



New South Wales

# Weapons Prohibition Amendment Regulation 2021

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 prescribe a bump stock as a prohibited weapon for the purposes of the *Weapons Prohibition Act 1998* so that the possession or use of a bump stock without a permit under that Act is unlawful.

This Regulation also amends the *Weapons Prohibition Regulation 2017* as follows—

- (a) to re-establish, on an ongoing basis, an expired amnesty in connection with the surrender of prohibited weapons, and to make further provision in relation to the amnesty,
- (b) to prescribe federal family violence orders as a kind of ***apprehended violence order*** for the purposes of the *Weapons Prohibition Act 1998*,
- (c) to revise a reference to legislative provisions of the Commonwealth,
- (d) to make minor amendments in the nature of statute law revision.

## **Weapons Prohibition Amendment Regulation 2021**

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### **1 Name of Regulation**

This Regulation is the *Weapons Prohibition 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[5]–[11] commence on 1 July 2021.

### **3 Amendment of Weapons Prohibition Act 1998 No 127**

#### **Schedule 1 Prohibited weapons**

Insert after clause 4(9)—

- (10) A **bump stock** or any other gunstock that is designed to enable the rapid and repeated firing of a self-loading firearm.

## **Schedule 1      Amendment of Weapons Prohibition Regulation 2017**

- [1] **Clause 7 Application for permit**  
Omit clause 7(1).
- [2] **Clause 7(2)**  
Omit “section 9(2)(b)”. Insert instead “section 9(2)”.
- [3] **Clause 46 Apprehended violence orders and interim apprehended violence orders of other jurisdictions**  
Insert before clause 46(1)(a)—  
    (a1) a federal family violence order under the *Family Law Act 1975* of the Commonwealth,
- [4] **Clause 46(1)(a)**  
Omit “section 68B or 114”. Insert instead “section 68B(1)(a) or 114(1)(a)”.
- [5] **Clause 49, heading**  
Omit “Temporary 2018 amnesty”. Insert instead “Amnesty”.
- [6] **Clause 49(1), (2) and (5)**  
Omit “during the amnesty period” wherever occurring.
- [7] **Clause 49(1)**  
Insert “or participating dealer” after “police station” wherever occurring.
- [8] **Clause 49(2A)**  
Insert after clause 49(2)—  
    (2A) A participating dealer is exempt from section 24(3) of the Act in respect of a prohibited weapon surrendered to the participating dealer.
- [9] **Clause 49(3)**  
Omit “firearms dealer” wherever occurring. Insert instead “participating dealer”.
- [10] **Clause 49(3A)**  
Insert after clause 49(3)—  
    (3A) An exemption under subclause (2A) or (3) applies only if the participating dealer acquires and possesses the prohibited weapon in good faith for the purposes of this clause.
- [11] **Clause 49(6)**  
Omit the definitions of *amnesty period* and *firearms dealer*. Insert in alphabetical order—  
    *participating dealer* means—  
    (a) an authorised weapons dealer, or  
    (b) the holder of a firearms dealer licence under the *Firearms Act 1996*.