



New South Wales

# Firearms (General) Regulation 1997

under the  
Firearms Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

PAUL WHELAN, M.P.,  
Minister for Police

## Explanatory note

The object of this Regulation is to provide for those matters that may, or that are required to be, the subject of regulations under the *Firearms Act 1996*. A number of provisions are taken from the superseded *Firearms Regulation 1990* and have been adapted to fit in with the new legislative scheme. This Regulation:

- specifies the offences that disqualify a person from applying for a licence or permit (eg offences relating to firearms, offences relating to prohibited drugs and offences involving violence),
- contains general provisions relating to licences and permits, including the requirement for a licensee to notify the Commissioner of Police once the licensee's genuine reason for having a firearm no longer exists,
- prescribes further detail in relation to the genuine reasons for having a firearm as required under the Act,
- specifies 12 years of age as the minimum age for a minor's firearm permit,
- contains additional provisions relating to firearms dealers, including the requirement for dealers to send in their records of transactions to the Commissioner (these records facilitate the updating of the Firearms Register),

## 1997 No 240

### Firearms (General) Regulation 1997

#### Explanatory note

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- provides for a number of additional permits to be issued by the Commissioner that will authorise the possession or use of firearms in specified circumstances (eg firearm museums, heirlooms, theatrical productions, paint-ball activities, safari tours, historical re-enactments, blank fire starting pistols, arms fairs, RSL displays etc),
- makes special provision in relation to security guards (who, under the new legislative scheme, will be required to be licensed if they possess or use a firearm while on duty regardless of whether they are employees) and in relation to persons who employ security guards,
- provides for the approval of shooting ranges by the Commissioner and prohibits the use of firearms on unapproved shooting ranges,
- provides for the approval of shooting clubs, hunting clubs and collectors' clubs, the membership of which may be grounds for having a genuine reason for possessing a firearm,
- specifies the fees payable for licences, permits and other matters, and provides for a number of exemptions in relation to the payment of fees,
- prescribes certain matters in relation to the registration of firearms,
- prescribes certain conditions for various licences and permits, particularly in relation to firearms collections,
- contains a number of administrative and machinery provisions to facilitate the operation of the Act (eg how and when appeals against licensing decisions are to be made),
- prescribes other detail as authorised under the Act.

This Regulation is made under the *Firearms Act 1996*, including section 88 (the general regulation making power) and the specific sections of the Act that are referred to in this Regulation.

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## Contents

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	Page
<b>Part 1 Preliminary</b>	
1 Name of Regulation	8
2 Commencement	8
3 Definitions and notes	8
4 Things declared not to be firearms	9
<b>Part 2 Licences and permits—general provisions</b>	
5 Offences that disqualify applicants	11
6 Licence applications	11
7 Licence applicant's understanding of requirements concerning firearm safety and storage	12
8 Fingerprinting of applicants to confirm identity in particular cases	12
9 Additional grounds for refusal of permit	13
10 Lost, stolen or destroyed licence or permit	13
11 Application for duplicate licence or permit	13
12 Licensee required to notify Commissioner if genuine reason ceases to exist	14
13 Requirement to notify change of particulars other than address	14
14 Additional particulars to be provided when notifying change of address	14
15 Renewal of licence or permit	15
16 Pending application for subsequent licence or permit	15
17 Revocation of licence—additional reasons	15
18 Revocation of permit—additional reasons	15
19 Application for permit	15
20 Photographs on permits	16
21 Term of permit	16
22 Conditions of permit	16
23 Recognition of interstate licences—additional purposes	17
24 Licences or permits held by government agencies and their employees	18

## 1997 No 240

Firearms (General) Regulation 1997

Contents

---

	Page
<hr/>	
<b>Part 3 Licences—additional provisions</b>	
25 Sport/targetshooting	22
26 Recreational hunting/vermin control—persons who are not members of approved hunting clubs	22
27 Recreational hunting/vermin control—persons who are members of approved hunting clubs	23
28 Members of approved hunting clubs—restriction on authority conferred by licence	23
29 Vertebrate pest animal control—prescribed government agencies	24
30 Category C licence issued for clay target shooting purposes—required number of competitions	24
31 Firearms collections	24
<hr/>	
<b>Part 4 Firearms dealers—special provisions</b>	
32 Change of premises	27
33 Record of transactions to be sent to Commissioner	27
34 Additional restrictions on issuing firearms dealer licences	27
35 Inspection of certain firearms	28
36 Advertising by licensed firearms dealers	28
37 Notice of unidentified firearms or spare barrels	28
38 Authority conferred by firearms dealer licence—employees under 18	29
<hr/>	
<b>Part 5 Minor's firearms permits—special provisions</b>	
39 Minor's firearms permit—minimum age	30
40 Minor's firearms permit—continuation of authority past 18th birthday	30
41 Existing minor's firearms permit—transitional provision	30
42 Recognition of interstate minor's firearms permits	31

---

	Page
<b>Part 6 Additional types of permits</b>	
43 Permit to purchase non-prohibited firearm on leaving Australia	32
44 Permit authorising possession of firearm as heirloom	32
45 Firearms museum permit	33
46 Permit for firearms used in film, television or theatrical productions	34
47 Theatrical armourer's permit	35
48 Permit authorising visiting overseas persons to compete in competitions	35
49 Permit for tranquilliser firearms	36
50 Permit to conduct paint-ball games	37
51 Permit authorising possession of paint-ball guns	38
52 Permit to operate safari tours involving firearms	38
53 Permit authorising overseas persons to participate in organised safari tours or other hunting activities	38
54 Permit for non-prohibited firearms used in historical re-enactments	39
55 Permit for powerheads	40
56 Permit for starting pistols	40
57 Arms fair permit	40
58 RSL club display permit	41
59 Ammunition collection permit	42
<hr/>	
<b>Part 7 Security guards—special provisions</b>	
60 Restriction on the authority conferred by licence issued to security guard	43
61 Restrictions relating to ammunition and shotguns	43
62 Safe carriage of pistols	43
63 Requirements for security guard employers	44
64 Employees to return firearms after being on duty	45
65 Arrangements for off-duty possession of pistols by employees	45
66 Temporary arrangements for off-duty possession of pistols by employees	46
67 Registers to be kept by security guard employers	47
68 Maintenance of firearms	48

---

## 1997 No 240

### Firearms (General) Regulation 1997

#### Contents

---

	Page
69 Additional requirements relating to security guards	48
70 Phasing-in of requirement for security guards to be individually licensed	49
<hr/>	
<b>Part 8 Approval of shooting ranges</b>	
71 Offences relating to shooting ranges	50
72 Application for approval of shooting range	50
73 Approval of shooting range	51
74 Revocation of approval of shooting range	51
75 Appeals concerning shooting range approvals	52
76 Existing shooting range—transition provision	53
<hr/>	
<b>Part 9 Approval of clubs</b>	
77 Definition	54
78 Approval of club	54
79 Revocation of approval of club	55
80 Conditions of approval of club	56
81 Requirements relating to club membership	58
82 Club member must notify change in personal details	59
83 Appeals concerning club approvals	59
<hr/>	
<b>Part 10 Fees</b>	
84 Fees payable	60
85 Exemption, waiver or refund of fees	62
<hr/>	
<b>Part 11 Registration of firearms</b>	
86 Application for registration of firearm	63
87 Register of Firearms—additional information	63
88 Recording of change in particulars in Register	63
89 Notification of sale, loss or theft of registered firearm	64
90 Requirement to notify Commissioner when moving interstate	64

## Firearms (General) Regulation 1997

## Contents

---

	Page
91 Acquisition of firearms by persons other than firearms dealers	65
92 Identification of firearms by competent persons	65
93 Exemption relating to registration requirements	65

---

**Part 12 Miscellaneous provisions**

94 Maximum size for pistol	67
95 Apprehended violence orders and interim violence orders of other jurisdictions	67
96 Firearms safety training courses	68
97 Disclosure by health practitioners of certain information	69
98 Advertising sale of firearms	69
99 Restrictions on sale and purchase of firearms	69
100 Commercial transportation of firearms—prescribed safety requirements	70
101 Non-commercial transportation of prohibited firearms and pistols—prescribed safety requirements	70
102 Annual inspections of certain firearms	70
103 Numbering of firearms and spare barrels	71
104 Shortened firearms	72
105 Spear guns	73
106 Appeals	74
107 Certificate evidence	74
108 Exemption relating to officers and employees of certain government agencies	74
109 Exemption relating to new club members using firearms under supervision	75
110 Exemption relating to off-duty police officers	76
111 Exemption relating to antique firearms	76
112 Exemption relating to possession and use of firearms by authorised tourists at approved shooting ranges	77
113 Exemption relating to surrender and sale of firearms other than prohibited firearms	78
114 Continuation of certain existing licences—non-prohibited firearms	79
115 Limitation on amnesty period in respect of certain prohibited firearms	79

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**1997 No 240**

Clause 1 Firearms (General) Regulation 1997

Part 1 Preliminary

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## **Firearms (General) Regulation 1997**

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Firearms (General) Regulation 1997*.

#### **2 Commencement**

This Regulation commences on 1 July 1997.

#### **3 Definitions and notes**

(1) In this Regulation:

*approved* means approved by the Commissioner from time to time.

*existing licence* means a licence:

- (a) that was issued under a provision of the *Firearms Act 1989*, and
- (b) that was in force immediately before 1 July 1997.

*existing permit* means a permit:

- (a) that was issued under a provision of the *Firearms Regulation 1990*, and
- (b) that was in force immediately before 1 July 1997.

*government agency* means a government department or public authority which holds a licence or permit, or in respect of which a licence or permit is held, authorising the possession of firearms by the department or authority for the purposes of business or employment.

*paint-ball gun* means a firearm that is capable of discharging by any means any article known as a “paint-ball”.



*security guard* means a person who, by carrying on a business or in the course of his or her employment:

- (a) acts as a bodyguard, or
- (b) patrols, protects, watches or guards any property (including cash in transit),

and is licensed under the *Security (Protection) Industry Act 1985*.

*shooting range* includes a moveable shooting range.

*the Act* means the *Firearms Act 1996*.

- (2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

#### 4 Things declared not to be firearms

The following are declared not to be firearms for the purposes of the Act:

- (a) an explosive-powered tool within the meaning of the *Construction Safety Act 1912*,
- (b) a heavy bench-mounted rifle of an approved kind that is used for experimental purposes,
- (c) a tool designed to be used to split or break rock or concrete by means of the firing of an explosive cartridge, such as the tool known as the “Boulder Buster”,
- (d) an industrial tool designed to be used in the mining and steel industries to remove refractory material (eg slag) from kilns or for other similar purposes, such as the tool known as the “Slag Buster Kiln Gun”,
- (e) a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock,
- (f) any piece of artillery manufactured before 1946:
  - (i) that has been rendered permanently inoperable, and
  - (ii) the breech, chamber and barrel of which have been permanently sealed, and
  - (iii) that is on permanent display in a public place for memorial or commemorative purposes,

**1997 No 240**

Clause 4 Firearms (General) Regulation 1997

Part 1 Preliminary

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- (g) a firearm designed to be used for life saving or distress signalling purposes (such as line-throwing guns or the “Very” type of firearm),
- (h) a firearm designed to be used in film, television or theatrical productions for the purposes of breaking glass or ceramic articles and that is only capable of firing a projectile over a short range (such as the firearm known as the “Trunion” gun).

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## Part 2 Licences and permits—general provisions

### 5 Offences that disqualify applicants

For the purposes of sections 11 (5) (b) and 29 (3) (b) of the Act, the following offences are prescribed offences regardless of whether they are committed in New South Wales:

(a) **Offences relating to firearms or weapons**

An offence relating to the possession or use of a firearm, or any other weapon, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

(b) **Offences relating to prohibited drugs etc**

An offence in respect of a prohibited plant or drug committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

(c) **Offences involving violence**

An offence committed under the law of any Australian or overseas jurisdiction:

- (i) involving the infliction (or attempted infliction) of actual bodily harm to another person, and
- (ii) in respect of which, either the convicted person has been sentenced to penal servitude or imprisonment for 28 days or more, or a penalty of \$200 or more has been imposed on the person.

### 6 Licence applications

(1) For the purposes of section 10 (1) of the Act, the manner of making an application for a licence is by lodging an application in the approved form:

- (a) with the police officer in charge of the police station that is:

## 1997 No 240

Clause 6 Firearms (General) Regulation 1997

Part 2 Licences and permits—general provisions

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- (i) nearest to the place of residence of the applicant, or
  - (ii) in the case of an application for a licence where the applicant proposes to establish business or employment as a genuine reason for being issued with the licence—nearest to the applicant's relevant place of business or employment, or
  - (iii) in the case of an application for a firearms dealer licence—nearest to the premises on which the applicant carries on or proposes to carry on the business of a firearms dealer, or
- (b) at such other place as may be approved.
- (2) An application for a licence must be lodged personally by the applicant or in such other manner as may be approved.

### **7 Licence applicant's understanding of requirements concerning firearm safety and storage**

Before being issued with a licence, the applicant must prove to the Commissioner's satisfaction:

- (a) that the applicant is aware of, and understands, the requirements of the Act concerning firearm safety and storage, and
- (b) that the applicant will, if issued with a licence, be able to comply with those requirements.

### **8 Fingerprinting of applicants to confirm identity in particular cases**

- (1) The Commissioner may:
- (a) require an applicant for a licence or permit to consent to having his or her fingerprints taken by a police officer in order to confirm the applicant's identity, and
  - (b) refuse to issue the applicant with a licence or permit unless the applicant has been fingerprinted in accordance with any such requirement.
- (2) A requirement under subclause (1) may only be made if
- (a) there is a reasonable doubt as to the applicant's identity, and
  - (b) proof of the applicant's identity cannot be confirmed by any other means that are available in the circumstances.

- (3) The Commissioner is to ensure that any fingerprints that are obtained in accordance with a requirement under subclause (1), and any copies of them, are destroyed as soon as they are no longer needed in connection with the application to which they relate.
- (4) As soon as practicable after any fingerprints (or any copies of them) are destroyed in accordance with subclause (3), the Commissioner is to notify the applicant in writing that those fingerprints (and those copies, if any) have been destroyed.

#### **9 Additional grounds for refusal of permit**

- (1) The Commissioner may refuse to issue a permit unless the applicant has completed such firearms training and safety courses as the Commissioner considers to be appropriate in respect of the permit concerned.
- (2) The Commissioner may refuse to issue a permit if the applicant intends to possess or use the firearm for:
  - (a) personal protection or for the protection of any other person, or
  - (b) the protection of property (other than in circumstances constituting a genuine reason as set out in the Table to section 12 of the Act).

#### **10 Lost, stolen or destroyed licence or permit**

A person to whom a licence or permit has been issued must, within 7 days after becoming aware that the licence or permit has been lost, stolen, destroyed, defaced or mutilated, notify the Commissioner in writing of that occurrence.

Maximum penalty: 20 penalty units.

#### **11 Application for duplicate licence or permit**

- (1) The Commissioner may, on being satisfied that a licence or permit has been lost, stolen, destroyed, defaced or mutilated, and after payment of the fee specified in clause 84 (1) (n), issue a duplicate licence or permit.

## 1997 No 240

Clause 11 Firearms (General) Regulation 1997

Part 2 Licences and permits—general provisions

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- (2) An application for a duplicate licence or permit may be made by lodging an application in the approved form (or in such other manner as may be approved) with the Firearms Registry, NSW Police Service (or at such other place as may be approved).

### 12 Licensee required to notify Commissioner if genuine reason ceases to exist

If a licensee's genuine reason for possessing or using a firearm can no longer be established by the licensee, the licensee must, within 7 days of ceasing to have that genuine reason, notify the Commissioner in writing of that fact.

Maximum penalty: 50 penalty units.

### 13 Requirement to notify change of particulars other than address

- (1) The holder of a licence or permit must, if there is any change in a particular (eg the name of the holder) stated in the licence or permit:
- (a) notify the Commissioner in writing of the change within 7 days after the change occurs, and
  - (b) if a replacement licence or permit is issued to the holder—surrender the original licence or permit at the police station nearest to the usual place of residence of the holder within 7 days after receiving the replacement licence or permit.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to a change in a licensee's or permit holder's place of residence.

**Note.** Section 69 of the *Firearms Act 1996* already requires the holder of a licence or permit to provide particulars of his or her change of address.

### 14 Additional particulars to be provided when notifying change of address

A licensee who is required to provide the Commissioner with particulars of the licensee's change of address in accordance with section 69 of the Act must, at the time of providing those particulars, provide the Commissioner with particulars (to the satisfaction of the Commissioner) of the arrangements that have been made by the licensee for compliance with the requirements of the Act concerning firearm safety and storage.

Maximum penalty: 20 penalty units.

**15 Renewal of licence or permit**

A licence or permit may be renewed by making an application, in accordance with the Act and this Regulation, for a new licence or permit (referred to in this Regulation as a *subsequent* licence or permit).

**16 Pending application for subsequent licence or permit**

If:

- (a) a person applies for a subsequent licence or permit before the term of the person's current licence or permit expires (referred to in this clause as the *old licence or permit*), and
- (b) the application has not been dealt with by the time the old licence or permit expires,

the authority conferred by the old licence or permit continues until such time as the person is notified of the issue of, or refusal of, the subsequent licence or permit.

**17 Revocation of licence—additional reasons**

In accordance with section 24 (2) (d) of the Act, a licence may be revoked if the Commissioner considers that it is not in the public interest for the person to whom it is issued to continue to hold it.

**18 Revocation of permit—additional reasons**

- (1) In accordance with section 30 (4) (b) of the Act, a permit may be revoked if the Commissioner considers that it is not in the public interest for the person to whom it is issued to continue to hold it.
- (2) The Commissioner must revoke a permit if the Commissioner is satisfied that the person to whom it is issued no longer has a legitimate reason for possessing or using the firearm (or the ammunition) to which the permit relates.

**19 Application for permit**

- (1) For the purposes of section 30 (1) of the Act, the manner of making an application for a permit is by lodging an application in the approved form:
  - (a) with the police officer in charge of a police station that is:
    - (i) nearest to the place of residence of the applicant, or

## **1997 No 240**

Clause 19 Firearms (General) Regulation 1997

Past 2 Licences and permits—general provisions

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- (ii) in the case of an application for a permit that relates to a person's business or employment—nearest to the applicant's relevant place of business or employment, or
  - (b) at such other place as may be approved.
- (2) In the case of an applicant for a permit who is not a resident of Australia, the application may be sent by post to the Firearms Registry in Sydney.
- (3) An application for a permit must be lodged personally by the applicant or in such other manner as may be approved.
- (4) The Commissioner may refuse to issue a permit unless the applicant provides proof of his or her identity to the satisfaction of the Commissioner.

### **20 Photographs on permits**

- (1) A permit must, if the Commissioner so determines in the case of any particular permit or class of permit, contain a recent photograph of the person to whom it is issued.
- (2) The photograph is to be obtained in accordance with arrangements determined by the Commissioner.

### **21 Term of permit**

Except in the case of a minor's firearms permit, a permit continues in force, unless it is sooner surrendered or revoked or otherwise ceases to be in force, from the date on which it is issued for a period of 5 years, or such shorter period as may be specified under the Act or this Regulation (or as may be determined by the Commissioner) for the permit.

### **22 Conditions of permit**

- (1) A permit is subject:
  - (a) to such conditions as the Commissioner thinks fit to impose and as are specified in the permit, and
  - (b) to such conditions as may be specified in this Regulation in relation to the permit.



- (2) Without limiting the conditions to which a permit may be subject, a permit may be subject to such conditions concerning the safe storage of the firearm to which the permit relates as may be determined by the Commissioner.
- (3) All permits are subject to the condition that they cannot be transferred to another person.

### **23 Recognition of interstate licences—additional purposes**

- (1) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category A or category B licence is authorised to possess and use a firearm of the relevant kind without the authority of a licence under the Act, but for the following purposes only:
  - (a) recreational hunting/vermin control,
  - (b) vertebrate pest animal control,
  - (c) practising in connection with an approved shooting competition referred to in section 26 (1) of the Act.
- (2) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category H licence is authorised to possess and use a firearm of the relevant kind without the authority of a licence under the Act, but for the purpose only of practising in connection with an approved shooting competition referred to in section 26 (1) of the Act.
- (3) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category A, category B or category H licence is authorised to possess, but not use, a firearm of the relevant kind without the authority of a licence under the Act, but only so as to authorise possession of the firearm:
  - (a) after buying it from a licensed firearms dealer in New South Wales, or
  - (b) while travelling through New South Wales, or
  - (c) while taking it to a licensed firearms dealer in New South Wales for the purposes of selling the firearm or having it repaired or serviced.

## 1997 No 240

Clause 23 Firearms (General) Regulation 1997

Part 2 Licences and permits—general provisions

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- (4) For the purposes of section 26 (1) of the Act, an interstate resident who:
- (a) is a security guard licensed under the law of the other State or Territory in which he or she resides, and
  - (b) is authorised to possess and use a pistol or shotgun under the law of that other State or Territory for the purposes of business or employment,
- is authorised to possess and use the pistol or shotgun in New South Wales but only while on duty in New South Wales as a licensed security guard.
- (5) For the purposes of this clause, a firearm is *of the relevant kind* if it is one to which the corresponding category A, category B or category H licence applies.

### 24 Licences or permits held by government agencies and their employees

- (1) If a licence or permit is held by a government agency authorising the agency to possess firearms, and persons who are authorised by separate licences or permits to possess or use firearms for business or employment purposes are employed in or by the agency, the agency (or its chief executive officer) must:
- (a) except as provided by this clause, keep in safe storage all firearms authorised to be possessed by those employees when they are not on duty, and
  - (b) in addition to the requirements set out in Part 4 of the Act, ensure that any firearm required to be kept in safe storage is secured in such a manner as would reasonably prevent its removal otherwise than by an authorised employee, and
  - (c) must not allow any firearm in the agency's possession (including any firearms that have been acquired by the agency) to be possessed or used by an employee who is not authorised to possess or use the firearm by a licence or permit issued to the employee, and
  - (d) must notify the Commissioner in writing within 7 days if any employee (unless employed on a casual basis) who is the holder of a licence or permit authorising possession or use of a firearm ceases to be employed in or by the agency, and

- (e) ensure that each firearm in respect of which each employee holds a licence or permit is inspected once every 3 months by some competent person to ascertain its working condition, and
- (f) must cause each such firearm to be serviced at least once a year by an appropriately qualified person.

Maximum penalty (subclause (1)): 50 penalty units.

- (2) A person who is employed in or by a government agency must, at the end of any period of duty, return any firearm in the employee's possession to his or her employer's store of firearms unless the person is authorised to retain possession of the firearm in accordance with subclause (4).

Maximum penalty (subclause (2)): 50 penalty units.

- (3) A person does not commit an offence under subclause (2) if
  - (a) the person has not been on duty at his or her ordinary place of work, and
  - (b) it was not reasonably practicable, for reasons of distance or public safety, to return the firearm to the employer's store of firearms, and
  - (c) it was not reasonably practicable in the circumstances for an authorisation under subclause (4) to be obtained (eg because the person was required to travel unexpectedly in connection with the person's employment).
- (4) The Commissioner may authorise in writing any person who is employed in or by a government agency to retain possession of a firearm that the employee is authorised to possess between periods of duty as an employee.
- (5) The Commissioner must not authorise possession of a firearm between periods of duty unless the Commissioner is satisfied that:
  - (a) it is not practicable in the circumstances for the employee to return the firearm to the employer's store of firearms, and
  - (b) the firearm will, as far as is reasonably practicable in the circumstances, be stored in accordance with the requirements of Part 4 of the Act.

## 1997 No 240

Clause 24 Firearms (General) Regulation 1997

Part 2 Licences and permits—general provisions

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- (6) An employee's authorisation to retain possession of a firearm between periods of duty is subject to the following requirements:
- (a) the firearm must be carried by the employee when the employee is travelling to or from work or in the course of a work-related journey,
  - (b) the firearm must be stored:
    - (i) at the employee's place of residence, or
    - (ii) in accordance with approved arrangements that have been made by the government agency concerned,
  - (c) the employee must, as far as is reasonably practicable in the circumstances, comply with the requirements of Part 4 of the Act,
  - (d) the employee must permit a police officer to inspect, at any reasonable time, the premises where the firearm is kept.
- (7) An authorisation under this clause remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.
- (8) The Commissioner may revoke any such authorisation if the Commissioner is satisfied that:
- (a) the requirements of subclause (6) have not been complied with, or
  - (b) it is in the public interest to do so.
- (9) In addition to the firearms safety training courses required in connection with an application for a licence or permit, any person who is employed in or by a government agency and who is authorised to possess or use a firearm for business or employment purposes must undertake, at such times as may be determined by the Commissioner, such continuing firearms safety training courses as may be approved.
- Maximum penalty (subclause (9)): 20 penalty units.
- (10) The government agency that employs such a person (or in which the person is employed) must:
- (a) ensure that subclause (9) is complied with by any such employee, and

- (b) report to the Commissioner when those persons have completed the required training.

Maximum penalty (subclause (10)): 20 penalty units.

- (11) Clause 62 applies, in the same way as that clause applies to security guards, to any person:

- (a) who is employed in or by a government agency, and
- (b) who is authorised to possess or use a pistol for business or employment purposes,

while the person is carrying the pistol.

- (12) Clause 67 applies to a government agency in the same way as that clause applies to a person who employs security guards.

**1997 No 240**

Clause 25          Firearms (General) Regulation 1997

Part 3              Licences—additional provisions

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**Part 3          Licences—additional provisions**

**25 Sport/target shooting**

- (1) A licence that is issued for the purposes of sport/target shooting is subject to the condition that the licensee must, as a current member of an approved shooting club, comply with clause 81 (1) (a) or (b).
- (2) Subclause (1) does not limit the conditions to which any such licence may be subject.

**26 Recreational hunting/vermin control—persons who are not members of approved hunting clubs**

- (1) If an applicant for a licence (not being a member of an approved hunting club) proposes to establish recreational hunting/vermin control as a genuine reason for being issued with the licence and, in order to do so, is required to produce proof of the permission to shoot on rural land in accordance with section 12 of the Act, the applicant must produce with the application:
  - (a) the permission in writing, or
  - (b) a statutory declaration verifying that the permission has been given,as evidence that the permission has been given.
- (2) During the term of a licence issued to an applicant referred to in this clause, the licensee may lawfully possess or use a firearm (as authorised by the licence) on land other than the land specified in respect of the application if
  - (a) the licensee has been given, and is able to produce, the written permission of the owner or occupier of that other land (or of an officer of the relevant agency concerned) to shoot on that other land, or
  - (b) the licensee has been given permission, as verified by statutory declaration, by that owner, occupier or agency to shoot on that other land.
- (3) Any permission given in accordance with this clause (including any statutory declaration verifying that any such permission has been given) must describe the land to which the permission relates and the type of game to be shot.

**27 Recreational hunting/vermin control—persons who are members of approved hunting clubs**

- (1) A licence that is issued for the purposes of recreational hunting/vermin control to a member of an approved hunting club is subject to the condition that the licensee must, as a current member of the approved hunting club concerned, comply with clause 81 (1) (c).
- (2) Subclause (1) does not limit the conditions to which any such licence may be subject.

**28 Members of approved hunting clubs—restriction on authority conferred by licence**

If a licensee who is a member of an approved hunting club has established recreational hunting/vermin control as a genuine reason for being issued with the licence, the licence authorises the member to use a firearm:

- (a) while participating in shooting activities conducted by the approved hunting club—only on the land for which:
  - (i) the club has been given, and is able to produce, the written permission of the owner or occupier (or of an officer of the relevant agency) to shoot the game described in the permission, or
  - (ii) the club has been given permission, as verified by statutory declaration, by such owner, occupier or agency to shoot the game described in the statutory declaration, or
- (b) while participating in shooting activities other than those conducted by the approved hunting club—only on the land for which:
  - (i) the licensee has been given, and is able to produce, the written permission of the owner or occupier (or of an officer of the relevant agency) to shoot the game described in the permission, or
  - (ii) the licensee has been given permission, as verified by statutory declaration, by such owner, occupier or agency to shoot the game described in the statutory declaration.

## **1997 Ne 240**

Clause 29      Firearms (General) Regulation 1997

Part 3          Licences—additional provisions

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### **29 Vertebrate pest animal control—prescribed government agencies**

The following government agencies are prescribed for the purposes of the genuine reason of vertebrate pest animal control as referred to in section 12 of the Act:

- Department of Agriculture
- National Parks and Wildlife Service
- a Rural Lands Protection Board
- Wild Dog Destruction Board
- Forestry Commission

### **30 Category C licence issued for clay target shooting purposes—required number of competitions**

For the purposes of section 17A (6) of the Act, the prescribed number of clay target shooting competitions is 4.

### **31 Firearms collections**

- (1) In accordance with section 8 (3) of the Act, the only type of licence which authorises a person to possess a firearm in respect of which the genuine reason of firearms collection has been established is a firearms collector licence.
- (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, as a current member of an approved collectors' society or collectors' club, comply with clause 81 (1) (d).
- (3) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a rifle to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:
  - (a) a bore diameter mild steel rod must be inserted into the barrel of the firearm extending for the full length of the barrel,



- (b) the steel rod must be fully welded to:
    - (i) the muzzle and finished flush, and
    - (ii) the chamber of the firearm (if applicable),
  - (c) the barrel must be welded to the receiver to prevent the barrel from being removed,
  - (d) the firing pin must be removed and the firing pin hole welded closed,
  - (e) any internal springs or components that can be removed without detracting from the external appearance of the firearm must be removed,
  - (f) any trigger of the firearm must be welded in a fixed position to prevent the trigger from working,
  - (g) the internal components of the firearm must (if possible) be welded to prevent the firearm from working,
  - (h) any bolts and external hammers must be welded in a fixed position,
  - (i) any other mechanism or action in respect of the firearm must be welded in a closed position to prevent the firearm from working.
- (4) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a shotgun to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:
- (a) a bore diameter mild steel rod must be inserted into the barrel of the firearm for a distance of 5 cm,
  - (b) the steel rod must be welded flush to the muzzle,
  - (c) a 5 cm long steel plug must be inserted into the chamber and fully welded flush,
  - (d) the barrel must be welded to the receiver to prevent the barrel from being removed.
- (5) For the purposes of subclauses (3) and (4), and in addition to the requirements of those subclauses:
- (a) any welding required to be done must:

## 1997 No 240

Clause 31 Firearms (General) Regulation 1997

Part 3 Licences—additional provisions

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- (i) be substantial and, wherever practicable, not be done by way of spot welding, and
    - (ii) be done by way of gas metal arc, gas tungsten arc, manual arc electrode or gas fusion with steel wire, and
  - (b) if a firearm has a component of a non-ferrous composition which cannot be satisfactorily welded but is required to be welded, that component may be glued and pinned to prevent it from working, and
  - (c) the barrel of a firearm that is constructed of material unsuitable for welding may be plugged with a mild steel rod and welded by gas brazing or a similar method, and
  - (d) any nipple of a firearm must be welded so that it is blocked.
- (6) For the purposes of section 20 (e) of the Act, the following standards are prescribed for the storage of firearms in a firearms collection:
- (a) any ammunition for any firearm (whether or not forming part of the collection) must not be kept in the area or room in which the firearms are stored,
  - (b) the area or room in which the firearms are stored must be part of a permanent building with secure locks on all entrances,
  - (c) the area or room must have solid walls that provide a substantial barrier to forced entry,
  - (d) any window in the area or room must be covered by a security screen,
  - (e) doors leading into the area or room must be made of solid material or be reinforced by steel,
  - (f) each such door must be fitted with a “dead latch” type lock, or be fitted with a hasp/barrel bolt and padlock,
  - (g) door hinges must be concealed or the hinge pins must be welded to prevent them from being punched out,
  - (h) if the firearms are to be displayed outside of their locked containers at any time, the licence holder must be physically present in the area or room at that time.
- (7) The standards set out in subclause (6) are in addition to the requirements of Part 4 of the Act.

## **Part 4 Firearms dealers—special provisions**

### **32 Change of premises**

- (1) The holder of a firearms dealer licence may apply to the Commissioner to change the premises to which the licence relates.
- (2) Any such application is to be made in the approved form and be accompanied by the fee specified in clause 84 (1) (q) for inspecting the new premises.
- (3) After taking into account the same relevant matters as would have to be considered in assessing an application for a firearms dealer licence, the Commissioner may approve or refuse the application.
- (4) A refusal may be made on any of the grounds on which an application for a firearms dealer licence may be refused.
- (5) If the application is approved, the Commissioner is to impose a new condition on the licence changing the premises at which the business is to be carried on.

### **33 Record of transactions to be sent to Commissioner**

For the purposes of section 45 (1) (b) of the Act, each record required to be made and kept by a licensed firearms dealer under that section is to be sent to the Commissioner within 7 days of the record being made. A record can be sent by electronic means.

### **34 Additional restrictions on issuing firearms dealer licences**

- (1) A firearms dealer licence that authorises a firearms dealer to carry on business at specified premises must not be issued unless the Commissioner is satisfied that:
  - (a) the applicant is carrying on or proposes to carry on the business of a firearms dealer at those premises, and
  - (b) those premises are suitable for carrying on the business of a firearms dealer.

## 1997 No 240

Clause 34 Firearms (General) Regulation 1997

Part 4 Firearms dealers—special provisions

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- (2) In considering whether or not premises are suitable for such purposes, the Commissioner is to have regard to the following:
- (a) the nature of the activities proposed to be conducted on the premises,
  - (b) the kinds of firearms to which the licence relates,
  - (c) whether adequate provision has been made for the safe keeping of firearms by means of safes or strongrooms or otherwise,
  - (d) the security of the premises against unauthorised entry,
  - (e) in the case of a licence that authorises the testing of firearms on the premises—whether an efficient bullet recovery box or bullet stop is provided on the premises.

### 35 Inspection of certain firearms

- (1) The Commissioner may, by notice in writing served on a licensed firearms dealer, require the dealer to make all firearms that are in the possession of the dealer available for inspection by a police officer at the premises to which the licence relates.
- (2) A licensed firearms dealer must:
- (a) comply with any such requirement, and
  - (b) pay the fee specified in clause 84 (1) (q) for the inspection.

Maximum penalty (subclause (2)): 20 penalty units.

### 36 Advertising by licensed firearms dealers

A licensed firearms dealer must, in any advertisement relating to the business of the firearms dealer that is displayed by or on behalf of the dealer, state or display the number of the firearms dealer's licence.

Maximum penalty: 20 penalty units.

### 37 Notice of unidentified firearms or spare barrels

A licensed firearms dealer who acquires possession of a firearm, or a spare barrel that is capable of taking and discharging ammunition for that firearm, that is not numbered (or is not

numbered clearly) must notify the Commissioner in writing of the possession of the firearm or spare barrel within 7 days of acquiring it.

Maximum penalty: 20 penalty units.

**38 Authority conferred by firearms dealer licence—employees under 18**

The authority conferred by a firearms dealer licence extends to an employee of the licensed firearms dealer despite the employee being under the age of 18 years, but only if:

- (a) the employee would otherwise be eligible to be issued with a licence, and
- (b) the employee has, in accordance with section 8 of the Act, been authorised in writing by the Commissioner to do the things that the licensed firearms dealer is authorised to do under the licence.

## 1997 No 240

Clause 39 Firearms (General) Regulation 1997

Part 5 Minor's firearms permits—special provisions

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### Part 5 Minor's firearms permits—special provisions

#### 39 Minor's firearms permit—minimum age

For the purposes of section 32 (2) (a) of the Act, the age of 12 years is prescribed as the minimum age for the holder of a minor's firearms permit.

#### 40 Minor's firearms permit—continuation of authority past 18th birthday

For the purposes of section 32 (8) of the Act, the period of 3 months is prescribed.

#### 41 Existing minor's firearms permit—transitional provision

- (1) In accordance with clause 5 of Schedule 3 to the Act, an existing minor's firearms permit that is held by a person who is under the age of 12 years:
  - (a) is, despite the person not being of or above the age of 12 years, taken to be a minor's firearms permit issued under section 32 of the Act, and
  - (b) continues, unless it is sooner surrendered or cancelled, until the person reaches the age of 12 years.
- (2) The holder of an existing minor's firearms permit who is under the age of 12 years may apply for a minor's firearms permit under section 32 of the Act, but the new permit does not come into force until the minor reaches the age of 12 years.
- (3) In this clause:

*existing minor's firearms permit* means a permit issued under clause 51 or 52 of the *Firearms Regulation 1990* and that was in force immediately before 1 July 1997.

**42 Recognition of interstate minor's firearms permits**

- (1) This clause applies to any person who:
  - (a) is of or above the age of 12 years (but is under the age of 18 years), and
  - (b) is a resident of another State or Territory, and
  - (c) is the holder of the equivalent of a minor's firearms permit issued under the law in force in that other State or Territory.
- (2) A person to whom this clause applies is authorised to possess and use a firearm without the authority of a minor's firearms permit under the Act, but only for the purposes of
  - (a) competing in an approved event, or
  - (b) receiving safe instruction in the use of the firearm.
- (3) A person to whom this clause applies is not authorised to use a firearm unless the person is under the direct supervision of another person who is authorised to use that firearm.

**1997 No 240**

Clause 43 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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**Part 6 Additional types of permits**

**43 Permit to purchase non-prohibited firearm on leaving Australia**

- (1) The Commissioner may, on application by a person who is about to leave Australia, issue a permit authorising the person to purchase a firearm (other than a prohibited firearm).
- (2) The Commissioner must not issue a permit under this clause unless satisfied that the applicant is about to leave Australia.
- (3) A permit under this clause:
  - (a) authorises the holder of the permit to purchase and possess, but not use, the firearm (other than a prohibited firearm) to which the permit relates, and
  - (b) remains in force, unless sooner surrendered or revoked, until the expiration of 7 days from the date of its issue or the purchase of the firearm to which the permit relates, whichever first occurs.

**44 Permit authorising possession of firearm as heirloom**

- (1) The Commissioner may, on application by a person who has acquired a firearm as an heirloom, issue a permit authorising the person to possess the firearm.
  - (2) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that the firearm:
    - (a) has been inherited by the applicant, and
    - (b) has been rendered permanently inoperable.
  - (3) A permit under this clause authorises the holder of the permit to possess, but not use, the firearm to which it relates.
  - (4) A permit under this clause does not authorise the purchase of any ammunition.
  - (5) The authority conferred by a permit under this clause applies only to a single firearm or to a matched pair of firearms.
  - (6) The Commissioner must not issue a permit under this clause to a person who is already the holder of such a permit.
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**45 Firearms museum permit**

- (1) The Commissioner may, on application by a person on behalf of a public museum containing a collection of firearms, issue a permit authorising the possession of those firearms by any person who is employed in, or who is otherwise engaged in the operation of, the public museum.
- (2) A permit under this clause authorises any such person to possess the firearms to which the permit applies, but only while on the premises of the public museum or for purposes reasonably connected with the operation of the public museum.
- (3) The Commissioner must not issue a permit under this clause unless the applicant can demonstrate that the collection of firearms contained in the public museum has a genuine commemorative, historical, thematic or financial value.
- (4) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the following conditions:
  - (a) that any firearm that is part of the collection must (unless the Commissioner approves of special arrangements that permit the technology or functioning of the firearm to be demonstrated when it is on display) be rendered temporarily inoperable:
    - (i) by removing the bolt or firing mechanism and keeping it separate from the firearm in a locked container that is of an approved type, or
    - (ii) by using a trigger lock of an approved type,
  - (b) that the person in charge of the public museum concerned must, in accordance with such arrangements as are agreed on by the person and the Commissioner, permit inspection by a police officer (or such other person as may be approved) of the museum, the firearms in the collection and the facilities for the storing and safe keeping of those firearms,
  - (c) such conditions as may be imposed by the Commissioner concerning the security of the public museum and the storage of the firearms in the collection.

## 1997 No 240

Clause 45 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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- (5) Any special arrangements approved under subclause (4) (a) do not operate so as to allow the actual firing of the firearm concerned.
- (6) In this clause:
- public museum* means a non-profit making institution that:
- (a) has a written constitution that states the museum's charter, goals and policies, and
  - (b) has a stated acquisition policy, and
  - (c) acquires, conserves and exhibits objects of scientific or historical interest for the purposes of study, education and public enjoyment, and
  - (d) is sufficiently financed to enable the conduct and development of the museum, and
  - (e) has adequate premises to fulfil its basic functions of collection, research, storage, conservation, education and display, and
  - (f) is regularly open to the public.

### 46 Permit for firearms used in film, television or theatrical productions

- (1) The Commissioner may, on application by a person on behalf of a film, television or theatrical production that will involve firearms, issue the person with a permit that authorises the possession or use of firearms for the purposes of the production.
- (2) A permit under this clause authorises:
- (a) the holder of the permit, and
  - (b) any other person directly involved in the production who has been nominated by the permit holder,
- to possess and use the firearms to which the permit relates, but only in connection with the film, television or theatrical production concerned.
- (3) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the following conditions:

- (a) only blank fire ammunition may be used with any firearm to which the permit relates,
- (b) any firearm to which the permit relates may only be acquired from the holder of a theatrical armourer's permit issued under clause 47.

#### **47 Theatrical armourer's permit**

- (1) The Commissioner may, on application by a person who carries on, or proposes to carry on, business as a theatrical armourer, issue a permit authorising the person (and any authorised employee of the person) to possess, manufacture, buy, sell, transfer and use firearms (and blank fire ammunition for those firearms) for the purposes of film, television or theatrical productions.
- (2) Without limiting the conditions to which a theatrical armourer's permit may be subject, any such permit is subject to the following conditions:
  - (a) any firearm to which the permit relates must be maintained in a safe working condition,
  - (b) the holder of the permit must comply with any requirements (as determined by the Commissioner) in relation to the safe keeping of the firearms to which the permit relates,
  - (c) the holder of the permit must ensure that any employee who is authorised by the permit to possess or use a firearm to which the permit relates is properly trained in the safe handling of firearms and is suitably qualified to carry out the functions of a theatrical armourer.

#### **48 Permit authorising visiting overseas persons to compete in competitions**

- (1) The Commissioner may, on application by or on behalf of a person:
  - (a) who is not a resident of Australia, and
  - (b) who is visiting, or who is intending to visit, New South Wales for the purpose of competing in a competition involving firearms,issue a permit authorising the person to possess and use a firearm for that purpose.

## 1997 No 240

Clause 48 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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- (2) A permit under this clause may be issued to a person before the person arrives in New South Wales.
- (3) An application for a permit under this clause must demonstrate, to the Commissioner's satisfaction, that the person to whom the application relates is authorised, under the law of the country in which the person ordinarily resides, to possess and use the type of firearm for which the permit is sought.
- (4) A permit under this clause cannot authorise the possession or use of any prohibited firearm (other than a paint-ball gun, or a self-loading or pump action shotgun used in clay target shooting competitions).
- (5) A permit under this clause authorises the holder of the permit to possess and use the firearm to which it relates only for the purposes of competing in the competition and for related purposes that are connected with the competition.

### 49 Permit for tranquilliser firearms

- (1) The Commissioner may, on application by a person, issue a permit authorising the person (and any other person specified in the permit who would be eligible to be issued with a permit) to possess or use the tranquilliser firearm to which the permit relates.
- (2) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that the possession or use of the tranquilliser firearm to which the permit relates is a necessary part of the occupation of the person or persons who will be authorised to possess or use it.
- (3) A permit under this clause authorises the holder of the permit (or such other person specified in the permit) to possess and use the tranquilliser firearm only in the normal course of the person's occupation.
- (4) In this clause:

*tranquilliser firearm* means a firearm designed for use in tranquillising, immobilising or administering vaccines or other medicines to animals.

**50 Permit to conduct paint-ball games**

- (1) The Commissioner may, on application by a person, issue a permit authorising the person (*the operator*):
  - (a) to conduct organised activities involving the use of paint-ball guns, and
  - (b) to possess paint-ball guns for the purposes of enabling other persons to participate in those activities.
- (2) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that those activities will be conducted with proper regard to the preservation of public safety.
- (3) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the following conditions:
  - (a) such conditions as may be imposed by the Commissioner concerning the safe keeping of paint-ball guns,
  - (b) that the operator must permit the inspection at any time of the premises specified in the permit by a police officer (or such other person as may be approved).
- (4) The operator is authorised to conduct activities involving the use of paint-ball guns, and to possess paint-ball guns, but only on the premises specified in the permit.
- (5) A person (other than the operator) who possesses or uses a paint-ball gun on the premises specified in a permit under this clause is not required to hold a licence or permit authorising the possession or use of the paint-ball gun.
- (6) The exemption provided by subclause (5) only applies while the person is in possession of, or while the person is using, the paint-ball gun on the premises specified in a permit under this clause.
- (7) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the condition that the operator must not allow a person to use a paint-ball gun (other than a paint-ball gun provided by the operator) on the premises specified in the permit unless the operator has seen the person's permit under clause 51 authorising the person to possess the paint-ball gun.

## **1997 No 240**

Clause 51 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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### **51 Permit authorising possession of paint-ball guns**

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess a paint-ball gun otherwise than on premises specified in a permit under clause 50.
- (2) A permit under this clause authorises the person to whom it is issued to possess a paint-ball gun, but does not authorise the use of a paint-ball gun except on premises specified in a permit under clause 50.
- (3) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to such conditions as may be specified in the permit with respect to the safe keeping and storage of a paint-ball gun to which the permit relates.

### **52 Permit to operate safari tours involving firearms**

- (1) The Commissioner may, on application by a person, issue a permit authorising the person:
  - (a) to conduct organised safari tours that involve firearms to which a category A or category B licence applies, and
  - (b) to possess and use those firearms for the purposes of any such organised safari tour.
- (2) A permit under this clause cannot authorise the possession or use of any firearm other than firearms to which a category A or category B licence applies.
- (3) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the condition that the permit holder must obtain the permission of the owner of any land on which hunting activities are proposed to be carried out under the authority of the permit before those activities are carried out.

### **53 Permit authorising overseas persons to participate in organised safari tours or other hunting activities**

- (1) The Commissioner may, on application by or on behalf of a person:
  - (a) who is not a resident of Australia, and

- (b) who is visiting, or who is intending to visit, New South Wales for the purpose of participating:
  - (i) in a specified organised safari tour conducted by the holder of a permit under clause 52, or
  - (ii) in hunting activities organised by an approved hunting club,

issue a permit authorising the person to possess and use a firearm to which a category A or category B licence applies for that purpose.

- (2) A permit under this clause may be issued to a person before the person arrives in New South Wales.
- (3) An application for a permit under this clause must demonstrate, to the Commissioner's satisfaction, that the person to whom the application relates is authorised, under the law of the country in which the person ordinarily resides, to possess and use firearms to which a category A or category B licence applies.
- (4) A permit under this clause authorises the holder of the permit to possess and use firearms to which a category A or category B licence applies, but only in connection with:
  - (a) the organised safari tour specified in the permit, or
  - (b) the organised hunting activities of the approved hunting club concerned.

#### **54 Permit for non-prohibited firearms used in historical re-enactments**

- (1) The Commissioner may, on application by a person who is the holder of a licence, issue a permit authorising the person to use any firearm:
  - (a) that is not a prohibited firearm, and
  - (b) that the person is authorised to possess under the licence,
 for the purposes of participating in a historical re-enactment involving firearms.
- (2) A permit under this clause authorises the holder of the permit to use the firearm to which the permit relates but only for the purposes of participating in a historical re-enactment involving firearms.

## 1997 No 240

Clause 54 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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- (3) Without limiting the conditions to which a permit under this clause may be subject, any such permit is subject to the condition that only blank fire ammunition may be used with the firearm to which the permit relates.

### 55 Permit for powerheads

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a powerhead for the purposes of underwater spear fishing.
- (2) A permit under this clause authorises the holder of the permit to possess and use a powerhead but only for the purposes of underwater spear fishing.
- (3) 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.

### 56 Permit for starting pistols

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a starting pistol for the purposes of a sporting event.
- (2) A permit under this clause authorises the holder to possess and use a starting pistol for the purposes of a sporting event specified in the permit.
- (3) In this clause:  
*starting pistol* means a pistol that uses blank fire ammunition only.

### 57 Arms fair permit

- (1) The Commissioner may, on application by a licensed firearms dealer, issue a permit authorising the firearms dealer to use premises specified in the permit for the purposes of an arms fair.



- (2) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that the premises are suitable to be used for an arms fair. In considering whether or not premises are suitable for an arms fair, the Commissioner is to have regard to the following:
- (a) the nature of the activities proposed to be conducted on the premises,
  - (b) the kinds of firearms and other articles involved,
  - (c) whether adequate provision has been made for the safe keeping of firearms by means of safes or strongrooms or otherwise,
  - (d) the security of the premises against unauthorised entry.
- (3) A permit under this clause is to specify the time when the authority conferred by the permit commences and the time when it ends.
- (4) A permit under this clause authorises the holder to conduct an arms fair in accordance with the authority conferred by the permit holder's firearms dealer licence.

#### **58 RSL club display permit**

- (1) The Commissioner may, on application by the manager of an RSL club, issue a permit authorising the club to possess and display on the club premises a firearm or firearms of a kind that has or have been used as a weapon of war.
- (2) Without limiting the conditions to which an RSL club display permit may be subject, any such permit is subject to the following conditions:
- (a) that any prohibited firearm subject to the permit must be rendered permanently inoperable in the same manner as a prohibited firearm that is subject to a firearms collector licence,
  - (b) that any other firearm subject to the permit must be rendered temporarily inoperable by removing the bolt or firing mechanism and keeping it separate from the firearm in a locked container of an approved type, or by using a trigger lock of an approved type,

## 1997 No 240

Clause 58 Firearms (General) Regulation 1997

Part 6 Additional types of permits

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(c) that all firearms subject to the permit must be displayed subject to such conditions concerning the security of the firearms as may be imposed by the Commissioner.

(3) In this clause:

**RSL club** means a club that:

- (a) is affiliated with The Returned and Services League of Australia (New South Wales Branch), and
- (b) is a registered club within the meaning of the *Registered Clubs Act 1976*.

### 59 Ammunition collection permit

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to buy or possess ammunition for the purpose of an ammunition collection.
- (2) A permit under this clause authorises the holder to buy and possess ammunition for the purpose of an ammunition collection only.
- (3) Without limiting the conditions to which a permit under this clause may be subject, a permit under this clause is subject to the following conditions:
  - (a) any ammunition forming part of the collection must be rendered inert (other than any sporting or military ammunition of UN Hazard Classification Code 1.4.S up to 20 mm calibre),
  - (b) the ammunition must not contain high explosive, smoke, chemical or lachrymatory properties or agents,
  - (c) the ammunition must be safely stored in accordance with such directions as may be approved.

## **Part 7 Security guards—special provisions**

### **60 Restriction on the authority conferred by licence issued to security guard**

- (1) The authority conferred by a licence issued to an individual who is a security guard does not authorise the security guard to possess more than one firearm at any one time.
- (2) The authority conferred by a licence issued to a security guard does not authorise the security guard to possess or use a firearm other than a pistol or a shotgun.

### **61 Restrictions relating to ammunition and shotguns**

- (1) A security guard must not, while in possession of a firearm, possess any ammunition other than the ammunition recommended by the manufacturer of the firearm as appropriate for the firearm and containing the manufacturer's recommended explosive material load.
- (2) A security guard must not carry a shotgun except:
  - (a) while on duty in an armoured car or similar vehicle, or
  - (b) while on enclosed land before entering, or after leaving, an armoured car or similar vehicle.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

### **62 Safe carriage of pistols**

A security guard must comply with the following requirements while carrying a pistol:

- (a) the pistol must be carried in a holster worn by the security guard,
- (b) the shape and size of the holster is to be consistent with, and suitable for, the shape and size of the pistol to be carried,
- (c) the holster, when worn in conjunction with a belt, must be secured firmly to the belt,

## 1997 No 240

Clause 62 Firearms (General) Regulation 1997

Part 7 Security guards—special provisions

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- (d) if the holstered pistol is concealed by clothing, the holster may be designed to allow free access to the pistol, but otherwise the holster must be designed with a thumb-break safety strap and with the trigger not exposed or alternatively with a complete covering flap so as to conceal the weapon from view,
- (e) any such holster worn by a security guard other than a holster with a complete covering flap must be of an approved type.

Maximum penalty: 20 penalty units.

### 63 Requirements for security guard employers

- (1) A person who employs security guards who are authorised to possess firearms must:
  - (a) keep in safe storage all firearms authorised to be possessed by those security guards when they are not on duty, and
  - (b) in addition to the requirements set out in Part 4 of the Act, ensure that any firearm required to be kept in safe storage is secured in such a manner as would reasonably prevent its removal otherwise than by the employer or an authorised employee.
- (2) A person who employs security guards must not allow any firearm in the person's possession (including those firearms that have been acquired by the person in connection with the person's business) to be possessed or used by an employee who is not authorised to possess or use the firearm by a licence.
- (3) A person who employs security guards must notify the Commissioner in writing if any employee (other than an employee who has been employed on a casual basis) who is the holder of a licence authorising possession or use of a firearm ceases to be employed by the person. The notice must be sent within 7 days of the employee ceasing to be so employed.

Maximum penalty (subclauses (1)-(3)): 50 penalty units.

- (4) Subclause (1) (a) does not apply to any firearm that is permitted to be retained by a security guard in accordance with clause 65 or 66.

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**64 Employees to return firearms after being on duty**

- (1) A person who is employed as a security guard must, at the end of any period of duty, return any firearm in the person's possession to his or her employer's store of firearms unless the person is authorised to retain possession of the firearm in accordance with clause 65 or 66.

Maximum penalty: 50 penalty units.

- (2) A person does not commit an offence under subclause (1) if
- (a) the person has not been on duty at his or her ordinary place of work, and
  - (b) it was not reasonably practicable, for reasons of distance or public safety, to return the firearm to the employer's store of firearms, and
  - (c) it was not reasonably practicable in the circumstances for an authorisation under clause 65 or 66 to be obtained before the end of the period of duty (eg because the person was required to travel unexpectedly in connection with the person's employment).

**65 Arrangements for off-duty possession of pistols by employees**

- (1) The Commissioner may authorise in writing any person who is employed as a security guard to retain possession, between periods of duty as a security guard, of any pistol that the person is authorised by a licence to possess.
- (2) The Commissioner must not authorise possession of a pistol between periods of duty unless the Commissioner is satisfied that:
- (a) it is not practicable in the circumstances for the employee to return the pistol to the employer's store of firearms, and
  - (b) the pistol will be stored in accordance with the requirements of Part 4 of the Act.
- (3) An employee's authorisation to retain possession of a pistol between periods of duty is subject to the following requirements:
- (a) the pistol must be carried by the employee when the employee is travelling to or from work or in the course of a work-related journey,

## 1997 No 240

Clause 65 Firearms (General) Regulation 1997

Part 7 Security guards—special provisions

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- (b) the pistol must be stored at the employee's place of residence,
  - (c) the employee must comply with the requirements of Part 4 of the Act,
  - (d) the employee must allow a police officer to inspect, at any reasonable time, the premises where the pistol is kept.
- (4) An authorisation under this clause remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.
- (5) The Commissioner may revoke any such authorisation if the Commissioner is satisfied that:
- (a) the requirements of subclause (3) have not been complied with, or
  - (b) it is in the public interest to do so.

### **66 Temporary arrangements for off-duty possession of pistols by employees**

- (1) If the Commissioner is satisfied that it is not reasonably practicable for a person who is employed as a security guard to comply with clause 64 (1):
- (a) because the person is required to work on a temporary basis at a place other than the person's ordinary place of work, and
  - (b) because of the distance between the other place of work and the employee's place of residence,
- the Commissioner may authorise in writing the person to retain possession, between periods of duty as a security guard, of any pistol that the person is authorised by a licence to possess.
- (2) An employee's authorisation under this clause to retain possession of a pistol between periods of duty is, in addition to the requirements of section 39 of the Act, subject to the following requirements:
- (a) the pistol must be carried by the employee when the employee is travelling to or from work or in the course of a work-related journey,

- (b) the pistol must be stored in accordance with approved arrangements that have been made by the employer.
- (3) An authorisation under this clause may only be given on a temporary basis, and remains in force for the limited period as is specified in the authorisation (unless sooner revoked by the Commissioner).
- (4) The Commissioner may revoke an authorisation under this clause for such reason as the Commissioner thinks fit.

#### **67 Registers to be kept by security guard employers**

- (1) A person who employs security guards must keep in the approved form:
  - (a) a register in which are kept particulars of the acquisition of firearms by, the servicing of firearms on behalf of, and of the disposal of firearms and ammunition by, the employer, and
  - (b) a register in which are kept particulars of the names of each employee who is authorised by a licence to possess a firearm, and of the periods for which each such employee has possession of the firearm.
- (2) The employer must ensure that each register is maintained in a book of not less than 100 pages in the following manner:
  - (a) the heading of each page is to be machine printed,
  - (b) the pages are to be bound in a manner that will prevent any page being readily removed,
  - (c) each page is to be machine numbered consecutively,
  - (d) entries are to be made in black or blue ink and any alteration to an entry must be made by interlineation or striking out and not by erasure,
  - (e) no page is to be extracted.
- (3) The employer must:
  - (a) ensure that each register is kept in a place of safe keeping (not being a place in which any firearms are kept) at the place of business of the employer, and

## 1997 No 240

Clause 67 Firearms (General) Regulation 1997

Part 7 Security guards—special provisions

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- (b) ensure that each register is kept for not less than 3 years after its completion, and
- (c) ensure that an appropriate entry is made in the register referred to in subclause (1) (a) within 24 hours of the acquisition, servicing or disposal of a firearm, and
- (d) ensure that an appropriate entry is made in the register referred to in subclause (1) (b) when any firearm (and any ammunition for the firearm) is transferred from the employer's store of firearms to the custody of an employee and when the firearm and ammunition is returned to the store of firearms, and
- (e) immediately produce, if requested to do so by a police officer at any time, any such register to the officer and permit the officer to inspect, and make copies of any entry contained in, the register.

Maximum penalty (subclauses (1)-(3)): 50 penalty units.

### 68 Maintenance of firearms

A person who employs security guards must:

- (a) ensure that each firearm in respect of which each security guard holds a licence is inspected once every 3 months by some competent person to ascertain its working condition, and
- (b) cause each such firearm to be serviced at least once a year by a licensed firearms dealer who is qualified to service the firearm concerned.

Maximum penalty: 20 penalty units.

### 69 Additional requirements relating to security guards

- (1) The Commissioner may refuse to issue a licence to a person who is employed as a security guard unless the person:
  - (a) has completed, to the satisfaction of the Commissioner, an approved firearms safety test, and
  - (b) produces the person's licence under the *Security (Protection) Industry Act 1985*.



- (2) In addition to the firearms safety training courses required in connection with an application for a licence, a security guard who possesses a firearm must undertake, at least once a year, such continuing firearms safety training courses as may be approved.
- (3) A person who employs security guards must:
  - (a) ensure that subclause (2) is complied with by the persons employed as security guards by the employer, and
  - (b) report to the Commissioner when those persons have completed the required training.

Maximum penalty (subclauses (2) and (3)): 20 penalty units.

**70 Phasing-in of requirement for security guards to be individually licensed**

- (1) A person who is employed as a security guard is, during the period commencing on 1 July 1997 and ending on 31 December 1997, exempt from the requirement under the Act to hold a licence authorising the possession or use of a firearm (other than a prohibited firearm) that is used in the course of the person's employment as a security guard, but only if the security guard was, as at 1 July 1997, employed by the holder of an existing licence under which the security guard was authorised to possess or use the firearm.
- (2) Except as provided by subclause (1), an existing licence held by a person who employs security guards (being an existing licence under which those employees were authorised to possess or use firearms) does not continue to authorise the possession or use of firearms by those security guards after 1 July 1997.

**1997 No 240**

Clause 71 Firearms (General) Regulation 1997

Part 8 Approval of shooting ranges

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**Part 8 Approval of shooting ranges**

**71 Offences relating to shooting ranges**

- (1) A person must not:
  - (a) operate a shooting range unless it is an approved shooting range, or
  - (b) operate an approved shooting range in contravention of any condition to which the approval is subject, or
  - (c) allow any other person to use a shooting range unless the shooting range is an approved shooting range.
- (2) A person must not use a firearm on a shooting range unless the range is an approved shooting range.
- (3) A person must not possess or use a firearm on an approved shooting range in contravention of any condition to which the approval is subject.

Maximum penalty (subclauses (1)–(3)): 50 penalty units.

**72 Application for approval of shooting range**

- (1) An application for approval by the Commissioner of a shooting range is made by lodging an application in the approved form, and which is accompanied by the fee specified in clause 84 (1) (p):
  - (a) in the case of a fixed range—at the police station nearest to the proposed site of the range, or
  - (b) in the case of a moveable range—at the police station nearest to the applicant's usual place of residence, or
  - (c) in the case of any application made by a person on behalf of a club or business, at the police station nearest to the club or place of business.
- (2) The Commissioner must not grant an approval unless:
  - (a) the applicant is of good character and repute (including in the case of a corporation or a club, each director or office holder), and

- (b) the shooting range meets the standards accepted by the Commissioner, and
- (c) except in the case of a moveable range, the range is, in the opinion of the Commissioner, situated at a suitable location, and
- (d) the applicant has control over the use of the shooting range.

### **73 Approval of shooting range**

- (1) The Commissioner may approve a shooting range either unconditionally or subject to such conditions as the Commissioner thinks fit (such as conditions relating to the control, administration, management, use and inspection by a police officer, or such other person as may be approved, of the shooting range, and the preservation of public safety).
- (2) An approval of a shooting range also confers, in the case of a moveable shooting range, approval to possess and use an air rifle, for the purpose of shooting at the shooting range, on a person who is not less than 18 years of age and who shoots at the shooting range under the personal supervision of the person having control for the time being of the shooting range.
- (3) The Commissioner may vary or revoke any conditions subject to which an approval has been granted or attach to any such approval additional conditions.
- (4) Any such variation, revocation or additional condition takes effect when written notice of it is served personally or by post on the person having control for the time being of the shooting range concerned.
- (5) An approval of a shooting range remains in force for a period of 3 years from the date of approval (or such shorter period as may be specified by the Commissioner when granting the approval) unless sooner revoked by the Commissioner.

### **74 Revocation of approval of shooting range**

- (i) The Commissioner may revoke an approval of a shooting range for such reason as the Commissioner thinks fit.

## 1997 No 240

Clause 74 Firearms (General) Regulation 1997

Part 8 Approval of shooting ranges

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- (2) Without limiting subclause (1), the Commissioner may revoke such an approval if
- (a) the Commissioner is satisfied that the shooting range is not being conducted with proper regard to the preservation of public safety or the peace, or
  - (b) the Commissioner is satisfied that any conditions to which the approval is subject have not been complied with, or
  - (c) the person on whose behalf the approval was granted is convicted of
    - (i) an offence under the Act or this Regulation, or any previous firearms law of New South Wales, or
    - (ii) an offence under the firearms law of any other jurisdiction (being an offence that, had it been committed in New South Wales, would be an offence under the law of New South Wales), or
  - (d) the Commissioner becomes aware that the person on whose behalf the approval was granted has, within the period of 10 years before the approval was granted, been convicted of an offence referred to in paragraph (c).
- (3) Revocation of an approval of a shooting range takes effect when written notice of it is served personally or by post on the person having control for the time being of the shooting range concerned.

### 75 Appeals concerning shooting range approvals

- (1) A person may appeal to a Local Court constituted by a Magistrate sitting alone against:
- (a) the refusal or failure of the Commissioner to grant an approval under this Part, or
  - (b) the conditions imposed by the Commissioner on any such approval (or the variation of any such condition), or
  - (c) the revocation of any such approval.
- (2) Any such appeal must be made:
- (a) within 21 days after the person was first notified of the decision appealed against, or

- (b) in the case of a failure to grant an approval, within 21 days after the expiration of 60 days from the day on which the application for the approval was duly lodged.
- (3) The appeal must be made to the Local Court nearest to the shooting range concerned or, in the case of a moveable shooting range, nearest to the applicant's usual place of residence.

**76 Existing shooting range—transitional provision**

- (1) Any shooting range that was approved by the Commissioner under clause 66 of the *Firearms Regulation 1990*, being an approval that was in force immediately before 1 July 1997, is taken to be an approved shooting range for the purposes of this Regulation. The approval of any such shooting range remains in force for a period of 3 years from 1 July 1997, unless it is sooner revoked by the Commissioner in accordance with this Part.
- (2) Any such shooting range may be inspected at any time by a police officer or other approved person.

**1997 No 240**

Clause 77 Firearms (General) Regulation 1997

Part 9 Approval of clubs

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## **Part 9 Approval of clubs**

### **77 Definition**

In this Part:

**club** means:

- (a) in relation to the genuine reason of sport/target shooting—a shooting club, or
- (b) in relation to the genuine reason of recreational hunting vermin control—a hunting club, or
- (c) in relation to the genuine reason of firearms collection—a collectors' society or collectors' club,

that has been established for not less than 3 months.

### **78 Approval of club**

- (1) An application for the Commissioner's approval of a club may be made by the secretary of the club (or other relevant office holder if there is no secretary) by lodging with the Commissioner an application in the approved form, together with:
  - (a) a certificate given by the applicant in the approved form setting out the full name, date of birth and residential address of each member of the club, and
  - (b) a copy of the rules of the club, and
  - (c) such other information and documents as the Commissioner may require.
- (2) The Commissioner may:
  - (a) grant the approval either unconditionally or subject to such conditions as the Commissioner thinks fit, or
  - (b) refuse the application.
- (3) The Commissioner must not grant an approval unless:
  - (a) the club concerned consists of 10 or more members, and
  - (b) the club's rules are appropriate in the Commissioner's opinion, and

- (c) the Commissioner is satisfied that:
- (i) the club has a genuine and proper constitution, and
  - (ii) the club will conduct its activities with proper regard to the preservation of public safety or the peace, and
  - (iii) the club will conduct regular meetings and activities, and
  - (iv) the club will maintain adequate public liability and member insurance, and
- (d) the club is affiliated with one of the following associations and the association concerned has recommended the granting of the approval:
- NSW Rifle Association Inc
  - NSW Amateur Pistol Association Inc
  - NSW Clay Target Association Inc
  - NSW Small Bore and Air Rifle Association
  - NSW Muzzle Loading Association
  - Military Rifle Clubs Association Inc
  - Sporting Shooters Association
  - Shooting Sports Council of NSW Inc
  - Australian Deer Association
  - New South Wales Field and Game Association Inc
  - Antique Arms Collectors Society of NSW
  - Arms and Militaria Collectors' Association of NSW
  - Game Management Council (Australia) Inc
  - NSW Shooting Association Limited
  - Illawarra Shooting Association
  - Federation of Australian Hunting Clubs
- (4) In considering whether to grant an approval, the Commissioner may have regard to any training activities undertaken by the club.

## **79 Revocation of approval of club**

- (1) The Commissioner may revoke an approval of a club for such reason as the Commissioner thinks fit.

## 1997 No 240

Clause 79 Firearms (General) Regulation 1997

Part 9 Approval of clubs

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- (2) Without limiting subclause (1), the commissioner may revoke an approval if
  - (a) the Commissioner is satisfied that the number of active members of the club is less than 10, or
  - (b) the Commissioner is satisfied that the club is not being conducted with proper regard to the preservation of public safety or the peace, or
  - (c) the Commissioner is satisfied that any conditions to which the approval is subject have not been complied with, or
  - (d) any member of the club is convicted of an offence under the Act or this Regulation, or any previous firearms law of New South Wales, or an offence under the firearms law of any other jurisdiction (being an offence that, had it been committed in New South Wales, would be an offence under the law of New South Wales), and the member has not been disqualified by the club as a member, or
  - (e) the Commissioner becomes aware that any member of the club has, within the period of 10 years before the approval was granted, been convicted of an offence referred to in paragraph (d) and has not been disqualified by the club as a member.
- (3) The revocation of an approval of a club may be recommended to the Commissioner by the association in respect of which the club is affiliated.
- (4) Revocation of an approval takes effect when written notice of it is served personally or by post on the secretary or other relevant office holder of the club concerned.

### 80 Conditions of approval of club

- (1) The conditions of an approval of a club may relate to any of the following matters:
  - (a) the control, administration or management of the club,
  - (b) the membership of the club,
  - (c) the preservation of public safety or the peace.



- (2) Without limiting subclause (1), the approval of a club is subject to the condition that the secretary or other relevant office holder of the club must:
- (a) submit, in the approved form, an annual return relating to club membership, and
  - (b) certify in each annual return that each current club member has complied with the club membership requirements under clause 81 (1), and
  - (c) provide in each annual return a list of former club members who have been disqualified from membership in accordance with clause 81 (2) during the period of 12 months before the date of the return, and
  - (d) notify the Commissioner (within 14 days of the date of the change concerned) of the particulars of
    - (i) any change in the membership of the club that involves a member leaving the club or not renewing his or her membership, and
    - (ii) any change in the personal details of a club member that has been notified to the secretary or other relevant office holder in accordance with clause 82.

The first annual return for an approved club is due no later than 12 months following the date on which the club is granted an approval. Each subsequent return is then due at 12 monthly intervals.

- (4) The Commissioner may:
- (a) vary or revoke any conditions subject to which an approval has been granted, or
  - (b) attach to any approval additional conditions of the kind referred to in subclause (1).
- (5) Any such variation, revocation or additional condition takes effect when written notice of it is served personally or by post on the secretary or other relevant office holder of the club concerned.

## 1997 No 240

Clause 81 Firearms (General) Regulation 1997

Part 9 Approval of clubs

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### 81 Requirements relating to club membership

- (1) A person's membership of an approved club is, if the person is the holder of a licence, subject to the following requirements:
  - (a) in the case of an approved pistol club—the person must, over any period of 12 months:
    - (i) participate in no less than 6 shooting competitions conducted by any approved pistol club, or
    - (ii) attend a shooting range, where any approved pistol club conducts shooting activities, on no less than 6 occasions over that period for shooting practice,
  - (b) in the case of any other approved shooting club—the person must, over any period of 12 months:
    - (i) participate in no less than 4 shooting Competitions conducted by any approved shooting club, or
    - (ii) attend a shooting range, where any approved shooting club conducts shooting activities, on no less than 4 occasions over that period for shooting practice,
  - (c) in the case of an approved hunting club—the person must, over any period of 12 months, participate in no less than 2 events (organised by any approved hunting club) involving hunting, shooting or firearms safety training,
  - (d) in the case of any approved collectors' society or approved collectors' club—the person must attend the club's annual general meeting (or at least one other meeting over any period of 12 months).
- (2) If a person who is a member of an approved club fails to comply with any such requirement, the person is, by virtue of this subclause and without any further action, automatically disqualified as a member of the club unless the person proves, to the Commissioner's satisfaction, that compliance with the requirement was not reasonably practicable in the circumstances.

**82 Club member must notify change in personal details**

A person who is a member of an approved club must notify the secretary or other relevant office holder of the club in writing of any change in the personal details (such as change of name or address) of the person within 14 days of the date of the change.

Maximum penalty: 20 penalty units.

**83 Appeals concerning club approvals**

- (1) The secretary or other relevant office holder of a club may appeal to a Local Court constituted by a Magistrate sitting alone against:
  - (a) the refusal or failure of the Commissioner to grant an approval under this Part, or
  - (b) the conditions imposed by the Commissioner on any such approval.
- (2) Any such appeal must be made:
  - (a) within 21 days after the person was first notified of the decision appealed against, or
  - (b) in the case of a failure to grant an approval, within 21 days after the expiration of 60 days from the day on which the application for the approval was duly lodged.

## 1997 No 240

Clause 84 Firearms (General) Regulation 1997

Part 10 Fees

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## Part 10 Fees

### 84 Fees payable

- (1) The following fees are payable for the matters to which they relate:
  - (a) application fee for an initial category A, B, C or D licence or for an initial firearms collector licence—\$75,
  - (b) application fee for a subsequent category A, B, C or D licence or for a subsequent firearms collector licence—\$40,
  - (c) application fee for an initial or subsequent category H licence—\$100,
  - (d) application fee to add a licence category (other than a category H licence) or a firearms collector licence to a licence already held—\$40,
  - (e) application fee to add a category H licence to a licence already held—\$100,
  - (f) application fee for an initial or subsequent firearms dealer's licence (other than a licence referred to in paragraph (g))—\$500 for each premises to which the licence relates,
  - (g) application fee for an initial or subsequent firearms dealer's licence to be held by a club armourer—\$100,
  - (h) application for a permit under section 31 of the Act to acquire a firearm—\$30,
  - (i) application fee for an initial or subsequent theatrical armourer's permit under clause 47—\$500,
  - (j) application fee for an initial or subsequent permit under clause 49 for tranquilliser firearm—\$100,
  - (k) application fee for an initial or subsequent permit under clause 50 to conduct paint-ball games—\$500,
  - (l) application fee for an initial or subsequent permit under clause 52 to operate safari tours involving firearms—\$500,

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- (m) application fee for any other type of permit:
    - (i) \$40—if a photograph is required in accordance with this Regulation, or
    - (ii) \$25—if no such photograph is required,
  - (n) fee for a duplicate licence or permit:
    - (i) \$40—if a photograph is required in accordance with this Regulation, or
    - (ii) \$25—if no such photograph is required,
  - (o) fee for registration of a firearm—\$10,
  - (p) application for approval of shooting range—\$100,
  - (q) fee for an inspection (whether of one or more firearms) as required under the Act or this Regulation (but only if carried out by a member of the Police Service)—\$100,
  - (r) authorisation by the Commissioner under section 8 of the Act of an eligible employee or director in relation to a firearms dealer licence—\$25.
- (2) If an application is made to register a firearm acquired in accordance with a permit under section 31 of the Act to acquire a firearm, no fee is payable in respect of the application to register the firearm.
- (3) If more than one of the fees specified in subclause (1) would be payable for an application for a licence because the licence concerned is a composite licence, only one such fee is payable in respect of the application, and that fee is to be the highest of the fees so payable. A composite licence is a licence that authorises the licensee to possess firearms to which more than one category of licence apply.
- (4) The Commissioner may refuse to provide any service (such as the issuing of a licence or permit, or the carrying out of an inspection) for which a fee is specified under this clause until the fee has been paid for the service.

## 1997 No 240

Clause 85 Firearms (General) Regulation 1997

Part 10 Fees

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### 85 Exemption, waiver or refund of fees

- (1) The Commissioner may, for such reason as the Commissioner considers sufficient, waive or wholly or partly refund a fee that would otherwise be payable or has been paid.
- (2) A person who is a pensioner (within the meaning of paragraph (a) or (b) of the definition of pensioner in section 3 (1) of the *Motor Vehicles Taxation Act 1988*) is exempt from the requirement to pay:
  - (a) an application fee for an initial or subsequent category A or B licence, and
  - (b) a fee under clause 84 (1) (h) for a permit to acquire a firearm that is to be registered in the person's name, and
  - (c) a fee under clause 84 (1) (o) for the registration of any firearm that is to be registered in the person's name.
- (3) A person whose occupation is the business of a primary producer, and who is the owner, lessee or manager of land used for primary production, is exempt from the requirement to pay:
  - (a) any fee specified under clause 84 in respect of a licence (including any relevant fee for an inspection) if the person's genuine reason for possessing or using the firearm authorised by the licence is that of primary production, and
  - (b) a fee under clause 84 (1) (h) for a permit to acquire a firearm that is to be registered in the person's name, and
  - (c) a fee under clause 84 (1) (o) for the registration of any firearm that is to be registered in the person's name.
- (4) A licensed firearms dealer is exempt from the requirement to pay a fee under clause 84 (1) (o) for the registration of any firearm that is to be registered in the dealer's name.

**Note.** A licensed firearms dealer is exempt from the requirement to obtain a permit to acquire a firearm (and consequently to pay any permit fee) because of section 50 of the *Firearms Act 1996*.

## **Part 11 Registration of firearms**

### **86 Application for registration of firearm**

- (1) For the purposes of section 34 (1) of the Act, the manner of making an application for registration of a firearm is by lodging an application in the approved form with the Firearms Registry (or at such other place as may be approved).
- (2) An application for registration of a firearm is not required to be lodged personally by the applicant.

### **87 Register of Firearms—additional information**

For the purposes of section 33 (2) (c) of the Act, the Register of Firearms is to contain the following additional information in respect of each registered firearm:

- (a) the current residential address (or business address in the case of a firearms dealer) of the person in whose name the firearm is registered,
- (b) the premises where the firearm is kept,
- (c) the identifying number of any spare barrel that is capable of taking and discharging ammunition (ie the serial number or the number allotted by the Commissioner) for the firearm,
- (d) particulars relating to the acquisition of the firearm (being a firearm acquired on or after 1 July 1997) by the person in whose name it is registered, including the date of acquisition and the name of the person (if any) who sold the firearm.

### **88 Recording of change in particulars in Register**

For the purposes of section 34 (7) (b) of the Act, any change in the particulars relating to the person in whose name a firearm is registered is to be recorded by the Commissioner in writing or in such other manner as may be approved.

## **1997 No 240**

Clause 89          Firearms (General) Regulation 1997

Part 11            Registration of firearms

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### **89 Notification of sale, loss or theft of registered firearm**

- (1) For the purposes of section 37 (1) (b) of the Act, the particulars required to be provided to the Commissioner about the sale of a registered firearm must be in writing and must include the following details:
  - (a) the date of the sale,
  - (b) the name and address of the licensed firearms dealer to whom the firearm was sold, or, if it was sold to another person through a firearms dealer, the name and address of the dealer and the name and address of the other person,
  - (c) sufficient detail to identify the firearm (eg its make and its serial number or its identifying number as allotted by the Commissioner),
  - (d) the identifying number of any spare barrel for the firearm,
  - (e) the number of the person's licence or permit authorising the person to possess the firearm,
  - (f) the number of the person's permit under section 31 of the Act to acquire the firearm.
  
- (2) For the purposes of section 37 (1) (b) of the Act, the particulars required to be provided to the Commissioner about the loss or theft of a registered firearm must be in writing and must include the following details:
  - (a) the date or which the firearm was lost or stolen,
  - (b) the circumstances in which it was lost or stolen,
  - (c) such other particulars as may be required by the police officer to whom the loss or theft is notified.

### **90 Requirement to notify Commissioner when moving interstate**

A person in whose name a firearm is registered must, if the person becomes a permanent resident of another State or Territory, provide the Commissioner with the person's change of address within 7 days of moving interstate.

Maximum penalty: 20 penalty units.



**91 Acquisition of firearms by persons other than firearms dealers**

For the purposes of section 37 (2) of the Act, the prescribed particulars to be provided by a person who acquires a firearm are as follows, and are to be provided in writing:

- (a) the date of the acquisition,
- (b) the name and address of the person from whom the firearm was acquired,
- (c) sufficient detail to identify the firearm (eg its make and its serial number or its identifying number as allotted by the Commissioner),
- (d) the identifying number of any spare barrel for the firearm,
- (e) the number of the person's licence or permit authorising the person to possess the firearm,
- (f) the number of the person's permit under section 31 of the Act to acquire the firearm.

**92 Identification of firearms by competent persons**

- (1) An application for registration of a firearm must be accompanied by a firearm identification certificate for that firearm given by an approved person, or a person who is a member of an approved class of persons.
- (2) The form of a firearm identification certificate and the information required to be contained in it are to be determined by the Commissioner.
- (3) The Commissioner may approve a person or a class of persons for the purposes of this clause.
- (4) The Commissioner may at any time revoke a person's approval by posting a notice of revocation to the person at the address of the person last known to the Commissioner.

**93 Exemption relating to registration requirements**

- (1) The purpose of this clause is to facilitate the phasing-in of the requirements under the Act with respect to the registration of firearms.

**1997 No 240**

Clause 93          Firearms (General) Regulation 1997

Part 11            Registration of firearms

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- (2) A person who is the holder of an existing licence or an existing permit does not commit an offence under section 36 of the Act in respect of an unregistered firearm to which the licence or permit relates until:
- (a) 1 July 1998, or
  - (b) such time as a new licence or permit is issued under the Act in respect of the firearm,
- whichever first occurs.

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## Part 12 Miscellaneous provisions

### 94 Maximum size for pistol

For the purposes of the definition of *pistol* in section 4 (1) of the Act, the greatest length overall for a pistol is 65 cm.

### 95 Apprehended violence orders and interim apprehended violence orders of other jurisdictions

- (1) For the purposes of the definition of apprehended violence order in section 4 (1) of the Act, the following orders or decisions are prescribed:
- (a) an injunction under section 114 (1) (a) of the *Family Law Act 1975* of the Commonwealth,
  - (b) a protection order under the *Domestic Violence (Family Protection) Act 1989* of Queensland,
  - (c) a restraining order under the *Summary Procedure Act 1921* of South Australia,
  - (d) a domestic violence restraining order under the *Domestic Violence Act 1994* of South Australia,
  - (e) a restraint order under the *Justices Act 1959* of Tasmania,
  - (f) an intervention order under the *Crimes (Family Violence) Act 1987* of Victoria,
  - (g) an order under section 172 of the *Justices Act 1902* of Western Australia,
  - (h) a protection order under the *Domestic Violence Act 1986* of the Australian Capital Territory,
  - (i) a restraining order under the *Domestic Violence Act 1992* of the Northern Territory.
- (2) For the purposes of the definition of interim apprehended violence order in section 4 (1) of the Act, the following orders are prescribed:
- (a) a temporary protection order under the *Domestic Violence (Family Protection) Act 1989* of Queensland,
  - (b) an interim restraint order under the *Justices Act 1959* of Tasmania,

## 1997 No 240

Clause 95 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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- (c) an interim intervention order under the *Crimes (Family Violence) Act 1987* of Victoria,
- (d) an interim protection order under the *Domestic Violence Act 1986* of the Australian Capital Territory.

### 96 Firearms safety training courses

- (1) Except as provided by subclause (2), the firearms safety training courses that are prescribed for the purposes of the Act are as follows:
  - (a) for firearms other than pistols — approved courses that are conducted by or on behalf of the Firearms Safety Awareness Council,
  - (b) for pistols — approved courses that are conducted by or on behalf of an approved pistol club.
- (2) In the case of firearms to be used by security guards or employees of a government agency, an approved firearms safety accreditation course is prescribed for the purposes of the Act.
- (3) The relevant course to be completed by applicants in respect of particular categories of licences or types of permits is to be determined by the Commissioner.
- (4) The Commissioner may approve persons to be instructors for such courses on such terms as the Commissioner may determine.
- (5) A person approved as an instructor for any such course ceases to be so approved if the person ceases to be the holder of a licence or permit that authorises the person to possess firearms to which the course relates.
- (6) A person who:
  - (a) dishonestly attempts to obtain a certificate or any other document that purports to be evidence of the person having passed a firearms safety training course, or
  - (b) knowingly is in possession of any such certificate or other document that has been dishonestly obtained and attempts to use it, or uses it, for a dishonest purpose, or
  - (c) dishonestly issues any such certificate or other document,is guilty of an offence.

Maximum penalty (subclause (6)): 20 penalty units.

**97 Disclosure by health practitioners of certain information**

For the purposes of section 79 of the Act, the following classes of health practitioners are prescribed:

- (a) psychologists registered under the *Psychologists Act 1989*,
- (b) nurses registered or enrolled under the *Nurses Act 1991*,
- (c) persons who provide professional counselling services.

**98 Advertising sale of firearms**

For the purposes of section 54 (b) of the Act, the following particulars are prescribed in relation to an advertisement for the sale of a firearm that is arranged by or through a licensed firearms dealer:

- (a) the licence or permit number of the seller,
- (b) the name and address of the dealer concerned.

**99 Restrictions on sale and purchase of firearms**

- (1) The arrangements referred to in section 51 (1) (b) of the Act for selling a firearm through a licensed firearms dealer are as follows:
  - (a) the sale must be conducted at the licensed firearms dealer's place of business or at such other place as may be approved,
  - (b) the firearms dealer must make the same records in respect of the sale as the dealer would otherwise be required to make under section 45 of the Act.
- (2) For the purposes of section 51 (1) (c) and (2) (c) of the Act, a licensed firearms dealer is not reasonably available for the purposes of the sale or purchase of a firearm if the nearest location of a licensed firearms dealer's place of business is more than 100 km from the ordinary place of residence of both the buyer and the seller.

## **1997 No 240**

Clause 100 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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### **100 Commercial transportation of firearms—prescribed safety requirements**

For the purposes of section 56 of the Act, the following safety requirements are prescribed:

- (a) the firearm must be stored in:
  - (i) a secured locked container secured to the vehicle, or
  - (ii) a locked compartment within the vehicle,and must not be able to be seen while it is being conveyed,
- (b) all reasonable precautions must be taken to ensure that the firearm is not lost or stolen while it is being conveyed.

### **101 Non-commercial transportation of prohibited firearms and pistols—prescribed safety requirements**

- (1) For the purposes of section 57 of the Act, the following safety requirements are prescribed:
  - (a) the firearm must not be loaded with any ammunition while it is being conveyed, and it must be kept separate from any ammunition,
  - (b) while the firearm is being conveyed:
    - (i) it must be rendered temporarily incapable of being fired (eg by removing the bolt or the firing mechanism or by using a restraining device such as a trigger lock), or
    - (ii) it must be kept in a locked container that is properly secured to, or is within, the vehicle being used for transporting the firearm.
- (2) This clause does not apply to a primary producer, or an employee of a primary producer, if, during the course of conveyance, there is a reasonable likelihood that the firearm will be required for the purpose of killing vermin or stock.

### **102 Annual inspections of certain firearms**

- (1) This clause applies to the following:
  - (a) a category C, category D or category H licence,
  - (b) a firearms collector licence that authorises the possession of any prohibited firearm or pistol,

- (c) a permit that authorises the possession of any prohibited firearm or pistol (other than a permit under clause 45 authorising the possession of a firearm acquired as an heirloom).
- (2) The holder of a licence or permit to which this clause applies must, in accordance with a notice served on the holder by the Commissioner, ensure:
  - (a) that any prohibited firearm or pistol to which the licence or permit relates is inspected annually by a police officer or other approved person, and
  - (b) that a certificate of inspection by the person making the inspection is furnished to the Commissioner.

Maximum penalty: 20 penalty units.

- (3) The holder of a licence or permit to which this clause applies who:
  - (a) is a member of an approved pistol club, or
  - (b) is a member of a shooting club affiliated with the Australian Clay Target Association, or
  - (c) is a member of an approved collectors' society or approved collectors~club,

is taken to have been served with a notice under subclause (2) if the notice has been served on the secretary or captain, or other relevant office holder, of that club.

- (4) A person who is required to have a firearm inspected under this clause must, when the firearm is produced for inspection, also produce for inspection any barrel (whether or not it is a spare barrel) in the person's possession that is capable of taking and discharging ammunition for the firearm.
- (5) The fee specified in clause 84 (1) (q) is payable for any inspection by a police officer under this clause.

### **103 Numbering of firearms and spare barrels**

- (1) The Commissioner may, by notice in writing served on a person who has possession of a firearm or a spare barrel that is capable of taking and discharging ammunition for that firearm, allot a number in respect of the firearm or spare barrel.

## 1997 No 240

Clause 103 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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- (2) The Commissioner is not to allot such a number unless the Commissioner is of the opinion that there is no other unique number that could be used to sufficiently identify the firearm or spare barrel.
- (3) A person (including a licensed firearms dealer) must not have possession of a firearm or spare barrel in respect of which a number has been allotted by the Commissioner in accordance with this clause unless that number has been imprinted on it in the following manner:
- (a) in the case of a firearm—by stamping or, with the approval of the Commissioner, by engraving the number in an exposed position on the firearm, or
  - (b) in the case of a spare barrel—by stamping or engraving the number on the outer surface,
- in numerals not less than 2 mm in height on a metal part of the firearm or spare barrel.
- Maximum penalty (subclause (3)): 20 penalty units.
- (4) A person does not commit an offence under subclause (3) in respect of having possession of a firearm:
- (a) if the person did not know and had no reason to suspect that a number had been allotted by the Commissioner in respect of the firearm, or
  - (b) if the person, being a licensed firearms dealer, replaces a barrel which is so damaged or worn as to require its replacement, and all particulars as required in relation to that replacement are supplied in writing to the Commissioner within 24 hours of replacing it.

### 104 Shortened firearms

- (1) For the purposes of section 62 (2) of the Act, a firearm is to be considered as having been shortened only if:
- (a) in the case of a firearm which is a smooth bore shotgun or a combination smooth bore shotgun and rifle:
    - (i) the length of the barrel, or, if it has more than one barrel, of the longer or longest barrel is less than 45 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, and



- (b) in the case of a firearm which is a rifle, not being a combination smooth bore shotgun and rifle or an air gun:
    - (i) the length of the barrel or, if it has more than one barrel, of the longer or longest barrel is less than 40 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, or
    - (iii) the overall length is less than 80 cm, and
  - (c) in the case of a firearm which is an air gun:
    - (i) the length of the barrel is less than 30 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, or
    - (iii) the overall length is less than 70 cm.
- (2) For the purposes of this clause, the length of the stock of a firearm, if the firearm has one trigger, is to be measured from the front of the trigger or, if the firearm has more than one trigger, from the front of the rearmost trigger to the centre of the rear of the butt plate or stock.
- (3) In this clause, *firearm* does not include a pistol or blank fire pistol.

### 105 Spear guns

- (1) A person who is under the age of 14 years must not:
- (a) buy, sell or otherwise transfer a spear gun, or
  - (b) use a spear gun, or
  - (c) carry or have a spear gun in the person's possession.

Maximum penalty (subclause (1)): 10 penalty units.

- (2) A person who is of or above the age of 12 years (but under the age of 14 years) does not commit an offence under subclause (1) (b) or (c) if the person is using, carrying or in possession of the spear gun while under the personal supervision of a person who is of or above the age of 18 years.

## **1997 No 240**

Clause 105 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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- (3) A person must not sell or otherwise transfer a spear gun to a person under the age of 14 years.

Maximum penalty (subclause (3)): 20 penalty units.

### **106 Appeals**

- (1) For the purposes of section 75 (2) of the Act, an appeal must be made within 21 days after the decision concerned was notified to the person entitled to make the appeal.
- (2) In the case of an appeal that relates to or to an application for:
- (a) a firearms dealer's licence—the appeal must be made to the Local Court nearest to the place where the firearms dealer is carrying on or proposes to carry on business as a firearms dealer, or
  - (b) a licence or permit authorising possession or use of a firearm for business or employment—the appeal may be made to the Local Court nearest to the relevant place of business or employment, or
  - (c) approval of a shooting range—the appeal must be made to the Local Court nearest to the shooting range concerned.

### **107 Certificate evidence**

For the purposes of section 87 of the Act, the following offices are prescribed:

- (a) the office of Director, Firearms Registry, Police Service,
- (b) the office of Senior Police Liaison Officer, Firearms Registry, Police Service,
- (c) the office of any officer acting in either of the above positions, but only while the officer is so acting.

### **108 Exemption relating to officers and employees of certain government agencies**

- (1) An inspector under the *Dangerous Goods Act 1975* who possesses or uses a prohibited firearm referred to in item 15 of Schedule 1 to the Act is not, while acting in the ordinary course of the inspector's duties, required to hold a licence or permit authorising possession or use of the firearm.

- (2) An officer of the National Parks and Wildlife Service who possesses or uses a shotgun, or a prohibited firearm referred to in item 15 of Schedule 1 to the Act, that:
- (a) is capable of propelling a bird net, or
  - (b) is capable of discharging incendiary shells used for the purposes of authorised back-burning and bushfire hazard reduction programs,

is not, while acting in the ordinary course of the officer's duties, required to hold a licence or permit authorising possession or use of the firearm.

**109 Exemption relating to new club members using firearms under supervision**

- (1) This clause applies to any person:
- (a) who, after 1 July 1997, joins an approved sport/target shooting club, and
  - (b) who does not hold a licence under the Act authorising the possession and use of a firearm.
- (2) The club must notify the Commissioner of
- (a) the name of any person to whom this clause applies before the person participates in target shooting at an approved shooting range as a member of the club, and
  - (b) such other particulars as may be specified by the Commissioner.
- (3) A person to whom this clause applies is, during the period specified in subclause (4), exempt from the requirement under the Act to be authorised by a licence to possess or use a firearm (other than a prohibited firearm) if the person does so:
- (a) while participating in target shooting at an approved shooting range as a member of the approved club concerned, and
  - (b) except in such cases as may otherwise be approved — while under the supervision of another person holding office as a range officer appointed by the approved club and who is the holder of a licence that authorises the other person to possess and use the firearm.

## 1999 No 240

Clause 109 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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- (4) An exemption under this clause:
  - (a) commences on the first occasion on which the person participates in target shooting at an approved shooting range as a member of the club, and
  - (b) ends 3 months later or when the person is issued with a licence (whichever is sooner), and
  - (c) cannot apply more than once in respect of a particular person (except in such cases as may be approved).

### 110 Exemption relating to off-duty police officers

- (1) Any police officer who is in possession of a service firearm while the police officer is not on duty as a police officer is exempt from the requirement under the Act to be authorised by a licence or permit to possess the firearm during any such period.
- (2) The exemption under this clause is subject to the police officer complying with such guidelines as may be issued by the Commissioner with respect to the off-duty possession of service firearms by police officers.
- (3) In this clause:  
*service firearm* means a firearm issued to a police officer in his or her capacity as a police officer.

### 111 Exemption relating to antique firearms

- (1) This clause applies to any firearm manufactured before 1900:
  - (a) that is not capable of discharging breech-loaded cartridges, or
  - (b) for which, in the Commissioner's opinion, ammunition is not commercially available.
- (2) A person is exempt from any requirement under the Act to hold a licence or permit in respect of a firearm to which this clause applies.
- (3) A person does not commit any offence under section 36 of the Act with respect to an unregistered firearm if it is a firearm to which this clause applies.

**Note.** A licence or permit is not required for an antique firearm described in clause 111, and those firearms are not required to be registered. However, those firearms are still firearms within the meaning of the *Firearms Act 1996*.

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**112 Exemption relating to possession and use of firearms by authorised tourists at approved shooting ranges**

- (1) An overseas tourist who possesses or uses a firearm (other than a prohibited firearm) on an approved shooting range and who is of or above the age of 18 years is exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm.
- (2) The exemption under this clause is subject to the following conditions:
  - (a) the arrangements for the overseas tourist to use a firearm at the approved shooting range must have been made by or through a registered travel agent,
  - (b) the overseas tourist must, before actually using the firearm, be provided with instructions in the safe handling and use of the firearm by an approved firearms instructor,
  - (c) the overseas tourist must, while using the firearm, be supervised by such an instructor (and in the case of firearms other than pistols, one instructor is to supervise no more than 3 shooters, and in the case of pistols, one instructor is to supervise each shooter),
  - (d) the handling and use of the firearm must, unless it is a pistol, be physically restrained in an approved manner to ensure that the firearm is directed down range and not in any other direction.
- (3) In addition to any other conditions imposed by the Commissioner on the approval of a shooting range for the purposes of this clause, an approval is subject to the following conditions:
  - (a) the holder of the approval must keep a record of the following particulars in relation to any overseas tourist using the shooting range under the exemption conferred by this clause:
    - (i) the name, country of residence and the passport number of the overseas tourist,
    - (ii) the date or dates on which the overseas tourist used the shooting range,

## 1997 No 240

Clause 112 Firearms (General) Regulation 1997

Part 12 Miscellaneous provisions

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- (iii) the name of the registered travel agent by or through whom the arrangements for the use of the shooting range were made,
    - (iv) the name of the instructor who supervised the overseas tourist,
  - (b) the holder of the approval must produce any such record for inspection if requested to do so by a police officer or by such other person as may be approved.
- (4) In this clause:

*approved shooting range* means an indoor shooting range, or an outdoor shooting range that has a physical barrier at the firing point, which is approved for the purposes of this clause.

### 113 Exemption relating to surrender and sale of firearms other than prohibited firearms

- (1) A person is exempt from the requirement under the Act to hold a licence or permit authorising possession of a firearm (other than a prohibited firearm) or ammunition for any such firearm, but only for the following purposes:
  - (a) surrendering the firearm or ammunition to a member of the Police Service in accordance with such directions as are issued by the Commissioner,
  - (b) selling the firearm or ammunition to a licensed firearms dealer,
  - (c) proceeding to a police station (or other nominated place) for the purpose of surrendering the firearm or ammunition or proceeding to a place for the purpose of selling the firearm or ammunition as referred to in paragraph (b).
- (2) Sections 44 (1) and 65 (2) of the Act do not apply to a licensed firearms dealer in respect of the buying or taking possession of a firearm (other than a prohibited firearm) or ammunition from a person who is selling it to a dealer in accordance with this clause.
- (3) Nothing in this clause authorises the use of a firearm.
- (4) This clause ceases to operate on 30 June 1998.

**114 Continuation of certain existing licences—non-prohibited firearms**

- (1) An existing licence that authorised the possession and use of a firearm (other than a prohibited firearm) continues to authorise the possession and use of the firearm in respect of which it was issued until:
- (a) 30 June 1998, or
  - (b) such time as a new licence is issued under the Act authorising the possession and use of that firearm, or
  - (c) such time as the existing licence is surrendered or revoked in accordance with the Act,
- whichever first occurs.
- (2) Subclause (1) has effect despite clause 4 (b) of Schedule 3 to the Act.

**115 Limitation on amnesty period in respect of certain prohibited firearms**

Despite clause 3 (2) of Schedule 3 to the Act, the period during which a person is authorised to possess (without the authority of a licence or permit) a firearm to which clause 3 of Schedule 3 to the Act applies is the period that begins on 1 July 1997 and ends on 30 September 1997.