

FIREARMS REGISTRY

Firearms Dealer - Legislative Requirements Registers & Reporting

All persons holding a firearms licence in NSW must comply with specific requirements as outlined in the *Firearms Act 1996 (the Act)* and the *Firearms Regulation 2006 (Regulation)*.

This FACT sheet provides information on the legislative requirements for the keeping of registers and reporting requirements for Firearms Dealers.

What are the legislative requirements for the keeping of registers by firearms dealers?

Record Keeping

- * The firearms dealer must maintain a record of all transactions and dealings concerning firearms or firearm parts to which the firearms dealer licence applies - S 45 (1)(a).
- * Any record kept must be kept in a form approved by the Commissioner - S 45 (4) of the Act.
- * Each record relating to a transaction or dealing concerning a firearm, a spare barrel for a firearm, a firearm frame or a firearm receiver is to be sent to the Commissioner - S 45 (1)(b) of the Act.
- * Each record must be sent to the Commissioner of Police within seven (7) days of being made - Cl 36 of the Regulation.
- * The record may be sent to the Commissioner by electronic means - Cl 36 of the Regulation.
- * Each record relating to the transaction or dealing concerning the purchase, receipt, sale or transfer of a firearm, firearm frame or firearm receiver must be recorded within 24 hours of being made - S 45 (3) of the Act.
- * Any alteration to entries made must be made by strikeout or interlineation, not by erasure - S45 (7).
- * If the firearms dealer ceases to hold the licence, the former dealer must provide the Commissioner with a record of all transactions during the 2 years immediately preceding the date on which the licence ceased to be in force - S 45 (5) of the Act.
- * The dealer must supply the Commissioner with particulars relating to the acquisition, disposal, possession or any dealing or transaction by the dealer involving a firearm or firearm parts. Notice must be served in writing on the dealer by the Commissioner and may state the timeframe for supply of information - S 47 (2) of the Act.
- * The dealer must ensure that each record required to be kept is stored in a place of safe keeping, on the premises specified on the licence, separate from the place of safe keeping where firearms are kept - S 47 (4) of the Act.

Registers

- * The following particulars must be recorded for each purchase, receipt, sale or transfer of a firearm or firearm part by the dealer to or from the other person dealing with the dealer - S 45 (2) of the Act:
 1. The name and address of the other person, and
 2. The licence or permit number of the other person authorising the possession of the firearm or firearm part, and
 3. The permit to acquire number of the other person, and
 4. The dates of the initial purchase, receipt, sale or transfer of the firearm or firearm part by the dealer, and
 5. The name and address of the person initially giving possession of the firearm or firearm part to the dealer, and
 6. The date the firearm or firearm part was sold or transferred out of the possession of the dealer, including make, serial number, calibre, type, action and magazine capacity (if any).

Quarterly Returns

- * The dealer must, as a minimum submit a quarterly return of all recorded transactions or dealings to the Commissioner - S 46 (1) of the Act.
- * The quarterly return must be submitted within fourteen (14) days after the end of the months of March, June, September and December each year - S 46 (1) of the Act.
- * The dealer must also submit a return to the Commissioner if the firearms dealer licence is cancelled, revoked or expires - S 45 (5) of the Act.

Inspection

- * The licensee must allow inspection by a police officer of the safe keeping & storage arrangements - S19 (2) of the Act, the registers - S45 (6) of the Act and the firearms in possession of the firearms dealer at any reasonable time - Cl 40 of the Regulation.
- * The dealer must produce, on demand by a police officer, at any time:
 1. The record of transactions, and
 2. All firearms or firearm parts in possession of the dealer, and
 3. Provide any information to the police officer on any transaction or dealing concerning firearms or firearms parts on the part of the dealer - S 45 (6) of the Act.

What is considered to be 'any reasonable time'?

'Any reasonable time' would be considered to be during business hours or when the dealer is on the premises. Prior written notification is not required.

Do police have the authority to seize firearms not kept safely?

Yes - Section 42 of the Firearms Act 1996 provides that a police officer must seize any firearm or ammunition that they have reasonable cause to believe is not being kept in accordance with Part 4.

What about the use of mail for sending and receiving firearms or firearm parts?

No firearm or firearm barrel may be sent to an address in NSW by mail - S 52 (1) of the Act.

No firearm or firearm barrel may be received by mail to an address in NSW - S 52 (2) of the Act.

It is an offence for a person to direct or request another person, whether that person is within or outside NSW, to send a firearm or firearm barrel by mail to an address in NSW - S 52 (3) of the Act.

If a person accepts an offer made by another person, whether the person is within or outside NSW, to forward a firearm or firearm barrel by mail to an address in NSW, the person accepting the offer is deemed to have made a request. This would be an offence under S 52 (3) & (4) of the Act.

What about the use of mail by a firearms dealer?

A licensed firearms dealer may send firearms or firearm parts by registered mail to or receive them from another licensed firearms dealer in NSW or Interstate - S 52 (4A) & (4B) of the Act.

How may firearms be delivered to a dealer in NSW?

Firearms may be delivered to a NSW firearms dealer by:

- * Another licensed NSW or Interstate firearms dealer, by a form of mail requiring delivery in person (registered mail), or
- * A person responsible for the security of the firearm during delivery - S 55 of the Act, or
- * By a commercial courier - S 56 of the Act.

The commercial transporter of firearms must comply with the security requirements of CI 125 of the Regulations:

- * The firearm must be stored in a secured locked container which is secured to the vehicle, or
- * The firearm must be stored in a locked compartment within the vehicle.

At no time should the firearm be able to be seen while it is being conveyed.

All reasonable precautions must be taken to ensure the firearm is not lost or stolen during delivery.

Related Information:

Please also see FACT Sheets: 'Firearms Dealer - General Legislative Requirements'.

'Firearms Dealer Safe Storage - Premises and Safes'.

'Firearms Dealer Safe Storage - Display & Registers'.

'Instructions for completing a Firearms Dealer Licence Application'.

'Transportation of Firearms'.

Firearms Registry

Address

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Telephone

1300362562

Interstate

02 66708590

Fax

02 66709811

Email

firearmsenq@police.nsw.gov.au
dealers@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.



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

