



# Firearms (General) Amendment (Miscellaneous) Regulation 2004

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

Under the *Firearms (General) Regulation 1997* (as amended by the *Firearms (General) Amendment (Fees) Regulation 2004* which commences on 1 July 2004), applicants for a category A, B, C, D or H firearms licence will have the option of applying for a 2-year licence or a 5-year licence. The objects of this Regulation are as follows:

- (a) to enable an applicant for a firearms collector licence that is part of a composite firearms licence (ie a licence authorising possession of firearms to which more than one category of licence apply) to apply for a 2-year licence (see **Schedule 1 [1]**),
- (b) to increase the application fee for a firearms permit (other than those permits for which an application fee is specifically provided under clause 84 of the *Firearms (General) Regulation 1997*) from \$40 (if a photograph is required) or \$25 (if no photograph is required) to a flat fee of \$75 (see **Schedule 1 [8]**),
- (c) to consolidate the application fee for a category A, B, C, D or H firearms licence into the one provision (see **Schedule 1 [6] and [7]**).

This Regulation also:

- (a) provides that section 16A of the *Firearms Act 1996* (which requires a category H (sport/target shooting) licence to be issued on a probationary basis if the applicant for the licence has never held such a licence) does not apply to a person who has previously held a minor's target pistol permit (see **Schedule 1 [2]**), and

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- (b) enables the RSL (including any club or association that is an affiliated member of the RSL) to be issued with a permit authorising the possession and display of certain firearms on specified premises or locations that are not necessarily RSL clubs (see **Schedule 1 [3]–[5]**).

This Regulation is made under the *Firearms Act 1996*, including sections 21 and 88 (the general regulation-making power), in particular section 88 (2) (q) and (r).

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## **Firearms (General) Amendment (Miscellaneous) Regulation 2004**

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Firearms Act 1996

### **1 Name of Regulation**

This Regulation is the *Firearms (General) Amendment (Miscellaneous) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 July 2004.

### **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

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### Schedule 1 Amendments

(Clause 3)

**[1] Clause 6A Term of licence (as inserted by the Firearms (General) Amendment (Fees) Regulation 2004)**

Insert “or for a firearms collector licence that is part of a composite licence as referred to in clause 84 (3)” after “pistol licence” in clause 6A (1).

**[2] Clause 42A**

Insert after clause 42:

**42A Exemption relating to probationary pistol licences**

Section 16A of the Act does not apply in relation to a person who:

- (a) has applied for a category H (sport/target shooting) licence, and
- (b) is the holder of a minor’s target pistol permit (as referred to in section 32 (4) of the Act) at the time of applying for the licence, and
- (c) has held the permit for a period of at least 12 months.

**[3] Clause 58 RSL display permit**

Omit clause 58 (1). Insert instead:

- (1) The Commissioner may, on application by the secretary or other relevant office holder of:
  - (a) the RSL, or
  - (b) any club or association that is an affiliated member of the RSL,

issue a permit authorising the RSL, club or association to possess and display, on the premises or other location specified in the permit, a firearm or firearms of a kind that has or have been used as a weapon of war.

**[4] Clause 58 (2)**

Omit “club”.

**[5] Clause 58 (3) and (4)**

Omit clause 58 (3). Insert instead:

(3) In this clause:

*RSL* means the Returned and Services League of Australia (New South Wales Branch).

(4) Any permit issued under this clause and in force immediately before 1 July 2004 is taken to have been issued under this clause as amended by the *Firearms (General) Amendment (Miscellaneous) Regulation 2004*.

**[6] Clause 84 Fees (as amended by the Firearms (General) Amendment (Fees) Regulation 2004)**

Omit “or D” from clause 84 (1) (a). Insert instead “, D or H”.

**[7] Clause 84 (1) (c) (as inserted by the Firearms (General) Amendment (Fees) Regulation 2004)**

Omit the paragraph.

**[8] Clause 84 (1) (m)**

Omit the paragraph. Insert instead:

(m) application fee for any other type of permit—\$75,