

# Firearms Regulation 2006

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New South Wales

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### Authorisation

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# Firearms Regulation 2006



New South Wales

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# Firearms Regulation 2006



New South Wales

## Part 1 Preliminary

(cf 1997 cll 1–4)

### 1 Name of Regulation

This Regulation is the *Firearms Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

#### Note—

This Regulation replaces the *Firearms (General) Regulation 1997* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**approved** means approved by the Commissioner from time to time.

**government agency** means a government department or public authority that holds a licence or permit, or in respect of which a licence or permit is held, authorising the possession of firearms by the department or authority.

**local consent authority**, in relation to premises or a place, means:

(a) the local council in whose area (within the meaning of the *Local Government Act 1993*) the premises or the place is, or will be, situated, or

(b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council—that person or body.

**paint-ball gun** means an air gun that is capable of discharging a projectile known as a “paint-ball”.

**security guard** means a person who:

(a) is employed to carry on a security activity referred to in section 4 (b) of the



*Security Industry Act 1997*, and

(b) is the holder of a class 1A licence under that Act.

**shooting range** includes a moveable shooting range.

**the Act** means the *Firearms Act 1996*.

(2) Notes in the text of this Regulation do not form part of this Regulation.

#### **4 Things declared not to be firearms**

The following are declared not to be firearms for the purposes of the Act:

- (a) an explosive-powered tool within the meaning of Part 9.2 of the *Occupational Health and Safety Regulation 2001*,
- (b) a heavy bench-mounted rifle of an approved kind that is used for experimental purposes,
- (c) a tool designed to be used to split or break rock or concrete by means of the firing of an explosive cartridge, such as the tool known as the “Boulder Buster”,
- (d) an industrial tool designed to be used in the mining and steel industries to remove refractory material (eg slag) from kilns or for other similar purposes, such as the tool known as the “Slag Buster Kiln Gun”,
- (e) a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock,
- (f) any piece of artillery manufactured before 1946:
  - (i) that has been rendered permanently inoperable, and
  - (ii) the breech, chamber and barrel of which have been permanently sealed, and
  - (iii) that is on permanent display in a public place for memorial or commemorative purposes,
- (g) cannon and field guns:
  - (i) that have been constructed as pieces of military ordnance, and
  - (ii) that have a calibre of more than 25 millimetres, and
  - (iii) that have been rendered permanently inoperable, and
  - (iv) the breech, chamber and barrel of which have been permanently sealed,
- (h) a firearm designed to be used for life saving or distress signalling purposes (such as line-throwing guns or the “Very” type of firearm),

- (i) a firearm designed to be used in film, television or theatrical productions for the purposes of breaking glass or ceramic articles and that is only capable of firing a projectile over a short range (such as the firearm known as the “Trunion” gun),
- (j) a firearm designed to be used to train dogs by firing retrievable projectiles (such as the firearm known as the “Turner Richards Dummy Launcher”),
- (k) a tool designed to discharge a nail, spike or other fastener into or through material by means of compressed air or carbon dioxide (such as a nail gun).

## **Part 2 Licences and permits—general provisions**

### **5 Offences that disqualify applicants** (cf 1997 cl 5)

For the purposes of sections 11 (5) (b) and 29 (3) (b) of the Act, the following offences are prescribed offences regardless of whether they are committed in New South Wales:

#### **(a) Offences relating to firearms or weapons**

An offence relating to the possession or use of a firearm, or any other weapon, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

#### **(b) Offences relating to prohibited drugs etc**

An offence in respect of a prohibited plant or prohibited drug within the meaning of the [Drug Misuse and Trafficking Act 1985](#), or a prescribed restricted substance within the meaning of the [Poisons and Therapeutic Goods Regulation 2002](#), in respect of which the maximum penalty imposed is imprisonment for 6 months or more, or a penalty of \$2,200 or more, or both, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

#### **(c) Offences involving violence**

An offence committed under the law of any Australian or overseas jurisdiction, being:

- (i) an offence involving the infliction of actual bodily harm upon a person in respect of which the penalty imposed was imprisonment for 28 days or more, or a penalty of \$200 or more, or both, or
- (ii) an offence involving kidnapping or abduction, or

- (iii) an offence involving stalking or intimidation, or
- (iv) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(iii).

**(d) Offences of a sexual nature**

An offence of a sexual nature, being:

- (i) an offence under Division 10 of Part 3 of the *Crimes Act 1900*, or
- (ii) an offence under section 38, 111, 112 or 113 of the *Crimes Act 1900* that has been committed with intent to commit an offence referred to in subparagraph (i), or
- (iii) an offence under Division 15 of Part 3 of the *Crimes Act 1900*, or
- (iv) an offence under section 11G of the *Summary Offences Act 1988*, or
- (v) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraphs (i)–(iv), or
- (vi) any other offence that, at the time it was committed, would have been an offence referred to in subparagraphs (i)–(iv), or
- (vii) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(vi).

**(e) Offences involving fraud, dishonesty or stealing**

An offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing, being an offence in respect of which the penalty imposed was imprisonment for 3 months or more.

**(f) Offences involving robbery**

An offence under the law of any Australian or overseas jurisdiction involving robbery (whether armed or otherwise).

**(g) Offences relating to terrorism**

An offence relating to terrorism, being:

- (i) an offence under Part 6B of the *Crimes Act 1900* or against Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or
- (ii) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraph (i).

(h) **Offences involving organised criminal groups and recruitment**

An offence committed under section 93IK or 351A of the *Crimes Act 1900*.

**6 Restriction on authority conferred by category H licence** (cf 1997 cl 5A)

- (1) The genuine reason of business or employment does not, in relation to a category H licence or an application for such a licence, include business or employment that constitutes any other genuine reason.

**Note—**

Section 16 of the Act provides that a category H licence must not be issued unless the genuine reason established by the applicant is sport/target shooting, business or employment or firearms collection. The genuine reasons specified in section 12 of the Act are each mutually exclusive.

- (2) Accordingly, a category H licence issued to a person who has established business or employment as the genuine reason for being issued with the licence does not authorise the possession or use of a registered pistol for a purpose that is a genuine reason other than business or employment.

**Note—**

For example, the licensee is not authorised to use the pistol for the purposes of:

- (a) hunting (including the control or suppression of vermin or pest animals) or fishing, or
- (b) farming or grazing activities (including the destruction of diseased or injured animals).

**7 Licence applications** (cf 1997 cl 6)

For the purposes of section 10 (1) of the Act, the manner of making an application for a licence is by sending or lodging the application in the approved form to or at the Firearms Registry of the NSW Police Force or such other place as may be approved.

**8 Term of licence** (cf 1997 cl 6A)

- (1) In making an application for a category A, B, C, D or H licence (other than a category D licence referred to in section 21 (2) of the Act or a probationary pistol licence) or for a firearms collector licence that is part of a composite licence as referred to in clause 99 (3), the applicant may apply for a licence that will be in force for a period of 2 years only.
- (2) For the purposes of section 21 (1) of the Act, the period of 2 years is prescribed in relation to any such licence.

**9 Certification of requirements relating to safe keeping of firearms** (cf 1997 cl 7)

- (1) **Certification in licence application** The Commissioner may refuse to issue a licence unless the applicant has certified in the licence application that the applicant is aware of, and understands, the requirements of the Act and this Regulation in relation to the safe keeping of firearms to which the licence applies.

- (2) **Certification in application for permit to acquire firearm** The Commissioner may refuse to issue a permit to acquire a firearm unless the applicant has certified in the permit application that the applicant is able to comply with the requirements of the Act and this Regulation in relation to the safe keeping of the firearm.

**10 Fingerprinting of applicants to confirm identity in particular cases** (cf 1997 cl 8)

- (1) The Commissioner may:
- (a) require an applicant for a licence or permit to consent to having his or her fingerprints taken by a police officer in order to confirm the applicant's identity, and
  - (b) refuse to issue the applicant with a licence or permit unless the applicant has been fingerprinted in accordance with any such requirement.
- (2) A requirement under subclause (1) may only be made if:
- (a) there is a reasonable doubt as to the applicant's identity, and
  - (b) proof of the applicant's identity cannot be confirmed by any other means that are available in the circumstances.
- (3) The Commissioner is to ensure that any fingerprints that are obtained in accordance with a requirement under subclause (1), and any copies of them, are destroyed as soon as they are no longer needed in connection with the application to which they relate.
- (4) As soon as practicable after any fingerprints (or any copies of them) are destroyed in accordance with subclause (3), the Commissioner is to notify the applicant in writing that those fingerprints (and those copies, if any) have been destroyed.

**11 Additional grounds for refusal of permit** (cf 1997 cl 9)

- (1) The Commissioner may refuse to issue a permit unless the applicant has completed such firearms training and safety courses as the Commissioner considers to be appropriate in respect of the permit concerned.
- (2) The Commissioner must, except in such cases as the Commissioner (at the request of the Commonwealth Government) considers appropriate, refuse to issue a permit authorising the possession or use of a firearm if the Commissioner is satisfied that the applicant intends to possess or use the firearm for personal protection (or for the protection of any other person) or the protection of property.
- (3) Without limiting the operation of subclause (2), the Commissioner must refuse to issue a permit authorising the possession or use of a registered pistol if the Commissioner is satisfied that the applicant intends to possess or use the pistol for the purposes of:

(a) hunting (including the control or suppression of vermin or pest animals) or fishing, or

(b) farming or grazing activities (including the destruction of diseased or injured animals).

(4) However, subclause (3) does not apply in relation to an applicant if the Commissioner is satisfied, on production of such evidence as the Commissioner may require, that the applicant has a medical condition or disability that prevents the applicant from using a rifle or shotgun for the purposes referred to in that subclause.

**12 Lost, stolen or destroyed licence or permit** (cf 1997 cl 10)

A person to whom a licence or permit has been issued must, within 14 days after becoming aware that the licence or permit has been lost, stolen, destroyed, defaced or mutilated, notify the Commissioner in writing of that occurrence.

Maximum penalty: 20 penalty units.

**13 Application for duplicate licence or permit** (cf 1997 cl 11)

(1) The Commissioner may, on being satisfied that a licence or permit has been lost, stolen, destroyed, defaced or mutilated, and after payment of the fee specified in clause 99 (1) (o), issue a duplicate licence or permit.

(2) An application for a duplicate licence or permit is to be made by sending or lodging the approved form for the application to or at the Firearms Registry of the NSW Police Force or such other place as may be approved.

**14 Requirement to notify Commissioner if reason for possessing firearm ceases** (cf 1997 cl 12)

(1) If a licensee's genuine reason for possessing or using a firearm under the authority of a licence can no longer be established by the licensee, the licensee must, within 14 days of ceasing to have that genuine reason, notify the Commissioner in writing of that fact.

Maximum penalty: 50 penalty units.

(2) If a permit holder's legitimate reason for possessing or using a firearm to which the permit relates can no longer be established by the holder, the permit holder must, within 14 days of ceasing to have that reason, notify the Commissioner in writing of that fact.

Maximum penalty: 50 penalty units.

(3) A reference in subclause (2) to a permit holder's legitimate reason for possessing or using a firearm includes a reference to the circumstances in respect of which the holder possesses or uses the firearm under the authority of the permit.

- (4) A person does not commit an offence under this clause if the person demonstrates that he or she did not know, or could not reasonably be expected to have known, that the genuine reason, or legitimate reason, established by the person for possessing or using a firearm under the authority of the licence or permit had ceased to exist.

**15 Requirement to notify change of particulars other than address** (cf 1997 cl 13)

- (1) The holder of a licence or permit must, if there is any change in a particular (eg the name of the holder) stated in the licence or permit:
- (a) notify the Commissioner in writing of the change within 14 days after the change occurs, and
  - (b) if a replacement licence or permit is issued to the holder—surrender the original licence or permit at the police station nearest to the usual place of residence of the holder within 14 days after receiving the replacement licence or permit.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to a change in a licensee's or permit holder's place of residence.

**Note—**

Section 69 of the [Firearms Act 1996](#) already requires the holder of a licence or permit to provide particulars of his or her change of address.

**16 Requirement to notify Commissioner of address where firearms are kept** (cf 1997 cl 14)

- (1) The holder of a licence or permit must, within 14 days of acquiring any firearm, notify the Commissioner in writing of:
- (a) the address of the premises on which the firearm is to be kept when not actually being used, and
  - (b) the particulars of the arrangements that have been made by the licence or permit holder for complying with the requirements of the Act and this Regulation concerning the safe keeping and storage of the firearm on those premises.

Maximum penalty: 50 penalty units.

- (2) If there is any change in the address of the premises on which the holder of a licence or permit keeps any firearm, the holder of the licence or permit must, within 14 days after the change occurs, notify the Commissioner in writing of:
- (a) the address of the new premises on which the firearm is to be kept, and
  - (b) the particulars of the arrangements that have been made by the licence or permit holder for complying with the requirements of the Act and this Regulation concerning the safe keeping and storage of the firearm on those premises.

Maximum penalty: 50 penalty units.

- (3) Subclause (2) does not affect any requirement under section 69 of the Act to notify the Commissioner of a change of address in relation to a place of residence.

**17 Renewal of licence or permit** (cf 1997 cl 15)

A licence or permit may be renewed by making an application, in accordance with the Act and this Regulation, for a new licence or permit (referred to in this Regulation as a **subsequent** licence or permit).

**18 Pending application for subsequent licence or permit** (cf 1997 cl 16)

(1) If:

- (a) a person applies for a subsequent licence or permit before the term of the person's current licence or permit expires (referred to in this clause as the **old licence or permit**), and
- (b) the application has not been dealt with by the time the old licence or permit expires,

the authority conferred by the old licence or permit continues until such time as the person is notified of the issue of, or refusal of, the subsequent licence or permit.

- (2) If the applicant fails to collect the subsequent licence or permit in accordance with the approved arrangements within 60 days (or such longer period as may be approved in any particular case) of being notified of its issue:

- (a) the subsequent licence or permit is taken to have been surrendered by the applicant, and
- (b) any authority conferred by the old licence or permit ceases to have effect.

**19 Revocation of licence—additional reasons** (cf 1997 cl 17)

The Commissioner may revoke a licence if the Commissioner is satisfied that it is not in the public interest for the licensee to continue to hold the licence.

**20 Revocation of permit—additional reasons** (cf 1997 cl 18)

- (1) In accordance with section 30 (4) (b) of the Act, a permit may be revoked if the Commissioner considers that it is not in the public interest for the person to whom the permit is issued to continue to hold it.
- (2) The Commissioner must revoke a permit if the Commissioner is satisfied that the person to whom the permit is issued no longer has a legitimate reason for possessing or using the firearm (or the ammunition) to which the permit relates.



**21 Application for permit** (cf 1997 cl 19)

- (1) For the purposes of section 30 (1) of the Act, the manner of making an application for a permit is by sending or lodging the application in the approved form to or at the Firearms Registry of the NSW Police Force or such other place as may be approved.
- (2) Without limiting clause 10, the Commissioner may refuse to issue a permit unless the applicant provides proof of his or her identity to the satisfaction of the Commissioner.

**22 Photographs on permits** (cf 1997 cl 20)

- (1) A permit must, if the Commissioner so determines in the case of any particular permit or class of permit, contain a recent photograph of the person to whom it is issued.
- (2) The photograph is to be obtained in accordance with arrangements determined by the Commissioner.

**23 Term of permit** (cf 1997 cl 21)

Except in the case of a minor's firearms permit, a permit continues in force, unless it is sooner surrendered or revoked or otherwise ceases to be in force, from the date on which it is issued for a period of 5 years, or such shorter period as may be specified under the Act or this Regulation (or as may be determined by the Commissioner) for the permit.

**24 Conditions of permit** (cf 1997 cl 22)

- (1) A permit is subject:
  - (a) to such conditions as the Commissioner thinks fit to impose and as are specified in the permit, and
  - (b) to such conditions as may be specified in this Regulation in relation to the permit.
- (2) Without limiting the conditions to which a permit may be subject, a permit may be subject to such conditions concerning the safe storage of the firearm to which the permit relates as may be determined by the Commissioner.
- (3) All permits are subject to the condition that they cannot be transferred to another person.

**25 Recognition of interstate licences—additional purposes** (cf 1997 cl 23)

- (1) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category A or category B licence is authorised to possess and use a firearm of the relevant kind without the authority of a licence under the Act, but for the following purposes only:
  - (a) recreational hunting/vermin control,
  - (b) vertebrate pest animal control,

- (c) practising in connection with an approved shooting competition referred to in section 26 (1) of the Act,
  - (d) taking fish for sale in accordance with the [Fisheries Management Act 1994](#).
- (2) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category H licence is authorised to possess and use a firearm of the relevant kind without the authority of a licence under the Act, but for the purpose only of practising in connection with an approved shooting competition referred to in section 26 (1) of the Act.
- (3) For the purposes of section 26 (1) of the Act, an interstate resident who is the holder of the equivalent of a category A, category B or category H licence is authorised to possess, but not use, a firearm of the relevant kind without the authority of a licence under the Act, but only so as to authorise possession of the firearm:
- (a) after buying it from a licensed firearms dealer in New South Wales, or
  - (b) while travelling through New South Wales, or
  - (c) while taking it to a licensed firearms dealer in New South Wales for the purposes of selling the firearm or having it repaired or serviced.
- (4) For the purposes of section 26 (1) of the Act, an interstate resident who:
- (a) is licensed, under the law of the other State or Territory in which he or she resides, to carry on security activities referred to in section 4 (b) of the [Security Industry Act 1997](#), and
  - (b) is authorised to possess and use a pistol or shotgun under the law of that other State or Territory for the purposes of business or employment,
- is authorised to possess and use the pistol or shotgun in New South Wales but only while carrying on those security activities.
- (5) For the purposes of this clause, a firearm is **of the relevant kind** if it is one to which the corresponding category A, category B or category H licence applies.

**26 Licences or permits held by government agencies and their employees** (cf 1997 cl 24)

- (1) If a licence or permit is held by a government agency authorising the agency to possess firearms, and persons who are authorised by separate licences or permits to possess or use firearms for business or employment purposes are employed in or by the agency, the agency (or its chief executive officer) must:
- (a) except as provided by this clause, keep in safe storage all firearms authorised to be possessed by those employees when they are not on duty, and
  - (b) in addition to the requirements set out in Part 4 of the Act, ensure that any firearm

required to be kept in safe storage is secured in such a manner as would reasonably prevent its removal otherwise than by an authorised employee, and

- (c) must not allow any firearm in the agency's possession (including any firearms that have been acquired by the agency) to be possessed or used by an employee who is not authorised to possess or use the firearm by a licence or permit issued to the employee, and
- (d) must notify the Commissioner in writing within 7 days if any employee (unless employed on a casual basis) who is the holder of a licence or permit authorising possession or use of a firearm ceases to be employed in or by the agency, and
- (e) ensure that each firearm in respect of which each employee holds a licence or permit is inspected once every 3 months by some competent person to ascertain its working condition, and
- (f) must cause each such firearm to be serviced at least once a year by an appropriately qualified person.

Maximum penalty: 50 penalty units.

- (2) A person who is employed in or by a government agency must, at the end of any period of duty, return any firearm in the employee's possession to his or her employer's store of firearms unless the person is authorised to retain possession of the firearm in accordance with subclause (4).

Maximum penalty: 50 penalty units.

- (3) A person does not commit an offence under subclause (2) if:
  - (a) the person has not been on duty at his or her ordinary place of work, and
  - (b) it was not reasonably practicable, for reasons of distance or public safety, to return the firearm to the employer's store of firearms, and
  - (c) it was not reasonably practicable in the circumstances for an authorisation under subclause (4) to be obtained (eg because the person was required to travel unexpectedly in connection with the person's employment).
- (4) The Commissioner may authorise in writing any person who is employed in or by a government agency to retain possession of a firearm that the employee is authorised to possess between periods of duty as an employee.
- (5) The Commissioner must not authorise possession of a firearm between periods of duty unless the Commissioner is satisfied that:
  - (a) it is not practicable in the circumstances for the employee to return the firearm to the employer's store of firearms, and

- (b) the firearm will, as far as is reasonably practicable in the circumstances, be stored in accordance with the requirements of Part 4 of the Act.
- (6) An employee's authorisation to retain possession of a firearm between periods of duty is subject to the following requirements:
  - (a) the firearm may only be carried by the employee:
    - (i) when travelling directly to or from work or in the course of a work-related journey, or
    - (ii) in accordance with approved arrangements that have been made by the government agency concerned,
  - (b) the firearm must be stored:
    - (i) at the employee's place of residence, or
    - (ii) in accordance with approved arrangements that have been made by the government agency concerned,
  - (c) the employee must, as far as is reasonably practicable in the circumstances, comply with the requirements of Part 4 of the Act,
  - (d) the employee must permit a police officer to inspect, at any reasonable time, the arrangements for the safe-keeping of the firearm.
- (7) An authorisation under this clause remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.
- (8) The Commissioner may revoke any such authorisation if the Commissioner is satisfied that:
  - (a) the requirements of subclause (6) have not been complied with, or
  - (b) it is in the public interest to do so.
- (9) In addition to the firearms safety training courses required in connection with an application for a licence or permit, any person who is employed in or by a government agency and who is authorised to possess or use a firearm for business or employment purposes must undertake, at such times as may be determined by the Commissioner, such continuing firearms safety training courses as may be approved.

Maximum penalty: 20 penalty units.
- (10) The government agency that employs such a person (or in which the person is employed) must:
  - (a) ensure that subclause (9) is complied with by any such employee, and

- (b) report to the Commissioner when those persons have completed the required training.

Maximum penalty: 20 penalty units.

- (11) Clause 76 applies, in the same way as that clause applies to security guards, to any person:
  - (a) who is employed in or by a government agency, and
  - (b) who is authorised to possess or use a pistol for business or employment purposes, while the person is carrying the pistol.
- (12) Clause 81 applies to a government agency in the same way as that clause applies to a person who employs security guards.

### **Part 3 Licences—additional provisions**

#### **27 Sport/target shooting** (cf 1997 cl 25)

- (1) A licence that is issued for the genuine reason of sport/target shooting is subject to the condition that the licensee must, as a current member of an approved shooting club, comply with clause 96 (1) (a) or (b).
- (2) Subclause (1) does not limit the conditions to which any such licence may be subject.

#### **28 Recreational hunting/vermin control—persons who are not members of approved hunting clubs** (cf 1997 cl 26)

- (1) If an applicant for a licence (not being a member of an approved hunting club) proposes to establish recreational hunting/vermin control as a genuine reason for being issued with the licence and, in order to do so, is required to produce proof of the permission to shoot on rural land, the applicant must produce with the application:
  - (a) the permission in writing, or
  - (b) a statutory declaration verifying that the permission has been given,as evidence that the permission has been given.
- (2) During the term of a licence issued to an applicant referred to in this clause, the licensee may lawfully possess or use a firearm (as authorised by the licence) on land other than the land specified in respect of the application if:
  - (a) the licensee has been given the written permission of the owner or occupier of that other land (or of an officer of the agency concerned) to shoot on that other land, or
  - (b) the licensee has been given permission, as verified by statutory declaration, by

that owner, occupier or agency to shoot on that other land.

- (3) Any permission to shoot on rural land (including any statutory declaration verifying that any such permission has been given) must describe the land to which the permission relates and the type of game to be shot.
- (4) If a licensee has been given permission to shoot on rural land, the licensee must, on demand made at any time by a police officer or an authorised officer for that land:
  - (a) produce the permission for inspection by the police officer or authorised officer, or
  - (b) if it is not in the licensee's immediate possession—produce the permission, as soon as practicable (but not more than 48 hours) after the demand is made, to the officer who made the demand or to another police officer or authorised officer nominated by the officer who made the demand.

Maximum penalty (subclause (4)): 20 penalty units.

- (5) A person commits an offence under subclause (4) only if the police officer or authorised officer, when making the demand, explains to the person that failure to comply with the demand is an offence.

- (6) In this clause:

**authorised officer**, in relation to rural land on which permission has been given to shoot, means an officer of the relevant agency (as referred to in the genuine reason of recreational hunting/vermin control) that has the care, control or management of the land.

**29 Recreational hunting/vermin control—persons who are members of approved hunting clubs** (cf 1997 cl 27)

- (1) A licence that is issued for the genuine reason of recreational hunting/vermin control to a member of an approved hunting club is subject to the condition that the licensee must, as a current member of the approved hunting club concerned, comply with clause 96 (1) (c).
- (2) Subclause (1) does not limit the conditions to which any such licence may be subject.

**30 Members of approved hunting clubs—restriction on authority conferred by licence** (cf 1997 cl 28)

- (1) If a licensee who is a member of an approved hunting club has established recreational hunting/vermin control as a genuine reason for being issued with the licence, the licence authorises the member to use a firearm:
  - (a) to participate in shooting activities conducted by the approved hunting club, but only on the land for which:

- (i) the club has been given the written permission of the owner or occupier (or of an officer of an agency referred to in the genuine reason of recreational hunting/vermin control) to shoot the game described in the permission, or
  - (ii) the club has been given permission, as verified by statutory declaration, by such owner, occupier or agency to shoot the game described in the statutory declaration, or
- (b) to participate in shooting activities other than those approved by the approved hunting club, but only on the land for which:
  - (i) the licensee has been given the written permission of the owner or occupier (or of an officer of an agency referred to in the genuine reason of recreational hunting/vermin control) to shoot the game described in the permission, or
  - (ii) the licensee has been given permission, as verified by statutory declaration, by such owner, occupier or agency to shoot the game described in the statutory declaration.
- (2) If an approved hunting club has been given permission under subclause (1) (a) for its members to shoot on rural land, the member of the club who is for the time being responsible for the shooting activities conducted by the club on that land must, on demand made at any time by a police officer or authorised officer for that land, produce the permission, as soon as practicable (but not more than 48 hours) after the demand is made, to the officer who made the demand or to another police officer or authorised officer nominated by the officer.

Maximum penalty: 20 penalty units.
- (3) If a licensee has been given permission under subclause (1) (b) to shoot on rural land, the licensee must, on demand made at any time by a police officer or authorised officer for that land:
  - (a) produce the permission for inspection by the police officer or authorised officer, or
  - (b) if it is not in the licensee's immediate possession—produce the permission, as soon as practicable (but not more than 48 hours) after the demand is made, to the officer who made the demand or to another police officer or authorised officer nominated by the officer.

Maximum penalty: 20 penalty units.
- (4) A person commits an offence under subclause (2) or (3) only if the police officer or authorised officer, when making the demand, explains to the person that failure to comply with the demand is an offence.
- (5) In this clause:

**authorised officer**, in relation to rural land on which permission has been given to shoot, means an officer of the relevant agency (as referred to in the genuine reason of recreational hunting/vermin control) that has the care, control or management of the land.

### **31 Practising at approved ranges**

- (1) The authority conferred by a licence issued for the genuine reason of recreational hunting/vermin control, primary production, vertebrate pest animal control or animal welfare extends to the use of a firearm by the licensee at an approved shooting range, on such occasions as may reasonably be required, for the purposes of:
  - (a) sighting in the firearm, which includes the sight alignment or tuning of the firearm, familiarisation with or testing of ammunition and practising on targets, or
  - (b) in the case of a shotgun—patterning the shotgun, which includes the adjusting or aligning of the shotgun, familiarisation with or testing of ammunition and practising on stationary or moving clay targets.
- (2) Nothing in this clause authorises:
  - (a) the holder of a licence referred to in this clause to participate in competitions or activities conducted by a shooting club that require the use of a firearm (except those activities referred to in subclause (1)), or
  - (b) the use of a shooting range otherwise than in accordance with the approval of the shooting range, including any conditions subject to which the approval was granted.
- (3) It is a condition of the approval of a shooting range under Part 8 that the holder of a shooting range approval:
  - (a) 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, and
  - (b) is to cause the following information to be recorded:
    - (i) the particulars of the licence of the person,
    - (ii) the category and calibre of the firearm being used, and
  - (c) is to make any such records available for inspection by a police officer or the Commissioner.
- (4) Subclause (3) extends to an approval in force as at the commencement of this clause.



**32 Vertebrate pest animal control—prescribed government agencies** (cf 1997 cl 29)

The following government agencies are prescribed for the purposes of the genuine reason of vertebrate pest animal control:

- (a) the Department of Primary Industries,
- (b) the Department of Environment and Conservation,
- (c) a rural lands protection board,
- (d) the Wild Dog Destruction Board.

**33 Category C licence issued for clay target shooting purposes—required number of competitions** (cf 1997 cl 30)

For the purposes of section 17A (6) of the Act, the prescribed number of clay target shooting competitions is 4.

**34 Firearms collections** (cf 1997 cl 31)

- (1) In accordance with section 8 (3) of the Act, the only type of licence that authorises a person to possess a firearm in respect of which the genuine reason of firearms collection has been established is a firearms collector licence.
- (2) Without limiting the conditions to which a firearms collector licence may be subject, any such licence is subject to the condition that the licensee must, as a current member of an approved collectors' society or collectors' club, comply with clause 96 (1) (d).
- (3) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a rifle to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:
  - (a) a bore diameter mild steel rod must be inserted into the barrel of the firearm extending for the full length of the barrel,
  - (b) the steel rod must be fully welded to:
    - (i) the muzzle and finished flush, and
    - (ii) the chamber of the firearm (if applicable),
  - (c) the barrel must be welded to the receiver to prevent the barrel from being removed,
  - (d) the firing pin must be removed and the firing pin hole welded closed,
  - (e) any internal springs or components that can be removed without detracting from

the external appearance of the firearm must be removed,

- (f) any trigger of the firearm must be welded in a fixed position to prevent the trigger from working,
  - (g) the internal components of the firearm must (if possible) be welded to prevent the firearm from working,
  - (h) any bolts and external hammers must be welded in a fixed position,
  - (i) any other mechanism or action in respect of the firearm must be welded in a closed position to prevent the firearm from working.
- (4) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a shotgun to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:
- (a) a bore diameter mild steel rod must be inserted into the barrel of the firearm for a distance of 5 cm,
  - (b) the steel rod must be welded flush to the muzzle,
  - (c) a 5 cm long steel plug must be inserted into the chamber and fully welded flush,
  - (d) the barrel must be welded to the receiver to prevent the barrel from being removed.
- (5) Despite subclauses (3) and (4), any such prohibited firearm may be rendered permanently incapable of being fired by being sectionalised (that is, by milling away the external parts of the firearm to expose its internal mechanisms) in an approved manner.
- (6) For the purposes of subclauses (3) and (4), and in addition to the requirements of those subclauses:
- (a) any welding required to be done must:
    - (i) be substantial and, wherever practicable, not be done by way of spot welding, and
    - (ii) be done by way of gas metal arc, gas tungsten arc, manual arc electrode or gas fusion with steel wire, and
  - (b) if a firearm has a component of a non-ferrous composition that cannot be satisfactorily welded but is required to be welded, that component may be glued and pinned to prevent it from working, and
  - (c) the barrel of a firearm that is constructed of material unsuitable for welding may

be plugged with a mild steel rod and welded by gas brazing or a similar method,  
and

(d) any nipple of a firearm must be welded so that it is blocked.

(7) For the purposes of section 20 (e) of the Act, the following standards are prescribed for the storage of firearms in a firearms collection:

- (a) any ammunition for any firearm (whether or not forming part of the collection) must not be kept in the area or room in which the firearms are stored, unless the ammunition is stored in a separate locked container,
- (b) the area or room in which the firearms are stored must be part of a permanent building with secure locks on all entrances,
- (c) the area or room must have solid walls that provide a substantial barrier to forced entry,
- (d) any window in the area or room must be covered by a security screen,
- (e) doors leading into the area or room must be made of solid material or be reinforced by steel,
- (f) each such door must be fitted with a “dead latch” type lock, or be fitted with a hasp/barrel bolt and padlock,
- (g) door hinges must be concealed or the hinge pins must be welded to prevent them from being punched out,
- (h) if the firearms are to be displayed outside of their locked containers at any time, the licence holder must be physically present in the area or room at that time.

(8) The standards set out in subclause (7) are in addition to the requirements of Part 4 of the Act.

## **Part 4 Firearms dealers—special provisions**

### **35 Change of premises** (cf 1997 cl 32)

- (1) The holder of a firearms dealer licence may apply to the Commissioner to change the premises to which the licence relates.
- (2) Any such application is to be made in the approved form and be accompanied by the fee specified in clause 99 (1) (r) for inspecting the new premises.
- (3) After taking into account the same relevant matters as would have to be considered in assessing an application for a firearms dealer licence, the Commissioner may approve or refuse the application.

- (4) A refusal may be made on any of the grounds on which an application for a firearms dealer licence may be refused.
- (5) If the application is approved, the Commissioner is to impose a new condition on the licence changing the premises at which the business is to be carried on.

**36 Recording of transactions** (cf 1997 cl 33)

For the purposes of section 45 (1) (b) of the Act, each record required to be made and kept by a licensed firearms dealer under that section is to be sent to the Commissioner within 7 days of the record being made. A record can be sent by electronic means.

**37 Additional restrictions in relation to issuing firearms dealer licences** (cf 1997 cl 34)

- (1) A firearms dealer licence that authorises a firearms dealer to carry on business at specified premises must not be issued unless the Commissioner is satisfied that:
  - (a) the applicant is carrying on or proposes to carry on the business of a firearms dealer at those premises, and
  - (b) those premises are suitable for carrying on the business of a firearms dealer.
- (2) In considering whether or not premises are suitable for such purposes, the Commissioner is to have regard to the following:
  - (a) the nature of the activities proposed to be conducted on the premises,
  - (b) the kinds of firearms to which the licence relates,
  - (c) whether adequate provision has been made for the safe keeping of firearms by means of a safe or strongroom or otherwise,
  - (d) the security of the premises against unauthorised entry,
  - (e) in the case of a licence that authorises the testing of firearms on the premises—whether an efficient bullet recovery box or bullet stop is provided on the premises.

**38 Storage of ammunition**

A licensed firearms dealer must ensure that any ammunition for any firearm that the dealer is authorised to possess under the licence is stored in a restricted area that is not easily accessible by the public.

Maximum penalty: 50 penalty units.

**39 Requirement to check stock on arrival**

A licensed firearms dealer must, if the dealer has ordered a supply of firearms to be sent to the dealer:

- (a) check whether all of the firearms have been delivered to the dealer, and
- (b) if any firearms are missing from the delivery—notify the Commissioner within 24 hours of the delivery.

Maximum penalty: 50 penalty units.

**40 Inspection of certain firearms** (cf 1997 cl 35)

- (1) The Commissioner may require a licensed firearms dealer to make all firearms that are in the possession of the dealer available for inspection, at any reasonable time, by a police officer at the premises to which the licence relates.
- (2) A licensed firearms dealer must:
  - (a) comply with any such requirement, and
  - (b) pay the fee specified in clause 99 (1) (r) for the inspection.

Maximum penalty: 50 penalty units.

**41 Advertising by licensed firearms dealers** (cf 1997 cl 36)

A licensed firearms dealer must, in any advertisement relating to the business of the firearms dealer that is displayed by or on behalf of the dealer, state or display the number of the firearms dealer's licence.

Maximum penalty: 50 penalty units.

**42 Notice of unidentified firearms or spare barrels** (cf 1997 cl 37)

A licensed firearms dealer who acquires possession of a firearm, or a spare barrel that is capable of taking and discharging ammunition for that firearm, that is not numbered (or is not numbered clearly) must notify the Commissioner in writing of the possession of the firearm or spare barrel within 7 days of acquiring it.

Maximum penalty: 50 penalty units.

**43 Authority conferred by firearms dealer licence extends to certain employees** (cf 1997 cl 38)

- (1) The authority conferred by a firearms dealer licence extends to an employee of the licensed firearms dealer despite the employee being under the age of 18 years, but only if:
  - (a) the employee would otherwise be eligible to be issued with a licence, and
  - (b) the employee has, in accordance with section 8 of the Act, been authorised in writing by the Commissioner to do the things that the licensed firearms dealer is authorised to do under the licence.

- (2) If the premises of a licensed firearms dealer are situated within 50 kilometres of another State or Territory, the authority conferred by the licence extends to a person who is a resident of that other State or Territory and who is employed by the dealer to work at those premises, but only if the person would otherwise be eligible to be issued with a licence.

#### **44 Offences that prevent persons from being involved in firearms dealing business**

For the purposes of section 44A (3) (b) of the Act, the following offences are prescribed offences regardless of whether they are committed in New South Wales:

##### **(a) Offences relating to firearms or weapons**

An offence relating to the possession or use of a firearm, or any other weapon, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

##### **(b) Offences relating to prohibited drugs etc**

An offence in respect of a prohibited plant or prohibited drug within the meaning of the *Drug Misuse and Trafficking Act 1985*, or a prescribed restricted substance within the meaning of the *Poisons and Therapeutic Goods Regulation 2002*, in respect of which the maximum penalty imposed is imprisonment for 6 months or more, or a penalty of \$2,200 or more, or both, committed under:

- (i) the law of any Australian jurisdiction, or
- (ii) the law of any overseas jurisdiction (being an offence that, had it been committed in Australia, would be an offence under the law of an Australian jurisdiction).

##### **(c) Offences involving violence**

An offence committed under the law of any Australian or overseas jurisdiction, being:

- (i) an offence involving the infliction of actual bodily harm upon a person in respect of which the penalty imposed was imprisonment for 28 days or more, or a penalty of \$200 or more, or both, or
- (ii) an offence involving kidnapping or abduction, or
- (iii) an offence involving stalking or intimidation, or
- (iv) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(iii).

##### **(d) Offences of a sexual nature**

An offence of a sexual nature, being:

- (i) an offence under Division 10 of Part 3 of the *Crimes Act 1900*, or
- (ii) an offence under section 38, 111, 112 or 113 of the *Crimes Act 1900* that has been committed with intent to commit an offence referred to in subparagraph (i), or
- (iii) an offence under Division 15 of Part 3 of the *Crimes Act 1900*, or
- (iv) an offence under section 11G of the *Summary Offences Act 1988*, or
- (v) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraphs (i)–(iv), or
- (vi) any other offence that, at the time it was committed, would have been an offence referred to in subparagraphs (i)–(iv), or
- (vii) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)–(vi).

**(e) Offences involving fraud, dishonesty or stealing**

An offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing, being an offence in respect of which the penalty imposed was imprisonment for 3 months or more.

**(f) Offences involving robbery**

An offence under the law of any Australian or overseas jurisdiction involving robbery (whether armed or otherwise).

**(g) Offences relating to terrorism**

An offence relating to terrorism, being:

- (i) an offence under Part 6B of the *Crimes Act 1900* or against Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or
- (ii) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraph (i).

**(h) Offences involving organised criminal groups and recruitment**

An offence committed under section 93IK or 351A of the *Crimes Act 1900*.

## **Part 5 Minor's firearms permits—special provisions**

### **45 Minor's firearms permit—minimum age** (cf 1997 cl 39)

For the purposes of section 32 (2) (a) of the Act, the age of 12 years is prescribed as the minimum age for the holder of a minor's firearms permit.

### **46 Minor's firearms permit—continuation of authority past 18th birthday** (cf 1997 cl 40)

For the purposes of section 32 (8) of the Act, the period of 3 months is prescribed.

### **47 Recognition of interstate minor's firearms permits** (cf 1997 cl 42)

- (1) This clause applies to any person who:
  - (a) is of or above the age of 12 years (but is under the age of 18 years), and
  - (b) is a resident of another State or Territory, and
  - (c) is the holder of the equivalent of a minor's firearms permit issued under the law in force in that other State or Territory.
- (2) A person to whom this clause applies is authorised to possess and use a firearm without the authority of a minor's firearms permit under the Act, but only for the purposes of:
  - (a) competing in an approved event, or
  - (b) receiving safe instruction in the use of the firearm.
- (3) A person to whom this clause applies is not authorised to use a firearm unless the person is under the direct supervision of another person who is authorised to use that firearm.

### **48 Exemption relating to probationary pistol licences** (cf 1997 cl 42A)

Section 16A of the Act does not apply in relation to a person who:

- (a) has applied for a category H (sport/target shooting) licence, and
- (b) is the holder of a minor's target pistol permit (as referred to in section 32 (4) of the Act) at the time of applying for the licence, and
- (c) has held the permit for a period of at least 12 months.

## **Part 6 Additional types of permits**

### **49 Permit to purchase non-prohibited firearm on leaving Australia** (cf 1997 cl 43)

- (1) The Commissioner may, on application by a person who is about to leave Australia, issue a permit authorising the person to purchase a firearm (other than a prohibited



firearm).

- (2) The Commissioner must not issue a permit under this clause unless satisfied that the applicant is about to leave Australia.
- (3) A permit under this clause:
  - (a) authorises the holder of the permit to purchase and possess, but not use, the firearm (other than a prohibited firearm) to which the permit relates, and
  - (b) remains in force, unless sooner surrendered or revoked, until the expiration of 7 days from the date of its issue or the purchase of the firearm to which the permit relates, whichever first occurs.

**50 Permit authorising possession of firearm as heirloom** (cf 1997 cl 44)

- (1) The Commissioner may, on application by a person who has acquired a firearm as an heirloom, issue a permit authorising the person to possess the firearm.
- (2) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that the firearm:
  - (a) was inherited by the applicant within the period of 6 months before the application for the permit was made or such other period as may be approved in any particular case, and
  - (b) has been rendered permanently inoperable.
- (3) A permit under this clause authorises the holder of the permit to possess, but not use, the firearm to which it relates.
- (4) A permit under this clause does not authorise the purchase of any ammunition.
- (5) The authority conferred by a permit under this clause applies only to a single firearm or to a matched pair of firearms.
- (6) The Commissioner must not issue a permit under this clause to a person who is already the holder of such a permit.

**51 Firearms museum permit** (cf 1997 cl 45)

- (1) The Commissioner may, on application by a person on behalf of a public museum containing a collection of firearms, issue a permit authorising the possession of those firearms by any person who is employed in, or who is otherwise engaged in the operation of, the public museum.
- (2) A permit under this clause authorises any such person to possess the firearms to which the permit applies, but only while on the premises of the public museum or for purposes reasonably connected with the operation of the public museum.

- (3) The Commissioner must not issue a permit under this clause unless the applicant can demonstrate that the collection of firearms contained in the public museum has a genuine commemorative, historical, thematic or financial value.
- (4) A permit under this clause is subject to the following conditions:
  - (a) that any firearm that is part of the collection must (unless the Commissioner approves of special arrangements that permit the technology or functioning of the firearm to be demonstrated when it is on display) be rendered temporarily inoperable:
    - (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
    - (ii) by using a trigger lock of an approved type,
  - (b) that the person in charge of the public museum concerned must, in accordance with such arrangements as are agreed on by the person and the Commissioner, permit inspection by a police officer (or such other person as may be approved) of the museum, the firearms in the collection and the facilities for the storing and safe keeping of those firearms,
  - (c) such conditions as may be imposed by the Commissioner concerning the security of the public museum and the storage of the firearms in the collection.
- (5) Any special arrangements approved under subclause (4) (a) do not operate so as to allow the actual firing of the firearm concerned.
- (6) In this clause:

**public museum** means a non-profit making institution that:

- (a) has a written constitution that states the museum's charter, goals and policies, and
- (b) has a stated acquisition policy, and
- (c) acquires, conserves and exhibits objects of scientific or historical interest for the purposes of study, education and public enjoyment, and
- (d) is sufficiently financed to enable the conduct and development of the museum, and
- (e) has adequate premises to fulfil its basic functions of collection, research, storage, conservation, education and display, and
- (f) is regularly open to the public.

**52 Permit for firearms used in film, television or theatrical production** (cf 1997 cl 46)

- (1) The Commissioner may, on application by a person on behalf of a film, television or theatrical production that will involve firearms, issue the person with a permit in connection with the production.
- (2) A permit issued under this clause authorises the permit holder to possess and use the firearms to which the permit relates, but only in connection with the production concerned.
- (3) The authority conferred by a permit issued under this clause also authorises any other person directly involved in the production who:
  - (a) has been nominated by the permit holder, and
  - (b) is eligible to be issued with a permit, and
  - (c) is authorised in writing by the Commissioner,to possess and use a firearm to which the permit relates for the purposes of the production concerned, but only while under the direct supervision of the permit holder.
- (4) The Commissioner must not issue a permit under this clause unless the Commissioner is satisfied that:
  - (a) the production concerned requires the possession or use of the firearms for which the permit is sought, and
  - (b) the applicant has adequate training in relation to the security and safe handling of the firearms, and
  - (c) the applicant's main duty in connection with the production concerned is that of controlling, and being responsible for the security and safe handling of, the firearms, and
  - (d) adequate security will be maintained over the firearms at all times, and
  - (e) the permit holder will supervise all handling of the firearms by those persons authorised under subclause (3).
- (5) Any firearm to which a permit under this clause relates:
  - (a) must be maintained in a safe condition, and
  - (b) must be certified, by the holder of a theatrical armourer's permit who is proficient in firearms modification, as being a firearm the chamber of which has been modified to allow blank cartridges designed only for that particular firearm.
- (6) A permit under this clause is subject to the condition that only blank cartridges may

be used with any firearm to which the permit relates.

(7) The permit holder must:

- (a) keep in the approved form a register in which particulars of the following matters are kept:
  - (i) the types, and registration numbers, of firearms authorised under the permit,
  - (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,
  - (iii) the periods for which any firearm was removed from safe storage, and
- (b) ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and
- (c) ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and
- (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.

Maximum penalty: 50 penalty units.

**Note—**

A producer intending to involve firearms in a production may either:

- (a) appoint a person to control, and be responsible for the security and safe handling of, the firearms concerned (which person must then obtain a permit under this clause), or
- (b) employ the holder of a theatrical armourer's permit to instruct and supervise the actors and other persons associated with the production in the possession and use of the firearms concerned.

**53 Theatrical armourer's permit** (cf 1997 cl 47)

- (1) The Commissioner may, on application by a person who carries on, or proposes to carry on, business as a theatrical armourer, issue a permit authorising the person (and any authorised employee of the person) to possess, manufacture, buy, sell, transfer, supply and use firearms (and blank cartridge for those firearms) for the purposes of film, television or theatrical productions. Any such permit is referred to as a ***theatrical armourer's permit***.
- (2) A theatrical armourer's permit also:
  - (a) authorises the holder of the permit (and any authorised employee of the holder) 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

- (b) authorises 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 holder of the permit (or of any authorised employee of the holder).

(3) A theatrical armourer's permit is subject to the following conditions:

- (a) any firearm to which the permit relates must be maintained in a safe working condition,
- (b) the holder of the permit must comply with any requirements (as determined by the Commissioner) in relation to the safe keeping of the firearms to which the permit relates,
- (c) the holder of the permit must ensure that any employee who is authorised by the permit to possess or use a firearm to which the permit relates is properly trained in the safe handling of firearms and is suitably qualified to carry out the functions of a theatrical armourer.

(4) The permit holder must, while acting under the authority conferred by subclause (2):

- (a) keep in the approved form a register in which particulars of the following matters are kept:
  - (i) the types, and registration numbers, of firearms authorised under the permit,
  - (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,
  - (iii) the periods for which any firearm was removed from safe storage, and
- (b) ensure that the register is kept in a place of safe keeping (not being a place in which any firearms are kept), and
- (c) ensure that each entry that is made in the register is maintained for not less than 3 years after it is made, and
- (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.

Maximum penalty: 50 penalty units.

(5) In this clause, **authorised employee** means a person who:

- (a) is an employee of the theatrical armourer concerned, and
- (b) is eligible to be issued with a permit, and
- (c) is authorised in writing by the Commissioner.

**54 International (temporary) visitors permits—competitions** (cf 1997 cl 48)

- (1) The Commissioner may, on application by or on behalf of a person:
  - (a) who is not a resident of Australia, and
  - (b) who is visiting, or who is intending to visit, New South Wales for the purpose of competing in a competition involving firearms,issue a permit authorising the person to possess and use a firearm for that purpose.
- (2) A permit under this clause may be issued to a person before the person arrives in New South Wales.
- (3) In addition to the requirements of clause 21, an application for a permit under this clause must contain the following details:
  - (a) the applicant's name, date of birth and home address in the country in which the applicant ordinarily resides,
  - (b) the applicant's passport number, country of issue and date of expiry,
  - (c) the number of the applicant's visa (if any) and date of expiry,
  - (d) the number of the applicant's firearms licence (if any), its country of issue and date of expiry,
  - (e) if the applicant is not the holder of a firearms licence—a certificate signed by a competent authority in the applicant's country of residence to the effect that the applicant is lawfully entitled to possess, carry and use in that country the type of firearm for which the permit is sought,
  - (f) the make, model, calibre, action and serial number of the firearm for which the permit is sought,
  - (g) if the applicant intends to import more than one firearm into Australia—details of the special need for the additional firearm,
  - (h) the dates and locations of the competitions in Australia in which the permit holder intends to participate,
  - (i) the intended period of the applicant's stay in Australia.
- (4) A permit under this clause cannot authorise the possession or use of any prohibited firearm (other than a paint-ball gun, or a self-loading or pump action shotgun used in clay target shooting competitions).
- (5) A permit under this clause authorises the holder of the permit to possess and use the firearm to which it relates only for the purposes of competing in the competition and

for related purposes that are connected with the competition.

- (6) A permit under this clause continues in force (unless it is sooner surrendered or revoked) from the date on which it is issued for a period of 3 months.

**55 International visitors—exemption for those holding international (temporary) visitors permits issued interstate** (cf 1997 cl 48A)

A person referred to in clause 54 (1) who is the holder of a permit issued and in force under the law in force in another State or a Territory, being a permit of the kind referred to in clause 54, is exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm to which the permit relates, but only for the purpose of:

- (a) competing in New South Wales in a competition involving that firearm, or
- (b) related purposes that are connected with that competition.

**56 Permit for tranquilliser firearms** (cf 1997 cl 49)

- (1) The Commissioner may, on application by a person, issue a permit authorising the person (and any other person specified in the permit who would be eligible to be issued with a permit) to possess or use the tranquilliser firearm to which the permit relates. Any such permit is referred to as a **tranquilliser permit**.
- (2) The Commissioner must not issue a tranquilliser firearm permit unless the Commissioner is satisfied that the possession or use of the tranquilliser firearm to which the permit relates is a necessary part of the occupation of the person or persons who will be authorised to possess or use it.
- (3) A tranquilliser firearm permit authorises the holder of the permit (or such other person specified in the permit) to possess and use the tranquilliser firearm only in the normal course of the person's occupation or for the purposes of undertaking an approved training course in relation to the use of that firearm.
- (4) In this clause:

**tranquilliser firearm** means a firearm designed for use in tranquillising, immobilising or administering vaccines or other medicines to animals.

**57 Permit to conduct paint-ball games** (cf 1997 cl 50)

- (1) The Commissioner may, on application by a person, issue a permit authorising the holder of the permit:
  - (a) to conduct organised activities involving the use of paint-ball guns, and
  - (b) to possess paint-ball guns for the purposes of enabling other persons to participate in those activities.

- (2) The Commissioner must not issue any such permit (referred to as a ***paint-ball game permit***) unless the Commissioner is satisfied:
  - (a) that the conduct of those activities on the premises specified in the application has been approved by local consent authority, and
  - (b) those activities will be conducted with proper regard to the preservation of public safety.
- (3) A paint-ball game permit is subject to the following conditions:
  - (a) such conditions as may be imposed by the Commissioner concerning the safe keeping of paint-ball guns,
  - (b) that the holder of the permit must permit the inspection at any time of the premises specified in the permit by a police officer (or such other person as may be approved).
- (4) The holder of a paint-ball game permit is authorised to conduct activities involving the use of paint-ball guns, and to possess paint-ball guns, but only on the premises specified in the permit.
- (5) A person (other than the holder of a paint-ball game permit) who possesses or uses a paint-ball gun on the premises specified in a permit under this clause is not required to hold a licence or permit authorising the possession or use of the paint-ball gun.
- (6) The exemption provided by subclause (5) only applies while the person is in possession of, or while the person is using, the paint-ball gun on the premises specified in a paint-ball game permit.
- (7) A paint-ball game permit is subject to the condition that the holder of the permit must not allow a person to use a paint-ball gun (other than a paint-ball gun provided by the holder) on the premises specified in the permit unless the holder of the permit has seen the person's paint-ball gun permit.

**58 Permit authorising possession of paint-ball guns** (cf 1997 cl 51)

- (1) The Commissioner may, on application by a person, issue a permit (referred to as a ***paint-ball gun permit***) authorising the person to possess a paint-ball gun otherwise than on premises specified in a paint-ball game permit.
- (2) A paint-ball gun permit authorises the holder of the permit to possess a paint-ball gun, but does not authorise the use of a paint-ball gun except on premises specified in a paint-ball game permit.
- (3) A paint-ball gun permit is subject to such conditions as may be specified in the permit with respect to the safe keeping and storage of a paint-ball gun to which the permit relates.



- (4) A person who is a resident of another State or Territory and is the holder of the equivalent of a paint-ball gun permit issued under the law in force in that other State or Territory is exempt from the requirement of the Act to be authorised by a permit to possess a paint-ball gun otherwise than on premises specified in a paint-ball game permit. However, nothing in this subclause authorises any such person to use a paint-ball gun otherwise than on premises specified in a paint-ball game permit.

**59 Permit to operate safari tours involving firearms** (cf 1997 cl 52)

- (1) The Commissioner may, on application by a person, issue a permit (referred to as a **safari tour permit**) authorising the person:
  - (a) to conduct organised safari tours that involve firearms to which a category A or category B licence applies, and
  - (b) to possess and use those firearms for the purposes of any such organised safari tour.
- (2) A safari tour permit does not authorise the possession or use of any firearm other than firearms to which a category A or category B licence applies.
- (3) A safari tour permit is subject to the condition that the permit holder must obtain the permission of the owner of any land on which hunting activities are proposed to be carried out under the authority of the permit before those activities are carried out.

**60 Permit authorising overseas persons to participate in organised safari tours or other hunting activities** (cf 1997 cl 53)

- (1) The Commissioner may, on application by or on behalf of a person:
  - (a) who is not a resident of Australia, and
  - (b) who is visiting, or who is intending to visit, New South Wales for the purpose of participating:
    - (i) in a specified organised safari tour conducted by the holder of a safari tour permit, or
    - (ii) in hunting activities organised by an approved hunting club,issue a permit authorising the person to possess and use a firearm to which a category A or category B licence applies for that purpose.
- (2) A permit under this clause may be issued to a person before the person arrives in New South Wales.
- (3) An application for a permit under this clause must demonstrate, to the Commissioner's satisfaction, that the person to whom the application relates is authorised, under the law of the country in which the person ordinarily resides, to

possess and use firearms to which a category A or category B licence applies.

- (4) A permit under this clause authorises the holder of the permit to possess and use firearms to which a category A or category B licence applies, but only in connection with:
- (a) the organised safari tour specified in the permit, or
  - (b) the organised hunting activities of the approved hunting club concerned.

**61 Permit for non-prohibited firearms used in historical re-enactments** (cf 1997 cl 54)

- (1) The Commissioner may, on application by a person who is the secretary (or other relevant office holder if there is no secretary) of a historical re-enactment organisation, issue a permit authorising the organisation to organise and conduct historical re-enactment events involving firearms. Any such permit is referred to in this clause as a ***historical re-enactment organiser's permit***.
- (2) The Commissioner may, on application by a person who is the holder of a licence, issue a permit (referred to as a ***historical re-enactment participant's permit***) authorising the person to use any firearm:
- (a) that is not a prohibited firearm, and
  - (b) that the person is authorised to possess or use under a licence,
- for the purposes of participating in any historical re-enactment event conducted under the authority of a historical re-enactment organiser's permit.
- (3) The secretary (or other relevant office holder if there is no secretary) of a historical re-enactment organisation must, in relation to an application for a historical re-enactment organiser's permit, provide the Commissioner with the following information:
- (a) the location of the event,
  - (b) the licensees who will be participating in the event,
  - (c) the firearms that are to be present at the event,
  - (d) the security measures that will be put in place at the event.
- (4) The secretary (or other relevant office holder if there is no secretary) of a historical re-enactment organisation holding a re-enactment organiser's permit must notify the police officer in charge of a police station that is nearest to the place at which the relevant historical re-enactment event is to take place about the event not more than 7 days before the event takes place.
- (5) A permit under this clause does not authorise the use of ammunition with any firearm

to which the permit relates. However, blank cartridges may be used with any such firearm to which the permit relates if the historical re-enactment event to which the permit relates is being carried out:

- (a) in front of an invited viewing audience, or
- (b) at a place away from public view and hearing.

(6) A permit under this clause may be issued in relation to historical re-enactment events held on one or more days or held on a periodic basis.

(7) A person who:

- (a) is a resident of another State or Territory, and
- (b) is the holder of the equivalent of a historical re-enactment participant's permit under the law in force in that other State or Territory, and
- (c) is the holder of a licence under the law in force in that other State or Territory authorising the possession and use of a firearm that is the equivalent of a licence issued under the Act,

is exempt from the requirement of the Act to be authorised by a permit to participate in a historical re-enactment event conducted under the authority of a historical re-enactment organiser's permit.

## **62 Permit for certain cannon** (cf 1997 cl 54A)

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a muzzle-loading black powder cannon.
- (2) The Commissioner is not to issue a permit under this clause unless the Commissioner is satisfied that the applicant for the permit is a member of a historical society or club whose purpose includes the preservation and demonstration of historical weapons.
- (3) A permit under this clause authorises the holder of the permit to possess and use, on behalf of the historical society or club concerned, a muzzle-loading black powder cannon but only for the purposes of preserving and displaying it and of demonstrating its use.
- (4) A permit under this clause is subject to such conditions as may be specified in the permit with respect to the use and safekeeping of the cannon to which the permit relates.

## **63 Permit for powerheads** (cf 1997 cl 55)

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a powerhead for the purposes of underwater spear fishing.

(2) A permit under this clause authorises the holder of the permit to possess and use a powerhead but only for the purposes of underwater spear fishing.

(3) In this clause:

**powerhead** means a device that:

(a) is capable of propelling a projectile by means of an explosive, and

(b) is designed to be attached to the end of a spear gun for use in underwater spear fishing.

#### **64 Permit for starting pistols** (cf 1997 cl 56)

(1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a starting pistol for the purposes of any sporting or other approved event.

(2) A permit under this clause authorises the holder to possess and use a starting pistol for the purposes of any sporting or other event specified in the permit.

(3) In this clause:

**starting pistol** means a pistol that uses blank cartridges only.

#### **65 Permits relating to arms fairs** (cf 1997 cl 57)

(1) The Commissioner may, on application by a licensed firearms dealer or a licensed club official, issue a permit authorising the firearms dealer or official to conduct an arms fair on the premises specified in the permit. Any such permit is referred to in this clause as an **arms fair permit**.

(2) The Commissioner may, on application by a licensed firearms dealer, or by a person who is the holder of a firearms collector licence or an ammunition collector permit, issue a permit (referred to as an **arms fair participant's permit**) authorising the applicant to participate in an arms fair that is the subject of an arms fair permit and that is specified in the participant's permit.

(3) The Commissioner must not issue an arms fair permit unless the Commissioner is satisfied that the premises are suitable to be used for an arms fair. In considering whether or not premises are suitable for an arms fair, the Commissioner is to have regard to the following:

(a) the nature of the activities proposed to be conducted on the premises,

(b) the kinds of firearms and other articles involved,

(c) whether adequate provision has been made for the safe keeping of firearms by means of a safe or strongroom or otherwise,

(d) the security of the premises against unauthorised entry.

- (4) It is a condition of an arms fair permit that the holder of the permit must ensure that all firearms or other articles on display at the arms fair are kept and displayed in a safe and secure manner.
- (5) It is a condition of an arms fair participant's permit that the holder of the permit must take all reasonable precautions to ensure the safe keeping of any firearm, ammunition or other article that is being displayed by the holder at the arms fair.
- (6) An arms fair participant's permit that is issued to a licensed firearms dealer authorises the dealer to sell firearms or firearm parts but only in accordance with the Act and the authority conferred by the dealer's licence.
- (7) However, an arms fair participant's permit that is issued to a person who is the holder of a firearms collector licence or an ammunition collector permit does not authorise the person to sell any firearm or firearm part otherwise than in accordance with the Act.

**Note—**

Firearms or firearm parts may be sold in accordance with sections 51 and 51BA of the Act.

- (8) A permit under this clause is to specify the time when the authority conferred by the permit commences and the time when it ends.
- (9) An arms fair permit also authorises the holder to participate in the arms fair in accordance with the authority conferred by the permit holder's firearms dealer licence.
- (10) In this clause:

**arms fair** means an event involving the temporary display of firearms for the purposes of sale or exhibition and to which the general public has access.

**licensed club official** means a person:

- (a) who is a licence holder, and
- (b) who is the secretary, or other relevant office holder if there is no secretary, of a club (within the meaning of Part 9).

## **66 Permits relating to open days**

- (1) The Commissioner may, on application by a person who is a club or range official, issue a permit that authorises a club (within the meaning of Part 9) or shooting range to conduct an open day at the club or range involving the possessing and use of firearms by persons who do not hold licences (**open day participants**). Any such permit is referred to in this clause as an **open day permit**.

- (2) An open day permit authorises an open day participant to possess or use a firearm at the open day to which the permit relates, but only under the supervision of persons holding licences authorising the possession and use of such a firearm.
- (3) It is a condition of an open day permit that the club or range official must ensure that open day participants, when using any firearm at the relevant open day, are supervised by a person holding a licence authorising the possession and use of any such firearm.
- (4) It is a condition of an open day permit that the club or range official must keep a register of each open day participant's name, address, date of birth and photo identification.
- (5) It is a condition of an open day permit that the club or range official must arrange for each open day participant to complete and sign a form containing the following questions:
  - (a) Have you, in New South Wales or elsewhere:
    - (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:
    - (i) subject to a good behaviour bond?
    - (ii) subject to an interim apprehended violence order?
    - (iii) suffering from any mental illness or other disorder that may prevent you from using a firearm safely?
- (6) It is a condition of an open day permit that the club or range official must prevent a person from participating in an open day to which the permit applies if the person has answered "Yes" to any of the questions set out in subclause (5).
- (7) It is a condition of an open day permit that the club or range official must provide to the Firearms Registry of the NSW Police Force, the details held in the register under subclause (4) and copies of the completed and signed forms under subclause (5)

within 21 days of the open day concerned.

(8) In this clause:

**club or range official** means a person who is:

- (a) in the case of a club (within the meaning of Part 9)—the secretary, or other relevant office holder if there is no secretary, of the club, or
- (b) in the case of a shooting range—the holder of the approval of the range under Part 8.

## **67 Permits relating to scientific purposes**

- (1) The Commissioner may, on application by a person, issue a permit that authorises the person to possess and use a firearm to which the permit relates for the purposes of conducting legitimate scientific research. Any such permit is referred to in this clause as a **scientific purposes permit**.
- (2) The authority conferred by a scientific purposes permit also authorises any person who:
  - (a) is employed to assist the permit holder in the scientific research in respect of which the permit is sought, and
  - (b) is specified in the permit, and
  - (c) is eligible to be issued with a permit,to use and possess a firearm to which the permit relates for the purpose of assisting in the conduct of the scientific research concerned.
- (3) The Commissioner must not issue a scientific purposes permit unless the Commissioner is satisfied that:
  - (a) the scientific research in respect of which the permit is sought is legitimate scientific research, and
  - (b) any firearm for which the permit is sought is necessary in the conduct of that research.
- (4) For the purposes of this clause:

**legitimate scientific research** does not include research about firearms.

### **Note—**

Under section 8 of the Act, firearms dealers are authorised to test firearms, including the carrying out of developmental work or research into the manufacture of a firearm.

**68 RSL display permit** (cf 1997 cl 58)

(1) The Commissioner may, on application by the secretary or other relevant office holder of:

(a) the RSL, or

(b) any club or association that is an affiliated member of the RSL,

issue a permit (referred to as an **RSL display permit**) authorising the RSL, club or association to possess and display, on the premises or other location specified in the permit, a firearm or firearms of a kind that has or have been used as a weapon of war.

(2) An RSL display permit is subject to the following conditions:

(a) any prohibited firearm subject to the permit must be rendered permanently inoperable in the same manner as a prohibited firearm that is subject to a firearms collector licence,

(b) any other firearm subject to the permit must be rendered temporarily inoperable by removing the bolt or firing mechanism and keeping it separate from the firearm in a locked container of an approved type, or by using a trigger lock of an approved type,

(c) all firearms subject to the permit must be displayed subject to such conditions concerning the security of the firearms as may be imposed by the Commissioner.

(3) In this clause:

**RSL** means the Returned and Services League of Australia (New South Wales Branch).

**69 Ammunition collection permit** (cf 1997 cl 59)

(1) The Commissioner may, on application by a person, issue a permit authorising the person to buy or possess ammunition for the purpose of an ammunition collection.

(2) A permit under this clause authorises the holder to buy and possess ammunition for the purpose of an ammunition collection only.

(3) A permit under this clause is subject to the following conditions:

(a) any ammunition forming part of the collection must be rendered inert (other than any sporting or military ammunition of *UN Hazard Classification Code 1.4.S* up to 20 mm calibre),

(b) the ammunition must not contain high explosive, smoke, chemical or lachrymatory properties or agents,

(c) the ammunition must be safely stored in accordance with such directions as may be approved.



**70 Permit for large calibre pistols used in specialised shooting competitions** (cf 1997 cl 59A)

- (1) This clause applies to any pistol with a calibre of more than .38 inch (but not more than .45 inch) but that is not otherwise a prohibited pistol.
- (2) The Commissioner may, on application by a person who is the holder of a category H (sport/target shooting) licence (other than a probationary pistol licence), 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.
- (3) The Commissioner must not issue a permit to a person under this clause unless the pistol shooting club in respect of which the person's genuine reason for having the category H (sport/target shooting) licence has been established has certified to the Commissioner that the pistol to which the permit relates is required by the person to participate in a specialised shooting competition.
- (4) In accordance with section 30 (3) of the Act, a permit under this clause:
  - (a) is subject to such conditions as the Commissioner thinks fit to impose, and
  - (b) remains in force for such period as the Commissioner determines at the time the permit is issued (unless it is sooner surrendered or revoked or otherwise ceases to be in force).
- (5) In this clause:

**specialised shooting competition** means a shooting competition involving any one of the following type of events:

  - (a) metallic silhouette,
  - (b) single action shooting.

## **Part 7 Security guards—special provisions**

**71 Definitions** (cf 1997 cl 60A)

In this Part:

**armed security guard** has the same meaning as in the [Security Industry Act 1997](#).

**security firm** means the holder of a master licence under the [Security Industry Act 1997](#):

- (a) who is licensed under this Act to possess firearms for the genuine reason of business or employment, or
- (b) who employs armed security guards.

**72 Restrictions on authority conferred by licence issued to security guard** (cf 1997 cl 60)

A licence issued to a security guard:

- (a) does not authorise the possession of more than one firearm at any one time, and
- (b) does not authorise the possession or use of a prohibited pistol or a shotgun (other than a shotgun to which a category A licence applies).

**73 Special requirements in relation to ammunition and firearms** (cf 1997 cl 61)

- (1) An armed security guard must not possess any ammunition other than the ammunition recommended by the manufacturer of the firearm as appropriate for the firearm and containing the manufacturer's recommended explosive material load.
- (2) An armed security guard or security firm must comply with the following requirements in relation to the ammunition issued by the firm or used by the security guard (other than in relation to ammunition used for training):
  - (a) all ammunition must be of a type that consists of the following components:
    - (i) a metal cartridge case,
    - (ii) metal primer,
    - (iii) propellant powder,
    - (iv) a projectile of metal construction,
  - (b) any bonded covering (or jacketing) on the projectile must be bare or consist of some form of uncoated metal,
  - (c) any such component (other than propellant powder) must, once it is discharged in, or is extracted, ejected or propelled from, a firearm be capable of readily displaying or exhibiting identifiable and individual characteristics that satisfy any approved forensic requirements,
  - (d) ammunition must not be re-loaded for any purpose.
- (3) An armed security guard or security firm must comply with the following requirements in relation to the firearms issued by the firm or used by the security guard:
  - (a) any such firearm must be of a type that has the following internal components and parts (where applicable):
    - (i) a firing pin,
    - (ii) a bolt or breech face,
    - (iii) an extractor,

- (iv) an ejector,
- (v) a chamber,
- (vi) a barrel displaying lands and grooves (except in the case of a shotgun barrel),
- (vii) in the case a self-loading pistol—a slide,
- (b) any such component or part must have readily identifiable and individual characteristics that satisfy any approved forensic requirements.

Maximum penalty: 50 penalty units.

**74 Special conditions on licence issued to armed security guard** (cf 1997 cl 61A)

- (1) It is a condition of a licence issued to an armed security guard for the genuine reason of business or employment that the licensee must not:
  - (a) apply for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or
  - (b) possess or use, in the licensee's capacity as an armed security guard, any firearm acquired by the licensee for any other reason.
- (2) Nothing in subclause (1) prohibits an armed security guard from acquiring, possessing or using a firearm under the authority conferred by any other licence or permit held by that person.

**75 Special requirements for safe keeping of firearms by security firms** (cf 1997 cl 61B)

- (1) For the purposes of section 41 (1) (d) of the Act the requirements specified in subclauses (2)–(5) are prescribed in relation to the safe storage of firearms by a security firm.
- (2) If the security firm is authorised to possess one, but not more than one, firearm, the following requirements apply:
  - (a) the firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
    - (i) stored in a safe of an approved type, and
    - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged, and
    - (iii) secured individually on, or in, a locked device within the safe,
  - (b) the safe must be fitted with an alarm of an approved type that is monitored off-site,

- (c) the premises on which the firearm is stored must have an intruder alarm and duress facilities that are monitored off-site and are of an approved type.
- (3) If the security firm is authorised to possess more than one, but not more than 5, firearms, the following requirements apply:
  - (a) each firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
    - (i) stored in a safe of an approved type weighing at least 150kg, and
    - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged, and
    - (iii) secured individually on, or in, a locked device within the safe,
  - (b) the safe must be:
    - (i) secured in an approved manner to or within a brick or concrete floor or wall, and
    - (ii) fitted with an alarm of an approved type that is monitored off-site and is separate from the alarm required under paragraph (c) (i), and
    - (iii) locked at all times except when distributing a firearm,
  - (c) the premises on which the firearms are stored must:
    - (i) have an intruder alarm and duress facilities that are monitored off-site and are of an approved type, and
    - (ii) not be residential premises.
- (4) If the security firm is authorised to possess more than 5, but not more than 15, firearms, the following requirements apply:
  - (a) each firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
    - (i) stored in a safe of an approved type weighing at least 500kg, and
    - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged, and
    - (iii) secured individually on, or in, a locked device within the safe,
  - (b) the safe must be:
    - (i) secured in an approved manner to or within a brick or concrete floor or wall, and

- (ii) fitted with an alarm of an approved type that is monitored off-site and is separate from the alarm required under paragraph (c) (i), and
    - (iii) locked at all times except when distributing a firearm, and
    - (iv) fitted with 15 minute time delay locks,
  - (c) the premises on which the firearms are stored must:
    - (i) have an intruder alarm and duress facilities that are monitored off-site and are of an approved type, and
    - (ii) not be residential premises.
- (5) If the security firm is authorised to possess more than 15 firearms, the following requirements apply:
- (a) each firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
    - (i) stored in a safe of an approved type or within a vault or control room of an approved type, and
    - (ii) fitted with a trigger or barrel lock that prevents the firearm from being discharged, and
    - (iii) secured individually on, or in, a locked device within the safe or vault or control room,
  - (b) any such safe must be:
    - (i) secured in an approved manner to or within a brick or concrete floor or wall, and
    - (ii) fitted with an alarm of an approved type that is monitored off-site and is separate from the alarm required under paragraph (c) (i), and
    - (iii) locked at all times except when distributing a firearm,
  - (c) the premises on which the firearms are stored must:
    - (i) have an intruder alarm and duress facilities that are monitored off-site and are of an approved type, and
    - (ii) be of an approved type, and
    - (iii) be equipped with 24-hour video surveillance of an approved type, and
    - (iv) not be residential premises.
- (6) For the purposes of this clause, **residential premises** includes any structure within

the curtilage of a building that is used for a residential purpose.

**76 Requirements relating to carriage of pistols and shotguns** (cf 1997 cl 62)

- (1) An armed security guard must comply with the following requirements while carrying a pistol:
  - (a) the pistol must be carried in a holster worn by the security guard,
  - (b) the shape and size of the holster is to be consistent with, and suitable for, the shape and size of the pistol to be carried,
  - (c) the holster, when worn in conjunction with a belt, must be secured firmly to the belt,
  - (d) if the holstered pistol is concealed by clothing, the holster may be designed to allow free access to the pistol, but otherwise the holster must be designed with a thumb-break safety strap and with the trigger not exposed or alternatively with a complete covering flap so as to conceal the weapon from view,
  - (e) any such holster worn by a security guard other than a holster with a complete covering flap must be of an approved type.
- (2) An armed security guard must not carry a shotgun except:
  - (a) while on duty in an armoured car or similar vehicle, or
  - (b) while on enclosed land before entering, or after leaving, an armoured car or similar vehicle.

Maximum penalty: 50 penalty units.

**77 Requirements for security guard employers** (cf 1997 cl 63)

- (1) A person who employs armed security guards must:
  - (a) keep in safe storage at the employer's place of business all firearms that are authorised to be possessed by those security guards while they are not on duty, and
  - (b) in addition to the requirements set out in Part 4 of the Act, ensure that any firearm required to be kept in safe storage in accordance with paragraph (a) is secured in such a manner as would reasonably prevent its removal otherwise than by the employer or an authorised employee.
- (2) Subclause (1) (a) does not apply to any firearm that is permitted to be retained by a security guard in accordance with clause 79 or 80.
- (3) A person who employs armed security guards must not allow any firearm in the

person's possession (including those firearms that have been acquired by the person in connection with the person's business) to be possessed or used by an employee who is not authorised to possess or use the firearm by a licence.

- (4) A person who employs armed security guards must, if any person who is employed as an armed security guard (other than on a casual basis) ceases to be employed as an armed security guard, notify the Commissioner in writing of the person's cessation of employment within 7 days of the person ceasing to be so employed.

Maximum penalty: 50 penalty units.

**78 Employees to return firearms after being on duty** (cf 1997 cl 64)

- (1) A person who is employed as an armed security guard must, at the end of any period of duty, return any firearm in the person's possession to his or her employer's store of firearms unless the person is authorised to retain possession of the firearm in accordance with clause 79 or 80.

Maximum penalty: 50 penalty units.

- (2) A person does not commit an offence under subclause (1) if:
  - (a) the person has not been on duty at his or her ordinary place of work, and
  - (b) it was not reasonably practicable, for reasons of distance or public safety, to return the firearm to the employer's store of firearms, and
  - (c) it was not reasonably practicable in the circumstances for an authorisation under clause 79 or 80 to be obtained before the end of the period of duty (eg because the person was required to travel unexpectedly in connection with the person's employment).

**79 Arrangements for off-duty possession of pistols by employees** (cf 1997 cl 65)

- (1) The Commissioner may authorise in writing any person who is employed as an armed security guard to retain possession, between periods of duty as a security guard, of any pistol that the person is authorised by a licence to possess.
- (2) The Commissioner must not authorise possession of a pistol between periods of duty unless the Commissioner is satisfied that:
  - (a) it is not practicable in the circumstances, for reasons such as distance, for the employee to return the pistol to the employer's store of firearms, and
  - (b) the pistol will be stored in accordance with the requirements of Part 4 of the Act.
- (3) In determining whether or not it is practicable in the circumstances for the employee concerned to return the pistol to the employer's store of firearms, reasons such as commercial practice or inconvenience on the part of the employee or employer are

not, in themselves, to be taken into consideration.

- (4) An employee's authorisation to retain possession of a pistol between periods of duty is subject to the following requirements:
  - (a) the pistol may only be carried by the employee when the employee is travelling directly to or from work or in the course of a work-related journey,
  - (b) the pistol must be stored at the employee's place of residence,
  - (c) the employee must comply with the requirements of Part 4 of the Act,
  - (d) the employee must allow a police officer to inspect, at any reasonable time, the arrangements for the safe-keeping of the pistol.
- (5) An authorisation under this clause remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.
- (6) The Commissioner may revoke any such authorisation if the Commissioner is satisfied that:
  - (a) the requirements of subclause (4) have not been complied with, or
  - (b) it is in the public interest to do so.
- (7) An authorisation under this clause is automatically revoked when the employee to whom it relates ceases to be employed by the person who was the employer at the time the authorisation was granted.

**80 Temporary arrangements for off-duty possession of pistols by employees** (cf 1997 cl 66)

- (1) If the Commissioner is satisfied that it is not reasonably practicable for a person who is employed as a security guard to comply with clause 78 (1):
  - (a) because the person is required to work on a temporary basis at a place other than the person's ordinary place of work, and
  - (b) because of the distance between the other place of work and the employee's place of residence,the Commissioner may authorise in writing the person to retain possession, between periods of duty as a security guard, of any pistol that the person is authorised by a licence to possess.
- (2) An employee's authorisation under this clause to retain possession of a pistol between periods of duty is, in addition to the requirements of section 39 of the Act, subject to the following requirements:
  - (a) the pistol may only be carried by the employee when the employee is travelling



directly to or from work or in the course of a work-related journey,

(b) the pistol must be stored in accordance with approved arrangements that have been made by the employer.

(3) An authorisation under this clause may only be given on a temporary basis, and remains in force for the limited period as is specified in the authorisation (unless sooner revoked by the Commissioner).

(4) The Commissioner may revoke an authorisation under this clause for such reason as the Commissioner thinks fit.

#### **81 Registers to be kept by security guard employers** (cf 1997 cl 67)

(1) A person who employs security guards, or who is self-employed as a security guard, must keep in the approved form:

(a) a register in which are kept particulars of the acquisition of firearms by, the servicing and inspection of firearms on behalf of, and of the disposal of firearms and ammunition by, the person, and

(b) if appropriate, a register in which are kept particulars of the names of each employee who is authorised by a licence to possess a firearm, and of the periods for which each such employee has possession of the firearm.

(2) The person must ensure that each register is maintained in a book of not less than 100 pages in the following manner:

(a) the heading of each page is to be machine printed,

(b) the pages are to be bound in a manner that will prevent any page being readily removed,

(c) each page is to be machine numbered consecutively,

(d) entries are to be made in black or blue ink and any alteration to an entry must be made by interlineation or striking out and not by erasure,

(e) no page is to be extracted.

(3) The person must:

(a) ensure that each register is kept in a place of safe keeping (not being a place in which any firearms are kept) at the place of business of the person, and

(b) ensure that each register is kept for not less than 3 years after its completion, and

(c) ensure that an appropriate entry is made in the register referred to in subclause (1) (a) within 24 hours of the acquisition, servicing, inspection or disposal of a

firearm, and

- (d) if appropriate, ensure that an appropriate entry is made in the register referred to in subclause (1) (b) when any firearm (and any ammunition for the firearm) is transferred from the person's store of firearms to the custody of an employee and when the firearm and ammunition is returned to the store of firearms, and
- (e) immediately produce, if requested to do so by a police officer at any time, any such register to the officer and permit the officer to inspect, and make copies of any entry contained in, the register.

Maximum penalty: 50 penalty units.

**82 Maintenance of firearms** (cf 1997 cl 68)

A person who employs security guards, or who is self-employed as a security guard, must:

- (a) ensure that each firearm in respect of which each security guard holds a licence is inspected once every 3 months by some competent person to ascertain its working condition, and
- (b) cause each such firearm to be serviced at least once a year by a licensed firearms dealer who is qualified to service the firearm concerned.

Maximum penalty: 50 penalty units.

**83 Additional requirements relating to security guards** (cf 1997 cl 69)

- (1) The Commissioner may refuse to issue a licence to a person who is employed as a security guard unless the person:
  - (a) has completed, to the satisfaction of the Commissioner, an approved firearms safety test, and
  - (b) produces the person's class 1F licence under the [Security Industry Act 1997](#).
- (2) In addition to the firearms safety training courses required in connection with an application for a licence, a security guard who possesses a firearm must undertake, at least annually, such continuing firearms safety training courses as may be approved.

Maximum penalty: 50 penalty units.

- (3) A person who employs security guards must:
  - (a) ensure that subclause (2) is complied with by the persons employed as security guards by the employer, and
  - (b) report to the Commissioner when those persons have completed the required training course or if any such person fails to undertake the required training course.

Maximum penalty: 50 penalty units.

**84 Number of firearms to be held by security firms** (cf 1997 cl 69A)

- (1) The authority conferred by a licence issued to a security firm authorises the firm to possess only such number of firearms as, in the opinion of the Commissioner, are required to carry out the security activities of the security firm.
- (2) The Commissioner may require a security firm to provide information relating to the following:
  - (a) the number of firearms owned by the security firm,
  - (b) the number of armed security guards employed by the firm,
  - (c) the security activities for which the firearms are used,
  - (d) such other relevant information that is required in order for the Commissioner to form an opinion under this clause.

**Part 8 Approval of shooting ranges**

**85 Offences relating to shooting ranges** (cf 1997 cl 71)

- (1) A person must not:
  - (a) operate a shooting range unless it is an approved shooting range, or
  - (b) operate an approved shooting range in contravention of any condition to which the approval is subject, or
  - (c) allow any other person to use a shooting range unless the shooting range is an approved shooting range.
- (2) A person must not use a firearm on a shooting range unless the range is an approved shooting range.
- (3) A person must not possess or use a firearm on an approved shooting range in contravention of any condition to which the approval is subject.

Maximum penalty: 50 penalty units.

**86 Application for approval of shooting range** (cf 1997 cl 72)

- (1) A person may apply for the approval by the Commissioner of a shooting range by sending or lodging an application in the approved form to or at the Firearms Registry of the NSW Police Force or such other place as may be approved.
- (2) Any such application must be accompanied by the fee specified in clause 99 (1) (q).

- (3) The Commissioner must not grant an approval unless:
- (a) the applicant is of good character and repute (including in the case of a corporation or a club, each director or office holder), and
  - (b) the shooting range meets the standards accepted by the Commissioner, and
  - (c) except in the case of a moveable range, the range is, in the opinion of the Commissioner, situated at a suitable location, and
  - (d) the applicant has control over the use of the shooting range, and
  - (e) the shooting range has been approved by the local consent authority.

**87 Approval of shooting range** (cf 1997 cl 73)

- (1) The Commissioner may approve a shooting range either unconditionally or subject to such conditions as the Commissioner thinks fit (such as conditions relating to the control, administration, management, use and inspection by a police officer, or such other person as may be approved, of the shooting range, and the preservation of public safety).
- (2) An approval of a shooting range also confers, in the case of a moveable shooting range, approval to use an air rifle or an air pistol (but only if the pistol is tethered to the range), for the purpose of shooting at the range:
  - (a) on a person who is at least 18 years of age and who shoots at the range under the general supervision of the person having control for the time being of the range, and
  - (b) on a minor:
    - (i) who is accompanied at the shooting range by the minor's parent or legal guardian or for whom the person having control for the time being of the range has received written consent from that parent or legal guardian to shoot at the range, and
    - (ii) who shoots at the shooting range under the close supervision of the person having control for the time being of the shooting range.
- (3) The Commissioner may vary or revoke any conditions subject to which an approval has been granted or attach to any such approval additional conditions.
- (4) Any such variation, revocation or additional condition takes effect when written notice of it is served personally or by post on the person having control for the time being of the shooting range concerned.
- (5) An approval of a shooting range remains in force for a period of 3 years from the date of approval (or such shorter period as may be specified by the Commissioner when

granting the approval) unless sooner revoked by the Commissioner.

(6) In this clause:

**minor** means a person who is at least 12 years of age and less than 18 years of age.

#### **88 Special conditions relating to shooting ranges**

Without limiting the conditions to which the approval of a shooting range may be subject, any such approval is subject to the condition that the person who holds the approval for the range must ensure that, before any person uses a firearm at the shooting range, the person is authorised by a licence or permit to use the firearm for the purposes established by that person's genuine or legitimate reason, unless:

- (a) clause 110 or 111 applies in relation to the person, or
- (b) an open day permit under clause 66 has been granted in relation to the shooting range (but only for the period of time specified in the permit).

#### **89 Revocation of approval of shooting range** (cf 1997 cl 74)

- (1) The Commissioner may revoke an approval of a shooting range for such reason as the Commissioner thinks fit.
- (2) Without limiting subclause (1), the Commissioner may revoke such an approval if:
  - (a) the Commissioner is satisfied that the shooting range is not being conducted with proper regard to the preservation of public safety or the peace, or
  - (b) the Commissioner is satisfied that any conditions to which the approval is subject have not been complied with, or
  - (c) the person on whose behalf the approval was granted is convicted of:
    - (i) an offence under the Act or this Regulation, or
    - (ii) an offence under the firearms law of any other jurisdiction (being an offence that, had it been committed in New South Wales, would be an offence under the law of New South Wales), or
  - (d) the Commissioner becomes aware that the person on whose behalf the approval was granted has, within the period of 10 years before the approval was granted, been convicted of an offence referred to in paragraph (c).
- (3) Revocation of an approval of a shooting range takes effect when written notice of it is served personally or by post on the person having control for the time being of the shooting range concerned.

## Part 9 Approval of clubs

### 90 Definitions (cf 1997 cl 77)

In this Part:

**club** means:

- (a) in relation to the genuine reason of sport/target shooting—a shooting club, or
- (b) in relation to the genuine reason of recreational hunting/vermin control—a hunting club, or
- (c) in relation to the genuine reason of firearms collection—a collectors' society or collectors' club,

that has been established for at least 3 months.

**pistol club** means a shooting club that conducts or organises approved pistol shooting competitions.

### 91 Approval of club (cf 1997 cl 78)

- (1) An application for the Commissioner's approval of a club may be made by the secretary of the club (or other relevant office holder if there is no secretary) by lodging with the Commissioner an application in the approved form, together with:
  - (a) a certificate given by the applicant in the approved form setting out the full name, date of birth and residential address of each member of the club, and
  - (b) a copy of the rules of the club, and
  - (c) such other information and documents as the Commissioner may require.
- (2) The Commissioner may:
  - (a) grant the approval either unconditionally or subject to such conditions as the Commissioner thinks fit, or
  - (b) refuse the application.
- (3) The Commissioner must not grant an approval unless:
  - (a) the club concerned consists of 10 or more active members, and
  - (b) the Commissioner is satisfied the club has rules that are appropriate, and
  - (c) the Commissioner is satisfied that:
    - (i) the club has a genuine and proper constitution, and

- (ii) the club will conduct its activities with proper regard to the preservation of public safety or the peace, and
- (iii) the club will conduct regular meetings and activities, and
- (iv) the club will maintain adequate public liability and member insurance, and
- (d) the club is affiliated with one of the following associations, including any other approved peak firearms association that is based interstate, and the association concerned has recommended the granting of the approval:

Air Rifle Association of Australia (Incorporated)

Antique Arms Collectors Society of Australia Co-operative Limited

Arms and Militaria Collectors' Association of NSW

Arms Collectors Guild of NSW

Australian Clay Target Association Inc

Australian Deer Association

Australian Hunters International Inc

Australian Sporting Clays

Federation of Hunting Clubs Incorporated

Field and Game Incorporated

Game Management Council (Australia) Inc

Illawarra Shooting Association

Military Rifle Clubs Association Inc

National Rifle Association of Australia Limited

New South Wales Field and Game Association Inc

NSW Amateur Pistol Association Inc

NSW Clay Target Association Inc

NSW Muzzle Loading Association

NSW Rifle Association Inc

NSW Shooting Association Limited

NSW Small Bore and Air Rifle Association

Shooting Sports Council of NSW Inc

Sporting Shooters Association of Australia (New South Wales Inc)

Target Rifle Australia Inc

- (4) In considering whether to grant an approval, the Commissioner may have regard to any training activities undertaken by the club.
- (5) Despite subclause (3) (a), the Commissioner may, in the case of a club that has at least 5 active members, grant an approval if:
  - (a) the club meets the other criteria for approval under this clause, and
  - (b) the Commissioner is satisfied that, because of the location of the club, the number of active members is appropriate.
- (6) Despite subclause (3) (d), the Commissioner may grant an approval if the club concerned:
  - (a) operates outside New South Wales, and
  - (b) meets the other criteria for approval under this clause.

**92 Revocation of approval of club** (cf 1997 cl 79)

- (1) The Commissioner may revoke an approval of a club for such reason as the Commissioner thinks fit.
- (2) Without limiting subclause (1), the Commissioner may revoke an approval if:
  - (a) the Commissioner is satisfied that the number of active members of the club is less than 10 (or less than 5 in the case of an approval referred to in clause 91 (5)), or
  - (b) the Commissioner is satisfied that the club is not being conducted with proper regard to the preservation of public safety or the peace, or
  - (c) the Commissioner is satisfied that any conditions to which the approval is subject have not been complied with, or
  - (d) the club fails to disqualify any member who is convicted of an offence under the Act or this Regulation, or an offence under the firearms law of any other jurisdiction (being an offence that, had it been committed in New South Wales, would be an offence under the law of New South Wales), but only if the secretary of the club (or other relevant office holder if there is no secretary) has been made aware of that conviction, or



(e) the Commissioner becomes aware that a member of the club has, within the period of 10 years before the member's last application for a licence, been convicted of an offence referred to in paragraph (d), including an offence under any previous firearms law, and the club fails to disqualify the member once the secretary of the club (or other relevant office holder if there is no secretary) is made aware of that conviction.

(3) The revocation of an approval of a club may be recommended to the Commissioner by the association in respect of which the club is affiliated.

(4) Revocation of an approval takes effect when written notice of it is served personally or by post on the secretary or other relevant office holder of the club concerned.

**93 Conditions of approval of club** (cf 1997 cl 80)

(1) The conditions of an approval of a club may relate to any of the following matters:

(a) the control, administration or management of the club,

(b) the membership of the club,

(c) the preservation of public safety or the peace.

(2) Without limiting subclause (1), the approval of a club is subject to the condition that the secretary or other relevant office holder of the club must:

(a) submit, in the approved form, an annual return relating to club membership, and

(b) certify in each annual return that each current club member has complied with the requirements specified in clause 96, and

(c) notify the Commissioner (at the same time as the submission of the relevant annual report) of the particulars of:

(i) any change in the membership of the club that involves a member leaving the club or not renewing his or her membership, and

(ii) any change in the personal details of a club member that has been notified to the secretary or other relevant office holder in accordance with clause 97.

(3) The first annual return for an approved club is due no later than 12 months following the date on which the club is granted an approval. Each subsequent return is then due at 12 monthly intervals.

(4) The Commissioner may:

(a) vary or revoke any conditions subject to which an approval has been granted, or

(b) attach to any approval additional conditions of the kind referred to in subclause

(1).

- (5) Any such variation, revocation or additional condition takes effect when written notice of it is served personally or by post on the secretary or other relevant office holder of the club concerned.

**94 Special conditions relating to approved pistol clubs** (cf 1997 cl 80A)

Without limiting the conditions to which the approval of a pistol club may be subject, any such approval is subject to the following conditions:

- (a) the club must not admit a person (***the applicant***) as a member unless:
- (i) the applicant has submitted 2 character references from persons who are of or above the age of 18 and who have known the applicant for at least 2 years, or
  - (ii) the secretary or other relevant office holder of the club is satisfied that the applicant has submitted the name of any other approved pistol club or shooting club of which the applicant is a member,
- (b) if the club cancels or suspends the membership of any member, the secretary or other relevant office holder must, within 7 days of the cancellation or suspension, notify the Commissioner that the person's membership has been cancelled or suspended and advise the Commissioner of the reasons for the cancellation or suspension,
- (c) the club must ensure that a person whose category H (sport/target shooting) licence has been revoked or suspended does not, while the revocation or suspension remains in force, use a pistol on any shooting range or other premises of the club,
- (d) if the secretary or other relevant office holder of an approved pistol club is of the opinion that any person who is a member of the club, or who has applied to be a member of the club, may pose a threat to public safety (or a threat to the person's own safety) if in possession of a firearm, the secretary or office holder must inform the Commissioner of that opinion.

**95 Special conditions relating to approved collectors' societies and clubs** (cf 1997 cl 80B)

Without limiting the conditions to which the approval of a collectors' society or club may be subject, any such approval is subject to the following conditions:

- (a) if the society or club cancels or suspends the membership of any member who is the holder of a licence or permit, the secretary or other relevant office holder must, within 7 days of the cancellation or suspension, notify the Commissioner that the person's membership has been cancelled or suspended and advise the Commissioner of the reasons for the cancellation or suspension,
- (b) if the secretary or other relevant office holder of the society or club is of the opinion

that any person who is a member of the society or club, or who has applied to be a member of the society or club, is not a fit and proper person to be in possession of a firearm, the secretary or office holder must inform the Commissioner of that opinion.

**96 Participation requirements for club members** (cf 1997 cl 81)

- (1) A person's membership of an approved club is, if the person is the holder of a licence, subject to the following requirements:
  - (a) in the case of an approved pistol club—the person must, over each period of 12 months that the licence is in force:
    - (i) participate in at least 6 club organised competitive shooting matches, and
    - (ii) for each different kind of pistol that the person possesses for different shooting events, undertake at least 4 club organised shoots,
  - (b) in the case of any other approved shooting club—the person must, over any period of 12 months:
    - (i) participate in no less than 4 shooting competitions conducted by any approved shooting club, or
    - (ii) attend a shooting range, where any approved shooting club conducts shooting activities, on no less than 4 occasions over that period for shooting practice,
  - (c) in the case of an approved hunting club—the person must, over any period of 12 months, participate in no less than 2 events (approved by any approved hunting club) involving hunting, shooting or firearms safety training,
  - (d) in the case of any approved collectors' society or approved collectors' club—the person must attend the club's annual general meeting (or at least one other meeting over any period of 12 months).
- (2) For the purposes of subclause (1):
  - (a) a club organised competitive shooting match may be counted as a club organised shoot, and
  - (b) participating in a club organised competitive shooting match includes officiating in such a match, and
  - (c) a reference to a club organised shoot includes a reference to any training or target practice that is undertaken at the club's shooting range, and
  - (d) the different kinds of pistols are air pistols, rimfire pistols and centre-fire pistols.
- (3) A licence holder who is a member of more than one approved club must:
  - (a) nominate a principal club with which the member will mainly be involved, and

- (b) notify the Commissioner in writing of the nominated principal club, and
  - (c) if the licence holder participates in any of the activities specified in subclause (1) at a club other than the holder's nominated principal club—notify the principal club of the details of those activities in writing within each annual return period.
- (4) The failure of a person who is a member of an approved club to comply with the requirements under this clause is prescribed, for the purposes of section 24 (2) (d) of the Act, as a reason for which the Commissioner may revoke the person's licence. However, the licence is not to be revoked if the person proves, to the Commissioner's satisfaction, that compliance with the requirement was not reasonably practical in the circumstances.
- (5) In this clause:
- centre-fire pistol*** includes any pistol that uses black powder.

**97 Club member must notify change in personal details** (cf 1997 cl 82)

A person who is a member of an approved club must notify the secretary or other relevant office holder of the club in writing of any change in the personal details (such as change of name or address) of the person within 14 days of the date of the change.

Maximum penalty: 20 penalty units.

**98 Disclosure of information by Commissioner** (cf 1997 cl 83)

The Commissioner is authorised to disclose to the secretary or other relevant office holder of the club any information as to the following:

- (a) the pistols that are held by the applicant,
- (b) any other club of which the applicant is a member,
- (c) any other information that, in the opinion of the Commissioner, is relevant to the person's application for membership, or the person's continued membership, of the approved club.

## **Part 10 Fees**

**99 Fees** (cf 1997 cl 84)

- (1) The following fees are payable for the matters to which they relate:
  - (a) application fee for an initial or subsequent category A, B, C, D or H licence:
    - (i) for a period of 2 years—\$100, or
    - (ii) for a period of 5 years—\$200,

- (b) application fee for an initial firearms collector licence—\$75,
  - (c) application fee for a subsequent firearms collector licence—\$40,
  - (d) application fee for a probationary pistol licence—\$100,
  - (e) application fee to add a licence category (other than a category H licence) or a firearms collector licence to a licence already held—\$40,
  - (f) application fee to add a category H licence to a licence already held—\$100,
  - (g) application fee for an initial or subsequent firearms dealer's licence (other than a licence referred to in paragraph (h))—\$500 for each premises to which the licence relates,
  - (h) application fee for an initial or subsequent firearms dealer's licence to be held by a club armoured—\$100,
  - (i) application for a permit under section 31 of the Act to acquire a firearm—\$30,
  - (j) application fee for an initial or subsequent theatrical armoured's permit—\$500,
  - (k) application fee for an initial or subsequent tranquilliser firearm permit—\$100,
  - (l) application fee for an initial or subsequent paint-ball game permit—\$500,
  - (m) application fee for an initial or subsequent safari tour permit—\$500,
  - (n) application fee for any other type of permit—\$75,
  - (o) fee for a duplicate licence or permit—\$75,
  - (p) fee for registration of a firearm—\$10,
  - (q) application for approval of shooting range—\$100,
  - (r) fee for an inspection (whether of one or more firearms) as required under the Act or this Regulation (but only if carried out by a member of the NSW Police Force)—\$100,
  - (s) authorisation by the Commissioner under section 8 of the Act of an eligible employee or director in relation to a firearms dealer licence—\$25.
- (2) If an application is made to register a firearm acquired in accordance with a permit under section 31 of the Act to acquire a firearm, no fee is payable in respect of the application to register the firearm.
- (3) If more than one of the fees specified in subclause (1) would be payable for an application for a licence because the licence concerned is a composite licence, only one such fee is payable in respect of the application, and that fee is to be the highest

of the fees so payable. A **composite licence** is a licence that authorises the licensee to possess firearms to which more than one category of licence apply.

- (4) The Commissioner may refuse to provide any service (such as the issuing of a licence or permit, or the carrying out of an inspection) for which a fee is specified under this clause until the fee has been paid for the service.

**100 Exemption, waiver or refund of fees** (cf 1997 cl 85)

- (1) The Commissioner may, for such reason as the Commissioner considers sufficient, waive or wholly or partly refund a fee that would otherwise be payable or has been paid.
- (2) A person who is a pensioner (within the meaning of paragraph (a) or (b) of the definition of **pensioner** in section 3 (1) of the [Motor Vehicles Taxation Act 1988](#)) is exempt from the requirement to pay:
- (a) an application fee for an initial or subsequent category A or B licence, and
  - (b) a fee under clause 99 (1) (i) for a permit to acquire a firearm that is to be registered in the person's name, and
  - (c) a fee under clause 99 (1) (p) for the registration of any firearm that is to be registered in the person's name.
- (3) A person whose occupation is the business of a primary producer, and who is the owner, lessee or manager of land used for primary production, is exempt from the requirement to pay:
- (a) any fee specified under clause 99 in respect of a licence (including any relevant fee for an inspection) if the person's genuine reason for possessing or using the firearm authorised by the licence is that of primary production, and
  - (b) a fee under clause 99 (1) (i) for a permit to acquire a firearm that is to be registered in the person's name, and
  - (c) a fee under clause 99 (1) (p) for the registration of any firearm that is to be registered in the person's name.
- (4) A licensed firearms dealer is exempt from the requirement to pay a fee under clause 99 (1) (p) for the registration of any firearm that is to be registered in the dealer's name.

**Note—**

A licensed firearms dealer is exempt from the requirement to obtain a permit to acquire a firearm (and consequently to pay any permit fee) because of section 50 of the [Firearms Act 1996](#).

## **Part 11 Registration of firearms**

### **101 Application for registration of firearm** (cf 1997 cl 86)

- (1) For the purposes of section 34 (1) of the Act, the manner of making an application for registration of a firearm is by lodging an application in the approved form with the Firearms Registry of the NSW Police Force (or at such other place as may be approved).
- (2) An application for registration of a firearm is not required to be lodged personally by the applicant.

### **102 Register of Firearms—additional information** (cf 1997 cl 87)

For the purposes of section 33 (2) (c) of the Act, the Register of Firearms is to contain the following additional information in respect of each registered firearm:

- (a) the current residential address (or business address in the case of a firearms dealer) of the person in whose name the firearm is registered,
- (b) the premises where the firearm is kept,
- (c) the identifying number of any spare barrel that is capable of taking and discharging ammunition (ie the serial number or the number allotted by the Commissioner) for the firearm,
- (d) particulars relating to the acquisition of the firearm (being a firearm acquired on or after 1 July 1997) by the person in whose name it is registered, including the date of acquisition and the name of the person (if any) who sold the firearm.

### **103 Recording of change in particulars in Register** (cf 1997 cl 88)

For the purposes of section 34 (7) (b) of the Act, any change in the particulars relating to the person in whose name a firearm is registered is to be recorded by the Commissioner in writing or in such other manner as may be approved.

### **104 Notification of sale, loss or theft of registered firearm** (cf 1997 cl 89)

- (1) For the purposes of section 37 (1) (b) of the Act, the particulars required to be provided to the Commissioner about the sale of a registered firearm must be in writing and must include the following details:
  - (a) the date of the sale,
  - (b) the name and address of the licensed firearms dealer to whom the firearm was sold, or, if it was sold to another person through a firearms dealer, the name and address of the dealer and the name and address of the other person,
  - (c) sufficient detail to identify the firearm (eg its make and its serial number or its

identifying number as allotted by the Commissioner),

- (d) the identifying number of any spare barrel for the firearm,
- (e) the number of the person's licence or permit authorising the person to possess the firearm,
- (f) the number of the person's permit under section 31 of the Act to acquire the firearm.

(2) For the purposes of section 37 (1) (b) of the Act, the particulars required to be provided to the Commissioner about the loss or theft of a registered firearm must be in writing and must include the following details:

- (a) the date on which the firearm was lost or stolen,
- (b) the circumstances in which it was lost or stolen,
- (c) such other particulars as may be required by the police officer to whom the loss or theft is notified.

**105 Requirement to notify Commissioner when moving interstate** (cf 1997 cl 90)

A person in whose name a firearm is registered must, if the person becomes a permanent resident of another State or Territory, provide the Commissioner with the person's change of address within 14 days of moving interstate.

Maximum penalty: 20 penalty units.

**106 Acquisition of firearms by persons other than firearms dealers** (cf 1997 cl 91)

For the purposes of section 37 (2) of the Act, the prescribed particulars to be provided by a person who acquires a firearm are as follows, and are to be provided in writing:

- (a) the date of the acquisition,
- (b) the name and address of the person from whom the firearm was acquired,
- (c) sufficient detail to identify the firearm (eg its make and its serial number or its identifying number as allotted by the Commissioner),
- (d) the identifying number of any spare barrel for the firearm,
- (e) the number of the person's licence or permit authorising the person to possess the firearm,
- (f) the number of the person's permit under section 31 of the Act to acquire the firearm.

**107 Identification of firearms by competent persons** (cf 1997 cl 92)

- (1) An application for registration of a firearm must be accompanied by a firearm



identification certificate for that firearm given by an approved person, or a person who is a member of an approved class of persons.

- (2) The form of a firearm identification certificate and the information required to be contained in it are to be determined by the Commissioner.
- (3) The Commissioner may approve a person or a class of persons for the purposes of this clause.
- (4) The Commissioner may at any time revoke a person's approval by posting a notice of revocation to the person at the address of the person last known to the Commissioner.

**108 Registration of firearm frames and firearm receivers** (cf 1997 cl 93B)

- (1) Subject to subclauses (2) and (3), this Part applies (with necessary modifications) to any firearm frame or firearm receiver in the same way as it applies to a firearm.
- (2) The following provisions do not apply in relation to firearm frames and firearm receivers:
  - (a) clause 102 (c),
  - (b) clause 104 (1) (d) and (f),
  - (c) clause 106 (d) and (f),
- (3) Clause 102 (d) applies to firearm frames and firearm receivers as if the date "1 July 1997" were "1 July 2001".

## **Part 12 Exemptions**

**109 Exemption relating to officers and employees of certain government agencies** (cf 1997 cl 108)

- (1) An inspector appointed under Part 4 of the [Explosives Act 2003](#) who possesses or uses a prohibited firearm referred to in item 15 of Schedule 1 to the Act is not, while acting in the ordinary course of the inspector's duties, required to hold a licence or permit authorising possession or use of the firearm.
- (2) An officer of the Department of Environment and Conservation or the Department of Primary Industries who possesses or uses a shotgun, or a prohibited firearm referred to in item 15 of Schedule 1 to the Act, that:
  - (a) is capable of propelling a bird net or other type of net, or
  - (b) is capable of discharging incendiary shells used for the purposes of authorised back-burning and bushfire hazard reduction programs,is not, while acting in the ordinary course of the officer's duties, required to hold a

licence or permit authorising possession or use of the firearm.

**110 Exemption relating to new club members using firearms under supervision** (cf 1997 cl 109)

- (1) This clause applies to any person who, after the commencement of this Regulation:
  - (a) joins an approved sport/target shooting club, and
  - (b) does not hold a licence authorising the possession and use of a firearm but who has been approved by the Commissioner for the purposes of this clause.
- (2) The club must notify the Commissioner of:
  - (a) the name of any person to whom this clause applies before the person participates in target shooting at an approved shooting range as a member of the club, and
  - (b) such other particulars as may be specified by the Commissioner.
- (3) A person to whom this clause applies 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 (other than a prohibited firearm) if the person possesses or uses the firearm only:
  - (a) while participating in target shooting at an approved shooting range as a member of the approved club concerned, and
  - (b) except in such cases as may otherwise be approved—while under the supervision of another person holding office as a range officer appointed by the approved club and who is the holder of a licence that authorises the other person to possess and use the firearm.
- (4) An exemption under this clause:
  - (a) commences on the first occasion on which the person participates in target shooting at an approved shooting range as a member of the club, and
  - (b) ends 3 months after that occasion or when the person is issued with, or is refused, the licence for which the person has applied (whichever is sooner), and
  - (c) does not have effect more than once in relation to a particular person (except in such circumstances as may be approved).
- (5) Despite subclause (4), if a person to whom this clause applies makes an application for a licence before the expiry of the relevant exemption, the exemption continues until such time as the licence is granted or refused.

**111 Exemption relating to use of unauthorised firearms at approved ranges by new club**

**members**

- (1) This clause applies to a person:
  - (a) who, after the commencement of this Regulation, joins an approved sport/target shooting club, and
  - (b) who holds a licence authorising the use of a firearm, and
  - (c) who is approved by the Commissioner for the purposes of this clause.
- (2) A person to whom this clause applies is, during the period specified in subclause (4), exempt from the requirement under the Act to be authorised by a licence to use a firearm (referred to in this clause as **the exempt firearm**) that the person is not authorised to possess or use under the licence held by the person if the person does so:
  - (a) while participating in target shooting at an approved shooting range as a member of the approved club concerned, and
  - (b) except in such cases as may otherwise be approved—while under the supervision of another person holding office as a range officer appointed by the approved club and who is the holder of a licence that authorises the other person to possess and use the exempt firearm.
- (3) The club must notify the Commissioner of:
  - (a) the name of any person to whom this clause applies before the person uses the exempt firearm at an approved shooting range, and
  - (b) such other particulars as may be specified by the Commissioner.
- (4) An exemption under this clause:
  - (a) commences on the first occasion on which the person uses the exempt firearm at an approved shooting range, and
  - (b) ends 3 months after that occasion or when the person is issued with, or is refused, a licence authorising the possession and use of the exempt firearm (whichever is sooner), and
  - (c) does not have effect more than once in relation to a particular person (except in such circumstances as may be approved).
- (5) Despite subclause (4), if a person to whom this clause applies makes an application for a licence authorising possession and use of the exempt firearm before the expiry of the relevant exemption, the exemption continues until such time as the licence is granted or refused.

- (6) Nothing in this clause authorises the possession or use of a prohibited firearm.

**112 Exemption relating to persons undertaking firearms safety training courses** (cf 1997 cl 109A)

- (1) This clause applies to any person who is undertaking the course known as the Firearms Licence Qualification Course or any other approved course conducted by or on behalf of an approved person or body.
- (2) The person or body conducting the course must record, in the approved form and manner, the following particulars:
  - (a) the name of any person to whom this clause applies,
  - (b) such other particulars as may be specified by the Commissioner.
- (3) A person to whom this clause applies 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 (other than a pistol) if the person does so:
  - (a) while participating in the course, and
  - (b) except in such cases as may otherwise be approved—while under the direct supervision of a person who:
    - (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.
- (4) An exemption under this clause:
  - (a) commences when the person begins the firearms safety training course concerned, and
  - (b) ends when that course is complete (or, if the person ceases the course at an earlier date, on that earlier date).

**113 Exemption relating to off-duty police officers** (cf 1997 cl 110)

- (1) Any police officer who is in possession of a service firearm while the police officer is not on duty as a police officer is exempt from the requirement under the Act to be authorised by a licence or permit to possess the firearm during any such period.
- (2) The exemption under this clause is subject to the police officer complying with such guidelines as may be issued by the Commissioner with respect to the off-duty possession of service firearms by police officers.

(3) In this clause:

**service firearm** means a firearm issued to a police officer in his or her capacity as a police officer.

**114 Exemption relating to certain student police** (cf 1997 cl 110A)

A student police officer, or a person undertaking student police training through the New South Wales Police College, who possesses or uses a firearm is not, while acting in the ordinary course of the student's or person's duties or training, required to hold a licence or permit authorising possession or use of the firearm.

**115 Exemption relating to custodial officers** (cf 1997 cl 110B)

A custodial officer (however described) of the Commonwealth, or of another State or a Territory, who possesses or uses a firearm is not, while acting in the ordinary course of the officer's duties, required to hold a licence or permit authorising possession or use of the firearm.

**116 Exemption for certain firearms manufactured before 1900** (cf 1997 cl 111)

(1) This clause applies to any firearm manufactured before 1900 that:

- (a) in the case of a firearm other than a pistol—is not capable of discharging breech-loaded metallic cartridges or is a firearm for which ammunition is not, in the opinion of the Commissioner, commercially available, or
- (b) is a pre-percussion pistol.

(2) A person is exempt from any requirement under the Act to hold a licence or permit in respect of a firearm to which this clause applies.

(3) A person does not commit any offence under section 36 of the Act with respect to an unregistered firearm if it is a firearm to which this clause applies.

(4) A person does not commit any offence under section 50, 51 or 51A of the Act with respect to the sale or purchase of a firearm if it is a firearm to which this clause applies.

(5) In subclause (1):

**pre-percussion pistol** means a muzzle loading pistol (including a percussion lock pistol that is muzzle loading) that uses black powder to propel a projectile, but does not include any breech-loading pistol with a rotating cylinder or any other breech-loading pistol that accepts metallic cartridges. A percussion lock pistol is not a pre-percussion pistol unless it is a single-shot percussion lock pistol.

**Note—**

A licence or permit is not required for a firearm to which this clause applies, and such a firearm is not required to

be registered. However, a firearm to which this clause applies is still a firearm within the meaning of the [Firearms Act 1996](#).

**117 Temporary licensing and registration amnesty for certain percussion lock pistols manufactured before 1900** (cf 1997 cl 111B)

(1) In this clause:

***amnesty period*** means the period ending on 31 December 2007.

***percussion lock pistol*** means a multiple-shot, muzzle loading percussion lock pistol manufactured before 1900 that uses black powder.

- (2) **Exemption from licensing requirements** A person who is in possession of a percussion lock pistol is not required to hold a licence or permit during the amnesty period for that pistol.
- (3) If the person makes an application during the amnesty period for a licence or permit authorising possession of the percussion lock pistol, the exemption under subclause (2) continues to apply in respect of the person until such time as the application is determined by the Commissioner.
- (4) **Exemption from registration requirements** A person who is in possession of a percussion lock pistol that is not registered does not, during the amnesty period, commit an offence under section 36 of the Act of possessing an unregistered firearm.
- (5) If the person makes an application during the amnesty period for the percussion lock pistol to be registered, the exemption under subclause (4) continues to apply in respect of the person until such time as the application for registration of the pistol is determined by the Commissioner.
- (6) Section 51A (1) of the Act does not apply to a licensed firearms dealer in respect of the purchasing of a percussion lock pistol from a person to whom an exemption under subclause (2) or (4) applies.

**Note—**

This subclause enables the unlicensed owner of a percussion lock pistol to sell the pistol to a dealer without the dealer committing an offence of purchasing a firearm from an unlicensed person.

- (7) The possession of a percussion lock pistol by a person in accordance with an exemption under subclause (2) or (4) is taken not to be possession for the purposes of section 51D of the Act.
- (8) Nothing in this clause authorises the use of a firearm.

**118 Exemption relating to possession and use of firearms by authorised tourists at approved shooting ranges**

- (1) An overseas tourist who possesses or uses a firearm (other than a prohibited firearm)

on an approved shooting range and who is of or above the age of 18 years is exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm.

- (2) The exemption under this clause is subject to the following conditions:
- (a) the arrangements for the overseas tourist to use a firearm at the approved shooting range must have been made by or through a registered travel agent,
  - (b) the overseas tourist must, before actually using the firearm, be provided with instructions in the safe handling and use of the firearm by an approved firearms instructor,
  - (c) the overseas tourist must, while using the firearm, be supervised by such an instructor (and in the case of firearms other than pistols, one instructor is to supervise no more than 3 shooters, and in the case of pistols, one instructor is to supervise each shooter),
  - (d) the handling and use of the firearm must, unless it is a pistol, be physically restrained in an approved manner to ensure that the firearm is directed down range and not in any other direction.
- (3) In addition to any other conditions imposed by the Commissioner on the approval of a shooting range for the purposes of this clause, an approval is subject to the following conditions:
- (a) the holder of the approval must keep a record of the following particulars in relation to any overseas tourist using the shooting range under the exemption conferred by this clause:
    - (i) the name, country of residence and the passport number of the overseas tourist,
    - (ii) the date or dates on which the overseas tourist used the shooting range,
    - (iii) the name of the registered travel agent by or through whom the arrangements for the use of the shooting range were made,
    - (iv) the name of the instructor who supervised the overseas tourist,
  - (b) the holder of the approval must produce any such record for inspection if requested to do so by a police officer or by such other person as may be approved.

- (4) In this clause:

**approved shooting range** means an indoor shooting range, or an outdoor shooting range that has a physical barrier at the firing point, that is approved for the purposes

of this clause.

**119 Exemption relating to imitations and replicas of firearms** (cf 1997 cl 113A)

A person is exempt from the requirement under the Act to hold a licence or permit authorising possession or use of a prohibited firearm referred to in item 17 of Schedule 1 to the Act if the person is the holder of a permit under the [Weapons Prohibition Act 1998](#) authorising the person to possess or use the prohibited firearm.

**Part 13 Miscellaneous provisions**

**120 Maximum size for pistol** (cf 1997 cl 94)

For the purposes of the definition of **pistol** in section 4 (1) of the Act, the greatest length overall for a pistol is 65 cm.

**121 Apprehended violence orders and interim apprehended violence orders of other jurisdictions** (cf 1997 cl 95)

- (1) For the purposes of the definition of **apprehended violence order** in section 4 (1) of the Act, the following orders or decisions are prescribed:
  - (a) an injunction under section 68B or 114 of the [Family Law Act 1975](#) of the Commonwealth,
  - (b) a protection order under the *Domestic and Family Violence Protection Act 1989* of Queensland,
  - (c) a restraining order under the *Summary Procedure Act 1921* of South Australia,
  - (d) a domestic violence restraining order under the *Domestic Violence Act 1994* of South Australia,
  - (e) a restraint order under the *Justices Act 1959* of Tasmania,
  - (f) an intervention order under the *Crimes (Family Violence) Act 1987* of Victoria,
  - (g) a restraining order under the *Restraining Orders Act 1997* of Western Australia,
  - (h) a protection order under the *Domestic Violence and Protection Orders Act 2001* of the Australian Capital Territory,
  - (i) a restraining order under the *Domestic Violence Act* of the Northern Territory.
- (2) For the purposes of the definition of **interim apprehended violence order** in section 4 (1) of the Act, the following orders are prescribed:
  - (a) a temporary protection order under the *Domestic and Family Violence Protection Act 1989* of Queensland,



- (b) an interim restraint order under the *Justices Act 1959* of Tasmania,
- (c) an interim intervention order under the *Crimes (Family Violence) Act 1987* of Victoria,
- (d) an interim protection order under the *Domestic Violence and Protection Orders Act 2001* of the Australian Capital Territory.

**122 Firearms safety training courses** (cf 1997 cl 96)

- (1) Except as provided by subclause (2), the firearms safety training courses that are prescribed for the purposes of the Act are as follows:
  - (a) for firearms other than pistols—the course known as the Firearms Licence Qualification Course or any other approved course conducted by or on behalf of an approved person or body,
  - (b) for pistols—an approved course conducted by or on behalf of an approved pistol club.
- (2) In the case of firearms to be used by security guards or employees of a government agency, an approved firearms safety accreditation course is prescribed for the purposes of the Act.
- (3) The relevant course to be completed by applicants in respect of particular categories of licences or types of permits is to be determined by the Commissioner.
- (4) The Commissioner may approve:
  - (a) persons to be instructors for such courses on such terms as the Commissioner may determine, and
  - (b) instructors to use registered firearms, that the instructor is authorised to use under a licence, for the purposes of conducting such courses.
- (5) A person approved as an instructor for any such course ceases to be so approved if the person ceases to be the holder of a licence or permit that authorises the person to possess firearms to which the course relates.
- (6) A person who:
  - (a) dishonestly attempts to obtain a certificate or any other document that purports to be evidence of the person having passed a firearms safety training course, or
  - (b) knowingly is in possession of any such certificate or other document that has been dishonestly obtained and attempts to use it, or uses it, for a dishonest purpose, or
  - (c) dishonestly issues any such certificate or other document,

is guilty of an offence.

Maximum penalty (subclause (6)): 20 penalty units.

**123 Advertising sale of firearms** (cf 1997 cl 98)

For the purposes of section 54 (b) of the Act, the following particulars are prescribed in relation to an advertisement for the sale of a firearm that is arranged by or through a licensed firearms dealer:

- (a) the licence or permit number of the seller,
- (b) the name and address of the dealer concerned.

**124 Restrictions on sale and purchase of firearms** (cf 1997 cl 99)

- (1) The arrangements referred to in sections 51 (2) (a) and (2A) (a) and 51A (2) (a) of the Act for selling a firearm through a licensed firearms dealer are as follows:
  - (a) the sale must be conducted at the licensed firearms dealer's place of business or at such other place as may be approved,
  - (b) the firearms dealer must make the same records in respect of the sale as the dealer would otherwise be required to make under section 45 of the Act.
- (2) For the purposes of sections 51 (2) (b) and (2A) (b) and 51A (2) (b) of the Act, a licensed firearms dealer is not reasonably available for the purposes of the sale or purchase of a firearm if the nearest location of a licensed firearms dealer's place of business is more than 100 km from the ordinary place of residence of both the buyer and the seller.

**125 Commercial transportation of firearms—prescribed safety requirements** (cf 1997 cl 100)

For the purposes of section 56 of the Act, the following safety requirements are prescribed:

- (a) the firearm must be stored in:
  - (i) a secured locked container secured to the vehicle, or
  - (ii) a locked compartment within the vehicle,and must not be able to be seen while it is being conveyed,
- (b) all reasonable precautions must be taken to ensure that the firearm is not lost or stolen while it is being conveyed.

**126 Non-commercial transportation of prohibited firearms and pistols—prescribed safety**

**requirements** (cf 1997 cl 101)

- (1) For the purposes of section 57 of the Act, the following safety requirements are prescribed:
  - (a) the firearm must not be loaded with any ammunition while it is being conveyed, and it must be kept separate from any ammunition,
  - (b) while the firearm is being conveyed:
    - (i) it must be rendered temporarily incapable of being fired (eg by removing the bolt or the firing mechanism or by using a restraining device such as a trigger lock), or
    - (ii) it must be kept in a locked container that is properly secured to, or is within, the vehicle being used for transporting the firearm.
- (2) This clause does not apply to the following persons if, during the course of conveyance, there is a reasonable likelihood that the firearm will be required for the purpose of killing vermin or stock:
  - (a) a primary producer,
  - (b) an employee of a primary producer,
  - (c) a member of staff of the Department of Primary Industries, the Department of Environment and Conservation, a rural lands protection board or the Wild Dog Destruction Board.

**127 Inspections of certain firearms** (cf 1997 cl 102)

- (1) This clause applies to the following:
  - (a) a category C, category D or category H licence,
  - (b) a firearms collector licence, firearms museum permit or RSL display permit that authorises the possession of any prohibited firearm or pistol,
  - (c) a permit that authorises the possession of any prohibited firearm or pistol (other than a permit under clause 50 authorising the possession of a firearm acquired as an heirloom).
- (2) The holder of a licence or permit to which this clause applies must, in accordance with a notice served on the holder by the Commissioner, ensure:
  - (a) that any prohibited firearm or pistol to which the licence or permit relates (other than a firearm that has been rendered permanently incapable of being fired in accordance with clause 34) is inspected at a reasonable time by a police officer or other approved person, and

- (b) that a certificate of inspection by the person making the inspection is furnished to the Commissioner.

Maximum penalty: 20 penalty units.

- (3) The holder of a licence or permit to which this clause applies who:

- (a) is a member of an approved pistol club, or
- (b) is a member of a shooting club affiliated with the Australian Clay Target Association, or
- (c) is a member of an approved collectors' society or approved collectors' club,

is taken to have been served with a notice under subclause (2) if the notice has been served on the secretary or captain, or other relevant office holder, of that club.

- (4) A person who is required to have a firearm inspected under this clause must, when the firearm is produced for inspection, also produce for inspection any barrel (whether or not it is a spare barrel) in the person's possession that is capable of taking and discharging ammunition for the firearm.
- (5) The fee specified in clause 99 (1) (r) is payable for any inspection by a police officer under this clause.

**128 Numbering of firearms and spare barrels** (cf 1997 cl 103)

- (1) The Commissioner may, by notice in writing served on a person who has possession of a firearm or a spare barrel that is capable of taking and discharging ammunition for that firearm, allot a number in respect of the firearm or spare barrel.
- (2) The Commissioner is not to allot such a number unless the Commissioner is of the opinion that there is no other unique number that could be used to sufficiently identify the firearm or spare barrel.
- (3) A person (including a licensed firearms dealer) must not have possession of a firearm or spare barrel in respect of which a number has been allotted by the Commissioner in accordance with this clause unless that number has been imprinted on it in the following manner:
  - (a) in the case of a firearm—by stamping or, with the approval of the Commissioner, by engraving the number in an exposed position on the firearm, or
  - (b) in the case of a spare barrel—by stamping or engraving the number on the outer surface,

in numerals not less than 2 mm in height on a metal part of the firearm or spare barrel.

Maximum penalty (subclause (3)): 20 penalty units.

- (4) A person does not commit an offence under subclause (3) in respect of having possession of a firearm:
- (a) if the person did not know and had no reason to suspect that a number had been allotted by the Commissioner in respect of the firearm, or
  - (b) if the person, being a licensed firearms dealer, replaces a barrel that is so damaged or worn as to require its replacement, and all particulars as required in relation to that replacement are supplied in writing to the Commissioner within 24 hours of replacing it.

**129 Shortened firearms** (cf 1997 cl 104)

- (1) For the purposes of section 62 (2) of the Act, a firearm is to be considered as having been shortened only if:
- (a) in the case of a firearm that is a smooth bore shotgun or a combination smooth bore shotgun and rifle:
    - (i) the length of the barrel, or, if it has more than one barrel, of the longer or longest barrel is less than 45 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, and
  - (b) in the case of a firearm that is a rifle, not being a combination smooth bore shotgun and rifle or an air gun:
    - (i) the length of the barrel or, if it has more than one barrel, of the longer or longest barrel is less than 40 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, or
    - (iii) the overall length is less than 80 cm, and
  - (c) in the case of a firearm that is an air gun:
    - (i) the length of the barrel is less than 30 cm, or
    - (ii) the length of the stock is less than 30 cm or it has no stock, or
    - (iii) the overall length is less than 70 cm.
- (2) For the purposes of this clause, the length of the stock of a firearm, if the firearm has one trigger, is to be measured from the front of the trigger or, if the firearm has more than one trigger, from the front of the rearmost trigger to the centre of the rear of the butt plate or stock.
- (3) In this clause, **firearm** does not include a pistol or blank fire pistol.

- (4) This clause does not apply to such kinds of firearms as the Commissioner determines.

**130 Spear guns** (cf 1997 cl 105)

- (1) A person who is under the age of 14 years must not:
- (a) buy, sell or otherwise transfer a spear gun, or
  - (b) use a spear gun, or
  - (c) carry or have a spear gun in the person's possession.

Maximum penalty: 10 penalty units.

- (2) A person who is of or above the age of 12 years (but under the age of 14 years) does not commit an offence under subclause (1) (b) or (c) if the person is using, carrying or in possession of the spear gun while under the personal supervision of a person who is of or above the age of 18 years.

- (3) A person must not sell or otherwise transfer a spear gun to a person under the age of 14 years.

Maximum penalty: 20 penalty units.

- (4) In this clause:

**spear gun** means a spear gun having an overall length (being the length of the spear gun when it is not loaded with a spear) of at least 45 cm.

**131 Prescribed decisions for purposes of applications to Administrative Decisions Tribunal under section 75 (1) (g)** (cf 1997 cl 117)

- (1) The following decisions are prescribed for the purposes of section 75 (1) (g) of the Act:
- (a) a decision of the Commissioner under clause 35 refusing an application to change the premises to which a firearms dealer licence relates,
  - (b) a decision of the Commissioner under Part 8 refusing or failing to grant an approval under that Part,
  - (c) a decision of the Commissioner under Part 8 imposing conditions on an approval under that Part (or varying any such condition),
  - (d) a decision of the Commissioner under Part 8 revoking an approval under that Part,
  - (e) a decision of the Commissioner under Part 9 refusing or failing to grant an approval under that Part,
  - (f) a decision of the Commissioner under Part 9 imposing conditions on an approval under that Part,

(g) a decision of the Commissioner under Part 9 revoking an approval under that Part.

- (2) The persons who may make an application to the Administrative Decisions Tribunal under section 75 (1) (g) of the Act in relation to the decisions referred to in subclause (1) (e)–(g) are limited to a secretary or other relevant office holder of the club concerned.

### **132 Offence of trespassing on a shooting range**

A person must not enter a shooting range unless the person:

- (a) is the owner or occupier of the shooting range or has the permission of the owner or occupier to enter the range, or
- (b) does so with a reasonable excuse or for a lawful purpose.

Maximum penalty: 50 penalty units.

### **133 Period of ineligibility to apply for category H (sport/target shooting) licence**

If, in accordance with clause 85B of the *Firearms (General) Regulation 1997*, a person:

- (a) surrendered the person's category H (sport/target shooting) licence along with each registered pistol (other than a prohibited pistol) that the person was authorised to possess under the licence, and
- (b) received compensation under that clause for each such pistol,

the person is not eligible to apply for, and cannot be issued with, a category H (sport/target shooting) licence for a period of 5 years from the date of the surrender.

### **134 Savings**

- (1) Any act, matter or thing that had effect under the *Firearms (General) Regulation 1997* immediately before the repeal of that Regulation is taken to have effect under this Regulation.
- (2) Without limiting subclause (1):
  - (a) any permit issued by the Commissioner under a provision of the repealed Regulation and in force immediately before the repeal of that Regulation is taken to be a permit in force under the corresponding provisions of this Regulation, and
  - (b) any approval granted by the Commissioner under a provision of the repealed Regulation and in force immediately before its repeal is taken to be an approval in force under corresponding provisions of this Regulation.