

South Australia

Firearms Variation Regulations 2014

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 2014*.

2—Commencement

These regulations will come into operation on the day on which section 4 of the *Firearms (Miscellaneous) Amendment Act 2013* 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 2008*

4—Insertion of regulation 4A

After regulation 4 insert:

4A—Prohibited firearm accessories

- (1) For the purposes of the definition of *prohibited firearm accessory* in section 5(1) of the Act, the following items are prescribed:
- (a) an item, being an accessory, that is designed, or may be adapted, to enable a firearm, when the item is fitted to or used in conjunction with the firearm (and whether the item is used on its own or in conjunction with another item), to have any of the following capabilities:
 - (i) burst fire operation;
 - (ii) bump fire operation;
 - (iii) semi-automatic operation;
 - (iv) fully automatic operation,other than—
 - (v) an item possessed by a person for the purposes of altering a firearm in accordance with the written approval of the Registrar under section 27AA of the Act; or
 - (vi) a mechanism or fitting of a kind referred to in section 29A(2)(a) of the Act possessed by a person who is authorised to have possession of the mechanism or fitting by a firearms licence;
 - (b) an item that is designed, or may be adapted, to be fitted to or used in conjunction with a firearm to give the firearm—
 - (i) the appearance of being a firearm of a different class; or
 - (ii) the appearance of, or substantially the same appearance as, an automatic firearm or a prescribed firearm,including, without limitation, a pistol carbine conversion kit.

- (2) In this regulation—

bump fire operation means a method of firing a firearm that utilises the recoil of the firearm to cause rapid depressions of the trigger so as to fire multiple rounds in rapid succession;

burst fire operation means a method of firing a firearm that enables the firing of a predetermined number of multiple rounds by a single depression of the trigger;

fully automatic operation means a method of firing a firearm such that, following the firing of a round on the depression of the trigger, the firearm continues to fire 1 or more rounds automatically while the trigger is held in that position;

semi-automatic operation means a method of firing a firearm such that, following the firing of a round on the depression of the trigger, the firearm automatically loads a further round thereby allowing the rapid firing of another round on another depression of the trigger.

5—Insertion of regulation 9A

After regulation 9 insert:

9A—Exemption for certain persons transferring or borrowing firearms

- (1) If the owner of a class A, B or H firearm transfers possession of the firearm by way of loan pursuant to a written agreement between the owner and borrower that the borrower will only use the firearm for a purpose or purposes specified in the agreement and will return the firearm to the owner within 28 days, the owner will be taken not to have contravened or failed to comply with section 15B(1) of the Act in so transferring the firearm, provided that the transfer would not, if it were a transfer under section 15B(1)(b) of the Act, be in contravention of section 15B(5a) or (6) of the Act.
- (2) A person who borrows a firearm pursuant to an agreement under subregulation (1)—
 - (a) will be taken not to have contravened or failed to comply with section 15B(8) of the Act if he or she returns the firearm to the owner within 28 days; and
 - (b) will be taken not to have contravened or failed to comply with section 15B(11) of the Act in accepting possession of the firearm pursuant to an agreement that does not require return of the firearm to the owner within 10 days,

provided that the person otherwise complies with the requirements of section 15B of the Act insofar as those requirements would apply if the transfer were a transfer under section 15B(1)(b) of the Act.

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 30 January 2014

No 27 of 2014

MPOL14/01CS