



New South Wales

Firearms Amendment (Amnesty) Regulation 2018

under the

Firearms Act 1996

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

TROY GRANT, MP
Minister for Police

Explanatory note

The object of this Regulation is to provide a 3-month amnesty, commencing on 1 July 2018, for the surrender of firearms, firearm parts and ammunition, the supply of unregistered firearms to a licensed firearms dealer and the registration of unregistered firearms.

This Regulation provides for the amnesty to be in substantially similar terms to the amnesty relating to firearms in 2017, with the following modifications:

- (a) the amnesty will not apply in relation to a person who is subject to an apprehended violence order or an interim apprehended violence order,
- (b) the authority conferred by a firearms dealer licence held by a participating dealer will be extended to firearms of a kind to which the licence would not otherwise apply to enable the participating dealer to possess, acquire or supply such a firearm where possession of it has been given, or it has been supplied, to the dealer by a person under the amnesty.

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

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1 Name of Regulation

This Regulation is the *Firearms Amendment (Amnesty) Regulation 2018*.

2 Commencement

This Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Firearms Regulation 2017

[1] Clause 137 Definitions

Omit the definition of *amnesty period*. Insert instead:

amnesty period means the period starting on 1 July 2018 and ending at midnight on 30 September 2018.

[2] Clause 137

Insert in alphabetical order:

surrender of a firearm or related article means the surrender of the firearm or related article to the Commissioner on behalf of the State.

[3] Clause 137A

Insert after clause 137:

137A Persons to whom amnesty does not apply

An exemption under this Part does not apply in relation to a person who is subject to a firearms prohibition order, a weapons prohibition order under the *Weapons Prohibition Act 1998*, an apprehended violence order or an interim apprehended violence order.

[4] Clause 138 Temporary amnesty for surrender of firearms and related articles

Omit clause 138 (2) and (3).

[5] Clause 139 Temporary amnesty for transfer of firearms to participating dealers

Omit clause 139 (3).

[6] Clause 140 Temporary amnesty for registration of firearms

Omit clause 140 (7).

[7] Clause 141 Protection for participating dealers generally

Omit clause 141 (2). Insert instead:

(2) A participating dealer who comes into possession of any of the following items that have been surrendered during the amnesty period is exempt from the possession restrictions of the Act in respect of the items while complying with any directions of the Commissioner as to how a participating dealer must deal with such items:

- (a) an unregistered firearm,
- (b) a related article that is for a firearm to which the dealer's firearms dealer licence does not apply.

[8] Clause 141A

Insert after clause 141:

141A Authority of participating dealer's licence extended

(1) The authority conferred by a firearms dealer licence that is held by a participating dealer extends to firearms of a kind not specified in the licence (*unspecified kinds of firearms*) as a kind to which the licence applies.

- (2) The authority conferred by a firearms dealer licence pursuant to this clause:
 - (a) extends only to an unspecified kind of firearm that comes into the possession of the participating dealer concerned when a person relying on an exemption under this Part in respect of the firearm supplies it, or gives possession of it, to the dealer, and
 - (b) ceases to apply in respect of an unspecified kind of firearm when the firearm ceases to remain in the possession of the participating dealer, and
 - (c) authorises the participating dealer to possess and acquire an unspecified kind of firearm, and
 - (d) authorises the participating dealer to supply an unspecified kind of firearm, but only to another participating dealer whose firearms dealer licence specifies that kind of firearm as a kind to which it applies, and
 - (e) does not authorise the participating dealer to convert, repair, maintain or test an unspecified kind of firearm, or to possess, manufacture, acquire or supply ammunition for such a firearm.
- (3) The authority conferred by a firearms dealer licence pursuant to this clause is subject to any directions of the Commissioner, including any directions as to how a participating dealer must deal with an unspecified kind of firearm.