

## NSW Firearms Requirements

### Frequently Asked Questions

**Q: How often do I need to renew my firearms license?**

A: There are two license types available (2-year and 5-year). For both license types, a renewal form will be sent out 56 days before the expiry of the firearm license. There is no need to show up in person for the renewal.

**Q: What forms do I need to prove primary production as a 'genuine reason' for possessing or using a firearm?**

A: License applicants must complete the following section on the genuine reason form: *Certification – Business of Primary Production* and attach documentary proof that you are a primary producer. You should also supply a certified copy of one of the following documents indicating that your main income results from primary production:

- A tax averaging certificate;
- A Tax assessment notice that indicates you are a primary producer;
- A letter from the Australian Taxation Office; or
- A Primary Producer Declaration signed by a registered tax agent or qualified accountant.

Further information is available at

[http://www.police.nsw.gov.au/about\\_us/structure/corporate\\_services/firearms/more\\_information/licences,\\_permits\\_and\\_registrations/licences/#genuine\\_reason3](http://www.police.nsw.gov.au/about_us/structure/corporate_services/firearms/more_information/licences,_permits_and_registrations/licences/#genuine_reason3).

**Q: I am not sure which type of license I need. What are the different categories?**

A: There are a number of different firearms categories, however, the most relevant from a primary production perspective are as follows:

Category A

Longarms that Do Not Self Load

- Air rifles
- Rimfire rifles that are operated by a bolt, lever, break or slide action.
- Shotguns that are operated by a break, bolt or lever action
- Shotgun/ rimfire combinations that are operated by a break action.

Category B

Longarms that Do Not Self Load

- Centrefire rifles that are operated by a bolt, lever, break or slide action.
- Muzzle loading firearms
- Shotgun/ centrefire rifle combinations that are operated by a break action.

Category C - Prohibited except for limited purposes

- Self loading rimfire rifles with a magazine capacity of no more than 10 rounds
- Pump action shotguns with a magazine capacity of no more than 5 rounds
- Self-loading shotguns with a magazine capacity of no more than 5 rounds.

Further categories are listed at

[http://www.police.nsw.gov.au/about\\_us/structure/corporate\\_services/firearms/more\\_information/licences,\\_permits\\_and\\_registrations/licences/#categories\\_firearms\\_license\\_belong](http://www.police.nsw.gov.au/about_us/structure/corporate_services/firearms/more_information/licences,_permits_and_registrations/licences/#categories_firearms_license_belong).

**Q: I have let my license expire. What steps do I take to get it back?**

A: As a first step, you must take the firearm/s to a licensed dealer or the local police for safekeeping. You should then phone the firearms registry customer service line 1300 362 562 to arrange for re-application form to be sent out. When the license is issued, take your license to the dealer/police to retrieve the firearm/s.

**Q: Do I need to be a member of a shooting/hunting club in order to get my license if I only need the firearm for primary production purposes?**

A: No, you do not need to be a member of a shooting/hunting club to get a license for primary production purposes.

There are eight 'genuine reasons' for possessing or using a Firearm, as outlined in the *Firearms Act 1996*:

1. Sport/ Target Shooting
2. Recreational Hunting/ Vermin Control
3. Primary Production
4. Vertebrate Pest Animal Control
5. Business of Employment
6. Rural Occupation
7. Animal Welfare
8. Firearms Collection

Each one of these genuine reasons has a special application form, which is only available from the Firearms Registry (1300 362 562). Some genuine reasons have several forms to accommodate different occupations within the genuine reason. License applicants must prove at least one genuine reason, but may prove more.

**Q: I've heard that I need to attend at least 6 shooting/hunting club meetings a year, but I can only make one or two (because of drought, isolation etc). Can I apply to have this criteria waived? What do I need to do to get a waiver?**

A: If the license has 'Target and Hunting' on it, the license holder must attend six meetings a year. If the license has 'Target' only, the license holder must attend four meetings a year.

If for some reason you are experiencing exceptional circumstances (eg drought, isolation etc.) and have been unable to attend the required amount of meetings, you will need to write a letter to the Manager of Firearms at the Firearms Registry to seek an exemption. The letter should outline why you have been unable to meet the requirements of the license. An excerpt from a sample letter is provided below:

*Dear Manager of Firearms*

*I am writing for an exemption of non compliance regarding the five-year license of my .222 bolt action rifle. I have been told that I am unable to renew my license as I have attended only two out of six meetings at my local gun club.*

*In normal circumstances I am able to meet the requirements of the license, however due to the current drought and the lack of income associated with this, I have been forced to work weekends as a contract fencer, therefore preventing me from attending my local gun club meetings.*

*I need my firearm for pest/vermin control and am confident that when the drought breaks I will be able to meet the requirements of the license.*

**Q: Does a Cabinet (Firearms Safe) have to be approved by someone to be recognised?**

A: In short, yes. A list of pre-approved cabinets or Firearms Safes that have been approved is available at

[http://www.police.nsw.gov.au/\\_data/assets/pdf\\_file/0011/71759/Gun\\_safe\\_Approvals.pdf](http://www.police.nsw.gov.au/_data/assets/pdf_file/0011/71759/Gun_safe_Approvals.pdf). The list shows the brand and model of the cabinet and its respective dimensions. It also states which firearms Categories are suitable for storage in the safe. One of the most important parts of the cabinet is the locking mechanism. The door should be fitted with a three point locking mechanism and padlocked through a hasp and staple or lever handle. Please contact the Firearms Registry on 1300 362 562 for additional information.

**Q: Can I store my registered firearms on-farm at a relative's residence (in an approved cabinet)?**

A: Yes - Provided the Firearms registry has received the safe storage address (the address where you are going to keep the firearms) in writing. You may only have access to the safe if you hold a licence which allows you to use the equivalent firearms for which the other persons safe is approved for and that they are licenced to use.

Therefore if the resident at the address where you hope to store the firearms has a licence for category A, B and C firearms and you have a licence for category A and B only, then you are not permitted to access the safe. You must get the holder of the other licence to access your firearm for you.

**Q: Does a police officer need to inspect my storage facilities?**

A: Owners of firearms must allow a police officer to inspect facilities at a mutually agreeable time.

**Q: What are the rules if I need to transport my firearms on-farm?**

A: The firearm must not be loaded with any ammunition while it is being conveyed, and it must be kept separate from any ammunition. While the firearm is being transported, it must be rendered temporarily incapable of being fired (eg by removing the bolt or the firing mechanism or by using a restraining device such as a trigger lock), or kept in a locked container that is properly secured to, or is within, the vehicle being used for transporting the firearm.

However, **this does not apply to primary producers**, an employee of a primary producer, or a member of staff of the Department of Primary Industries, the Department of Environment and Conservation, a Rural Lands Protection Board or the Wild Dog Destruction Board, **providing there is a reasonable likelihood that the firearm will be required for the purpose of killing vermin or stock.**

Further information on the transportation of firearms is available at [http://www.police.nsw.gov.au/community\\_issues/firearms/more\\_information/forms\\_brochures\\_and\\_permit\\_instructions/transportation\\_of\\_firearms](http://www.police.nsw.gov.au/community_issues/firearms/more_information/forms_brochures_and_permit_instructions/transportation_of_firearms).

**Q: Can I take my rifle interstate?**

A: Yes. NSW, QLD, VIC and SA all recognize other states licences as valid in their states. The licence is valid for a period of up to 3 months in another state, and after that time you must have changed your licence over (eg if you were looking to move interstate permanently).

Therefore if you are only visiting another state, you may take your firearms with you, provided all the appropriate paper work on that firearm is up to date etc and it is stored in an appropriate manner. It is recommended that you obtain verbal permission from the area / person you are visiting.

**Q: Is there a limit to the amount of ammunition that I can store at home for my own use?**

A: There is no limit in NSW. However no more than 10kg of raw gunpowder can be stored on a personal residence unless authority is gained from WorkCover.

**Q: Can a shotgun be registered for recreational use for clay pigeon shooting without belonging to a club?**

A: No, the only way a shotgun/ firearm can be used for clay pigeon shooting is to belong to a club. It is illegal to have a clay pigeon trap and use it at home for clay pigeon shooting.

**Q: What are the insurance/liability implications of having shooters on your property (ie who does the responsibility fall on?)?**

A: The issue of liability is a civil law issue which requires a legal determination and one the firearms registry is not prepared to advise upon. It is recommended that farmers seek independent legal advice on this issue.

**Q I have received my firearms reapplication form and have completed it and sent it back to the Police within the required timeframes. Subsequently however I have not received my renewed licence, and my old licence has expired. Am I still 'legal' my firearms?**

A: At present (March 2008) the processing time for licence applications is taking up to 3 months. Provided the reapplication is received prior to the expiry date the authority conferred by the old licence continues as per clause 18 of the Firearms Regulation 2006:

## **18 Pending application for subsequent licence or permit**

(cf 1997 cl 16)

(1) If:

(a) a person applies for a subsequent licence or permit before the term of the person's current licence or permit expires (referred to in this clause as the *old licence or permit*), and  
(b) the application has not been dealt with by the time the old licence or permit expires, the authority conferred by the old licence or permit continues until such time as the person is notified of the issue of, or refusal of, the subsequent licence or permit.

(2) If the applicant fails to collect the subsequent licence or permit in accordance with the approved arrangements within 60 days (or such longer period as may be approved in any particular case) of being notified of its issue:

(a) the subsequent licence or permit is taken to have been surrendered by the applicant, and  
(b) any authority conferred by the old licence or permit ceases to have effect.

## **Additional Information**

### Firearms License Information

The NSW Police website contains a frequently asked questions sheet with close to 100 questions and answers on licensing issues. Please visit

[http://www.police.nsw.gov.au/community\\_issues/firearms/more\\_information/licences\\_permit\\_s\\_and\\_registrations/licences](http://www.police.nsw.gov.au/community_issues/firearms/more_information/licences_permit_s_and_registrations/licences).

### Storage Requirements for Category A & B Firearms

All category A & B firearms registered to the license holder should be stored in a gun cupboard or commercially produced display case or gun rack. A gun cupboard should comply with the following minimum standards:

- The cupboard must be sturdily constructed in wood or steel so as to provide reasonable level of security against unauthorised entry;
- If the weight of the cupboard is less than 150kg when empty it must be secured to the floor and wall of the structure (*See below for how to secure a safe to the structure*);
- It must be fitted with a solid metal lock/locks, which should have a minimum body width of 40mm, a hardened steel shackle and have a minimum of 100 key changes;
- The door should be fitted with a three point locking mechanism and padlocked by means of a hasp and staple or lever handle.

For storage requirements of Category C, D and H firearms, as well as pictures of example storage cabinets that are acceptable, please visit

[http://www.police.nsw.gov.au/data/assets/pdf\\_file/0007/71584/Safe\\_Storage\\_Category\\_A\\_and\\_B.pdf](http://www.police.nsw.gov.au/data/assets/pdf_file/0007/71584/Safe_Storage_Category_A_and_B.pdf).

### Securing a Safe to the Structure

The mounting and positioning of the safe is important and consideration should be given to positioning to make it difficult to jemmy open (ie a safe placed in a corner with the lock closest to the wall would be more difficult to cut or jemmy open). The safe must be bolted to the structure of the premises:

- When mounted onto brick, stone or concrete, it should be attached by at least four (4) masonry anchors 90mm in length and 10mm in diameter internally fitted through holes in the rear and base of the container, securing it to the floor and/ or wall. In the case of level 1 floor containers the floor of the safe should also be flush with its base.
- When mounted onto main wall studs or wall bearers, it should be fitted flush against the wall and secured to the wall studs and floor bearers by four galvanised hexagon head coach screws, not less than 65mm in length and 8mm in diameter. In case of level 1 containers ensure that the container is flush with its base.

① For additional information, including general facts on firearms in NSW, please visit [http://www.police.nsw.gov.au/community\\_issues/firearms?SQ\\_DESIGN\\_NAME=printer\\_friendly](http://www.police.nsw.gov.au/community_issues/firearms?SQ_DESIGN_NAME=printer_friendly) or contact the **Firearms Registry** on **1300 362 562**.