



New South Wales

Firearms Amendment Regulation 2021

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 amend the *Firearms Regulation 2017* as follows—

- (a) to ensure that the authority conferred by a licence to sight in a firearm does not include the use of a pistol in a way that is not otherwise authorised by or under the *Firearms Act 1996* (***the Act***),
- (b) to prescribe requirements for the storage of firearms,
- (c) to enable the holder of an RSL display permit to also acquire and possess an ammunition collection,
- (d) to update the list of associations with which a shooting club can be affiliated in order to be approved by the Commissioner of Police,
- (e) to re-establish, on an ongoing basis, expired amnesties in connection with the surrender, transfer and registration of firearms, and to make further provision in relation to the amnesties,
- (f) to provide that a person subject to a firearms prohibition order is prohibited from attending an arms fair,
- (g) to remove an exemption from requirements of the Act for persons posted to New South Wales from other jurisdictions,
- (h) to prescribe federal family violence orders as a kind of ***apprehended violence order*** for the purposes of the Act,
- (i) to revise a reference to legislative provisions of the Commonwealth,
- (j) to create an exemption from requirements of the Act for current category D licence holders in whose name military self-loading centre-fire rifles are registered,
- (k) to make minor amendments in the nature of statute law revision.

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1 Name of Regulation

This Regulation is the *Firearms Amendment Regulation 2021*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1[26]–[42] commence on 1 July 2021.

Schedule 1 Amendment of Firearms Regulation 2017

[1] Clause 3 Definitions

Omit the definitions of *approved* and *Firearms Registry* from clause 3(1).

[2] Clause 7 Licence applications

Omit the clause.

[3] Clause 14 Application for duplicate licence or permit

Omit clause 14(2).

[4] Clause 21 Revocation of permit—additional reasons

Omit “a firearms prohibition order or” from clause 21(1)(c).

[5] Clause 21, note

Insert at the end of the clause—

Note— A permit that authorises a person to possess or use a firearm is automatically revoked if the holder of the permit becomes subject to a firearms prohibition order—see the Act, section 30(3A).

[6] Clause 28A

Renumber clause 33 (Licences and permits extend to authorise sighting in, patterning and related activities) as clause 28A and relocate to the end of Part 2.

[7] Clause 28A(3)(c)

Insert at the end of clause 28A(3)(b) (as renumbered and relocated by item [6])—

, or

- (c) the use of a pistol in a way that is not otherwise authorised by or under the Act.

[8] Clause 28B

Insert after clause 28A (as renumbered and relocated by item [6])—

28B Requirements relating to safety and storage

- (1) The holder of a licence or permit must not store a firearm in a dwelling unless it is an inhabited dwelling.
Maximum penalty—50 penalty units if it is established beyond reasonable doubt that the firearm concerned was a prohibited firearm or pistol, or 20 penalty units in any other case.
- (2) The holder of a licence or permit must not store a firearm on premises other than a dwelling unless—
- (a) the premises are in a proximity to an inhabited dwelling that allows the premises to be easily observed by the holder of the licence or permit, or by a person on behalf of the holder of the licence or permit, from the inhabited dwelling, or
- (b) the holder is a licensed firearms dealer and the premises are commercial premises from which the holder carries on the business of, or at which the holder carries on activities as, a firearms dealer, or
- (c) the requirements of subclause (3) are complied with.

Maximum penalty—50 penalty units if it is established beyond reasonable doubt that the firearm concerned was a prohibited firearm or pistol, or 20 penalty units in any other case.

- (3) For the purposes of subclause (2)(c), the requirements are as follows—
- (a) the firearm must be—
 - (i) stored in a safe of an approved type, and
 - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged, and
 - (iii) secured individually on, or in, a locked device within the safe,
 - (b) the safe must be fitted with an alarm of an approved type that is monitored off-site,
 - (c) the premises on which the firearm is stored must have an intruder alarm and duress facilities that are monitored off-site and are of an approved type.
- (4) In this clause—
- inhabited dwelling***, in relation to the storage of a firearm by the holder of a licence or permit, means—
- (a) a dwelling that is the principal place of residence of a person, whether or not the person is the holder of the licence or permit, or
 - (b) a dwelling at which a person resides while the firearm is stored there, whether or not the person is the holder of the licence or permit.

permit means a permit that authorises the possession of a firearm.

[9] Clause 29 Sport/target shooting

Omit “or under the authority conferred by clause 33 (Licences and permits extend to authorise sighting in, patterning and related activities)” from clause 29(b).

[10] Clause 35 Vertebrate pest animal control—prescribed government agencies

Omit clause 35(a) and (b). Insert instead—

- (a) the Department of Planning, Industry and Environment,

[11] Clause 38 Requirements for storage of firearms on residential premises

Omit the clause.

[12] Clause 59 Museum firearms permit

Insert “firearms” before “permit” in clause 59(5A)(a).

[13] Clause 73 RSL display permit

Insert after clause 73(2)—

- (2A) An RSL display permit also authorises anything that an ammunition collection permit authorises, subject to the same conditions as an ammunition collection permit.

[14] Clause 73(3)

Insert in alphabetical order—

ammunition collection permit has the same meaning as in clause 74.

- [15] Clause 91 Offences relating to shooting ranges**
Insert “, or use land as,” after “operate” in clause 91(1)(a).
- [16] Clause 92 Application for approval of shooting range**
Omit clause 92(1). Insert instead—
(1) An application for approval by the Commissioner of a shooting range must be made in an approved manner.
- [17] Clause 94 Special conditions relating to shooting ranges**
Omit “clause 33” wherever occurring in clause 94(1)(b)(i) and (ii).
Insert instead “clause 28A”.
- [18] Clause 94(1)(c)**
Omit “the Firearms Registry”. Insert instead “the Commissioner”.
- [19] Clause 97 Approval of club**
Omit the following from clause 97(3)(d)—
New South Wales Field and Game Association Inc
Insert in alphabetical order—
Sporting Clays NSW
- [20] Clause 115 Application for registration of firearm**
Omit “the Firearms Registry (or at such other place as may be approved)” from clause 115(1).
Insert instead “the Commissioner”.
- [21] Clause 124 Exemption for ADF, police and public servants posted outside NSW**
Omit clause 124(1)(a). Insert instead—
(a) a licence held by the person cannot be revoked merely because the person is not a resident of NSW,
Note— See the Act, sections 11(3)(d) and 24(2)(a).
- [22] Clause 124(4)**
Insert after clause 124(3)—
(4) To avoid doubt, this clause does not—
(a) permit the removal of a firearm to, or the storage of a firearm in, a place outside NSW, or
(b) exempt a person from a law of another jurisdiction relating to the possession of firearms.
- [23] Clause 125 Exemption for persons posted to NSW from other jurisdictions**
Omit the clause.
- [24] Clause 127 Exemption relating to officers and employees of certain government agencies**
Omit “the Office of Environment and Heritage or the Department of Primary Industries within the Department of Industry” from clause 127(2).

Insert instead “the Department of Planning, Industry and Environment”.

[25] Clause 129 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses

Omit “or officer of the Firearms Registry” from clause 129(4)(c).

Insert instead “, or another member of the NSW Police Force designated in writing by the Commissioner”.

[26] Clause 137 Definitions

Omit the definition of *amnesty period*.

[27] Clause 137, definition of “participating dealer”

Omit “NSW Firearms Registry”. Insert instead “NSW Police Force”.

[28] Clauses 138 and 140, headings

Omit “Temporary amnesty” wherever occurring. Insert instead “Amnesty”.

[29] Clauses 138, 139 and 140(1)

Omit “during the amnesty period” wherever occurring.

[30] Clause 139, heading

Omit the heading. Insert instead—

139 Amnesty for transfer of firearms and related articles involving participating dealers

[31] Clause 139

Insert “or related article” after “firearm” wherever occurring.

[32] Clause 139(3)–(5)

Insert after clause 139(2)—

(3) A participating dealer is exempt from the supply restrictions of the Act in respect of the supply of a surrendered firearm or related article to the holder of a museum firearms permit.

(4) The holder of a museum firearms permit is exempt from the requirement in the Act, section 31 for a permit to acquire a surrendered firearm or related article that is supplied to the holder by a participating dealer.

(5) In this clause—

museum firearms permit has the same meaning as in clause 59.

surrendered firearm or related article means a firearm or related article surrendered to a participating dealer.

[33] Clause 140, heading

Insert “, firearm frames and firearm receivers” after “firearms”.

[34] Clause 140(2)

Omit “and is made during the amnesty period”.

[35] Clause 140(3) and (5)

Omit “made during the amnesty period” wherever occurring.

- [36] Clause 140(5)**
Omit “during or after the end of the amnesty period”.
- [37] Clause 140(6), note**
Omit the note.
- [38] Clause 140(7)**
Insert after clause 140(6)—
(7) This clause applies, with necessary modifications, to a firearm frame or firearm receiver in the same way as it applies to a firearm.
- [39] Clause 141 Protection for participating dealers generally**
Omit “during the amnesty period” from clause 141(1).
Insert instead “in respect of a firearm surrendered to the participating dealer under this Part”.
- [40] Clause 141(2)**
Omit “during the amnesty period”.
- [41] Clause 141(3)**
Insert after clause 141(2)—
(3) An exemption under this clause applies only if the participating dealer acquires and possesses the firearm or related article in good faith for the purposes of this Part.
- [42] Clause 141A Authority of participating dealer’s licence extended**
Omit the clause.
- [43] Clause 141B**
Insert before clause 142—
141B Firearms prohibition order prohibits attendance at arms fair
(1) For the purposes of the Act, section 74(8)(d), the premises on which an arms fair is taking place are prescribed.
(2) In this clause—
arms fair has the same meaning as in clause 71.
- [44] Clause 143 Apprehended violence orders and interim apprehended violence orders of other jurisdictions**
Insert before clause 143(1)(a)—
(a1) a federal family violence order under the *Family Law Act 1975* of the Commonwealth,
- [45] Clause 143(1)(a)**
Omit “section 68B or 114”. Insert instead “section 68B(1)(a) or 114(1)(a)”.
- [46] Clause 148 Non-commercial transportation of prohibited firearms and pistol—prescribed safety requirements**
Omit clause 148(2)(b)(i) and (ii). Insert instead—

- (i) the Department of Planning, Industry and Environment, or

[47] Clause 149 Requirements for non-commercial transportation of Category A and B firearms

Omit clause 149(2)(b)(i) and (ii). Insert instead—

- (i) the Department of Planning, Industry and Environment, or

[48] Clauses 158A and 158B

Insert after clause 158—

158A Savings provision on repeal of clause 125

A person who was exempt from the requirements of the Act, section 7 or 7A under clause 125 immediately before its repeal by the *Firearms Amendment Regulation 2021* continues to be exempt, despite the repeal, until the person ceases to meet the requirements for the exemption under that clause as in force immediately before its repeal.

Example— A person ceases to meet the requirements for the exemption under clause 125 (now repealed) if the person—

- (a) ceases to hold an interstate licence, or
(b) ceases to be a resident of NSW as a result of being posted to a position in NSW or being required to reside in NSW as a condition of the person's employment.

158B Exemption—military self-loading centre-fire rifles

- (1) This clause applies to a person (the *licensee*) if, immediately before the commencement of this clause—
- (a) the licensee held a category D licence, and
(b) a military self-loading centre-fire rifle was registered in the licensee's name.
- (2) The licensee is exempt from the requirements of the Act, section 7 or 7A to be authorised to possess or use the military self-loading centre-fire rifle.
- (3) The exemption in this clause authorises the licensee to possess or use the military self-loading centre-fire rifle only—
- (a) if the genuine reason for possessing or using the military self-loading centre-fire rifle is vertebrate pest animal control, and
(b) if there is a special need for the person to possess or use the military self-loading centre-fire rifle, and
(c) for a person referred to in the Act, section 12, Table, "*Reason: vertebrate pest animal control*", paragraph (c)—if the special need cannot be met by any other means, and
(d) to the extent that the licensee complies with all other requirements of the Act, this Regulation and the category D licence as if the military self-loading centre-fire rifle were a firearm to which the licence applied.
- (4) The exemption in this clause ceases to apply if—
- (a) the licensee's category D licence is suspended or revoked or otherwise ceases to be in force, or
(b) registration of the military self-loading centre-fire rifle in the licensee's name is cancelled.

- (5) To avoid doubt, this clause does not exempt the licensee from complying with any other requirements of the Act or this Regulation in relation to the military self-loading centre-fire rifle.
- (6) In this clause—
military self-loading centre-fire rifle means a self-loading centre-fire rifle of a kind that is designed or adapted for military purposes.
Note— A military self-loading centre-fire rifle is a prohibited firearm under the Act, Schedule 1, item 5.

[49] Schedule 1 Penalty notice offences

Insert in appropriate order under the heading **Provision of this Regulation—**

Clause 28B (Requirements relating to safety and storage)	\$550
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