to be a regulated imitation firearm (and such a notice has effect according to its terms despite subregulation (2)).
- (5) The Minister may, by subsequent notice in the Gazette, vary or revoke a notice made under this regulation.

5AA—Classes of firearms expanded to include imitation firearms

The definitions of class A, B, C, D and H firearms in section 5(1) of the Act are amended so that, if a regulated imitation firearm closely resembles a firearm of a particular class, the class will be taken to encompass the regulated imitation firearm.

7—Variation of regulation 11—Purposes for which firearms may be used

- (1) Regulation 11(2)—delete "Subject to subregulation (3)" and substitute:

Subject to this regulation

(2) Regulation 11—after subregulation (4) insert:

- (4a) A licence endorsed with a purpose listed in paragraphs (a) to (f) of subregulation (2) cannot authorise the possession of a regulated imitation firearm.

8—Variation of regulation 21—Conditions of firearms licences

Regulation 21—after subregulation (1) insert:

- (1a) It is a condition of a firearms licence that it does not authorise possession of a regulated imitation firearm unless it is specifically endorsed by the Registrar to that effect.
- (1b) It is a condition of a firearms licence that authorises possession of a regulated imitation firearm that the regulated imitation firearm must not, without the approval of the Registrar, be altered in a manner that would enable it to function as a firearm.

9—Variation of regulation 27—Reporting obligations of prescribed persons

Regulation 27—delete "20A" and substitute:

27A

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

with the advice and consent of the Executive Council
on 17 December 2009

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