New South Wales

Firearms (General) Amendment (Trafficking) Regulation 2001

under the

Firearms Act 1996

Her 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 objects of this Regulation are to amend the *Firearms (General) Regulation 1997* (the **Principal Regulation**):

(a) to provide that, subject to certain conditions, the provisions of Part 11 (Registration of firearms) of the Principal Regulation apply to the registration of firearm frames and firearm receivers in the same way as they apply to the registration of firearms, and

(b) to set out the following matters to enable sales of unregistered firearm frames and firearm receivers in accordance with the six-month amnesty established by clause 16 of Schedule 3 to the *Firearms Act 1996*:

   (i) the manner in which a sale of a firearm frame or firearm receiver must be made through a licensed firearms dealer, and

   (ii) the location where a firearms dealer is taken to be not reasonably available, and

(c) to update certain references in clause 99 of the Principal Regulation to provisions of the *Firearms Act 1996* that have been amended by the *Firearms Amendment (Trafficking) Act 2001*.

This Regulation is made under the *Firearms Act 1996*, including section 88 (the general regulation-making power) and clauses 1 (1) and 16 (2) of Schedule 3 (Savings and transitional provisions) to that Act.

Firearms (General) Amendment (Trafficking) Regulation 2001

1   Name of Regulation

This Regulation is the *Firearms (General) Amendment (Trafficking) Regulation 2001*.

2   Amendment of Firearms (General) Regulation 1997

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

3   Notes

The explanatory note does not form part of this Regulation.

Schedule 1   Amendments

(Clause 2)

[1]   Part 11A

Insert after Part 11:

Part 11A   Registration of firearm frames and firearm receivers

93B   Registration of firearms provisions apply

(1)   Subject to subclauses (2) and (3), Part 11 (Registration of firearms) of this Regulation applies with necessary modifications to every firearm frame and firearm receiver in the same way as it applies to a firearm.

(2)   The following provisions do not apply in relation to firearm frames and firearm receivers:

(a)   clause 87 (c),

(b)   clause 89 (1) (d) and (f),

(c)   clause 91 (d) and (f),

(d)   clauses 93 and 93A.

(3)   Clause 87 (d) applies to firearm frames and firearm receivers as if the date "1 July 1997" were "1 July 2001".

93C   Amnesty concerning registration of firearms frames and receivers: clause 16 of Schedule 3 to the Act

(1)   The arrangements referred to in clause 16 (2) (b) of Schedule 3 to the Act for the sale or purchase of an unregistered firearm frame or firearm receiver 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 clause 16 (2) (c) of Schedule 3 to the Act, a licensed firearms dealer is not reasonably available for the purposes of the sale or purchase of an unregistered firearm frame or firearm receiver if the nearest location of a firearm's dealer's place of business is more than 100 kilometres from the ordinary place of residence of both the purchaser and the seller.

[2]   Clause 99 Restrictions on sale and purchase of firearms

Omit "section 51 (1) (b)" from clause 99 (1).
Insert instead "sections 51 (2) (a) and 51A (2) (a)".

[3]   Clause 99 (2)

Omit "section 51 (1) (c) and (2) (c)".
Insert instead "sections 51 (2) (b) and 51A (2) (b).