



Premier Jay Weatherill

Deputy Premier John Rau
Attorney-General

Monday, October 14, 2013

State Government steps up fight on gun crime

The State Government is taking further steps to crack down on gun crime by creating new offences and giving police new, wide-ranging powers.

Under changes to the Firearms Act, the trafficking of firearms will become a new offence, carrying a maximum 20-year prison sentence, while those unlawfully in possession of a loaded firearm will face a \$75,000 fine or 15 years jail.

Police will also be given greater search powers and the authority to seize equipment used for manufacturing and altering firearm parts.

Premier Jay Weatherill said while South Australia has some of the toughest firearm controls in the world, more needs to be done to prevent and tackle gun crime.

“We will not waiver when it comes to gun crime,” Mr Weatherill said.

“These proposed reforms build on tough new laws we introduced in March this year and send a very clear message that the trafficking, supply, unlawful possession and use of illegal firearms will not be tolerated.”

Other proposed new offences include:

- The possession of detachable magazines (greater than 10 rounds) or the possession of a prohibited accessory (designed to give the appearance of being a different class of firearm) which will carry a \$10,000 fine or a maximum two years imprisonment.
- The possession of a silencer, found together with a firearm, which will carry a \$75,000 fine or a maximum 15 years imprisonment.
- Reactivating a deactivated firearm which will carry a \$50,000 fine or a maximum 10 years imprisonment.
- Alterations changing the category of a firearm, which will carry a \$75,000 fine or a maximum 15 years imprisonment.

Mr Weatherill said police will also be given additional powers to:

- Stop and search boats and aircraft upon suspicion they hold firearms or other items liable for seizure, expanding current search powers which were limited to persons and vehicles.
- Seize equipment used in manufacturing and altering firearm parts, addressing concerns related to 3D-printed firearms.

“These laws will assist SAPOL’s newly formed Serious Firearm Crime Investigation Section which has been set up to specifically target individuals and organisations that unlawfully use, possess, steal, manufacture or traffic firearms,” he said.

Attorney General John Rau said they also will complement previous measures by the State Government to fight gun crime.

“Earlier this year, we introduced new laws that mean criminals who use guns face immediate jail as well as new penalties for drive-by shootings,” Mr Rau said.

“Amnesties and reward schemes take hundreds of illegal and unwanted weapons off South Australia’s streets each year.”

The proposed changes will be introduced to Parliament later this year.

New offence	New penalty	Existing penalty	Further notes
Trafficking in firearms	Max penalty 20 years imprisonment	NEW OFFENCE	
Possession of a loaded firearm	Max penalty \$75,000 or 15 years imprisonment	Currently an aggravated form of a possession offence exists where the unlicensed person was carrying a loaded firearm or a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm.	The aggravating feature of the offence has been amended by the removal of the element of 'carriage' . A possession offence will now be aggravated if the firearm is simply loaded, or in the immediate vicinity of a loaded magazine that could be attached to and used in conjunction with the firearm, irrespective of whether or not the firearm was being physically carried at the time.
Possess detachable magazines with capacity of more than 10 rounds	Max penalty \$10,000 or 2 years imprisonment	NEW OFFENCE	Does not impact on regulatory licence holders who are the holder of a firearms licence that authorizes possession of a category D firearm or is otherwise approved.
Possession of a silencer, mechanism or fitting found together with a firearm	Max penalty \$75,000 or 15 years imprisonment (Increased penalty)	10,000 or 2 years imprisonment	This is a new aggravated offence. There is currently no additional penalty if a silencer is found fitted to a firearm.
Reactivating a deactivated firearm	Max penalty 10 years imprisonment or a \$50,000 fine depending on the type of firearm	NEW OFFENCE	A charge of possessing an unregistered firearm may be applicable.
Alterations changing the category of a firearm	<ul style="list-style-type: none"> If firearm as altered is a prohibited firearm - \$75,000 or 15 years imprisonment If the firearm altered is a category C,D or H firearm - \$50,000 or 10 years imprisonment If the firearm altered is any other category - \$35,000 or 7 years imprisonment 	<p>This is a variation of the current legislation and creates an indictable offence.</p> <p>Previously, the act of alteration was not unlawful.</p> <p>However, licence holders may have been liable for a \$5000 fine for failing to notify the Registrar of an alteration.</p>	A charge of possessing an unregistered firearm may be applicable.
Attempting to reactivate or change the category of a firearm	Max penalty \$15,000 or 4 years imprisonment	NEW OFFENCE	
Possession of a prohibited accessory	Max penalty \$10,000 or two years imprisonment	NEW OFFENCE	For example, a kit that attaches to a handgun to give the handgun the appearance of being a firearm of a different category or of a different firing capability.