

Introduced by Mr David Shoebridge, MLC

First print



New South Wales

Firearms Amendment (Gun Safety) Bill 2012

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* to remove the exemption that currently allows unlicensed persons to possess and use firearms on approved shooting ranges. The Bill also amends the *Firearms Regulation 2006* to restate and limit the exemption under the Act that currently allows unlicensed persons to possess and use firearms while participating in firearms safety training courses.

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 to the proposed Act.

Schedule 1 Amendment of Firearms Act 1996 No 46

Schedule 1 omits the exemption in the *Firearms Act 1996* that currently allows unlicensed persons to possess and use firearms on approved shooting ranges while under the direct supervision of a licensed person.

Schedule 2 Amendment of Firearms Regulation 2006

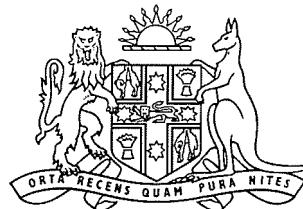
Schedule 2 [1]–[4] remove references to the exemption that is omitted by Schedule 1.

Schedule 2 [5] restates the current exemption that allows unlicensed persons to possess and use firearms while participating in firearms safety training courses under the direct supervision of an approved firearms instructor. The new exemption is limited to persons who are undertaking the course known as the Firearms Licence Qualification Course or any other approved course. The exemption specifies that it commences when the person begins the firearms safety training course concerned and ends when that course is complete (or, if the person ceases the course at an earlier date, on that earlier date). The provision requires the person or body conducting the course to record certain particulars.

Schedule 2 [6] restates current requirements relating to the exemption for unlicensed persons undertaking firearms safety training courses. The requirements are imposed as conditions of the approval of a person to be an instructor for a firearms safety training course.

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New South Wales

Firearms Amendment (Gun Safety) Bill 2012

No , 2012

A Bill for

An Act to amend the *Firearms Act 1996* to delete section 6B from the Act so as to prevent persons without a licence or permit to possess or use a firearm from having access to and the ability to discharge firearms, and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Firearms Amendment (Gun Safety) Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

Firearms Amendment (Gun Safety) Bill 2012

Amendment of Firearms Act 1996 No 46

Schedule 1

Schedule 1 Amendment of Firearms Act 1996 No 46

Section 6B Exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses

Omit the section.

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Schedule 2 Amendment of Firearms Regulation 2006

[1] Clause 25 Recognition of interstate licences—additional purposes	1
Omit clause 25 (1) (e) and (2) (b).	2
[2] Clause 88 Special conditions relating to shooting ranges	3
Omit clause 88 (a).	4
[3] Clause 109A Exemption for unlicensed persons shooting on approved ranges	5
Omit the clause.	6
[4] Clause 110 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses	7
Omit the clause.	9
[5] Clause 112	10
Insert before clause 113:	11
112 Exemption relating to persons undertaking firearms safety training courses	12
(1) In this clause: <i>regulated firearms safety training course</i> means:	13
(a) the course known as the Firearms Licence Qualification Course, or	14
(b) any other approved course conducted by or on behalf of an approved person or body.	15
(2) A person or body conducting a regulated firearms safety training course must record, in the approved form and manner, the following particulars:	16
(a) the name of any person who applies to undertake the course,	17
(b) such other particulars as may be specified by the Commissioner.	18
(3) A person who undertakes a regulated firearms safety training course is, during the period specified in subclause (4), exempt from the requirement under the Act to be authorised by a licence to possess or use a firearm if the person does so:	19
(a) while participating in the course, and	20
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<ul style="list-style-type: none"> (b) except in such cases as may otherwise be approved—while under the direct supervision of a person who: <ul style="list-style-type: none"> (i) is approved by the Commissioner under clause 122 (4) as a firearms licence qualification instructor, and (ii) is appointed by the person or body conducting the course, and (iii) is the holder of a licence that authorises the person to possess and use the firearm. 	1 2 3 4 5 6 7 8 9
<ul style="list-style-type: none"> (4) An exemption under this clause: 	10
<ul style="list-style-type: none"> (a) commences when the person begins the regulated firearms safety training course, and 	11 12
<ul style="list-style-type: none"> (b) ends when that course is completed (or, if the person ceases the course at an earlier date, on that earlier date). 	13 14
[6] Clause 122 Firearms safety training courses	
Insert after clause 122 (6):	
<ul style="list-style-type: none"> (7) It is a condition of the approval under subclause (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 clause 112, 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 following questions before the person uses any firearm as part of the course: <ul style="list-style-type: none"> (a) Have you, in New South Wales or elsewhere: <ul style="list-style-type: none"> (i) been refused or prohibited from holding a firearms licence or permit or had a firearms licence or permit suspended, cancelled or revoked? (ii) been the subject of a firearms prohibition order? (iii) within the last 10 years, been convicted of an offence involving firearms, weapons, prohibited drugs, robbery, violence or terrorism? (iv) within the last 10 years, been convicted of an offence of a sexual nature? (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)? (b) Are you currently, in New South Wales or elsewhere: <ul style="list-style-type: none"> (i) subject to a good behaviour bond? 	15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39

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Schedule 2 Amendment of Firearms Regulation 2006

(ii)	subject to an interim apprehended violence order?	1
(iii)	suffering from any mental illness or other disorder that may prevent you from using a firearm safely?	2
(8)	It is a condition of any such approval that the instructor must:	3
(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 (7), and	4
(b)	record the name, address and date of birth of each person who possesses or uses a firearm as part of the course in accordance with clause 112, and	5
(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 (7).	6
(9)	Without limiting the operation of subclause (8) (a), if the person concerned has answered “Yes” to any of the questions set out in subclause (7), the instructor must prevent the person from possessing or using a firearm at the shooting range or as part of the course.	7
	Maximum penalty: 50 penalty units.	8
(10)	The instructor 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 clause 112.	9
	Maximum penalty: 50 penalty units.	10
(11)	The record under subclause (8) (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.	11
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