



New South Wales

Firearms Amendment Bill 2008

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* (***the Act***) and the *Firearms Regulation 2006* (***the Regulation***) as follows:

- (a) to enable theatrical armourers to be treated as firearms dealers under the Act and to be issued with firearms dealer licences instead of theatrical armourer permits under the Regulation,
- (b) to exempt persons from the licensing and registration requirements under the Act in relation to the possession of antique firearms (ie those manufactured before 1900) that do not take breech-loaded metallic cartridges or for which ammunition is not commercially available,
- (c) to provide that the exemption for pre-1900 firearms does not allow a person to use any such firearm without a licence or permit,
- (d) to allow unlicensed persons to possess and use firearms on approved shooting ranges while under supervision and to allow unlicensed persons to possess and use firearms while participating in approved firearms safety training courses,
- (e) to remove the mandatory 28-day waiting period for issuing a licence if the application is for the renewal of a licence,

- (f) to provide that the mandatory 28-day waiting period for issuing a permit to acquire a firearm (such permits are required by any licensed person other than a firearms dealer in order to acquire a firearm) does not apply if the applicant already has a firearm of the same kind as the firearm that is the subject of the permit application,
- (g) to allow licensed firearms dealers to send and receive firearms by registered post (or other form of certified or security mail),
- (h) to remove the need for a licensed person who is participating in an arms fair, or in a historical re-enactment that involves firearms, to have a separate permit authorising the person to participate in the arms fair or the historical re-enactment,
- (i) to provide that firearms may be kept under the authority of an heirloom permit if they are rendered temporarily inoperable,
- (j) to enable minors who have held a minor's target pistol permit under the Act for at least 12 months to obtain a permit to shoot large calibre pistols in specialised shooting competitions involving those pistols,
- (k) to enable penalty notices to be issued for certain summary offences under the Act and the Regulation,
- (l) to remove the requirement to include the name and address of a firearms dealer in an advertisement for the sale of a firearm,
- (m) to modify certain requirements under the Regulation relating to the provision of information to the Commissioner,
- (n) to make a number of other miscellaneous amendments of an administrative, minor or consequential nature.

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 on the date of assent, except for the amendments relating specifically to theatrical armourers (which will commence 3 months after the date of assent to the proposed Act, unless commenced sooner by proclamation).

Clause 3 is a formal provision that gives effect to the amendments to the *Firearms Act 1996* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Firearms Regulation 2006* set out in Schedule 2.

Clause 5 makes it clear that the explanatory notes set out in the proposed Act do not form part of the proposed Act.

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Clause 6 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedules 1 and 2 contain the amendments to the Act and the Regulation that are described in the Overview above. Each amendment is explained in more detail in the explanatory note following the amendment concerned.



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New South Wales

Firearms Amendment Bill 2008

No. , 2008

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.

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
(1) This Act commences on the date of assent to this Act, except as provided by subsection (2).	5 6
(2) Schedules 1 [1], [2], [4], [5] and [14] and 2 [5], [8], [9] and [23]–[25] commence 3 months after the date of assent to this Act, unless commenced sooner by proclamation.	7 8 9
3 Amendment of Firearms Act 1996 No 46	10
The <i>Firearms Act 1996</i> is amended as set out in Schedule 1.	11
4 Amendment of Firearms Regulation 2006	12
The <i>Firearms Regulation 2006</i> is amended as set out in Schedule 2.	13
5 Explanatory notes	14
The matter appearing under the heading “Explanatory note” in Schedule 1 or 2 does not form part of this Act.	15 16
6 Repeal of Act	17
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	18 19
(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.	20 21

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) A person is exempt from any requirement under this Act to be authorised by a licence or permit to possess a firearm to which this section applies.	29 30 31
	(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.	32 33 34
	(4) A person does not commit an offence under section 50, 51, 51A or 54 with respect to the sale or purchase of a firearm if it is a firearm to which this section applies.	35 36 37

(5)	Nothing in this section authorises the use of any firearm.	1
(6)	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.	2 3 4
6B	Exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses	5 6
(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:	7 8 9 10
(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	11 12 13 14
(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.	15 16 17 18 19
(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.	20 21 22
(3)	This section does not apply in relation to a person who is under the age of 12 years.	23 24
	Explanatory note	25
	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 licence to possess, 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 restrictions under the Act in relation to the sale of firearms will also not apply to these pre-1900 firearms. The exemption provided under the proposed section does not however allow any such firearm to be fired. A similar exemption is currently contained in clause 116 of the Regulation in relation to long arms, and pre-percussion pistols, manufactured before 1900.	26 27 28 29 30 31 32 33 34 35
	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 [27]). 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.	36 37 38 39 40

[4] Section 8 Licence categories and authority conferred by licence	1
Insert “or a theatrical armourer” after “other than a club armourer” in the matter relating to firearms dealer licences in section 8 (1).	2
Explanatory note	3
Item [4] is consequential on the amendments made by items [1], [2] and [5].	4
[5] Section 8 (1)	5
Insert at the end of the matter relating to firearms dealer licences:	6
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.	7
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.	8
Explanatory note	9
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]).	10
[6] Section 11 General restrictions on issue of licences	11
Insert after section 11 (2):	12
(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).	13
Explanatory note	14
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.	15
[7] Section 17A Special provisions relating to category C licences issued for clay target shooting purposes	16
Insert “(or such other body as may be approved by the Commissioner)” after “Association” in section 17A (4).	17
Explanatory note	18
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.	19
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[8] Section 31 Permits to acquire firearms	1
Omit section 31 (3) (b) and (4).	2
Explanatory note	3
Item [8] is consequential on the amendment made by item [9].	4
[9] Section 31A	5
Insert after section 31:	6
31A Waiting period for issuing permits to acquire firearms	7
(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.	8 9 10 11
(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.	12 13 14 15 16
(3) For the purposes of subsection (2), a category A and category B licence are taken to be the same licence category.	17 18
Explanatory note	19
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.	20 21 22 23 24 25
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.	26 27 28
[10] Section 52 Use of mail for sending firearms and barrels	29
Insert after section 52 (4):	30
(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.	31 32 33 34
(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	35 36 37 38

	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.	1 2 3
	Explanatory note	4
	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).	5 6 7 8
[11]	Section 53 Use of mail for sending firearms outside this State	9
	Omit “security mail” from section 53 (c).	10
	Insert instead “a form of post that requires delivery in person to the addressee”.	11
	Explanatory note	12
	Item [11] replaces a reference to security mail so that the provision will be consistent with the proposed amendments made by item [10].	13 14
[12]	Section 85A	15
	Insert after section 85:	16
	85A Penalty notices	17
	(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.	18 19 20 21
	(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.	22 23 24 25 26
	(3) A penalty notice may be served personally or by post.	27
	(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.	28 29 30
	(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.	31 32 33 34
	(6) The regulations may:	35
	(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	36 37 38

(b)	prescribe the amount of penalty payable for the offence if dealt with under this section, and	1 2
(c)	prescribe different amounts of penalties for different offences or classes of offences.	3 4
(7)	An offence referred to in section 84 (2) or (3) cannot be prescribed by the regulations as a penalty notice offence.	5 6
(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.	7 8 9
(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.	10 11 12
(10)	In this section:	13
	<i>authorised officer</i> means:	14
	(a) a police officer, or	15
	(b) any other member of the NSW Police Force authorised in writing by the Commissioner for the purposes of this section.	16 17 18
	Explanatory note	19
	Item [12] provides for the issuing of penalty notices for certain summary offences under the Act and regulations.	20 21
[13]	Schedule 3 Savings and transitional provisions	22
	Insert after clause 1 (1) (e):	23
	(f) the <i>Firearms Amendment Act 2008</i> .	24
	Explanatory note	25
	Item [13] enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act.	26 27
[14]	Schedule 3	28
	Insert after Part 6:	29
	Part 7 Provisions consequent on enactment of Firearms Amendment Act 2008	30 31
	24 Theatrical armourers	32
	(1) In this clause:	33
	<i>existing permit</i> means a theatrical armourer's permit issued under the <i>Firearms Regulation 2006</i> and in force immediately before the commencement of this clause.	34 35 36

(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.	1 2 3
(3)	The conditions to which the existing permit was subject are taken to be conditions imposed on the firearms dealer licence concerned. Any such conditions may be varied or revoked in accordance with this Act.	4 5 6 7
(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.	8 9 10
Explanatory note		11
Item [14] converts existing theatrical armourers permits into firearms dealer licences.		12

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). Insert instead:		35
(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		36 37 38

while doing so by a person appointed by the holder of the approval.	1
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Explanatory note	3
Item [4] removes 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.	4
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[5] Clause 35A	7
Insert after clause 35:	8
35A Theatrical armourers	9
(1) In addition to the authority conferred under the Act, a firearms dealer licence issued to a theatrical armourer authorises:	10
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(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	12
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(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.	16
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(2) A firearms dealer licence issued to a theatrical armourer is subject to the following conditions:	20
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(a) any firearm used in the production must be maintained in a safe working condition,	22
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(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,	24
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(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.	28
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(3) The licensee must, while acting under the authority conferred by subclause (1):	33
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(a) keep in the approved form a register in which particulars of the following matters are kept:	35
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(i) the types, and registration numbers, of firearms authorised under the licence,	37
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Schedule 2 Amendment of Firearms Regulation 2006

(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,	1 2 3
(iii)	the periods for which any firearm was removed from safe storage, and	4 5
(b)	ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and	6 7
(c)	ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and	8 9
(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.	10 11 12 13
	Maximum penalty: 50 penalty units.	14
	Explanatory note	15
	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.	16 17 18 19 20 21
[6]	Clause 50 Permit authorising possession of firearm as heirloom	22
	Omit clause 50 (2) (b). Insert instead:	23
	(b) has been rendered temporarily inoperable:	24
	(i) by removing the bolt or firing mechanism and keeping it separate from the firearm in a locked container that is of an approved type, or	25 26 27
	(ii) by the use of a trigger lock of an approved type.	28
	Explanatory note	29
	At present, a firearm must be rendered permanently inoperable before a permit may be issued authorising the firearm to be kept as an heirloom. Item [6] will require the firearm to be rendered temporarily inoperable in the same manner as applies to firearms that are kept under the authority of a firearms museum permit.	30 31 32 33
[7]	Clause 50 (6)	34
	Omit the subclause.	35
	Explanatory note	36
	Item [7] removes the restriction that prevents an heirloom permit being issued to a person if the person already has such a permit.	37 38

[8] Clause 52 Permit for firearms used in film, television or theatrical production	1
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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.	3
	4
Insert instead “a licensed theatrical armourer”.	5
[9] Clause 53 Theatrical armourer’s permit	6
Omit the clause.	7
Explanatory note	8
Items [8] and [9] are consequential on the amendments made by Schedule 1 relating to theatrical armourers being licensed as firearm dealers.	9
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[10] Clause 61 Permit for non-prohibited firearms used in historical re-enactments	11
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Omit clause 61 (2). Insert instead:	13
(2) A historical re-enactment organiser’s permit also authorises any person who is the holder of a licence to use any firearm:	14
(a) that is not a prohibited firearm, and	15
(b) that the person is authorised to possess or use under a licence,	16
for the purposes of participating in any historical re-enactment event conducted under the authority of a historical re-enactment organiser’s permit.	17
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Explanatory note	22
Item [10] 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.	23
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[11] Clause 61 (3) (b)	29
Omit the paragraph.	30
Explanatory note	31
Item [11] 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.	32
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Schedule 2 Amendment of Firearms Regulation 2006

[12] Clause 61 (3) (c)	1
Insert “kinds of” before “firearms”.	2
Explanatory note	3
Item [12] 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.	4 5 6
[13] Clause 61 (5) and (6)	7
Omit “A permit under this clause” wherever occurring.	8
Insert instead “A historical re-enactment organiser’s permit”.	9
[14] Clause 61 (7)	10
Omit the subclause.	11
Explanatory note	12
Items [13] and [14] are consequential on the amendment made by item [10].	13
[15] Clause 65 Arms fair permits	14
Omit clause 65 (2). Insert instead:	15
(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.	16 17 18 19
(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.	20 21 22 23 24 25
Explanatory note	26
Item [15] 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.	27 28 29 30
[16] Clause 65 (5)–(7) and (9)	31
Omit the subclauses.	32
[17] Clause 65 (8)	33
Omit “A permit under this clause”. Insert instead “An arms fair permit”.	34
Explanatory note	35
Items [16] and [17] are consequential on the amendment made by item [15].	36

[18] Clause 70 Permit for large calibre pistols used in specialised shooting competitions	1 2
Omit clause 70 (2). Insert instead:	3
(2) The Commissioner may, on application by a person:	4
(a) who holds a category H (sport/target shooting) licence (other than a probationary pistol licence), or	5 6
(b) who holds a minor's target pistol permit and who:	7
(i) has held the permit for a period of at least 12 months, and	8 9
(ii) is a current member of a pistol club approved under Part 9,	10 11
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 competition.	12 13 14
[19] Clause 70 (3)	15
Omit "in respect of which the person's genuine reason for having the category H (sport/target shooting) licence has been established".	16 17
Insert instead "of which the person is a member".	18
Explanatory note	19
Item [18] will allow minors who are members of approved pistol shooting clubs and who have held a minor's target pistol permit under the Act for at least 12 months to apply for, and be issued with, a permit authorising the use of a large calibre pistol in specialised shooting competitions. Item [19] makes a consequential amendment.	20 21 22 23
[20] Clause 88 Special conditions relating to shooting ranges	24
Omit clause 88 (a). Insert instead:	25
(a) section 6B of the Act applies in relation to the person, or	26
Explanatory note	27
Item [20] is consequential on the insertion of proposed section 6B into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	28 29
[21] Clause 92 Revocation of approval of club	30
Omit clause 92 (2) (d) and (e).	31
Explanatory note	32
Item [21] 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).	33 34 35 36 37 38

[22] Clause 96 Participation requirements for club members	1
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).	2 3 4 5
Explanatory note	6
Item [22] 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.	7 8 9 10
[23] Clause 99 Fees	11
Insert “or (h1)” after “(h)” in clause 99 (1) (g).	12
[24] Clause 99 (1) (h1)	13
Insert after clause 99 (1) (h):	14
(h1) application fee for an initial or subsequent firearms dealer’s licence to be held by a theatrical armourer—\$500,	15 16
[25] Clause 99 (1) (j)	17
Omit the paragraph.	18
Explanatory note	19
Items [23]–[25] are consequential on the amendments made by Schedule 1 relating to theatrical armourers being licensed as firearms dealers.	20 21
[26] Clause 103A	22
Insert after clause 103:	23
103A Removal of information from Register	24
(1) The Commissioner must, at the request of the person in whose name a firearm is registered, remove from the Register any information relating to the firearm if the firearm is not required to be registered.	25 26 27 28
(2) No costs are payable by the person making any such request.	29
Explanatory note	30
Item [26] requires the removal from the Firearms Register of any information relating to a firearm that is not required to be registered.	31 32

[27] Clause 110	1
Omit the clause. Insert instead:	2
110 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses	3
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(1) The purpose of this clause is to prescribe requirements relating to the exemption under section 6B of the Act of persons from the requirement to be authorised by a licence or permit to possess or use a firearm.	6
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(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:	10
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(a) Have you, in New South Wales or elsewhere:	17
(i) been refused or prohibited from holding a firearms licence or permit or had a firearms licence or permit suspended, cancelled or revoked?	18
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(ii) been the subject of a firearms prohibition order?	21
(iii) within the last 10 years, been convicted of an offence involving firearms, weapons, prohibited drugs, robbery, violence or terrorism?	22
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(iv) within the last 10 years, been convicted of an offence of a sexual nature?	25
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(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)?	27
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(b) Are you currently, in New South Wales or elsewhere:	31
(i) subject to a good behaviour bond?	32
(ii) subject to an interim apprehended violence order?	33
(iii) suffering from any mental illness or other disorder that may prevent you from using a firearm safely?	34
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(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	36
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- 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. 1
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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: 4
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- (a) prevent a person from possessing or using a firearm at the shooting range, or as part of the course, if the person has answered “Yes” to any of the questions set out in subclause (2), and 7
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- (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 11
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- (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). 15
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- (5) 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. 19
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- (6) In this clause: 24
- club or range official*** means: 25
- (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 26
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- (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. 30
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- Explanatory note** 33
- Item [27] 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. 34
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[28] Clauses 111 and 112	1
Omit the clauses.	2
Explanatory note	3
Item [28] is consequential on the insertion of proposed section 6B into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	4
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[29] Clause 117 Temporary licensing and registration amnesty for certain percussion lock pistols manufactured before 1900	6
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Omit the clause.	8
Explanatory note	9
Item [29] is consequential on the insertion of proposed section 6A into the <i>Firearms Act 1996</i> (see Schedule 1 [3]).	10
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[30] Clause 123	12
Omit the clause. Insert instead:	13
123 Advertising sale of firearms	14
For the purposes of section 54 (b) of the Act, the licence or permit number of the person selling the firearm is prescribed.	15
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Explanatory note	17
Item [30] removes the requirement to include the name and address of a firearms dealer in advertisements for the sale of a firearm.	18
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[31] Clause 127 Inspections of certain firearms	20
Omit clause 127 (3).	21
Explanatory note	22
Item [31] 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.	23
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