



New South Wales

Weapons Prohibition Amendment (Exemptions) Regulation 2020

under the

Weapons Prohibition Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Weapons Prohibition Act 1998*.

DAVID ELLIOTT, MP
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to amend the *Weapons Prohibition Regulation 2017* as follows—

- (a) to exempt a fisheries officer under the *Fisheries Management Act 1994*, when exercising a function as an authorised officer under another Act, from the requirement for a permit to possess or use handcuffs or an extendable or telescopic baton,
- (b) to allow the use of a thermal imaging camera that emits a laser beam by an employee of Fire and Rescue NSW or a member of a fire brigade or community fire unit.

This Regulation is made under the *Weapons Prohibition Act 1998*, including sections 6(4) and 50 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Weapons Prohibition Amendment (Exemptions) Regulation 2020*.

2 Commencement

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

Schedule 1 Amendment of Weapons Prohibition Regulation 2017

[1] Schedule 1 Persons exempt from requirement for permit

Insert after clause 2(2)—

(2A) A fisheries officer, within the meaning of the *Fisheries Management Act 1994*, is exempt from the requirement under the Act for a permit to possess or use a prohibited weapon referred to in Schedule 1, clause 2(17A) or 4(2) of the Act when exercising a function as an authorised officer under any of the following, but only if the Commissioner is satisfied that the officer has been trained in the use of the prohibited weapon—

- (a) *Biosecurity Act 2015*,
- (b) *Marine Estate Management Act 2014*,
- (c) *Marine Safety Act 1998*,
- (d) *National Parks and Wildlife Act 1974*,
- (e) *Rock Fishing Safety Act 2016*.

Note. An exemption from the requirement under the Act for a permit to possess or use a prohibited weapon does not itself authorise the use of the weapon as enforcement powers are conferred and limited by the relevant Act.

[2] Schedule 1, clause 9(c)

Insert after clause 9(b)—

- (c) a person employed in Fire and Rescue NSW, or a member of a fire brigade or community fire unit within the meaning of the *Fire and Rescue NSW Act 1989*, but only in relation to the use, in the course of exercising a function under that Act, of a thermal imaging camera that emits a laser beam.