

FIREARMS ACT 1989—REGULATION

(Relating to amnesties for firearms and ammunition)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Firearms Act 1989, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,
Minister for Police and Emergency Services.

Commencement

1. This Regulation commences on 1 July 1994.

Amendment

2. The Firearms Regulation 1990 is amended by omitting clause 98 and by inserting instead the following clauses:

Firearms amnesties

98. (1) The Minister may, by order published in the Gazette, declare an amnesty for a specified period in respect of any firearms or ammunition.

(2) During the period of such an amnesty, a person is exempt from any requirement of the Act to hold a licence or permit authorising possession of a firearm or ammunition to which the amnesty applies, but only for the following purposes:

- (a) surrendering the firearm or ammunition to the Commissioner of Police by delivering it, in accordance with such guidelines as may be fixed by the Commissioner with the approval of the Minister, to any police station or other place nominated by the Commissioner for the purpose;

- (b) selling or otherwise giving possession of the firearm or ammunition to a person who is authorised to possess it by a permit under the Prohibited Weapons Act 1989 or who is authorised to buy or take possession of it by a licence or permit under the Firearms Act 1989;
- (c) proceeding to a police station or other nominated place for the purpose of surrendering the firearm or ammunition as referred to in paragraph (a) or proceeding to a place for the purpose of selling or otherwise giving possession of the firearm or ammunition as referred to in paragraph (b).

(3) Section 7 (1) of the Act does not apply to a person in respect of the person's buying or taking possession of a firearm to which such an amnesty applies during the period of the amnesty.

(4) Nothing in this clause authorises the use of a firearm.

Authority under Prohibited Weapons Act—exemption from s. 7 (1)

98A. Section 7 (1) of the Act does not apply to a person in respect of the person's buying or taking possession of a firearm from another person ("the seller") if the seller is authorised to possess the firearm by a regulation under the Prohibited Weapons Act 1989.

EXPLANATORY NOTE

The objects of this Regulation are as follows:

- (a) An existing provision dealing with amnesties for the surrender of firearms and ammunition is amended to authorise the sale or other disposal of a firearm or ammunition to which an amnesty applies to an authorised person (such as a person who holds the appropriate licence or permit for the firearm or ammunition). This operates as an alternative to surrendering the firearm or ammunition to Police (as is required by the current amnesty provision).
- (b) An exception is created to the prohibition in the Act against the acquisition of a firearm from an unlicensed person so that it will not prevent the acquisition of a firearm from a person who is authorised to possess the firearm by a regulation under the Prohibited Weapons Act 1989.

This Regulation is made under the Firearms Act 1989, in particular section 56 (2) (i).
