

# WHAT'S NEW

The *Firearms Legislation Amendment Bill 2010* is due to commence on 4 February 2011. This Bill makes various amendments to the *Firearms Act 1996* (the Firearms Act) and the *Firearms Regulation 2006* (the Regulation).

The following information is provided as a guide. Stakeholders can access the Bill for further information:

<http://www.legislation.nsw.gov.au/maintop/scanact/sessional/NONE/0>

## **Primary Producers**

Section 8 of the Firearms Act has been amended with respect to primary producers who hold a category C licence; they are now able to shoot on land used for primary production which immediately adjoins their own land, provided written permission has been obtained from the owner or occupier of that adjoining land.

This provision does not extend to category A or B licence held by a Primary Producer.

## **Category H Licences issued for the Genuine Reason of Sport / Target Shooting**

Currently Category H Sport / Target Shooters are restricted to possession and use of non-prohibited pistols. This restriction has been expanded to include antique revolvers that are also prohibited pistols.

*A category H licence issued for Sport / Target Shooting does not authorise the possession or use of a prohibited pistol, including an antique revolver that is also a prohibited pistol.*

*An antique revolver is excluded from the exemption afforded by section 6A of the Act and as such needs to be attached to a licence. In addition it can only be attached to a Category H licence where it is not classified as a prohibited pistol*

## **Section 31 - Permit to Acquire a Firearm**

The legislation has been amended to allow a Permit to Acquire a firearm to be issued for 90 days. *This amendment reflects current practice.*

## **Section 31A – Waiting period for issuing permits to acquire firearms**

**New provision** - Where a person makes application for a PTA, there is no waiting period for the issue of the PTA if the person had a firearm of the same type registered to them in the 90 days prior to receipt of the PTA application. This provision does not apply if the registration of the firearm was cancelled under section 35 of the Act during the 90 day period.

*This amendment affords a 'no waiting period' for persons who have recently (last 90 days) had a firearm of the same type registered in their name.*

## **Firearms Dealers**

### **Currently:**

#### **Section 45 - Recording of Transactions**

All transactions and dealings concerning firearms or firearm parts to which the firearms dealer's licence applies are required to be recorded in accordance with section 45(1)(a) of the Act.

In addition, the firearms dealer must send details of any transaction or dealing of a firearm or firearms parts to the Commissioner in accordance with section 45(1)(b) of the Act.

**Section 45(1A) will be inserted which will provide:**

**No records of transactions or dealings concerning firearms or firearm parts need to be sent to the Commissioner:**

- (a) Where the firearm does not require registration, or
- (b) Until the transaction or dealing involves a change of ownership of the firearm or firearm part.

**Advertising Sale of Firearms**

An advertisement for the sale of a firearm now requires the licence or permit number of the seller only. Previously, advertisements for the sale of firearms required both the seller's licence or permit number and the name and address of the dealer concerned.

**Miscellaneous**

Section 47(5) of the Act requires a firearms dealer to sight the registration certificate for any firearm prior to taking possession of that firearm for maintenance or repair; the amendment clarifies that this does not apply to a firearm that is not required to be registered.

Section 47(6) prohibits a firearms dealer maintaining or repairing an unregistered firearm. The amendment at section 47(6A) provides that any firearms that are not required to be registered are excluded from this provision.

**Shooting Ranges**

Any range approval with an issue date on or after 4 February 2011 will have a term of 5 years (instead of 3yrs). This provision is not retrospective. Any range approval currently in issue continues until the existing expiry date, unless the range approval otherwise ceases to be in force.

**Fee Exemptions for Pensioners**

Pensioners will receive a fee exemption for application and re-application for a Probationary Pistol Licence and a category H firearms licence issued for the genuine reason of Sport/Target Shooting. This brings this category of licence in line with the current exemption provided for category A & B licences issued to pensioners. There will be no fee for an initial category ABH licence issued to a pensioner and therefore no fee for a subsequent licence and no fee for a duplicate, if required.

The pre-existing exemptions regarding PTA'S and registration remains unchanged.

### **Primary Producers**

***Q. Does the adjoining land need to be land used for primary production?***

**A.** Yes. Possession and use of a category C firearm for the genuine reason of primary production authorises:

The licence holder, or employee of the licence holder authorised in writing by the Commissioner, is authorised to possess and use a firearm to which a category C licence applies, but only in relation to carrying out duties in connection with the licensee's farming or grazing activities as a primary producer:

1. On land used for primary production which is owned or occupied by the licensee, or
2. On land used for primary production that immediately adjoins the land owned or occupied by the licensee.

***Q. Do I still need prior approval to shoot on adjoining land?***

**A.** Yes. Where a person shoots on land other than land they own, lease or manage, prior written permission must be obtained from the owner or occupier of that adjoining primary production land.

***Q. Am I authorised to possess and use category A or B firearms on adjoining land if I have prior written permission?***

**A.** NO, not under the authority of your Primary Production licence, as the authority to use a firearm on adjoining primary production land relates only to category C firearms.

***Q. Can I shoot on adjoining land if I hold a Recreational Hunting / Vermin Control licence?***

**A.** Yes, if you have prior written permission and you hold a RHVC licence, you may shoot on adjoining land under the authority of your RHVC licence.

### **Firearms Dealers**

***Q. Where a firearm is not required to be registered, do I have to record the firearm coming in for repair?***

**A.** YES. Any transaction or dealing concerning a firearm or firearm part to which the firearms dealer's licence applies must be recorded in accordance with section 45(1)(a). However, these types of records do not need to be sent (either hard copy or via Firearmslink) to the Commissioner within 7 days as prescribed by clause 36 of the *Firearms Regulation 2006*.

***Q. Are these records included in the Quarterly returns?***

**A.** Yes. All transactions and dealings concerning a firearm or firearm part must be recorded (section 45(1)(a)). In addition all records kept under section 45(2) of the Act must be forwarded to the Commissioner each quarter as prescribed by section 46 of the Act, as follows:

- Each of the transactions recorded for the purchase, receipt, sale or transfer of a firearm or firearm part by the dealer from or to another person must include name, address, licence/permit number and permit to acquire number.

- Each firearm or firearm part that is or has been in the possession of the dealer must have recorded: dates of initial purchase or receipt, name and address of person giving possession to the dealer, and description of firearm when this is sold or transferred out of the possession of the dealer.

***Q. When a firearm is advertised for sale, do I have to continue to put my dealers name and address in the ad?***

A. From 4 February, any advertisement for the sale of a firearm must include the licence or permit holder of the seller.

If you are selling a firearm registered as dealer stock, then your licence number must appear in the advertisement.

If you are selling a firearms on behalf of a licence or permit holder, the licence or permit number of the seller must appear in the advertisement.

### **Shooting Ranges**

***Q. My shooting range approval expires on the 3 February 2011. Is my approval issued for 5 years?***

A. No. Range approvals with an issue date on or after 4 February 2011 are afforded the new 5 year term on their range approval. Any approvals with an issue date prior to the 4 February 2011 will continue to have a three year term.

***Q. Will my existing range approval, which does not expire for another two years, be amended so that it is issued for five years?***

A. No. Your existing range approval will continue to run until the expiry date. When this approval is re-issued, it will have a term of five years.

### **Fee Exemption Pensioners**

***Q. I currently hold an AB licence which was issued fee exempt as I am a pensioner. If I add a category H Sport / Target shooting licence to that existing licence, do I get the licence fee exempt.***

A. Yes. Unless you have previously held a category H firearms licence for the genuine reason of Sport / Target shooting, you will be required to be issued with a Probationary Pistol Licence.

Section 16A of the Act refers to a Probationary Pistol Licence as 'a category H Sport / Target Shooting licence'. Therefore, the PPL and the subsequent 5 year category H Sport / Target Shooting licence will be issued fee exempt.