



New South Wales

Firearms Legislation Amendment Bill 2011

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Firearms Act 1996* and the *Firearms Regulation 2006* as follows:

- (a) to exempt air rifles from certain requirements under the Firearms Act (namely, registration and the need for a permit to acquire such firearms) and to allow persons under the age of 18 years to use air rifles under supervision at approved shooting ranges without a firearms licence or permit,
- (b) to clarify the operation of existing exemptions in relation to antique firearms,
- (c) to make a number of other amendments of an administrative, minor or consequential nature.

The Bill also amends the *National Parks and Wildlife Regulation 2009* to enable unloaded firearms to be conveyed in vehicles travelling through national parks.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 3 months after the date of assent (although a proclamation may provide for a provision of the proposed Act to commence sooner).

Schedule 1 Amendment of Firearms Act 1996 No 46

Amendments relating to air rifles

Schedule 1 [6] exempts air rifles from the registration requirements under the Firearms Act. A permit to acquire will not be required in relation to an air rifle, though the general requirement for a licence or permit to possess or use an air rifle will remain. Special provision is made however to allow persons who are under the age of 18 years to use an air rifle at an approved shooting range under the direct supervision of persons who are licensed to use air rifles.

Schedule 1 [1] is a consequential amendment that distinguishes air rifles from air pistols for the purposes of the Firearms Act (noting that the proposed amendments relating to air rifles do not affect existing licensing and registration requirements in relation to air pistols).

Schedule 1 [7] is a consequential amendment that makes it clear that category A licence holders are authorised to possess or use an unregistered air rifle.

Amendments relating to antique firearms

Schedule 1 [2]–[5] modify existing exemptions relating to antique firearms (ie firearms manufactured before 1900). A licence or permit is currently not required to possess an antique firearm, but this exemption will not apply in the case of a pistol that is capable of discharging breech-loaded metallic cartridges or a percussion lock pistol equipped with a revolving cylinder (presently referred to as an “antique revolver”). **Schedule 1 [8]** is a consequential amendment.

Miscellaneous amendments

Schedule 1 [9]–[11] amend the genuine reason of vertebrate pest animal control so that persons (such as professional contract shooters) who fall under that genuine reason will be able to control vertebrate pest animals on any land that is owned, occupied or managed by a public or local authority (and not just rural land).

Schedule 1 [13] is a consequential amendment.

Schedule 1 [12] provides that the requirement for a person to surrender a firearm when the person’s licence or permit is suspended or revoked (or otherwise ceases to be in force) applies only after the person is directed by the Commissioner in writing to surrender the firearm.

Schedule 1 [14] and [15] remove the restrictions on the types of pistols that the holder of a probationary pistol licence is allowed to acquire after the first 6 months of the licence.

Schedule 1 [16] provides for the recognition of interstate registered firearms on a transitional basis to assist interstate residents who move to New South Wales with firearms that are not registered under the Firearms Act.

Schedule 1 [17] exempts firearms dealers from having to make a record of all transactions or dealings involving firearms that are not required to be registered or that do not involve a change in ownership of a firearm (such as taking possession of a firearm for the purposes of repair). **Schedule 1 [19]** is a consequential amendment. **Schedule 1 [18]** provides that this exemption for dealers also applies in relation to firearms for which a licence or permit is not required.

Schedule 1 [20] removes certain firearms (namely, certain longarms with a revolving ammunition cylinder) from the list of prohibited firearms so that they will be treated as ordinary firearms that are required to be registered.

Schedule 1 [21] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 2 Amendment of Firearms Regulation 2006

Schedule 2 [1] removes the requirement for the holder of an approval for a shooting range to record the name and licence number of each licensed shooter who is practising at the range and who is not otherwise participating in competitions or activities conducted by a shooting club. The current requirement for such persons to be supervised while practising at the range is retained.

Schedule 2 [2] makes it clear that it is not necessary for the approval of a shooting range to specify the name of each particular shooting event or practice activity that may be conducted or carried out at the shooting range.

Schedule 2 [3] is consequential on the amendments made by Schedule 1 [2]–[5].

Schedule 3 Amendment of National Parks and Wildlife Regulation 2009

Schedule 3 [1] removes a superfluous reference to airguns in an offence provision relating to the possession or use of certain weapons on national park land (noting that airguns are firearms within the meaning of the Firearms Act and are already covered by the existing prohibition under the National Parks and Wildlife Regulation of carrying, discharging or possessing a firearm on such land).

Schedule 3 [2] provides that it will not be an offence for a person to carry or possess a firearm on national park land if the firearm is not loaded and is being conveyed in a vehicle travelling on a road traversing that land and so long as the person is authorised under the Firearms Act to possess the firearm. The amendment also provides for a similar exemption in relation to the possession of ammunition on national park land.



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Firearms Legislation Amendment Bill 2011

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New South Wales

Firearms Legislation Amendment Bill 2011

No. , 2011

A Bill for

An Act to amend the *Firearms Act 1996* and the *Firearms Regulation 2006* to make further provision with respect to the regulation and control of firearms; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Firearms Legislation Amendment Act 2011</i> .	3
2 Commencement	4
(1) This Act commences 3 months after the date of assent to this Act, except as provided by subsection (2).	5 6
(2) A proclamation may provide for the commencement of a provision of this Act on a day (as appointed by the proclamation) occurring during the period of 3 months after the date of assent.	7 8 9

Schedule 1	Amendment of Firearms Act 1996 No 46	1
[1]	Section 4 Definitions	2
	Insert in alphabetical order in section 4 (1):	3
	<i>air rifle</i> means an air gun other than a pistol.	4
[2]	Section 6A Exemption for certain firearms manufactured before 1900	5
	Omit section 6A (1). Insert instead:	6
	(1) A person is exempt from any requirement under this Act to hold a licence or permit in respect of the possession of an antique firearm. However, this exemption does not extend to any of the following kinds of antique firearms (referred to as <i>an antique firearm for which a licence or permit is required</i>):	7
	(a) a pistol that is capable of discharging breech-loaded metallic cartridges,	8
	(b) a percussion lock pistol equipped with a revolving cylinder.	9
	Note. A licence or permit will still be required to use any kind of antique firearm as defined in subsection (7).	10
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[3]	Section 6A (4)	18
	Omit “the exemption provided by this subsection does not extend to an antique revolver or a firearm part for an antique revolver”.	19
	Insert instead “this exemption does not extend to an antique firearm for which a licence or permit is required or a firearm part for any such antique firearm”.	20
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[4]	Section 6A (5)	23
	Omit “antique revolver”.	24
	Insert instead “antique firearm for which a licence or permit is required”.	25
[5]	Section 6A (7)	26
	Omit the subsection. Insert instead:	27
	(7) In this section:	28
	<i>antique firearm</i> means a firearm manufactured before 1900 that:	29
	(a) is not capable of discharging breech-loaded metallic cartridges, or	30
	(b) is a firearm the ammunition for which is determined by the Commissioner to be ammunition that is not commercially available.	31
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[6] Section 6C	1
Insert after section 6B:	2
6C Exemptions relating to air rifles	3
(1) Permit to acquire not required	4
A permit under section 31 to acquire a firearm is not required in the case of an air rifle. Accordingly, sections 50 (b) and 51 (1) (b) (ii) and (1A) (b) (ii) do not apply in relation to the sale or purchase of an air rifle.	5 6 7 8
(2) Registration not required	9
An air rifle is not required to be registered. Accordingly, a person does not commit an offence under section 36 or 37 (2) in relation to a firearm that is an air rifle.	10 11 12
(3) The possession of an unregistered air rifle is taken not to be possession for the purposes of an offence under section 51D involving the possession of unregistered firearms.	13 14 15
(4) Exemption for minors using air rifles under supervision at shooting ranges	16 17
A person who is under the age of 18 years (the <i>minor</i>) is exempt from any requirement under this Act to be authorised by a licence or permit to possess or use an air rifle if:	18 19 20
(a) the minor possesses or uses the air rifle only:	21
(i) while at a shooting range approved by the Commissioner in accordance with the regulations, and	22 23 24
(ii) while under the direct supervision of a person who is authorised by a licence to possess and use an air rifle, and	25 26 27
(b) the minor is accompanied at the shooting range by the minor's parent or legal guardian or the minor has the parent's or guardian's written consent to possess or use an air rifle at the range and that written consent is given to the person having control for the time being of the range.	28 29 30 31 32
[7] Section 8 Licence categories and authority conferred by licence	33
Insert “, or to possess and use an air rifle” after “applies” under the heading <i>Authority conferred by the licence</i> in the matter relating to category A licences in section 8 (1).	34 35 36

[8] Section 8 (1)	1
Omit the last paragraph of the matter relating to category H licences (pistols).	2
Insert instead:	3
Despite the provisions referred to above in relation to this licence category, a category H licence authorises the possession or use of an antique firearm (within the meaning of section 6A) that is not required to be registered because of that section. However, a category H (sport/target shooting) licence does not authorise the possession or use of any such antique firearm that is a prohibited pistol.	4 5 6 7 8 9 10
[9] Section 12 Genuine reasons for having a licence	11
Insert “or on any other land owned by, or under the control or management of, a public or local authority” after “rural land” in paragraph (a) of the matter relating to the genuine reason of vertebrate pest animal control in the Table.	12 13 14
[10] Section 12, Table	15
Insert “, or a public or local authority,” after “government agency” in paragraph (b) of the matter relating to the genuine reason of vertebrate pest animal control.	16 17 18
[11] Section 12, Table	19
Insert “or local” after “public” in paragraph (c) of the matter relating to the genuine reason of vertebrate pest animal control.	20 21
[12] Sections 25 (1) and 30 (6)	22
Omit “immediately” wherever occurring.	23
Insert instead “, immediately after being directed to do so in writing by the Commissioner,”.	24 25
[13] Section 26 Recognition of interstate licences for certain purposes	26
Insert “or public” after “rural” wherever occurring in section 26 (2) (b).	27
[14] Section 31 Permits to acquire firearms	28
Omit section 31 (3B) (b). Insert instead:	29
(b) during the remainder of the term of the licence—may only issue a total of 2 permits authorising the person to acquire no more than 2 pistols.	30 31 32
[15] Section 31 (3C)	33
Omit the subsection.	34

[16] Section 34A	1
Insert after section 34:	2
34A Interstate residents moving to this State	3
(1) A resident of another State or Territory in whose name a firearm is registered under a law in force in that other State or Territory (<i>the relevant person</i>) may notify the Commissioner in writing:	4
(a) of the person's intention to become a resident of this State, and	5
(b) of the particulars of the firearm and the address of the premises where it is to be kept.	6
(2) If the Commissioner is notified in accordance with subsection (1), the firearm is taken to be registered under this Act:	7
(a) until the end of the period of 3 months from the date on which the relevant person notified the Commissioner, or	8
(b) until such time as the person's application for registration of the firearm under this Act is granted or refused,	9
whichever is sooner.	10
(3) An application by the relevant person for the registration of a firearm that has been notified to the Commissioner under subsection (1) is not required to be accompanied by any fee.	11
[17] Section 45 Recording of transactions	12
Omit "Subsection (1) (b)" from section 45 (1A).	13
Insert instead "Subsection (1)".	14
[18] Section 45 (1A) (a1)	15
Insert after section 45 (1A) (a):	16
(a1) a firearm in respect of which a licence or permit is not required to possess or use the firearm, or	17
[19] Section 45 (1B)	18
Omit the subsection.	19
[20] Schedule 1 Prohibited firearms	20
Omit item 8.	21

[21] Schedule 3 Savings and transitional provisions

Insert at the end of clause 1 (1) with appropriate paragraph numbering:

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Schedule 2	Amendment of Firearms Regulation 2006	1
[1]	Clause 31 Practising at approved ranges	2
	Omit clause 31 (3). Insert instead:	3
	(3) It is a condition of the approval of a shooting range under Part 8 that the holder of a shooting range approval is to ensure that any person using the shooting range under this clause is supervised while doing so by a person appointed by the holder of the approval.	4 5 6 7 8
[2]	Clause 87 Approval of shooting range	9
	Insert after clause 87 (1):	10
	(1A) Without limiting the authority conferred by such an approval, the approval of a shooting range authorises shooting events and related practice activities that are not specifically named in the approval to be conducted or carried out at the range so long as the type of any such event or activity would, but for its name, be authorised under the conditions of the approval as in force at the time the event or activity is conducted or carried out.	11 12 13 14 15 16 17
[3]	Clause 116	18
	Omit the clause. Insert instead:	19
	116 Exemption relating to imitations of antique firearms	20
	(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 firearm for which a licence or permit is required).	21 22 23
	(2) In this clause, <i>antique firearm</i> has the same meaning as in section 6A of the Act.	24 25

**Schedule 3 Amendment of National Parks and
Wildlife Regulation 2009**

[1] Clause 20 Weapons

Omit “airgun,” from clause 20 (1) (b).

[2] Clause 20 (2A) and (2B)

Insert after clause 20 (2):

(2A) A person does not commit an offence under subclause (1) (a) of carrying, or being in possession of, a firearm in a park if:

- (a) the firearm is not loaded with any ammunition, and
- (b) the firearm is being conveyed in a vehicle that is travelling on any public or other road traversing the park, and
- (c) the person is authorised by or under the *Firearms Act 1996* to possess the firearm.

(2B) A person does not commit an offence under subclause (1) (d) of carrying, or being in possession of, ammunition in a park if:

- (a) the ammunition is kept separate from any firearm, and
- (b) the ammunition is being conveyed in a vehicle that is travelling on any public or other road traversing the park, and
- (c) the person:
 - (i) is authorised by or under the *Firearms Act 1996* to possess a firearm which takes that ammunition, or
 - (ii) is authorised by a permit under that Act to possess that ammunition.