



New South Wales

Firearms Amendment (Prohibition Orders) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make further provision in relation to the effect of firearms prohibition orders. Such orders are made by the Commissioner of Police if the Commissioner is of the opinion that the relevant person is not fit, in the public interest, to be permitted to have possession of a firearm.

At present under the *Firearms Act 1996*, a person against whom a firearms prohibition order is made is prohibited from possessing or using a firearm and is disqualified from being the holder of a firearms licence or permit. The Bill inserts additional provisions to prohibit persons subject to firearms prohibition orders from:

- (a) acquiring or possessing firearm parts or ammunition, and
- (b) being in the company of persons in possession of firearms, and
- (c) residing at premises where there are firearms, firearm parts or ammunition, and
- (d) being present at places where firearms, firearm parts or ammunition are made, sold and dealt with as part of a business, and
- (e) being members of, or being present at the premises of, firearms clubs or shooting ranges, and
- (f) participating in firearms training courses (or being present at premises where such courses are conducted).

The Bill also prohibits other persons from supplying firearm parts or ammunition to persons who are subject to firearms prohibition orders. This prohibition is in addition to the current prohibition

on selling or giving possession of a firearm to another person, knowing that the other person is prohibited from possessing firearms by a firearms prohibition order.

The Bill provides that the Commissioner of Police cannot delegate his or her functions in relation to firearms prohibition orders and provides for the Commissioner to exempt persons from any of the offences relating to such an order.

The Bill also empowers police officers, without a warrant, to detain persons, enter premises and stop and detain vehicles and conduct searches for the purposes of ensuring compliance with firearms prohibition orders.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Firearms Act 1996 No 46

Schedule 1 makes the amendments described in the above Overview.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2 makes consequential amendments to provisions of the *Criminal Procedure Act 1986* that deal with the procedure for prosecuting indictable offences.