



New South Wales

# Firearms Amendment (Exemptions and Compliance Requirements) 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 objects of this Regulation are—

- (a) to enable the Commissioner of Police—
  - (i) to grant exemptions during public emergencies from participation requirements for certain holders of firearm licences who are club members, and
  - (ii) to approve longer periods within which security guards who possess firearms must undertake approved continuing firearms safety training courses, and
- (b) to extend for 12 months an exemption granted to persons who are current category D licence holders in whose name military self-loading centre-fire rifles are registered if their licences are renewed.

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### **1 Name of Regulation**

This Regulation is the *Firearms Amendment (Exemptions and Compliance Requirements) Regulation 2021*.

### **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 89 Additional requirements relating to security guards

Omit “annually” from clause 89(2).

Insert instead “once each 12 months or within a longer approved period”.

### [2] Clause 89(2A)

Insert after clause 89(2)—

- (2A) A longer approved period, not more than 24 months, may be approved for subclause (2) for particular security guards, classes of security guards or all security guards.

**Note.** The Act, section 4(1) defines **approved** to mean approved by the Commissioner from time to time.

### [3] Clause 105A

Insert after clause 105—

#### 105A Exemptions concerning participation requirements during public emergency

- (1) The Commissioner may, by written order (an *exemption order*), grant an exemption to classes of persons from requirements of this Part, including in relation to compliance periods, if satisfied that strict compliance with the requirements would not be feasible or practical because of a public emergency.
- (2) Without limiting subclause (1), an exemption order may do 1 or both of the following—
  - (a) specify conditions for the exemption granted, including conditions requiring compliance with alternative requirements to requirements under this Part (the *exempted requirements*) for which the exemption is granted,
  - (b) limit the application of the exemption granted by reference to specified exceptions, factors or other criteria or to specified periods.
- (3) A copy of the exemption order must be published on the website of the NSW Police Force.
- (4) If an exemption order specifies compliance with alternative requirements to exempted requirements, a person to whom the order applies complies with exempted requirements if the person complies with either—
  - (a) the exempted requirements, or
  - (b) the alternative requirements.

**Note.** Clauses 29(a), 31 and 36(1) make it a condition of a licence mentioned in the provision for its holder to comply with applicable requirements of this Part.
- (5) In this clause—

**public emergency** includes—

  - (a) a public health risk, including a pandemic or other public health risk in relation to which directions are in force under the *Public Health Act 2010*, Part 2, and
  - (b) an emergency within the meaning of the *State Emergency and Rescue Management Act 1989*, including an emergency in relation to which a state of emergency is in force under that Act.

**[4] Clause 158B Exemption—military self-loading centre-fire rifles**

Omit clause 158B(4). Insert instead—

- (4) The exemption in this clause ceases to apply—
  - (a) if the licensee’s category D licence is suspended or revoked, or
  - (b) if registration of the military self-loading centre-fire rifle in the licensee’s name is cancelled, or
  - (c) if the licensee’s category D licence expires but is renewed—at the end of the day that is the first anniversary of the renewal day for the licence, except if the exemption ceases to apply before the day because of paragraph (a) or (b).