



New South Wales

# Firearms Legislation Amendment Bill 2010

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Firearms Act 1996* and the *Firearms Regulation 2006* as follows:

- (a) to exempt air rifles from certain requirements under the Firearms Act (namely, registration and the need for a permit to acquire such firearms) and to allow minors under the age of 12 years to use air rifles under supervision at approved shooting ranges,
- (b) to provide that an applicant is disqualified from being issued with a firearms licence or permit if the applicant has been the subject of an apprehended violence order at any time during the previous 5 years (the disqualification period for an AVO is currently 10 years),
- (c) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also makes minor and miscellaneous amendments to certain other legislation.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act 3 months after the date of assent (although a proclamation may provide for a provision of the proposed Act to commence sooner).

## Schedule 1 Amendment of Firearms Act 1996

### Amendments relating to air rifles

**Schedule 1 [3]** exempts air rifles from the registration requirements under the Firearms Act. A permit to acquire will not be required in relation to an air rifle, though the general requirement for a licence or permit to possess or use an air rifle will remain. Special provision is made however to allow minors under the age of 12 years (and who are not therefore eligible for a minor's firearms permit) to use an air rifle at an approved shooting range under the direct supervision of persons who are licensed to use air rifles.

**Schedule 1 [1]** is a consequential amendment that distinguishes air rifles from air pistols for the purposes of the Firearms Act (noting that the proposed amendments relating to air rifles do not affect existing licensing and registration requirements in relation to air pistols).

**Schedule 1 [4]** is a consequential amendment that makes it clear that category A licence holders are authorised to possess or use an unregistered air rifle.

### Amendments relating to firearm licences and permits

**Schedule 1 [5] and [14]** make it clear that the authority conferred by a category C licence extends, in the case where the genuine reason for having such a licence is primary production, to shooting not only on rural land owned or occupied by the licensee but to any other rural land with the permission of the owner or occupier of that land. The genuine reason of primary production involves the use of a firearm solely in connection with farming or grazing activities on rural land (such as the suppression of vertebrate pest animals).

**Schedule 1 [6]** makes it clear that while a category H licence may authorise the use of an antique revolver, a category H licence that is issued for sport/target shooting purposes does not authorise the possession of an antique revolver if it happens to be a prohibited pistol (eg a pistol with a calibre of more than .38 inch). Special permits for large calibre pistols are currently available under the Firearms Regulation.

**Schedule 1 [7]** provides that the application fee for a firearms licence for a particular period cannot exceed the equivalent amount for an unrestricted driver licence of the same period.

**Schedule 1 [8]** will enable a serving member of the armed forces of the Commonwealth who is the holder of a firearms licence in his or her off-duty personal

capacity to renew the licence even though the member is not living in New South Wales.

**Schedule 1 [9] and [23]** provide that a firearms licence or permit must not be issued, amongst others, to a person who has been subject to an apprehended violence order during the previous 5 years (at present the disqualifying period for an AVO is 10 years).

**Schedule 1 [10], [11], [24] and [25]** separate the existing mandatory and discretionary grounds for refusing the issue of a licence or permit so that from now on the Commissioner of Police will have a discretion (rather than be required) to refuse a licence or permit application on the ground that the applicant has been convicted of a disqualifying offence in the past 10 years or is the subject of a good behaviour bond. **Schedule 1 [18]** is a consequential amendment that makes it clear that the grounds for revoking a licence include any reason for which the licensee may, or must, be refused a licence.

**Schedule 1 [12]** enables a licence applicant, in establishing the genuine reason of recreational hunting/vermin control, to produce proof of permission given by any public or local authority to shoot on that authority's land (whether or not it is rural land). At present, permission to shoot may only be given by landowners and certain public authorities in relation to rural land. **Schedule 1 [13]** is a consequential amendment. **Schedule 1 [15]–[17]** make similar amendments in relation to the genuine reason of vertebrate pest animal control, with the result that the scope of that genuine reason is extended to the control of vertebrate pest animals by professional contract shooters on any land owned, occupied or managed by a public or local authority (and not just rural land). **Schedule 1 [21]** is a consequential amendment.

**Schedule 1 [19] and [26]** provide that the requirement for a person to surrender a firearm when the person's licence or permit is suspended or revoked applies only after the person is directed by the Commissioner in writing to surrender the firearm. The amendments also extend the requirement to surrender a firearm when the relevant licence or permit otherwise ceases to be in force. **Schedule 1 [20]** is a consequential amendment.

**Schedule 1 [22]** provides for the recognition in New South Wales of interstate firearms licences held by serving members of the armed forces of the Commonwealth in their off-duty personal capacity.

**Schedule 1 [27]** enables a person who has applied for a licence or permit to also apply for a permit to acquire a firearm pending the issuing of the licence or permit authorising the person to possess the firearm. The amendment will enable the 28-day waiting periods for issuing a licence and for issuing a permit to acquire a firearm to occur concurrently.

**Schedule 1 [28]** replaces the requirement for pistol clubs to confirm that a person applying for a permit to acquire a pistol has adequate storage arrangements with a requirement that the applicant for such a permit certify in the application that he or she is aware of, and can comply with, the safe keeping requirements under the Act in relation to the pistol.

**Schedule 1 [29] and [30]** remove the restrictions on the types of pistols that the holder of a probationary pistol licence is allowed to acquire after the first 6 months of the licence.

**Schedule 1 [31]** extends, from 30 to 90 days, the period for which a permit to acquire is in force and **Schedule 1 [32]** enables that period to be automatically extended for a further 90-day period if the firearm to which the permit to acquire relates has not been acquired during the initial 90-day period.

**Schedule 1 [33]** provides that the 28-day waiting period for the issue of a permit to acquire a firearm of a particular kind does not apply if another firearm of that kind was registered in the applicant's name at any time during the previous 5 years (at present the exemption from the waiting period only applies if the other firearm is registered in the applicant's name at the time the application for the permit is made).

### **Miscellaneous amendments**

**Schedule 1 [2]** makes it clear that the definition of *ammunition* does not, in the case of cartridges, include a spent cartridge (that is, a cartridge case must be fitted with a live primer and a projectile for it to be ammunition).

**Schedule 1 [34]** provides for the recognition of interstate registered firearms on a transitional basis to assist interstate residents who move to New South Wales with firearms that are not registered under the Firearms Act.

**Schedule 1 [35]–[37]** are consequential on the amendments made elsewhere in Schedule 1 to the proposed Act that exempt certain firearms from the requirement to be registered. **Schedule 1 [35]** also exempts firearms dealers from having to notify the Commissioner of a transaction or dealing that does not involve a change in ownership of a firearm (such as taking possession of a firearm for the purposes of repair).

**Schedule 1 [38]** removes certain firearms (namely, certain longarms with a revolving ammunition cylinder) from the list of prohibited firearms so that they will be treated as ordinary firearms that are required to be registered.

**Schedule 1 [39]** enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

## **Schedule 2      Amendment of Firearms Regulation 2006**

**Schedule 2 [1]** enables firearms licences to be issued for various periods of up to 5 years.

**Schedule 2 [2]** removes the requirement for the holder of an approval for a shooting range to record the name and licence number of each licensed shooter who is practising at the range and who is not otherwise participating in competitions or activities conducted by a shooting club. The current requirement for such persons to be supervised while practising at the range is retained.

**Schedule 2 [3] and [4]** enable a permit for specialised shooting activities involving large calibre pistols to be issued not only to the holder of a category H (sport/target

shooting) licence but also to the holder of a minor's target pistol permit who has held such a permit for at least 12 months and who is a member of an approved pistol club. The amendments also expand the range of specialised shooting activities or disciplines in respect of which large calibre pistols can be used under the authority of a permit.

**Schedule 2 [5]** makes it clear that it is not necessary for the approval of a shooting range to specify the name of each particular shooting event or practice activity that may be conducted or carried out at the shooting range.

**Schedule 2 [6]** increases, from 3 to 5 years, the maximum period for which the approval of a shooting range remains in force.

**Schedule 2 [7]** specifies the new application fees for firearms licences for specified periods. The fees are equivalent to the amounts for driver licences for the same respective periods.

**Schedule 2 [8]** exempts pensioners from the requirement to pay an application fee for a category H (ie pistol) licence.

**Schedule 2 [9]** provides for the removal from the Register of Firearms of details relating to firearms that are no longer required to be registered.

**Schedule 2 [11]** removes the requirement for an advertisement for the sale of a firearm to include the name and address of the licensed dealer who is arranging the sale.

### **Schedule 3      Amendment of other legislation**

**Schedule 3.1** amends the *Crimes Act 1900* to make it clear that the offence under that Act of possessing an unregistered firearm in a public place does not apply in the case of a firearm that is not required to be registered under the Firearms Act (eg an antique firearm).

**Schedule 3.2** amends the *National Parks and Wildlife Regulation 2009*:

- (a) to provide that it is not an offence for a person to carry or possess a firearm on national park land if the firearm is not loaded and is being conveyed in a vehicle travelling on a road traversing that land and so long as the person is authorised under the Firearms Act to possess the firearm, and
- (b) to provide for a similar exemption in relation to the possession of ammunition on national park land, and
- (c) to remove a superfluous reference to airguns in an offence provision relating to the possession or use of certain weapons on national park estate land (noting that airguns are firearms within the meaning of the Firearms Act and are already covered by the existing prohibition under the National Parks and Wildlife Regulation of carrying, discharging or possessing a firearm on such land).

**Schedule 3.3** amends the *Weapons Prohibition Act 1998*:

- (a) to provide that an application for a permit under that Act must be refused if the applicant was subject to an apprehended violence order within the previous 5 years (instead of the previous 10 years as is the case at present), and
- (b) to provide that the Commissioner will have a discretion (rather than be required) to refuse to issue a weapons permit to an applicant who has been convicted of an offence or who is subject to a recognisance to keep the peace, and
- (c) to clarify the grounds on which a weapons permit may be revoked.

**Schedule 3.4** modifies the current exemption under the *Weapons Prohibition Regulation 2009* relating to the possession of laser pointers by firearms licence holders who use them for the purpose of an activity associated with the use of a firearm.



New South Wales

# Firearms Legislation Amendment Bill 2010

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Firearms Act 1996 No 46	3
Schedule 2 Amendment of Firearms Regulation 2006	11
Schedule 3 Amendment of other legislation	14





New South Wales

# Firearms Legislation Amendment Bill 2010

No. , 2010

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## **A Bill for**

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Firearms Legislation Amendment Act 2010</i> .	3
<b>2 Commencement</b>	4
(1) This Act commences 3 months after the date of assent to this Act, except as provided by subsection (2).	5 6
(2) A proclamation may provide for the commencement of a provision of this Act on a day (as appointed by the proclamation) occurring during the period of 3 months after the date of assent.	7 8 9

<b>Schedule 1</b>	<b>Amendment of Firearms Act 1996 No 46</b>	1
<b>[1]</b>	<b>Section 4 Definitions</b>	2
	Insert in alphabetical order in section 4 (1):	3
	<i>air rifle</i> means an air gun other than a pistol.	4
<b>[2]</b>	<b>Section 4 (1), definition of “ammunition”</b>	5
	Omit paragraphs (a) and (b). Insert instead:	6
	(a) any article consisting of a cartridge case fitted with a live primer and a projectile (whether or not it also contains a propelling charge), or	7 8 9
<b>[3]</b>	<b>Section 6C</b>	10
	Insert after section 6B:	11
	<b>6C Exemptions relating to air rifles</b>	12
	(1) <b>Permit to acquire not required</b>	13
	A permit under section 31 to acquire a firearm is not required in the case of an air rifle. Accordingly, sections 50 (b) and 51 (1) (b) (ii) and (1A) (b) (ii) do not apply in relation to the sale or purchase of an air rifle.	14 15 16 17
	(2) <b>Registration not required</b>	18
	An air rifle is not required to be registered. Accordingly, a person does not commit an offence under section 36 or 37 (2) in relation to a firearm that is an air rifle.	19 20 21
	(3) The possession of an unregistered air rifle is taken not to be possession for the purposes of an offence under section 51D involving the possession of unregistered firearms.	22 23 24
	(4) <b>Exemption for certain minors using air rifles under supervision at shooting ranges</b>	25 26
	A minor who is under the age of 12 years is exempt from any requirement under this Act to be authorised by a licence or permit to possess or use an air rifle if:	27 28 29
	(a) the minor possesses or uses the air rifle only:	30
	(i) while at a shooting range approved by the Commissioner in accordance with the regulations, and	31 32 33
	(ii) while under the direct supervision of a person who is authorised by a licence to possess and use an air rifle, and	34 35 36

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(b)	the minor is accompanied at the shooting range by the minor's parent or legal guardian or the parent or legal guardian has provided the person having control for the time being of the range with written consent for the minor to possess or use an air rifle at the range.	1 2 3 4 5
<b>[4]</b>	<b>Section 8 Licence categories and authority conferred by licence</b>	6
	Insert “, or to possess and use an air rifle” after “applies” under the heading “ <i>Authority conferred by the licence:</i> ” in the matter relating to category A licences in section 8 (1).	7 8 9
<b>[5]</b>	<b>Section 8 (1)</b>	10
	Insert “, on rural land owned or occupied by the licensee or on any other rural land with the written permission of the owner or occupier of that land” after “to possess or use” under the heading “ <i>Authority conferred by the licence:</i> ” in the matter relating to category C licences.	11 12 13 14
<b>[6]</b>	<b>Section 8 (1)</b>	15
	Insert at the end of the matter relating to category H licences (pistols):	16
	Despite the provisions referred to above in relation to this licence category, a category H licence authorises the possession or use of an antique revolver within the meaning of section 6A. However, a category H (sport/target shooting) licence does not authorise the possession or use of any such antique revolver that is a prohibited pistol.	17 18 19 20 21 22
<b>[7]</b>	<b>Section 10 Application for licence</b>	23
	Insert after section 10 (1):	24
	(1A) The application fee prescribed by the regulations for a category A, B, C, D or H licence (other than a probationary pistol licence) that is to be issued for a specified period cannot exceed the amount payable for the issue of an unrestricted driver licence for that same period.	25 26 27 28 29
<b>[8]</b>	<b>Section 11 General restrictions on issue of licences</b>	30
	Insert after section 11 (3A):	31
	(3B) Subsection (3) (d) does not apply in relation to a licence that is issued by way of the renewal of a licence held by a person who is a serving member of the armed forces of the Commonwealth and who is not currently residing in New South Wales (being a licence authorising the person to possess or use a firearm	32 33 34 35 36

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	otherwise than while acting in the ordinary course of the person's duties as such a member).	1 2
<b>[9]</b>	<b>Section 11 (4A)</b>	3
	Insert after section 11 (4):	4
	(4A) A licence must not be issued to a person who:	5
	(a) is under the age of 18 years, or	6
	(b) is subject to an apprehended violence order or who has, at any time within 5 years before the application for the licence was made, been subject to such an order (other than an order that has been revoked), or	7 8 9 10
	(c) is subject to a firearms prohibition order.	11
<b>[10]</b>	<b>Section 11 (5)</b>	12
	Omit "A licence must not be issued to a person who".	13
	Insert instead "The Commissioner may refuse to issue a licence to a person who".	14 15
<b>[11]</b>	<b>Section 11 (5) (a), (c) and (e)</b>	16
	Omit the paragraphs.	17
<b>[12]</b>	<b>Section 12 Genuine reasons for having licence</b>	18
	Omit paragraph (b) of the matter relating to the genuine reason of recreational hunting/vermin control from the Table.	19 20
	Insert instead:	21
	(b) produce proof of permission given by the owner or occupier of rural land to shoot on that land, or	22 23
	(b1) produce proof of permission given by any public or local authority to shoot on any land owned by, or under the control or management of, that authority (whether or not rural land), or	24 25 26 27
<b>[13]</b>	<b>Section 12, Table</b>	28
	Omit "to give permission to shoot on rural land" from the matter relating to the genuine reason of recreational hunting/vermin control.	29 30
	Insert instead "under paragraph (b) or (b1) to give permission to shoot on any land".	31 32

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<b>[14]</b>	<b>Section 12, Table</b>	1
	Omit “on the land concerned” from paragraph (b) of the matter relating to the genuine reason of primary production.	2 3
	Insert instead “on rural land”.	4
<b>[15]</b>	<b>Section 12, Table</b>	5
	Insert “or on any other land owned by, or under the control or management of, a public or local authority” after “rural land” in paragraph (a) of the matter relating to the genuine reason of vertebrate pest animal control.	6 7 8
<b>[16]</b>	<b>Section 12, Table</b>	9
	Insert “, or a public or local authority,” after “government agency” in paragraph (b) of the matter relating to the genuine reason of vertebrate pest animal control.	10 11 12
<b>[17]</b>	<b>Section 12, Table</b>	13
	Insert “or local” after “public” in paragraph (c) of the matter relating to the genuine reason of vertebrate pest animal control.	14 15
<b>[18]</b>	<b>Section 24 Revocation of licence</b>	16
	Omit section 24 (2) (a). Insert instead:	17
	(a) for any reason for which the licensee may, or must, be refused a licence, or	18 19
<b>[19]</b>	<b>Section 25 Surrender and seizure of firearms when licence suspended or revoked</b>	20 21
	Omit section 25 (1). Insert instead:	22
	(1) If a licence is suspended, revoked or otherwise ceases to be in force, the person to whom it was issued must, immediately after being directed to do so in writing by the Commissioner, surrender to a police officer:	23 24 25 26
	(a) any firearm in the person’s possession, and	27
	(b) the licence.	28
	Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.	29 30
<b>[20]</b>	<b>Sections 25 (2) and 30 (7)</b>	31
	Omit “suspended or revoked” wherever occurring.	32
	Insert instead “suspended, revoked or otherwise ceases to be in force”.	33

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<b>[21] Section 26 Recognition of interstate licences for certain purposes</b>	1
Insert “or public” after “rural” wherever occurring in section 26 (2) (b).	2
<b>[22] Section 27A</b>	3
Insert after section 27:	4
<b>27A Recognition of interstate licences held by serving Defence Force personnel</b>	5
	6
(1) This section applies to a person who:	7
(a) is a serving member of the armed forces of the Commonwealth, and	8
	9
(b) is the holder of a licence issued under the law in force in another State or Territory ( <i>the person’s interstate licence</i> ) authorising the person to possess or use a firearm otherwise than while acting in the ordinary course of the person’s duties as such a member.	10
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(2) If a person to whom this section applies becomes a resident of this State, the person is exempt from the requirement to be authorised by a licence or permit under this Act to possess or use a firearm to which the person’s interstate licence applies, but only:	15
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(a) for the purposes authorised under the interstate licence, and	20
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(b) while the interstate licence remains in force.	22
<b>[23] Section 29 General restrictions on issuing permits</b>	23
Insert after section 29 (2):	24
(2A) A permit must not be issued to a person who:	25
(a) is under the age of 18 years (except in the case of a minor’s firearm permit or such other permit as may be prescribed by the regulations), or	26
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(b) is subject to an apprehended violence order or who has, at any time within 5 years before the application for the permit was made, been subject to such an order (other than an order that has been revoked), or	29
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(c) is subject to a firearms prohibition order.	33

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<b>[24] Section 29 (3)</b>	1
Omit “Subject to this Division, a permit must not be issued to a person who”.	2
Insert instead “The Commissioner may refuse to issue a permit to a person who”.	3
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<b>[25] Section 29 (3) (a), (c) and (e)</b>	5
Omit the paragraphs.	6
<b>[26] Section 30 General provisions relating to permits</b>	7
Omit section 30 (6). Insert instead:	8
(6) If a permit is suspended, revoked or otherwise ceases to be in force, the person to whom it was issued must, immediately after being directed to do so in writing by the Commissioner, surrender to a police officer:	9
(a) any firearm in respect of which the permit has been issued, and	10
(b) the permit.	11
Maximum penalty: 50 penalty units or imprisonment for 2 years, or both.	12
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<b>[27] Section 31 Permits to acquire firearms</b>	18
Insert “, or who has applied for a licence or permit,” after “licence or permit” in section 31 (1).	19
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<b>[28] Section 31 (3A)</b>	21
Omit the subsection. Insert instead:	22
(3A) Without limiting subsection (3), the Commissioner must not issue a permit authorising a person who is the holder of a category H (sport/target shooting) licence (including a probationary pistol licence) to acquire a pistol unless:	23
(a) the application for the permit is supported by a written statement, by the secretary or other relevant office holder of the pistol shooting club in respect of which the applicant’s genuine reason for having the licence has been established, specifying the shooting activities for which the pistol is required, and	24
(b) the applicant has certified in the permit application that the applicant is aware of, and can comply with, the requirements of this Act in relation to the safe keeping of the pistol.	25
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<b>[29] Section 31 (3B) (b)</b>	1
Omit the paragraph. Insert instead:	2
(b) during the remainder of the term of the licence—may only issue a total of 2 permits authorising the person to acquire no more than 2 pistols.	3 4 5
<b>[30] Section 31 (3C)</b>	6
Omit the subsection.	7
<b>[31] Section 31 (5)</b>	8
Omit “30 days”. Insert instead “90 days”.	9
<b>[32] Section 31 (6)</b>	10
Insert after section 31 (5):	11
(6) Despite subsection (5), if the firearm to which a permit to acquire relates is not acquired during the period that the permit is in force, the permit is, on application made by the permit holder before the end of that period, taken to be extended (without payment of any fee) for a further period of 90 days and remains in force, unless sooner revoked by the Commissioner, until the end of that 90-day period or until the firearm to which the permit relates is acquired (whichever is the sooner).	12 13 14 15 16 17 18 19
<b>[33] Section 31A Waiting period for issuing permits to acquire firearms</b>	20
Omit section 31A (2). Insert instead:	21
(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 a firearm to which that licence category applies was registered in the applicant’s name at any time during the period of 5 years immediately before the date on which the application was made.	22 23 24 25 26 27
<b>[34] Section 34A</b>	28
Insert after section 34:	29
<b>34A Interstate residents moving to this State</b>	30
(1) A resident of another State or Territory in whose name a firearm is registered under a law in force in that other State or Territory ( <i>the relevant person</i> ) may notify the Commissioner in writing:	31 32 33
(a) of the person’s intention to become a resident of this State, and	34 35

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	(b) of the particulars of the firearm and the address of the premises where it is to be kept.	1 2
	(2) If the Commissioner is notified in accordance with subsection (1), the firearm is taken to be registered under this Act:	3 4 5
	(a) until the end of the period of 3 months from the date on which the relevant person notified the Commissioner, or	6 7
	(b) until such time as the person's application for registration of the firearm under this Act is granted or refused, whichever is sooner.	8 9 10
	(3) An application by the relevant person for the registration of a firearm that has been notified to the Commissioner under subsection (1) is not required to be accompanied by any fee.	11 12 13
<b>[35]</b>	<b>Section 45 Recording of transactions</b>	14
	Insert after section 45 (1):	15
	(1A) Subsection (1) (b) does not apply in relation to:	16
	(a) a firearm that is not required to be registered, or	17
	(b) a transaction or dealing concerning a firearm or other thing until such time (if any) as the transaction or dealing involves a change in the ownership of the firearm or thing.	18 19 20
<b>[36]</b>	<b>Section 47 Additional requirements for dealers</b>	21
	Insert "(in the case of a firearm that is required to be registered)" after "firearm" in section 47 (5) (b).	22 23
<b>[37]</b>	<b>Section 47 (6A)</b>	24
	Insert after section 47 (6):	25
	(6A) Subsection (6) does not apply in relation to a firearm that is not required to be registered.	26 27
<b>[38]</b>	<b>Schedule 1 Prohibited firearms</b>	28
	Omit item 8.	29
<b>[39]</b>	<b>Schedule 3 Savings and transitional provisions</b>	30
	Insert at the end of clause 1 (1) with appropriate paragraph numbering: <i>Firearms Legislation Amendment Act 2010.</i>	31 32

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<b>Schedule 2</b>	<b>Amendment of Firearms Regulation 2006</b>	1
<b>[1] Clause 8</b>		2
	Omit the clause. Insert instead:	3
	<b>8 Term of licence</b>	4
	(1) A category A, B, C, D or H licence, or a firearms collector licence that is part of a composite licence as referred to in clause 99 (3), may be issued for a period of 1, 2, 3, 4 or 5 years.	5 6 7
	(2) Any such period of less than 5 years is prescribed for the purposes of section 21 (1) of the Act.	8 9
	(3) This clause does not apply in relation to a category D licence referred to in section 21 (2) of the Act or a probationary pistol licence.	10 11 12
	(4) This clause does not affect the operation of clause 8A.	13
<b>[2] Clause 31 Practising at approved ranges</b>		14
	Omit clause 31 (3). Insert instead:	15
	(3) It is a condition of the approval of a shooting range under Part 8 that the holder of a shooting range approval is to ensure that any person using the shooting range under this clause is supervised while doing so by a person appointed by the holder of the approval.	16 17 18 19 20
<b>[3] Clause 70 Permit for large calibre pistols used in specialised shooting activities</b>		21 22
	Omit clause 70 (2) and (3). Insert instead:	23
	(2) The Commissioner may, on application by an eligible person, issue a permit authorising the person to possess and use a pistol to which this clause applies for the purposes only of participating in a specialised shooting activity.	24 25 26 27
	(3) The Commissioner must not issue a permit to a person under this clause unless the pistol club in respect of which the person is a current member has certified to the Commissioner that the pistol to which the permit relates is required by the person to participate in a specialised shooting activity.	28 29 30 31 32

<b>[4] Clause 70 (5) and (6)</b>	1
Omit clause 70 (5). Insert instead:	2
(5) A permit under this clause is prescribed for the purposes of section 29 (2A) (a) of the Act (as inserted by the <i>Firearms Legislation Amendment Act 2010</i> ).	3 4 5
(6) In this clause:	6
<i>eligible person</i> means:	7
(a) a person who is the holder of a category H (sport/target shooting) licence (other than a probationary pistol licence), or	8 9 10
(b) a person who:	11
(i) is the holder of a minor's target pistol permit (as referred to in section 32 (4) of the Act), and	12 13
(ii) has held the permit for at least 12 months, and	14
(iii) is a current member of an approved pistol club.	15
<i>pistol club</i> has the same meaning as in clause 90.	16
<i>specialised shooting activity</i> means any of the following:	17
(a) metallic silhouette shooting,	18
(b) single action shooting,	19
(c) NRA Action Pistol competitions,	20
(d) Pistol Australia Service Pistol events,	21
(e) International Practical Shooting Confederation (IPSC) shooting,	22 23
(f) any other pistol shooting discipline or event approved by the Commissioner.	24 25
<b>[5] Clause 87 Approval of shooting range</b>	26
Insert after clause 87 (1):	27
(1A) Without limiting the authority conferred by such an approval, the approval of a shooting range authorises shooting events and related practice activities that are not specifically named in the approval to be conducted or carried out at the range so long as the type of any such event or activity would, but for its name, be authorised under the conditions of the approval as in force at the time the event or activity is conducted or carried out.	28 29 30 31 32 33 34
<b>[6] Clause 87 (5)</b>	35
Omit "3 years". Insert instead "5 years".	36

<b>[7] Clause 99 Fees</b>	1
Omit clause 99 (1) (a). Insert instead:	2
(a) application fee for an initial or subsequent category A, B, C, D or H licence (other than a probationary pistol licence):	3
(i) for a 1-year licence—\$47,	4
(ii) for a 2-year licence—\$80,	5
(iii) for a 3-year licence—\$113,	6
(iv) for a 4-year licence—\$132,	7
(v) for a 5-year licence—\$151,	8
<b>Note.</b> These amounts are based on amounts for an unrestricted driver licence for similar periods.	9
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<b>[8] Clause 100 Exemption, waiver or refund of fees</b>	13
Omit “or B” from clause 100 (2) (a). Insert instead “, B or H”.	14
<b>[9] Clause 103A</b>	15
Insert after clause 103:	16
<b>103A Removal of details from Register</b>	17
The Commissioner is, at the request of the person in whose name a firearm is registered and without requiring payment of any charge or fee, to remove the details relating to the firearm from the Register of Firearms if the firearm is no longer required to be registered under the Act.	18
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<b>[10] Clauses 116 and 116A</b>	23
Omit the clauses.	24
<b>[11] Clause 123</b>	25
Omit the clause. Insert instead:	26
<b>123 Advertising sale of firearms</b>	27
For the purposes of section 54 (b) of the Act, the licence or permit number of the proposed seller is prescribed in relation to an advertisement for the sale of a firearm.	28
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<b>Schedule 3</b>	<b>Amendment of other legislation</b>	1
<b>3.1</b>	<b>Crimes Act 1900 No 40</b>	2
	<b>Section 93F Interpretation</b>	3
	Insert “, but does not include any such firearm that is not required to be registered under that Act” after “ <i>Firearms Act 1996</i> ” in the definition of <i>unregistered firearm</i> in section 93F (1).	4 5 6
<b>3.2</b>	<b>National Parks and Wildlife Regulation 2009</b>	7
<b>[1]</b>	<b>Clause 20 Weapons</b>	8
	Omit “airgun,” from clause 20 (1) (b).	9
<b>[2]</b>	<b>Clause 20 (2A) and (2B)</b>	10
	Insert after clause 20 (2):	11
	(2A) A person does not commit an offence under subclause (1) (a) of carrying, or being in possession of, a firearm in a park if:	12 13
	(a) the firearm is not loaded with any ammunition, and	14
	(b) the firearm is being conveyed in a vehicle that is travelling on any public or other road traversing the park, and	15 16
	(c) the person is authorised by or under the <i>Firearms Act 1996</i> to possess the firearm.	17 18
	(2B) A person does not commit an offence under subclause (1) (d) of carrying, or being in possession of, ammunition in a park if:	19 20
	(a) the ammunition is kept separate from any firearm, and	21
	(b) the ammunition is being conveyed in a vehicle that is travelling on any public or other road traversing the park, and	22 23 24
	(c) the person:	25
	(i) is authorised by or under the <i>Firearms Act 1996</i> to possess a firearm which takes that ammunition, or	26 27
	(ii) is authorised by a permit under that Act to possess that ammunition.	28 29

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<b>3.3 Weapons Prohibition Act 1998 No 127</b>	1
<b>[1] Section 10 Issuing of permit</b>	2
Insert after section 10 (2):	3
(2A) A permit must not be issued to a person who:	4
(a) is subject to an apprehended violence order or who has, at any time within 5 years before the application for the permit was made, been subject to such an order (other than an order that has been revoked), or	5 6 7 8
(b) is subject to a weapons prohibition order.	9
<b>[2] Section 10 (3)</b>	10
Omit “A permit must not be issued to a person who”.	11
Insert instead “The Commissioner may refuse to issue a permit to a person who”.	12 13
<b>[3] Section 10 (3) (b) and (d)</b>	14
Omit the paragraphs.	15
<b>[4] Section 18 Revocation of permit</b>	16
Omit section 18 (2) (a). Insert instead:	17
(a) for any reason for which the permit holder may, or must, be refused a permit, or	18 19
<b>3.4 Weapons Prohibition Regulation 2009</b>	20
<b>Schedule 1 Persons exempt from requirement for permit</b>	21
Omit clause 10 (b). Insert instead:	22
(b) a person who is the holder of a licence or permit under the <i>Firearms Act 1996</i> , but only for the purpose of an activity associated with the use of a firearm.	23 24 25