

1991—No. 480

FIREARMS ACT 1989—REGULATION

(Imposing a moratorium on the issue of certain licences and prohibiting the sale and possession of certain firearms)

NEW SOUTH WALES



[Published in Gazette No. 124 of 4 September 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Firearms Act 1989, has been pleased to make the Regulation set forth hereunder.

TIM MOORE

for Minister for Police and Emergency Services.

The Firearms Regulation 1990 is amended:

- (a) by inserting after clause 12 the following clause:

Moratorium on issue or renewal of certain licences

12A. Pursuant to section 25 (7) of the Act, for the purpose of enabling a review to be undertaken of the provisions of the Act and this Regulation, the Commissioner must refuse the issue of a shooter licence, or a personal pistol licence, for which an application is made before 1 January 1992.

- (b) by inserting after clause 13 (3) the following subclause:

(4) A licence or permit (whether issued before, on or after 4 September 1991) does not confer authority to sell, or to possess (where the possession was taken on or after 4 September 1991):

- (a) a centre-fire self-loading rifle; or
- (b) a self-loading shot-gun with a magazine capacity of more than 5 shells; or
- (c) a firearm that substantially duplicates a firearm of a kind referred to in paragraph (a) or (b) in design, function or appearance.

- (c) by omitting clause 92 (1) (b) and by inserting instead the following paragraph:
- (b) the licence or approval applied for has not been dealt with or has not been refused on a ground other than that specified in clause 12A.
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EXPLANATORY NOTE

The insertion into the Firearms Regulation 1990 of proposed clause 12A will make it mandatory for the Commissioner of Police to refuse an application for a shooter licence or a personal pistol licence (including an application by way of renewal of such a licence) if the application is made at any time after the publication of this Regulation in the Gazette and before 1 January 1992. However, a person who currently holds such a licence that is due to expire during that period may, simply by making an application for a new licence, preserve the authority of the existing licence because of the effect of clause 92 of the Firearms Regulation 1990, as amended by paragraph (c) of this Regulation.

Under the Firearms Act 1989, the sale and purchase of firearms may only take place between persons who hold appropriate licences or permits. Section 34 (1) of that Act provides that a licence or permit in force under that Act confers such authority as is prescribed by the regulations. This regulation will remove the authority that may otherwise have been given by a licence or permit to sell, in the course of business, or to possess (where the possession has been obtained on or after 4 September 1991):

- (a) a centre-fire self-loading rifle; or
- (b) a self-loading shot-gun with a magazine capacity of more than 5 shells; or
- (c) a firearm that substantially duplicates a firearm of a kind referred to in paragraph (a) or (b) in design, function or appearance.
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