



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

FIREARMS REGISTRY

Imitation or Replica Firearms

Replicas

Imitation or replica firearms are prohibited in NSW except for specific purposes where a permit may be issued authorising possession of the replica.

This FACT sheet provides information on imitation or replica firearms and the circumstances for obtaining a permit to possess replicas firearms.

What is a replica firearm?

An imitation or replica firearm is essentially an item that replicates or imitates a real firearm.

What is the definition of a replica?

A replica firearm is a prohibited firearm under Schedule 1 of the *Firearms Act 1996*.

Schedule 1 Item 17:

Any imitation or replica of any firearm (including any imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun) unless it is of a type approved by the Commissioner.

A replica firearm is also defined as a prohibited weapon under Schedule 1 of the *Weapons Prohibition Act 1998*.

Schedule 1 Item 3 (2):

Any imitation or replica of a firearm in respect of which a licence or permit is required under the *Firearms Act 1996* (including any imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun), unless it is of an approved type.

Is a replica firearm a prohibited firearm or a prohibited weapon?

As a general rule, if the imitation or replica *is capable, or at any time was capable*, of propelling a projectile by means of an explosive then it is a prohibited firearm.

If the imitation or replica is *not capable and never was capable* of propelling a projectile by means of an explosive, then it is a prohibited weapon.

Why is a replica firearm prohibited?

A replica imitates a real firearm and if there is any possibility of the firearm being mistaken for a real firearm then there are risks involved to public safety and police safety if the replica is used for unlawful purposes.

In what circumstances would a person be able to possess a replica firearm?

Most replica firearms are prohibited except where a person holds a permit authorising possession.

A person can obtain a permit authorising possession of a replica firearm for legitimate purposes, such as film, television or theatrical productions or prohibited weapon collections.

Upon application for the permit a determination is made on whether the permit is issued as a firearm permit or a prohibited weapon permit.

What if the replica is a child's toy?

If there is any possibility of the toy being mistaken for a real firearm, then it could be considered a replica and would be prohibited.

If there is any doubt about the toy it should be taken to police who may seek a determination from Ballistics on the toy.

What about firearm stocks or butts?

A firearm stock or butt is not considered a 'firearm part' as defined by Section 4 of the *Firearms Act 1996* unless it is a stock, fitted to a firearm, as defined in Schedule 1, item 11 of the *Firearms Act 1996*.

Section 4:

firearm part means a barrel, breech, pistol slide, frame, receiver, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm.

Sometimes, in television, film or theatrical productions, a replica butt or stock of a firearm is used, usually within a holster. If the butt or stock is a replica and there are no other attachments on it (such as other firearm parts), there is no requirement to hold a permit authorising possession.

If in doubt, contact the Firearms Registry by email permits@police.nsw.gov.au giving a full description of the item and the intended use.

What about importation of replica firearms?

The importation of replica firearms is restricted under the *Customs (Prohibited Imports) Regulations 1956*.

In order to import a replica firearm, the importer will need to obtain the written authorisation of the NSW Firearms Registry prior to the arrival of the goods in Australia.

Written authorisation may be obtained by completing an 'Application for a B709 Police Confirmation' form available from the Firearms Registry Website.

What about importation of stocks?

Fixed stocks are not controlled by Customs and therefore a B709 is not needed.

Folding, collapsible, telescopic and readily detachable stocks (for any type of firearm) are controlled items because they enable a firearm to be concealed more easily.

Permission to import folding, collapsible, telescopic and readily detachable types of stocks can only be given by the Attorney-General's Department - telephone 02 62506666.

Firearms Registry

Address

Locked Bag 1
Murwillumbah NSW 2484

Telephone

1300362562

Interstate

02 66708590

Fax

02 66708558

Email

firearmsenq@police.nsw.gov.au

Website

www.police.nsw.gov.au/firearms

Where can I find more information?

The information provided in the FACT Sheet is for general guidance only. Applicants and licensees should familiarise themselves with the *Firearms Act 1996* and the *Firearms Regulation 2006*, which are available on the NSW Legislation website - www.legislation.nsw.gov.au.



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