



New South Wales

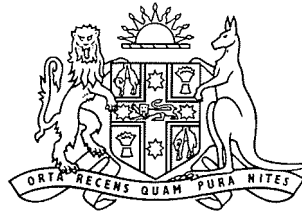
# Firearms and Weapons Legislation Amendment Act 2017 No 26

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New South Wales

# Firearms and Weapons Legislation Amendment Act 2017 No 26

Act No 26, 2017

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An Act to amend the *Firearms Act 1996*, the *Weapons Prohibition Act 1998* and other laws to make further provision in respect of the categorisation of firearms, firearms and weapons amnesties, ammunition controls, licences and permits and administrative arrangements; and for other purposes. [Assented to 27 June 2017]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Firearms and Weapons Legislation Amendment Act 2017*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Firearms Act 1996 No 46

### [1] Section 4 Definitions

Insert at the end of section 4 (2) (b):

, and

- (c) any collection of the component parts of a thing that if assembled would be a firearm or prohibited firearm (or would be a firearm or prohibited firearm if it did not have something missing from it, a defect or obstruction in it or something added to it) is taken to be a firearm or prohibited firearm (as appropriate).

### [2] Section 4D Special provisions relating to imitation firearms

Insert after section 4D (1) (b):

- (c) the holder of a permit authorising the possession or use of an imitation firearm (a *possession or use permit*) is not required to be authorised by a permit to acquire an imitation firearm to which the possession or use permit applies.

### [3] Section 4D (2)

Insert at the end of the subsection:

**Note.** Reference to a pistol includes a prohibited pistol. (See section 4C.)

### [4] Section 6B Exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses

Omit “direct” from section 6B (1) (a) and (b) wherever occurring.

### [5] Section 6B (1A)

Insert after section 6B (1):

- (1A) The level of supervision that is required for the purposes of this section is direct supervision so that the person supervising supervises one person only.

### [6] Section 7 Offence of unauthorised possession or use of pistols or prohibited firearms

Insert at the end of section 7 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

### [7] Section 8 Licence categories and authority conferred by licence

Omit “shotguns (other than pump action or self-loading)” from the matter relating to category A licence in section 8 (1).

Insert instead “shotguns (other than pump action, lever action or self-loading)”.

### [8] Section 8 (1)

Insert after the third dot point in the matter relating to category B licence:

- lever action shotguns with a magazine capacity of no more than 5 rounds

### [9] Section 8 (1)

Insert after the fourth dot point in the matter relating to category D licence:

- lever action shotguns with a magazine capacity of more than 5 rounds

**[10] Section 8 (1)**

Omit “the licensee is authorised to possess or use no more than one registered firearm to which the licence applies” from the matter relating to category D licence.

Insert instead “the licensee is authorised to possess or use no more than 3 registered firearms to which the licence applies”.

**[11] Section 8 (1)**

Omit “the licensee is authorised to use the firearm” from the matter relating to category D licence.

Insert instead “the licensee is authorised to use a firearm to which the licence applies”.

**[12] Section 10 Applications for licences**

Omit section 10 (1). Insert instead:

- (1) An application for a licence must be made in an approved manner and the fee prescribed by the regulations for the application must be paid when the application is made or as otherwise approved.

**[13] Section 11 General restrictions on issue of licences**

Omit section 11 (5) (c). Insert instead:

- (c) is subject to an apprehended violence order or interim apprehended violence order or who has, at any time within 10 years before the application for the licence was made, been subject to an apprehended violence order (other than an order that has been revoked), or

**[14] Section 11 (5) (f)**

Insert at the end of section 11 (5) (e):

, or

- (f) is a registrable person or corresponding registrable person under the *Child Protection (Offenders Registration) Act 2000*.

**[15] Section 16A Probationary pistol licences**

Insert after section 16A (2):

- (2A) The supervision of a person for the purposes of this section is to be as required by the regulations.

**[16] Section 17A Special provisions relating to category C licences issued for clay target shooting purposes**

Omit section 17A (6). Insert instead:

- (6) Without limiting the conditions to which a category C licence is subject, a special category C licence issued under this section is subject to the condition that the licensee must, during each compliance period, participate in no less than the number of clay target shooting competitions required by the regulations. A ***compliance period*** is each of the consecutive 12-month periods during which the licence is in force, with the first of those periods starting when the licence is issued and subsequent periods starting at the end of the previous compliance period.

**[17] Section 29 General restrictions on issue of permits**

Insert after section 29 (1):

- (1A) The Commissioner must not issue a permit that authorises the possession or use of a firearm unless the Commissioner is satisfied that the applicant has a legitimate reason for possessing or using the firearm.

**[18] Section 29 (3) (c)**

Omit the paragraph. Insert instead:

- (c) is subject to an apprehended violence order or interim apprehended violence order or who has, at any time within 10 years before the application for the permit was made, been subject to an apprehended violence order (other than an order that has been revoked), or

**[19] Section 29 (3) (f)**

Insert at the end of section 29 (3) (e):

, or

- (f) is a registrable person or corresponding registrable person under the *Child Protection (Offenders Registration) Act 2000*.

**[20] Section 30 General provisions relating to permits**

Omit section 30 (1). Insert instead:

- (1) An application for a permit must be made in an approved manner and the fee prescribed by the regulations for the application must be paid when the application is made or as otherwise approved.

**[21] Section 32 Minor's firearms permits**

Omit section 32 (1).

**[22] Section 32 (2)**

Omit "The applicant must".

Insert instead "An applicant for a minor's firearms permit must".

**[23] Section 32 (5) (a), (5A) (a) and (6) (a)**

Omit "personal supervision" wherever occurring. Insert instead "supervision".

**[24] Section 32 (5)**

Insert at the end of the subsection:

**Note.** Reference to a pistol includes a prohibited pistol.

**[25] Section 32 (6A)**

Insert after section 32 (6):

- (6A) The supervision of a person for the purposes of this section is to be as required by the regulations.

**[26] Section 36 Unregistered firearms**

Insert at the end of section 36 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

**[27] Section 36 (3)**

Insert “or taking possession of” after “after acquiring”.

**[28] Section 39 General requirement**

Insert at the end of section 39 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

**[29] Section 42 Seizure of firearms and ammunition if storage requirements not met**

Insert at the end of the section:

- (2) This section does not require the seizure of a firearm or ammunition if the police officer is satisfied that the failure to keep the firearm or ammunition in accordance with this Part has been rectified or will be rectified without delay. A decision not to seize a firearm or ammunition on that basis does not prevent the taking of a prosecution or the issuing of a penalty notice in respect of the failure.

**[30] Section 44A Prescribed persons not to be involved in firearms dealing business**

Omit section 44A (3) (d). Insert instead:

- (d) is subject to an apprehended violence order or interim apprehended violence order, or

**[31] Section 44A (3) (g)**

Insert at the end of section 44A (3) (f):

, or

- (g) is a registrable person or corresponding registrable person under the *Child Protection (Offenders Registration) Act 2000*.

**[32] Section 45A Recording of ammunition transactions**

Omit “and address” from section 45A (2) (a) and (3) (a) wherever occurring.

**[33] Section 50 Acquisition of firearms**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[34] Section 50AA Acquisition of firearm parts**

Insert at the end of section 50AA (2):

**Note.** Reference to a pistol includes a prohibited pistol.

**[35] Section 50A Unauthorised manufacture of firearms**

Insert at the end of section 50A (2):

**Note.** Reference to a pistol includes a prohibited pistol.

**[36] Section 50B Giving possession of firearms or firearm parts to unauthorised persons**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[37] Section 51 Restrictions on supply of firearms**

Insert after section 51 (1A):

- (1B) If the firearm is an imitation firearm, the other person's permit to acquire the firearm is not required to be produced to and inspected by the supplier under subsection (1) or (1A) (without affecting the requirement that the other person's licence or permit be produced to and inspected by the supplier).

**Note.** The holder of a permit authorising the possession or use of an imitation firearm is not required to be authorised by a permit to acquire the imitation firearm. See section 4D.

**[38] Section 51 (1A) and (2A)**

Insert at the end of the subsections:

**Note.** Reference to a pistol includes a prohibited pistol.

**[39] Section 51A Restrictions on acquiring firearms**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[40] Section 51BA Restrictions on supply of firearm parts**

Insert at the end of section 51BA (2):

**Note.** Reference to a pistol includes a prohibited pistol.

**[41] Section 51D Unauthorised possession of firearms in aggravated circumstances**

Insert at the end of section 51D (2):

**Note.** Reference to a pistol includes a prohibited pistol.

**[42] Section 51E Possession or use of pistols fitted with magazines of more than 10 round capacity**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[43] Section 51I**

Insert after section 51H:

**51I Remote controlled possession and use of firearms**

- (1) A person who possesses or uses a firearm by remote control is guilty of an offence under this subsection unless the person is authorised by a permit to possess or use the firearm by remote control.  
Maximum penalty: imprisonment for 5 years.
- (2) A person who possesses or uses a pistol or prohibited firearm by remote control is guilty of an offence under this subsection unless the person is authorised by a permit to possess or use the pistol or prohibited firearm by remote control.  
Maximum penalty: imprisonment for 14 years.  
**Note.** Reference to a pistol includes a prohibited pistol.
- (3) A person possesses a firearm by remote control when the person has the firearm in or on any vehicle, vessel, aircraft or other device that is being operated by the person by remote control. A person uses a firearm by remote control when the person operates the firearm by remote control.



- (4) If, on the trial of a person for an offence under subsection (2), the jury is not satisfied that the accused is guilty of the offence but is satisfied on the evidence that the person is guilty of an offence under subsection (1), it may find the person not guilty of the offence charged but guilty of an offence under subsection (1), and the accused is liable to punishment accordingly.

**[44] Section 57 Non-commercial transportation of firearms**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[45] Section 62 Shortening firearms**

Insert at the end of the section 62 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

**[46] Section 63 Converting firearms**

Insert “or permit” after “licence” in section 63 (1).

**[47] Section 63 (1)**

Insert at the end of the subsection:

**Note.** Reference to a pistol includes a prohibited pistol.

**[48] Section 65 Supply, acquisition and possession of ammunition**

Insert before section 65 (1):

**Note.** Provisions such as this section that refer to ammunition for any firearm do not apply to ammunition for anything declared by the regulations not to be a firearm.

**[49] Section 65 (3)**

Insert “for any firearm” after “possess ammunition”.

**[50] Section 65 (5)**

Insert after section 65 (4):

- (5) For the purposes of this Act, the ammunition that a firearm **takes** includes any ammunition that can be safely fired in the firearm (whether or not that ammunition has the same calibre designation as the calibre designation of the firearm).

**[51] Section 65A Supply of ammunition by firearms dealers—additional requirements**

Insert at the end of section 65A (1):

**Note.** Section 65 provides that the ammunition that a firearm **takes** includes any ammunition that can be safely fired in the firearm.

**[52] Section 67 Pawning of firearms prohibited**

Insert “for any firearm” after “ammunition”.

**[53] Section 70 False or misleading applications**

Insert at the end of the section:

**Note.** Reference to a pistol includes a prohibited pistol.

**[54] Section 72 Falsifying or altering records**

Insert at the end of section 72 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

**[55] Section 74 Effect of firearms prohibition order**

Insert at the end of section 74 (1):

**Note.** Reference to a pistol includes a prohibited pistol.

**[56] Section 74 (3), (5) and (6)**

Insert “for any firearm” after “ammunition” wherever occurring.

**[57] Sections 78 and 78A**

Insert before section 79:

**78 Arrangements for online services**

- (1) The Commissioner may establish arrangements (*online service arrangements*) that facilitate the following:
  - (a) the making by electronic means of applications under a relevant Act,
  - (b) the giving of any notice under a relevant Act by electronic means,
  - (c) the use of digital signatures for the purposes of the authentication of any application made or notice given by electronic means,
  - (d) the payment or refund by electronic means of fees payable under a relevant Act.
- (2) The use of online service arrangements is subject to any terms and conditions imposed by the Commissioner but a person cannot be required to use online service arrangements.
- (3) A notice given by means of online service arrangements is taken to have been given in writing.
- (4) In this section:

*give* includes serve.

*notice* means any notice, notification, approval or other instrument that is authorised or required to be given in writing by or under a relevant Act.

*relevant Act* means this Act or the *Weapons Prohibition Act 1998*.

**78A Recognition of domestic violence orders**

Section 98ZI (Recognition of disqualification to hold firearms licence) of the *Crimes (Domestic and Personal Violence) Act 2007* does not apply to a recognised DVO if section 98ZH of that Act applies to the recognised DVO and requires the Commissioner to revoke a licence or permit under this Act held by the person concerned or to refuse to issue a licence or permit under this Act to the person concerned.

**[58] Schedule 1 Prohibited firearms**

Insert after item 4:

- 4A** Any lever action shotgun with a magazine capacity of more than 5 rounds (including any such firearm described elsewhere in this Schedule).

**[59] Schedule 3 Savings and transitional provisions**

Insert at the end of the Schedule:

**Part 10 Provisions consequent on enactment of Firearms and Weapons Legislation Amendment Act 2017**

**29 Definitions**

In this Part:

*category B shotgun* means a lever action shotgun with a magazine capacity of no more than 5 rounds.

*category D shotgun* means a lever action shotgun with a magazine capacity of more than 5 rounds.

*special category B licence* means a special category B licence provided for by this Part.

**30 Transitional arrangements for lever action shotguns**

- (1) A person in whose name a lever action shotgun was registered immediately before the commencement of this clause and whose possession of the shotgun was authorised at that time by a category A licence (referred to in this Part as the person's *existing category A licence*) is entitled to the benefit of the following transitional arrangements in respect of that particular shotgun but only while the shotgun remains registered in the name of the person:
  - (a) if the person is not the holder of a category B licence, the person is deemed to be the holder of a special category B licence for the shotgun but only while the person's existing category A licence (or any renewal of that licence) is in force,
  - (b) if the shotgun is a category D shotgun and the person is not the holder of a category D licence but is the holder of a category B licence (including a special category B licence), the shotgun is deemed to be a firearm to which a category B licence held by the person applies.
- (2) A *special category B licence* is a licence that authorises a person to possess or use a lever action shotgun (and no other firearm) that was registered in the name of the person immediately before the commencement of this clause, but only for the purpose established as being the genuine reason for possessing or using a firearm for the purposes of the person's existing category A licence (or any renewal of that licence) as in force from time to time.
- (3) However, a special category B licence does not authorise the licensee to possess or use a category D shotgun at any time when the person holds a category D licence that authorises the possession or use of the shotgun and that is not subject to any condition imposed by the Commissioner under section 19 (1).
- (4) A special category B licence that a person is deemed to hold is revoked if the person is granted a category B licence (not being a special category B licence) that authorises the possession or use of a lever action shotgun that the special category B licence applied to.
- (5) A permit issued before the commencement of this clause that authorises a person to acquire a shotgun does not authorise the person to acquire a lever action shotgun after the commencement of this clause unless the person is:
  - (a) the holder of a category B licence (not being a special category B licence) in the case of acquisition of a category B shotgun, or

- (b) the holder of a category D licence in the case of acquisition of a category D shotgun but only if the category D licence will authorise the possession or use of the shotgun once acquired.

**Note.** A category D licence may be subject to a limit on the number of firearms that the licensee is authorised to possess or use and so may not authorise the acquisition of another category D firearm.

**Note.** A person has the benefit of the transitional arrangements of this clause only for the particular shotgun registered in the name of the person immediately before the commencement of this clause and only while the shotgun remains registered in the name of the person. A person loses the benefit of the transitional arrangements for a shotgun if it is supplied to another person or is lost, stolen or destroyed. The same principles apply to the transitional arrangements under clause 31 for a shotgun that a person has registered in their name in another jurisdiction immediately before the commencement of the interstate recategorisation amendments.

### 31 Inter-jurisdictional transitional arrangements for lever action shotguns

- (1) A resident of another State or Territory in whose name a lever action shotgun was registered under the interstate law immediately before the commencement of the interstate recategorisation amendments and whose possession of the shotgun was authorised at that time under the interstate law by an interstate category A licence is subject to the following provisions in respect of that particular shotgun:
- (a) sections 26 (Recognition of interstate licences for certain purposes) and 27 (Interstate residents moving to this State) apply to the person as if the firearms to which a category A or B licence issued in this State apply include the shotgun concerned but only while the shotgun remains registered in the name of the person under the interstate law,
- (b) if the shotgun is a category D shotgun and a category B licence is issued to the person under this Act (not being a special category B licence), the shotgun is deemed to be a firearm to which a category B licence held by the person applies but only while the shotgun remains registered in the name of the person under this Act,
- (c) a category B licence issued to the person under this Act does not apply to the shotgun (despite paragraph (b)) if a category D licence issued to the person under this Act applies to the shotgun.
- (2) Regulations under clause 1 may include provisions that are inconsistent with this clause.
- (3) In this clause:

*interstate category A licence* means a licence issued under the interstate law that is equivalent to a category A licence issued under this Act.

*interstate law* means the law in force in the State or Territory of which the person is a resident.

*interstate recategorisation amendments* means amendments made to the interstate law that resulted in interstate category A licences ceasing to apply to lever action shotguns.

### 32 Administrative arrangements for lever action shotgun owners

- (1) The Commissioner may issue a licence as a special category B licence to a person who is deemed to hold a special category B licence, with the licence to specify details of the shotgun (or each shotgun) for which it is issued.
- (2) The Commissioner may provide to a person a statement in writing certifying that a category B licence held by the person (including a special category B licence) is deemed under this Part to apply to a specified category D shotgun.

The statement may be provided by being included in the category B licence concerned or separately.

- (3) The Commissioner may waive payment of any fee that would otherwise be payable in respect of the issue of a category B or category D licence to a person who has the benefit of any transitional arrangements under this Part.

### **33 Validity of permits for powerheads for spear fishing**

- (1) The regulations are taken to have always been authorised to provide for the issue of a permit (a *spear fishing powerhead permit*) that authorised a person to possess and use a powerhead for the purposes of underwater spear fishing even if the person's use of a powerhead for that purpose would have been unlawful under another Act.
- (2) The following provisions apply to a spear fishing powerhead permit issued or purporting to have been issued before the commencement of this clause:
  - (a) the permit is validated to the extent of any invalidity arising from inconsistency between the regulations and another law,
  - (b) the permit operated only for the purposes of this Act and did not authorise a contravention of any other law,
  - (c) if the permit is in force immediately before the commencement of this clause it is revoked on the commencement of this clause.

## Schedule 2 Amendment of Firearms Regulation 2006

### [1] Clause 3 Definitions

Insert in appropriate order in clause 3 (1):

**club** means:

- (a) in relation to the genuine reason of sport/target shooting—a shooting club that has been established for at least 3 months, or
- (b) in relation to the genuine reason of recreational hunting/vermin control—a hunting club that has been established for at least 3 months, or
- (c) in relation to the genuine reason of firearms collection—a collectors' society or collectors' club that has been established for at least 3 months.

**pistol club** means a shooting club that conducts or organises approved pistol shooting competitions.

### [2] Clause 27 Sport/target shooting—club participation requirements

Omit clause 27 (1). Insert instead:

- (1) A licence that is issued for the genuine reason of sport/target shooting is subject to the condition that the licensee must comply with any applicable requirements of Part 9A (Participation requirements for club members).

### [3] Clause 29 Recreational hunting/vermin control—club participation requirements

Omit clause 29 (1). Insert instead:

- (1) A licence that is issued for the genuine reason of recreational hunting/vermin control is subject to the condition that the licensee must comply with any applicable requirements of Part 9A (Participation requirements for club members).

**Note.** Participation requirements for club members apply only if membership of the club is the sole ground on which the licensee has established that genuine reason.

### [4] Clause 31 Practising at approved ranges

Insert after clause 31 (3):

- (3A) The supervision of a person for the purposes of subclause (3) (a) is to be as required by clause 133.

### [5] Clause 34 Firearms collections

Omit clause 34 (2). Insert instead:

- (2) Without limiting the conditions to which a firearms collector licence may be subject, any such licence is subject to the condition that the licensee must comply with any applicable requirements of Part 9A (Participation requirements for club members).

### [6] Clause 35A Theatrical armourers

Insert after clause 35A (1):

- (1A) The supervision of a person for the purposes of subclause (1) (b) is to be as required by clause 133.

**[7] Clause 44A**

Insert before clause 45:

**44A Minor's firearms permit—application**

An application for a minor's firearms permit must be lodged personally by the applicant.

**[8] Clause 47 Recognition of interstate minor's firearms permits**

Omit "direct supervision" from clause 47 (3). Insert instead "supervision".

**[9] Clause 47 (4)**

Insert after clause 47 (3):

- (4) The supervision of a person for the purposes of subclause (3) is to be as required by clause 133.

**[10] Clause 52 Permit for firearms used in film, television or theatrical production**

Omit "direct supervision" from clause 52 (3). Insert instead "supervision".

**[11] Clause 52 (3A)**

Insert after clause 52 (3):

- (3A) The supervision of a person for the purposes of subclause (3) is to be as required by clause 133.

**[12] Clause 63**

Omit the clause. Insert instead:

**63 Permit for powerhead for protection against shark attack**

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a powerhead for the purpose of protecting themselves or any other person against shark attack.
- (2) A permit under this clause may be issued despite clause 11 (2) but must not be issued to a person unless the Commissioner is satisfied that because of activities engaged in by the person in the course of the person's business or employment it is reasonably likely that the person will need to protect themselves or any other person against shark attack.
- (3) A permit under this clause authorises the holder of the permit to possess and use a powerhead but only for the purpose of protecting themselves or any other person against shark attack and only while engaged in an activity in the course of the permit holder's business or employment.
- (4) In this clause:  
*powerhead* means a device that:
- (a) is capable of propelling a projectile by means of an explosive, and
  - (b) is designed to be attached to the end of a spear gun for use in underwater spear fishing.

**[13] Clause 66 Permits relating to open days**

Insert after clause 66 (2):

- (2A) The supervision of a person for the purposes of subclause (2) is to be as required by clause 133.

**[14] Clause 87 Approval of shooting range**

Omit “general supervision” from clause 87 (2) (a). Insert instead “supervision”.

**[15] Clause 87 (2) (b) (ii)**

Omit “close supervision”. Insert instead “supervision”.

**[16] Clause 87 (2A)**

Insert after clause 87 (2):

- (2A) The supervision of a person for the purposes of subclause (2) is to be as required by clause 133.

**[17] Clause 90 Definitions**

Omit the clause.

**[18] Clause 93 Conditions of approval of club**

Omit “the requirements specified in clause 96” from clause 93 (2) (b).

Insert instead “any applicable requirements of Part 9A (Participation requirements for club members)”.

**[19] Clause 96 Participation requirements for club members**

Omit the clause.

**[20] Clause 98**

Omit the clause. Insert instead:

**98 Disclosure of information by Commissioner**

The Commissioner is authorised to disclose to the secretary or other relevant office holder of an approved club, or of any association with which an approved club is affiliated, any information as to the following:

- (a) the pistols that are held by an applicant for membership of the approved club,
- (b) any other club of which an applicant for membership of the approved club is a member,
- (c) any other information that, in the opinion of the Commissioner, is relevant to a person’s application for membership, or a person’s continued membership, of the approved club.

**[21] Part 9A**

Insert after clause 98:

**Part 9A Participation requirements for club members**

**98A Definitions**

In this Part:

***competitive shooting match*** means a shooting activity in which scores are kept and results recorded.

***compliance period*** for a licence means each consecutive 12-month period during which the licence is in force, with the first of those periods starting



when the licence is issued and subsequent periods starting at the end of the previous compliance period.

**participation** in a shooting activity includes, in the case of a competitive shooting match, officiating at such a match.

**shooting activity** of an approved club means the following:

- (a) a shooting activity that is conducted by the club at the club's shooting range, including a competitive shooting match, shooting training and target practice at the club's shooting range,
- (b) firearms safety training conducted by the club at the club's shooting range,
- (c) a competitive shooting match held at a shooting range other than the club's shooting range where the match is endorsed by the club (including such a match that is conducted outside NSW or outside Australia).

**98B Participation requirements for pistol sport/target shooters**

- (1) The holder of a category H (sport/target shooting) licence must be a member of at least one approved pistol club and must during each compliance period for the licence participate in shooting activities of an approved pistol club (whether or not a club of which the person is a member) as follows:
  - (a) during a compliance period in which the person has only 1 kind of pistol, the person must participate in at least 6 shooting activities of an approved pistol club that are competitive shooting matches,
  - (b) during a compliance period in which the person has 2 kinds of pistol, the person must participate in at least 4 shooting activities of an approved pistol club for each kind of pistol (a minimum of 8 shooting activities in total) of which at least 6 must be competitive shooting matches,
  - (c) during a compliance period in which the person has 3 kinds of pistol, the person must participate in at least 4 shooting activities of an approved pistol club for each kind of pistol (a minimum of 12 shooting activities in total) of which at least 6 must be competitive shooting matches.
- (2) There are 3 different kinds of pistol for the purposes of this clause—air pistols, rimfire pistols and centre-fire pistols. A black powder pistol is to be regarded as a centre-fire pistol.
- (3) The number of different kinds of pistol that a person *has* during a compliance period is the number of different kinds of pistol that the person has registered in their name during the compliance period.
- (4) If the number of different kinds of pistol that a person has during a compliance period changes during the compliance period, it is the highest number that the person has that determines the number of shooting activities that the person is required to participate in during the compliance period but in such a case the Commissioner may reduce the required number of shooting activities if the Commissioner considers it to be fair and reasonable to do so.

**98C Participation requirements for sport/target shooters (other than pistol shooters)**

The holder of a licence issued for the genuine reason of sport/target shooting (not being a category H licence) must be a member of at least one approved shooting club (other than a pistol club) and must, during each compliance period for the licence, participate in not less than 4 shooting activities of an

approved shooting club (other than a pistol club) whether or not of a club of which the person is a member.

**98D Participation requirements for member of approved hunting club**

- (1) The holder of a licence issued for the genuine reason of recreational hunting/vermin control to a member of an approved hunting club must be a member of at least one approved hunting club and must, during each compliance period for the licence, participate in no less than 2 hunting club events.
- (2) This clause applies only where membership of an approved hunting club is the sole ground on which the licensee has established the genuine reason of recreational hunting/vermin control.
- (3) In this clause:  
*hunting club event* means any event approved by any approved hunting club (whether or not a club of which the licensee is a member) involving hunting, shooting or firearms safety training.

**98E Participation requirements for member of approved collectors' society or club**

The holder of a firearms collector licence must be a member of at least one approved collectors' society or collectors' club and must, during each compliance period for the licence, attend at least one meeting of an approved collectors' society or collectors' club of which the licensee is a member.

**98F Participation requirements for category C licences issued for clay target shooting purposes**

The holder of a special category C licence issued under section 17A of the Act must, during each compliance period, participate in no less than 4 clay target shooting competitions.

**98G Membership of more than one approved club**

- (1) The holder of a licence who is required under this Part to be a member of an approved club of a particular category and who is a member of more than one approved club of that category must:
  - (a) nominate a principal club of that category of which the licensee is a member and with which the licensee will mainly be involved, and
  - (b) notify the Commissioner in writing of the nominated principal club, and
  - (c) if the licensee participates in any compliance activity of a club of that category that is not the licensee's nominated principal club of that category—notify the nominated principal club of the details of any such activity in writing within each annual return period.
- (2) In this clause, *compliance activity* means an activity in which a person participates for the purposes of compliance with a requirement of this Part.

**[22] Clause 109A Exemption for unlicensed persons shooting on approved ranges**

Insert “(so that the person supervising supervises one person only)” after “direct supervision”.

**[23] Clause 110 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses**

Omit “direct supervision” from clause 110 (6). Insert instead “supervision”.

**[24] Clause 115A Exemption in relation to sales of ammunition by firearms dealers**

Insert at the end of the clause:

**Note.** Section 65 of the Act provides that the ammunition that a firearm **takes** includes any ammunition that can be safely fired in the firearm.

**[25] Part 12A**

Insert after clause 116:

## **Part 12A Amnesties**

### **117 Definitions**

In this Part:

**amnesty period** means the period starting on 1 July 2017 and ending at midnight on 30 September 2017.

**participating dealer** means a licensed firearms dealer who is designated for the time being by the Commissioner as a participating dealer for the purposes of this Part, as notified on the website of the NSW Firearms Registry.

**possession restrictions** of the Act means any provision of the Act or this Regulation that would operate to make a person's possession of a firearm or related article unlawful.

**related article** means a firearm part or ammunition.

**supply restrictions** of the Act means sections 36, 62 and 66 of the Act to the extent that they relate to the supply of a firearm.

### **118 Temporary amnesty for surrender of firearms and related articles**

- (1) A person is exempt during the amnesty period from the possession restrictions of the Act in respect of a firearm or related article while in possession of the firearm or related article at a police station or participating dealer, or while proceeding to a police station or participating dealer, for the purposes of surrendering the firearm or related article.
- (2) In this clause, **surrender** of a firearm or related article means the surrender of the firearm or related article to the Commissioner on behalf of the State.
- (3) This clause does not apply to a person who is subject to a firearms prohibition order or to a weapons prohibition order under the *Weapons Prohibition Act 1998*.
- (4) The surrender of a firearm or related article during the amnesty period does not constitute a supply of the firearm or related article.
- (5) The Commissioner may publish information and advice about how a person should go about surrendering a firearm or related article during the amnesty period.

### **119 Temporary amnesty for transfer of firearms to participating dealers**

- (1) A person is exempt during the amnesty period from the possession restrictions of the Act in respect of a firearm while in possession of the firearm at a participating dealer, or while proceeding to a participating dealer, for the purposes of supplying the firearm to the participating dealer.  
**Note.** Supply of a firearm can be by sale, gift or otherwise.
- (2) A person is exempt during the amnesty period from the supply restrictions of the Act in respect of the supply of a firearm to a participating dealer during the amnesty period.

- (3) This clause does not apply to a person who is subject to a firearms prohibition order.

**119A Temporary amnesty for registration of firearms**

- (1) A person is exempt during the amnesty period from the possession restrictions of the Act in respect of a firearm while in possession of the firearm at a participating dealer, or while proceeding to a participating dealer, for the purposes of applying for registration of the firearm during the amnesty period.
- (2) A person is exempt from the possession restrictions of the Act in respect of a firearm that the person has in the custody of a participating dealer from the time the firearm is taken into the custody of the participating dealer until an application for registration of the firearm is made, but only if the application is made within 24 hours after the firearm is taken into the custody of the participating dealer and is made during the amnesty period.
- (3) A person is exempt from the possession restrictions of the Act in respect of a firearm while an application for registration of the firearm made during the amnesty period is pending, but only if:
- (a) the application is made by a participating dealer or by a person who holds an appropriate licence or permit for the firearm, or
  - (b) the application (referred to in this clause as an ***unlicensed person application***) is made by a person in conjunction with an application by the person for an appropriate licence or permit for the firearm and at all times when those applications are pending the firearm is held in the custody of a participating dealer.
- (4) If an unlicensed person application is granted, the transfer of possession of the firearm to the applicant from the custody of the participating dealer in whose custody the firearm is held is deemed (for the purposes of provisions of the Act relating to the supply and acquisition of firearms) to constitute the supply of the firearm by the participating dealer and the acquisition of the firearm by the applicant.  
**Note.** This requires the applicant to have a permit to acquire the firearm.
- (5) After a firearm has been registered in the name of a participating dealer pursuant to an application for registration made during the amnesty period, a person is exempt from the possession restrictions of the Act in respect of the firearm while the person has the firearm in the custody of the participating dealer during or after the end of the amnesty period.
- (6) An application is ***pending*** from when the application is made until the application is granted or, if the application is refused, until the end of the appeal period for the application.  
**Note.** An application can be pending after the end of the amnesty period so long as the application was made during the amnesty period.
- (7) This clause does not apply to a person who is subject to a firearms prohibition order.
- (8) In this clause:  
***appeal period*** for an application means the period that runs from when the application is refused until the end of the period within which an application for administrative review of a relevant decision about the application may be made as of right or (if an application for administrative review is made within that period) until the application for administrative review is withdrawn or finally determined.

*appropriate licence or permit* for a firearm means a licence or permit that would authorise possession of the firearm if the firearm were registered.

**119B Protection for participating dealers**

- (1) A participating dealer is exempt from section 51A (Restrictions on acquiring firearms) of the Act during the amnesty period.
- (2) A participating dealer who comes into possession of an unregistered firearm that has been surrendered is exempt from the possession restrictions of the Act in respect of the firearm while complying in respect of the firearm with any directions of the Commissioner as to how a participating dealer must deal with such a firearm.

**[26] Clause 133**

Insert after clause 132:

**133 Supervision requirements**

- (1) This clause applies to supervision for the purposes of sections 16A and 32 of the Act and any provision of this Regulation that provides for supervision to be as required by this clause.
- (2) The following requirements apply to supervision to which this clause applies:
  - (a) a person being supervised must at all times be in the direct line of sight of the supervisor and the supervisor must at all times be ready and able to give directions and render immediate assistance to a person being supervised,
  - (b) supervision is to be at a level that the supervisor reasonably considers to be adequate taking into account relevant factors under this clause.
- (3) The following factors are relevant factors to be taken into account in deciding what is an adequate level of supervision:
  - (a) the general competency of persons being supervised,
  - (b) the proficiency with firearms of persons being supervised,
  - (c) the number of persons being supervised and the number who are actively engaged in shooting,
  - (d) the effect of the landscape and range configuration on the ability of the supervisor to maintain direct line of sight observation of persons being supervised and to give directions and render immediate assistance.

**[27] Schedule 1 Penalty notice offences**

Omit the matter relating to sections 45 (3) and 47 (1) and (4). Insert instead:

Section 39 (1)	550
Section 40 (1)	220
Section 41 (1)	550
Section 45	220
Section 45A	220
Section 46 (1)	550
Section 47 (1)–(6)	550
Section 48	550

## **Schedule 3      Amendment of Weapons Prohibition Act 1998 No 127**

### **[1] Section 4 Definitions**

Insert after section 4 (2) (a):

- (a1) any collection of the component parts of a thing that if assembled would be a prohibited weapon (or would be a prohibited weapon if it did not have something missing from it or a defect or obstruction in it) is taken to be a prohibited weapon, and

### **[2] Section 9 Application for permit**

Omit section 9 (1) and (2). Insert instead:

- (1) An application for a permit must be made to the Commissioner in an approved manner and the fee prescribed by the regulations for the application must be paid when the application is made or as otherwise approved.
- (2) The application must include or be accompanied by such information and particulars as may be prescribed by the regulations.

### **[3] Section 10 Issuing of permit**

Omit section 10 (3) (b). Insert instead:

- (b) is subject to an apprehended violence order or interim apprehended violence order or who has, at any time within 10 years before the application for the permit was made, been subject to an apprehended violence order (other than an order that has been revoked), or

### **[4] Section 10 (3) (e)**

Insert at the end of section 10 (3) (d):

, or

- (e) is a registrable person or corresponding registrable person under the *Child Protection (Offenders Registration) Act 2000*.

### **[5] Section 25D**

Insert after section 25C:

#### **25D Remote controlled possession and use of prohibited weapons**

- (1) A person who possesses or uses a prohibited weapon by remote control is guilty of an offence unless the person is authorised by a permit to possess or use the weapon by remote control.  
Maximum penalty: imprisonment for 14 years.
- (2) A person who possesses or uses a military-style weapon by remote control is guilty of an offence unless the person is authorised by a permit to possess or use the weapon by remote control.  
Maximum penalty: imprisonment for 20 years.
- (3) A person possesses a prohibited weapon by remote control when the person has the prohibited weapon in or on any vehicle, vessel, aircraft or other device that is being operated by the person by remote control. A person uses a prohibited weapon by remote control when the person operates the prohibited weapon by remote control.

- (4) If, on the trial of a person for an offence under subsection (2), the jury is not satisfied that the accused is guilty of the offence but is satisfied on the evidence that the person is guilty of an offence under subsection (1), it may find the person not guilty of the offence charged but guilty of an offence under subsection (1), and the accused is liable to punishment accordingly.

**[6] Section 35A**

Insert after section 35:

**35A Recognition of domestic violence orders**

Section 98ZJ (Recognition of disqualification to hold weapons permit) of the *Crimes (Domestic and Personal Violence) Act 2007* does not apply to a recognised DVO if section 98ZH of that Act applies to the recognised DVO and requires the Commissioner to revoke a permit under this Act held by the person concerned or to refuse to issue a permit under this Act to the person concerned.

## Schedule 4 Amendment of Weapons Prohibition Regulation 2009

### [1] Clause 26A

Insert after clause 26:

#### 26A Remote control permit

- (1) The Commissioner may, on application by a person, issue a prohibited weapons–remote control permit that authorises the person to possess or use by remote control a prohibited weapon to which the permit relates.
- (2) The Commissioner must not issue a prohibited weapons–remote control permit unless the applicant satisfies the Commissioner that the applicant has a special need that justifies the possession or use of a prohibited weapon by remote control.

### [2] Clause 35B

Insert after clause 35A:

#### 35B Temporary 2017 amnesty for surrender of prohibited weapons

- (1) A person is exempt during the amnesty period from the possession restriction of the Act in respect of a prohibited weapon while in possession of the prohibited weapon at a police station, or while proceeding to a police station, for the purposes of surrendering the prohibited weapon.
- (2) The surrender of a prohibited weapon during the amnesty period does not constitute a supply of the prohibited weapon.
- (3) A firearms dealer who comes into possession of a prohibited weapon during the amnesty period is exempt from the possession restriction of the Act in respect of the prohibited weapon while complying in respect of the prohibited weapon with any directions of the Commissioner as to how a firearms dealer must deal with such a prohibited weapon.
- (4) This clause does not apply to a person who is subject to a weapons prohibition order or to a firearms prohibition order under the *Firearms Act 1996*.
- (5) The Commissioner may publish information and advice about how a person should go about surrendering a prohibited weapon during the amnesty period.
- (6) In this clause:

**amnesty period** means the period starting on 1 July 2017 and ending at midnight on 30 September 2017.

**firearms dealer** means the holder of a firearms dealer licence under the *Firearms Act 1996*.

**possession restriction** of the Act means the requirement under section 7 of the Act to hold a permit authorising possession of a prohibited weapon.

**prohibited weapon** includes any part of a prohibited weapon.

**surrender** of a prohibited weapon means the surrender of a prohibited weapon to the Commissioner on behalf of the State.

### [3] Schedule 1 Persons exempt from requirement for permit

Insert after clause 5 (1):

- (1A) If a person who holds a category B licence under the *Firearms Act 1996* (including a special category B licence referred to in Part 10 of Schedule 3 to



that Act) is authorised to possess and use a lever action shotgun with a magazine capacity of more than 5 rounds as a result of the shotgun being deemed to be a firearm to which the person's category B licence applies, the person is deemed for the purposes of subclause (1) to be the holder of a category D licence under that Act in respect of the shotgun.

## **Schedule 5      Amendment of Criminal Procedure Act 1986 No 209**

**[1] Section 268 Maximum penalties for Table 2 offences**

Insert “ 51I,” after “51H,” in section 268 (2) (e).

**[2] Section 268 (2) (f)**

Insert “ 25D,” after “25B (1),”.

**[3] Schedule 1 Indictable offences triable summarily**

Insert “ 51I,” after “51H,” in clause 7 of Table 2.

**[4] Schedule 1, Table 2**

Insert “ 25D,” after “25B (1),” in clause 8.

[Second reading speech made in—

Legislative Council on 24 May 2017

Legislative Assembly on 20 June 2017]