



New South Wales

# Firearms (General) Amendment (Pistols) Regulation 2003

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*.

JOHN WATKINS, M.P.,

Minister for Police

## Explanatory note

The object of this Regulation is to amend the *Firearms (General) Regulation 1997* as follows:

- (a) to specify metallic silhouette and single action shooting as the types of events for which permits under clause 59A of the Regulation (as inserted by the *Firearms Amendment (Prohibited Pistols) Act 2003*) may be issued (such permits authorise the use of large calibre pistols by licensed pistol shooters for the purposes of participating in specialised shooting competitions),
- (b) to provide further detail in relation to the participation requirements for pistol club members,
- (c) to supplement the prohibited pistol buyback scheme under section 78 of the *Firearms Act 1996* (as substituted by the amending Act) to provide for the payment of compensation to licensed pistol shooters and licensed firearm dealers for surrendering certain pistols and other items associated with prohibited pistols (such as accessories, magazines with a capacity of more than 10 rounds and major parts).

This Regulation is made under the *Firearms Act 1996*, including sections 78A (as inserted by the *Firearms Amendment (Prohibited Pistols) Act 2003*) and 88 (the general regulation-making power).

## **2003 No 704**

Clause 1 Firearms (General) Amendment (Pistols) Regulation 2003

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# **Firearms (General) Amendment (Pistols) Regulation 2003**

under the

Firearms Act 1996

### **1 Name of Regulation**

This Regulation is the *Firearms (General) Amendment (Pistols) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 October 2003.

### **3 Amendment of Firearms (General) Regulation 1997**

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

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**Schedule 1 Amendments**

(Clause 3)

**[1] Clause 59A Permit for large calibre pistols used in specialised shooting competitions**

Omit “such classes of specialised shooting competitions as may be approved” from clause 59A (2).

Insert instead “a specialised shooting competition”.

**[2] Clause 59A (3)**

Omit “any such”. Insert instead “a”.

**[3] Clause 59A (5)**

Insert after clause 59A (4):

(5) In this clause:

*specialised shooting competition* means a shooting competition involving any one of the following type of events:

- (a) metallic silhouette,
- (b) single action shooting.

**[4] Clause 80A Special conditions relating to pistol clubs**

Omit “catgeory” from clause 80A (c). Insert instead “category”.

**[5] Clause 81 Participation requirements for club members**

Insert after clause 81 (1):

(1A) For the purposes of subclause (1) (a):

- (a) a club organised competitive shooting match may be counted as a club organised shoot, and
- (b) participating in a club organised competitive shooting match includes officiating in such a match, and
- (c) a reference to a club organised shoot includes a reference to any training or target practice that is undertaken at the club’s shooting range, and
- (d) the different kinds of pistols are air pistols, rimfire pistols, centre-fire pistols and black powder pistols.

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Schedule 1 Amendments

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### [6] Part 10A

Insert after Part 10:

## Part 10A Compensation for surrendering non-prohibited pistols and other items

### 85A Definitions

In this Part:

*accessory* for a pistol means an accessory (such as a special holster) that is specific to the pistol and is directly related to participation in sport/target shooting, but does not include accessories such as gloves, caps, clothing, carry bags, safety glasses or other similar items.

*buy-back period* has the same meaning as in section 78 of the Act.

*major part* of a pistol means a firearm part that is designed to be used in (or as part of) the pistol.

**Note.** The term *firearm part* is defined in section 4 (1) of the Act.

*minor part* of a pistol includes items such as springs, screws, pins or other minor components of the pistol.

### 85B Licensed pistol shooters and dealers entitled to compensation for surrendering non-prohibited pistols

- (1) A person who is the holder of a category H (sport/target shooting) licence that was in force immediately before 1 October 2003 is entitled to be paid compensation by the State for each registered pistol (other than a prohibited pistol) that the person is authorised by the licence to possess if:
  - (a) the person's licence, and
  - (b) each such registered pistol,is surrendered to a police officer or other member of NSW Police during the buy-back period.
- (2) If, in accordance with subclause (1), a person:
  - (a) surrenders the person's category H (sport/target shooting) licence along with each registered pistol (other than a prohibited pistol) that the person is authorised to possess under the licence, and

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- (b) receives compensation under this clause for each such pistol,

the person is not eligible to apply for, and cannot be issued with, a category H (sport/target shooting) licence for a period of 5 years from the date of the surrender.

**85C Licensed pistol shooters entitled to compensation for surrendering certain items relating to prohibited pistols**

- (1) A person who is the holder of a category H (sport/target shooting) licence that was in force immediately before 1 October 2003 is entitled to be paid compensation by the State for any item specified in subclause (2) that is in the person's possession if the item is surrendered to a police officer or other member of NSW Police during the buy-back period.
- (2) The items for which a person is entitled to be paid compensation in accordance with subclause (1) are as follows:
- (a) any accessory for a registered prohibited pistol surrendered by the person accordance with section 78 of the Act,
  - (b) any major part that is attributable to any such surrendered prohibited pistol or to any other prohibited pistol that the person was previously authorised to possess,
  - (c) any pistol magazine with a capacity of more than 10 rounds.

**85D Licensed firearms dealers entitled to compensation for surrendering certain items relating to prohibited pistols**

- (1) A person who is the holder of a firearms dealer licence that was in force immediately before 1 October 2003 is entitled to be paid compensation by the State for any item specified in subclause (2) that is in the person's possession if the item:
- (a) was acquired or ordered by the person before 20 December 2002, and
  - (b) is surrendered to a police officer or other member of NSW Police during the buy-back period.

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#### Schedule 1 Amendments

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- (2) The items for which a person is entitled to be paid compensation in accordance with subclause (1) are as follows:
  - (a) any accessory or major part that:
    - (i) is attributable to a registered prohibited pistol, and
    - (ii) can only be used in connection with (or as part of) a prohibited pistol,
  - (b) minor parts that can only be used in connection with (or as part of) a prohibited pistol,
  - (c) any commercially available and factory loaded ammunition that can only be used with a prohibited pistol.

#### **85E General provisions relating to surrendering of pistols and other items under this Part**

- (1) The amount of compensation payable for surrendering a pistol or any other item under this Part is to be determined by the Commissioner.
- (2) Any pistol or other item that is surrendered under this Part is forfeited to the Crown after compensation for the pistol or item has been paid in accordance with this Part.
- (3) The Commissioner is to make arrangements:
  - (a) for the manner in which pistols and other items are to be surrendered under this Part, and
  - (b) for the manner in which compensation under this Part is to be paid, and
  - (c) for the disposal or destruction of, or for otherwise dealing with, pistols or other items that are surrendered under this Part.

#### **85F Items for which compensation is not payable under the Act or this Part**

- (1) A person who is the holder of a category H (sport/target shooting) licence is not entitled to be paid compensation under section 78 of the Act or this Part for surrendering any of the following:
  - (a) any ammunition for, or minor parts of, a pistol,

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- (b) any major part that is not directly attributable to a registered prohibited pistol surrendered, or previously owned, by the person,
  - (c) any accessory that is not specific to a registered prohibited pistol surrendered by the person,
  - (d) any major part of, or accessory for, a registered pistol surrendered in accordance with clause 85B.
- (2) A person who is the holder of a firearms dealer licence is not entitled to be paid compensation under section 78 of the Act or this Part:
- (a) for surrendering any pistols or other items in quantities exceeding commercially viable stock levels, or
  - (b) for any loss of business.
- (3) Subclauses (1) and (2) do not limit the basis on which persons are to be regarded as being ineligible to be paid compensation under the Act or this Part.