

FREQUENTLY ASKED QUESTIONS - IN RESPONSE TO THE 'CLOSURE OF GUN SHOPS (No2)' DIRECTION

1. What evidence is required that a person is a Primary Producer?

Answer

Sufficient evidence should be provided by the Primary Producer OR his employee/Nominated Person. This evidence should include:

If a Primary Producer makes an original or an additional firearms application then all of the following dot points must be addressed in the application.

- *Confirmation that Primary Production is the primary source of income;*
- *Details of the type of Primary Production and how much land is allocated to that production;*
- *Proof of Primary Production:*
 - *Rates Notice; or*
 - *Business Registration.*
- *What type of vermin/pests are to be targeted and the type of damage caused;*
- *Approximate economic loss or hardship caused as a result the damage caused; and*
- *What alternative control measures have been considered.*

If a Primary Producer wants to purchase ammunition only, the Primary Producer will require the following:

- *Proof of Primary Production:*
 - *Rates Notice; or*
 - *Business Registration.*
- *The Primary Producers current firearm's licence.*

A person who holds a parcel of land and gains a secondary income from it (commonly referred to as a 'Hobby Farmer') would not be considered a Primary Producer.

2. Is a Pastoralist considered to be a Primary Producer for the purposes of obtaining a firearm or ammunition?

Answer

Yes, although in lieu of a Rates Notice a Pastoral Lease should be provided.

3. What evidence is required that a person is a Vermin Eradication Professional?

Answer

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Sufficient evidence should be provided that clearly indicates that the humane destruction of vermin/pests/feral animals in a professional environment is the primary reason for the firearm/s or ammunition. This may include documentation identifying the person as:

- *A licensed Kangaroo Shooter (Professional Shooter);*
- *A Pest Controller;*
- *A Nominated Person for the Department of Biodiversity Conservation and Attractions; and*
- *A Nominated Person for the Department of Primary Industries and Regional Development.*

4. What evidence is required that a person is an Aboriginal person for the purposes of obtaining a firearm or ammunition?

Answer

In addition to holding a valid firearms licence either of the following forms of evidence will be required:

An Identification Card issued by the South West Aboriginal Land and Sea Council. This card will include the person's name and member number. Should there be any question as to the validity of this card contact should be made with the South West Aboriginal Land and Sea Council at <http://www.noongar.org.au/> or by telephone on 08 9358 7400.

OR

A Statutory Declaration should be provided which states that the person identifies as Indigenous Australian and is entitled to exercise a native title right to hunt over particular land and waters. The land and/or water should be specified.

5. Can 'Dealer to Dealer' firearms and ammunition transfers continue?

Answer

Yes.

6. Who can purchase ammunition?

Answer

Ammunition may be sold and supplied to:

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- *A Primary Producer;*
- *A Vermin Eradication Professional; and*
- *An Aboriginal person who is entitled to exercise a native title right to hunt over particular land and waters.*

Any sale or supply of ammunition must be by appointment only.

7. Can repairs to firearms continue?

Answer

Repairs to firearms may continue but only to those persons who are:

- *A Primary Producer;*
- *A Vermin Eradication Professional; and*
- *An Aboriginal person who is entitled to exercise a native title right to hunt over particular land and waters.*

Any arrangements to take firearms in for repair must be by appointment only.

Those firearms that were taken in for repair prior to 1200hrs on 28 March 2020 and have since been repaired may be returned to the owner.

8. Can firearms currently warehoused under a Warehousing Approval be released?

Answer

Yes, as per the letter provided by the Superintendent LED on 02/04/2020 (see Appendix)

9. Can firearms subject to a recent firearms application that has been approved by WA Police be released to the owner?

Answer

No, unless the application is for:

- *A Primary Producer;*
- *A Vermin Eradication Professional; and*
- *An Aboriginal person who is entitled to exercise a native title right to hunt over particular land and waters.*

Any arrangements to collect firearms must be by appointment only.

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10. Can the sale of items other than firearms and ammunition continue?

Answer

Yes.

11. Are components such as casings, powder, primers and projectiles considered ammunition?

Answer

Yes.

12. Can Rural Landowners purchase firearms and ammunition?

Answer

Rural Landowners whose primary source of income is not derived from Primary Production on that land may not purchase firearms or ammunition.

Should the Rural Landowner be able to provide evidence of Primary Production (as per point 1.) they may be deemed a Primary Producer.

13. Are Firearms Ranges open?

Answer

There is no directive. Contact should be made with the associated Range to establish if they are open.

It would however be pertinent of the holder of the Range Approval to remain current with Government restrictions regarding gatherings and social distancing measures. There are number of platforms where current information may be obtained. A number of examples are:

- <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/covid-19-coronavirus-western-australian-government-response>
- <https://www.australia.gov.au/>

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APPENDIX

1. 'Closure of Gun Shops (No2)' Direction

EMERGENCY MANAGEMENT ACT 2005 (WA)

Section 71

CLOSURE OF GUN SHOPS (No 2)

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 a.m. on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (Act). The state of emergency applies to the State of Western Australia.

On 27 March 2020, I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, made the Closure of Gun Shops Directions pursuant to my powers under section 71 of the Act for the purpose of ensuring public safety during the state of emergency.

I now revoke those directions and give the following directions, pursuant to my powers as a police officer under section 71 of the Act.

DIRECTIONS

Preamble

1. The purpose of these directions is to limit the spread of COVID-19.

Citation

2. These directions may be referred to as the **Closure of Gun Shops Directions**.

Directions

3. Every owner, occupier or person apparently in charge of a **Gun Shop** must close that place to the public.
4. Despite paragraph 3 of these directions, a Gun Shop may open by appointment to the following people:
 - (a) a primary producer;
 - (b) a vermin eradication professional;
 - (c) an Aboriginal person who is entitled to exercise a native title right to hunt over particular land and waters; or

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- (d) any other person the State Emergency Coordinator or a person authorised by the State Emergency Coordinator for the purpose, approves, whether orally or in writing.

Proof by way of a statutory declaration may be required to establish that a person falls within one or more of the above categories.

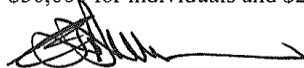
Definitions

5. **Gun Shop** means any part of a place of business that is owned, occupied or otherwise controlled by a 'dealer' or 'repairer' licenced under the *Firearms Act 1973* (WA) and that is used for the purpose of trading in firearms or ammunition.

The intention of this direction is to only close to the public that part of a place of business that is used for the sale of firearms and ammunition.

PENALTIES

It is an offence to fail to comply with any of these directions, punishable by a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



.....
Christopher John Dawson
State Emergency Coordinator and Commissioner of Police

28 March 2020

1200 hours

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2. Warehousing Letter dated 02 April 2020

Licensed Firearm Warehousing Manager

1. The Commissioner of Police pursuant to his authority as the State Emergency Coordinator signed 'Directive (No 2) Gun Shop Closures', on 28 March 2020 requiring the closure of all Gun Shops.
2. Section 4 of the directive permits a Gun Shop to open by appointment and to trade in ammunition and firearms to the following people:
 - a. a primary producer;
 - b. a vermin eradication professional;
 - c. an Aboriginal person who is entitled to exercise a native title right to hunt over particular land and waters; or
 - d. any other person the State Emergency Coordinator or a person authorised by the State Emergency Coordinator for the purpose approves, whether orally or in writing.
3. I am writing to you as the Superintendent of Licensing Enforcement Division to clarify how Directive (No 2) applies to warehousing and guide you on what you are permitted to do.

The following must be adhered to;

- a. Any licensed firearm warehoused with you prior to 12:00pm on 28 March 2020 may be collected by the owner, by appointment only.
- b. Ammunition cannot be sold to a person collecting a firearm from warehousing unless they are person that satisfies the requirements of Section 4 of Directive (No2).
- c. People identified in Section 4 (a)-(d) of the Directive (No2), may apply to warehouse firearms with you and may also collect warehoused firearm/s but by appointment only.

Thank you for your continued support.

L CUBBAGE
A/SUPERINTENDENT
LICENSING ENFORCEMENT DIVISION

02 April 2020