



New South Wales

Firearms Amendment (COVID-19) Regulation 2020

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*.

DAVID ELLIOTT, MP
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to create exemptions from requirements of the *Firearms Act 1996* (*the Act*) and to modify provisions of the *Firearms Regulation 2017* (*the Regulation*) in response to the COVID-19 pandemic.

This Regulation—

- (a) creates exemptions in relation to certain required time periods specified in the Act in circumstances where a person is restricted or prevented from complying with those periods because of the operation of an order made under section 7 of the *Public Health Act 2010* relating to the COVID-19 pandemic (a *COVID-19 order*), and
- (b) extends certain time periods specified in the Regulation in circumstances where a person is restricted or prevented from complying with those periods because of the operation of a COVID-19 order, and
- (c) prescribes circumstances in which a person is exempted from, or is taken to comply with, other provisions of the Regulation in circumstances where the person is restricted or prevented from complying with the provisions because of the operation of a COVID-19 order (including circumstances in which club members are taken to meet minimum participation requirements).

This Regulation is made under the *Firearms Act 1996*, including sections 25(3) and 88 (the general regulation-making power).

Firearms Amendment (COVID-19) Regulation 2020

under the

Firearms Act 1996

1 Name of Regulation

This Regulation is the *Firearms Amendment (COVID-19) Regulation 2020*.

2 Commencement

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

Schedule 1 Amendment of Firearms Regulation 2017

[1] Clause 157A

Insert after clause 157—

157A Repeal of Schedule 2

- (1) Schedule 2 is repealed on the day that is 24 months after the day on which the *Firearms Amendment (COVID-19) Regulation 2020* commences, except as provided in subclause (2).
- (2) Parts 2 and 4 of Schedule 2 are repealed on the day that is 12 months after the day on which the *Firearms Amendment (COVID-19) Regulation 2020* commences.
- (3) Anything done, or omitted to be done, pursuant to a provision of Schedule 2, or any modification of a period of time by a provision of Schedule 2, remains as legally effective after the repeal of that provision as it was before the repeal.

[2] Schedule 2

Insert after Schedule 1—

Schedule 2 COVID-19 pandemic—special provisions

Part 1 Preliminary

1 Object of Schedule

The object of this Schedule is to create exemptions from requirements of the Act and to modify provisions of this Regulation in response to the COVID-19 pandemic.

2 Relationship of Schedule with other provisions of this Regulation

The provisions of this Schedule apply despite anything to the contrary in this Regulation.

3 Definition of “relevant conditions”

In this Schedule, the *relevant conditions* apply if—

- (a) an order made under section 7 of the *Public Health Act 2010* relating to a risk to public health arising from the COVID-19 pandemic is in force, and
- (b) the terms of that order operate to restrict or prevent a person’s ability to comply with a requirement of the Act from which this Schedule creates an exemption or a provision of this Regulation that this Schedule modifies.

Part 2 Exemptions from requirements under Act

4 Probationary and provisional pistol licences

If the relevant conditions apply, a person is exempt from complying with the required time periods specified in the following provisions of the Act—

- (a) section 16A(2)(b),
- (b) section 16C(2)(b)(i).

5 Surrender of firearms and licence when licence suspended or revoked

- (1) If the relevant conditions apply, a person whose licence ceases to be in force under section 21 of the Act is exempt from the requirement under section 25(1) of the Act to the extent that the subsection requires the surrender of a firearm or licence to be immediate.
- (2) To avoid doubt, this clause does not create an exemption for any person whose licence is suspended or revoked.

6 Quarterly returns of licensed firearms dealers

If the relevant conditions apply, a licensed firearms dealer—

- (a) is exempt from complying with the required time period specified in section 46(1) of the Act, and
- (b) is to notify the Firearms Registry, as soon as reasonably practicable, of any failure to comply with that required time period.

Part 3 Modifications relating to participation requirements for club members

7 Participation requirements for club members—Part 10 compliance periods

- (1) A compliance period (within the meaning of Part 10 of this Regulation) that includes the day on which the *Firearms Amendment (COVID-19) Regulation 2020* commenced is extended by 12 months in addition to the 12-month period determined under clause 105 of this Regulation.
- (2) To avoid doubt, the extension of the compliance period has the effect that a new compliance period does not start until the end of the extension.

8 Participation requirements for category C licences issued for clay target shooting purposes

A licensee of a special category C licence is taken to comply with the minimum requirement prescribed in clause 110 of this Regulation if the sum of the following is 4 or more—

- (a) the number of clay target shooting competitions participated in by the licensee during the compliance period in which the relevant conditions started to apply,
- (b) the number of clay target shooting competitions participated in by the licensee during the following compliance period.

Note. For the purposes of clause 110, **compliance period** is defined in section 17A(6) of the Act.

Part 4 Other modifications

9 Expiry of licence or permit—notification by Commissioner

If the relevant conditions apply, the Commissioner is not required to comply with clause 18(2) of this Regulation.

10 Application for subsequent licence or permit

A person is taken to have made an application to which clause 19(1) of this Regulation applies if—

- (a) the relevant conditions apply to restrict or prevent the person from making an application for a subsequent licence or permit before the person's current licence or permit expires, and
- (b) the person makes the application as soon as reasonably practicable after the person's current licence or permit expires.

11 Collection of subsequent licence or permit

If the relevant conditions apply, the period of 60 days prescribed in clause 19(2) of this Regulation is taken to be a period of 12 months.

12 Minor's firearms permit—continuation of authority past 18th birthday

If the relevant conditions apply, the period of 3 months prescribed in clause 54 of this Regulation is taken to be a period of 12 months.

13 Security guards—mandatory continuing firearms safety training courses

If the relevant conditions apply, a security guard is taken to comply with clause 89(2) of this Regulation if the security guard undertakes any approved continuing firearms safety training courses as soon as reasonably practicable after—

- (a) the relevant conditions cease to apply, and
- (b) a period of 6 months has elapsed since the previous approved continuing firearms safety training courses undertaken by the security guard.

14 Annual return of club

If the relevant conditions apply, a secretary or other relevant office holder of a club is not required to comply with clause 100(3) or (4) of this Regulation.