



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

FIREARMS REGISTRY

Deceased Estates - Disposal of Firearms

Deceased

This Fact Sheet provides information for the executor or administrator of the deceased estate of a personal firearms licence holder or a firearms dealer on the lawful disposal of firearms from the estate.

ESTATE OF PERSONAL FIREARMS LICENCE HOLDER

What are the legislative requirements in regards to deceased estates?

There are provisions within the *Firearms Act 1996* (the Act) to allow the executor or administrator of a deceased estate to possess firearms registered to the deceased, without the authority of a licence or permit, for the purposes of lawfully disposing of those firearms - section 82A of the Act.

As the executor or administrator of the estate you are authorised to retain possession of the firearms:

- * For 6 months immediately following the death of the person who was authorised to possess the firearms concerned, OR
- * Until disposed of lawfully, whichever occurs first.

You are not authorised to use the firearms while they are in your possession.

You will need to ensure that you comply with the safe keeping requirements for the firearms while they are in your possession.

What do I need to do if I am the executor or administrator?

You must notify the Firearms Registry of the death of the licensed person who possessed the firearms as soon as practicable after the person's death, providing the executor or administrator's full name, address and daytime telephone number. A copy of the will must also be provided, or in the case of an administrator, documentation proving administrator status.

How can the Firearms Registry help me, as the executor/administrator of the estate, to dispose of the firearms within the legislative timeframe?

The Firearms Registry will assist you, as the executor/administrator of a deceased estate, to follow the correct process for disposal of the firearms by:

- * Sending you an initial letter with details of how you should proceed. This letter includes an authority form to transfer the firearms to a nominated person, if applicable.
- * Contacting you by telephone as a follow up.
- * Having a staff member available to explain the legislative requirements if you are uncertain of 'what comes next'.
- * Ensuring regular follow-ups so that you are assisted to complete the process within the legislative timeframe.
- * Providing you with a checklist to assist with the steps to take.

What information do I, as the executor/administrator need to supply to the Firearms Registry in regard to the firearms?

When you receive our letter and authority form, you should complete the authority form by providing the following information:

- * A copy of the will or proof of administrator status.
- * The full name of the person currently in possession of the firearms, their address, safe storage address and confirmation if they are a beneficiary.
- * The full name, date of birth, address, safe storage address, licence and daytime telephone contact number of the beneficiary of the firearms. The beneficiary of the firearms will need to sign the authority.

OR

- * If the firearms are to be disposed or sold through a firearms dealer, the dealer's name, licence number and date of disposal are required.

OR

- * If the firearms are no longer required and are to be unconditionally surrendered to police for destruction, please provide the receipt number issued by police.

OR

- * If none of the above applies, please provide disposal details.

What if I am unlicensed and wish to keep the registered firearm/s?

An unlicensed person wishing to acquire registered firearms from a deceased estate should contact the Firearms Registry to make application for a firearms licence of the same category as the deceased person's firearms licence (see Information on obtaining a Firearms Licence in NSW Fact Sheet).

Once your firearms licence is issued contact the Firearms Registry to confirm that as a beneficiary, you are entitled to take possession of the firearms. The ownership of the firearms will be transferred to your licence and the registration papers will be issued to you in due course. As a beneficiary, you are not required to lodge an application for a 'permit to acquire a firearm' for firearms that have been bequeathed to you.

What if the firearms are unregistered?

Unregistered firearms, must be immediately surrendered to police. It is an offence to supply, acquire, possess or use an unregistered firearm - section 36(1) of the Act.

However, section 60 of the Act provides for an exemption to prosecution for the offence of unauthorised possession of a firearm, provided the firearm is immediately surrendered to police.

Following surrender of the firearms to police, an application may be made to the court to allow you, as a licensee, to register those firearms to your licence.

If the court allows registration of the firearms, you will need to make application for a Permit to Acquire the firearm. Permit to Acquire application forms are available from a firearms dealer, a firearms club or by calling the Firearms Registry.

Upon issue of your PTA, you will need to arrange for a NSW firearms dealer to take possession of the firearm from police. You then take your issued PTA to the dealer who will process the PTA and send the required information to the Firearms Registry.

A registration certificate will be posted to you after all the necessary paperwork has been received and processed by the Firearms Registry.

A fee of \$30 is required for each PTA application (one application per firearm).

Consideration of a fee waiver may be given if proof of inheritance is provided.

Approval for a fee waiver is determined by the General Manager, Firearms Registry.

What if I am the executor, administrator and/or beneficiary of a deceased estate and I live interstate?

Contact the Firearms Registry on 02 6670 8590 for further information.

ESTATE OF FIREARMS DEALER LICENCE HOLDER

What are the legislative requirements in regards to the estate of a firearms dealer?

Following the death of a licensed firearms dealer (the dealer), the person responsible for the dealer's business must:

- * Notify a police officer of the death of the dealer as soon as practicable (within 14 days), and
- * Permit access by a police officer at any reasonable time to the premises on which the dealer's business was carried on (dealer's business premises), and
- * Permit access by a police officer at any reasonable time to any records kept by the dealer for the purposes of the Act and allow the police officer to make copies of any such records, and
- * Make any firearm, firearm part or ammunition on the dealer's business premises available for inspection by a police officer at the dealer's business premises, and
- * Comply with any direction of a police officer for ensuring safe keeping and proper storage in accordance with the Act.

The '*person responsible for the dealer's business*' is the executor or administrator of the estate of the dealer or any other person who takes control of the dealer's business or possession of the dealer's business premises following the death of the dealer. Refer clause 52 of the *Firearms Regulation 2017*.

Related Information

See FACT Sheets

'Information on obtaining a Firearms Licence in NSW',

'Permit to Acquire - Longarm P562',

Permit to Acquire - Handgun P563',

'Safe Storage Level 1 - Category A and B Requirements',

'Safe Storage Level 2 - Category C, D and H Requirements',

'Transportation Of Firearms',

Fee Schedule.

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 associated Regulation, which are available on the NSW Legislation website - www.legislation.nsw.gov.au.



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