



New South Wales

Firearms Amendment Bill 2008

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.



New South Wales

Firearms Amendment Bill 2008

Act No , 2008

An Act to amend the *Firearms Act 1996* and the *Firearms Regulation 2006* to make further provision with respect to the regulation and control of firearms; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Firearms Amendment Act 2008</i> .	3
2 Commencement	4
This Act commences 3 months after the date of assent to this Act, unless commenced sooner by proclamation.	5 6
3 Amendment of Firearms Act 1996 No 46	7
The <i>Firearms Act 1996</i> is amended as set out in Schedule 1.	8
4 Amendment of Firearms Regulation 2006	9
The <i>Firearms Regulation 2006</i> is amended as set out in Schedule 2.	10
5 Explanatory notes	11
The matter appearing under the heading “Explanatory note” in Schedule 1 or 2 does not form part of this Act.	12 13
6 Repeal of Act	14
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	15 16
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	17 18

Schedule 1	Amendment of Firearms Act 1996	1
	(Section 3)	2
[1]	Section 4 Definitions	3
	Insert in alphabetical order in section 4 (1):	4
	<i>theatrical armourer</i> means a person who carries on a business of providing firearms for the purposes of film, television or theatrical productions.	5 6 7
[2]	Section 4 (1), definition of “firearms dealer”	8
	Insert at the end of the definition:	9
	, and includes a theatrical armourer.	10
	Explanatory note	11
	Items [1] and [2], together with the amendment made by item [5], will enable theatrical armourers to be treated as firearms dealers under the <i>Firearms Act 1996 (the Act)</i> and to be issued with firearms dealer licences instead of theatrical armourer permits under the <i>Firearms Regulation 2006 (the Regulation)</i> . Similar amendments were made in relation to club armourers soon after the commencement of the Act. As licensed firearms dealers, theatrical armourers will not, when acquiring a firearm, be required to obtain a permit to acquire the firearm.	12 13 14 15 16 17 18
[3]	Sections 6A and 6B	19
	Insert after section 6:	20
	6A Exemption relating to firearms manufactured before 1900	21
	(1) This section applies to any firearm manufactured before 1900 that:	22 23
	(a) is not capable of discharging breech-loaded metallic cartridges, or	24 25
	(b) is a firearm the ammunition for which is determined by the Commissioner to be ammunition that is not commercially available.	26 27 28
	(2) Sections 31, 50 (b) and 51 (1) (b) (ii) and (1A) (ii) do not apply in relation to a firearm to which this section applies.	29 30
	(3) A person does not commit an offence under section 36 with respect to an unregistered firearm if it is a firearm to which this section applies.	31 32 33
	(4) Nothing in this section authorises the use of any firearm.	34

(5)	Any determination by the Commissioner of the ammunition that is not commercially available for the purposes of this section must be published in the Gazette.	1 2 3
6B	Exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses	4 5
(1)	A person is exempt from any requirement under this Act to be authorised by a licence or permit to possess or use a firearm (other than a prohibited firearm) if the person possesses or uses the firearm only:	6 7 8 9
(a)	at a shooting range approved by the Commissioner in accordance with the regulations and while under the direct supervision of a person who is authorised by a licence to possess or use a firearm of that kind, or	10 11 12 13
(b)	while participating in a firearms safety training course approved by the Commissioner in accordance with the regulations and while under the direct supervision of a firearms instructor approved by the Commissioner in accordance with the regulations.	14 15 16 17 18
(2)	Any such exemption from the requirement to be authorised by a licence or permit to possess or use a firearm is subject to the requirements prescribed by the regulations.	19 20 21
(3)	This section does not apply in relation to a person who is under the age of 12 years.	22 23
	Explanatory note	24
	Item [3] inserts expanded versions of certain exemptions from the Act that are currently contained in the <i>Firearms Regulation 2006</i> . Proposed section 6A will exempt persons from being required to have a permit to acquire, or from being required to register, any firearm manufactured before 1900 if the firearm does not take breech-loaded metallic cartridges or is a firearm for which ammunition is not commercially available. The exemption provided under the proposed section does not however allow any such firearm to be fired.	25 26 27 28 29 30 31
	Proposed section 6B will enable unlicensed persons to shoot on approved ranges under supervision and subject to the requirements set out in the regulations (see Schedule 2 [24]). The proposed section also exempts supervised persons who are handling firearms as part of an approved firearms training course from the requirement to be licensed.	32 33 34 35 36
[4]	Section 8 Licence categories and authority conferred by licence	37
	Insert “or a theatrical armourer” after “other than a club armourer” in the matter relating to firearms dealer licences in section 8 (1).	38 39
	Explanatory note	40
	Item [4] is consequential on the amendments made by items [1], [2] and [5].	41

[5] Section 8 (1)	1
Insert at the end of the matter relating to firearms dealer licences:	2
In the case of a theatrical armourer, authorises the licensee to possess, use, manufacture, convert, purchase, sell, transfer, supply, repair, maintain or test firearms (and blank cartridges for those firearms) in the licensee’s capacity as a theatrical armourer.	3 4 5 6
The authority conferred by a firearms dealer licence issued to a theatrical armourer extends to any employee of the licensee who is authorised in writing by the Commissioner.	7 8 9
Explanatory note	10
Item [5] specifies the authority conferred by a firearms dealer licence that is issued to a theatrical armourer. The authority conferred by such a licence is similar to the authority currently conferred by a theatrical armourer’s permit under the Regulation. Existing theatrical armourers who have a permit will be taken to be licensed under the Act (see item [14]).	11 12 13 14 15
[6] Section 11 General restrictions on issue of licences	16
Insert after section 11 (2):	17
(2A) Subsection (2) does not apply if the application is for the renewal of a licence (including the renewal of a category A or B licence that involves the addition of either of those licence categories to the previous licence).	18 19 20 21
Explanatory note	22
Item [6] provides that the mandatory 28-day waiting period for the issuing of a licence does not apply if the application is for the renewal of a licence.	23 24
[7] Section 17A Special provisions relating to category C licences issued for clay target shooting purposes	25 26
Insert “(or such other body as may be approved by the Commissioner)” after “Association” in section 17A (4).	27 28
Explanatory note	29
Under section 17A of the Act, an applicant for a special category C licence (which authorises the person to use a self-loading or pump action shotgun in a recognised clay target shooting competition) must provide a statement to the effect that the applicant is a member of a shooting club which is affiliated with the Australian Clay Target Association. Item [7] will enable the Commissioner of Police to approve other bodies to which an applicant’s shooting club may be affiliated.	30 31 32 33 34 35
[8] Section 31 Permits to acquire firearms	36
Omit section 31 (3) (b) and (4).	37
Explanatory note	38
Item [8] is consequential on the amendment made by item [9].	39

[9] Section 31A	1
Insert after section 31:	2
31A Waiting period for issuing permits to acquire firearms	3
(1) The Commissioner must not issue a permit authorising a person to acquire a firearm until after the end of the period of 28 days following the day on which the application for the permit is made.	4 5 6 7
(2) Subsection (1) does not apply in relation to an application for a permit to acquire a firearm to which a particular category of licence applies if, at the time the application is made, a firearm to which that licence category applies is registered in the applicant's name.	8 9 10 11 12
(3) For the purposes of subsection (2), a category A and category B licence are taken to be the same licence category.	13 14
Explanatory note	15
Under section 50 of the Act, a person (other than a licensed firearms dealer) must not purchase a firearm unless the person is authorised to acquire the firearm by a permit issued by the Commissioner of Police. Section 31 of the Act currently provides that a separate permit is required for each firearm to be acquired by a person and a mandatory 28-day waiting period applies before the Commissioner can issue the person with a permit to acquire.	16 17 18 19 20 21
Item [9] restates the 28-day waiting period currently in section 31 of the Act but provides that it does not apply if the applicant already has registered in his or her name a firearm of the same kind as the firearm that is the subject of the permit application.	22 23 24
[10] Section 52 Use of mail for sending firearms and barrels	25
Insert after section 52 (4):	26
(4A) It is not an offence under subsection (1) or (2) if the firearm or firearm barrel is sent by a licensed firearms dealer to another licensed firearms dealer by a form of post that requires delivery in person to the addressee.	27 28 29 30
(4B) It is not an offence under subsection (3) if the person who is directed or requested to send the firearm or firearm barrel is a licensed firearms dealer (or a firearms dealer licensed under the law of another State) and the firearms dealer is directed or requested to send the firearm or barrel to a licensed firearms dealer by a form of post that requires delivery in person to the addressee.	31 32 33 34 35 36 37
Explanatory note	38
Item [10] provides that the offences of sending or receiving a firearm or firearm barrel by mail do not apply if the firearm or barrel is sent by a licensed firearms dealer to another licensed dealer by a form of post that requires delivery in person to the addressee (such as registered mail).	39 40 41 42

[11] Section 53 Use of mail for sending firearms outside this State	1
Omit “security mail” from section 53 (c).	2
Insert instead “a form of post that requires delivery in person to the addressee”.	3
Explanatory note	4
Item [11] replaces a reference to security mail so that the provision will be consistent with the proposed amendments made by item [10].	5 6
[12] Section 85A	7
Insert after section 85:	8
85A Penalty notices	9
(1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.	10 11 12 13
(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.	14 15 16 17 18
(3) A penalty notice may be served personally or by post.	19
(4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.	20 21 22
(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.	23 24 25 26
(6) The regulations may:	27
(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	28 29 30
(b) prescribe the amount of penalty payable for the offence if dealt with under this section, and	31 32
(c) prescribe different amounts of penalties for different offences or classes of offences.	33 34
(7) An offence referred to in section 84 (2) or (3) cannot be prescribed by the regulations as a penalty notice offence.	35 36

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Schedule 1 Amendment of Firearms Act 1996

(8)	The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.	1 2 3
(9)	This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.	4 5 6
(10)	In this section: authorised officer means:	7 8
	(a) a police officer, or	9
	(b) any other member of the NSW Police Force authorised in writing by the Commissioner for the purposes of this section.	10 11 12
	Explanatory note	13
	Item [12] provides for the issuing of penalty notices for certain summary offences under the Act and regulations.	14 15
[13]	Schedule 3 Savings and transitional provisions	16
	Insert after clause 1 (1) (e):	17
	(f) the <i>Firearms Amendment Act 2008</i> .	18
	Explanatory note	19
	Item [13] enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act.	20 21
[14]	Schedule 3	22
	Insert after Part 6:	23
	Part 7 Provisions consequent on enactment of Firearms Amendment Act 2008	24 25
24	Theatrical armourers	26
(1)	In this clause: existing permit means a theatrical armourer's permit issued under the <i>Firearms Regulation 2006</i> and in force immediately before the commencement of this clause.	27 28 29 30
(2)	An existing permit is taken to be a firearms dealer licence issued under this Act authorising the licence holder to carry on business as a theatrical armourer.	31 32 33
(3)	The conditions to which the existing permit was subject are taken to be conditions imposed on the firearms dealer licence	34 35

concerned. Any such conditions may be varied or revoked in accordance with this Act.	1
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(4) Any such licence continues in force, unless it is sooner surrendered or revoked under this Act, for the remainder of the term for which the existing permit was issued.	3
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Explanatory note	6
Item [14] converts existing theatrical armourers permits into firearms dealer licences.	7

Schedule 2	Amendment of Firearms Regulation 2006	1
	(Section 4)	2
[1] Clause 16 Requirement to notify Commissioner of address where firearms are kept		3 4
Insert after clause 16 (1):		5
(1A) Subclause (1) does not apply if the licence or permit holder has already provided the information referred to in that subclause to the Commissioner in connection with the application for the permit to acquire the firearm concerned.		6 7 8 9
Explanatory note		10
Item [1] provides that the current requirement to notify the Commissioner, when acquiring a firearm, of the address where the firearm is to be kept when not being used and the arrangements for the safe keeping and storage of the firearm does not apply if that information has already been provided to the Commissioner.		11 12 13 14
[2] Clause 17 Renewal of licence or permit		15
Insert at the end of the clause:		16
(2) At least 60 days before the date on which a licence or permit is due to expire, the Commissioner is to notify the licence or permit holder in writing that the licence or permit is due to expire on the date specified in the notice.		17 18 19 20
Explanatory note		21
Item [2] requires the Commissioner to notify licence and permit holders of the date on which the licence or permit is due to expire.		22 23
[3] Clause 29 Recreational hunting/vermin control—persons who are members of approved hunting clubs		24 25
Insert “, but only if membership of the club is the sole ground on which the licensee has established that genuine reason” after “comply with clause 96 (1) (c)” in clause 29 (1).		26 27 28
Explanatory note		29
Item [3] makes it clear that the requirement for a member of an approved hunting club to participate in the club’s events only applies if the member relies on the club membership as the sole ground for establishing the genuine reason of recreational hunting/vermin control.		30 31 32 33
[4] Clause 31 Practising at approved ranges		34
Omit clause 31 (3) (b). Insert instead:		35
(b) is to cause the name and licence number of the person using the shooting range under this clause to be recorded, and		36 37 38

Explanatory note	1
Item [4] modifies the requirement for the holder of the approval of a shooting range to record details of the non-target shooters (eg recreational hunters) who use the range for practising or for the sighting in firearms.	2 3 4
[5] Clause 35A	5
Insert after clause 35:	6
35A Theatrical armourers	7
(1) In addition to the authority conferred under the Act, a firearms dealer licence issued to a theatrical armourer authorises:	8 9
(a) the licensee and any authorised employee of the licensee to instruct and supervise actors and other persons involved in a film, television or theatrical production in the possession and use of firearms for the purposes of the production, and	10 11 12 13
(b) the actors and other persons involved in the production to possess and use the firearms, but only while under the supervision and control of the licensee or authorised employee of the licensee.	14 15 16 17
(2) A firearms dealer licence issued to a theatrical armourer is subject to the following conditions:	18 19
(a) any firearm used in the production must be maintained in a safe working condition,	20 21
(b) the licensee must comply with any requirements determined by the Commissioner in relation to the safe keeping of firearms that the licensee is authorised to possess,	22 23 24 25
(c) the licensee must ensure that any employee who is authorised by the Commissioner to possess or use firearms under the licence is properly trained in the safe handling of firearms and is suitably qualified to carry out the functions of a theatrical armourer.	26 27 28 29 30
(3) The licensee must, while acting under the authority conferred by subclause (1):	31 32
(a) keep in the approved form a register in which particulars of the following matters are kept:	33 34
(i) the types, and registration numbers, of firearms authorised under the licence,	35 36
(ii) the name of each person authorised to possess and use any such firearm, and the periods for which each such person had possession or use of the firearm,	37 38 39

Firearms Amendment Bill 2008

Schedule 2 Amendment of Firearms Regulation 2006

(iii)	the periods for which any firearm was removed from safe storage, and	1 2
(b)	ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and	3 4
(c)	ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and	5 6
(d)	if requested to do so by a police officer at any time, immediately produce the register to the officer and allow the officer to inspect, and make copies of any entry contained in, the register.	7 8 9 10
	Maximum penalty: 50 penalty units.	11
	Explanatory note	12
	Item [5] provides that the authority conferred by a firearms dealer licence issued to a theatrical armourer extends, as is the case at present under a theatrical armourer's permit, to the use of firearms by the actors and other persons involved in the film, television or theatrical production concerned. The proposed clause also replicates certain requirements and conditions that currently apply in relation to a theatrical armourer's permit under clause 53 of the Regulation.	13 14 15 16 17 18
[6]	Clause 50 (6)	19
	Omit the subclause.	20
	Explanatory note	21
	Item [6] removes the restriction that prevents an heirloom permit being issued to a person if the person already has such a permit.	22 23
[7]	Clause 52 Permit for firearms used in film, television or theatrical production	24 25
	Omit "the holder of a theatrical armourer's permit" wherever occurring from clause 52 (5) (b) and paragraph (b) of the note at the end of the clause.	26 27
	Insert instead "a licensed theatrical armourer".	28
[8]	Clause 53 Theatrical armourer's permit	29
	Omit the clause.	30
	Explanatory note	31
	Items [7] and [8] are consequential on the amendments made by Schedule 1 relating to theatrical armourers being licensed as firearm dealers.	32 33
[9]	Clause 61 Permit for non-prohibited firearms used in historical re-enactments	34 35
	Omit clause 61 (2). Insert instead:	36
	(2) A historical re-enactment organiser's permit also authorises any person who is the holder of a licence to use any firearm:	37 38
	(a) that is not a prohibited firearm, and	39

	(b) that the person is authorised to possess or use under a licence,	1
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	for the purposes of participating in any historical re-enactment event conducted under the authority of a historical re-enactment organiser's permit.	3
		4
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	Explanatory note	6
	Item [9] provides that the authority conferred by a historical re-enactment organiser's permit extends to those persons who are participating in the historical re-enactment to which the permit relates. As a consequence of the amendment, the participants in the authorised event will no longer need to hold a separate historical re-enactment participant's permit. Such participants are already required to have a licence to use the firearms concerned and this requirement will remain.	7
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[10]	Clause 61 (3) (b)	13
	Omit the paragraph.	14
	Explanatory note	15
	Item [10] removes the requirement that the applicant for a historical re-enactment organiser's permit must provide the Commissioner with details of each licensee who will be participating in the event to which the application relates.	16
		17
		18
[11]	Clause 61 (3) (c)	19
	Insert "kinds of" before "firearms".	20
	Explanatory note	21
	Item [11] provides that the applicant for a historical re-enactment organiser's permit must provide the Commissioner with details of the kinds of firearms to be used in the event rather than the details of each firearm to be used.	22
		23
		24
[12]	Clause 61 (5) and (6)	25
	Omit "A permit under this clause" wherever occurring.	26
	Insert instead "A historical re-enactment organiser's permit".	27
[13]	Clause 61 (7)	28
	Omit the subclause.	29
	Explanatory note	30
	Items [12] and [13] are consequential on the amendment made by item [9].	31
[14]	Clause 65 Arms fair permits	32
	Omit clause 65 (2). Insert instead:	33
	(2) An arms fair permit also authorises any person who is a licensed firearms dealer or the holder of a firearms collector licence or an ammunition collector permit to participate in an arms fair that is the subject of an arms fair permit.	34
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Firearms Amendment Bill 2008

Schedule 2 Amendment of Firearms Regulation 2006

(2A)	The authority conferred by a firearms dealer licence extends, to the extent that the licensee is participating in an arms fair that is the subject of an arms fair permit, to the sale by the licensee at the arms fair of any firearms or firearm parts to which the licence applies, or any ammunition for those firearms, but only if the sale is conducted in accordance with the Act.	1 2 3 4 5 6
	Explanatory note	7
	Item [14] provides that the authority conferred by an arms fair permit extends to those persons (such as firearms dealers) who are participating in the arms fair to which the permit relates. As a consequence of the amendment, the participants in an authorised arms fair will no longer need to hold a separate arms fair participant's permit.	8 9 10 11
[15]	Clause 65 (5)–(7) and (9)	12
	Omit the subclauses.	13
[16]	Clause 65 (8)	14
	Omit “A permit under this clause”. Insert instead “An arms fair permit”.	15
	Explanatory note	16
	Items [15] and [16] are consequential on the amendment made by item [14].	17
[17]	Clause 88 Special conditions relating to shooting ranges	18
	Omit clause 88 (a). Insert instead:	19
	(a) section 6B of the Act applies in relation to the person, or	20
	Explanatory note	21
	Item [17] is consequential on the insertion of proposed section 6B into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	22 23
[18]	Clause 92 Revocation of approval of club	24
	Omit clause 92 (2) (d) and (e).	25
	Explanatory note	26
	Item [18] provides that the failure by an approved firearms club to disqualify any member who has been convicted of a firearms offence (and who is therefore not authorised to possess or use a firearm) is no longer a specific ground on which the Commissioner may revoke the approval of the club. However, it will remain an offence for a range official (or any other licensed person) to permit an unauthorised person to possess or use a firearm (see section 19 (2) (b) of the Act and Part 8 of the Regulation).	27 28 29 30 31 32
[19]	Clause 92A	33
	Insert after clause 92:	34
	92A Members convicted of disqualifying offences not permitted to take part in club activities involving firearms	35 36
	If a member of a club is convicted of an offence referred to in clause 5, the person who is the secretary of the club (or, if there	37 38

	is no secretary, the person who occupies the most senior executive position in the club) must, as soon as practicable after the person is made aware of that conviction, take such action as is reasonably within the person's capacity to prevent the club member from participating in any activity of the club that involves the possession or use of firearms.	1 2 3 4 5 6
	Maximum penalty: 50 penalty units.	7
	Explanatory note	8
	Item [19] deals with participation in club activities by persons who have been convicted of certain offences.	9 10
[20]	Clause 96 Participation requirements for club members	11
	Insert “, but only if the licence is issued for the genuine reason of recreational hunting/vermin control and the person's membership of the club is the sole ground on which that genuine reason is established” after “training” in clause 96 (1) (c).	12 13 14 15
	Explanatory note	16
	Item [20] makes it clear that the requirement for a member of an approved hunting club to participate in the club's events only applies if the member relies on the club membership as the sole ground for establishing the genuine reason of recreational hunting/vermin control.	17 18 19 20
[21]	Clause 99 Fees	21
	Insert “or (h1)” after “(h)” in clause 99 (1) (g).	22
[22]	Clause 99 (1) (h1)	23
	Insert after clause 99 (1) (h):	24
	(h1) application fee for an initial or subsequent firearms dealer's licence to be held by a theatrical armourer—\$500,	25 26
[23]	Clause 99 (1) (j)	27
	Omit the paragraph.	28
	Explanatory note	29
	Items [21]–[23] are consequential on the amendments made by Schedule 1 relating to theatrical armourers being licensed as firearms dealers.	30 31
[24]	Clause 110	32
	Omit the clause. Insert instead:	33
110	Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses	34 35 36
	(1) The purpose of this clause is to prescribe requirements relating to the exemption under section 6B of the Act of persons from the	37 38

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| requirement to be authorised by a licence or permit to possess or use a firearm. | 1 |
| | 2 |
| (2) It is a condition of the approval under clause 87 of a shooting range that a club or range official must ensure that each person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at the shooting range but who is not authorised by a licence or permit to do so completes and signs a form containing the following questions before the person uses any firearm at the shooting range: | 3 |
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| | 9 |
| (a) Have you, in New South Wales or elsewhere: | 10 |
| (i) been refused or prohibited from holding a firearms licence or permit or had a firearms licence or permit suspended, cancelled or revoked? | 11 |
| | 12 |
| | 13 |
| (ii) been the subject of a firearms prohibition order? | 14 |
| (iii) within the last 10 years, been convicted of an offence involving firearms, weapons, prohibited drugs, robbery, violence or terrorism? | 15 |
| | 16 |
| | 17 |
| (iv) within the last 10 years, been convicted of an offence of a sexual nature? | 18 |
| | 19 |
| (v) within the last 10 years, been the subject of a family law or domestic violence order or an apprehended violence order (other than an order that was revoked)? | 20 |
| | 21 |
| | 22 |
| | 23 |
| (b) Are you currently, in New South Wales or elsewhere: | 24 |
| (i) subject to a good behaviour bond? | 25 |
| (ii) subject to an interim apprehended violence order? | 26 |
| (iii) suffering from any mental illness or other disorder that may prevent you from using a firearm safely? | 27 |
| | 28 |
| (3) It is a condition of the approval under clause 122 (4) of a person to be an instructor for a firearms safety training course that the person must ensure that each person who, in accordance with section 6B (1) (b) of the Act, possesses or uses a firearm while participating in the course but who is not authorised by a licence or permit to do so, completes and signs a form containing the questions set out in subclause (2) before the person uses any firearm as part of the course. | 29 |
| | 30 |
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| (4) It is a condition of any such approval referred to in subclause (2) or (3) that the club or range official, or the instructor, as the case requires, must: | 37 |
| | 38 |
| | 39 |
| (a) prevent a person from possessing or using a firearm at the shooting range, or as part of the course, if the person has | 40 |
| | 41 |

-
- answered “Yes” to any of the questions set out in subclause (2), and 1
- (b) record the name, address and date of birth of each person who possesses or uses a firearm at the shooting range, or as part of the course, in accordance with section 6B of the Act, and 2
- (c) make available for inspection, by the Firearms Registry of the NSW Police Force, any record made under paragraph (b) and any completed and signed forms under subclause (2) or (3). 3
- (5) Without limiting the operation of subclause (4) (a), if the person concerned has answered “Yes” to any of the questions set out in subclause (2), the club or range official, or the instructor, as the case requires, must prevent the person from possessing or using a firearm at the shooting range or as part of the course. 4
- Maximum penalty: 50 penalty units. 5
- (6) The club or range official, or the instructor, as the case requires, must ensure that the person who is possessing or using a firearm at the shooting range, or as part of the course, does so only while under direct supervision as required by section 6B (1) of the Act. 6
- Maximum penalty: 50 penalty units. 7
- (7) The record under subclause (4) (b) must also include details of the photo identification of the person concerned or, if the person is a minor, details of the photo identification of a parent or guardian of the minor and a copy of the parent’s or guardian’s written consent to the minor possessing or using the firearm. 8
- (8) In this clause: 9
- club or range official*** means: 10
- (a) in the case of a club within the meaning of Part 9—a member of the club who has been authorised for the purposes of this clause by the secretary or other relevant office holder of the club, or 11
- (b) in the case of a shooting range—a person authorised for the purposes of this clause by the holder of the approval of the range under Part 8. 12

Explanatory note

Item [24] modifies the requirements that apply in relation to the current exemptions under the Regulation for unlicensed persons shooting on ranges and person who are undertaking approved firearms safety training courses. These exemptions are being transferred to the Act (see Schedule 1 [3]). The requirements are similar to those that apply in relation to open day participants under clause 66 of the Regulation. The item also inserts additional related offences. 13

Firearms Amendment Bill 2008

Schedule 2 Amendment of Firearms Regulation 2006

[25] Clauses 111 and 112	1
Omit the clauses.	2
Explanatory note	3
Item [25] is consequential on the insertion of proposed section 6B into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	4
	5
[26] Clause 117 Temporary licensing and registration amnesty for certain percussion lock pistols manufactured before 1900	6
	7
Omit the clause.	8
Explanatory note	9
Item [26] is consequential on the insertion of proposed section 6A into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	10
	11
[27] Clause 127 Inspections of certain firearms	12
Omit clause 127 (3).	13
Explanatory note	14
Item [27] will require notices of inspection to be served on individual club members rather than the current arrangement which provides that a club member is taken to have been served with a notice of inspection if the secretary or relevant office holder of the club has been served with the notice.	15
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