



New South Wales

Firearms Legislation Amendment Bill 2022

Explanatory note

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

Overview of Bill

The object of this Bill is to—

- (a) amend the *Firearms Act 1996* to clarify certain requirements in relation to Category D firearms licences, and
- (b) amend the *Firearms Regulation 2017* to make consequential amendments and update references to government agencies

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[1] amends the *Firearms Act 1996* (*the Act*), section 8 to clarify that a firearm (other than a pistol) fitted with a stock that is designed to be readily detachable, or to operate on a swivel, folding or telescopic basis is a firearm to which a category D licence may apply.

Schedule 1[2] replaces the Act, section 21(2) to provide that a category D licence issued for the purposes of vertebrate pest animal control may be issued for a period of 12 months, 2 years or 5 years rather than the current period of 12 months.

Schedule 1[3] amends the Act to replace Schedule 1, items 5 and 6. Schedule 1, items 5 and 6 provide, respectively, that self-loading centre-fire rifles and self-loading shotguns that are designed or adapted for military purposes are prohibited firearms. However, items 5 and 6 exempt self-loading centre-fire rifles and self-loading shotguns mentioned in Schedule 3, clause 35 from being prohibited firearms.

Schedule 1[4] amends the Act to insert a new Schedule 3, Part 12. Part 12 contains a new clause 35 which provides that a self-loading centre-fire rifle or self-loading shotgun acquired legally under the Act is not a prohibited firearm even if rifles or shotguns of that type are subsequently adapted for military purposes. However, the exemption applies only while the rifle or shotgun remains in the possession of the person who legally acquired it before rifles or shotguns of that type were adapted for military purposes and does not allow the rifle or shotgun to be on-sold.

Schedule 2 Amendment of Firearms Regulation 2017

Schedule 2[1]–[3] amends the *Firearms Regulation 2017*, clause 8 to provide for the terms of category D licences. These amendments are consequential on the amendments to the Act made by Schedule 1[2].

Schedule 2[4] amends the *Firearms Regulation 2017*, clause 35 to update references to Departments that may carry out vertebrate pest animal control as a result of machinery of government changes.



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New South Wales

Firearms Legislation Amendment Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Firearms Act 1996* to clarify certain requirements in relation to Category D firearms licences and to amend the *Firearms Regulation 2017* to make consequential amendments and update references to government agencies.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Firearms Legislation Amendment Act 2022*.

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2 Commencement

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

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Schedule 1	Amendment of Firearms Act 1996 No 46	1
[1]	Section 8 Licence categories and authority conferred by licence	2
	Omit “, 10 or 11”, from section 8(1), the matter relating to Category D licence.	3
	Insert instead “or 10”.	4
[2]	Section 21 Term of licence	5
	Omit section 21(2). Insert instead—	6
	(2) A category D licence issued to a person referred to in section 12, Table, the matter relating to Reason: vertebrate pest animal control, paragraph (c) continues in force until the earlier of the following—	7
	(a) the period of 12 months, 2 years or 5 years as specified in the licence,	8
	(b) the licence is surrendered, revoked or otherwise ceases to be in force.	9
[3]	Schedule 1 Prohibited firearms	10
	Omit items 5 and 6. Insert instead—	11
	5 a self-loading centre-fire rifle that is designed or adapted for military purposes, other than a self-loading centre-fire rifle mentioned in Schedule 3, clause 35	12
	6 a self-loading shotgun that is designed or adapted for military purposes, other than a self-loading shotgun mentioned in Schedule 3, clause 35	13
[4]	Schedule 3 Savings and transitional provisions	14
	Insert after clause 34—	15
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Schedule 2	Amendment of Firearms Regulation 2017	1
[1] Clause 8 Term of licence		2
	Insert “(other than a category D licence referred to in the Act, section 21(2))” after “D” in clause 8(1).	3 4
[2] Clause 8(3A)		5
	Insert after clause 8(3)—	6
	(3A) In making an application for a category D licence referred to in the Act, section 21(2), the applicant may apply for a licence for a period of 12 months, 2 years or 5 years.	7 8 9
[3] Clause 8(4)		10
	Omit “a category D licence referred to in section 21 (2) of the Act,”.	11
[4] Clause 35 Vertebrate pest animal control—prescribed government agencies		12
	Omit clause 35(a). Insert instead—	13
	(a) the Department of Planning and Environment,	14
	(b) the Department of Regional NSW,	15