

TRANSPORTATION OF FIREARMS

When firearms are in transit you must take all reasonable precautions to ensure that they are kept in a place of safety, which will prevent unauthorised access or use.

The following precautions are considered reasonable:

- The use of devices such as trigger locks or other commercial devices designed to reduce the risk of unauthorised use of the firearm/s
- The weapon being placed, unloaded, out of sight, in the boot / trunk or other concealed area of a locked motor vehicle or room of a residence
- Ammunition must be locked in a separate container inside the vehicle e.g. in the boot / trunk, glove box or a locked container in a vehicle
- Where firearms must be carried in public or on public transport, the firearms should be suitably concealed in a carry case or wrapped so as to be unobtrusive and inoffensive to members of the public.

For Further Information

Click to view brochure [TRANSPORTATION OF FIREARMS](#).

Taken from the firearms Act – Legislation on line on the internet.

Acts in Force

In force Acts are Acts that have been enacted and have not been repealed.

Click on a letter from A to Z below to see all in force Acts with titles that begin with the selected letter.

A	B	C	D	E	F	G	H	I	J	K	L
	M	N	O	P	Q	R	S	T	U	V	W
	X	Y	Z								

Click on link below and the above is followed

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

Definitions:

firearm means a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and includes a blank fire firearm, or an air gun, but does not include anything declared by the regulations not to be a firearm.

firearm part means a barrel, breech, pistol slide, frame, receiver, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm.

possession of a firearm includes any case in which a person knowingly:

- (a) has custody of the firearm, or
- (b) has the firearm in the custody of another person, or
- (c) has the firearm in or on any premises, place, vehicle, vessel or aircraft, whether or not belonging to or occupied by the person.

(2) For the purposes of this Act:

- (a) anything that would be a firearm if it did not have something missing from it, or a defect or obstruction in it, is taken to be a firearm,

4A Meaning of “possession” of a firearm—proof of possession

(1) Without restricting the meaning of the word *possession*, for the purposes of any proceedings under this Act, a firearm is taken to be in the possession of a person so long as it is in or on any premises owned, leased or occupied by, or in the care, control or management of, the person, unless the court is satisfied that:

- (a) the firearm was placed in or on, or brought into or on to, the premises by or on behalf of a person who was lawfully authorised by or under this Act to possess the firearm, or
- (b) the person did not know and could not reasonably be expected to have known that the firearm was in or on the premises, or
- (c) on the evidence before it, the person was not in possession of the firearm.

(2) In this section, *premises* means any place, vehicle, vessel or aircraft.

Firearms Act 1996 No 46

Part 4 Safe keeping of firearms

39 General requirement

(1) A person who possesses a firearm must take all reasonable precautions to ensure:

- (a) its safe keeping, and
- (b) that it is not stolen or lost, and
- (c) that it does not come into the possession of a person who is not authorised to possess the firearm.

Maximum penalty: 50 penalty units or imprisonment for 2 years, or both, if it is established beyond reasonable doubt that the firearm concerned was a prohibited firearm or a pistol, or 20 penalty units or imprisonment for 12 months, or both, in any other case.

(2) The regulations may specify the precautions that are taken to be reasonable precautions for the purposes of this section.

40 Category A and category B licence requirements

(1) The holder of a category A or category B licence must comply with the following requirements in respect of any firearm to which the licence applies:

- (a) when any such firearm is not actually being used or carried, it must be stored in a locked receptacle of a type approved by the Commissioner and that is constructed of hard wood or steel and not easily penetrable,
- (b) if such a receptacle weighs less than 150 kilograms when empty, it must be fixed in order to prevent its easy removal,
- (c) the locks of such a receptacle must be of solid metal and be of a type approved by the Commissioner,
- (d) any ammunition for the firearm must be stored in a locked container of a type approved by the Commissioner and that is kept separate from the receptacle containing any such firearm,**
- (e) such other requirements relating to security and safe storage as may be prescribed by the regulations.

Maximum penalty: 20 penalty units or imprisonment for 12 months, or both.

(2) A licensee does not have to comply with the requirements of this section if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements set out in this section.

Firearm Regulations click below:

<http://www.legislation.nsw.gov.au/viewtop/inforce/subordleg+240+1997+FIRST+0+N/?autoquery=Target%3D%22First%22%20AND%20SubordTo%3D%221996-46%22&dq=Regulations%20under%20Firearms%20Act%201996%20No%2046&nohits=y>

Case Law on line click below:

http://www.lawlink.nsw.gov.au/lawlink/caselaw/ll_caselaw.nsf/pages/cl_index