



New South Wales

# Firearms Amendment (Further Amnesty) Regulation 1996

under the  
Firearms Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1989*.

PAUL WHELAN, M.P.,  
Minister for Police

## Explanatory note

The object of this Regulation is to clarify the operation of the existing amnesty under the *Firearms Regulation 1990* in relation to the possession of firearms.

Clause 98 currently provides for an exemption from the requirement of the *Firearms Act 1989* to hold a licence or permit authorising possession of a firearm if the firearm is being surrendered to the police or being sold to a licensed firearms dealer. Clause 98 is amended to provide that this amnesty will apply only in relation to prohibited firearms, and will only authorise unlicensed persons to possess prohibited firearms if the firearms are being surrendered to the police (see Schedule 1[1]–[5]).

A separate amnesty is also provided in relation to the possession of non-prohibited firearms. This will authorise unlicensed persons to possess non-prohibited firearms if the firearms are being surrendered to the police or being sold to a licensed firearms dealer (see Schedule 1 [6]).

Each amnesty is temporary and will cease when the proposed amnesty provision under the new *Firearms Act 1996* commences.

This Regulation is made under the *Firearms Act 1989*, including section 56 (the general regulation making power, in particular section 56 (2) (i)).

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Clause 1 Firearms Amendment (Further Amnesty) Regulation 1996

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**Firearms Amendment (Further Amnesty)  
Regulation 1996**

**1 Name of Regulation**

This Regulation is the *Firearms Amendment (Further Amnesty) Regulation 1996*.

**2 Amendment of Firearms Regulation 1990**

The *Firearms Regulation 1990* is amended as set out in Schedule 1.

**3 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 98 Temporary amnesty for surrender of prohibited firearms**

Omit “a firearm or ammunition” from clause 98 (1).  
Insert instead “a prohibited firearm or ammunition for any such firearm”.

**[2] Clause 98 (1) (b)**

Omit the paragraph.

**[3] Clause 98 (1) (c)**

Omit “or proceeding to a place for the purpose of selling the firearm or ammunition as referred to in paragraph (b)”.

**[4] Clause 98 (1AA) and (1A)**

Omit the subclauses.

**[5] Clause 98 (3)**

Omit the subclause. Insert instead:

- (3) In this clause, *prohibited firearm* means a prohibited firearm within the meaning of the *Firearms Act 1996*.

**[6] Clause 98A**

Insert after clause 98:

**98A Temporary amnesty for surrender and sale of non-prohibited firearms**

- (1) This clause applies to firearms other than prohibited firearms within the meaning of the *Firearms Act 1996*

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Schedule 1 Amendments

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- (2) A person is exempt from any requirement of the Act to hold a licence or permit authorising possession of a firearm to which this clause applies or ammunition for any such firearm, but only for the following purposes:
  - (a) surrendering the firearm or ammunition to a police officer in accordance with such directions as are issued by the Commissioner of Police,
  - (b) selling the firearm or ammunition to a person who holds a firearms dealer licence,
  - (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).
- (3) 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 to which this clause applies from a person who is selling it under this clause. 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.
- (4) Nothing in this clause authorises the use of a firearm.