

1999

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

FIREARMS (AMENDMENT) BILL 1999

EXPLANATORY MEMORANDUM

**Circulated by authority of
Gary Humphries MLA, Minister for Justice and Community Safety**

FIREARMS (AMENDMENT) BILL 1999

Outline

The Firearms (Amendment) Bill 1999 (the Bill) amends the *Firearms Act 1996* (the Act) to authorise the possession or use of firearms by international shooters issued with an international temporary visitor firearms permit in another Australian jurisdiction for shooting competition purposes and provide temporary recognition of category C firearms licences issued in a State or another Territory for shooting competition purposes. The amendments will streamline current approval processes for temporary visitors engaging in competitive target shooting between jurisdictions.

To receive recognition of interstate category C firearms licences for competitive shooting purposes the Bill requires that the interstate licence holder meets the requirements of the ACT Act and the Regulations for the issue of the equivalent ACT licence.

The Bill gives effect to an Australasian Police Ministers' Council resolution to endorse a uniform approach for the recognition of temporary international and interstate visitors visiting jurisdictions for competitive target shooting.

The Bill also makes several formal amendments to the Firearms Act to renumber and alter, or insert, section headings to certain provisions and to repeal those sections and Schedules of the Act which have expired.

Financial implications

The Bill will impose no additional costs on the Territory in relation to its hosting of Olympic events.

Notes on Clauses

Clauses 1 and 2 - Short title and commencement

Clauses 1 and 2 are formal clauses dealing with the title of the Bill, once enacted, and the commencement arrangements. The substantive provisions of the Bill will take effect either on a date set by the Minister by notice in the *Gazette* or on the day after 6 months have expired from the date the enactment was notified in the *Gazette*, whichever happens first.

Clause 3 - Principal Act

This clause explains that the Act referred to by the use of the term "Principal Act" within the Bill is the *Firearms Act 1996*.

Clause 4 - Offence of unauthorised possession or use of firearm

Section 16 of the Act makes it an offence for a person to possess or use a firearm unless the person is authorised to do so by a licence or permit. Clause 4 removes the possibility that an offence, pursuant to section 16, may be committed by a person who is not licensed or authorised by permit to possess or use a firearm but to whom section 43, as amended by this Bill, and proposed section 49A of the Act applies.

Clause 5 - Temporary recognition of interstate licences - shooting competitions

This clause amends section 43 of the Act, which recognises interstate licences for shooting competitions and prescribed purposes, so as to extend the authorisation currently provided by that section to a person, to possess or use a category C firearm in the Territory, for three months, for shooting competition purposes, where the person is the holder of an interstate category C licence, or equivalent, issued for the genuine reason of being a sport or target shooter and the person complies with the prescribed conditions and requirements.

Clause 6 - Insertion

This clause inserts a provision into the Act, section 45A, which enables the Registrar to authorise an international visitor to the Territory to possess or use a firearm by permit, for up to three months, where prescribed residency and licensing pre-conditions are satisfied. This provision was previously located in the Regulations. The clause also enables the Registrar to authorise an international visitor to the Territory to possess and use a firearm by permit, for up to three months, for the purpose of participating in a shooting competition where the person enters Australia via the Territory.

Clause 7 - Insertion

This clause inserts a provision into the Act, section 49A, which authorises the temporary possession and use of a firearm, for the purpose of participating in a shooting competition, by an international shooter who has been issued with a permit, by another Australian jurisdiction, authorising the possession or use of a firearm for shooting competition purposes (an international temporary visitor firearms permit). The authority provided to an international shooter by this provision is contingent upon the international shooter's compliance with any conditions imposed on the international temporary visitor

permit by the issuing jurisdiction and any additional conditions prescribed by the Firearms Regulations for the possession or use of the firearm by the holder of an international temporary visitor firearms permit, whether that permit has been issued by the Registrar or by another Australian jurisdiction.

Clause 8 - Further amendments

This clause provides for several formal amendments to the Act to renumber and alter, or insert, section headings to certain provisions and to repeal those sections and Schedules of the Act which have expired. The amendments are specified in the Schedule.