



New South Wales

# Firearms Amendment (Temporary Amnesty) Regulation 2009

under the

Firearms Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

ANTHONY KELLY, M.L.C.,  
Minister for Police

## Explanatory note

The object of this Regulation is to make provision for a 3 month amnesty with respect to offences under the *Firearms Act 1996* (*the Act*) relating to the unlawful possession of firearms, barrels and ammunition. Under the proposed amnesty, a person who is in possession of a firearm, barrel or ammunition (but who is not authorised by a licence or permit under the Act to possess the item) is exempt from the requirement for a licence or permit to possess the item if the person is surrendering it to the police (or is proceeding to a police station to surrender it).

The Regulation also provides for a 3 month amnesty to enable the registration of firearms. Under the proposed amnesty, a person who is in possession of an unregistered firearm (but who is otherwise authorised by a licence or permit to possess it) is exempt from the offence under the Act of being in possession of an unregistered firearm if the person has made an application for registration of the firearm.

This Regulation is made under the *Firearms Act 1996*, including section 88 (the general regulation-making power).

## 2009 No 70

Clause 1                      Firearms Amendment (Temporary Amnesty) Regulation 2009

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# Firearms Amendment (Temporary Amnesty) Regulation 2009

under the

Firearms Act 1996

## 1 Name of Regulation

This Regulation is the *Firearms Amendment (Temporary Amnesty) Regulation 2009*.

## 2 Amendment of Firearms Regulation 2006

The *Firearms Regulation 2006* is amended by inserting the following clauses after clause 116A:

### 117 Temporary amnesty to enable surrender or registration of firearms

- (1) In this clause:  
*period of the amnesty* means the period starting on 1 March 2009 and ending on 31 May 2009.
- (2) During the period of the amnesty, a person is exempt from the requirement under the Act to hold a licence or permit authorising possession of a firearm if the person:
  - (a) is surrendering the firearm to a member of the NSW Police Force in accordance with such directions as are issued by the Commissioner, or
  - (b) is proceeding to a police station for the purpose of surrendering the firearm.
- (3) A person who holds a licence or permit authorising possession of a firearm does not, if the firearm is unregistered, commit an offence under section 36 of the Act of possessing an unregistered firearm.
- (4) Subclause (3):
  - (a) only applies in respect of a person if the person has made an application to the Commissioner for the firearm to be registered, and

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- (b) continues to apply in respect of that person until the end of the period of the amnesty or until such time as the application is determined by the Commissioner.

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

**118 Temporary amnesty to enable surrender of barrels and ammunition**

- (1) In this clause:  
*period of the amnesty* means the period starting on 1 March 2009 and ending on 31 May 2009.
- (2) During the period of the amnesty, a person who is in possession of a barrel for a firearm is exempt from the requirement under section 58 of the Act to hold a licence or permit authorising the possession of the firearm or the barrel if the person:
  - (a) is surrendering the barrel to a member of the NSW Police Force in accordance with such directions as are issued by the Commissioner, or
  - (b) is proceeding to a police station for the purpose of surrendering the barrel.
- (3) During the period of the amnesty, a person who is in possession of ammunition is exempt from the requirement under section 65 (3) of the Act to hold a licence or permit for a firearm which takes that ammunition or a permit authorising the possession of the ammunition if the person:
  - (a) is surrendering the ammunition to a member of the NSW Police Force in accordance with such directions as are issued by the Commissioner, or
  - (b) is proceeding to a police station for the purpose of surrendering the ammunition.