



New South Wales

Firearms Amendment (Miscellaneous) Regulation 2008

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*.

ANTHONY KELLY, M.L.C.,
Minister for Police

Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe penalty notice offences for the purposes of section 85A of the *Firearms Act 1996* (as inserted by the *Firearms Amendment Act 2008*),
- (b) to provide a temporary exemption from the requirement for persons to be licensed in order to possess antique percussion lock pistols,
- (c) to enable interstate licence holders to participate in arms fairs and historical re-enactments and to supervise unlicensed persons at shooting ranges,
- (d) to consolidate and rationalise the existing requirements relating to overseas tourists who use shooting ranges,
- (e) to update references to licences and security activities under the *Security Industry Act 1997*.

This Regulation is made under the *Firearms Act 1996*, including sections 85A (as inserted by the *Firearms Amendment Act 2008*) and 88 (the general regulation-making power).

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Clause 1 Firearms Amendment (Miscellaneous) Regulation 2008

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1 Name of Regulation

This Regulation is the *Firearms Amendment (Miscellaneous) Regulation 2008*.

2 Commencement

This Regulation commences on 1 October 2008.

3 Amendment of Firearms Regulation 2006

The *Firearms Regulation 2006* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *security guard* in clause 3 (1). Insert instead:

security guard means a person who:

- (a) is employed to carry on a security activity referred to in section 4 (1) (c) of the *Security Industry Act 1997*, and
- (b) is the holder of a class 1F or P1F licence under that Act.

[2] Clause 25 Recognition of interstate licences—additional purposes

Insert after clause 25 (1) (d):

- (e) supervising a person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at an approved shooting range.

[3] Clause 25 (2)

Omit the subclause. Insert instead:

- (2) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category H licence is authorised to possess and use a firearm of the relevant kind without the authority of a licence under the Act, but for the following purposes only:
 - (a) practising in connection with an approved shooting competition referred to in section 26 (1) of the Act,
 - (b) supervising a person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at an approved shooting range.

[4] Clause 25 (4) (a)

Omit “section 4 (b)”. Insert instead “section 4 (1) (c)”.

[5] Clause 61 Permit for non-prohibited firearms used in historical re-enactments

Insert after clause 61 (2):

- (2A) A reference in subclause (2) to a licence includes a reference to a licence that:

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- (a) is issued under the law in force in another State or Territory authorising the possession and use of a firearm, and
- (b) is the equivalent of a licence issued under the Act.

[6] **Clause 65 Arms fair permits**

Insert after clause 65 (2A) (as inserted by the *Firearms Amendment Act 2008*):

- (2B) A reference in subclause (2) or (2A):
 - (a) to a licensed firearms dealer includes a reference to a person who is the holder of the equivalent of a firearms dealer licence issued under the law in force in another State or Territory, or
 - (b) to the holder of a firearms collector licence or an ammunition collector permit includes a reference to a person who is the holder of the equivalent of any such licence or permit issued under the law in force in another State or Territory.

[7] **Clause 83 Additional requirements relating to security guards**

Insert “or P1F” after “class 1F” in clause 83 (1) (b).

[8] **Clause 109A**

Insert after clause 109:

109A Exemption for unlicensed persons shooting on approved ranges

The exemption provided by section 6B of the Act (to the extent that it applies to persons who possess or use a firearm at an approved shooting range) extends to any such person while the person is under the direct supervision of a person who is authorised to possess or use a firearm of that kind by a licence issued under the law in force in another State or Territory.

[9] **Clause 110 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses**

Insert after clause 110 (7) (as substituted by the *Firearms Amendment Act 2008*):

- (7A) If a person who is possessing or using a firearm at the shooting range in accordance with section 6B (1) (a) of the Act is an overseas resident visiting the State (an *overseas tourist*), the

record made under subclause (4) (b) in relation to that person must also include the following details:

- (a) the date on which the overseas tourist used the shooting range,
 - (b) the name of the person who supervised the overseas tourist at the shooting range.
- (7B) A reference in subclause (7) to the photo identification of a person is, if the person is an overseas tourist, taken to be a reference to the person's passport.

[10] Clause 116A

Insert after clause 116:

116A Temporary licensing amnesty for certain percussion lock pistols manufactured before 1900

- (1) In this clause:
amnesty period means the period ending on 30 September 2009.
percussion lock pistol means a multiple-shot, muzzle loading percussion lock pistol manufactured before 1900 that uses black powder.
- (2) A person who is in possession of a percussion lock pistol is not required to hold a licence or permit during the amnesty period for that pistol.
- (3) If the person makes an application during the amnesty period for a licence or permit authorising possession of the percussion lock pistol, 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) Section 51A (1) of the Act does not apply to a licensed firearms dealer in respect of the purchasing of a percussion lock pistol from a person to whom an exemption under subclause (2) applies.
Note. This subclause enables the unlicensed owner of a percussion lock pistol to sell the pistol to a dealer without the dealer committing an offence of purchasing a firearm from an unlicensed person.
- (5) The possession of a percussion lock pistol by a person in accordance with an exemption under subclause (2) is taken not to be possession for the purposes of section 51D of the Act.
- (6) Nothing in this clause authorises the use of a firearm.

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[11] Clause 118 Exemption relating to possession and use of firearms by overseas tourists at approved shooting ranges

Omit the clause.

[12] Clause 133A

Insert after clause 133:

133A Penalty notice offences

- (1) Each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence for the purposes of section 85A of the Act.
- (2) The penalty specified in Column 2 of Schedule 1 opposite any such provision specified in Column 1 of that Schedule is the amount of penalty prescribed for the offence concerned if dealt with under section 85A of the Act.

[13] Schedule 1

Insert after clause 134:

Schedule 1 Penalty notice offences

(Clause 133A)

Column 1	Column 2
Provision of the Act	Penalty (in dollars)
Section 45 (3)	220
Section 47 (1)	550
Section 47 (4)	550
Section 59	220
Section 68	550
Section 69	550
Provision of this Regulation	Penalty (in dollars)
Clause 12	220
Clause 14	550
Clause 15	220
Clause 16	550

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Schedule 1

Column 1	Column 2
Clause 28 (4)	220
Clause 30	220
Clause 97	220
Clause 105	220
