



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

FIREARMS REGISTRY

Extended Absence of Licence Holders from NSW

To be issued with and continue to hold a firearms licence in NSW, a person must be a resident of NSW and maintain residence for the duration of the 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* 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.

Once your firearms licence is issued, to continue to hold that NSW firearms licence, you must continue to reside permanently in NSW.

What is residency?

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

For the purpose of continuing to hold a NSW firearms licence, the Commissioner of Police has determined that any or all of the following would be taken into consideration when determining if a person is a permanent resident of NSW:

- * 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 a temporary absence from NSW a concern for the Firearms Registry?

The underlying principles of the Act 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 relating to the safe keeping and security of firearms and if you are absent from NSW for an extended period of time, you may not be able to comply with conditions of your licence - section 19 of the Act:

- * 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 safe keeping and storage facilities at a mutually agreed time.

Notification Requirements

There are other legislative requirements which are applicable if you are planning to be absent from NSW for an extended period of time. Notification must be in writing or in such other manner as may be approved:

- * You must notify the Commissioner within 14 days of any change of particulars on a licence or if your genuine reason ceases to exist - clauses 15 of the *Firearms Regulation 2017* (Regulation).
- * You must notify the Commissioner within 14 days of any change of safe storage address for a firearm - clause 17 of the Regulation.
- * You must notify the Commissioner within 7 days of any change of residence - section 69 of the Act.
- * A person in whose name a firearm is registered must notify the Commissioner within 14 days of any permanent move interstate and supply the details of the new interstate address - clause 120 of the Regulation.

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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. In addition, all firearms must be registered to that new interstate licence.

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 of the time you expect to be outside NSW, explaining the reasons you will be absent and providing documentary evidence to satisfy the Firearms Registry of your continuing NSW residency.

You must also provide information on how you will comply with your legislative obligations for safe keeping and storage of your firearms and how you will comply with any requirements connected to your genuine reason during your absence from NSW.

The Firearms Registry would consider your request and make a determination on whether you meet the legislative 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 no longer wish to possess or use firearms, you must dispose of your firearms lawfully by:

- * Unconditional surrender to police, or
- * Disposal via a licensed firearms dealer.

You must also advise the NSW Firearms Registry of the disposal details.

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 and you return to NSW to live permanently, you will need to make application for a new firearms licence if you wish to possess and use firearms in NSW.

Exemption for ADF, police and public servants posted outside NSW

Clause 124 of the Regulation provides an exemption for members of the ADF, State or Commonwealth police officers or persons employed in the Public Service, Teaching Service, NSW Health Service or NSW Police Service posted to a position outside NSW or are required to reside outside NSW as a condition of employment. Notification must be sent to the Commissioner of Police in writing, or in such other approved manner, within 30 days of ceasing to reside in NSW.

Further Information

For further information or assistance, please email the Firearms Registry on firearmsenq@police.nsw.gov.au, or call the Firearms Registry customer service line on 1300 362 562.

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.

Firearms Registry

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