

Firearms Amnesty 2015

FREQUENTLY ASKED QUESTIONS

1. Why is there an amnesty?

An amnesty provides an opportunity for the community to surrender unauthorised, unregistered and unwanted firearms, firearm parts and ammunition without fear of prosecution.

2. When is the amnesty?

The amnesty commences on 1 December 2015 and concludes on 30 June 2016, ahead of the 1 July 2016, anticipated commencement of the *Firearms Bill 2015*, which then provides for an ongoing firearms amnesty. Between 1 December 2015 and 30 June 2016, members of the public can surrender firearms at a police station or premises of a licenced dealer who is approved to participate in the amnesty.

3. What can be surrendered during the amnesty?

Any firearm, firearm part, mechanism, fitting, prohibited firearm accessory, silencer or ammunition can be surrendered. This will include unwanted, unregistered, illegal, de-activated and regulated imitation firearms.

4. What is an unwanted firearm?

The object of the amnesty is to reduce the number of guns in the community which are no longer used or wanted, or have become surplus to needs. Old and unsafe firearms can also be surrendered. Unwanted firearms may include those:

- no longer needed or required;
- that may be unsafe to use, or in poor condition;
- held as a part of a deceased estate; and
- found on a property, having been left behind by a previous occupier.

5. What is an unregistered firearm?

An unregistered firearm is a firearm that is not registered in South Australia to the current owner.

6. What is an illegal firearm?

Any firearm which is not registered and possessed in accordance with a current South Australian firearms licence is an illegal firearm. An illegal firearm includes a firearm that:

- is unregistered or not registered to the current owner;
- does not have a serial number or has a defaced (removed) serial number;
- is possessed by a person who does not have a licence for that class of firearm;
- has been unlawfully altered (i.e. sawn off or shortened).

7. How do I surrender a firearm or ammunition?

Take the firearm, parts or ammunition etc to a police station or to the premises of a licensed dealer approved to participate in the amnesty (listed on the South Australia Police web site).

When surrendering a firearm, ensure the firearm is unloaded and where possible, remove the bolt or other method to render the firearm safe. Place the firearm in a gun bag or wrap it in a blanket prior to taking it to a police station or premises of a licensed dealer. Ammunition can be taken to the police station at the same time as the firearm but it should be in a separate bag, box or container.

8. Where can I surrender a firearm during the Amnesty?

Firearms can be surrendered to a police officer at any South Australian police station or to a licensed firearms dealer who is approved under the terms of this amnesty to accept surrender of firearms.

9. Are all surrendered firearms destroyed?

No, a firearm can be surrendered to a participating licensed dealer and subsequently registered to the surrendering person if he or she is the holder of a firearms licence. Similarly, the holder of a firearms licence can surrender and sell a firearm to a participating licensed dealer.

10. Is there a list of participating licensed firearms dealers whom I can surrender unwanted, unregistered or illegal firearms to?

Yes, a list of participating licensed dealers is published on the South Australian Police web site at: <https://www.police.sa.gov.au/services-and-events/firearms-and-weapons>

11. What services can participating licensed firearms dealers provide in relation to a firearm I surrender?

- Participating licensed dealers can accept surrender of firearms for the purpose of destruction or de-activation;
- Participating licensed dealers can hold surrendered firearms for safekeeping on behalf of persons holding a firearms licence; whilst the licensee completes procedures and documentation to register the firearm;
- Participating licensed dealers can assist in completing firearm registration procedures and documentation; and
- Participating licensed dealers can enter into a private commercial arrangement with licensees to purchase a surrendered firearm.

12. Under what circumstances may police investigate a surrendered firearm?

Police will investigate any circumstances involving a firearm previously reported stolen, or where it is established the firearm was previously used in a crime.

13. Do I have to give the participating licensed dealer my name and address etc when surrendering a firearm?

Not unless you are a licensee applying to register the firearm or entering into an arrangement to sell the firearm to the dealer. If you are surrendering for destruction you can remain anonymous. If you provide your name you are entitled to receive a receipt for the firearm you surrender.

14. What protection does the amnesty provide?

The Amnesty provides immunity from prosecution in respect to a person having unauthorised or unlawful possession of a firearm, firearm part, mechanism, fitting, prohibited firearm accessory, silencer or ammunition, but only at the time of the item being voluntarily surrendered at a police station or participating licensed dealer's premises.

15. What protection is not afforded by the amnesty?

The Amnesty will not provide legal protection for any person using or in possession of illegal firearms, firearm parts, mechanisms, fittings, prohibited firearm accessories, silencers or ammunition, for any reason other than for the purpose of surrendering them to police or a participating licensed dealer.

16. If police find an illegal gun in my possession before I have surrendered it, am I covered under the amnesty?

No.

17. What should I do if I wish to surrender a firearm in my possession but am unable to attend a police station or participating licensed dealer's premises?

Arrange for another person to surrender the firearm on your behalf, or alternatively contact your local police and seek advice.

18. Will I be paid any money or compensation for any item I surrender under the amnesty?

No, compensation will not be paid to any person who surrenders a firearm during the amnesty.

19. Can I sell an unwanted, unregistered or illegal firearm to a participating licensed dealer under the amnesty?

Yes, but only if you hold a firearms licence at the time of surrender, and subject to a private commercial arrangement being entered into between you and the participating licensed dealer regarding the purchase. However, you cannot sell an illegal firearm (e.g. unlawfully sawn down), you can only surrender it.

20. Am I responsible and liable for any fees charged by a participating licenced dealer for services provided under the terms of the amnesty?

A licensed dealer may charge an inspection, administrative or safekeeping fee for services provided under the amnesty. As those fees will arise as a result of a private commercial arrangement being entered into between you and the participating licensed dealer, payment of those fees remains your

sole responsibility. South Australia Police accept no responsibility or liability for payment of fees arising from these private commercial arrangements.

21. If I surrender a firearm under the amnesty can I make an application to acquire and/or register the firearm?

Yes, but only if you already hold a firearms licence. Participating licensed dealers can assist you in completing the firearm registration application process/documentation.

22. If I have possession of a firearm of a class not authorised by my firearms licence can I apply to vary my licence to keep the firearm?

Yes. A participating licensed firearms dealer can hold a firearm in safekeeping whilst you apply to vary your licence. Standard conditions (genuine need etc.) apply.

23. Can I surrender a firearm at a police station for the purpose of a licensed relative or friend applying to become the registered owner?

No, any firearm surrendered at a police station will be destroyed.

24. During the amnesty do I have to pay a fee to register a currently unregistered firearm on my existing firearms licence?

If you currently hold a firearms licence, registration through a participating licensed dealer will not attract a fee during the amnesty.

25. What is the process for registering an unregistered firearm to my existing firearms licence?

Take the unregistered firearm to a participating licensed dealer. The participating licensed dealer will inspect the firearm before taking it into his/her possession and facilitate you recording the firearm's details on an 'Application for a permit to acquire a firearm'. That application form will subsequently be forwarded to, and determined by the Registrar of Firearms. If approved, the application form will be returned to you. You will then be required to take the firearm and application form to a police station within 14 days to formally complete the registration process.

26. As a licensee, will I be required to demonstrate a genuine need for a firearm I am seeking to register under the amnesty?

Yes, you will be required to demonstrate you have a genuine need to acquire the firearm, unless the firearm is a class A firearm. Refer to section 15A of the *Firearms Act 1977*.

27. What will happen to a firearm I surrender to a participating licensed dealer if my application to acquire it is refused by the Registrar of Firearms?

The firearm will not be returned to you. It will either be destroyed, or if you hold a firearms licence the firearm can be sold to the participating licensed dealer.

28. What will happen to a firearm I surrender during the amnesty if the firearm has previously been reported stolen?

The firearm will be returned to its lawful owner.

29. Can I apply for a firearms licence during the amnesty period in order to become the registered owner of a firearm already in my possession?

Unlicensed people can only surrender firearms for destruction during the amnesty.

30. I no longer want my registered firearm. Can I surrender it under the amnesty?

Yes, it can be surrendered at a police station or at participating licensed firearms dealer for sale or destruction.

31. If I am unlicensed can I register or sell to a participating licensed dealer, a firearm in my possession?

Only licensed firearms holders can sell an unregistered firearm to participating licensed firearms dealers.

32. What should I do with a prescribed firearm I wish to surrender during the amnesty?

Prescribed firearms, such as automatic firearms, should be surrendered to police at a police station only. If you are unsure of what is a prescribed firearm refer to regulation 4 of the Firearms Regulations 2008 or contact Firearms Branch.

33. My partner/parents/other relative/friend has passed away and I have found a firearm in his/her house. What should I do with it?

Section 35C of the *Firearms Act 1977*, sets out requirements for executors managing firearms as part of a deceased estate.

34. Can I surrender a firearm to a participating licensed dealer for the purpose of having it deactivated and subsequently returned to my possession?

Yes, however deactivation and certification of deactivation of a firearm by the Armoury is at your cost.

35. What should I do if I want to surrender a firearm in circumstances which on the face of it are not covered under the amnesty?

Contact SAPOL Firearms Branch to seek further advice.

36. Where can I go for further information about the amnesty?

A firearm amnesty web page containing information can be found at:

<https://www.police.sa.gov.au/services-and-events/firearms-and-weapons>

A Firearm Amnesty Information Line has been established to assist with amnesty inquiries. The Firearm Amnesty Information Line number is 1800 586 945 and will be operational from 1 December 2015 to 30 June 2016, Monday to Friday from 10am to 5pm.

SSAA members can also enquire on 0419 849 452 or service@ssaasa.org.au