



New South Wales

Firearms Legislation Amendment Act 2010 No 92

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Firearms Legislation Amendment Act 2010 No 92

Act No 92, 2010

An Act to amend the *Firearms Act 1996* and the *Firearms Regulation 2006* to make further provision with respect to the regulation and control of firearms; and for other purposes. [Assented to 4 November 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Firearms Legislation Amendment Act 2010*.

2 Commencement

- (1) This Act commences 3 months after the date of assent to this Act, except as provided by subsection (2).
- (2) A proclamation may provide for the commencement of a provision of this Act on a day (as appointed by the proclamation) occurring during the period of 3 months after the date of assent.

Schedule 1 Amendment of Firearms Act 1996 No 46

[1] Section 8 (1), Licence categories and authority conferred by licence

Insert “and only on land used for primary production that is owned or occupied by the licensee or that immediately adjoins that land (provided the licensee has the written permission of the owner or occupier of that adjoining primary production land to possess or use the firearm on that land)” after “but only for the purpose established by the licensee as being the genuine reason for possessing or using the firearm” under the heading “*Authority conferred by the licence.*” in the matter relating to category C licences.

[2] Section 8 (1)

Insert at the end of the matter relating to category H licences (pistols):

Despite the provisions referred to above in relation to this licence category, a category H licence authorises the possession or use of an antique revolver within the meaning of section 6A. However, a category H (sport/target shooting) licence does not authorise the possession or use of any such antique revolver that is a prohibited pistol.

[3] Section 31 (5), Permits to acquire firearms

Omit “30 days”. Insert instead “90 days”.

[4] Section 31A Waiting period for issuing permits to acquire firearms

Omit section 31A (2). Insert instead:

- (2) Subsection (1) does not apply in relation to an application for a permit to acquire a firearm to which a particular category of licence applies if a firearm to which that licence category applies was registered in the applicant’s name at any time during the period of 90 days immediately before the date on which the application was made and that registration was not cancelled under section 35 during that 90 day period.

[5] Section 45 Recording of transactions

Insert after section 45 (1):

- (1A) Subsection (1) (b) does not apply in relation to:
- (a) a firearm that is not required to be registered, or
 - (b) a transaction or dealing concerning a firearm or other thing until such time (if any) as the transaction or dealing involves a change in the ownership of the firearm or thing.

(1B) However, subsection (1A) does not affect any other requirement under this section to keep a record of the transaction or dealing concerned or to produce the record for inspection by a police officer.

[6] Section 47 Additional requirements for dealers

Insert “(in the case of a firearm that is required to be registered)” after “firearm” in section 47 (5) (b).

[7] Section 47 (6A)

Insert after section 47 (6):

(6A) Subsection (6) does not apply in relation to a firearm that is not required to be registered.

[8] Schedule 3 Savings and transitional provisions

Insert at the end of clause 1 (1) with appropriate paragraph numbering:

Firearms Legislation Amendment Act 2010.

Schedule 2 Amendment of Firearms Regulation 2006

[1] Clause 87 (5), Approval of shooting range

Omit “3 years”. Insert instead “5 years”.

[2] Clause 100 Exemption, waiver or refund of fees

Omit “or B” from clause 100 (2) (a). Insert instead “, B or H”.

[3] Clause 103A

Insert after clause 103:

103A Removal of details from Register

- (1) The Commissioner is, at the request of the person in whose name a firearm is registered and without requiring payment of any charge or fee, to remove the details relating to the firearm from the Register of Firearms if the firearm is no longer required to be registered under the Act.
- (2) However, nothing in subclause (1) authorises or requires the destruction of any record.

[4] Clause 123

Omit the clause. Insert instead:

123 Advertising sale of firearms

For the purposes of section 54 (b) of the Act, the licence or permit number of the seller is prescribed in relation to an advertisement for the sale of a firearm.

Schedule 3 Amendment of other legislation

Crimes Act 1900 No 40

Section 93F Interpretation

Insert “, but does not include any such firearm that is not required to be registered under that Act” after “*Firearms Act 1996*” in the definition of *unregistered firearm* in section 93F (1).

[Second reading speech made in Legislative Council on 3 June 2010

Agreement in principle speech made in Legislative Assembly on 28 October 2010]

BY AUTHORITY