

SUPPLEMENTARY GUIDE FOR PROHIBITED WEAPON SILENCER PERMIT APPLICANTS FOR THE GENUINE REASONS OF EITHER BUSINESS/EMPLOYMENT OR RECREATIONAL/SPORTING PURPOSES

This material is intended to assist applicants seeking to be authorised to possess and use a silencer for the genuine reasons of Business Employment purposes or Recreational/Sporting purposes only. Whilst there are nine (9) genuine reasons prescribed in current legislation this guide only applies to the two (2) mentioned above.

It is a legislative requirement that applicants for a Prohibited Weapons Permit must provide a genuine reason for possessing or using a prohibited weapon. You must be able to substantiate your genuine reason and demonstrate why your genuine reason requires the use of a silencer. Under each genuine reason heading is the information you will need to supply with your application.

In order to apply for an authority to possess and use a silencer, applicants must be able to establish a prescribed genuine reason:

BUSINESS/EMPLOYMENT PURPOSES

The applicant must demonstrate that it is necessary in the conduct of the applicant's business or employment to possess or use the prohibited weapon for which the permit is sought.

This list is not an exhaustive list. Commissioner of Police, NSW Police Force v Allen [2016] NSWCATAP 148 established that vermin control can be a "core feature" of any business/employment, so it should not be limited to applicants with contracts to control vermin or pest control businesses.

Government Agency

- ✓ You must be able to provide proof you are employed or authorised by a Government Agency that is the holder of a current firearms licence issued for the genuine reason of vertebrate pest animal control and/or animal welfare AND be the holder of a current firearms licence issued for vertebrate pest animal control – government agency
- ✓ You must provide details on letterhead from the Government Agency supporting your need to use a silencer in connection to the employment

Vertebrate Pest Animal Control

- ✓ You must be able to provide proof you are making the application on behalf of a vertebrate pest animal control business that is the holder of a current firearms licence issued for the genuine reason of business/employment
- ✓ You must provide evidence of contracts to control feral animals / vermin by use of a firearm fitted with a silencer
- ✓ You must provide evidence that the use of a silencer is necessary to carry out the vertebrate pest animal control business

Professional Contract Shooter

- ✓ You must be the holder of a current firearms licence issued for the genuine reason of Vertebrate Pest Animal Control – Contract Shooter
- ✓ You must provide evidence of contracts to control feral animals / vermin by use of a firearm fitted with a silencer
- ✓ You must provide evidence that the use of a silencer is necessary to carry out the contract shooting business

RECREATIONAL/SPORTING PURPOSES

The applicant must demonstrate that the recreational or sporting activity concerned requires the possession or use of the prohibited weapon for which the permit is sought.

Note: Applicants should be aware that the decision of *Burton v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 14 found that recreational hunting did not require the use or possession of a silencer.

Recreational Hunting – Private Land

- ✓ You must be the holder of a current firearms licence for the genuine reason of Recreational Hunting / Vermin Control
- ✓ If you are the owner or occupier of rural land or have been given permission to hunt on rural land, you must provide evidence which must be objective as to why the silencer is *necessary* (i.e. not just the most convenient or efficient in your opinion).

Recreational Hunting – Public Land

- ✓ You must be the holder of a current firearms licence for the genuine reason of Recreational Hunting / Vermin Control
- ✓ You must provide a Letter of Authority from the Public Land Authority (eg. DPI, NPWS etc)
- ✓ You must provide evidence which must be objective as to why the silencer is *necessary* (i.e. not just the most convenient or efficient in your opinion).

Recreational Hunting Club – Private or Public Land

- ✓ You must be the holder of a current firearms licence for the genuine reason of Recreational Hunting / Vermin Control and provide proof of membership of a Hunting Club
- ✓ You must provide proof from the Hunting Club that they are approved for the use of Prohibited Weapons (Silencers) and Prohibited Firearms.
- ✓ You must provide evidence as to why the silencer is necessary for the hunting undertaken by the Hunting Club.

Sports Target Shooting at a Range

- ✓ You must be the holder of a current firearms licence for the genuine reason of Sport/Target Shooting and provide proof of membership of a Target Shooting Club
- ✓ You must nominate the range on which you will be shooting and the range must be approved for the use of silencers and the associated prohibited firearms for noise abatement purposes.
- ✓ You must provide evidence as to why the silencer is necessary for shooting at the Target Shooting Club.