2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Police and Emergency Services)

Firearms Legislation Amendment Bill 2020

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Police and Emergency Services)

Firearms Legislation Amendment Bill 2020

A Bill for

An Act to amend legislation about firearms, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Firearms Legislation Amendment Act 2020*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

 [Firearms Act 1996](http://www.legislation.act.gov.au/a/1996-74)

 [Firearms Regulation 2008](http://www.legislation.act.gov.au/sl/2008-55)

 [Prohibited Weapons Act 1996](http://www.legislation.act.gov.au/a/1996-75).

Part 2 Firearms Act 1996

4 Schedule 2, part 2.1, section 2.1

substitute

2.1 Definitions—sch 2

In this schedule:

coach, in the sport of biathlon or modern pentathlon, means a person who, within the previous 5 years, has provided training or instruction in the sport to someone else.

corrections officer includes a person employed by an entity responsible under a law of a State or another Territory for providing correctional services for offenders.

Note Corrections officer—see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1.

participating, in the sport of biathlon or modern pentathlon, means receiving instruction, practising, training or competing in the sport.

5 Exemptions from Act
Schedule 2, part 2.2, new item 6

insert

|  |  |  |
| --- | --- | --- |
| 6 | aviation security inspector | possessing or using firearm in exercise of inspector’s functions under the [Aviation Transport Security Act 2004](https://www.legislation.gov.au/Series/C2004A01242) (Cwlth) |

6 Schedule 2, part 2.3, new items 3A to 3G

insert

|  |  |  |
| --- | --- | --- |
| 3A | sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use is for a person participating in the sport of biathlon or modern pentathlon |
| 3B | member of a sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use is in exercise of functions as member |
| 3C | person attending a demonstration of the sport of biathlon or modern pentathlon conducted by a sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use happens under supervision of member of the organisation |
| 3D | official in a sporting competition conducted by a sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use is in exercise of functions as official |
| 3E | adult participating in a competition in the sport of biathlon or modern pentathlon, conducted by a sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use is for the purpose of participating in the sport of biathlon or modern pentathlon |
| 3F | child participating in a competition in the sport of biathlon or modern pentathlon, conducted by a sporting (biathlon or modern pentathlon) organisation prescribed by regulation | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use— (i) is for the purpose of participating in the sport of biathlon or modern pentathlon; and (ii) happens under supervision of the person’s coach for the sport |
| 3G | coach in the sport of biathlon or modern pentathlon | possessing or using an imitation firearm if— (a) firearm is a biathlon or modern pentathlon laser target shooting device; and (b) possession or use is for the purpose of giving training or instruction to a person participating in the sport of biathlon or modern pentathlon |

7 Dictionary, new definitions

insert

coach, in the sport of biathlon or modern pentathlon, for schedule 2 (Exemptions from Act)—see section 2.1.

participating, in the sport of biathlon or modern pentathlon, for schedule 2 (Exemptions from Act)—see section 2.1.

Part 3 Firearms Regulation 2008

8 Sporting organisations—Act, s 23, sch 2, pt 2.3, items 2 and 3
New section 67 (fa) to (fc)

insert

 (fa) Australian Biathlon Association;

 (fb) Modern Pentathlon Australia;

 (fc) Modern Pentathlon Association of NSW Inc;

9 New section 67A

insert

67A Sporting (biathlon or modern pentathlon) organisations—Act, s 23, sch 2, pt 2.3, items 3A to 3G

The following sporting (biathlon or modern pentathlon) organisations are prescribed:

 (a) Australian Biathlon Association;

 (b) Modern Pentathlon Australia;

 (c) Modern Pentathlon Association of NSW Inc.

Part 4 Prohibited Weapons Act 1996

10 Application of Act
Section 4 (2) and note

substitute

 (2) Also, a person does not commit an offence against this Act only because of something done by the person in the exercise of the person’s functions as—

 (a) a corrections officer; or

 (b) an aviation security inspector under the [Aviation Transport Security Act 2004](https://www.legislation.gov.au/Series/C2004A01242) (Cwlth).

Note Exercise, function and corrections officer are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 13 February 2020.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2020.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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