

# Firearms Regulation 2017

[2017-442]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Medicines, Poisons and Therapeutic Goods Act 2022 No 73](#) (not commenced)
- **Staged repeal status**  
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Firearms Regulation 2017



New South Wales

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# Firearms Regulation 2017



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Firearms Regulation 2017*.

### 2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the *Firearms Regulation 2006*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation—

**government agency** means a Public Service agency (within the meaning of the *Government Sector Employment Act 2013*) or public authority.

**local consent authority**, in relation to any premises or 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.

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

**security guard** means a person who—

- (a) is employed to carry on a security activity referred to in section 4 (1) (c) of the *Security Industry Act 1997*, and
- (b) is the holder of a class 1F licence under that Act.

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

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

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in 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) a tool or device that is used to drive a stud, pin, dowel, screw, rivet, spike or other object against, into or through a substance by means of an explosive,
- (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**

- (1) For the purposes of sections 11 (5) (b) and 29 (3) (b) of the Act, the following offences are prescribed—

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

- An offence relating to the possession or use of a firearm or any other weapon, or a firearm part or ammunition, 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 2008*, being an offence in respect of which the penalty imposed included any term of imprisonment (whether or not suspended), a community service order, a good behaviour bond or a penalty of \$2,200 or more, and 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 relating to public order or involving assaults against law enforcement officers**

- Any of the following—

- (i) an offence under Division 8A of Part 3 of the *Crimes Act 1900*,
- (ii) an offence under Division 1 of Part 3A of the *Crimes Act 1900*,
- (iii) 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) or (ii),
- (iv) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in subparagraphs (i)-(iii).

**(d) 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 on a person in respect of which the penalty imposed included any term of imprisonment (whether or not suspended), a community service order, a good behaviour bond or a penalty of \$500 or more, 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 subparagraph (ii) or (iii).

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

An offence of a sexual nature, being—

- (i) an offence under Division 10, 10A or 10B of Part 3 of the *Crimes Act 1900*, or
- (ii) an offence under section 38, 38A, 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 or 15A 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).

**(f) 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 included a term of imprisonment (whether or not suspended) for 3 months or more, a community service order for 100 hours or more of community service work, or a good behaviour bond.

**(g) Offences involving robbery**

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

**(h) Offences relating to riot**

An offence under section 93B of the *Crimes Act 1900* or any similar offence 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).

**(i) Offences relating to affray**

An offence under section 93C of the *Crimes Act 1900* or any similar offence 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).

**(j) 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).

**(k) Offences involving organised criminal groups, consorting and recruitment**

An offence—

- (i) committed under section 93T, 93X or 351A of the *Crimes Act 1900*, or
- (ii) committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraph (i).

(1A) In subclause (1)—

- (a) a reference to a good behaviour bond includes a reference to a community correction order or a conditional release order, but only if it was imposed in NSW, and
- (b) a reference to a term of imprisonment (whether or not suspended) includes a reference to an intensive correction order, but only if it was imposed in NSW.

(2) **Persons subject to good behaviour bonds** For the purposes of sections 11 (5) (d) and 29 (3) (d) of the Act, the following offences are prescribed in respect of a person subject to a good behaviour bond—

- (a) an offence referred to in subclause (1) (a), (c), (e) or (g)–(k),
- (b) 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 2008*, 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) 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, 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) an offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing.

(3) **Persons subject to community correction orders or conditional release orders** For the purposes of sections 11(5)(d) and 29(3)(d) of the Act, the following offences are prescribed in respect of a person subject to a community correction order or a

conditional release order—

- (a) an offence referred to in subclause (1)(a), (c), (e) or (g)–(k),
- (b) 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 2008*,
- (c) an offence involving any of the following—
  - (i) the infliction of actual bodily harm on a person,
  - (ii) kidnapping or abduction,
  - (iii) stalking or intimidation,
  - (iv) fraud, dishonesty or stealing,
- (d) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in paragraph (c)(i)–(iii).

## **6 Restriction on authority conferred by category H licence**

- (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 (Repealed)**

## **8 Term of licence**

- (1) In making an application for a category A, B, C, D (other than a category D licence referred to in the Act, section 21(2)) or H licence, or for a firearms collector licence that is to be part of a composite licence, the applicant may apply for a licence that will

be in force for a period of 2 years (as an alternative to a period of 5 years).

- (2) For the purposes of section 21 (1) of the Act, the period of 2 years is prescribed in relation to any such licence.
- (3) A **composite licence** is a licence that authorises the licensee to possess firearms to which more than one category of licence applies.
- (3A) In making an application for a category D licence referred to in the Act, section 21(2), the applicant may apply for a licence for a period of 12 months, 2 years or 5 years.
- (4) This clause does not apply to a provisional pistol (business/employment) licence or a probationary pistol licence.

**Note—**

See section 21 of the Act for the period for which a licence referred to in subclause (4) is in force.

## **9 Certification of requirements relating to safe keeping of firearms**

- (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 has arrangements in place for meeting 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**

- (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 reasonably available in the circumstances.
- (3) The Commissioner is to ensure that any fingerprints that are obtained in accordance



with a requirement under this clause, 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 this clause, the Commissioner is to notify the applicant in writing that those fingerprints (and those copies, if any) have been destroyed.

### **11 Mandatory grounds for refusal of permit for pistol**

- (1) The Commissioner must refuse to issue a permit authorising the possession or use of a 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).
- (2) However, subclause (1) 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.
- (3) If the Commissioner issues a permit pursuant to subclause (2) authorising a person to possess or use a pistol for a purpose referred to in subclause (2), the Commissioner must revoke any licence or permit that authorises the person to possess or use a rifle or shotgun.

### **12 Discretionary grounds for refusal of permit**

- (1) The Commissioner may refuse to issue a permit to a person unless the person has successfully completed such firearms training and safety courses as the Commissioner considers to be appropriate in respect of the permit concerned.
- (2) The Commissioner may 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 the protection of any other person or for the protection of property.

### **13 Lost, stolen or destroyed licence or permit**

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 of that occurrence in writing or in such other manner as may be approved.

Maximum penalty—20 penalty units.

#### **14 Application for duplicate licence or permit**

- (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 relevant fee specified in Part 11, issue a duplicate licence or permit.
- (2) (Repealed)

#### **15 Requirement to notify Commissioner if reason for possessing firearm ceases**

- (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 after becoming aware that the licensee has ceased to have that genuine reason, notify the Commissioner of that fact in writing or in such other manner as may be approved.

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 after becoming aware that the permit holder has ceased to have that legitimate reason, notify the Commissioner of that fact in writing or in such other manner as may be approved.

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.

#### **16 Requirement to notify change of particulars other than address**

- (1) The holder of a licence or permit must, if there is any change in a particular (for example, the name of the holder) stated in the licence or permit—
  - (a) notify the Commissioner, in writing or in such other manner as may be approved, 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 extends to a change in the genuine reason for which the person was issued with a licence (including the removal of a genuine reason or the inclusion of an additional genuine reason).
- (3) This clause does not apply to a change in a licensee's or permit holder's place of

residence.

**Note—**

Section 69 of the Act already requires the holder of a licence or permit to provide particulars of his or her change of address.

**17 Requirement to notify Commissioner of address where firearms are kept**

- (1) The holder of a licence or permit must, within 14 days after acquiring any firearm, give the Commissioner a notice in writing or in such other manner as may be approved—
  - (a) specifying the address of the premises on which the firearm is to be kept when not actually being used, and
  - (b) specifying particulars of the arrangements that have been made by the licence or permit holder for the safe keeping and storage of the firearm on those premises, and
  - (c) certifying in the approved form that those arrangements comply with the requirements of the Act and this Regulation concerning the safe keeping and storage of the firearm.

Maximum penalty—50 penalty units.

- (2) Subclause (1) does not apply if the licence or permit holder has already provided the information and certificate referred to in that subclause to the Commissioner in connection with the application for the permit to acquire the firearm concerned.
- (3) 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, give the Commissioner notice in writing or in such other manner as may be approved—
  - (a) specifying the address of the new premises on which the firearm is to be kept when not actually being used, and
  - (b) specifying particulars of the arrangements that have been made by the licence or permit holder for the safe keeping and storage of the firearm on those premises, and
  - (c) certifying that those arrangements comply with the requirements of the Act and this Regulation concerning the safe keeping and storage of the firearm.

Maximum penalty—50 penalty units.

- (4) Subclause (3) 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.

### **18 Renewal of licence or permit**

- (1) 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).
- (2) At least 60 days before the date on which a licence or permit is due to expire, the Commissioner is to notify the licence or permit holder that the licence or permit is due to expire on a specified date.

### **19 Pending application for subsequent licence or permit**

- (1) If a person's application for a subsequent licence or permit is made before the person's current licence or permit expires but has not been dealt with before the current licence or permit expires, the authority conferred by the current 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 current licence or permit ceases to have effect.

### **20 Revocation of licence—licence not in the public interest**

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.

### **21 Revocation of permit—additional reasons**

- (1) A permit may be revoked by the Commissioner if—
  - (a) the Commissioner is satisfied that it is not in the public interest for the permit holder to continue to hold it, or
  - (b) the Commissioner is satisfied that the permit holder no longer has a legitimate reason for possessing or using the firearm or the ammunition to which the permit relates, or
  - (c) the permit holder becomes subject to an apprehended violence order.
- (2) The Commissioner may revoke a permit for any reason for which the permit holder would be required to be refused a permit of the same kind.

**Note—**

A permit that authorises a person to possess or use a firearm is automatically revoked if the holder of the permit becomes subject to a firearms prohibition order—see the Act, section 30(3A).

## **22 Application for permit—proof of identity**

- (1) The Commissioner must refuse to issue a permit unless the applicant provides proof of his or her identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* of the Commonwealth that apply in respect of the opening of a bank account.
- (2) This clause does not apply in respect of the issue of a permit to a person who is currently the holder of a licence or permit under the Act.

## **23 Photographs on permits**

- (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.

## **24 Term of permit**

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.

## **25 Conditions of permit**

- (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) A permit is 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.
- (4) The holder of a permit must comply with any conditions to which the permit is subject.  
Maximum penalty—50 penalty units.

## **26 Recognition of interstate licences**

- (1) For the purposes of section 26 (1) of the Act, this clause prescribes purposes for which

a resident of another State or Territory who holds a recognised licence is authorised to possess or use a firearm (in addition to the purpose of enabling the person to participate in a shooting competition approved by the Commissioner).

- (2) If the recognised licence is equivalent to a category A or category B licence, the person is authorised to possess or use a relevant firearm for the following additional purposes—
  - (a) any purpose established by the licensee (for the purposes of the recognised licence) as being the genuine reason for possessing or using the firearm,
  - (b) supervising a person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at an approved shooting range.
- (3) If the recognised licence is equivalent to a category H licence, the person is authorised to possess or use a relevant firearm for the following additional purposes—
  - (a) practising in connection with a shooting competition approved by the Commissioner,
  - (b) supervising a person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at an approved shooting range.
- (4) A resident of another State or Territory who is the holder of a recognised licence is exempt from the requirements of section 7 or 7A of the Act to be authorised to possess (but not use) a relevant firearm—
  - (a) while taking the firearm out of New South Wales after acquiring it from a licensed firearms dealer in New South Wales, or
  - (b) while travelling with the firearm through New South Wales, or
  - (c) while taking the firearm to a licensed firearms dealer in New South Wales for the purposes of selling the firearm or having it repaired, serviced or modified.
- (5) A resident of another State or Territory who—
  - (a) is licensed under the law of that other State or Territory to carry on security activities referred to in section 4 (1) (c) 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.
- (6) In this clause—

**recognised licence** means a licence issued under the law in force in another State or

Territory that is equivalent to a category A, category B or category H licence issued in this State.

**relevant firearm** means a firearm to which a category A, category B or category H licence issued in this State, that is equivalent to the recognised licence, applies.

## **27 Licences or permits held by government agencies and their employees**

- (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 (**licensed employees**), 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 licensed employees when not in the possession of licensed employees while 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 a licensed employee, and
  - (c) not allow any firearm in the agency's possession 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) notify the Commissioner within 7 days in writing or in such other manner as may be approved if any licensed employee (unless employed on a casual basis) ceases to be employed in or by the agency, and
  - (e) ensure that each firearm that is used by any licensed employee is inspected once every 3 months by some competent person to ascertain its working condition, and
  - (f) cause each such firearm to be serviced at least once a year by a licensed firearms dealer.

Maximum penalty—50 penalty units.

- (2) A licensed employee 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 employee 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 (such as in the case where 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 licensed employee to return the firearm to the employer's store of firearms, and
  - (b) the firearm will be stored in accordance with the requirements of Part 4 of the Act.
- (6) A licensed 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 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 least annually, 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 80 (Special conditions on licence issued to armed security guard) applies to licensed employees in the same way as that clause applies to security guards.
- (12) Clause 82 (Requirements relating to carriage of pistols and shotguns) applies, in the same way as that clause applies to armed 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.
- (13) Clause 87 (Registers to be kept by security guard employers) applies to government agencies and their licensed employees in the same way as that clause applies to security firms and their employees.

## **28 Direct supervision of provisional pistol (business/employment) licensees**

For the purposes of section 16C (2) (d) of the Act, the holder of a provisional pistol (business/employment) licence (the **provisional licensee**) is under the direct supervision of a natural person referred to in that paragraph (the **competent person**) if—

- (a) the provisional licensee receives detailed written instructions (which may, for example, be in the form of standard operating procedures, employment policies or an employment procedure manual) from the master licensee who is the employer of the provisional licensee on the work to be performed, and
- (b) the provisional licensee performs tasks that are part of an overall work routine that is documented, and
- (c) the provisional licensee is subject to regular personal progress checks, in writing, by a nominated supervisor on the work being performed, and

- (d) the provisional licensee is as far as practicable in the line of sight of the competent person, and
- (e) the competent person is able to immediately render assistance to the provisional licensee if required, and
- (f) there is at least the same number of competent persons as provisional licensees on premises at which provisional licensees are carrying out security activities of a kind authorised by their class 1F licence under the *Security Industry Act 1997*.

**28A Licences and permits extend to authorise sighting in, patterning and related activities**

- (1) The authority conferred by a licence or permit that authorises the use of a firearm by a person extends to include the use of a firearm by the person for the purposes of any of the following activities—
  - (a) sighting in the firearm (including sight alignment and including patterning of a shotgun),
  - (b) tuning of the firearm (including the adjusting or aligning of a shotgun),
  - (c) familiarisation with or testing of ammunition,
  - (d) practising on stationary targets (or moving targets in the case of a shotgun) but only for the purposes of an activity referred to in paragraphs (a)–(c).
- (2) This clause authorises the use of a firearm on any land on which use of the firearm is not otherwise unlawful and is not limited to use at an approved shooting range.
- (3) This clause does not authorise—
  - (a) the use of a firearm to participate in shooting activities conducted by a shooting club at an approved shooting range except the specific 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, or
  - (c) the use of a pistol in a way that is not otherwise authorised by or under the Act.
- (4) For the removal of doubt, this clause does not prevent a person who is the holder of a licence or permit from using a firearm at an approved shooting range pursuant to the exemption conferred by section 6B of the Act.

**28B Requirements relating to safety and storage**

- (1) The holder of a licence or permit must not store a firearm in a dwelling unless it is an

inhabited dwelling.

Maximum penalty—50 penalty units if it is established beyond reasonable doubt that the firearm concerned was a prohibited firearm or pistol, or 20 penalty units in any other case.

- (2) The holder of a licence or permit must not store a firearm on premises other than a dwelling unless—
- (a) the premises are in a proximity to an inhabited dwelling that allows the premises to be easily observed by the holder of the licence or permit, or by a person on behalf of the holder of the licence or permit, from the inhabited dwelling, or
  - (b) the holder is a licensed firearms dealer and the premises are commercial premises from which the holder carries on the business of, or at which the holder carries on activities as, a firearms dealer, or
  - (c) the requirements of subclause (3) are complied with.

Maximum penalty—50 penalty units if it is established beyond reasonable doubt that the firearm concerned was a prohibited firearm or pistol, or 20 penalty units in any other case.

- (3) For the purposes of subclause (2)(c), the requirements are as follows—
- (a) the firearm must 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.

- (4) In this clause—

***inhabited dwelling***, in relation to the storage of a firearm by the holder of a licence or permit, means—

- (a) a dwelling that is the principal place of residence of a person, whether or not the person is the holder of the licence or permit, or
- (b) a dwelling at which a person resides while the firearm is stored there, whether or not the person is the holder of the licence or permit.

**permit** means a permit that authorises the possession of a firearm.

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

### **29 Sport/target shooting**

A licence that is issued for the genuine reason of sport/target shooting is subject to the following conditions (in addition to any other conditions to which the licence is subject)—

- (a) the licensee must comply with any applicable requirements of Part 10 (Participation requirements for club members),
- (b) the licence does not authorise the use of a firearm except at a shooting range approved under Part 8.

### **30 Recreational hunting/vermin control—persons who are not members of approved hunting clubs**

- (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 permission to shoot on rural land, the applicant must produce with the application as evidence of the permission—
  - (a) written permission to shoot on the land, or
  - (b) a statutory declaration verifying that permission to shoot on the land 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 the licensee has the permission of the owner or occupier of that other land (or of an officer of the agency concerned) to shoot on that other land.
- (3) Any permission to shoot on rural land (including any statutory declaration verifying that 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 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 for inspection by the police officer or authorised officer, as evidence of the permission, written permission or a statutory declaration by the person verifying that permission has been given, or
  - (b) if it is not in the licensee's immediate possession—produce that evidence 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) The Commissioner may approve alternative means for producing evidence of permission to shoot on rural land for the purposes of this clause and producing evidence by any such approved alternative means satisfies a requirement of this clause for the production of that evidence.

(7) In this clause—

**authorised officer**, in relation to rural land on which permission to shoot has been given, 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 Recreational hunting/vermin control—approved hunting clubs**

A licence that is issued for the genuine reason of recreational hunting/vermin control is subject to the condition that the licensee must comply with any applicable requirements of Part 10 (Participation requirements for club members).

**Note—**

Participation requirements for club members only apply if membership of the club is the sole ground on which the licensee has established that genuine reason.

### **32 Members of approved hunting clubs—restriction on authority conferred by licence**

(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 possess and use a firearm—

(a) to participate in shooting activities conducted by the approved hunting club, but only on rural land on which the club has permission to shoot given by the owner or occupier of the land or by an authorised officer, or

(b) to participate in shooting activities other than those conducted by the approved hunting club, but only on rural land on which the licensee has permission to shoot given by the owner or occupier of the land or by an authorised officer.

(2) If an approved hunting club has 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 to the officer

who made the demand or to another police officer or authorised officer nominated by the officer as soon as practicable (but not more than 48 hours) after the demand is made, as evidence of the permission, written permission or a statutory declaration by the person verifying that permission has been given.

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 for inspection by the police officer or authorised officer, as evidence of the permission, written permission or a statutory declaration by the person verifying that permission has been given, or
  - (b) if it is not in the licensee's immediate possession—produce that evidence 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—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) Any permission to shoot on rural land (including any statutory declaration verifying that permission has been given) must describe the land to which the permission relates and the type of game to be shot.
- (6) The Commissioner may approve alternative means for producing evidence of permission to shoot on rural land for the purposes of this clause and producing evidence by any such approved alternative means satisfies a requirement of this clause for the production of that evidence.
- (7) 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 that land.

**33** (Renumbered as clause 28A)

**34 Recreational hunting/vermin control—prescribed authority**

The Regulatory Authority within the meaning of the [Game and Feral Animal Control Act 2002](#) is prescribed as an authority for the purposes of the genuine reason of recreational

hunting/vermin control.

### **35 Vertebrate pest animal control—prescribed government agencies**

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

- (a) the Department of Planning and Environment,
- (b) the Department of Regional NSW,
- (c) Local Land Services,
- (d) Border Fence Maintenance Board.

### **36 Firearms collections**

- (1) 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 comply with any applicable requirements of Part 10 (Participation requirements for club members).
- (2) 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.
- (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 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.
- (4) Despite subclauses (2) and (3), 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.
- (5) For the purposes of subclauses (2) and (3), 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.
- (6) 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.
- (7) The standards set out in subclause (6) are in addition to the requirements of section 39 of the Act.
- (8) The authority conferred by a firearms collector licence extends to authorise the display of firearms in a firearms collection at a meeting of an approved collectors’ society or club.

**Note—**

A firearms collector licence also authorises the exhibition of firearms in a firearms collection at an arms fair conducted pursuant to an arms fair permit under Part 6.

**37 Arrangements for inspection of firearms**

A licensee must make all reasonable efforts to accommodate any reasonable request by the Commissioner to enter an arrangement under section 19 (2) (c) of the Act.

Maximum penalty—50 penalty units.

**38 (Repealed)**

**Part 4 Firearms dealers—special provisions**

**39 Additional restrictions in relation to issuing firearms dealer licences**

- (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 as a genuine commercial enterprise at those premises, and
  - (b) those premises are suitable for carrying on the business of a firearms dealer, and
  - (c) any consent or approval of the local consent authority that is required for the use of the premises for the purposes of the business of a firearms dealer has been granted.
- (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.
- (3) This clause does not apply to the issue of a firearms dealer licence for a club armourer or theatrical armourer.

#### **40 Theatrical armourers**

- (1) In addition to the authority conferred under the Act, a firearms dealer licence issued to a theatrical armourer authorises—
- (a) the licensee and any authorised employee of the licensee to instruct and supervise actors and other persons involved in a film, television or theatrical production in the possession and use of firearms for the purposes of the production, and
  - (b) the actors and other persons involved in the production to possess and use the firearms, but only while under the supervision and control of the licensee or authorised employee of the licensee, with supervision to be as required by clause 156.
- (2) A firearms dealer licence issued to a theatrical armourer is subject to the following conditions—
- (a) any firearm used in the production must be maintained in a safe working condition,

- (b) the licensee must comply with any requirements determined by the Commissioner in relation to the safe keeping of firearms that the licensee is authorised to possess,
  - (c) the licensee must ensure that any employee who is authorised by the Commissioner to possess or use firearms under the licence is properly trained in the safe handling of firearms and is suitably qualified to carry out the functions of a theatrical armourer.
- (3) The licensee must, while acting under the authority conferred by subclause (1)—
- (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 licence,
    - (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 the register and make copies of any entry in it.

Maximum penalty—50 penalty units.

#### **41 Authority conferred by firearms dealer licence extends to certain employees**

- (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, and
  - (c) the employee is, at all times when acting under the authority of a firearms dealer licence, supervised by the firearms dealer or by an employee of the firearms dealer who is over the age of 18 years and to whom the authority conferred by the firearms dealer's licence extends.

- (2) If the business premises of a licensed firearms dealer are situated within 50 kilometres of another State or Territory, the authority conferred by the firearms dealer 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.

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

- (1) For the purposes of section 44A (3) (b) of the Act, the following offences are prescribed—

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

An offence relating to the possession or use of a firearm or any other weapon, or a firearm part or ammunition, 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 2008*, being an offence in respect of which the penalty imposed included any term of imprisonment (whether or not suspended), a community service order, a good behaviour bond or a penalty of \$2,200 or more, and 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 relating to public order or involving assaults against law enforcement officers**

Any of the following—

- (i) an offence under Division 8A of Part 3 of the *Crimes Act 1900*,
- (ii) an offence under Division 1 of Part 3A of the *Crimes Act 1900*,
- (iii) 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) or (ii),
- (iv) an offence of attempting to commit, threatening to commit or conspiring to

commit an offence referred to in subparagraphs (i)-(iii).

**(d) 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 on a person in respect of which the penalty imposed included any term of imprisonment (whether or not suspended), a community service order, a good behaviour bond or a penalty of \$500 or more, 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 subparagraph (ii) or (iii).

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

An offence of a sexual nature, being—

- (i) an offence under Division 10, 10A or 10B of Part 3 of the *Crimes Act 1900*, or
- (ii) an offence under section 38, 38A, 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 or 15A 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).

**(f) 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 included a term of imprisonment (whether or not suspended) for 3 months or more, a community service order for 100 hours or more of community service work, or a good behaviour bond.

**(g) Offences involving robbery**

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

**(h) Offences relating to riot**

An offence under section 93B of the *Crimes Act 1900* or any similar offence 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).

**(i) Offences relating to affray**

An offence under section 93C of the *Crimes Act 1900* or any similar offence 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).

**(j) 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).

**(k) Offences involving organised criminal groups, consorting and recruitment**

An offence—

- (i) committed under section 93T, 93X or 351A of the *Crimes Act 1900*, or
- (ii) committed elsewhere than in New South Wales that, if committed in New South Wales, would be an offence referred to in subparagraph (i).

(1A) In subclause (1)—

- (a) a reference to a good behaviour bond includes a reference to a community

correction order or a conditional release order, but only if it was imposed in NSW, and

(b) a reference to a term of imprisonment (whether or not suspended) includes a reference to an intensive correction order, but only if it was imposed in NSW.

(2) **Persons subject to good behaviour bonds** For the purposes of section 44A (3) (e) of the Act, the following offences are prescribed in respect of a person subject to a good behaviour bond—

(a) an offence referred to in subclause (1) (a), (c), (e) or (g)–(k),

(b) 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 2008*, 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) 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, 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) an offence under the law of any Australian or overseas jurisdiction involving fraud, dishonesty or stealing.

(3) **Persons subject to community correction orders or conditional release orders** For the purposes of section 44A(3)(e) of the Act, the following offences are prescribed in respect of a person subject to a community correction order or a conditional release order—

(a) an offence referred to in subclause (1)(a), (c), (e) or (g)–(k),

(b) 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 2008*,

- (c) an offence involving any of the following—
  - (i) the infliction of actual bodily harm on a person,
  - (ii) kidnapping or abduction,
  - (iii) stalking or intimidation,
  - (iv) fraud, dishonesty or stealing,
- (d) an offence of attempting to commit, threatening to commit or conspiring to commit an offence referred to in paragraph (c)(i)-(iii).

#### **43 Requirement for public liability insurance**

A licensed firearms dealer who conducts the business of a firearms dealer at retail premises that are open to the public must obtain and maintain an insurance policy that is in an approved form and that provides cover for public liability incurred in connection with the carrying on of the business of a firearms dealer, being a policy that provides for cover for an amount of not less than \$10,000,000.

Maximum penalty—50 penalty units.

#### **44 Change of premises**

- (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 relevant fee specified in Part 11 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) The application may be refused 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 issue a replacement licence to give effect to the change of premises to which the licence relates.

#### **45 Recording of firearms and parts transactions**

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.

#### **46 Recording of ammunition transactions**

For the purposes of section 45A (2) (e) and (3) (b) of the Act, the record of each supply



and of each acquisition of ammunition by a licensed firearms dealer must contain the following particulars—

- (a) the quantity of ammunition supplied or acquired,
- (b) the name of the manufacturer (or the brand) of the ammunition and a full description of the calibre of the ammunition.

#### **47 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.

#### **48 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 after the delivery.

Maximum penalty—50 penalty units.

#### **49 Inspection of certain firearms**

- (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 comply with any such requirement.

Maximum penalty—50 penalty units.

#### **50 Advertising by licensed firearms dealers**

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.

#### **51 Notice of unidentified firearms or barrels**

A licensed firearms dealer who acquires possession of a firearm or firearm barrel that is not numbered (or is not numbered clearly) must notify the Commissioner in writing or in such other manner as may be approved of the possession of the firearm or barrel within 7

days after acquiring it.

Maximum penalty—50 penalty units.

## **52 Death of firearms dealer**

- (1) Following the death of a licensed firearms dealer (***the dealer***), the person responsible for the dealer's business must—
  - (a) notify a police officer of the death of the dealer as soon as practicable (and in any event within 14 days) after the person becomes the person responsible for the dealer's business, and
  - (b) permit access by a police officer at any reasonable time to the premises on which the dealer's business was carried on (***the dealer's business premises***), and
  - (c) permit access by a police officer at any reasonable time to any records kept by the dealer for the purposes of the Act and allow the police officer to make copies of any such records, and
  - (d) make any firearm, firearm part or ammunition on the dealer's business premises available for inspection by a police officer at the dealer's business premises at any reasonable time, and
  - (e) comply with any direction of a police officer for ensuring the safe keeping and proper storage in accordance with the Act of any firearm, firearm part or ammunition on the dealer's business premises.

Maximum penalty—50 penalty units.

- (2) The ***person responsible for the dealer's business*** is the executor or administrator of the estate of the dealer or any other person who takes control of the dealer's business or possession of the dealer's business premises following the death of the dealer.
- (3) A person is not required to notify the death of the dealer as required by this clause if another person has notified the death in compliance with this clause.

## **Part 5 Minors' firearms permits—special provisions**

### **53 Minor's firearms permit—minimum age**

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.

### **54 Minor's firearms permit—continuation of authority past 18th birthday**

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

### **55 Recognition of interstate minor's firearms permits**

- (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 supervision of another person who is authorised to use that firearm with supervision of the person to be as required by clause 156.

### **56 Exemption relating to probationary pistol licences**

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**

### **57 Permit to acquire non-prohibited firearm when leaving Australia**

- (1) The Commissioner may, on application by a person who is about to leave Australia, issue a permit authorising the person to acquire 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 acquire and possess the firearm to which the permit relates but only authorises possession of the firearm by having the firearm in the custody of a licensed firearms dealer or customs authority, and

(b) does not authorise the holder of the permit to use the firearm, and

(c) remains in force, unless sooner surrendered or revoked, until the expiration of 7 days from the date of its issue.

(4) In this clause, **customs authority** means a person exercising functions under the *Customs Act 1901* of the Commonwealth.

## 58 Heirloom permit

(1) The Commissioner may, on application by a person who has acquired a firearm as an heirloom, issue a permit (an **heirloom permit**) authorising the person to possess the firearm.

(2) The Commissioner must not issue an heirloom permit unless the Commissioner is satisfied that the firearm concerned—

(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) An heirloom permit authorises the holder of the permit to possess, but not use, a firearm to which it relates.

(4) An heirloom permit does not authorise the possession of any ammunition.

(5) A person cannot hold more than one heirloom permit at any one time and an heirloom permit cannot authorise possession of more than 3 firearms (with a matched pair of firearms considered to be single firearm for this purpose).

## 59 Museum firearms permit

(1) The Commissioner may, on application by a person on behalf of a public museum containing a collection of firearms, issue a permit (a **museum firearms permit**) authorising the possession of those firearms and any related ammunition by the person.

(2) A museum firearms permit authorises the permit holder and an authorised museum officer to possess the firearms and ammunition 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 museum firearms permit 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 museum firearms permit is subject to the following conditions—

- (a) any pistol or any prohibited firearm that is part of the collection must be rendered permanently inoperable,
  - (b) any other 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,
  - (c) 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 and ammunition in the collection and the facilities for the storing and safe keeping of those firearms and ammunition,
  - (c1) in the case of ammunition to which the permit applies, the conditions set out in clause 74(3),
  - (d) such conditions as may be imposed by the Commissioner concerning the security of the public museum and the storage of the firearms and ammunition in the collection.
- (5) Any special arrangements approved under subclause (4) (b) do not operate so as to allow the actual firing of the firearm concerned.
- (5A) Subclause (4)(a) does not require pistols or prohibited firearms that are part of, or become part of, the collection of a public museum to be rendered permanently inoperable if—
- (a) the public museum holds a museum firearms permit for the collection, and
  - (b) the Commissioner has, by notice in writing, granted the permit holder an exemption under this paragraph (a ***museum exemption***).
- (5B) The Commissioner may grant a museum exemption if satisfied that it is reasonable in the circumstances.
- (5C) The museum exemption may be granted unconditionally or subject to conditions and may be amended or revoked at any time.
- (5D) The Commissioner may revoke the museum exemption if satisfied the exemption is no longer reasonable in the circumstances.
- (5E) Subclause (4)(b) applies to any pistol or any prohibited firearm that is part of the

collection of the public museum at any time during which a museum exemption is in force in respect of the museum.

(6) In this clause—

**authorised museum officer** means a person who—

- (a) is employed in, or who is otherwise engaged in the operation of, the public museum, and
- (b) has been nominated by the permit holder, and
- (c) is eligible to be issued with a permit, and
- (d) is authorised in writing by the Commissioner.

**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.

#### **60 Production permit for firearms used in film, television or theatrical productions**

- (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 (a **theatrical permit**) in connection with the production.
- (2) A theatrical permit authorises the permit holder to possess and use the firearms to which the permit relates, but only in connection with the production concerned.

**Note—**

A theatrical permit is not limited to a firearm provided to the permit holder by a theatrical armorer and extends to a firearm that the permit holder acquires themselves. A permit to acquire is required to acquire a firearm.

- (3) The authority conferred by a theatrical permit 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 supervision of the permit holder with that supervision to be as required by clause 156.
- (4) The Commissioner must not issue a theatrical permit 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 theatrical permit relates—
- (a) must be maintained in a safe condition, and
  - (b) must be certified, by a licensed theatrical armourer who is proficient in firearms modification, as being a firearm the chamber of which has been modified to allow only blank cartridges to be used in the firearm.
- (6) A theatrical permit is subject to the condition that only blank cartridges may be used in 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 theatrical 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 (that person must then obtain a theatrical permit under this clause), or
- (b) employ a licensed theatrical armourer to instruct and supervise the actors and other persons associated with the production in the possession and use of the firearms concerned.

## **61 International visitors competition permit**

(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 (an ***international visitors competition permit***) authorising the person to possess and use a firearm for that purpose.

(2) An international visitors competition permit may be issued to a person before the person arrives in New South Wales.

(3) An application for an international visitors competition permit 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 any 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) An international visitors competition permit cannot authorise the possession or use of any prohibited firearm (other than a self-loading or pump action shotgun used in clay target shooting competitions).
  - (5) An international visitors competition permit 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) An international visitors competition permit continues in force (unless it is sooner surrendered or revoked) from the date on which it is issued for a period of 3 months or such shorter period as may be determined by the Commissioner.

## **62 Tranquilliser firearm permit**

- (1) The Commissioner may, on application by a person, issue a permit (a **tranquilliser firearm 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.
- (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 any other person specified in the permit) to possess and use the tranquilliser firearm to which the permit applies only in the normal course of the person's occupation or for the purposes of providing an approved training course in relation to the use of that firearm.
- (4) A tranquilliser firearm permit also authorises a person to possess and use the

tranquilliser firearm to which the permit applies for the purpose of enabling the person to undertake an approved training course in relation to the use of that firearm that is conducted by the holder of the permit.

(5) In this clause—

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

### **63, 64 (Repealed)**

### **65 Safari tour permit**

- (1) The Commissioner may, on application by a person, issue a permit (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 or use those firearms for the purposes of any such organised safari tour.
- (2) An application for a safari tour permit must be accompanied by evidence to the satisfaction of the Commissioner that the applicant has the permission of the owner of any land on which hunting activities are proposed to be carried out under the authority of the permit.
- (3) 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.

### **66 Safari/hunting participation permit**

- (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 (a **safari/hunting participation 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 safari/hunting participation permit may be issued to a person before the person arrives in New South Wales.

- (3) An application for a safari/hunting participation permit 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 safari/hunting participation permit 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.

### **67 Historical re-enactment organiser's permit**

- (1) The Commissioner may, on application by a person who is the secretary (or other appropriate office holder if there is no secretary) of an historical re-enactment organisation, issue a permit to the person (an **historical re-enactment organiser's permit**) authorising—
  - (a) the organisation to organise and conduct historical re-enactment events involving firearms, and
  - (b) the person to whom the permit is issued to use and possess a firearm to which the permit applies for the purposes of participating in any historical re-enactment event conducted under the authority of the permit.

**Note—**

The person to whom the permit is issued can acquire a firearm for the purposes of participating in such an event. A permit to acquire is required to acquire a firearm.

- (2) An historical re-enactment organiser's permit also authorises any person to use a firearm for the purposes of participating in any historical re-enactment event conducted under the authority of the permit if the person is authorised by a licence or permit to use the firearm for any other purpose.

**Note—**

A person's authority to use a firearm for the purposes of participating in an historical re-enactment event extends to a firearm that is registered in the name of another person (including the historical re-enactment permit holder).

- (3) An historical re-enactment organiser's permit does not authorise the use of a prohibited firearm (other than an imitation prohibited firearm).
- (4) A reference in subclause (2) to a licence or permit includes a reference to a licence or permit that—
  - (a) is issued under the law in force in another State or Territory authorising the use of a firearm, and

- (b) is the equivalent of a licence or permit issued under the Act.
- (5) The applicant for an historical re-enactment organiser's permit must provide the Commissioner with the following information in relation to each event proposed to be conducted under the authority of the permit—
  - (a) the location of the event,
  - (b) the kinds of firearms that are to be present at the event,
  - (c) the security measures that will be put in place at the event.
- (6) The person to whom an historical re-enactment organiser's permit is issued must notify the police officer in charge of a police station that is nearest to the place at which an historical re-enactment event is to be conducted under the authority of the permit about the event not less than 7 days before the event takes place.
- (7) An historical re-enactment organiser's permit does not authorise the use of ammunition in any firearm but blank cartridges may be used 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.
- (8) An historical re-enactment organiser's permit may be issued in relation to historical re-enactment events held on one or more occasions or held on a periodic basis.

#### **68 Historical cannon permit**

- (1) The Commissioner may, on application by a person, issue a permit (an **historical cannon permit**) authorising the person to possess and use a muzzle-loading black powder cannon.
- (2) The Commissioner is not to issue an historical cannon permit unless the Commissioner is satisfied that the applicant for the permit is a member of an historical society or club whose purpose includes the preservation and demonstration of historical weapons.
- (3) An historical cannon permit authorises the holder of the permit and any other person who is a member of the historical society or club concerned to possess and use, on behalf of the historical society or club, a muzzle-loading black powder cannon but only for the purposes of preserving and displaying it and of demonstrating its use.
- (4) An historical cannon permit 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.

### 69 Permit for powerhead for protection from shark attack

- (1) The Commissioner may, on application by a person, issue a permit authorising the person to possess and use a powerhead for the purpose of protecting themselves or any other person against shark attack.
- (2) A permit under this clause must not be issued to a person unless the Commissioner is satisfied that because of activities engaged in by the person in the course of the person's business or employment it is reasonably likely that the person will need to protect themselves or any other person against shark attack.
- (3) A permit under this clause authorises the holder of the permit to possess and use a powerhead but only for the purpose of protecting themselves or any other person against shark attack and only while engaged in an activity in the course of the permit holder's business or employment.
- (4) 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.

### 70 Starting pistol permit

- (1) The Commissioner may, on application by a person, issue a permit (a **starting pistol permit**) authorising the person to possess and use a starting pistol for the purposes of any sporting or other approved event.
- (2) A starting pistol permit authorises the holder to possess and use a starting pistol for the purposes of any sporting or other event specified in the permit.
- (3) A starting pistol permit also authorises any person who is a member of, or employed in, the sporting club or other organisation in respect of which the permit holder is a member or employed to use and possess a starting pistol for the purposes of any sporting or other event specified in the permit.
- (4) In this clause—  
**organisation** includes a school.  
**starting pistol** means a pistol that uses blank cartridges only.

### 71 Arms fair permit

- (1) The Commissioner may, on application by a licensed firearms dealer or a licensed club official, issue a permit (an **arms fair permit**) authorising the firearms dealer or

official to conduct an arms fair on premises specified in the permit.

- (2) For the purposes of participation in an arms fair that is the subject of an arms fair permit—
- (a) a firearms dealer licence authorises the supply by the licensee at the arms fair of any firearms or firearm parts to which the licence applies or any ammunition for those firearms, and
  - (b) a firearms collector licence authorises the exhibiting of firearms in the firearms collection at the arms fair, and
  - (c) a permit authorising a person to acquire or possess ammunition authorises the exhibiting and supply of ammunition at the arms fair.

**Note—**

The requirements of the Act that apply to the supply of firearms, firearms parts and ammunition and the safekeeping of firearms must be complied with at an arms fair.

- (3) A reference in subclause (2) to a licence or permit includes a reference to the equivalent of any such licence or permit issued under the law in force in another State or Territory.
- (4) The Commissioner must not issue an arms fair permit unless the Commissioner is satisfied that the premises concerned are suitable to be used for an arms fair having 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.
- (5) 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.
- (6) An arms fair permit is to specify the time when the authority conferred by the permit commences and the time when it ends.
- (7) In this clause—

**arms fair** means an event involving the temporary display of firearms for the purposes of supply 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 approved under Part 9.

## **72 Scientific purposes permit**

- (1) The Commissioner may, on application by a person, issue a permit (a **scientific purposes permit**) that authorises the person to possess and use a firearm to which the permit relates for the purposes of conducting legitimate scientific research.
- (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) the use of a 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 other than research comprising forensic investigation or examination in connection with legal proceedings.

### **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.

## **73 RSL display permit**

- (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 or a member of the RSL and Services Clubs Association Limited,

issue a permit (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.

(2A) An RSL display permit also authorises anything that an ammunition collection permit authorises, subject to the same conditions as an ammunition collection permit.

(3) In this clause—

**ammunition collection permit** has the same meaning as in clause 74.

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

#### **74 Ammunition collection permit**

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

(2) An ammunition collection permit authorises the holder to acquire and possess ammunition for the purpose of an ammunition collection only.

(3) An ammunition collection permit 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 1.4S* 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.

#### **75 Ammunition permit**

- (1) The Commissioner may, on application by a person, issue a permit (an **ammunition permit**) authorising the person to acquire or possess ammunition for a firearm of a kind specified in the permit.
- (2) The Commissioner must not issue an ammunition permit unless the Commissioner is satisfied that—
  - (a) the applicant—
    - (i) is employed by a person (including a government agency) in whose name a firearm of the kind specified in the permit is registered, or
    - (ii) carries on business in partnership with a person in whose name such a firearm is registered, and
  - (b) it is part of the applicant's duties in the course of that employment, or in carrying on that business, to acquire ammunition for use in such a firearm.
- (3) This clause does not limit the circumstances in which the Commissioner may issue a permit authorising a person to acquire or possess ammunition.
- (4) For the purposes of this clause, **employ** includes engage under a contract for services.

#### **76 Large calibre pistol permit**

- (1) 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 (a **large calibre pistol permit**) authorising the person to possess and use a large calibre pistol for the purposes only of participating in a specialised shooting competition.
- (2) The Commissioner must not issue a large calibre pistol permit to a person 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.
- (3) In accordance with section 30 (3) of the Act, a large calibre pistol permit—
  - (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).

(4) A large calibre pistol permit can apply to more than one large calibre pistol.

(5) In this clause—

**large calibre pistol** means any pistol with a calibre of more than .38 inch (but not more than .45 inch) but that is not otherwise a prohibited pistol.

**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

### 77 Definitions

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](#) who is licensed under the [Firearms Act 1996](#) to possess firearms for the genuine reason of business or employment.

### 78 Restrictions on authority conferred by licence issued to security guard

A licence issued to a security guard—

- (a) does not authorise the possession of more than one firearm at any one time except when possession is authorised by section 9 of the Act, 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), unless otherwise authorised by the Commissioner in writing.

### 79 Special requirements in relation to ammunition and firearms

- (1) An armed security guard must not possess any ammunition under the authority of a licence issued to the security guard other than ammunition recommended by the manufacturer of the firearm as appropriate for the firearm.
- (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 ammunition.
- (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.

#### **80 Special conditions on licence issued to armed security guard**

- (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) Subclause (1) does not prohibit 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.

### **81 Special requirements for safe keeping of firearms by security firms**

- (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.

## **82 Requirements relating to carriage of pistols and shotguns**

- (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.

### **83 Requirements for security guard employers**

- (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 85 or 86.
- (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 or in such other manner as may be approved of the person's cessation of employment within 7 days of the person ceasing to be so employed.

Maximum penalty—50 penalty units.

### **84 Employees to return firearms after being on duty**

- (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 85 or 86.

Maximum penalty—50 penalty units.

- (2) A person does not commit an offence under subclause (1) if—

- (a) the person was not 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 85 or 86 to be obtained before the end of the period of duty (such as where the person was required to travel unexpectedly in connection with the person's employment).

### **85 Arrangements for off-duty possession of pistols by employees**

- (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.

#### **86 Temporary arrangements for off-duty possession of pistols by employees**

(1) If the Commissioner is satisfied that it is not reasonably practicable for a person who is employed as a security guard to return any firearm in the person's possession to his or her employer's store of firearms at the end of any period of duty—

(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.

#### **87 Registers to be kept by security guard employers**

(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 Commissioner may approve of the manner in which a register may be kept as an alternative to the manner required by subclause (2).
- (4) The person must—
  - (a) ensure that each register is kept in a place of safe keeping at the place of business of the person or at an approved address, 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) 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.

## **88 Maintenance of firearms**

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.

## **89 Additional requirements relating to security guards**

- (1) The Commissioner must 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 once each 12 months or within a longer approved period, such continuing firearms safety training courses as may be approved.

Maximum penalty—50 penalty units.

- (2A) A longer approved period, not more than 24 months, may be approved for subclause (2) for particular security guards, classes of security guards or all security guards.

### **Note—**

The Act, section 4(1) defines **approved** to mean approved by the Commissioner from time to time.

- (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.

## **90 Number of firearms to be held by security firms**

- (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 the Commissioner with the following in respect of a licence issued or proposed to be issued to a security firm—

- (a) information about the number of firearms owned or proposed to be owned by the security firm,
- (b) information about the number of armed security guards employed or proposed to be employed by the firm,
- (c) information about the security activities for which the firearms are or will be used,
- (d) an assessment of the risks associated with the ownership or proposed ownership of firearms by the security firm,
- (e) such other relevant information as the Commissioner considers to be necessary for the Commissioner to form an opinion under this clause.

## **Part 8 Approval of shooting ranges**

### **91 Offences relating to shooting ranges**

- (1) A person must not—
  - (a) operate, or use land as, 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) alter an approved shooting range without the approval of the Commissioner, or
  - (d) allow any other person to use a shooting range unless it 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.

### **92 Application for approval of shooting range**

- (1) An application for approval by the Commissioner of a shooting range must be made in an approved manner.
- (2) Any such application must be accompanied by the relevant fee specified in Part 11.
- (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.

### **93 Approval of shooting range**

- (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 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 supervision of the person having control for the time being of the shooting range.
- (3) The supervision of a person for the purposes of subclause (2) is to be as required by clause 156.
- (4) The Commissioner may vary or revoke any conditions subject to which an approval has been granted or attach to any such approval additional conditions.
- (5) 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.
- (6) An approval of a shooting range remains in force for a period of 5 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.
- (7) If a person applies for a subsequent approval of a shooting range before the existing

approval for the shooting range expires and the application has not been dealt with before the existing approval expires, the authority conferred by the existing approval continues until such time as the person is notified of the grant or refusal of the application.

(8) In this clause—

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

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

(1) The approval of a shooting range is subject to the following conditions—

(a) the person on whose behalf the approval is granted (the **approval holder**) must ensure that any person using a firearm on the shooting range is authorised to do so by a licence or permit held by the person (unless the person's use of the firearm is exempt under section 6B of the Act from the requirement to be authorised by a licence or permit),

(b) the approval holder must—

(i) ensure that any person using the shooting range under the authority of clause 28A (Licences and permits extend to authorise sighting in, patterning and related activities) is supervised while doing so by a person appointed by the approval holder, with supervision of the person to be as required by clause 156, and

(ii) ensure that the name and licence number of the person using the shooting range under the authority of clause 28A is recorded, and

(iii) make any such records available for inspection by a police officer,

(c) the person having control for the time being of the shooting range must, if any incident involving a firearm on the range results in an injury to a person, notify the Commissioner of the details of the incident within 48 hours.

(2) This clause does not limit the conditions to which the approval of a shooting range may be subject.

#### **95 Revocation of approval of shooting range**

(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 approval holder is convicted or found guilty of an offence for a contravention of a provision of the Act, the *Weapons Prohibition Act 1998* or the regulations under either of those Acts, or
  - (d) the Commissioner becomes aware that the approval holder was, within the period of 10 years before the approval was granted, convicted or found guilty of an offence referred to in paragraph (c).
- (3) The Commissioner may, as an alternative to revoking the approval of a shooting range, suspend the approval for such period as the Commissioner thinks appropriate.
- (4) The revocation or suspension 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**

### **96 Approved clubs for genuine reasons**

A club may be approved under this Part as—

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

### **97 Approval of club**

- (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 has been established for at least 3 months, 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

Arms and Militaria Collectors' Association of NSW

Arms Collectors Guild of NSW

Australian Clay Target Association Inc

Australian Deer Association Incorporated

Australian Hunters International Incorporated

Australian Sporting Clays Incorporated

Federation of Hunting Clubs Incorporated

Field & Game Australia Inc

Game Management Council of NSW Inc

Illawarra Regional Shooting Association Incorporated

International Practical Shooting Confederation (NSW) Inc

Military Rifle Clubs Association Inc



National Rifle Association of Australia Limited

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

South Coast Hunters Club Incorporated

Sporting Clays NSW

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.

#### **98 Revocation of approval of club**

- (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 97 (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.
- (3) The revocation of the 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.

**99 Members convicted of disqualifying offences not permitted to take part in club activities involving firearms**

If a member of a club is convicted of an offence referred to in clause 5 (1), the person who is the secretary of the club (or, if there is no secretary, the person who occupies the most senior executive position in the club) must, as soon as practicable after the person is made aware of that conviction, take such action as is reasonably within the person's capacity to prevent the club member from participating in any activity of the club that involves the possession or use of firearms.

Maximum penalty—50 penalty units.

**100 Conditions of approval of club**

- (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 submit to the Commissioner, in the approved form, an annual return relating to club membership.
- (3) The annual return relating to club membership must specify particulars of—
- (a) any change in the membership of the club that involves a member leaving the club or not renewing his or her membership, and
  - (b) 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 103, and
  - (c) any failure by a member of the club to comply with the requirements of Part 10 (Participation requirements for club members).
- (4) 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.

(5) 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).

(6) 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.

### **101 Special conditions relating to approved pistol clubs**

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.

### **102 Special conditions relating to approved collectors' societies and clubs**

The approval of a collectors' society or club 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.

### **103 Club member must notify change in personal details**

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.

### **104 Commissioner authorised to disclose information to club officials**

The Commissioner is authorised to disclose to the secretary or other relevant office holder of an approved club, or of any association with which an approved club is affiliated, any information as to the following—

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

## **Part 10 Participation requirements for club members**

### **105 Definitions**

In this Part—

**approved club** for a particular category of licence means an approved shooting club (including an approved pistol club), approved hunting club or approved collectors' society or club of which the holder of a licence of that category is required to be a member under this Part.

**competitive shooting match** means a shooting activity in which scores are kept and results recorded.

**compliance period** for an approved club means each consecutive 12-month period that

starts on the day of the year that the club has determined to be the start of its compliance period for the purposes of participation by club members.

**participation** in a shooting activity includes, in the case of a competitive shooting match, officiating at such a match.

**shooting activity** of an approved club means the following—

- (a) a shooting activity that is conducted by the club at the club's shooting range, including a competitive shooting match, shooting training and target practice at the club's shooting range,
- (b) firearms safety training conducted by the club at the club's shooting range,
- (c) a competitive shooting match held at a shooting range other than the club's shooting range where the match is endorsed by the club (including such a match that is conducted outside NSW or outside Australia).

#### **105A Exemptions concerning participation requirements during public emergency**

- (1) The Commissioner may, by written order (an **exemption order**), grant an exemption to classes of persons from requirements of this Part, including in relation to compliance periods, if satisfied that strict compliance with the requirements would not be feasible or practical because of a public emergency.
- (2) Without limiting subclause (1), an exemption order may do 1 or both of the following—
  - (a) specify conditions for the exemption granted, including conditions requiring compliance with alternative requirements to requirements under this Part (the **exempted requirements**) for which the exemption is granted,
  - (b) limit the application of the exemption granted by reference to specified exceptions, factors or other criteria or to specified periods.
- (3) A copy of the exemption order must be published on the website of the NSW Police Force.
- (4) If an exemption order specifies compliance with alternative requirements to exempted requirements, a person to whom the order applies complies with exempted requirements if the person complies with either—
  - (a) the exempted requirements, or
  - (b) the alternative requirements.

#### **Note—**

Clauses 29(a), 31 and 36(1) make it a condition of a licence mentioned in the provision for its holder to comply with applicable requirements of this Part.

(5) In this clause—

**public emergency** includes—

- (a) a public health risk, including a pandemic or other public health risk in relation to which directions are in force under the *Public Health Act 2010*, Part 2, and
- (b) an emergency within the meaning of the *State Emergency and Rescue Management Act 1989*, including an emergency in relation to which a state of emergency is in force under that Act.

#### **106 Participation requirements for pistol sport/target shooters**

- (1) The holder of a category H (sport/target shooting) licence must be a member of at least one approved pistol club and must during each compliance period for such a club of which the person is a member participate in shooting activities of an approved pistol club (whether or not a club of which the person is a member) as follows—
  - (a) during a compliance period in which the person has only 1 kind of pistol—the person must participate in at least 6 shooting activities of an approved pistol club that are competitive shooting matches,
  - (b) during a compliance period in which the person has 2 kinds of pistol—the person must participate in at least 4 shooting activities of an approved pistol club for each kind of pistol (a minimum of 8 shooting activities in total) of which at least 6 must be competitive shooting matches,
  - (c) during a compliance period in which the person has 3 kinds of pistol—the person must participate in at least 4 shooting activities of an approved pistol club for each kind of pistol (a minimum of 12 shooting activities in total) of which at least 6 must be competitive shooting matches.
- (2) There are 3 different kinds of pistol for the purposes of this clause—air pistols, rimfire pistols and centre-fire pistols. A black powder pistol is to be regarded as a centre-fire pistol.
- (3) The number of different kinds of pistol that a person **has** during a compliance period is the number of different kinds of pistol that the person has registered in their name during the compliance period.
- (4) If the number of different kinds of pistol that a person has during a compliance period changes during the compliance period, it is the highest number that the person has that determines the number of shooting activities that the person is required to participate in during the compliance period but in such a case the Commissioner may reduce the required number of shooting activities if the Commissioner considers it to be fair and reasonable to do so.

**107 Participation requirements for sport/target shooters (other than pistol shooters)**

The holder of a licence issued for the genuine reason of sport/target shooting (not being a category H licence) must be a member of at least one approved shooting club (other than a pistol club) and must, during each compliance period for such a club of which the person is a member, participate in not less than 4 shooting activities of an approved shooting club (other than a pistol club) whether or not of a club of which the person is a member.

**108 Participation requirements for member of approved hunting club**

- (1) The holder of a licence issued for the genuine reason of recreational hunting/vermin control to a member of an approved hunting club must be a member of at least one approved hunting club and must, during each compliance period for such a club of which the person is a member, participate in no less than 2 hunting club events.
- (2) This clause applies only where membership of an approved hunting club is the sole ground on which the licensee has established the genuine reason of recreational hunting/vermin control.
- (3) In this clause—

***hunting club event*** means any event approved by any approved hunting club (whether or not a club of which the licensee is a member) involving hunting, shooting or firearms safety training.

**109 Participation requirements for member of approved collectors' society or club**

The holder of a firearms collector licence must be a member of at least one approved collectors' society or club and must, during each compliance period for such a society or club of which the person is a member, attend at least one meeting of an approved collectors' society or club of which the licensee is a member.

**110 Participation requirements for category C licences issued for clay target shooting purposes**

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

**111 Membership of more than one approved club**

- (1) If the holder of a licence who is required under this Part to be a member of an approved club of a particular category is a member of more than one approved club of that category, the following provisions apply—
  - (a) the licensee must nominate a principal club of that category of which the licensee is a member and with which the licensee will mainly be involved,
  - (b) the licensee must notify the Commissioner of the nominated principal club in writing or in such other manner as may be approved,

- (c) if the licensee participates in any compliance activity of a club of that category that is not the licensee's nominated principal club of that category—the licensee must notify the nominated principal club in writing of the details of any such activity within each compliance period of the nominated principal club,
- (d) compliance activity is required only during a compliance period of the nominated principal club.

(2) In this clause, **compliance activity** means an activity in which a person participates for the purposes of compliance with a requirement of this Part.

### **112 Transitional arrangement for new licences**

When a licence is first issued (other than the issue of a licence to a person who already holds a licence of the same category), the number of shooting activities in which the licence holder is required by this Part to participate during the compliance period that is current when the licence is issued is reduced by the proportion of the compliance period that has already elapsed (with any fraction to be disregarded).

## **Part 11 Fees**

### **113 Fees**

- (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 for a provisional pistol (business/employment) licence—\$250,
  - (f) application fee to add a licence category (other than a category H licence) or a firearms collector licence to a licence already held—\$40,
  - (g) application fee to add a category H licence to a licence already held—\$100,
  - (h) application fee for an initial or subsequent firearms dealer's licence (other than a licence referred to in paragraph (i) or (j))—\$500 for each premises to which the licence relates,
  - (i) application fee for an initial or subsequent firearms dealer's licence to be held by a



- club armoured—\$100,
  - (j) application fee for an initial or subsequent firearms dealer's licence to be held by a theatrical armoured—\$500,
  - (k) application for a permit under section 31 of the Act to acquire a firearm—\$30,
  - (l) application fee for an initial or subsequent tranquilliser firearm permit—\$100,
  - (m) (Repealed)
  - (n) application fee for an initial or subsequent safari tour permit—\$500,
  - (o) application fee for any other type of permit—\$75,
  - (p) fee for issuing a duplicate licence or permit—\$75,
  - (q) fee for the issue of a replacement licence or permit required by any change to the particulars specified in the licence or permit or to the premises to which a licence relates—\$75,
  - (r) application fee for registration of a firearm—\$10,
  - (s) application fee for approval of shooting range—\$100,
  - (t) 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 higher or 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 applies.
- (4) The Commissioner may refuse to provide any service (such as the issuing of a licence or permit, the giving of an approval 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.

#### **114 Exemption, waiver or refund of fees**

- (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 an eligible pensioner within the meaning of the *Motor Vehicles*

*Taxation Act 1988* is exempt from the requirement to pay any of the following—

- (a) an application fee for an initial or subsequent category A, B or H licence,
  - (b) a fee for a permit to acquire a firearm that is to be registered in the person's name,
  - (c) a fee for the registration of a firearm 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 any of the following—
- (a) any fee specified under this Part 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,
  - (b) a fee for a permit to acquire a firearm that is to be registered in the person's name,
  - (c) a fee for the registration of a firearm in the person's name.
- (4) A licensed firearms dealer is exempt from the requirement to pay a fee for the registration of a firearm 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 Act.

## **Part 12 Registration of firearms**

### **115 Application for registration of firearm**

- (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 Commissioner.
- (2) An application for registration of a firearm is not required to be lodged personally by the applicant.

### **116 Register of Firearms—additional information**

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 for the firearm,
- (d) particulars relating to the acquisition of the firearm by the person in whose name it is registered, including the date of acquisition and the name of the person (if any) who supplied the firearm.

#### **117 Recording of change in particulars in Register**

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.

#### **118 Removal of details from Register**

- (1) The Commissioner is, at the request of the person in whose name a firearm is registered and without requiring payment of any charge or fee, to remove the details relating to the firearm from the Register of Firearms if the firearm is no longer required to be registered under the Act.
- (2) However, nothing in subclause (1) authorises or requires the destruction of any record.

#### **119 Notification of supply, loss or theft of registered firearm**

- (1) For the purposes of section 37 (1) (b) of the Act, the particulars required to be provided to the Commissioner about the supply of a registered firearm must be provided in writing or in such other manner as may be approved and must include the following details—
  - (a) the date of the supply,
  - (b) the name and address of the licensed firearms dealer to whom the firearm was supplied, or, if it was supplied 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 provided in writing or in such other manner as may be approved 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.

#### **120 Requirement to notify Commissioner when moving interstate**

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

Maximum penalty—20 penalty units.

#### **121 Acquisition of firearms by persons other than firearms dealers**

- (1) 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—
  - (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.
- (2) The particulars required to be provided by section 37 (2) of the Act must be provided in writing or in such other manner as may be approved.

#### **122 Identification of firearms by competent persons**

- (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.

### **123 Registration of firearm frames and firearm receivers**

- (1) Subject to subclause (2), 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 116 (c),
  - (b) clause 119 (1) (d) and (f),
  - (c) clause 121 (1) (d) and (f).

## **Part 13 Exemptions**

### **124 Exemption for ADF, police and public servants posted outside NSW**

- (1) A person to whom this clause applies has the benefit of the following provisions while the person is resident outside NSW as a result of being posted to a position outside NSW or being required to reside outside NSW as a condition of the person's employment—
  - (a) a licence held by the person cannot be revoked merely because the person is not a resident of NSW,

**Note—**

See the Act, sections 11(3)(d) and 24(2)(a).

- (b) the person is exempt from the requirements of Part 10 (Participation requirements for club members) while the person is posted to a position or required to reside outside NSW.
- (2) A person to whom this clause applies is not entitled to the benefit of this clause unless the person notifies the Commissioner in writing or in such other manner as may be approved within 30 days after ceasing to be a resident of NSW.
- (3) This clause applies to the following persons—
  - (a) a member of the Australian Defence Force,
  - (b) a police officer of the State or the Commonwealth,
  - (c) a person employed in the Public Service, the Teaching Service, the NSW Health Service or the NSW Police Service.

(4) To avoid doubt, this clause does not—

- (a) permit the removal of a firearm to, or the storage of a firearm in, a place outside NSW, or
- (b) exempt a person from a law of another jurisdiction relating to the possession of firearms.

**125 (Repealed)**

**126 Exemption for holder of prohibited weapons permit for silencer**

- (1) A person who is the holder of a permit under the *Weapons Prohibition Act 1998* that authorises the person to possess and use a silencer is exempt from a provision of the Act that requires the person to be authorised by a permit to possess or use a prohibited firearm that is a firearm to which the silencer is fitted if the person is the holder of a licence under the Act that authorises the person to possess or use the firearm concerned.
- (2) In this clause, **silencer** means an article or device capable of muffling, reducing or stopping the noise created by firing a firearm.

**127 Exemption relating to officers and employees of certain government agencies**

- (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) A person employed in the Department of Planning, Industry and Environment 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 person's duties as such an employee, required to hold a licence or permit authorising possession or use of the firearm.

**128 Exemption for unlicensed persons shooting on approved ranges**

The exemption provided by section 6B of the Act (to the extent that it applies to persons who possess or use a firearm at an approved shooting range) extends to any such person while the person is under the direct supervision (so that the person supervising supervises one person only) of a person who is authorised to possess or use a firearm of that kind by a licence issued under the law in force in another State or Territory.

**129 Requirements relating to exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses**

- (1) The purpose of this clause is to prescribe requirements relating to the exemption under section 6B of the Act of persons from the requirement to be authorised by a licence or permit to possess or use a firearm.
- (2) It is a condition of the approval under Part 8 of a shooting range that a club or range official must ensure that each person who, in accordance with section 6B (1) (a) of the Act, possesses or uses a firearm at the shooting range but who is not authorised by a licence or permit to do so completes and signs a form containing the following questions before the person uses any firearm at the shooting range—
  - (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) Have you ever attempted suicide or self harm?
  - (c) Have you in the past 12 months been treated or referred for treatment for alcoholism, drug dependence, or a mental illness within the meaning of the *Mental Health Act 2007* or as a mentally disordered person within the meaning of that Act?
  - (d) 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?
- (3) It is a condition of the approval under clause 144 (4) of a person to be an instructor for a firearms safety training course that the person must ensure that each person who, in accordance with section 6B (1) (b) of the Act, possesses or uses a firearm while participating in the course but who is not authorised by a licence or permit to do

so, completes and signs a form containing the questions set out in subclause (2) before the person uses any firearm as part of the course.

- (4) It is a condition of any such approval referred to in subclause (2) or (3) that the club or range official, or the instructor, as the case requires, must—
- (a) prevent a person from possessing or using a firearm at the shooting range, or as part of the course, if the person has answered “Yes” to any of the questions set out in subclause (2), and
  - (b) record the name, address and date of birth of each person who possesses or uses a firearm at the shooting range, or as part of the course, in accordance with section 6B of the Act, and
  - (c) make available for inspection, by a police officer, or another member of the NSW Police Force designated in writing by the Commissioner, any record made under paragraph (b) and any completed and signed forms under subclause (2) or (3).
- (5) Without limiting the operation of subclause (4) (a), if the person concerned has answered “Yes” to any of the questions set out in subclause (2), the club or range official, or the instructor, as the case requires, must prevent the person from possessing or using a firearm at the shooting range or as part of the course.

Maximum penalty—50 penalty units.

- (6) A person may complete and sign a form for the purpose of this clause to replace and correct a form previously completed and signed by the person for that purpose, in which case the answers given on the earlier form are to be ignored for the purposes of determining the person’s entitlement to possess or use a firearm after the replacement form is signed.
- (7) The club or range official, or the instructor, as the case requires, must ensure that the person who is possessing or using a firearm at the shooting range, or as part of the course, does so only while under supervision as required by section 6B (1) of the Act.

Maximum penalty—50 penalty units.

- (8) The record under subclause (4) (b) must also include details of the photo identification of the person concerned or, if the person is a minor, details of the photo identification of a parent or guardian of the minor and a copy of the parent’s or guardian’s written consent to the minor possessing or using the firearm.
- (9) If a person who is possessing or using a firearm at the shooting range in accordance with section 6B (1) (a) of the Act is an overseas resident visiting the State (an **overseas tourist**), the record made under subclause (4) (b) in relation to that person must also include the following details—
- (a) the date on which the overseas tourist used the shooting range,



(b) the name of the person who supervised the overseas tourist at the shooting range.

(10) A reference in subclause (8) to the photo identification of a person is, if the person is an overseas tourist, taken to be a reference to the person's passport.

(11) In this clause—

**club or range official** means—

(a) in the case of a club—a member of the club who has been authorised for the purposes of this clause by the secretary or other relevant office holder of the club, or

(b) in the case of a shooting range—a person authorised for the purposes of this clause by the holder of the approval of the range under Part 8.

**good behaviour bond** includes a reference to a community correction order or a conditional release order, but only if it was imposed in NSW.

### **130 Exemption relating to off-duty police officers**

(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.

### **131 Exemption in relation to supply of ammunition by firearms dealers**

(1) A licensed firearms dealer is exempt from the requirements of section 65A of the Act in respect of a supply of ammunition unless the ammunition is for a pistol.

(2) Ammunition is considered to be for a pistol if—

(a) the ammunition is of a calibre that is generally used only in pistols, or

(b) the supply is to a person who is the holder of a licence or permit for a pistol (and is not the holder of a licence or permit for any other type of firearm that takes the ammunition).

### **132 Exemption in relation to ammunition for interstate licence/permit holders**

- (1) A person is exempt from section 65 (1) of the Act in respect of the supply or giving of possession of ammunition to an interstate resident who is the holder of an interstate authority for a firearm that takes the ammunition.
- (2) A licensed firearms dealer is exempt from section 65 (1A) of the Act in respect of the supply or giving of possession of ammunition to an interstate resident who is the holder of an interstate authority for a firearm that takes the ammunition but only if the dealer has seen the interstate authority.
- (3) An interstate resident is exempt from section 65 (2) of the Act in respect of the acquisition of ammunition if the interstate resident is the holder of an interstate authority for a firearm that takes the ammunition and the amount of ammunition that is acquired at any one time does not exceed the amount (if any) prescribed by the regulations for the purposes of section 65 (2) of the Act.
- (4) An interstate resident is exempt from section 65 (3) of the Act in respect of the possession of ammunition if the interstate resident is the holder of an interstate authority for a firearm that takes the ammunition.
- (5) A licensed firearms dealer is exempt from section 65A (1) of the Act in respect of the supply of ammunition to a person who is an interstate resident if—
  - (a) a firearm that takes the ammunition is registered in the name of the person under the law of the State or Territory of which the person is a resident, and
  - (b) the dealer has seen the current certificate of registration issued for the firearm under that law (but only if such a certificate has been issued).
- (6) In this clause—

***interstate authority*** means a licence or permit issued under the law in force in another State or Territory that authorises the possession or use in that State or Territory of a firearm to which the licence or permit applies.

***interstate resident*** means a person who is a resident of another State or Territory or who is a resident of NSW as a result of being posted to a position in NSW or being required to reside in NSW as a condition of the person's employment.

### **133 Exemption in relation to supply of ammunition by club armourers**

A club armourer for a shooting club is exempt from the requirements of section 65A of the Act in respect of the supply of ammunition by the armourer at the premises of the club to a person (whether or not a member of the club), but only if it is a condition of the supply that the ammunition—

- (a) is only used by the person at the premises of the club in a competitive shooting match

conducted by the club on the day of the supply, and

(b) is not removed from those premises.

#### **134 Exemption relating to imitations of antique firearms**

- (1) A person is not required to be authorised by a permit to possess or use an imitation of an antique firearm (other than an imitation of an antique revolver).
- (2) In this clause, **antique firearm** and **antique revolver** have the same meanings as they have in section 6A of the Act.

#### **135 Exemptions relating to international visitors**

- (1) A person who is not a resident of Australia and who holds the equivalent of an international visitors competition permit issued and in force under the law of another State or Territory (the **interstate permit**) is, while visiting New South Wales—
  - (a) exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm to which the interstate permit relates, but only for the purpose of—
    - (i) competing in New South Wales in a competition involving that firearm, or
    - (ii) engaging in activities that are connected with that competition, and
  - (b) exempt from the requirement under the Act to hold a licence or permit authorising possession (but not use) of the firearm to which the interstate permit relates if the person is visiting New South Wales before or after competing in a competition involving that firearm in that other State or Territory.
- (2) A person who is not a resident of Australia and who holds the equivalent of a safari/hunting participation permit issued and in force under the law of another State or Territory (the **interstate permit**) is, while visiting New South Wales—
  - (a) exempt from the requirement under the Act to hold a licence or permit authorising possession or use of the firearm to which the interstate permit relates, but only for the purpose of participating in an organised safari tour conducted by the holder of a safari tour permit or in hunting activities organised by an approved hunting club, and
  - (b) exempt from the requirement under the Act to hold a licence or permit authorising possession (but not use) of the firearm to which the interstate permit relates if the person is visiting New South Wales before or after participating in an organised safari tour or hunting activity involving that firearm in that other State or Territory.

#### **136 Exemption relating to imitation firearms that are laser target shooting devices for**

### **biathlons and pentathlons**

- (1) A person who is of or above the age of 18 years is not required to be authorised by a permit to acquire, supply (including advertise for supply), possess or use an imitation firearm that is a biathlon or modern pentathlon laser target shooting device if—
  - (a) the person is or has within the previous 5 years been a participant, athlete, coach or official involved in a biathlon or modern pentathlon event, training session or competition, and
  - (b) the purpose of the acquisition, supply (including the advertisement for supply), possession or use is to enable the person to participate in the sport of biathlon or modern pentathlon.
- (2) A person who is under the age of 18 years is not required to be authorised by a permit to possess or use an imitation firearm that is a biathlon or modern pentathlon laser target shooting device if—
  - (a) the person is or has within the previous 5 years been a participant, athlete, coach or official involved in a biathlon or modern pentathlon event, training session or competition, and
  - (b) the possession or use is under the supervision of a person referred to in subclause (1) with that supervision to be as required by clause 156, and
  - (c) the purpose of the possession or use is to enable the person to participate in the sport of biathlon or modern pentathlon.
- (3) A parent, guardian or coach of a person referred to in subclause (2) (the **young person**) is not required to be authorised by a permit to acquire or possess an imitation firearm that is a biathlon or modern pentathlon laser target shooting device if the purpose of the acquisition or possession is to enable the young person to participate in the sport of biathlon or modern pentathlon.
- (4) In this clause, **participate**, in relation to the sport of biathlon or modern pentathlon, includes receive instruction in, practise, train, coach or compete in the sport.

## **Part 14 Amnesties**

### **137 Definitions**

In this Part—

**participating dealer** means a licensed firearms dealer who is designated for the time being by the Commissioner as a participating dealer for the purposes of this Part, as notified on the website of the NSW Police Force.

**possession restrictions** of the Act means any provision of the Act or this Regulation that

would operate to make a person's possession of a firearm or related article unlawful.

**related article** means a firearm part or ammunition.

**supply restrictions** of the Act means sections 36, 62 and 66 of the Act to the extent that they relate to the supply of a firearm.

**surrender** of a firearm or related article means the surrender of the firearm or related article to the Commissioner on behalf of the State.

### **137A Persons to whom amnesty does not apply**

An exemption under this Part does not apply in relation to a person who is subject to a firearms prohibition order, a weapons prohibition order under the [Weapons Prohibition Act 1998](#), an apprehended violence order or an interim apprehended violence order.

### **138 Amnesty for surrender of firearms and related articles**

- (1) A person is exempt from the possession restrictions of the Act in respect of a firearm or related article while in possession of the firearm or related article at a police station or participating dealer, or while proceeding to a police station or participating dealer, for the purposes of surrendering the firearm or related article.
- (2), (3) (Repealed)
- (4) The surrender of a firearm or related article does not constitute a supply of the firearm or related article.
- (5) The Commissioner may publish information and advice about how a person should go about surrendering a firearm or related article.

### **139 Amnesty for transfer of firearms and related articles involving participating dealers**

- (1) A person is exempt from the possession restrictions of the Act in respect of a firearm or related article while in possession of the firearm or related article at a participating dealer, or while proceeding to a participating dealer, for the purposes of supplying the firearm or related article to the participating dealer.

**Note—**

Supply of a firearm or related article can be by sale, gift or otherwise.

- (2) A person is exempt from the supply restrictions of the Act in respect of the supply of a firearm or related article to a participating dealer.
- (3) A participating dealer is exempt from the supply restrictions of the Act in respect of the supply of a surrendered firearm or related article to the holder of a museum firearms permit.
- (4) The holder of a museum firearms permit is exempt from the requirement in the Act,

section 31 for a permit to acquire a surrendered firearm or related article that is supplied to the holder by a participating dealer.

(5) In this clause—

***museum firearms permit*** has the same meaning as in clause 59.

***surrendered firearm or related article*** means a firearm or related article surrendered to a participating dealer.

#### **140 Amnesty for registration of firearms, firearm frames and firearm receivers**

- (1) A person is exempt from the possession restrictions of the Act in respect of a firearm while in possession of the firearm at a participating dealer, or while proceeding to a participating dealer, for the purposes of applying for registration of the firearm.
- (2) A person is exempt from the possession restrictions of the Act in respect of a firearm that the person has in the custody of a participating dealer from the time the firearm is taken into the custody of the participating dealer until an application for registration of the firearm is made, but only if the application is made within 24 hours after the firearm is taken into the custody of the participating dealer.
- (3) A person is exempt from the possession restrictions of the Act in respect of a firearm while an application for registration of the firearm is pending, but only if—
  - (a) the application is made by a participating dealer or by a person who holds an appropriate licence or permit for the firearm, or
  - (b) the application (referred to in this clause as an ***unlicensed person application***) is made by a person in conjunction with an application by the person for an appropriate licence or permit for the firearm and at all times when those applications are pending the firearm is held in the custody of a participating dealer.
- (4) If an unlicensed person application is granted, the transfer of possession of the firearm to the applicant from the custody of the participating dealer in whose custody the firearm is held is deemed (for the purposes of provisions of the Act relating to the supply and acquisition of firearms) to constitute the supply of the firearm by the participating dealer and the acquisition of the firearm by the applicant.

**Note—**

This requires the applicant to have a permit to acquire the firearm.

- (5) After a firearm has been registered in the name of a participating dealer pursuant to an application for registration, a person is exempt from the possession restrictions of the Act in respect of the firearm while the person has the firearm in the custody of the participating dealer.

- (6) An application is **pending** from when the application is made until the application is granted or, if the application is refused, until the end of the appeal period for the application.
- (7) This clause applies, with necessary modifications, to a firearm frame or firearm receiver in the same way as it applies to a firearm.
- (8) In this clause—

**appeal period** for an application means the period that runs from when the application is refused until the end of the period within which an application for administrative review of a relevant decision about the application may be made as of right or (if an application for administrative review is made within that period) until the application for administrative review is withdrawn or finally determined.

**appropriate licence or permit** for a firearm means a licence or permit that would authorise possession of the firearm if the firearm were registered.

#### **141 Protection for participating dealers generally**

- (1) A participating dealer is exempt from section 51A (Restrictions on acquiring firearms) of the Act in respect of a firearm surrendered to the participating dealer under this Part.
- (2) A participating dealer who comes into possession of any of the following items that have been surrendered is exempt from the possession restrictions of the Act in respect of the items while complying with any directions of the Commissioner as to how a participating dealer must deal with such items—
  - (a) an unregistered firearm,
  - (b) a related article that is for a firearm to which the dealer's firearms dealer licence does not apply.
- (3) An exemption under this clause applies only if the participating dealer acquires and possesses the firearm or related article in good faith for the purposes of this Part.

#### **141A (Repealed)**

### **Part 15 Miscellaneous provisions**

#### **141B Firearms prohibition order prohibits attendance at arms fair**

- (1) For the purposes of the Act, section 74(8)(d), the premises on which an arms fair is taking place are prescribed.
- (2) In this clause—

**arms fair** has the same meaning as in clause 71.

#### **142 Maximum size for pistol**

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.

#### **143 Apprehended violence orders and interim apprehended violence orders of other jurisdictions**

(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—

- (a1) a federal family violence order under the *Family Law Act 1975 of the Commonwealth*,
- (a) an injunction under section 68B(1)(a) or 114(1)(a) of the *Family Law Act 1975* of the Commonwealth,
- (b) a protection order under the *Domestic and Family Violence Protection Act 2012* of Queensland,
- (c) a restraining order under the *Summary Procedure Act 1921* of South Australia,
- (d) an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* of South Australia,
- (e) a restraint order under the *Justices Act 1959* of Tasmania or a family violence order (including a police family violence order) under the *Family Violence Act 2004* of Tasmania,
- (f) a family violence intervention order under the *Family Violence Protection Act 2008* of Victoria,
- (g) a restraining order under the *Restraining Orders Act 1997* of Western Australia,
- (h) a protection order under the *Family Violence Act 2016* of the Australian Capital Territory,
- (i) a domestic violence order under the *Domestic and Family 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 2012* of Queensland,
- (b) an interim restraint order under the *Justices Act 1959* of Tasmania or an interim family violence order under the *Family Violence Act 2004* of Tasmania,



(c) an interim order under the *Family Violence Protection Act 2008* of Victoria,

(d) an interim order under the *Family Violence Act 2016* of the Australian Capital Territory.

#### **144 Firearms safety training courses**

- (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.

#### **145 Advertising supply of firearms**

For the purposes of section 54 (b) of the Act, the licence or permit number of the supplier is prescribed in relation to an advertisement for the supply of a firearm.

#### **146 Restrictions on supply and acquisition of firearms**

- (1) The arrangements referred to in sections 51 (2) (a) and (2A) (a) and 51A (2) (a) of the Act for supplying a firearm through a licensed firearms dealer are as follows—
  - (a) the supply 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 supply 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 supply or acquisition 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 receiver and the supplier.

#### **147 Commercial transportation of firearms—prescribed safety requirements**

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.

#### **148 Non-commercial transportation of prohibited firearms and pistols—prescribed safety requirements**

- (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 (for example, 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, or an employee of or contractor to a primary producer,

(b) a person employed in or by—

(i) the Department of Planning, Industry and Environment, or

(ii) (Repealed)

(iii) Local Land Services, or

(iv) the Border Fence Maintenance Board.

#### **149 Requirements for non-commercial transportation of Category A and B firearms**

(1) A person who transports a firearm to which a category A or category B licence applies and that the person possesses under the authority of a category A, category B or firearms collector licence must convey the firearm in accordance with the following requirements—

(a) the firearm must be conveyed in a manner that ensures compliance with section 39 of the Act,

(b) the firearm must not be loaded with any ammunition while it is being conveyed,

(c) while the firearm is being conveyed in a vehicle it must not be visible from outside the vehicle.

(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 or an employee of a primary producer,

(b) a person employed in or by—

(i) the Department of Planning, Industry and Environment, or

(ii) (Repealed)

(iii) Local Land Services, or

(iv) the Border Fence Maintenance Board.

(3) This clause does not apply to a firearm that is being used while it is being conveyed in a vehicle.

### **150 Inspections of certain firearms**

(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 (other than an heirloom permit) that authorises the possession of any prohibited firearm or pistol.

(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 36 (Firearms collections)) 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) 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.

### **151 Numbering of firearms and spare barrels**

(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 numerals not less than 2 mm in height, in the following manner—

- (a) in the case of a firearm—by stamping or, with the approval of the Commissioner, by engraving the number on the frame or receiver of the firearm,
- (b) in the case of a spare barrel—by stamping or engraving the number on the outer surface.

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

### 152 Shortened firearms

- (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.

### 153 Spear guns

- (1) A person who is under the age of 14 years must not—

- (a) acquire or supply a spear gun, or
- (b) use a spear gun, or
- (c) 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 direct supervision of a person who is of or above the age of 18 years.

(3) A person must not supply 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.

**154 Prescribed decisions for purposes of applications to Civil and Administrative Tribunal under section 75 (1) (g)**

(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 44 (Change of premises) refusing an application to change the premises to which a firearms dealer licence relates,
- (b) a decision of the Commissioner under Part 8 (Approval of shooting ranges) 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 (Approval of clubs) 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 Civil and Administrative 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.

### **155 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.

### **156 Supervision requirements**

- (1) This clause applies to supervision for the purposes of sections 16A and 32 of the Act and any provision of this Regulation that provides for supervision to be as required by this clause.
- (2) The following requirements apply to supervision to which this clause applies—
  - (a) a person being supervised must at all times be in the direct line of sight of the supervisor and the supervisor must at all times be ready and able to give directions and render immediate assistance to a person being supervised,
  - (b) supervision is to be at a level that the supervisor reasonably considers to be adequate taking into account relevant factors under this clause.
- (3) The following factors are relevant factors to be taken into account in deciding what is an adequate level of supervision—
  - (a) the general competency of persons being supervised,
  - (b) the proficiency with firearms of persons being supervised,
  - (c) the number of persons being supervised and the number who are actively engaged in shooting,
  - (d) the effect of the landscape and range configuration on the ability of the supervisor to maintain direct line of sight observation of persons being supervised and to give directions and render immediate assistance.

### **157 Commissioner authorised to disclose licence information to employers**

If a licence that has been issued to a person for the genuine reason of business or employment is suspended or revoked or otherwise ceases to be in force, the Commissioner may disclose that information to the employer (if any) of the person.

### **157A Repeal of Schedule 2**

- (1) Schedule 2 is repealed on the day that is 24 months after the day on which the *Firearms Amendment (COVID-19) Regulation 2020* commences, except as provided in subclause (2).
- (2) Parts 2 and 4 of Schedule 2 are repealed on the day that is 12 months after the day on which the *Firearms Amendment (COVID-19) Regulation 2020* commences.
- (3) Anything done, or omitted to be done, pursuant to a provision of Schedule 2, or any modification of a period of time by a provision of Schedule 2, remains as legally effective after the repeal of that provision as it was before the repeal.

### **158 Savings**

- (1) Any act, matter or thing that, immediately before the repeal of the *Firearms Regulation 2006*, had effect under that Regulation (the **repealed Regulation**), continues 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 provision 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 the corresponding provision of this Regulation.
- (3) A change (resulting from the making of this Regulation or any subsequent amendment to this Regulation) to the grounds on which the issue of a licence or permit under the Act must be refused does not affect the issue of a licence or permit before the change takes effect.

### **158A Savings provision on repeal of clause 125**

A person who was exempt from the requirements of the Act, section 7 or 7A under clause 125 immediately before its repeal by the *Firearms Amendment Regulation 2021* continues to be exempt, despite the repeal, until the person ceases to meet the requirements for the exemption under that clause as in force immediately before its repeal.

#### **Example—**

A person ceases to meet the requirements for the exemption under clause 125 (now repealed) if the person—

- (a) ceases to hold an interstate licence, or
- (b) ceases to be a resident of NSW as a result of being posted to a position in NSW or being required to reside in NSW as a condition of the person's employment.



**158B Exemption—military self-loading centre-fire rifles**

- (1) This clause applies to a person (the **licensee**) if, immediately before the commencement of this clause—
  - (a) the licensee held a category D licence, and
  - (b) a military self-loading centre-fire rifle was registered in the licensee's name.
- (2) The licensee is exempt from the requirements of the Act, section 7 or 7A to be authorised to possess or use the military self-loading centre-fire rifle.
- (3) The exemption in this clause authorises the licensee to possess or use the military self-loading centre-fire rifle only—
  - (a) if the genuine reason for possessing or using the military self-loading centre-fire rifle is vertebrate pest animal control, and
  - (b) if there is a special need for the person to possess or use the military self-loading centre-fire rifle, and
  - (c) for a person referred to in the Act, section 12, Table, "*Reason: vertebrate pest animal control*", paragraph (c)—if the special need cannot be met by any other means, and
  - (d) to the extent that the licensee complies with all other requirements of the Act, this Regulation and the category D licence as if the military self-loading centre-fire rifle were a firearm to which the licence applied.
- (4) The exemption in this clause ceases to apply—
  - (a) if the licensee's category D licence is suspended or revoked, or
  - (b) if registration of the military self-loading centre-fire rifle in the licensee's name is cancelled, or
  - (c) if the licensee's category D licence expires but is renewed—at the end of the day that is the first anniversary of the renewal day for the licence, except if the exemption ceases to apply before the day because of paragraph (a) or (b).
- (5) To avoid doubt, this clause does not exempt the licensee from complying with any other requirements of the Act or this Regulation in relation to the military self-loading centre-fire rifle.
- (6) In this clause—

**military self-loading centre-fire rifle** means a self-loading centre-fire rifle of a kind that is designed or adapted for military purposes.

**Note—**

A military self-loading centre-fire rifle is a prohibited firearm under the Act, Schedule 1, item 5.

**Schedule 1 Penalty notice offences**

For the purposes of section 85A of the Act—

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<b>Column 1</b>	<b>Column 2</b>
<b>Provision of the Act</b>	<b>Penalty</b>
Section 39 (1)	\$550
Section 40 (1)	\$220
Section 41 (1)	\$550
Section 45	\$220
Section 45A	\$220
Section 46 (1)	\$550
Section 47 (1)–(6)	\$550
Section 48	\$550
Section 59	\$220
Section 68	\$550
Section 69	\$550
<b>Provision of this Regulation</b>	<b>Penalty</b>
Clause 13 (Lost, stolen or destroyed licence or permit)	\$220
Clause 15 (Requirement to notify Commissioner if reason for possessing firearm ceases)	\$550
Clause 16 (Requirement to notify change of particulars other than address)	\$220
Clause 17 (Requirement to notify Commissioner of address where firearms are kept)	\$550
Clause 28B (Requirements relating to safety and storage)	\$550
Clause 30 (4) (Recreational hunting/vermin control—persons who are not members of approved hunting clubs)	\$220

Clause 32 (2) or (3) (Members of approved hunting clubs—restriction on authority conferred by licence)	\$220
Clause 103 (Club member must notify change in personal details)	\$220
Clause 120 (Requirement to notify Commissioner when moving interstate)	\$220

## **Schedule 2 (Repealed)**