



NSW Police Force
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What's New

Summary of Key Changes Applicable to Firearm Dealers - 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On 1 September 2017, both the *Firearms Regulation 2006* and the *Weapons Prohibition Regulation 2009* were repealed and on the same day, updated Regulations, being the *Firearms Regulation 2017* (Firearms Regulation) and the *Weapons Prohibition Regulation 2017* (Weapons Regulation), commenced.

The following is a summary of the key changes applicable to firearm dealers:

Definitions

In 2013 following the commencement of the *Firearms and Criminal Groups Legislative Amendment Act 2013*, amendments to a number of definitions were made 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 Regulation to mirror the terminology used in the Act.

New requirements for the issuance of a dealer's licence

Firearm dealers are now required to provide evidence that the dealership is carrying on or proposing to carry on the business of a firearms dealer as a genuine commercial enterprise – *clause 39(1)(a) - Firearms Regulation*.

In addition, firearm dealers are now required to provide consent or approval of the local consent authority. This consent or approval must be granted for the purposes of the business of a firearms dealer – *clause 39(2)(c) - Firearms Regulation*.

Note: Neither of the above requirements applies to the issuance of a firearms dealer for a club armourer or theatrical armourer.

Requirement for public liability insurance

A firearms dealer who conducts the business at a retail premises that are open to the public must now obtain and maintain an insurance policy that provides cover for public liability for an amount of not less than \$10,000,000. The policy must be in connection with the carrying on of the business of a firearms dealer - *clause 43 – Firearms Regulation*.

The inclusion of the above three new requirements are aimed to ensure that only legitimate enterprises being conducted as approved businesses are granted a firearms dealer licence and continues to enhance the integrity of industry.

Minors employed at firearms dealership

The new Regulations provide that minors (under the age of 18 years) who are employed at the dealership must be supervised by the firearms dealer or by an authorised employee who is over the age of 18 years – *clause 41(1)(c) – Firearms Regulation.*

This inclusion ensures that employees managing firearms and who are potentially exposed to difficult situations have a level of maturity to cope with the environment.

Death of a firearms dealer

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

- notify a police officer of the death as soon as practicable (within 14 days) after the person becomes the person responsible for the business, and
- permit access by a police officer at any reasonable time to the premises and records kept by the dealer and allow the police officer to make copies of any such records, and
- make any firearm, firearm part or ammunition available for inspection at any reasonable time.
- comply with any directions of a police officer for ensuring the safe keeping and proper storage of any firearm, firearm part or ammunition in accordance with the Act.

The person responsible for the dealers 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.

This new provision provides a public safety benefit as it ensures that dealerships are properly audited and firearms are kept safe whilst the business is not under daily control.

Exemption - supply of ammunition to interstate licence/permit holders

A firearms dealer is authorised to supply or give possession of ammunition to an interstate licence/permit holder. The same legislative requirements regarding the supply or giving of possession of ammunition to a NSW licence/permit holder apply to the supply or giving of possession of ammunition to an interstate licence/permit holder.

Legislation reference: *Clause 132 of the Firearms Regulation.*

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 (including those noted above), there will be a transitional period applicable.

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