



New South Wales

Firearms (General) Amendment (Miscellaneous) Regulation 1999

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

This Regulation amends the *Firearms (General) Regulation 1997* as follows:

- (a) certain inoperative cannon and field guns are added to the category of things that are declared not to be firearms for the purposes of the *Firearms Act 1996 (the Act)*—Schedule 1 [1],
- (b) commercial fishing is added to the purposes for which the holders of certain interstate firearms licences may possess and use certain firearms in New South Wales without obtaining a licence under the Act—Schedule 1 [2],
- (c) certain children who have not reached the minimum age for obtaining a minor's firearms permit under the Act are authorised to apply for such a permit—Schedule 1 [3],
- (d) the clause authorising the issue of a permit to possess and use firearms for the purposes of a film, television or theatrical production is repealed and remade with additional requirements (such as the keeping of a register by the permit holder), while at the same time the current requirement that the firearms used in the production be obtained from the holder of a theatrical armourer's permit is dispensed with—Schedule 1 [4],

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- (e) the authorisation conferred by a theatrical armourer's permit is expanded, the holder of such a permit is required to keep a register and an armourer's *authorised employee* is defined—Schedule 1 [5]–[7],
- (f) additional matter is prescribed for inclusion in an application for a permit to possess and use firearms made by an overseas resident visiting New South Wales to take part in a competition involving firearms and the term of the permit is limited to 3 months—Schedule 1 [8] and [9],
- (g) the requirement that such a visitor obtain such a permit is abolished in the case of one who has already obtained such a permit in another Australian jurisdiction—Schedule 1 [10],
- (h) provision is made for the issue of a new permit authorising the possession and use of muzzle-loading black powder cannon by historical societies and clubs—Schedule 1 [11],
- (i) a transitional provision is inserted to grant certain rifle ranges the status of approved shooting ranges for a limited period—Schedule 1 [12],
- (j) an incorrect name of an organisation is corrected—Schedule 1 [13],
- (k) the subclause providing for the automatic disqualification from membership of a shooting or hunting club, or a collector's society or club, of a member who fails to comply with the requirements of the *Firearms (General) Regulation 1997* in relation to the club or society is repealed and the failure to comply is, instead, prescribed as a reason for which the Commissioner of Police may revoke the member's licence to possess or use a firearm—Schedule 1 [15],
- (l) an amendment consequential on that amendment is made—Schedule 1 [14],
- (m) exemptions from the requirement to hold a licence or permit to possess or use a firearm are provided for in respect of:
 - (i) student police,
 - (ii) custodial officers of the Commonwealth or of another State or a Territory, andwho possess or use the firearm in the ordinary course of their duties or training—Schedule 1 [16].

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Explanatory note

This Regulation is made under the *Firearms Act 1996*, and, in particular, under sections 24 (Revocation of licence), 26 (Recognition of interstate licences for certain purposes), 30 (General provisions relating to permits) and 88 (the general regulation-making power).

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Clause 1 Firearms (General) Amendment (Miscellaneous) Regulation 1999

**Firearms (General) Amendment (Miscellaneous)
Regulation 1999**

1 Name of Regulation

This Regulation is the *Firearms (General) Amendment (Miscellaneous) Regulation 1999*.

2 Commencement

- (1) This Regulation commences on 26 February 1999, except as provided by subclause (2).
- (2) Schedule 1 [12] commences on 12 February 1999.

3 Amendment of Firearms (General) Regulation 1997

The *Firearms (General) Regulation 1997* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Things declared not to be firearms

Insert after clause 4 (f):

- (f1) cannon and field guns:
 - (i) that have been constructed as pieces of military ordnance, and
 - (ii) that have a calibre of more than 25 millimetres, and
 - (iii) that have been rendered permanently inoperable, and
 - (iv) the breech, chamber and barrel of which have been permanently sealed,

[2] Clause 23 Recognition of interstate licences—additional purposes

Omit “the Act.” from clause 23 (1) (c). Insert instead:

the Act,

- (d) taking fish for sale in accordance with the *Fisheries Management Act 1994*.

[3] Clause 39A

Insert after clause 39:

39A Certain minors exempt from minimum age requirement

A person who:

- (a) is of or above the age of 10 years, and
- (b) was, immediately before the repeal of the *Australian Rifle Club Regulations* of the Commonwealth, a member of any Australian Rifle Club formed under those Regulations,

is exempt from the requirement under section 32 of the Act that an applicant for a minor’s firearms permit be of or above the age prescribed by clause 39.

[4] Clause 46

Omit the clause. Insert instead:

46 Permit for firearms used in film, television or theatrical production

- (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 in connection with the production.
- (2) A permit issued under this clause authorises the permit holder to possess and use the firearms to which the permit relates, but only in connection with the production concerned.
- (3) The authority conferred by a permit issued under this clause also authorises any other person directly involved in the production who:
 - (a) has been nominated by the permit holder, and
 - (b) is eligible to be issued with a permit, and
 - (c) is authorised in writing by the Commissioner,to possess and use a firearm to which the permit relates for the purposes of the production concerned, but only while under the direct supervision of the permit holder.
- (4) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that:
 - (a) the production concerned requires the possession or use of the firearms for which the permit is sought, and
 - (b) the applicant has adequate training in relation to the security and safe handling of the firearms, and
 - (c) the applicant's main duty in connection with the production concerned is that of controlling, and being responsible for the security and safe handling of, the firearms, and
 - (d) adequate security will be maintained over the firearms at all times, and

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Amendments

Schedule 1

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- (e) the permit holder will supervise all handling of the firearms by those persons authorised under subclause (3).
- (5) Any firearm to which a permit under this clause relates:
- (a) must be maintained in a safe condition, and
 - (b) must be certified, by the holder of a theatrical armourer's permit who is proficient in firearms modification, as being a firearm the chamber of which has been modified to prevent it from accepting live ammunition.
- (6) 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 any firearm to which the permit relates.
- (7) The permit holder must:
- (a) keep in the approved form a register in which particulars of the following matters are kept:
 - (i) the types, and registration numbers, of firearms authorised under the permit,
 - (ii) the name of each person authorised to possess and use any such firearm, and the periods for which each such person had possession or use of the firearm,
 - (iii) the periods for which any firearm was removed from safe storage, and
 - (b) ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and
 - (c) ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and
 - (d) if requested to do so by a police officer at any time, immediately produce the register to the officer and allow the officer to inspect, and make copies of any entry contained in, the register.

Maximum penalty: 50 penalty units.

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Note. A producer intending to involve firearms in a production may either:

- (a) appoint a person to control, and be responsible for the security and safe handling of, the firearms concerned (which person must then obtain a permit under this clause), or
- (b) employ the holder of a theatrical armourer's permit under clause 47 to instruct and supervise the actors and other persons associated with the production in the possession and use of the firearms concerned.

[5] Clause 47 Theatrical armourer's permit

Insert “, supply” after "transfer" in clause 47 (1).

[6] Clause 47 (1A)

Insert after clause 47 (1):

(1A) A permit under this clause also:

- (a) authorises the holder of the permit (and any authorised employee of the holder) to instruct and supervise actors and other persons involved in a film, television or theatrical production in the possession and use of firearms for the purposes of the production, and
- (b) authorises the actors and other persons involved in the production to possess and use the firearms, but only while under the supervision and control of the holder of the permit (or of any authorised employee of the holder).

[7] Clause 47 (3) and (4)

Insert after clause 47 (2):

- (3) The permit holder must, while acting under the authority conferred by subclause (1A):
 - (a) keep in the approved form a register in which particulars of the following matters are kept:
 - (i) the types, and registration numbers, of firearms authorised under the permit,

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- (ii) the name of each person authorised to possess and use any such firearm, and the periods for which each such person had possession or use of the firearm,
 - (iii) the periods for which any firearm was removed from safe storage, and
 - (b) ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and
 - (c) ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and
 - (d) if requested to do so by a police officer at any time, immediately produce the register to the officer and allow the officer to inspect, and make copies of any entry contained in, the register.

Maximum penalty: 50 penalty units.

- (4) In this clause, *authorised employee* means a person who:
 - (a) is an employee of the theatrical armourer concerned, and
 - (b) is eligible to be issued with a permit, and
 - (c) is authorised in writing by the Commissioner.

[8] Clause 48 International (temporary) visitors permits—competitions

Omit clause 48 (3). Insert instead:

- (3) In addition to meeting the requirements of clause 19, an application for a permit under this clause lodged or posted after the commencement of the *Firearms (General) Amendment (Miscellaneous) Regulation 1999* must contain the following details:
 - (a) the applicant's name, date of birth and home address in the country in which the applicant ordinarily resides,
 - (b) the applicant's passport number, country of issue and date of expiry,

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- (c) the number of the applicant's visa (if any) and date of expiry,
- (d) the number of the applicant's firearms licence (if any), its country of issue and date of expiry,
- (e) if the applicant is not the holder of a firearms licence—a certificate signed by a competent authority in the applicant's country of residence to the effect that the applicant is lawfully entitled to possess, carry and use in that country the type of firearm for which the permit is sought,
- (f) the make, model, calibre, action and serial number of the firearm for which the permit is sought,
- (g) if the applicant intends to import more than one firearm into Australia—details of the special need for the additional firearm,
- (h) the dates and locations of the competitions in Australia in which the permit holder intends to participate,
- (i) the intended period of the applicant's stay in Australia.

[9] Clause 48 (6)

Insert after clause 48 (5):

- (6) A permit under this clause continues in force (unless it is sooner surrendered or revoked) from the date on which it is issued for a period of 3 months.

[10] Clause 48A

Insert after clause 48:

48A International visitors—exemption for those holding international (temporary) visitors permits issued interstate

A person referred to in clause 48 (1) who is the holder of a permit issued and in force under the law in force in

another State or a Territory, being a permit of the kind referred to in clause 48, is exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm to which the permit relates, but only for the purpose of competing in New South Wales in a competition involving that firearm (and for related purposes that are connected with the competition).

[11] Clause 54A

Insert after clause 54:

54A Permit for certain cannon

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a muzzle-loading black powder cannon.
- (2) The Commissioner is not to issue a permit under this clause unless the Commissioner is satisfied that the applicant for the permit is a member of an historical society or club whose purpose includes the preservation and demonstration of historical weapons.
- (3) A permit under this clause authorises the holder of the permit to possess and use, on behalf of the historical society or club concerned, a muzzle-loading black powder cannon but only for the purposes of preserving and displaying it and of demonstrating its use.
- (4) 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 prescribed in the permit with respect to the use and safekeeping of a cannon to which the permit relates.

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[12] Clause 76A

Insert after clause 76:

76A Existing rifle ranges—transitional provision

- (1) A rifle range that, immediately before 12 February 1999, was used on a regular basis for rifle shooting conducted consistently with the safety template applicable to that rifle range by a rifle club that was:
 - (a) formed under the *Australian Rifle Club Regulations* of the Commonwealth before the repeal of those Regulations, and
 - (b) affiliated with the National Rifle Association of Australia Limited or with Target Rifle Australia Inc,

is taken to be an approved shooting range for the purposes of this Regulation.

- (2) The approval of any such shooting range under this clause commences on 12 February 1999 and remains in force for a period of 6 months from that date, unless it is sooner revoked by the Commissioner in accordance with this Part.
- (3) Any such shooting range may be inspected at any time by a police officer or other approved person.
- (4) In this clause, *rifle range* and *safety template* have the same meanings as they had in the *Rifle Ranges (Safety Standards) Order* of the Commonwealth, published in the Commonwealth of Australia Gazette on 12 February 1997, immediately before that Order ceased to have effect.

[13] Clause 78 Approval of club

Omit “NSW Rifle Association of Australia Inc” from clause 78 (3) (d).

Insert instead “NSW Rifle Association Inc”.

[14] Clause 80 Conditions of approval of club

Omit clause 80 (2) (c).

[15] Clause 81 Requirements relating to club membership

Omit clause 81 (2). Insert instead:

- (2) The failure of a person who is a member of an approved club to comply with any such requirement is prescribed, for the purposes of section 24 (2) (d) of the Act, as a reason for which the Commissioner may revoke the person's licence. However, the licence is not to be revoked if the person proves, to the Commissioner's satisfaction, that compliance with the requirement was not reasonably practical in the circumstances.

[16] Clauses 110A and 110B

Insert after clause 110:

110A Exemption relating to certain student police

A student police officer who possesses or uses a firearm is not, while acting in the ordinary course of the student's duties or training, required to hold a licence or permit authorising possession or use of the firearm.

110B Exemption relating to relating to custodial officers

A custodial officer (however described) of the Commonwealth, or of another State or a Territory, who possesses or uses a firearm 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.