

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Firearms (Amendment) Bill 1999

A BILL

FOR

An Act to amend the *Firearms Act 1996*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

This Act may be cited as the *Firearms (Amendment) Act 1999*.

5 **2. Commencement**

(1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

10 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

3. Principal Act

In this Act, "Principal Act" means the *Firearms Act 1996*.¹

4. Offence of unauthorised possession or use of firearm

5 Section 16 of the Principal Act is amended by omitting from subsection (1) "or a permit" and substituting ", a permit or this Act".

5. Temporary recognition of interstate licences—shooting competitions

Section 43 of the Principal Act is amended—

- 10 (a) by omitting "A person" and substituting "This section applies to a person";
- (b) by omitting from paragraph (b) "category B" and substituting "category B, category C";
- (c) by omitting all the words after "Territory" (third occurring); and
- (d) by adding at the end the following subsections:

15 " (2) A person to whom this section applies is authorised to possess or use for a purpose referred to in paragraph (1) (a), for the specified period, a firearm of a kind to which the corresponding category A, category B or category H licence issued in the Territory applies if the person complies with the prescribed

20 conditions for the possession or use of a firearm of that kind.

" (3) A person to whom this section applies is authorised to possess or use, for the specified period, a firearm of a kind to which the corresponding category C licence issued in the Territory applies for the purpose of participating in a shooting competition approved by the Registrar—

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- (a) if the person is the holder of the equivalent of a category C licence under a law of a State or another Territory that authorises the holder to possess a firearm for the genuine reason of being a sport or target shooter; and
- 30 (b) if the person complies with the prescribed conditions and the prescribed requirements for the possession or use of the firearm.

" (4) In this section—

35 'specified period' means the period of 3 months commencing on the day on which the person arrives in the Territory for the purpose of participating in the competition."

6. Insertion

After section 45 of the Principal Act the following section is inserted:

“45A. International visitors—issue of temporary permits

5 “(1) The Registrar may issue a permit to authorise the possession or use of a firearm by a person for the purpose stated in the permit if the Registrar is satisfied that—

- (a) the applicant is a visitor to the Territory;
- (b) the applicant is a resident of a country other than Australia; and
- 10 (c) the applicant is licensed or lawfully entitled to possess or use in that country the type of firearm for which a permit is sought.

“(2) The Registrar may issue a permit authorising a person to participate in a shooting competition approved by the Registrar only if the applicant would enter or has entered Australia (within the meaning of the *Migration Act 1958* of the Commonwealth) in the Territory.

15 “(3) A permit continues in force for such period, not exceeding 3 months, as the Registrar determines.”

7. Insertion

After section 49 of the Principal Act the following section is inserted in Division 3 of Part 3:

20 **“49A. International visitors—recognition of temporary permits granted interstate for shooting competitions**

“(1) This section applies to a person who is—

- (a) a resident of a country other than Australia; and
- 25 (b) the holder of a permit issued under the law of a State or another Territory that authorises the person to possess or use a firearm for the purpose of participating in a shooting competition in that jurisdiction.

30 “(2) A person to whom this section applies is authorised to possess or use, for the defined period, the firearm specified in the permit for the purpose of participating in a shooting competition approved by the Registrar if the person complies with—

- (a) the conditions (if any) imposed under the law of the State or other Territory that issued the permit; and
- (b) the prescribed conditions.

35 “(3) A condition imposed by the State or Territory that issued the permit that is inconsistent with a prescribed condition is void to the extent of the inconsistency.

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“(4) Nothing in subsection (3) affects a condition that is imposed by the State or Territory that issued the permit to the extent that it is capable of operating consistently with a prescribed condition.

“(5) In subsection (2)—

5 ‘defined period’ means the period ending at the earlier of—

(a) 3 months commencing on the day on which the person arrives in the Territory for the purpose of participating in the competition; or

(b) the expiry of the permit.”

10 **8. Further amendments**

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 8

FURTHER AMENDMENTS

The provisions of the Principal Act mentioned in column 1 of the following table are renumbered in accordance with the table:

<u>Existing provision</u>	<u>Renumbered provision</u>
Subsection 4 (1)	Section 4
Subsection 4 (2)	Section 4A
Subsections 4 (3) and (4)	Subsections 4B (1) and (2), respectively
Subsection 4 (5)	Section 4C
Subsection 4 (6)	Section 4D
Subsection 4 (7)	Section 4E
Subsection 6 (2)	Section 6A
Subsection 6 (3)	Section 6B

Sections 127, 132, 133, 135A, 135B and 136—

Repeal the sections.

Section 130—

Omit “subsection 4 (1)” (second occurring), substitute “section 4”.

Schedules 2A and 3—

Repeal the Schedules.

NOTES

Principal Act

1. Reprinted as at 31 May 1997. See also Act No. 67, 1998.

Section headings

On the day on which the *Firearms Act 1996* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered or inserted as set out in the following table:

Section	Alteration or insertion
4	Omit the heading, substitute the following heading: Definitions
4A	Insert the following heading: Extended meanings of firearm and prohibited firearm
4B	Insert the following heading: Extended meaning of possession
4C	Insert the following heading: Licences held by partnerships
4D	Insert the following heading: Persons responsible for certain actions etc
4E	Insert the following heading: Firearms owned by Governments
6A	Insert the following heading: When possession and use not an offence
6B	Insert the following heading: Diplomatic and consular representatives