



New South Wales

Firearms (General) Amendment (Pistols) 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

The objects of this Regulation are as follows:

- (a) to make it clear that a category H licence issued for the genuine reason of business or employment does not authorise the possession or use of a pistol for a purpose that is a genuine reason other than business or employment (such as recreational hunting/vermin control or primary production),
- (b) to require the Commissioner of Police, except in certain cases, to refuse to issue a permit for a pistol if the pistol is to be used for the purposes of hunting or fishing or farming or grazing activities,
- (c) to make it clear that pre-1900 muzzle loading percussion lock pistols are exempt from the licensing and registration requirements of the *Firearms Act 1996* only if they are single shot pistols.

This Regulation is made under the *Firearms Act 1996*, including sections 8 (3), 29 (5) and 88 (the general regulation-making power).

2004 No 791

Clause 1 Firearms (General) Amendment (Pistols) Regulation 2004

Firearms (General) Amendment (Pistols) Regulation 2004

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Firearms Act 1996

1 Name of Regulation

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

2 Amendment of Firearms (General) Regulation 1997

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

Schedule 1 Amendments

(Clause 2)

[1] Clause 5A

Insert after clause 5:

5A Restriction on authority conferred by category H licence

- (1) The genuine reason of business or employment does not, in relation to a category H licence or an application for such a licence, include business or employment that constitutes any other genuine reason.

Note. Section 16 of the Act provides that a category H licence must not be issued unless the genuine reason established by the applicant is sport/target shooting, business or employment or firearms collection. The genuine reasons specified in section 12 of the Act are each mutually exclusive.

- (2) Accordingly, a category H licence issued to a person who has established business or employment as the genuine reason for being issued with the licence does not authorise the possession or use of a registered pistol for a purpose that is a genuine reason other than business or employment.

Note. For example, the licensee is not authorised to use the pistol for the purposes of:

- (a) hunting (including the control or suppression of vermin or pest animals) or fishing, or
- (b) farming or grazing activities (including the destruction of diseased or injured animals).

[2] Clause 9 Additional grounds for refusal of permit

Omit clause 9 (2) (b). Insert instead:

- (b) the protection of property.

[3] Clause 9 (3) and (4)

Insert after clause 9 (2):

- (3) The Commissioner must refuse to issue a permit authorising the possession or use of a registered pistol if the Commissioner is satisfied that the applicant intends to possess or use the pistol for the purposes of:

- (a) hunting (including the control or suppression of vermin or pest animals) or fishing, or
- (b) farming or grazing activities (including the destruction of diseased or injured animals).

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Schedule 1 Amendments

- (4) However, subclause (3) does not apply in relation to an applicant if the Commissioner is satisfied, on production of such evidence as the Commissioner may require, that the applicant has a medical condition or disability that prevents the applicant from using a rifle or shotgun for the purposes referred to in that subclause.

[4] Clause 111 Exemption for certain firearms manufactured before 1900

Insert “A percussion lock pistol is not a pre-percussion pistol unless it is a single-shot percussion lock pistol.” after “metallic cartridges.” in the definition of *pre-percussion pistol* in clause 111 (5).

BY AUTHORITY
