



New South Wales

# Firearms (General) Amendment (Further Amnesty) 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 as follows:

- (a) to provide for an amnesty (which will end on 31 March 2002) under which any person who, before the commencement of this Regulation acquired a pre-1900 firearm that takes rimfire or centre-fire ammunition, will be exempt from the requirement under the *Firearms Act 1996* for a licence or permit to possess the firearm and from the requirement to register it, (**Schedule 1 [2]**),
- (b) to extend, until 2 November 2001, the amnesty that enables firearms to be surrendered to the police or to be registered without committing an offence under the Act (**Schedule 1 [5]**),
- (c) to update references to certain provisions of the Act that were amended by the *Firearms Amendment (Trafficking) Act 2001* (**Schedule 1 [1], [3] and [4]**).

This Regulation is made under the *Firearms Act 1996*, including section 88 (2) (r).

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Clause 1                      Firearms (General) Amendment (Further Amnesty) Regulation 2001

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**Firearms (General) Amendment (Further Amnesty)  
Regulation 2001**

**1 Name of Regulation**

This Regulation is the *Firearms (General) Amendment (Further Amnesty) 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.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 111 Exemption relating to certain firearms manufactured before 1900**

Omit “section 44, 50 or 51 of the Act” from clause 111 (4).  
Insert instead “section 50, 51 or 51A of the Act”.

**[2] Clause 111A**

Insert after clause 111:

**111A Temporary licensing and registration amnesty concerning certain firearms manufactured before 1900**

(1) In this clause:

*amnesty period* means the period starting on the commencement of this clause and ending 31 March 2002.

*pre-1900 firearm* means a firearm manufactured before 1900 that takes rimfire or centre-fire ammunition.

(2) **Exemption from licensing requirements**

A person who acquired a pre-1900 firearm before the amnesty period is, during the amnesty period, exempt from the requirement under the Act to hold a licence or permit authorising possession of the firearm.

(3) If any such person makes an application during the amnesty period for a licence or permit authorising possession of the firearm, the exemption under subclause (2) continues to apply in respect of the person until such time as the application is determined by the Commissioner.

(4) **Exemption from registration requirements**

A person who, before the amnesty period, acquired a pre-1900 firearm that is not registered does not, during the amnesty period, commit an offence under section 36 of the Act of possessing an unregistered firearm.

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Schedule 1 Amendments

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(5) If any person makes an application during the amnesty period for the firearm to be registered, the exemption under subclause (4) continues to apply in respect of the person until such time as the application for registration of the firearm is determined by the Commissioner.

(6) Section 51A (1) of the Act does not apply to a licensed firearms dealer in respect of the purchasing of a pre-1900 firearm from a person to whom an exemption under subclause (2) or (4) applies.

**Note.** This subclause enables the unlicensed owner of a pre-1900 firearm to sell the firearm to a dealer without the dealer committing an offence of purchasing a firearm from an unlicensed person.

(7) Nothing in this clause authorises the use of a firearm.

**[3] Clause 118 Amnesty to enable lawful sale of firearms if application for new licence or permit is refused**

Omit “Section 44 (1) of the Act” from clause 118 (4).

Insert instead “Section 51A (1) of the Act”.

**[4] Clause 118 (4)**

Omit “buying or taking possession of”. Insert instead “purchasing of”.

**[5] Clause 119 Temporary amnesty to enable surrender or registration of firearms**

Omit “3 months after that commencement” from the definition of *period of the amnesty* in clause 119 (1).

Insert instead “2 November 2001”.

BY AUTHORITY