

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

**Terrorism and Other Legislation Amendment
Bill 2025**

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Schedule 2 Amendment of Firearms Act 1996 No 46

Schedule 2 Amendment of Firearms Act 1996 No 46

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

button/lever release firearm means a self-ejecting, lever, button or similar release repeating firearm that operates using the energy of the firearm discharge to perform some of the cycle of operation.

cycle of operation, in relation to a button/lever release firearm, means the following—

- (a) automatic unlocking, extraction and ejection of the fired cartridge case after discharge,
- (b) the cocking of the hammer or firing pin,
- (c) the locking rearwards of the mechanism under spring tension until the lever, button or similar release is depressed or moved causing the mechanism to move forward, feed a cartridge and lock enabling the firearm ready to discharge a subsequent shot when the trigger is depressed.

semi-automatic air gun means an air gun that contains a magazine or cylinder and can discharge subsequent pellets without mechanical action by the shooter other than depressing the trigger.

straight pull/pump action firearm means a straight pull or pump action repeating rifle, shotgun or other firearm, in which the action is cycled using a linear motion using the shooter's hand on a handle, bolt or other part and that does not require the rotation during unlocking and locking as in a traditional bolt action repeating firearm when cycling the action.

[2] Section 6B

Omit the section.

[3] Section 8 Licence categories and authority conferred by licence

Omit section 8(1), Category A licence, matter relating to firearms to which this licence applies, 4 dotpoints. Insert instead—

- * air rifles (other than self-loading) with a magazine capacity of no more than 10 rounds
- * rimfire rifles (other than self-loading, pump action, straight pull, button/lever release) with a magazine capacity of no more than 10 rounds
- * shotguns (other than pump action, straight pull, button/lever release, lever action or self-loading) with a magazine capacity of no more than 5 rounds
- * shotgun/rimfire rifle combinations that do not have a magazine
- * shotgun/rimfire rifle combinations with a magazine capacity of no more than 5 rounds

[4] Section 8(1), Category B licence

Insert “with a magazine capacity of no more than 10 rounds” after “self-loading”.

[5] Section 8(1), Category B licence

Omit “5 rounds.”. Insert instead—

5 rounds

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- * semi-automatic airguns

[6] Section 8(1), Category C licence

Insert after “Firearms to which this licence applies:”—

- * straight pull/pump action firearms (rimfire rifles, centre-fire rifles and shotguns)
- * button/lever release firearms (rimfire rifles, centre-fire rifles and shotguns)

[7] Section 8(1), Category C licence

Omit “or 11”. Insert instead “, 11 or 19”.

[8] Section 8(1), Category D licence

Omit “or 10”. Insert instead “, 10 or 19”.

[9] Section 8A

Insert after section 8—

8A Authority conferred by licence—limitation on number of firearms to be possessed by individuals across all licence categories

- (1) A licence that authorises the licensee to possess and use firearms authorises the licensee to possess and use firearms subject to the following limitations, if any, on the number of firearms that may be possessed and used by the licensee—
 - (a) for a licensee who possesses and uses firearms for the genuine reason of primary production—no more than 10 firearms,
 - (b) for a licensee who possesses and uses firearms for the genuine reason of sport/target shooting—no more than the greater of—
 - (i) 10 firearms, or
 - (ii) the number of firearms approved by the Commissioner in accordance with the regulations,
 - (c) a firearms dealer licence—no limitation,
 - (d) a firearms collectors licence—no limitation,
 - (e) otherwise—4 firearms.
- (2) If a licensee has more than one genuine reason for possessing and using firearms, the number of firearms the licensee may possess and use is the highest number of firearms permitted for the genuine reasons applying to the licensee.

[10] Section 10 Applications for licences

Omit section 10(2)(b). Insert instead—

- (b) provide consents, documents and other information to allow the Commissioner to verify the applicant’s identity—
 - (i) using an identity verification service within the meaning of the *Identity Verification Services Act 2023* of the Commonwealth, or
 - (ii) using another process or means decided by the Commissioner, and
- (b1) if the applicant is a natural person, provide the information required under section 10A, and

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[11] Section 10(2A)

Insert after section 10(2)—

(2A) If the applicant does not provide consents, documents or other information required under subsection (2)(b), within the period required by the Commissioner, the applicant's application is taken to have been withdrawn by the applicant.

[12] Section 10A

Insert after section 10—

10A Additional information to be provided by natural persons

(1) For section 10(2)(b1), the person applying for the licence must nominate an alternative arrangement for the possession of firearms the person will possess under authority of the licence if the licence is granted and in the event the person dies

(2) The alternative arrangement must be one of the following—

- (a) the executor or administrator of the person's deceased estate will surrender the firearms to a police station as soon as practicable after the person's death,
- (b) the nomination of a licensee, who is authorised to possess the same category of firearm as the licensee, to take possession of the firearms until the earlier of the following occurs—
 - (i) the executor or administrator of the person's estate lawfully disposes of the firearm,
 - (ii) the end of the period of 6 months after the person's death,
- (c) the nomination of a firearms dealer, who is authorised by the firearm's dealer licence to possess the firearms, to take possession of the firearms until the earlier of the following occurs—
 - (i) the executor or administrator of the person's estate lawfully disposes of the firearm,
 - (ii) the end of the period of 6 months after the person's death.

Note— See section 82A which provides for deceased estates and matters relating to the executor or administrator of an estate of a person who was authorised by a licence or permit to possess a firearm.

(3) To avoid doubt, this section extends to an application for the renewal of a licence.

[13] Section 11 General restrictions on issue of licences

Insert before section 11(3)(a)—

- (a1) the Commissioner is satisfied the applicant's identity has been verified, and

[14] Section 11(3)(d)

Omit section 11(3)(d). Insert instead—

- (d) the Commissioner is satisfied with the alternative arrangements nominated by the applicant under section 10A, including that if another licensee will take possession of the firearms the other licensee will meet the requirements under Part 4, and
- (e) the Commissioner is satisfied the person to whom the licence is to be issued is—

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- (i) an Australian citizen or a person referred to in subsection (4A), and
- (ii) a resident of the State or about to become a resident of the State.

[15] Section 11(4A)

Insert after section 11(4)—

(4A) For subsection (3)(e)(i), the persons are—

- (a) a person—
 - (i) who is a New Zealand citizen who is a permanent resident of Australia, and
 - (ii) whose genuine reason for having a licence is any of the following—
 - (A) primary production,
 - (B) vertebrate pest animal control,
 - (C) business or employment,
 - (D) rural occupation,
 - (E) animal welfare,
 - (F) another genuine reason prescribed by the regulations, or
- (b) a person who is a member of a class of persons prescribed by the regulations for the purposes of this paragraph.

[16] Section 19 Conditions of licence

Insert before section 19(2)(a)—

- (a1) the licensee must be—
 - (i) a member of a club approved by the Commissioner in accordance with the regulations, or
 - (ii) exempted, in accordance with the regulations, from the requirement to be a member of a club referred to in subparagraph (i),

Note—A club may include a shooting club, hunting club or collectors' society or club.

[17] Section 21 Term of licence

Omit “5 years” from section 21(1). Insert instead “2 years”.

[18] Section 26 Recognition of interstate licences for certain purposes

Insert “and an Australian citizen” after “resident of another State or Territory” in section 26(1)(a) and (2).

[19] Section 21(2)

Omit “, 2 years or 5 years”. Insert instead “or 2 years”.

[20] Section 27 Interstate residents moving to this State

Insert “an Australian citizen and” after “who is” in section 27(1) and (3).

[21] Section 29 General restrictions on issue of permits

Insert after section 29(3)(a)—

- (a1) is not an Australian citizen, or

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[22] Section 30 General provisions relating to permits

Insert after section 30(1)—

- (1A) An applicant for a permit must provide consents, documents and other information to allow the Commissioner to verify the applicant's identity—
 - (a) using an identity verification service within the meaning of the *Identity Verification Services Act 2023* of the Commonwealth, or
 - (b) using another process or means decided by the Commissioner, and
- (1B) If the applicant does not provide consents, documents or other information required under subsection (1A), within the period required by the Commissioner, the applicant's application is taken to have been withdrawn by the applicant.

[23] Section 31 Permits to acquire firearms

Omit section 31(3). Insert instead—

- (3) The Commissioner must not issue a permit authorising a person to acquire a firearm unless—
 - (a) the person is the holder of a licence or permit authorising the person to use or possess the firearm, and
 - (b) the Commissioner is satisfied—
 - (i) the person has a good reason for acquiring the firearm, and
 - (ii) the acquisition of the firearm would not result in the person possessing or using more firearms than the total number of firearms the person's licence authorises the person to possess or use, and

Note— See section 8A which provides for the total number of firearms a licence may possess or use under the authority of the licensee's licence.

- (iii) the person will meet the storage and safety requirements set out in Part 4 for the firearm.

[24] Part 8

Omit the part. Insert instead—

Part 8 Internal review

75 Internal review of certain decisions

- (1) The *Administrative Decisions Review Act 1997*, section 53 applies, with any necessary modifications, to the following decisions as if the decisions were an administratively reviewable decision within the meaning of that Act—
 - (a) the refusal of or failure by the Commissioner to issue a licence or permit, other than a permit for a prohibited firearm, to the person,
 - (b) a condition imposed by the Commissioner on a licence or permit issued to the person,
 - (c) the revocation of a licence or permit issued to the person, other than a revocation on the basis the holder of the licence or permit is subject to a firearms prohibition order, an apprehended violence order or a serious domestic abuse prevention order,
 - (d) the refusal of or failure by the Commissioner to register a firearm,
 - (e) the cancellation of the registration of a firearm by the Commissioner,

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- (f) a firearms prohibition order made against the person,
- (g) a decision made under the regulations about the person that belongs to a class of decisions prescribed by the regulations for this paragraph.

(2) Despite subsection (1), a person may not apply for a review of a firearms prohibition order made against the person if the person would be required under section 11(5) or 29(3) to be refused a licence or permit (a *disqualified person*) had the person not been subject to a firearms prohibition order.

(3) However, the decision to make a firearms prohibition order against a disqualified person is taken to be an administratively reviewable decision for the purposes of subsection (1).

(4) Subsection (2) does not apply to a person who is a disqualified person only because the person is less than 18 years of age.

(5) Despite subsection (1), a regulation referred to in subsection (1)(g) may limit the class of persons who may make an application for an administrative review of a decision referred to in that paragraph.

[25] Section 78 Arrangements for online services

Omit “but a person cannot be required to use online service arrangements” from section 78(2).

[26] Section 81 Delegation

Insert after section 81(1)—

- (1A) The Commissioner’s functions under section 11(5A) or 29(3A) may be delegated to a police officer of or above the rank of Assistant Commissioner.

[27] Section 81(2)

Insert “, other than functions under section 11(5A) or 29(3A),”.

[28] Section 82A Deceased estates

Insert after section 82A(2)(a)—

- (a1) comply with the alternative arrangements nominated by the licensee under section 10A, unless the executor or guardian has a reasonable excuse, and

[29] Section 82A(2A) and (2B)

Insert after section 82A(2)—

- (2A) The limitation on the number of firearms a person may possess does not apply to the executor or administrator to the extent the limitation is exceeded because the executor or administrator is in possession of the firearm for the purpose of surrendering the firearm to a police station or otherwise lawfully disposing the firearm.
- (2B) A police officer is authorised to seize a firearm the subject of a notification to the Commissioner under subsection (2)(a).

[30] Section 82B

Insert after section 82A—

82B Deceased estates—related matters

- (1) This section applies if—

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- (a) a licensee (the *first licensee*) nominated another licensee (the *second licensee*) to take possession of the first licensee's firearm in the event of the first licensee's death, and
- (b) the first licensee has died, and
- (c) the second licensee has applied for and issued with a permit to acquire the firearm, and
- (d) the second licensee has taken possession of the first licensee's firearm.

(2) If taking possession of the first licensee's firearm would cause the second licensee to exceed the maximum number of firearm the second licensee is authorised to possess under authority of the second licensee's licence, the second licensee must do one of the following as soon as practicable—

- (a) surrender the firearm to a police station,
- (b) give possession of the firearm to a firearms dealer who is authorised by the firearms dealer's licence to possess the category of firearm.

(3) The second licensee does not commit an offence under section 7 or 7A in relation to the possession of the firearm if the second licensee retains possession of the firearm for the purposes of subsection (2).

[31] Schedule 1 Prohibited firearms

Insert after item 18—

19 Any firearm that can use any of the following ammunition sources outside of a detachable or fixed magazine—

- (a) a link ammunition source,
- (b) a belt ammunition source,
- (c) an ammunition source that is similar to a link or belt ammunition source.

[32] Schedule 3 Savings and transitional provisions

Insert at the end of Schedule 3—

Part 13 Provisions consequent on enactment of Terrorism and Other Legislation Amendment Act 2025

36 Definition

In this part—

amendment Act means the *Terrorism and Other Legislation Amendment Act 2025*.

37 Applications for new categories of licence

(1) This section applies if—

- (a) before the commencement of a relevant amendment, a licensee was authorised to possess and use a firearm under a particular category of licence, and
- (b) on the commencement of the relevant amendment, a different category of licence will be required to possess and use the firearm, and
- (c) before the commencement of the relevant amendment, the licensee applies for a licence of the category that, under this Act as amended by

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the relevant amendment, will be required to for the licensee to possess and use the firearm.

- (2) Despite the commencement of the relevant amendment, the licensee's existing licence continues to authorise the licensee to possess and use the firearm until the application is determined by the Commissioner.
- (3) In this clause—
relevant amendment means an amendment of this Act, section 8 made by the amendment Act, Schedule 2.

38 Maximum number of firearms

- (1) The licensee cannot, during the relevant period, apply for a permit to acquire a firearm if the granting of the application would mean the number of firearms possessed and used by the licensee would exceed the maximum number of firearms the licensee will be permitted to possess and use under section 8A, as inserted by the amendment Act, after the commencement of that section.
- (2) An application for a permit made contrary to subclause (1) is taken never to have been made and is of no effect.
- (3) In this clause—
relevant period means the period—
 - (a) starting on the date of assent to the amendment Act, and
 - (b) end on the day on which section 8A, as inserted by the amendment Act, commences.

39 Identity verification—existing applications

- (1) This clause applies to an application for a licence or permit, including the renewal of a licence or permit, made but not determined before the commencement.
- (2) The application must be determined as if the amendments to section 10 or 30 made by the amendment Act had not commenced.

40 Term of existing licences

Section 21, as in force before the commencement of the amendment Act, continues to apply to a licence in force before that commencement.

41 Existing licences and permits held by non-Australian citizens

- (1) This clause applies to a licence or permit in force immediately before the commencement that was held by a person who is not an Australian citizen.
- (2) From the commencement, the licence or permit ceases to have effect.
- (3) No compensation is payable in relation to the cessation of a licence or permit under this clause.
- (4) In this clause—
commencement means the commencement of this clause.

42 Storage and safety requirements

- (1) The amendments made to section 31 by the amendment Act apply to an application for a permit made on or after the commencement.
- (2) In this clause—
commencement means the commencement of this clause.

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43 Review rights

- (1) An application made to the Civil and Administrative Tribunal under Part 8 and not finally determined before the commencement is taken to have been withdrawn by the person who made the application.
- (2) In this clause—
commencement means the commencement of this clause.

44 Exemption for unlicensed shooting for persons undertaking firearms safety training courses

- (1) This section applies to a person who before the commencement was exempt from any requirement under this Act to be authorised by a licence or permit to possess or use a firearm while participating in a firearms safety training course because of the operation of section 6B(1)(b) as in force before its repeal.
- (2) From the commencement, section 6B as in force immediately before its repeal continues to apply to the person but only until the person completes the firearms safety training course referred to in that section.
- (3) In this clause—
commencement means the commencement of this clause.

45 Seizure of firearms—deceased estates

Section 82A(2A), as inserted by the amendment Act, extends to a firearm in the possession of any person who has died and was authorised by a licence or permit to possess the firearm, whether the person died before or after the commencement of section 82(2A).

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Terrorism and Other Legislation Amendment Bill 2025 [NSW]
Schedule 3 Amendment of Firearms Regulation 2017

Schedule 3 Amendment of Firearms Regulation 2017

[1] Clause 8 Term of licence

Omit clause 8(1)–(3) and (4).

[2] Clause 8(3A)

Omit “, 2 years or 5 years”. Insert instead “or 2 years”.

[3] Clause 22

Omit.

[4] Clause 24 Term of permit

Omit “5 years”. Insert instead “2 years”.

[5] Clause 28A Licences and permits extend to authorise sighting in, patterning and related activities

Omit clause 28A(4).

[6] Clause 94 Special conditions relating to shooting ranges

Omit “(unless the person's use of the firearm is exempt under section 6B of the Act from the requirement to be authorised by a licence or permit)”.

[7] Clauses 128 and 129

Omit the clauses.