

1995—No. 576

FIREARMS ACT 1989—REGULATION

(Relating to the firearms amnesty)

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.

PAUL WHELAN MP
Minister for Police.

Commencement

1. This Regulation commences on 22 September 1995.

Amendments

2. The Firearms Regulation 1990 is amended:

- (a) by omitting clause 98 (1) (b) and by inserting instead the following paragraphs and subclause:
 - (b) selling the firearm or ammunition to a person who holds a firearms dealer licence that authorises the person to possess the firearm or ammunition;
 - (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 the firearm or ammunition as referred to in paragraph (b).

(1A) Section 7 (1) of the Act does not apply to the holder of a firearms dealer licence in respect of the holder's buying or taking possession of a firearm from a person who is selling it under this clause or under clause 13 of the Prohibited Weapons Regulation 1990 (Temporary amnesty for surrender of prohibited weapons).

The dealer is also not required (despite clause 35) to make a record of the name and residential address of that person or the number of a licence or permit authorising the person to carry out the transaction.

- (b) by omitting clause 98A and by inserting instead the following clauses:

No application fee for shooter licence during amnesty

98A. (1) There is no application fee payable for a shooter licence—class 1 or a shooter licence—class 2 in respect of an application that is made on or after the commencement of this clause and before the end of 30 June 1996.

(2) This clause applies despite clause 78 (Fees) and Schedule 5.

Person who previously held shooter licence not required to pass licence test during amnesty

98B. A person who applies for an initial shooter licence (as referred to in clause 22) before the end of 30 June 1996 is not required to show evidence he or she has attended a firearms safety awareness course or passed any firearms safety or firearms law knowledge tests, if the person has at any time held a shooter licence, shooter licence—class 1 or shooter licence—class 2 under the Act or a shooter's licence under the Firearms and Dangerous Weapons Act 1973.

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

98C. 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:

- (a) the seller is authorised to possess the firearm by a permit under the Prohibited Weapons Act 1989; and
- (b) the person buying or taking possession of the firearm has sighted the permit.

EXPLANATORY NOTE

This Regulation has the following objects:

- (a) At present a temporary amnesty allows the surrender of firearms or ammunition to the Police. The amnesty has effect until 30 June 1996. This Regulation extends the terms of the amnesty so as to allow firearms and ammunition to be sold to a licensed firearms dealer. Consequential amendments are made so that firearms dealers will not be required to sight the licence or record the details of persons selling firearms under the amnesty.

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- (b) The Regulation removes the requirement to pay an application fee for a shooter licence (class 1 or 2) if the application is made during the amnesty.
- (c) The Firearms Regulation 1990 provides that the Commissioner of Police is not to issue a shooter licence (class 1 or 2) to a person who has not held a shooter licence within the last 28 days unless the Commissioner is satisfied the applicant has attended a firearms safety awareness course and passed certain related tests. This Regulation modifies that requirement so that, during the amnesty, an applicant for a licence who has at any time held a shooter licence under the Act or the former legislation (the Firearms and Dangerous Weapons Act 1973) is not required to attend such a course or pass such tests.
- (d) The opportunity has also been taken to make it clear that a permit under the Prohibited Weapons Act 1989 has the same effect as a licence under the Firearms Act 1989 for the purposes of duties of buyers to ensure that the seller is authorised to have a firearm that happens to be a prohibited weapon.

This Regulation is made under the Firearms Act 1989, in particular section 56 (2) (a), (b), (f), (h) and (i).
