



**NSW Police Force**  
www.police.nsw.gov.au

## *NSW Firearms Registry*

### *Safe Storage Inspections*

As licence holders may be aware, NSW police are in the process of conducting a state wide safe storage inspection audit of all firearms storage locations within NSW.

There have been a number of enquiries from licensees in relation to the authority that police have to inspect firearms and safe storage facilities, including firearms that are stored in the safe keeping facility being inspected and which are registered to another licence holder.

In response to these enquiries, the following information is provided on the authority conferred on police by the *Firearms Act 1996* to inspect firearms or storage and safe keeping facilities.

***It is a condition of your licence that you permit inspection of storage and safe keeping facilities by police at a mutually agreed time.***

Section 19(2)(c) of the *Firearms Act 1996* places a condition on a firearms licence that the licensee must permit inspection by a police officer of the licensee's facilities in respect of the storage and safe keeping of the firearms in the *licensee's possession at a mutually agreed time*.

The definition of possession is found in section 4 of the *Firearms Act 1996*:

***Possession*** of a firearm includes any case in which a person knowingly:

- Has custody of the firearm, or
- Has the firearm in the custody of another person, or
- Has the firearm in or on any premises, place, vehicle, vessel or aircraft, whether or not belonging to or occupied by the person.

Therefore, firearms stored in a facility at a specific location which are registered to various licence holders are considered to be in the possession of the licensee who is resident at the location and therefore police are authorised to inspect the storage and safe keeping of those firearms.

### ***'On the Spot' Inspection of Firearms by Police***

Section 59 of the *Firearms Act 1996* provides that ***a person carrying a firearm or who has a firearm in the immediate vicinity of the person*** must, on demand by a police officer at any time, produce the firearm and any licence or permit that authorises the person to possess the firearm.

### ***Requirements Relating to Registered Firearms***

Section 37 of the *Firearms Act 1996* prescribes that a person in whose name a firearm is registered must produce the firearms for inspection by a police officer at any reasonable time when requested to do so by the officer.

***Obligations of the Licence Holder with respect to Storage & Safe Keeping of Firearms***

Part 4 of the *Firearms Act 1996* prescribes the safe storage applicable to licence holders and every licence holder has an obligation to comply with the specific requirements of sections 40 & 41 of the *Firearms Act 1996* in relation to firearms registered to them.

In addition, section 39 of the *Firearms Act 1996* prescribes that ***any person*** who is in possession of a firearm (not restricted to licence holders) must take all reasonable precautions to ensure the firearms is kept safely, is not lost or stolen and does not come into the possession of an unauthorised person.

The Firearms Registry has published FACT Sheets on the storage and safe keeping requirements applicable to each category and class of licence which are published on the Safe Storage page on the Firearms Registry Internet site.

These FACT Sheets contain the recommendations of the Commissioner on the minimum requirements to be met by licence holders in order to comply with sections 39, 40 & 41 of the *Firearms Act 1996*.

Where police have reasonable cause to believe that firearms are not being kept in compliance with Part 4 of the *Firearms Act 1996*, police have the authority to seize those firearms under the provisions of section 42 of the *Firearms Act 1996*.

***My safe storage was inspected previously and considered adequate, but this time round police are requesting further measures to meet the requirements***

There has been no legislative change with respect to safe storage of firearms for individual licence holders since 1996.

However, the Commissioner has revised the recommendations in relation to compliance with sections 40 and 41 of the Act and those recommendations are contained within the FACT Sheets published on the Internet.

When followed, those recommendations for storage and safe keeping of firearms are considered by the Commissioner to be taking 'all reasonable precautions' to ensure that a firearm is kept safely, is not lost or stolen and does not come into the possession of an unauthorised person. Police are inspecting safe storage facilities to ensure compliance with the legislative provisions and the Commissioner's recommendations as directed by the Minister for Police in December 2008.