

**FIREARMS AND DANGEROUS WEAPONS (AMENDMENT)
ACT, 1985, No. 51**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 51, 1985.

An Act to amend the Firearms and Dangerous Weapons Act, 1973, so as to regulate further the possession and use of firearms and to increase penalties for certain offences; to repeal the Firearms and Dangerous Weapons (Pawnbrokers) Amendment Act, 1980; and for other purposes.
[Assented to, 9th May, 1985.]

See also Security (Protection) Industry Act, 1985; Commercial Agents and Private Inquiry Agents (Amendment) Act, 1985.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Firearms and Dangerous Weapons (Amendment) Act, 1985".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 7 and the several provisions of Schedules 1–6, and section 5 in its application to those provisions, shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Firearms and Dangerous Weapons Act, 1973, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SHOOTERS' LICENCES AND PERMITS FOR MINORS.

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SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE REGULATION OF PERSONS ENGAGED IN CERTAIN SECURITY ACTIVITIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES.

SCHEDULE 6.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 7.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 38, 1973.

5. The Principal Act is amended in the manner set forth in Schedules 1–6.

Savings and transitional provisions.

6. Schedule 7 has effect.

Repeal of Act No. 151, 1980.

7. The Firearms and Dangerous Weapons (Pawnbrokers) Amendment Act, 1980, is repealed.

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS.

(1) Section 6 (1), definitions of "Register", "registered"—

After the definition of "public place", insert:—

"Register" means the Register of Firearms referred to in section 23A;

"registered" means registered for the time being under this Act;

(2) Part IIa—

After Part II, insert:—

PART IIa.

REGISTRATION OF CERTAIN FIREARMS.

Register of Firearms.

23A. (1) The Commissioner shall cause a Register of Firearms to be maintained for the purposes of this Act.

(2) The Register shall be comprised of—

- (a) such particulars of each registered firearm as are sufficient to identify the firearm and the person in whose name the firearm is registered;
- (b) such particulars of each pistol the subject of a pistol licence as are sufficient to identify the pistol and the person who is the holder of the pistol licence;
- (c) a record of each number allotted under section 73 and—
 - (i) such particulars of the firearm or spare barrel in respect of which the number was allotted: and

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS—*continued.*

- (ii) such particulars in respect of the person to whom the number was allotted, as are sufficient to identify the firearm or spare barrel and that person; and
 - (d) such records and other particulars and such documents, if any, as are required by the regulations to be kept as part of the Register.
- (3) The Register may be maintained in or upon any medium or combination of mediums capable of having information recorded in or upon it or them.

(4) The Commissioner may, from time to time, vary the manner or form in which the whole or any part of the Register is maintained.

Registration of certain firearms.

23B. (1) An application for registration of a firearm shall be made in the prescribed manner, accompanied by the prescribed fee, if any, and addressed to the Commissioner.

(2) Where an application for registration of a firearm is made in accordance with subsection (1), the Commissioner shall register the firearm, except as provided by subsections (3) and (4).

(3) The Commissioner shall not register a firearm if the person in whose name the firearm would be registered—

- (a) is not the holder of a shooter's licence in respect of the firearm or a collector's firearm licence in respect of the firearm; or
- (b) is the subject of a firearms prohibition order.

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(4) The Commissioner may refuse to register a firearm—

- (a) if any firearm to which the application relates is not first produced for inspection by a member of the police force specified by the Commissioner; or
- (b) if the person in whose name the firearm would be registered has been convicted of—
 - (i) an offence under this Act or the regulations or under the former Act; or
 - (ii) any offence prescribed for the purposes of this subparagraph, being an offence committed within or outside New South Wales before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985, and which relates to the possession or use of firearms.

(5) The Commissioner registers a firearm by entering in the Register particulars of the firearm and in respect of the person in whose name the firearm is registered.

(6) When a firearm is registered in accordance with subsection (5) or, pursuant to the regulations, the Commissioner records in the Register a change in the person in whose name a firearm is registered, the Commissioner shall issue a notice of registration to the person in whose name the firearm is registered.

(7) A firearm which is registered ceases to be a registered firearm if registration of the firearm is cancelled under section 23C, but nothing in this subsection prevents the further registration of a firearm after its ceasing to be a registered firearm.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME
FOR CERTAIN FIREARMS—*continued.*

(8) In this section, “firearm” does not include a prohibited weapon, a pistol, a blank fire pistol, an antique firearm or a spear gun.

Cancellation of registration.

23C. (1) The Commissioner may, by instrument in writing, cancel the registration of a firearm—

- (a) if, had the firearm not been registered, the Commissioner would be required, under section 23B (3), not to register the firearm;
- (b) if the Commissioner is satisfied that the applicant for registration made a statement in or in connection with the application that the applicant knew to be false or misleading in a material particular;
- (c) if the person in whose name the firearm is registered has been convicted of an offence under this Act or the regulations or under the former Act or of an offence prescribed for the purposes of section 23B (4) (b) (ii); or
- (d) if the person in whose name the firearm is registered so requests.

(2) Where the registration of a firearm is cancelled, the Commissioner shall cause notice of the cancellation to be served on the person in whose name the firearm is registered by sending the notice by certified mail addressed to the person at the address of the person last known to the Commissioner or by causing it to be delivered personally to the person.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 1—continued.****AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS—continued.**

(3) Cancellation of the registration of a firearm shall take effect—

- (a) where the notice of cancellation is sent by certified mail—when the notice would be delivered to the addressee in the ordinary course of post; or
- (b) where the notice is delivered personally—when it is so delivered.

(3) (a) Section 24 (1) (a1)—

After section 24 (1) (a), insert:—

(a1) being an applicant for registration of a firearm under Part IIa—registration of the firearm is refused by the Commissioner;

(b) Section 24 (1) (b1)—

After section 24 (1) (b), insert:—

(b1) being the person in whose name a firearm is registered under Part IIa—the registration is cancelled by the Commissioner;

(4) Sections 40A–40C—

After section 40, insert:—

Using, carrying, purchasing or possession of unregistered firearm.

40A. (1) In this section, “firearm” does not include a prohibited weapon, a pistol, a blank fire pistol, an antique firearm or a spear gun.

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SCHEDULE 1—*continued.***AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME
FOR CERTAIN FIREARMS—*continued.***

(2) A person who—

- (a) uses or carries; or
- (b) purchases or has in possession,

an unregistered firearm is guilty of an offence.

(3) A person is not guilty of an offence under subsection (2), if—

- (a) the person did not know and had no reason to suspect that the firearm to which the alleged offence relates was unregistered; and
- (b) the person was not the owner of the firearm.

(4) A person is not guilty of an offence under subsection (2) in respect of—

- (a) using, carrying or purchasing a firearm or having a firearm in possession, if—
 - (i) the person is the holder of a firearms dealer's licence or is an employee, of or above the age of 18 years, of the holder of such a licence; and
 - (ii) the person does so in the ordinary course of the activities of a firearms dealer, or as an employee of that firearms dealer, as the case may be, and, where the person uses the firearm, the person does so for the purpose of testing it or regulating its strength or testing its quality in a place specially set apart for that purpose;
- (b) carrying a firearm or having a firearm in possession, if—
 - (i) the person is a common carrier or warehouseman or is an employee of a common carrier or warehouseman; and

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS—*continued.*

- (ii) the person does so in the ordinary course of the trade or business of that common carrier or warehouseman;
- (c) carrying or purchasing a firearm or having a firearm in possession, if—
 - (i) the person is about to leave Australia for a period of not less than 6 months; and
 - (ii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to purchase the firearm;
- (d) carrying or purchasing a firearm or having a firearm in possession, if the person is authorised to purchase the firearm by a permit issued and in force under section 71;
- (e) using or carrying a firearm or having a firearm in possession, if the person is authorised to do so by a permit issued and in force under section 72;
- (f) the doing of any thing by the person in relation to the firearm, being a firearm referred to in section 52 (1), if the person is authorised to do that thing by a permit referred to in section 52 (2) (c);
- (g) having a firearm in possession, if—
 - (i) the person is the holder of an auctioneer's license under the Auctioneers and Agents Act, 1941;
 - (ii) the person does so in the ordinary course of the business of an auctioneer; and
 - (iii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to have firearms in possession;
- (h) purchasing a firearm or having a firearm in possession, if the person is the holder of a collector's firearm licence in respect of the firearm; or

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(i) carrying a firearm, if—

- (i) the person is the holder of a collector's firearm licence in respect of the firearm; and
- (ii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to carry the firearm.

(5) A person guilty of an offence under subsection (2)—

- (a) in respect of purchasing a firearm or having a firearm in possession, is liable, on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 4 years; or
- (b) except as provided by paragraph (a), is liable, on summary conviction, to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 7 years.

(6) Where a person is charged with an offence arising under subsection (2) (a) alleging that, at a specified time, the person used or carried a firearm, the court may, if it is not satisfied that at that time the person used or carried the firearm but is satisfied that at that time the person had it in possession in contravention of subsection (2) (b), acquit the person of the offence charged and convict and punish the person for an offence under subsection (2) (b).

Duties relating to registered firearms.

40B. (1) The person in whose name a firearm is registered shall not fail, without reasonable excuse—

- (a) to produce the firearm for inspection by a member of the police force—

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- (i) where the person has possession of the firearm—upon a demand being made by that member for its production; or
 - (ii) where the person does not have possession of the firearm—within 14 days after a demand has been made by a member of the police force for its production to the firstmentioned member;
 - (b) where the firearm is sold or lost by, or stolen from, that person, to furnish to the Commissioner, in the manner prescribed, particulars of the sale, loss or theft of the firearm within 7 days after the firearm's having been sold or lost by, or stolen from, that person; or
 - (c) where there is any change in that person's ordinary place of residence, to furnish to the Commissioner, in the manner prescribed, particulars of the change within 14 days after the change occurs.
- (2) Where a registered firearm is in the possession of a person other than the person in whose name the firearm is registered and the firearm is sold or lost by, or stolen from, the firstmentioned person, the firstmentioned person shall not fail, without reasonable excuse, to furnish to the Commissioner, in the manner prescribed, particulars of the sale, loss or theft of the firearm within 7 days after the firearm's having been sold or lost by, or stolen from, that person.
- (3) Where a person purchases a registered firearm from another person, the firstmentioned person shall not fail, without reasonable excuse, to furnish to the Commissioner, in the manner prescribed, particulars of the purchase within 7 days after the firearm's having been purchased by that person.

Penalty: \$500 or imprisonment for 6 months, or both.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 1—continued.****AMENDMENTS TO THE PRINCIPAL ACT IMPOSING A REGISTRATION SCHEME FOR CERTAIN FIREARMS—continued.****Alteration of notice of registration.**

40C. A person shall not alter any of the particulars set out in a notice of registration which has been issued under section 23B (6).

Penalty: \$500 or imprisonment for 6 months, or both.

(5) Section 82 (1) (e1), (e2)—

After section 82 (1) (e), insert:—

- (e1) a firearm specified or described in the certificate was registered or unregistered on a date or during a period so specified;
- (e2) a person named in the certificate was the person in whose name a firearm was registered on a date or during a period specified in the certificate;

(6) Section 83 (1) (b1)—

After section 83 (1) (b), insert:—

- (b1) the registration of firearms and blank fire firearms and the particulars to be recorded in any register kept under this Act or the regulations;

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SHOOTERS' LICENCES AND PERMITS FOR MINORS.**(1) (a) Section 22 (2), (3)—**

Omit the subsections, insert instead:—

- (2) Subject to this section, the Commissioner may grant the application either unconditionally or subject to such prescribed conditions as the Commissioner may determine, or may refuse the application.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SHOOTERS' LICENCES AND PERMITS FOR MINORS—*continued.*

(3) Where the Commissioner grants the application either unconditionally or subject to conditions and the prescribed fee, if any, has been paid, the Commissioner shall issue to the applicant a shooter's licence—

(a) in respect of firearms of a prescribed class specified in the licence; or

(b), in respect of the firearms specified in the licence,

and, where the application is granted subject to conditions, shall endorse those conditions on the licence.

(b) Section 22 (4) (b)—

Omit “or”.

(c) Section 22 (4) (b1), (b2)—

After section 22 (4) (b), insert:—

(b1) has been convicted in New South Wales or elsewhere (whether before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985) of a prescribed narcotics offence or a prescribed offence involving violence, being an offence committed less than 10 years before the date of the application;

(b2) is subject to a recognizance, granted in New South Wales or elsewhere, to keep the peace; or

(d) Section 22 (5)—

After “licence” where firstly occurring, insert “in respect of any firearms”.

(e) Section 22 (5)—

Omit “is a fit and proper person to hold a”, insert instead “has good reason for holding the”.

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(f) Section 22 (5)—

Omit “firearms, not being pistols,”, insert instead “the firearms”.

(g) Section 22 (5A), (5B)—

After section 22 (5), insert:—

(5A) Without limiting the generality of subsection (5), the Commissioner shall not grant an application for a shooter's licence if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over the firearms to which the application relates by reason of—

- (a) the applicant's mode of living or domestic circumstances;
- (b) any previous attempt by the applicant to commit suicide or otherwise cause a self-inflicted injury; or
- (c) the applicant's intemperate habits or being of unsound mind,

or on any other prescribed grounds.

(5B) For the purposes of subsection (5), but without limiting the generality of that subsection, an applicant for a shooter's licence shall be deemed to have good reason for holding the shooter's licence if the Commissioner is satisfied—

- (a) that the applicant is a rural property owner and the fire-arm will be used in connection with farming or grazing activities on the property;
- (b) that the applicant is a member of an approved firearms club, the members of which engage in the sport of target shooting with firearms of the class in respect of which the application is made; or

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(c) that the applicant is engaged in a lawful business which requires the use of the firearms or firearms of the class in respect of which the application is made,

or that the applicant is, under the regulations, deemed to have good reason for holding the licence.

(h) Section 22 (6)—

Omit “convicted of an offence under this Act or the regulations or under the former Act.”, insert instead:—

convicted of—

(a) an offence under this Act or the regulations or under the former Act; or

(b) any offence prescribed for the purposes of this paragraph, being an offence committed within or outside New South Wales before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985, and which relates to the possession or use of firearms.

(i) Section 22 (7)—

Omit “, two”.

(j) Section 22 (8)—

After section 22 (7), insert:—

(8) In this section, “firearm” does not include a prohibited weapon, a pistol, a blank fire pistol or a spear gun.

(2) Section 23 (1) (a)—

Omit “or (5)”, insert instead “, (5) or (5A)”.

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SHOOTERS' LICENCES AND PERMITS FOR MINORS—*continued.*

(3) Sections 39A, 39B—

Before section 40, insert:—

Authority required to purchase or sell firearm.

39A. (1) In this section, "firearm" does not include a blank fire firearm, pistol or spear gun.

(2) A person who purchases or sells a firearm is guilty of an offence unless the person who purchases the firearm—

- (a) is authorised by a permit issued and in force under section 71 or 72A to purchase the firearm or a firearm of the class to which it belongs; or
- (b) is the holder of a firearms dealer's licence.

(3) Subsection (2) does not apply in respect of the purchase or sale of a firearm from or to another person who is outside Australia.

(4) A person guilty of an offence under subsection (2) is liable to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years.

Notice of acquisition or sale of firearm.

39B. (1) This section applies to a firearm, other than a blank fire pistol, a pistol, a spear gun or a firearm of a class prescribed for the purposes of this subsection.

(2) Any person who—

- (a) either purchases or sells a firearm to which this section applies; or

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- (b) in prescribed circumstances, otherwise acquires or disposes of a firearm to which this section applies,

shall, in the prescribed manner and within the prescribed time, furnish to the Commissioner particulars of the firearm and any other particulars required by the regulations to be so furnished.

Penalty: \$500 or imprisonment for 6 months, or both.

- (4) (a) Section 40 (2), (3) (a) (iii)—

After “licence” wherever occurring, insert “in respect of the firearm”.

- (b) Section 40 (3) (a) (i)—

Omit the subparagraph.

- (c) Section 40 (3) (b1)–(b3)—

After section 40 (3) (b), insert:—

- (b1) carrying a firearm or having a firearm in possession, if—

(i) the person is about to leave Australia for a period of not less than 6 months; and

(ii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to purchase the firearm;

- (b2) carrying a firearm or having a firearm in possession, if the person is authorised to purchase the firearm by a permit issued and in force under section 71;

- (b3) using or carrying a firearm or having a firearm in possession, if the person is authorised to do so by a permit issued and in force under section 72;

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Omit the paragraph, insert instead:—

- (c) carrying or using a firearm or having a firearm in possession, if the person is under the age of 18 years, is the holder of a permit in respect of the firearm issued and in force under section 71A and carries or uses the firearm under the personal supervision of—
 - (i) a person who is the holder of a shooter's licence in respect of the firearm; or
 - (ii) a person who is of or above the age of 18 years and has been declared to be an authorised person by an order made under subsection (4) in respect of the supervision of persons under the age of 18 years carrying and using the firearm and having it in possession;

(e) Section 40 (3) (d)—

Omit “or”.

(f) Section 40 (3) (d1)–(d3)—

After section 40 (3) (d), insert:—

(d1) having a firearm in possession, if—

- (i) the person is the holder of an auctioneer's license under the Auctioneers and Agents Act, 1941;
- (ii) the person does so in the ordinary course of the business of an auctioneer; and
- (iii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to have firearms in possession;

(d2) having a firearm in possession, if the person is the holder of a collector's firearm licence in respect of the firearm;

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(d3) carrying a firearm, if—

- (i) the person is the holder of a collector's firearm licence in respect of the firearm; and
- (ii) the person is the holder of a permit, issued and in force under the regulations, which authorises the person to carry the firearm; or

(g) Section 40 (3A)—

After section 40 (3), insert:—

(3A) A person is not guilty of an offence under subsection (2) in respect of carrying or using a firearm or having a firearm in possession, if—

(a) the person is a member of an approved firearms club, the members of which engage in the sport of target shooting with firearms of the class to which the firearm belongs; and

(b) the person does so in the course of participating in firearms target shooting as a member of that club at an approved firearms range and under the supervision of a person—

- (i) holding office as a range officer appointed by an approved firearms club; and
- (ii) who is the holder of a shooter's licence in respect of the firearm.

(5) Section 71A—

After section 71, insert:—

Minors' permits.

71A. (1) Subject to subsection (2), the Commissioner may, upon application made in the prescribed manner by a person of or above the prescribed age and under the age of 18 years with the written consent of a parent or guardian of the person, issue to the person, on

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payment of the prescribed fee, if any, a permit authorising the person to carry and use—

- (a) the firearm specified in the permit; or
- (b) any firearm of the class described in the permit,

but only under the personal supervision of the holder of a shooter's licence in respect of the firearm, for the purpose of the person's receiving instruction in the safe use of the firearm.

(2) The Commissioner shall not issue a permit in respect of a firearm under this section to a person unless the Commissioner is satisfied that the person is a fit and proper person to carry and use the firearm.

(3) A permit issued under this section—

- (a) shall be subject to such conditions as the Commissioner thinks fit to impose and as are endorsed on the permit; and
- (b) unless sooner revoked, shall be in force until the expiration of 12 months from the date of its issue.

(4) Section 23 (subsection (1) (a) of that section excepted) applies to and in respect of the revocation of a permit issued under this section in the same way as it applies to and in respect of the revocation of a shooter's licence and it so applies as if—

- (a) references in that section to a shooter's licence or a licence were references to a permit issued under this section; and
- (b) references in that section to an application for a shooter's licence or for a licence were references to an application for the issue of a permit under this section.

(5) In this section, "firearm" does not include a blank fire pistol, a pistol or a spear gun.

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AND PERMITS FOR MINORS—*continued.*

(6) Section 72A—

After section 72, insert:—

Permit for purchase of certain firearms.

72A. (1) The Commissioner may, upon application made in writing in the prescribed manner, issue to a person, after payment of the prescribed fee, if any, a permit authorising the person to purchase a firearm specified in the permit or of a class described in the permit, but only if—

- (a) the Commissioner is satisfied that the person has good reason for purchasing the firearm; and
- (b) the person is the holder of a shooter's licence in respect of the firearm or a collector's firearm licence in respect of the firearm.

(2) For the purposes of paragraph (a) of subsection (1), but without limiting the generality of that paragraph, an applicant for a permit shall be deemed to have good reason for purchasing a firearm if the Commissioner is satisfied—

- (a) that the applicant is a rural property owner and the firearm will be used in connection with farming or grazing activities on the property;
- (b) that the applicant is a member of an approved firearms club, the members of which engage in the sport of target shooting with firearms of the class to which the firearm belongs; or
- (c) that the applicant is engaged in a lawful business which requires the use of firearms of the class to which the firearm belongs,

or that the purchaser is, under the regulations, deemed to have good reason for purchasing the firearm.

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SCHEDULE 2—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SHOOTERS' LICENCES
AND PERMITS FOR MINORS—continued.**

(3) A permit issued under this section shall be in force until the expiration of 12 months from the date of its issue or the purchase of the firearm to which the permit relates, whichever first occurs.

(4) In this section, “firearm” does not include a blank fire firearm, a pistol or a spear gun.

(7) Section 73A—

Before section 74, insert:—

Tests relating to safety procedures.

73A. Without limiting the generality of any other provision of this Act relating to the granting of applications for licences or permits, a licence or permit of a prescribed class shall not be granted or issued under this Act or the regulations unless the applicant for the licence or permit has completed to the satisfaction of a prescribed member of the police force a written or an oral test administered by a member of the police force, being a test relating to the applicant's knowledge of safety procedures concerned in the use, carrying or possession, as the case may require, of the firearm or of firearms of the class in respect of which the application is made.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES.

- (1) (a) Section 6 (1), definition of "antique firearm"—

After the definition of "air gun", insert:—

"antique firearm" means a firearm which was manufactured before the year prescribed for the purposes of this definition and—

- (a) which is not capable of discharging breech-loading cartridges; or
- (b) for which, in the opinion of the Commissioner, ammunition is not commercially available,

but does not include a replica of any such firearm;

- (b) Section 6 (1), definitions of "antique pistol", "antique pistol collector's licence"—

Omit the definitions.

- (c) Section 6 (1), definitions of "collector's firearm", "collector's firearm licence"—

After the definition of "club armourer", insert:—

"collector's firearm" means—

- (a) an antique firearm; or
- (b) a firearm, not being a pistol or a prohibited weapon, of a class or description prescribed for the purposes of this definition;

"collector's firearm licence" means a collector's firearm licence in force under section 7;

- (2) Part II, Division 1, heading—

Omit "Antique Pistol Collectors' ", insert instead "Collectors' Firearm".

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES—*continued.*

(3) Sections 7 (1), (5), (8), (11), (12) (b), 9, 34—

Omit “an antique pistol collector’s” wherever occurring, insert instead “a collector’s firearm”.

(4) Section 7 (3)—

Omit the subsection, insert instead:—

(3) Where the Commissioner grants the application either unconditionally or subject to conditions and the prescribed fee has been paid, the Commissioner shall issue to the applicant—

(a) a pistol licence in respect of the pistol specified in the licence;

(b) a collector’s firearm licence in respect of—

(i) collectors’ firearms of the prescribed class specified in the licence; or

(ii) the collectors’ firearms specified in the licence; or

(c) a blank fire pistol licence in respect of the blank fire pistol specified in the licence,

and, where the application is granted subject to conditions, shall endorse those conditions on the licence.

(5) Sections 7 (8), 34 (1)—

Omit “antique pistols” wherever occurring, insert instead “collectors’ firearms”.

(6) Sections 7 (8) (b), 25 (1), 28 (6) (a), 71 (3) (a)—

Omit “an antique pistol” wherever occurring, insert instead “a collector’s firearm”.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES—*continued.*

(7) (a) Section 7 (11)—

Omit “period, not exceeding twelve months from the date of its issue,”, insert instead:—

period—

- (a) in the case of a pistol licence—not exceeding 12 months from the date of its issue; or
- (b) in the case of a collector's firearm licence—not exceeding 3 years from the date of its issue,

(b) Section 7 (11A)—

After section 7 (11), insert:—

(11A) Notwithstanding subsection (11), a collector's firearm licence of a class prescribed for the purposes of this subsection shall remain in force from the date of its issue until it is revoked or surrendered.

(8) (a) Section 9 (1) (a)—

Omit “or” where lastly occurring.

(b) Section 9 (1) (a1)—

After section 9 (1) (a), insert:—

- (a1) in the case of a collector's firearm licence issued in respect of antique firearms—if the firearms in respect of which the licence was issued have ceased to be antique firearms; or

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 3—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES—continued.****(9) (a) Section 26 (1)—**

Omit “A person who purchases or has in his possession an antique pistol is guilty of an offence unless he satisfies the court that he is the holder of an antique pistol collector’s licence.”, insert instead:—

A person who purchases or has in possession a pistol, being a collector’s firearm, is guilty of an offence unless the person satisfies the court—

- (a) that the person is the holder of a collector’s firearm licence in respect of the pistol; or
- (b) that the person is the holder of a pistol licence in respect of the pistol.

(b) Section 26 (2)—

Omit the subsection, insert instead:—

(2) A person shall not—

- (a) use a pistol, being a collector’s firearm; or
- (b) carry any such pistol with intent to use it,

unless the person is the holder of a pistol licence in respect of the pistol.

Penalty: On summary conviction, \$2,000 or imprisonment for 2 years, or both; on conviction on indictment, imprisonment for 7 years.

(c) Section 26 (3)—

Omit “an antique” wherever occurring, insert instead “a”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 3—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM LICENCES—continued.**(10) (a) **Section 29 (2) (b)—**

Omit “or”.

(b) **Section 29 (2) (c), (d)—**

At the end of section 29 (2) (c), insert:—

; or

(d) a collector's firearm licence in respect of that pistol.

(c) **Section 29 (2)—**

Omit “and, in relation to an antique pistol, includes an antique pistol collector's licence.”.

(11) (a) **Section 33 (1)—**

Omit “an antique pistol collector's licence”, insert instead “a collector's firearm licence in respect of a pistol”.

(b) **Section 33 (1) (b)—**

Omit “antique pistol collector's licence”, insert instead “collector's firearm licence in respect of that pistol”.

(c) **Section 33 (1) (c)—**

Omit “, the antique pistols in his possession.”.

(d) **Section 33 (1) (c)—**

Omit “, those antique pistols”.

(e) **Section 33 (2) (b)—**

Omit “in respect of the pistol or, if the pistol is an antique pistol, of an antique pistol collector's licence”, insert instead “or a collector's firearm licence in respect of the pistol”.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO COLLECTORS' FIREARM
LICENCES—*continued.*

(12) Part IV, Division 1A, heading—

Before section 34, insert:—

DIVISION 1A.—*Offences relating to Collectors.*

(13) Section 34 (1) (a), (b)—

Omit “antique pistol” wherever occurring, insert instead “collector’s firearm”.

(14) (a) Section 71 (3) (b)—

Omit “of an antique pistol”, insert instead “of a collector’s firearm”.

(b) Section 71 (3) (b)—

Omit “or an antique pistol collector’s licence”, insert instead “or of a pistol licence or a collector’s firearm licence in respect of the pistol”.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 4.

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGULATION OF PERSONS ENGAGED IN CERTAIN
SECURITY ACTIVITIES.**

(1) Section 83 (1) (d1)—

After section 83 (1) (d), insert:—

- (d1) the duties of employers, employees and other persons engaged in the protection of persons or property or in other prescribed activities involving the possession of firearms, including duties relating to—
- (i) the making and keeping of records by any such person;
 - (ii) the training and supervision required in connection with the possession of firearms and spare barrels by any such person; and
 - (iii) the maintenance and storage of firearms and spare barrels in the possession of any such person,

in addition to the duties imposed on those persons by or under this or any other Act;

(2) Section 83 (1) (f1)—

After section 83 (1) (f), insert:—

- (f1) prohibiting or regulating the possession, carrying, storage or use of firearms and spare barrels by employers, employees and other persons engaged in the protection of persons or property or in other prescribed activities, the issue, transfer and revocation of permits in connection therewith and the conditions to be imposed upon any such permit;

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 4—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGULATION OF PERSONS ENGAGED IN CERTAIN
SECURITY ACTIVITIES—continued.****(3) Section 83 (1) (g1)—**

After section 83 (1) (g), insert:—

- (g1) the maintenance and storage of firearms and spare barrels, the training of persons in the use or carrying of firearms and the supervision of persons who use or carry firearms;

SCHEDULE 5.

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES
FOR OFFENCES.****(1) (a) Section 8 (2)—**

Omit “Penalty for an offence under this subsection: \$200.”, insert instead “Penalty: \$2,000.”.

(b) Section 8 (3)—

After section 8 (2), insert:—

- (3) Where a bank or other corporation is convicted by a court of an offence under subsection (2), the court may revoke the corporation pistol licence to which the offence relates.

(2) Sections 9 (4), 23 (4)—

Omit “\$100” wherever occurring, insert instead “\$1,000 or imprisonment for 12 months, or both”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 5—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.**

(3) Section 11 (4)—

Omit “\$100”, insert instead “\$2,000 or imprisonment for 2 years, or both”.

(4) Sections 17 (2), 36, 42—

Omit “\$200” wherever occurring, insert instead “\$500”.

(5) (a) Sections 25 (4) (a), 30 (1), 42 (1), 53—

Omit “\$500” wherever occurring, insert instead “\$1,000”.

(b) Section 25 (4) (a)—

Omit “six”, insert instead “12”.

(c) Section 25 (4) (a)—

Omit “two”, insert instead “4”.

(d) Sections 25 (4) (b), 54 (2)—

Omit “\$1,000” wherever occurring, insert instead “\$2,000”.

(e) Sections 25 (4) (b), 54 (2)—

Omit “twelve months” wherever occurring, insert instead “2 years”.

(f) Section 25 (4) (b)—

Omit “three”, insert instead “7”.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 5—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.****(6) (a) Section 26 (1)—**

Omit “Penalty: On summary conviction, \$500 or imprisonment for 6 months, or both; on conviction on indictment, imprisonment for 2 years.”.

(b) Section 26 (1A)—

After section 26 (1), insert:—

(1A) A person guilty of an offence under subsection (1) is liable, on summary conviction, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 3 years.

(7) (a) Section 27—

Omit “Penalty: \$500 or imprisonment for 6 months, or both.”.

(b) Section 27 (2)—

At the end of section 27, insert:—

(2) A person guilty of an offence under subsection (1) is liable to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

(8) (a) Section 29 (4)—

Omit “Penalty: \$500 or imprisonment for 6 months, or both.”.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—*continued.*

(b) Section 29 (5)—

After section 29 (4), insert:—

(5) A person guilty of an offence under subsection (1) or (3) is liable to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years, or both.

(9) (a) Section 31 (1)—

Omit “Penalty: \$500 or imprisonment for 6 months.”.

(b) Section 31 (1A)—

After section 31 (1), insert:—

(1A) A person guilty of an offence under subsection (1) is liable to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months.

(10) Section 33 (5)—

Omit “\$500”, insert instead “\$2,000 or imprisonment for 2 years, or both”.

(11) (a) Section 35 (2)—

Omit “Penalty: On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 5—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.****(b) Section 35 (3)—**

After section 35 (2), insert:—

(3) A person guilty of an offence under subsection (1) or (2) is liable, on summary conviction, to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 6 years.

(12) Sections 37, 38 (2)—

Omit “\$500 or imprisonment for 6 months” wherever occurring, insert instead “\$2,000 or imprisonment for 2 years”.

(13) Section 39 (2)—

Omit “\$500”, insert instead “\$2,000 or imprisonment for 2 years, or both”.

(14) (a) Section 40 (2)—

Omit “Penalty: \$200.”.

(b) Section 40 (2A)—

After section 40 (2), insert:—

(2A) A person guilty of an offence under subsection (2) is liable to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months.

(15) (a) Section 42 (1)—

Omit “6”, insert instead “12”.

(b) Section 42—

Omit “3 months” wherever occurring, insert instead “6 months”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 5—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.**

(16) Section 43 (1)—

Omit “\$500 or imprisonment for 6 months, or both”, insert instead “On summary conviction, \$2,000 or imprisonment for 2 years, or both; on conviction on indictment, imprisonment for 7 years”.

(17) (a) Section 44 (2)—

At the end of section 44 (2), insert:—

Penalty: On summary conviction, \$2,000 or imprisonment for 2 years, or both; on conviction on indictment, imprisonment for 5 years.

(b) Section 44 (3)—

At the end of section 44 (3), insert:—

Penalty: On summary conviction, \$2,000 or imprisonment for 2 years, or both; on conviction on indictment, imprisonment for 7 years.

(c) Section 44 (4)—

Omit “Penalty: \$500 or imprisonment for 6 months, or both.”.

(18) Sections 45 (1), 52 (1), 63—

Omit “\$200 or imprisonment for 3” wherever occurring, insert instead “\$1,000 or imprisonment for 12”.

(19) (a) Section 46 (2)—

Omit “Penalty: On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.”.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 5—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.****(b) Section 46 (2A)—**

After section 46 (2), insert:—

(2A) A person guilty of an offence under subsection (2) is liable, on summary conviction, to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 10 years.

(20) Section 47—

Omit “5”, insert instead “10”.

(21) (a) Section 48 (1)—

Omit “Penalty: \$200.”.

(b) Section 48 (1A)—

After section 48 (1), insert:—

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable—

(a) in the case of an offence arising under subsection (1) (a) or (b)—to a penalty not exceeding \$500; or

(b) in the case of an offence arising under subsection (1) (c), (d), (e) or (f)—to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months.

(22) Section 49 (1)—

Omit “\$500 or imprisonment for 6 months”, insert instead “\$2,000 or imprisonment for 2 years”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 5—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES FOR OFFENCES—continued.****(23) Section 50 (2)—**

Omit “\$200”, insert instead “\$2,000 or imprisonment for 2 years, or both”.

(24) Section 51—

Omit “\$500 or imprisonment for 6 months, or both”, insert instead “On summary conviction, \$2,000 or imprisonment for 2 years, or both; on conviction on indictment, imprisonment for 4 years”.

(25) (a) Section 54 (2)—

Omit “who contravenes subsection (1) is guilty of an offence and”, insert instead “guilty of an offence under subsection (1)”.

(b) Section 54 (2) (a) (ii)—

Omit “five”, insert instead “7”.

(c) Section 54 (2) (b) (ii)—

Omit “six”, insert instead “10”.

(d) Section 54 (2) (c) (ii)—

Omit “seven”, insert instead “10”.

(26) (a) Section 55 (6)—

Omit “Penalty: On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment, imprisonment for 3 years.”.

(b) Section 55 (7)—

After section 55 (6), insert:—

(7) A person guilty of an offence under subsection (1) or (2) is liable, on summary conviction, to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years, or both, or, on conviction on indictment, to imprisonment for a period not exceeding 5 years.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INCREASED PENALTIES
FOR OFFENCES—*continued.*

(27) Section 56—

Omit “\$500”, insert instead “\$1,000 or imprisonment for 12 months”.

(28) Section 57 (1)—

Omit “\$500 or imprisonment for 6 months”, insert instead “\$2,000 or imprisonment for 2 years”.

(29) Section 58—

Omit “8 years”, insert instead “12 years”.

(30) Section 61—

Omit the section.

(31) Section 62—

Omit “\$200”, insert instead “\$1,000 or imprisonment for 12 months”.

(32) Section 70 (1)—

Omit “On summary conviction, \$1,000 or imprisonment for 12 months, or both; on conviction on indictment after having been previously convicted (whether on indictment or not) of a serious offence (as defined in section 61 (1)), imprisonment for 3 years”, insert instead “\$2,000 or imprisonment for 2 years, or both”.

(33) Section 83 (2)—

Omit “five hundred dollars”, insert instead “\$1,000”.

SCHEDULE 6.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 5—

Omit the section.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 6—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(2) (a) Section 6 (1), definition of “approved firearms club”—

Before the definition of “approved firearms range”, insert:—

“approved firearms club” means a body—

- (i) the members of which engage in the sport of target shooting with firearms, other than pistols; and
- (ii) which is approved for the time being by an order made by the Commissioner;

(b) Section 6 (1), definition of “blank fire firearm”—

After the definition of “approved pistol range”, insert:—

“blank fire firearm” means a device that—

- (a) is designed for aiming and firing blank cartridges;
or
- (b) is reasonably capable of being aimed and of firing blank cartridges,

and which is not reasonably capable of being converted to a firearm;

(c) Section 6 (1), definition of “firearm”—

Omit paragraph (c), insert instead:—

- (c) an air gun, other than an air gun declared by the regulations not to be a firearm for the purposes of this Act; or

(d) Section 6 (1), definitions of “firearm”, “pistol”—

Omit “Scaffolding and Lifts” wherever occurring, insert instead “Construction Safety”.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) Section 6 (1), definitions of "prescribed narcotics offence", "prescribed offence involving violence"—

After the definition of "pistol licence", insert:—

"prescribed narcotics offence" means—

- (a) an offence under the Poisons Act, 1966, or the regulations thereunder, being an offence committed in respect of a restricted substance prescribed for the purposes of section 16 of that Act or in respect of—

- (i) a drug of addiction;
- (ii) a prohibited drug; or
- (iii) a prohibited plant,

within the meaning of that Act, other than any such offence declared by regulations made under this Act to be an offence to which this paragraph does not apply; or

- (b) an offence committed outside New South Wales which, if the offence had been committed within New South Wales, would be an offence prescribed by paragraph (a);

"prescribed offence involving violence", in relation to a person, means an offence committed within or outside New South Wales by the person, being an offence—

- (a) in the course of the commission of which the person wilfully caused or attempted wilfully to cause actual bodily harm to another person; and

- (b) in respect of which—

- (i) the person has been sentenced to penal servitude or imprisonment for not less than the prescribed period or for the term of the person's life; or

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ii) a penalty of not less than the prescribed amount has been imposed upon the person;

(f) Section 6 (1), definition of “prohibited article”—

Omit the definition, insert instead:—

“prohibited article” means—

- (a) an article or a device that is capable of being used to cause or prevent bodily harm to persons or to restrict the movement of persons;
- (b) an attachment designed for use in connection with an article or a device referred to in paragraph (a); or
- (c) an imitation or a replica of a firearm or prohibited weapon,

of a class or description prescribed for the purposes of this definition, but does not include a prohibited weapon;

(3) (a) Section 7 (5) (c1)—

After section 7 (5) (c), insert:—

- (c1) notwithstanding paragraph (c), has been convicted in New South Wales or elsewhere (whether before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985) of a prescribed narcotics offence or a prescribed offence involving violence, being an offence committed less than 10 years before the date of the application;

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 7 (6A)—

After section 7 (6), insert:—

(6A) Without limiting the generality of subsection (6) (a), the Commissioner shall not grant an application for a pistol licence if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over the pistol to which the application relates by reason of—

- (a) the applicant's mode of living or domestic circumstances;
- (b) any previous attempt by the applicant to commit suicide or otherwise cause a self-inflicted injury; or
- (c) the applicant's intemperate habits or being of unsound mind,

or on any other prescribed grounds.

(c) Section 7 (7) (b)—

Omit the paragraph, insert instead:—

(b) if the applicant has been convicted of—

- (i) an offence under this Act or the regulations or under the former Act; or
- (ii) any offence prescribed for the purposes of this subparagraph, being an offence committed within or outside New South Wales before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985, and which relates to the possession or use of firearms.

(4) Section 9 (1) (a)—

After “(6),”, insert “(6A),”.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) (a) Section 10 (4) (c1)—

After section 10 (4) (c), insert:—

(c1) notwithstanding paragraph (c), has been convicted in New South Wales or elsewhere (whether before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985) of a prescribed narcotics offence or a prescribed offence involving violence, being an offence committed less than 10 years before the date of the application;

(b) Section 10 (7)—

Omit the subsection, insert instead:—

(7) Without limiting the generality of subsection (2), the Commissioner may refuse to grant an application for a dealer's licence if the applicant has been convicted of—

- (a) an offence under this Act or the regulations or under the former Act; or
- (b) any offence prescribed for the purposes of this paragraph, being an offence committed within or outside New South Wales before or after the commencement of the Firearms and Dangerous Weapons (Amendment) Act, 1985, and which relates to the possession or use of firearms.

(6) (a) Section 24 (1) (a), (b)—

Omit “under Part II” wherever occurring, insert instead “or permit issued under this Act or the regulations”.

(b) Section 24 (1) (b)—

After “the licence”, insert “or permit”.

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 6—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.****(c) Section 24 (1) (j)—**

Omit “approval; or”, insert instead “approval;”.

(d) Section 24 (1) (k), (l)—

At the end of section 24 (1) (k), insert:—

; or

- (1) being a person in respect of whom a firearms prohibition order is in force—the Commissioner refuses to revoke the order when requested in writing by the person so to do not less than 5 years after the order was made.

(e) Section 24 (1A)—

After section 24 (1), insert:—

- (1A) Where a request for the revocation of a firearms prohibition order has been made as referred to in subsection (1) (1), the Commissioner shall be deemed to have refused to revoke the order if the Commissioner does not, within 30 days after the date of service of the request upon a member of the police force, revoke the order or notify the person who made the request that the request has been refused.

(7) Section 25 (3)—

Omit the subsection, insert instead:—

(3) A person who—

- (a) uses or carries; or
- (b) has in possession,

a pistol, being a pistol in respect of which the person is the holder of a pistol licence bearing an endorsement referred to in section 16 (3) to the effect that the licence was issued to the person in the capacity of secretary or captain or a member of an approved pistol club, is guilty of an offence unless—

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) the pistol was used or carried or in the person's possession in the course of the person's participating in pistol target shooting as a member of the club at an approved pistol range and under the supervision of a person holding office as a range officer appointed by an approved pistol club; or
- (d) where the person carried the pistol or had it in possession otherwise than in the course of participating in pistol target shooting, the pistol was carried or in the person's possession—
 - (i) in the course of proceeding to or from an approved pistol range at which pistol target shooting is to be, or has been, conducted as referred to in paragraph (c) or to or from the premises of the holder of a pistol dealer's licence or a police station; or
 - (ii) at the place at which the person ordinarily resides.

(8) Section 29 (4) (b)—

Before "the purchase", insert "in respect of".

(9) Section 30 (2)—

Omit the subsection.

(10) Section 32—

Omit the section.

(11) (a) Section 33 (2), (3)—

Omit "a member" wherever occurring, insert instead "the prescribed member".

(b) Section 33 (5)—

Omit "subsection (1) or (3)", insert instead "subsections (1)–(3)".

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(12) Section 40 (1)—

Omit “blank fire pistol”, insert instead “blank fire firearm”.

(13) Part IV, Division 4, heading—

Omit “*and Certain Air Guns*”.

(14) Sections 41, 41A—

Omit section 41, insert instead:—

Use of mail for forwarding firearms.

41. (1) In this section, “firearm” does not include a spear gun.

(2) A person shall not forward a firearm or a spare barrel to another person by mail unless—

(a) the address to which the firearm or spare barrel is forwarded is outside New South Wales;

(b) the firearm or spare barrel is forwarded by registered mail; and

(c) the other person would not, by reason of—

(i) receiving the firearm or spare barrel; or

(ii) being in possession of the firearm or spare barrel, at the place to which it is forwarded, be guilty of any crime or other offence under any law which applies at that place,

or the person is authorised so to do by the regulations.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) A person shall not, unless authorised so to do by or under the regulations, request another person, whether the other person is situated within or outside New South Wales when the request is made, to forward a firearm or a spare barrel by mail to an address within New South Wales, whether or not the request is made in writing or in connection with the purchase by the person of the firearm or spare barrel.

(4) A person shall be deemed to have made a request referred to in subsection (3) if the person, not being authorised so to do by or under the regulations, accepts an offer made by another person situated within or outside New South Wales to forward a firearm or a spare barrel by mail to an address within New South Wales.

Penalty: In the case of a firearm, being a pistol, \$2,000 or imprisonment for 2 years, or both; in the case of any other firearm or a spare barrel, \$500 or imprisonment for 6 months, or both.

Pawning of firearms prohibited.

41A. A pawnbroker shall not take a firearm, not being a spear gun, or a spare barrel into pawn.

Penalty: \$1,000 or imprisonment for 12 months.

(15) Section 42 (3)—

After section 42 (2), insert:—

(3) Where a person is in possession of a firearm, other than a spear gun, and—

- (a) the firearm is stolen from the person or becomes lost;
- (b) the firearm is used or carried by another person who, by using or carrying the firearm, commits an offence against this Act; or

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) the firearm is accidentally discharged, whether or not by the person,

the person shall, for the purposes of subsections (1) and (2), be deemed not to have taken all reasonable precautions to ensure the safe keeping of the firearm, unless the person satisfies the court that those precautions were so taken.

(16) Section 42A—

After section 42, insert:—

Purchasing, etc., blank fire firearm.

42A. (1) A person who purchases or has in possession a blank fire firearm is guilty of an offence unless the person satisfies the court—

- (a) that the blank fire firearm is a blank fire pistol and the person is the holder of a blank fire pistol licence in respect of the blank fire pistol;
- (b) that the blank fire firearm is not a blank fire pistol and the person is authorised to purchase or use, as the case may require, the blank fire firearm by a permit issued and in force under the regulations; or
- (c) that the person is the holder of a firearms dealer's licence.

(2) A person guilty of an offence under subsection (1) is liable to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

(17) Sections 43 (1), (2), 46 (4), (6), 48 (2) (e)—

Omit “or air gun” wherever occurring.

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(18) Section 46 (2), (3)—

Omit “or an air gun, not being a firearm, the barrel of which is rifled,” wherever occurring.

(b) Section 46 (2)—

Omit “or such an air gun”.

(c) Section 46 (3) (c)—

Omit “or of an air gun, not being a firearm, the barrel of which is rifled”.

(d) Section 46 (4)—

Omit “or of an air gun referred to in subsections (2) and (3)”.

(19) Section 47A—

After section 47, insert:—

Sale or purchase of ammunition, etc.

47A. (1) In this section, “firearm” does not include a spear gun.

(2) A person is guilty of an offence if the person, not being authorised so to do by a permit issued and in force under the regulations, sells or purchases—

(a) any ammunition designed to be used in a pistol, unless the purchaser is the holder of a pistol licence in respect of a pistol in which the ammunition is designed to be used or of a pistol dealer's licence;

(b) any ammunition designed to be used in a firearm, other than a pistol, unless the purchaser is the holder of a shooter's licence in respect of a firearm in which the ammunition is designed to be used or of a firearms dealer's licence;

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) any cartridge designed to be used in a blank fire firearm, unless the purchaser is the holder of—
 - (i) a blank fire pistol licence in respect of a blank fire pistol; or
 - (ii) a permit issued and in force under the regulations in respect of a blank fire firearm,
in which the cartridge is designed to be used or the holder of a firearms dealer's licence; or
 - (d) any projectile designed to be used in a firearm which is an air gun, unless the purchaser is the holder of a shooter's licence in respect of an air gun in which the projectile is designed to be used or the holder of a firearms dealer's licence.
- (3) A person guilty of an offence under subsection (2)—
- (a) in respect of selling any ammunition, a cartridge or a projectile, is liable to a penalty not exceeding \$1,000; or
 - (b) in respect of purchasing any ammunition, a cartridge or a projectile, is liable to a penalty not exceeding \$250.

- (20) (a) Section 48 (1) (a), (c), (2) (a), (c)—

Omit the paragraphs.

- (b) Section 48 (1) (b)—

Omit “an air gun, not being a firearm, or”, insert instead “a”.

- (c) Section 48 (1) (d), (2) (b) (ii), (iii), (d)—

Omit “an air gun or” wherever occurring, insert instead “a”.

- (d) Section 48 (1) (e), (f)—

Omit “or air gun, not being a firearm,” wherever occurring.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 6—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

(e) Section 48 (2) (d)—

Omit “the air gun or”, insert instead “the”.

(21) (a) Section 50 (2)—

Omit “The holder of a firearms dealer’s licence”, insert instead “A person”.

(b) Section 50 (3)—

After section 50 (2), insert:—

(3) A person is not guilty of an offence arising under subsection (2) in respect of having possession of a firearm, if the person did not know and had no reason to suspect that a number had been allotted by the Commissioner under section 73 in respect of the firearm.

(22) (a) Section 55 (2)—

Omit the subsection, insert instead:—

(2) A person who, under subsection (6), is an authorised person for the purposes of this subsection is guilty of an offence—

(a) if the person has possession of a prohibited article; or

(b) if the person sells or otherwise transfers a prohibited article,

in circumstances other than those, if any, in respect of which the person is an authorised person.

(b) Section 55 (6)—

After “authorised persons”, insert “for the purposes of subsection (2)”.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(23) Section 59 (1)—

Omit the subsection, insert instead:—

- (1) In this section, “prescribed article” means—
 - (a) a firearm, other than a spear gun;
 - (b) a prohibited weapon; and
 - (c) a prohibited article.

(24) Section 65—

Omit the section.

(25) (a) Sections 69 (1), 70 (1)—

Omit “pistol or a blank fire pistol” wherever occurring, insert instead “blank fire firearm”.

(b) Section 69 (1A)—

After section 69 (1), insert:—

(1A) Without limiting the generality of subsection (1), the Commissioner may make an order under that subsection in respect of any person who was carrying or in possession of a firearm or spare barrel immediately before its being seized pursuant to Division 2 of Part VI.

(26) (a) Section 71 (1)—

Omit “pistol or a blank fire pistol” wherever occurring, insert instead “firearm”.

(b) Section 71 (3A)—

After section 71 (3), insert:—

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 6—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(3A) The Commissioner shall not specify in a permit granted under subsection (1) a person as the person from whom a firearm, not being a pistol or a blank fire pistol, may be purchased unless that person is the holder of a firearms dealer's licence or of a collector's firearm licence in respect of the firearm or the firearm is registered.

(c) Section 71 (4), (5) (b)—

Omit "pistol or blank fire pistol" wherever occurring, insert instead "firearm".

(d) Section 71 (5)—

Omit "pistol unless", insert instead "firearm unless".

(e) Section 71 (5) (a)—

Omit "pistol", insert instead "firearm".

(27) (a) Section 72 (1) (b)—

Omit "pistol club", insert instead "club".

(b) Section 72 (1)—

Omit "pistol shooting" wherever occurring, insert instead "target shooting".

(c) Section 72 (1)—

After "range" wherever occurring, insert "or an approved firearms range".

(d) Section 72 (1)—

Omit "pistol specified", insert instead "firearm specified".

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 72 (1A)—

After section 72 (1), insert:—

- (1A) In subsection (1), “approved club” means—
 - (a) an approved pistol club; or
 - (b) an approved firearms club.

(f) Section 72 (6)—

Omit “period not”, insert instead “period, not”.

(28) Section 73—

Omit the section, insert instead:—

Allotment of identifying numbers.

73. The Commissioner may, by notice in writing served on a person who has possession of a firearm or spare barrel, allot a number in respect of the firearm or spare barrel.

(29) Section 77 (3), (4)—

After section 77 (2), insert:—

(3) Where a member of the police force—

- (a) enters a dwelling-house in pursuance of an invitation (as referred to in section 357F of the Crimes Act, 1900), or in pursuance of a warrant granted under section 357G of that Act, for the purpose, in either case, of investigating whether an offence which the member of the police force suspects or believes to be a domestic violence offence has been committed or, as the case may be, for the purpose of taking action to prevent the commission or further commission of such an offence; and

*Firearms and Dangerous Weapons (Amendment) 1985*SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) has reasonable cause to believe—

- (i) that a firearm is situated in the dwelling-house; and
- (ii) that the firearm has been or may be used to commit a domestic violence offence,

the member of the police force may search the dwelling-house for the firearm and seize and detain the firearm.

(4) In subsection (3), “domestic violence offence” has the meaning ascribed to that expression in section 4 (1) of the Crimes Act, 1900.

(30) (a) Section 78—

Omit “77 and —”, insert instead “77—”.

(b) Section 78 (a)–(c)—

Omit the paragraphs, insert instead:—

(a) a Local Court held before a Magistrate may, upon application made by a person claiming to be entitled to possession of the article, being an application made not earlier than 21 days after the seizure of the article, order that the article be returned to the person, unless—

- (i) a person has been charged with an offence under this or any other Act, or under the regulations, in respect of the article; and

- (ii) the charge has not been withdrawn or finally determined by the person’s having been found not guilty of the offence,

or the article has been forfeited to the Crown under paragraph (b); and

(b) the article shall, at the expiration of the prescribed period, be forfeited to the Crown, unless, before the expiration of that period—

SCHEDULE 6—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) an order has been made under paragraph (a) with respect to the article; or
- (ii) a person has been found guilty (whether or not the person has been convicted) of an offence under this or any other Act, or under the regulations, in respect of the article, and the court in which proceedings for the offence were taken, upon an application at the trial, has otherwise ordered.

(c) Section 78 (2)—

At the end of section 78, insert:—

(2) Notwithstanding subsection (1), where a firearm is seized and detained under section 77 (3), the Commissioner shall cause the firearm to be returned, at the expiration of the period of 21 days after its seizure, to the person who was, when the firearm was seized, occupying or using the dwelling-house in which the firearm was seized or to the person from whom the firearm was seized unless—

- (a) the person is the subject of a firearms prohibition order;
- (b) possession of the firearm by the person would otherwise constitute an offence; or
- (c) within the period of 21 days, a person has been charged with an offence under this or any other Act, or under the regulations, in respect of the firearm.

(31) Section 78A—

After section 78, insert:—

Forfeiture of dangerous articles, generally.

78A. (1) Upon the application of the Commissioner, a Local Court held before a Magistrate may order the forfeiture to the Crown of a dangerous article, other than a dangerous article to which section

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 6—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

78 applies, which has been in the possession of the Crown for not less than the prescribed period.

(2) A dangerous article forfeited to the Crown under section 78 or this section shall be disposed of in such manner as the Minister directs.

(3) Where a dangerous article is disposed of under subsection (2) by way of sale, the proceeds of the sale shall be paid into the Consolidated Fund.

(32) (a) Section 83 (1) (e1), (e2)—

After section 83 (1) (e), insert:—

(e1) prohibiting or regulating the transfer (whether by way of sale or not), carrying, possession or use of firearms, blank fire firearms, air guns and spare barrels and the making and keeping of records in connection therewith;

(e2) prohibiting or regulating the transfer (whether by way of sale or not), carrying or possession of projectiles designed to be used in air guns which are not firearms;

(b) Section 83 (1) (f)—

Omit “of permits for the purposes of section 28 (6) (c) or (g), 52 (2) (c), 71 or 72”, insert instead “, transfer and revocation of permits under this Act and the conditions to be imposed upon any such permit”.

(c) Section 83 (1) (h1)—

After section 83 (1) (h), insert:—

(h1) requiring the holder of a licence or permit issued under this Act or the regulations to furnish to the Commissioner notice—

*Firearms and Dangerous Weapons (Amendment) 1985***SCHEDULE 6—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

- (i) of any change in the address of that holder or in any other particular recorded in the licence or permit;
- (ii) of the sale or other disposal by that holder of any firearm, blank fire firearm, air gun or spare barrel in the possession of that holder; or
- (iii) of the loss, theft or destruction of any firearm, blank fire firearm, air gun or spare barrel in the possession of that holder;

(d) Section 83 (1) (i)—

After “dealer”, insert “or firearms dealer”.

(e) Section 83 (1) (j1)—

After section 83 (1) (j), insert:—

- (j1) the exemption, in prescribed circumstances, of prescribed persons or persons of a prescribed class from any requirement made by this Act or the regulations; and

(f) Section 83 (3)—

Omit the subsection, insert instead:—

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 7.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Savings.

1. (1) Except as provided by clause 2 (1), a shooter's licence issued under the Principal Act and in force immediately before the commencement of Schedule 2 (4) shall, on that commencement, be deemed to be a shooter's licence issued under that Act, as amended by this Act, in respect of firearms of the class comprised of rifles, shotguns and air guns.

(2) A pistol licence, an antique pistol collector's licence or a blank fire pistol licence issued under the Principal Act and in force immediately before the commencement of Schedule 3 shall, on that commencement, be deemed to be a pistol licence, a collector's firearm licence or a blank fire pistol licence, as the case may be, issued under that Act, as amended by this Act, and, in the case of the collector's firearm licence, be deemed to have been so issued in respect of collectors' firearms of a prescribed class comprised of antique firearms, within the meaning of that Act, as so amended.

(3) An application for an antique pistol collector's licence made under the Principal Act before the commencement of Schedule 3, being an application which has not been finally disposed of under that Act before that commencement, shall, on that commencement, be deemed to be an application made under that Act, as amended by this Act, for a collector's firearm licence in respect of collectors' firearms of a prescribed class comprised of antique firearms, within the meaning of that Act, as so amended.

(4) A regulation made or purporting to have been made before the commencement of Schedule 6 (2) (f) for the purposes of the definition of "prohibited article" in section 6 (1) of the Principal Act shall, on that commencement, be deemed to have been duly made for those purposes under that Act, as amended by this Act, if the regulation could have been so made on that commencement.

(5) A firearms prohibition order made under the Principal Act and in force immediately before the commencement of Schedule 6 (25) shall, on that commencement, be deemed to be a firearms prohibition order made under that Act, as amended by this Act.

(6) A number allotted under section 73 of the Principal Act before the commencement of Schedule 6 (28) shall, on that commencement, be deemed to be a number allotted under section 73 of that Act, as amended by this Act.

Revocation of certain shooters' licences.

2. (1) A shooter's licence issued under the Principal Act on or after 1st September, 1984, and in force immediately before the commencement of Schedule 2 (4) is revoked on that commencement if the holder of the licence was not also the holder of a shooter's licence immediately before that date.

Firearms and Dangerous Weapons (Amendment) 1985

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) No appeal lies in respect of the revocation of a licence by the operation of subclause (1).

Regulations.

3. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding any of the foregoing provisions of this Schedule.
