

## Duck Hunting Firearm Questions

### What makes a shotgun an MSSA and illegal under the new law?

The following are prohibited firearms;

- All semi-automatic firearms (including semi-automatic shotguns), but:
  - excluding rimfire rifles .22 calibre or less as long as they have a magazine (whether detachable or not) that holds 10 rounds or less; and
  - excluding semi-automatic shotguns that have a non-detachable, tubular magazine that holds five rounds or less.
- Pump action shotguns that:
  - Are capable of being used with a detachable magazine; or
  - Have a non-detachable tubular magazine capable of holding more than five rounds.

Prohibited magazines are:

- Shotgun magazines (whether detachable or not) capable of holding more than 5 rounds
- Magazines for other firearms (excluding pistols) that are
  - Detachable magazines bigger than 10 rounds that are capable of holding 0.22 calibre or lower rimfire cartridges
  - Detachable magazines bigger than 10 rounds that are capable of being used with a semi-automatic or fully automatic firearm
  - Other magazines, detachable or not, that are capable of holding more than 10 rounds.

Prohibited parts are:

- Any part designed or intended to be an integral part of a prohibited firearm.
  - Examples include: butt, stock, silencer, sight
- Any component that can be applied to enable a firearm fire with (or near to) semi-automatic or automatic action.
  - Examples include: gas block, gas tube, sub-calibre conversion kit.

### List of legal and prohibited firearms

Firearm type	Action	Prohibited firearm
.22 rimfire or smaller	Bolt	No - but note that a magazine that holds more than 10 rounds is prohibited.
.22 rimfire or smaller	Lever	No - but note that a magazine that holds more than 10 rounds is prohibited.
.22 rimfire or smaller	Semi-auto	No - if it has a magazine holding 10 rounds or less. Yes - if it has a magazine holding more than 10 rounds.
Shotgun	Pump	Yes - if it is capable of being used with a detachable magazine; or if it has a non-detachable tubular magazine capable of holding more than 5 cartridges. No - if it is not capable of being used with a detachable magazine and it has a non-detachable tubular magazine that is not capable of holding more than 5 cartridges.

Firearm type	Action	Prohibited firearm
		Yes - unless below applies
Shotgun	Semi-auto	No - if it has a non-detachable tubular magazine that is capable of holding no more than 5 cartridges.
Shotgun	Under & over	No
Shotgun	Side-by-side	No
Centre fire	Bolt	No - but note that a magazine that holds more than 10 rounds is prohibited.
Centre fire	Pump	No - but note that a magazine that holds more than 10 rounds is prohibited.
Centre fire	Lever	No - but note that a magazine that holds more than 10 rounds is prohibited.
Centre fire	Semi-auto	Yes

### **When does the new law take effect?**

New firearm laws came into effect on 12 April 2019.

### **By when do I have to comply with the new law?**

The amnesty on possession of prohibited firearms, parts, and magazines will run for six months from the time the buy-back scheme is put in place by regulation.

### **How will the new law affect this year's duck hunting season?**

#### **Can a hunter still use a semi-automatic shotgun with six or more shots during the game bird season?**

Semi-automatic shotguns are now prohibited firearms except for those with a non-detachable tubular magazine capable of holding no more than 5 cartridges.

Prohibited firearms cannot be used without an endorsement and permit.

#### **What will happen if someone is caught using a semi-automatic shotgun with six or more shots on opening day?**

This will be dealt with on a case by case basis. Police apply discretion across all policing activities every day. It is still an offence to carry a firearm without some lawful, proper, and sufficient purpose.

The transitional amnesty covers continued possession.

### **Does the buy-back cover semi-automatic shotgun with six or more shots?**

The details of a compensation scheme are being worked through now and information on what that looks like will be announced in due course. Notifying Police of the prohibited items you are holding will mean you can be contacted about compensation and the process for handing in your prohibited item when details are finalised.

### **Is a two cartridge magazine extender on the end of a three shot fixed tubular magazine still lawful for a semi-automatic or a pump action shotgun?**

Yes, provided the magazine(s) cannot hold a total of more than five cartridges (commensurate with the firearm's chamber size).

### **Can you pin or modify a tubular magazine to be compliant?**

Firearms licence holders with shotguns or .22 calibre or smaller rimfire rifles that have a fixed tubular magazine may consider getting the magazines altered to be compliant with the amended Act. This means that the tubular magazines would need to be permanently altered so that:

1. .22 calibre or smaller rimfire rifles with fixed tubular magazines were reduced to hold a maximum of 10 rounds;
2. Pump action or semi-automatic shotguns with fixed tubular magazines were reduced to hold a maximum of five cartridges, based on the chamber size;
3. Permanent alteration means cutting back of the tubular magazine or permanently blocking the magazine; and
4. If a gunsmith is used for an alteration then records of the work undertaken should be kept.

Until more details of the Government buy-back are known, alternations to magazines are at the owner's expense. However, altered firearms that are now compliant with the Act are able to be used.

### **What instructions are being given to Police working with Fish and Game rangers on opening day?**

We will be taking an educational approach to engaging with duck shooters and rangers.

### **Will police be checking magazine capacity on opening day?**

Police will be carrying out routine Police operations which includes engaging with duck shooters during the season, with a focus on educating firearm users around the new laws.

### **How will the buy-back work?**

The details of a compensation scheme are being worked through now and information on what that looks like will be announced in due course. Notifying Police of the prohibited items you are holding will mean you can be contacted about compensation and the process for handing in your prohibited item when details are finalised.

### **How long will the buy-back be in place for?**

The details of a compensation scheme are being worked through now and information on what that looks like will be announced in due course. Notifying Police of the prohibited items you are holding will mean you can be contacted about compensation and the process for handing in your prohibited item when details are finalised.

### **How long will the amnesty be in place for?**

The amnesty from prosecution for possession of prohibited firearms, parts, and magazines will run for six months from the time the buy-back scheme is put in place by regulation.

**Can I use a semi-automatic shotgun with a tubular magazine capacity of five 3 ½” cartridges in light of the fact it could hold six 2 ¾“ cartridges?**

The magazine capacity is measured commensurate with the firearm’s chamber size. If the firearm is chambered for 3 ½ inch cartridges and is capable of holding no more than five of those cartridges, then it is not a prohibited firearm and can still be used with a standard firearms licence.

**Would it be illegal to put six 2 ¾“ cartridges into the above firearm?**

The intent of the changes to the Act is to restrict shotguns to five cartridges.

**Would it be illegal to put five 2 ¾“ cartridges into the above firearm in light of the fact it could hold another cartridge?**

That is within the intent of the Act.

**Can parts and accessories used with newly prohibited semi-automatic shotguns be removed from that gun and used with legal semi-automatic shotguns?**

Not if the part is a prohibited part.

**Can I use a pump-action shotgun?**

Provided is not a Pump action shotgun that:

- Is capable of being used with a detachable magazine; or
- Has a non-detachable tubular magazine capable of holding more than 5 rounds.

**Does the new law affect the shotgun ammunition I can use?**

No

**What are the new penalties and offences?**

- *maximum penalty of 10 years imprisonment:*
  - using a prohibited firearm to resist arrest
  
- *maximum penalty of 7 years imprisonment:*
  - unlawful carriage or possession of a prohibited firearm in a public place
  - presenting a prohibited firearm at another person
  - carrying a prohibited firearm with criminal intent
  - possessing a prohibited firearm while committing any offence that has a maximum penalty of 3 years or more
  
- *maximum penalty of 5 years imprisonment:*
  - importing a prohibited item
  - unlawful possession of a prohibited firearm
  - supplying or selling a prohibited firearm or magazine
  - without lawful purpose, assembling a prohibited firearm or converting a firearm into a prohibited firearm
  
- *maximum penalty of 2 years:*
  - possessing a prohibited part or magazine
  - supplying or selling a prohibited part

**Can I still use a suppressor?**

You can still use a suppressor fitted to your standard firearm.