



NSW Police Force
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What's New

Summary of Key Changes Applicable to Licence/Permit Holders – New Regulations

On 1 September 2017, both the *Firearms Regulation 2006* and the *Weapons Prohibition Regulation 2009* were repealed and on the same day, updated Regulations, being the *Firearms Regulation 2017* (Firearm Regulation) and the *Weapons Prohibition Regulation 2017* (Weapon Regulation), commenced.

The following is a summary of the key changes applicable to firearm/permit holders:

Definitions

In 2013 amendments were made to a number of definitions throughout the *Firearms Act 1996* (Act). For example: references to 'sale' and 'purchase' were replaced with 'supply' and 'acquire'. These amendments have now been made in the new Firearm Regulation to mirror the terminology used in the Act.

New/amended disqualifying offences

A range of new offences have been added or amended to the disqualifying offence provisions. This includes: offences relating to firearm parts or ammunition, affray, riot, public order and assaults against law enforcement officers.

In addition, there are new or amended prescribed penalty thresholds for the following offences: fraud, dishonestly, stealing, prohibited drugs and offences involving violence.

Legislation reference: *Clause 5 of the Firearm and Weapon Regulation.*

Recognition of interstate licences

A number of amendments have been made to the recognition of interstate licences. The main change is that the recognition of an interstate Category A & B licence holder has been clarified and extended to allow the interstate licence holder to take part in any activity they are licensed for in their state.

Legislation reference: *Clause 26 of the Firearm Regulation.*

Amendments to 'sighting in' provisions

The 'sighting in' provisions have been clarified and clearly allow for licence/permit holders to 'sight in' in the field and on a range. The amended provision now allows a licence/permit holder to use a firearm for the following activities:

- sighting in a firearm (including sight alignment and patterning of a shotgun),
- tuning of the firearm (including adjusting or aligning of a shotgun),
- familiarisation with or testing of ammunition,
- practising on stationary targets (or moving targets for a shotgun), but only for the purposes of an activity referred above.

With the exception of the activities noted above, this provision does not authorise the use of a firearm to participate in shooting activities conducted by a shooting club at an approved range, except as stated above.

Legislation reference: *Clause 33 of the Firearm Regulation.*

Firearm collectors

The Firearms Regulation now authorises persons who hold a firearms licence for the genuine reason of *firearms collection* to display firearms in a firearms collection at a meeting of an approved collectors' society or club.

Legislation reference: *Clause 36 of the Firearm Regulation.*

Inspection of safe storage

A new offence has been inserted, which provides that a licensee must make all reasonable efforts to accommodate any reasonable request to enter into an arrangement regarding permitting the inspection of the licensee's firearm storage and safe keeping facilities.

Legislation reference: *Clause 37 of the Firearm Regulation in conjunction with section 19(2)(c) of the Firearms Act 1996.*

Storage of firearms at residential premises

This new provision requires all licence holders to store their firearms at residential premises that are the principal place of residence of a person or a person is residing at the premises when the firearms are stored there (whether or not that person is the licensee).

In addition, if the firearms are stored in a building or structure that is separate from the residential premises, that building or structure must be easily observed from the residential premises.

This new requirement was introduced in response to increasing firearm theft from unattended rural residences and buildings or structures (i.e. sheds) located well away from the residence.

This requirement took effect on the commencement of the Firearm Regulation (as of 1 September 2017). Accordingly, it is recommended that licensees familiarise themselves with the new requirements and ensure they are compliant.

Legislation reference: Clause 38 of the Firearm Regulation.

Transportation of category A & B firearms

The Firearm Regulation now provides the requirements for non-commercial transportation of category A & B firearms. Previously it only prescribed the required safety measures for the transportation of prohibited firearms or pistols and the commercial transport of firearms.

The new requirement provides that firearms must:

- be conveyed in a manner that ensures compliance with section 39 of the Act - (A person must take all reasonable precautions of a possessed firearm to ensure its safe keeping, it is not stolen or lost and it does not come into the possession of an unauthorised person),
- not loaded with any ammunition,
- be conveyed in a manner that ensures it is not visible from outside the vehicle.

This requirement does not apply to a firearm that is being used while it is being conveyed in a vehicle.

In addition, this requirement does not apply to primary producers or their employees or a person employed by the Department of Industry, the Office of Environment and Heritage, Local Land Services or the Border Fence Maintenance Board, if during the conveyance of the firearm, there is a reasonable likelihood that the firearm will be required for the purpose of killing vermin or stock.

Note: The above requirement is the minimum requirement for the transportation of category A & B firearms.

Legislation reference: Clause 149 of the Firearm Regulation.

Supervision requirements

This new provision provides clarity regarding the level of supervision required for minors (including interstate minors), probationary pistol licensees (first 6 months) and film, television or theatrical productions (by permit holder), mobile shooting ranges, persons using a range for sighting in, patterning and related activities and biathlon and pentathlon (minors).

The new provision provides that a person being supervised must at all times be in the direct line of sight and the supervisor must at all times be ready and able to give directions and render immediate assistance to that person. The supervision is to be at a level that the supervisor reasonably considers to be adequate, taking into account the following relevant factors:

- the persons general competency,
- the persons proficiency with firearms,
- the number of persons being supervised, including the number who are actively engaged in shooting, and
- the effect of the landscape and range configuration on the ability of the supervisor to maintain direct line of sight observation of persons being supervised and to give directions and render immediate assistance.

Persons supervising any licence/permit holder noted above will need to make themselves familiar with the new supervision requirements.

Legislation reference: Clause 156 of the Firearm Regulation.

New exemptions

There are a number of new (or recent) exemptions, including:

- Exemption for ADF, police and public servants posted outside NSW – *clause 124 of the Firearm Regulation.*
- Exemption for persons posted to NSW from other jurisdictions – *clause 125 of the Firearm Regulation.*
- Exemption for holder of prohibited weapons permit for silencer – *clause 126 of the Firearm Regulation.*

- Exemption in relation to ammunition for interstate licence/permit holders – *clause 132 of the Firearm Regulation.*
- Exemption relating to international visitors – *clause 135 of the Firearm Regulation.*
- Exemption relating to imitation firearms that are laser target shooting devices for biathlons and pentathlons – *clause 136 of the Firearm Regulation.*

It is recommended that any person who is seeking to locate additional information regarding an exemption noted above, familiarise themselves with the relevant clause, which will provide specific details regarding the exemption.

Savings provision

All pre existing issued licences, permits and authorities continue to remain in force.

Legislation reference: Clause 158 of the Firearm Regulation.

Other amendments

In addition to the key changes highlighted within this document, there are other minor amendments that will be absorbed into the resources available on this website. It is recommended that licence/permit holders make themselves aware of any relevant amendments relating to their particular licence/permit/authority.

Updating of resources

The NSW Police Force Firearms Registry is endeavouring to update all resources such as our forms, fact sheets and links to legislation. Given the significance of the amendments there will be a transitional period applicable.

Any enquiries on this matter can be submitted via the Contact Us page on this website.