



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

FIREARMS REGISTRY

Extended Absence of Licence Holders from NSW

Absences

All persons possessing a firearms licence in NSW must maintain residence in NSW to continue to hold a NSW firearms licence.

This FACT sheet provides information for NSW firearms licence holders who will be absent from NSW for an extended period of time.

What are the legislative requirements in relation to residency for holding a firearms licence in NSW?

Section 11 (3)(d) of the *Firearms Act 1996* (Act) provides that a firearms licence must not be issued unless the person is a resident of NSW or is about to become a resident of NSW.

In order to retain a NSW firearms licence, the licence holder must continue to reside in NSW.

What is residency?

The *Firearms Act 1996* does not define residency. However, residency can be defined as dwelling permanently or for a considerable period of time.

The Commissioner of Police has determined that permanent residency, for the purpose of continuing to hold a NSW firearms licence, would take into consideration the following:

- * General intentions of the licensee.
- * The period of time intended to be spent outside NSW.
- * Reason for absence (ie work related posting, holiday etc).
- * Arrangements made for the safe storage of firearms during the period of absence and the location of the firearms storage.
- * The ability of the licence holder to comply with the safe storage requirements of the Act.
- * Genuine reasons for holding the licence.
- * Ability of the licence holder to continue to meet any requirements of the genuine reason, for example compliance with shoots for club membership.
- * Arrangements made with respect to the home. Is this leased and for what length of time etc.
- * Arrangements regarding mail and voting.
- * Place of residence for taxation purposes.

Why is my absence from NSW a concern for the Firearms Registry?

The underlying principles of the *Firearms Act 1996* are to:

- * Confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety, and
- * Improve public safety by imposing strict controls on the possession and use of firearms and by promoting the safe and responsible storage and use of firearms.

As a licence holder there are conditions on your licence as follows - S 19 of the *Firearms Act 1996*:

- * You must comply with the relevant safe keeping and storage requirements of the *Firearms Act 1996*, and
- * You must not allow any other person to possess or use any firearm in your possession unless they are authorised to possess or use the firearm, and
- * You must allow inspection by police of your storage and safe keeping facilities at any reasonable time.

If you are absent from NSW for an extended period of time, you may not be able to comply with conditions of your licence.

Notification Requirements

Other legislative requirements which may be applicable if you are planning to be absent from NSW for an extended period of time are as follows:

- * You must notify the Commissioner in writing within 14 days of any change of particulars on a licence or if your genuine reason ceases to exist Cls 14 & 15 of the Regs, and
- * You must notify the Commissioner in writing within 14 days of any change of safe storage address for a firearm - Cl 16 of the Regs, and
- * You must notify the Commissioner within 14 days of moving interstate - Cl 105 of the Regs, and
- * You must notify the Commissioner within 7 days of any change of residence - S 69 of the Act.

What if I will be absent from NSW for an extended period?

The Commissioner of Police recognises that it may be necessary for you to be absent from the state for varying periods of time. This could include travel overseas or interstate, or work related postings.

The Commissioner would consider that if you will be absent for up to 3 months, you would still be deemed a resident of this state for the purpose of continuing to hold a firearms licence.

However, if you plan to be absent from NSW for any time in excess of 3 months and you wish to continue to hold your NSW firearms licence, consideration would need to be given to the circumstances and length of time of your absence.

What should I do if I will be absent from NSW for 3 months or more?

1. If you are moving permanently outside NSW you must apply for a licence in your new State of residence and notify the NSW Firearms Registry.

2. If you are going to be absent from NSW for more than 3 months and you consider that you are still a resident of NSW, you must inform the NSW Firearms Registry, explaining the reasons you will be absent and providing documentary evidence to satisfy the Firearms Registry of your residency and that you can comply with your legislative obligations while absent from NSW.

The Firearms Registry would then consider your response and make a determination as to whether you meet the requirements to continue to hold a NSW firearms licence.

What should I do with my firearms if I no longer meet the requirements to hold a NSW firearms licence?

If you obtain a firearms licence in another state, you must register your firearms to your interstate firearms licence and advise the NSW Firearms Registry.

If you are no longer wish to hold a NSW Firearms licence you must dispose of your firearms lawfully by:

- * Unconditional surrender to Police, or
- * Disposal via a licensed Firearms Dealer.

You must advise the NSW Firearms Registry.

Will I need to apply for a licence when I return to NSW?

Yes. If you have had your NSW firearms licence cancelled or revoked because you were no longer considered a NSW resident, you will need to make application for a new licence when you again become a resident of NSW.

Related Information

See FACT Sheets

'Information on obtaining a firearms licence in NSW',
'Participation Requirements for Club Members',

Contacts - Interstate Firearms Registries.

Refer to the website for this information.

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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