

# FIREARMS REGISTRY



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## Deceased Estates - Acquisition/Disposal of Firearms

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 acquisition and/or disposal of firearms from the estate.

### ESTATE OF PERSONAL FIREARMS LICENCE HOLDER

#### What are the legislative requirements in regard 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.

If there is no executor or an administrator is not yet appointed, the firearms must immediately be surrendered to police for safekeeping pending their disposal.

#### What do I need to do if I am the executor or administrator of a deceased estate?

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 date of death, executor or administrator's full name, address and preferred telephone number.

Upon being notified of the death of a licensed person who possessed firearms, the Firearms Registry will arrange for police to attend the safe storage location to account for the firearms and complete a safe storage inspection. At this time, police will liaise with the executor or administrator regarding the options for lawful disposal of the firearms (see next section).

#### As the executor/administrator of the estate, what options do I have in relation to the acquisition or disposal of the firearms?

The following are the ways in which a firearm can be disposed by the executor or administrator:

1. **Transferring the firearm/s to another NSW firearms licence holder (there is no fee for this transaction) -**
  - \* Complete the relevant Deceased Estate Firearm Ownership Transfer form/s
  - \* The form acts as a permit to acquire, which is a legal pre-requisite to acquire a firearm

#### 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](http://www.legislation.nsw.gov.au).

Locked Bag 5102, Parramatta NSW 2124

Tel: 1300 362 562

Interstate: 02 6670 8590

Email: [firearms@police.nsw.gov.au](mailto:firearms@police.nsw.gov.au)

Website: [www.police.nsw.gov.au/firearms](http://www.police.nsw.gov.au/firearms)

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- \* There are two separate forms - one for the acquisition of handguns and the other, for longarms
- \* The form must be signed by the executors / administrators AND the beneficiary of the firearms
- \* The information about the firearm/s (registration number, category and serial number) necessary for completion of the Deceased Estate Firearm Transfer form/s is contained in the Firearms in Possession report which police or the Firearms Registry will provide
- \* Once processed, the registration of the firearm/s will move to the new owner

### 2. Transferring the firearm/s to a firearms licence holder in another jurisdiction

- \* This process is completed via a NSW firearms dealer who will transfer the firearm/s to an interstate firearms dealer
- \* The registration of the firearm/s will be transferred to the new owner upon them obtaining the relevant permit to acquire in their jurisdiction

### 3. Transferring the firearm/s into the stock of an authorised firearms dealer for onsale

- \* The firearms dealer will acquire the firearm/s into their stock
- \* The registration of the firearm/s will be transferred to the firearms dealer
- \* A permit to acquire (available through the [NSW Police Force Community Portal](#)) will be required to transfer ownership to another person from the dealers stock. The Deceased Estate Firearm Ownership Transfer form/s cannot be used to transfer ownership in this circumstance

### 4. Disposing of the firearm/s to police for destruction

- \* Police will take possession of the firearms and arrange destruction
- \* The firearm/s will no longer be registered to the deceased

### 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 immediately apply for a firearms licence for the relevant category/categories. You can apply online via the [NSW Police Force Community Portal](#). For detailed information see the [Information on obtaining a Firearms Licence in NSW fact sheet](#).

Once your firearms licence is issued you must fill out the relevant Deceased Estate Firearm Ownership Transfer form/s. Completion of the form satisfies the legislative requirement for the acquisition of an inherited firearm. Once approved, the ownership of the firearms will be transferred to your licence and the registration certificate/s will be issued to you in due course.

If the firearm/s are in police possession, you can present the registration certificate/s along with your firearms licence to police to obtain possession of any transferred firearms from temporary police custody.

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### What if the firearms are unregistered?

Unregistered firearms must be immediately surrendered to police for destruction or to a dealer for registration under the ongoing National Firearms Amnesty.

It is recommended that you review the information contained on the [Amnesty webpage](#) for further information on the requirements relating to unregistered firearms.

### 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 regard 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 \(PTA\) a Firearm'](#)
- \* ['Safe Storage Level 1 - Category A and B Requirements'](#)
- \* ['Safe Storage Level 2 - Category C, D and H Requirements'](#)
- \* ['Firearms Dealer Safe Storage - Level 7 \(Premises & Safes\)'](#)
- \* ['Transportation of Firearms'](#)
- \* ['Fee Schedule'](#)