



New South Wales

Firearms Amendment Regulation 2009

under the

Firearms Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

MICHAEL DALEY, MP
Minister for Police

Explanatory note

The objects of this Regulation are as follows:

- (a) to specify the offences that disqualify applicants, if they are subject to a good behaviour bond for such an offence, from getting a firearms licence or permit or from being involved in a firearms dealing business,
- (b) to enable security guards who have firearms licences to possess and use prohibited pistols or certain shotguns but only if expressly authorised to do so by the Commissioner,
- (c) to extend the temporary licensing amnesty (to 31 March 2010) for certain percussion lock pistols manufactured before 1900,
- (d) to make other miscellaneous amendments.

This Regulation is made under the *Firearms Act 1996*, including section 88 (the general regulation-making power).

2009 No 532

Clause 1 Firearms Amendment Regulation 2009

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1 Name of Regulation

This Regulation is the *Firearms Amendment Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Firearms Regulation 2006**[1] Clause 5 Offences that disqualify applicants**

Omit “maximum penalty imposed is” from clause 5 (b).

Insert instead “penalty imposed was”.

[2] Clauses 5 (h) and 44 (h)

Insert “, 93T” after “93IK” wherever occurring.

[3] Clause 5 (2)

Insert at the end of the clause:

(2) Persons subject to good behaviour bonds

For the purposes of sections 11 (5) (d) and 29 (3) (d) of the Act, the following offences are prescribed regardless of whether they are committed in New South Wales:

- (a) an offence referred to in subclause (1) (a), (d) or (f)–(h),
- (b) an offence in respect of a prohibited plant or prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or a prescribed restricted substance within the meaning of the *Poisons and Therapeutic Goods Regulation 2002*, committed under:
 - (i) the law of any Australian jurisdiction, or
 - (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction),
- (c) an offence committed under the law of any Australian or overseas jurisdiction, being:
 - (i) an offence involving the infliction of actual bodily harm upon a person, or
 - (ii) an offence involving kidnapping or abduction, or
 - (iii) an offence involving stalking or intimidation, or
 - (iv) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(iii),
- (d) an offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing.

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Firearms Amendment Regulation 2009

Schedule 1 Amendment of Firearms Regulation 2006

[4] Clause 44 Offences that prevent persons from being involved in firearms dealing business

Omit “maximum penalty imposed is” from clause 44 (b).

Insert instead “penalty imposed was”.

[5] Clause 44 (2)

Insert at the end of the clause:

(2) Persons subject to good behaviour bonds

For the purposes of section 44A (3) (e) of the Act, the following offences are prescribed regardless of whether they are committed in New South Wales:

- (a) an offence referred to in subclause (1) (a), (d) or (f)–(h),
- (b) an offence in respect of a prohibited plant or prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or a prescribed restricted substance within the meaning of the *Poisons and Therapeutic Goods Regulation 2002*, committed under:
 - (i) the law of any Australian jurisdiction, or
 - (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction),
- (c) an offence committed under the law of any Australian or overseas jurisdiction, being:
 - (i) an offence involving the infliction of actual bodily harm upon a person, or
 - (ii) an offence involving kidnapping or abduction, or
 - (iii) an offence involving stalking or intimidation, or
 - (iv) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(iii),
- (d) an offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing.

[6] Clause 72 Restrictions on authority conferred by licence issued to security guard

Insert “, unless otherwise authorised by the Commissioner in writing” after “applies” in clause 72 (b).

[7] Clause 81 Registers to be kept by security guard employers

Omit clause 81 (3) (a). Insert instead:

- (a) ensure that each register is kept in a place of safe keeping at the place of business of the person or at an approved address, and

[8] Clause 91 Approval of club

Omit “Illawarra Shooting Association” from clause 91 (3) (d).

Insert instead “Illawarra Regional Shooting Association Incorporated”.

[9] Clause 116A Temporary licensing amnesty for certain percussion lock pistols manufactured before 1900

Omit the definition of *amnesty period* in clause 116A (1). Insert instead:

amnesty period means the period ending on 31 March 2010.

[10] Clause 117 Temporary amnesty to enable surrender or registration of firearms

Omit the clause.