

2008

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

FIREARMS REGULATION 2008

SL2008-55

EXPLANATORY STATEMENT

Circulated by authority of
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Overview

The *Firearms Amendment Act 2008* (the Amendment Act) was notified on 15 July 2008 and will commence on 15 January 2009. The Amendment Act makes a series of changes to the *Firearms Act 1996* (the Act) to implement the resolutions contained in the National Firearms Trafficking Policy Agreement, as they relate to the ACT. Amendments to the Act were also informed by two reviews by the ACT Firearms Consultative Committee and the Department of Justice and Community Safety.

The Firearms Regulation 2008 (the Regulation) includes a series of important regulatory responsibilities for the ACT Firearms Registrar, licensees and permit holders. Changes to the structure of key components of the Act have necessitated amendments to the Regulation. These changes include the modernised licensing scheme and increased regulation making powers for the licensing of entities to operate approved shooting ranges and paintball ranges.

For the most part, amendments are aimed at modernising the Regulation and to accord with the recent changes to the Act. This explanatory statement highlights minor policy changes to existing provisions and new regulations in areas where the previous Regulation was silent.

The Act, section 272 provides that the Executive may make regulations for the purposes of the Act. It also specifies those matters for which the regulations may make provision. Section 272(3) allows the Executive to prescribe offences for contraventions of the regulations. The penalties associated with the offences are limited to 10 penalty units or less.

Offences in the Regulation have been amended to conform to modern drafting language. The offences are to deter firearms licensees (including firearms dealers) and clubs from failing to comply with their licence conditions.

Two offences in the Regulation have been made strict liability offences. Strict liability applies where:

- a licensed target pistol shooter fails to inform their club of a change to their name or address (clause 10); and
- a category C licensee uses a licensed prohibited firearm other than during a shooting competition and under the rules of the Australian Clay Target Association (clause 14(2)).

In a prosecution for these offences there is no requirement to prove a mental element such as intention or recklessness. Strict liability is appropriate in these instances as licensees are advised of their obligations by the ACT Firearms Registry when they apply for their application. Furthermore, the offence is concerned with the nature of the conduct rather than the state of mind of the individual.

NOTES ON CLAUSES

Part 1 Preliminary

Clause 1 Name of regulation

This clause states that the name of the Regulation is the Firearms Regulation 2008.

Clause 2 Commencement

This clause states that the Regulation commences on the day the *Firearms Amendment Act 2008*, section 4 commences. Concurrent commencement with the Amendment Act will allow the licensing and registration schemes to operate effectively.

Clause 3 Dictionary

This clause signposts the dictionary at the end of the Regulation. The dictionary defines certain terms used in the Regulation.

Clause 4 Notes

New section 3 provides for a 'notes' section that is explanatory, and not part of the Regulation. Clauses 3 and 4 are standard for a dictionary and notes.

Clause 5 Offences against regulation - application of Criminal Code etc

This section applies the *Criminal Code 2002* and the *Legislation Act 2001* to offences in this Regulation.

Clause 6 Not Firearms

The definition of 'firearm' in section 6 (2)(a) makes provision for the Regulations to declare items not to be firearms. This clause includes a number of items normally considered firearms that are not to be included in the firearms regulatory regime.

All items previously in this clause remain, with one item added to the provision; a tool designed to discharge a nail, spike or other fastener into or through material by means of compressed air or carbon dioxide (such as a nail gun).

Part 2 Clubs

This part sets out reporting obligations imposed on shooting and collectors clubs. The effect of these provisions remains unchanged. Clubs perform important roles with respect to the regulatory regime in that they report members' continuing association and participation in club or shooting activities. These reports form part of licensees' conditions of licence in that they support the licensees continuing genuine need to possess and use a firearm of a particular category.

Clause 7 Meaning of target pistol shooter - pt 2

This clause defines 'target pistol shooter' for this part. This definition was inserted in the Regulation by the *Firearms (Prohibited Pistols) Amendment Act 2003*. A target pistol shooter is a person who holds a category H licence for the genuine reason of sport or target shooting and is a member of a shooting club or has applied for membership of such a club.

Clause 8 Shooting clubs, conditions of approval

This clause (formerly section 31B of the Regulation) provides that for approval of shooting clubs, certain conditions apply with respect to the way in which members are admitted to the club. This clause makes a series of minor amendments relating to conditions for applicants who are children.

The conditions are:

- the shooting club can only admit a target pistol shooter, as a member, if the person has provided a statement about their criminal history;
- for an applicant who is an adult, two character references and details;
- for an applicant who is a child, a statement from a responsible person describing their relationship with the young person. Under most circumstances, the responsible person will also be the person supporting the child in their application for a minors firearms licence.
- the details of any other approved shooting club of which the person is a member;
- information about the pistols owned by the person;
- the shooting club or a relevant office holder must notify the Registrar, in relation to a target pistol shooter when the person;
 - fails to renew their membership, the person is leaving the club or a when there is change to the member's name or residential address;
 - has their membership cancelled or suspended, including details of the reasons for such cancellation or suspension.

The shooting club must provide an annual return to the Registrar, in respect of target pistol shooters, setting out the name and address of such members, the details of their participation in shooting competitions and details of pistols known to be owned by the members. There is also an important obligation on the relevant office holders of shooting clubs, in respect of target pistol shooters that relates to perceived risk posed by members. The secretary or club officer-holder must advise the Registrar if there are reasons for believing that a member may pose a threat to the community or to himself or herself, if in possession of a pistol.

Finally the shooting club must not permit a person, whose licence authorising the use of a pistol has been cancelled or suspended, to use such a pistol on the club's premises or shooting range.

Clause 9 Shooting Clubs, power to request information from registrar about target pistol shooters

This clause authorises the disclosure of certain information, by the Registrar, to a relevant office holder of an approved shooting club about an applicant for membership of the club. The effect of this clause remains unchanged. The information which may be disclosed is information about:

- the pistols owned by the applicant who is an adult;
- any other approved club of which the person is a member;
- any other approved club which is known to have refused the person membership in the preceding 5 years;
- any category H licence which has been cancelled in the preceding 5 years;

- any application for a category H licence which has been refused within the preceding 5 years; and,
- the applicant’s criminal history so far as it is relevant to the application.

Clause 10 Target pistol shooters to tell club about change of name or address

This clause (formerly section 31D) makes it an offence where a target pistol shooter fails to notify the club of which he or she is a member of changes to the person’s name and residential address. Two significant changes have been made to this provision.

Firstly, the offence provision will now apply to children as, with the changes in the Amendment Act, they will fall within the definition of a licensed ‘target pistol shooters’. A target pistol shooter who is a child must tell the club about a change to their name or address within 28 days, rather than 14 days for other target pistol shooters.

Secondly, an offence against this clause will be a strict liability offence. This is appropriate given the highly regulated scheme for handguns. Furthermore the question of whether a person has informed the club or failed to inform the club can be objectively assessed.

Target pistol shooters are held to a high level of accountability given the potential degree of lethality of their sporting equipment. All target pistol shooters should be conscious of their responsibilities as licensees. The Registrar and the clubs themselves are responsible for ensuring that licensees are provided information about these and other responsibilities.

Clause 11 Collectors clubs, conditions of approval

This clause makes the approval of a collectors club subject to the following conditions:

- the club must advise the Registrar of the cancellation or suspension of membership of a person who collects pistols, including details of the reasons for such cancellation or suspension;
- the relevant office holders of an approved collectors’ club must, in respect of members who collect pistols, advise the Registrar if there are reasons for believing that such a member may not be a suitable person to be in possession of a pistol.

The clause reproduces the discretionary criteria set out in the Act for determining whether a person is suitable to hold a firearms licence. This provides a guide to club office holders when they are considering whether they are under an obligation to provide relevant information to the Registrar.

Part 3 Licensing - prohibited firearms and pistols

Clause 12 Prohibited pistols, sport and target shooting

This clause, originally inserted in 2003 (formerly section 8A) explains the types of events for which a prohibited pistol may be used by the holder of a category H licence. The term ‘prohibited pistol’ is defined in the Act. The competition events for which such pistols may be used are those known as “Metallic Silhouette” and “Single Action”. Subsection (2) also provides that the holder of a category H licence may use

a registered prohibited pistol with a barrel length of less than 120mm in an approved specialised target shooting competition. This provision is intended to ensure that sporting shooters are not precluded from participating in certain shooting events (including at least one Olympic event) which require the use of pistols with very short barrels.

Clause 13 Category C licences, target shooting

This clause, originally inserted in 1996 (formerly section 5) authorises the possession and use of a prohibited firearms for the purpose of a shooting competition. The circumstances covered by this clause remain unchanged.

Clause 14 Category C licence, prohibited firearm not used for shooting competition, offences

This clause, (formerly section 5) requires that category C applicants must use their firearms for competitions (including training).

The use of the prohibited firearm except in accordance with the criteria set out in section is a strict liability offence. Removing the mental element for this offence is appropriate as the use of prohibited firearms must be strictly controlled. Licensees are aware of their responsibilities with regard to appropriate use of this class of firearm.

The requirement that applicants continue to compete in a minimum of four club competitions per year has been redrafted as a condition of licence rather than an offence. The condition now appears in clause 20.

Part 4 Licensing — adult firearms

Division 4.1 Adult firearms licences — general

Clause 15 Adult licence applications, information and documents

This clause sets out the information and documents that must be provided to the Registrar when making application for a licence. This clause, (formerly section 6) has been configured into table form. The new configuration allows the registry and licensees to better discern the requirements for the various licence categories.

This reformatting represents a major improvement to the Regulation and should assist in simplifying firearms licensing. Aside from minor drafting changes, the clause does not change the information and documents that must accompany applications.

Clause 16 Government agency responsible, vertebrate pest animal control

This clause prescribes the government department that has administrative responsibility for the *Pests Plants and Animals Act 2005*. At the time of making this Regulation the *Administrative Arrangement 2008 (No 2)* showed the Department of Territory and Municipal Services as the responsible Department.

Clause 17 Adult licences, evidence of special need for category C licence

This clause (formerly section 8) prescribes the evidence that an applicant, who is a primary producer, must provide to support a 'special need' when making a licence application. Along with pre-existing requirements, applicants will need to provide evidence of the size of the properties involved. This information is intended to assist the Registrar in determining whether it is prudent to approve the application.

Clause 18 Adult licences, special need for category D licences

This clause prescribes the evidence that an applicant, who is seeking to rely on the genuine reason of vertebrate pest animal control, must provide to support a special need when making a licence application.

Clause 19 Adult licences, period

In accordance with Act, section 78 (1)(b) this clause provides for a licence relying on certain genuine reasons. The adult firearms licence remains in force for two years.

Division 4.2 Adult licences — conditions

Clause 20 Adult licences condition, category A, B, C, or H licences

This clause requires that licensees holding category A, category B, category C and Category H licensees where the genuine reason is either:

- sport or target shooting;
- recreational hunting; or,
- vermin control,

the licensee must ensure that the Registrar is provided with evidence that the licensee is a financial and active member of the club. These requirements remain unchanged.

Licensees who hold a category C licence that authorises the person to possess and use a prohibited firearm must take part in at least 4 clay target competitions organised by a club affiliated with the Australian Clay Target Association in each 12-month period. Formerly section 5, this condition has been redrafted as a condition of licence rather than an offence.

Clause 21 Adult licence conditions, category H licences for business

This clause provides that category H firearms (for business) licensees must satisfy the prescribed conditions that:

- the person pass a safe handling examination and qualification shoot once each year; and
- each six month period, provide a report to the Registrar outlining the number of occasions the firearm was carried in connection with the business.

These requirements are in place to ensure that persons who use firearms as part of their business are highly competent in the use of the firearm and to ensure that the use of the firearms is appropriately supervised. These requirements remain unchanged.

Clause 22 Adult licence conditions, category H licences for employment

This clause is a parallel provision to the previous clause, and applies to employees. The condition serves to ensure that where a person is not able to establish competence in the use of the firearm, the licensee has breached conditions of licence and should be barred from possession of a category H firearm.

Clause 23 Adult licences conditions, firearms collectors licences

This clause imposes additional obligations on collectors. This clause has not been altered from the former Regulation (section 17).

Clause 24 Adult licence conditions, heirloom licences

This clause imposes additional obligations on heirloom licensees. Heirloom licences are issued under section 68 where the firearm is an heirloom and is permanently inoperable. Heirloom licensees may only display their firearm if they have been authorised to do so. This clause has not been altered from the former Regulation (section 18).

Clause 25 Dealer licence condition

This clause requires that a dealer only operate their business from the premises specified under the licence.

Clause 26 Dealer licence condition, club armourers

This clause provides that a club armourer is restricted to transactions involving club members of the licensee's approved club or members of an approved club visiting the licensee's club. It is also a condition of licence that the licensee will not make a profit from those transactions.

This provision reflects that whilst club armourers represent a subset of dealers whose activities are more restricted than other firearms dealers, they nonetheless perform a very important service for clubs, their members, and the firearms community more generally.

Clause 27 Collectors licence conditions, making firearms incapable of being fired

This clause requires that a licensee remove the firing pin or bolt separately from the firearm or, where this is not practicable, by the use of an appropriate trigger lock. This condition (formerly section 9) remains unchanged.

Part 5 Licensing - minors firearms**Clause 28 Minors firearms licences, minimum age**

This clause provides that a child must be 12 years of age or older in order to be eligible for a minors firearms licence.

Part 6 Licensing - composite entities**Division 6.1 Composite entity licences — general****Clause 29 Composite entity licences, stated information and documents required**

This clause sets out the information and documents that must be provided to the Registrar when making application for a composite entity licence.

Clause 30 Composite entity, evidence of special need for category C licence

This clause (formerly section 8) prescribes the evidence that a composite entity applicant, who is a primary producer, must provide to support a 'special need' when making a licence application. Along with pre-existing requirements, applicants will need to provide evidence of the size of the properties involved. This information is intended to assist the Registrar in determining whether it is prudent to approve the application.

Division 6.2 Composite entity licences — conditions

Clause 31 Composite entity licences - conditions

This clause (formerly section 14) provides that a composite entity licensee must tell the Registrar within 14 days where an employee who holds an employment firearms licence, ceases employment with the composite entity.

Clause 32 Composite entity licence conditions, category H licences for business

This clause provides that category H firearms licensees (for business) must satisfy the prescribed conditions that:

- The person pass a safe handling examination and qualification shoot once each year;
- Each six month period, provide a report to the Registrar outlining the number of occasions the firearm was carried in connection with the business;
- Persons authorised to possess a category H firearm must not have more than one category H firearm in their possession at any one time.

These requirements are in place to ensure that persons who use firearms as part of their business are highly competent in the use of the firearm and to ensure that the use of the firearm is appropriately supervised.

Clause 33 Composite entity licence conditions, category H licences for employment

This clause is a parallel provision to the previous clause, and applies to employees. The condition serves to ensure that where a person is not able to establish competence in the use of the firearm, the licensee has breached conditions of licence and should be barred from possession of a category H firearm.

Part 7 Licensing - international and interstate licences

Clause 34 Permit to acquire, conditions for foreign acquirers

This clause places conditions on international and interstate licensees to ensure that they are only able to acquire authorised firearms. The licensee must produce the permit to acquire on the request of a police officer.

Part 8 Temporary recognition of other licences

Clause 35 Temporary recognition of interstate licences, for possession or use of a firearm

This clause prescribes purposes for which the possession and use for which interstate licensees are authorised. The effect of this provision remains unchanged.

Clause 36 Conditions of temporary recognition of interstate licences

This clause prescribes the conditions for possessing a firearm under a recognised interstate licence. Licensees must comply with the safe storage of firearms provisions in the Act. Further, the licensee is prohibited from allowing a person who is not authorised to possess or use the firearm.

Part 9 Firearms dealers licences

Clauses 37 – 40

These clauses set out the conditions that must be satisfied before a firearms dealers licence is issued and the reporting requirement for dealer transaction. Firearms dealers are important participants in the firearms community and will often be in

possession of a large number of firearms. For this reason, depending on the nature of the activities conducted or proposed to be conducted, the applicant must satisfy a high standard of security and other requirements. These clauses (formerly section 19-21) do not alter the requirements and conditions imposed on firearms dealers.

The offences in clause 39 serve to ensure that the Registrar obtains or has access to information about firearms in the dealer's possession and that the dealer's activities are conducted in an appropriate manner.

Part 10 Registration

Clause 41 Register of firearms, other particulars

This clause prescribed other particulars to be included in the register of firearms.

Clause 42 Registration of unregistered firearms

This clause prescribes seven days as the time period that may elapse after a licensed firearms dealer comes into possession of an unregistered firearm.

Clause 43 Registered firearms, required particulars when firearm sold

This clause (formerly section 35) prescribes the particulars that must be provided to the Registrar within seven days of the disposal or acquisition of a firearm. Minor drafting changes have been made to this provision to bring the clause within language in the Act.

Part 11 Safe Storage of firearms

Division 11.1 Security and safe storage

These provisions represent a key element of the firearms regulatory scheme. The stated principles of the scheme are to improve public safety—

- (i) by imposing strict controls on the possession and use of firearms; and
- (ii) by promoting the safe and responsible storage and use of firearms.

Furthermore, one of the objects of the scheme is to ensure that firearms are stored and conveyed in a safe and secure manner. The requirements imposed on licensees in this part have not been substantively changed.

Clause 44 Safe storage requirements category A and category B

The Act, section 181(1)(c) makes provision for the regulations to prescribe further requirements relating to security and storage of category A and B firearms. This clause (formerly section 36) prescribed that the firing mechanism of the firearm or paintball marker must be removed and stored separately from the firearm or marker where this is possible.

Clause 45 Security and safe storage requirements, category D

The Act, subsection 182 (1) (c) makes provision for the regulations to prescribe further requirements relating to the security and storage of category C, D and H firearms.

This clause prescribes that, where a category D firearm is being stored, an intruder alarm that is connected to the mains powers with a battery back-up is installed in the storage location.

Clause 46 Storage of category A and category B firearms, collectors

This clause prescribes the minimum storage requirements for collectors of category A and category B firearms.

Clause 47 Storage of category C, category D and category H firearms collectors

This clause prescribes the minimum storage requirements for collectors of category C, category D and category H firearms.

Clause 48 Storage of firearms, firearms dealers

This clause prescribes the minimum firearms storage requirements for firearms dealers. Given their activities, dealers are required to maintain a higher level of security than most other licensees.

Division 11.2 Displays

Clauses 49-52

Clause 50, relying on the Act section 180(3) sets out the requirements for licensees who wish to display their firearms either permanently or temporarily. The requirements in clauses 49-52 (formerly section 41-43) have not been changed. The provisions do not apply to firearms dealers as the safe storage requirements imposed on dealers, in clause 48, anticipate the display of firearms and impose requirements accordingly.

Part 12 Offences

Clause 53 Restriction on disposal and acquisition of firearms

This clause prescribes the circumstances in which a person can dispose of or acquire a firearm from another licensed person through a licensed firearms dealer. In circumstances described in this clause a person does not commit the offence in section 226(1) (unlawful disposal of firearms).

Clause 54 Safety requirement for transporting prohibited firearms or pistols

The Act, section 234 makes provision for the regulations to prescribe safety requirements when transporting prohibited firearms or pistols.

This Regulation prescribes the following safety requirements when transporting firearms or pistols:

- The firearm must not be loaded while it is being conveyed and it must be kept separate from any ammunition;
- The firearm must be transported in a secure manner in the control of the licensee.

Clause 55 Shortening firearms

This clause requires that certain firearms mentioned in section 240(2) can only be shortened if the firearm meeting the characteristics referred to in the Act, section 250(3)(a),(b) or (c).

Part 13 Shooting ranges

These provisions are made under the regulation making power in section 272 (2) (k) and are a new addition to firearms regulation in the Territory. The Amendment Act included provisions to increase regulation of shooting ranges. The Amendment Act, section 273 inserted a general regulation making power with respect to the approval of entities to operate approved shooting ranges.

The Amendment Act also inserted two new offences dealing with unlawful operation of a shooting range. The first offence — section 224(1) — deals with the requirement that a shooting range be approved, whilst the second offence — section 224(2) — deals with unlicensed operators. These offences were introduced to further regulate shooting ranges in an effort to ensure the safety of participants and the community. Each offence carries a maximum penalty of 200 penalty units, 2 years imprisonment or both.

The provisions in this part provide for the licensing of entities to operate a shooting range. Provisions also set out the criteria that must be met in order for a range to be approved.

Although part 13 will commence with the rest of this Regulation, existing shooting ranges will have a period to come within the new scheme with the operation of the transitional provision in clause 79 - Pre-commencement Act shooting ranges.

Clause 56 Application for approval of shooting range

This clause prescribes the information and documents that must accompany an application for approval of a shooting range.

Clause 57 Decision about shooting range approval

This clause provides that the Registrar may, upon receiving an application for approval of a shooting range, either approve or refuse to approve the application. The Registrar is not able to approve the application unless the requirements in subsection (2) are satisfied.

Clause 58 Approved shooting ranges, period of approval

This clause provides that an approval of a shooting range remains in force for 2 years. This period is appropriate as the ongoing oversight of shooting ranges is necessary to ensure their proper operation.

Clause 60 Shooting ranges, immediate suspension of approval

This clause, made under section 272(2)(k), creates a new power for the Registrar to suspend an approval of a shooting range. This provision will apply where the Registrar is considering whether to cancel an approval under clause 60 and the Registrar believes, on reasonable grounds, that if the range continues to operate there will be:

- a threat of death or injury; or
- an immediate threat of unlawful damage or destruction to property.

The suspension continues until one of the following occurs:

- The Registrar issues a notice revoking the suspension;

- The approval is cancelled under clause 60 or the approval is suspended under another provision of this Regulation or another Territory law; or
- 12 weeks have elapsed after the suspension took effect.

Clause 60 Shooting ranges, cancellation of approval

This clause, again made under section 272(2)(k), creates a new power for the Registrar to cancel an approval in circumstance where certain situations arise. The circumstances where the Registrar must cancel the approval are set out in subclauses (1)(a) – (1)(e).

The Registrar also has a new discretionary power to cancel an approval where the approved person has done one of the following things 10 years before the day of approval:

- The approved person contravened the Act, whether or not they were convicted of the offence, or
- The approved person was convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.

Subclause (3) sets out the requirements the Registrar must satisfy in order to give the shooting range and the approved person natural justice in relation to the decision of whether or not to cancel the approval.

Part 14 Approved paintball ranges

These provisions are made under the regulation making power in section 272 (2) (k). The Act, section 274 also provides a general regulation making power with respect to the approval of entities to operate approved paintball ranges.

Changes to the regulation of the sport of paintball were a significant component of the Firearms Amendment Act. The ministerial authorisation scheme for paint pellet ranges was also changed in the Amendment Act to allow the Registrar to approve paintball ranges.

Although part 14 will commence with the rest of this Regulation, existing paint pellet ranges will have a period to bring themselves within the new scheme as a result of the operation of the transitional provision in clause 80 - Pre-commencement Act paint pellet ranges.

Clause 61 Application for approval of approved paintball range

This clause prescribes the information and documents that must accompany an application for approval of a paintball range.

Clause 62 Decision about paintball range approval

This clause provides that the Registrar may, upon receiving an application for approval of a paintball range, either approve or refuse to approve the application. The Registrar is not able to approve the application unless the requirements in subsection (2) are satisfied.

Clause 63 Approved shooting ranges, period of approval

This clause provides that an approval of a shooting range remains in force for 2 years. This period is appropriate, as the ongoing oversight of paintball ranges is required to ensure their ongoing proper operation.

Clause 64 Approved paintball ranges, immediate suspension of approval

This clause, made under section 272(2)(k), creates a new power for the Registrar to suspend an approval of a paintball range. This provision will apply where the Registrar is considering whether to cancel an approval under clause 65 and the Registrar believes, on reasonable grounds, that if the range continues to operate there will be:

- a threat of death or injury; or
- an immediate threat of unlawful damage or destruction to property.

The suspension continues until one of the following occurs:

- The Registrar issues a notice revoking the suspension;
- The approval is cancelled under clause 65 or the approval is suspended under another provision of this Regulation or another Territory law; or
- 12 weeks have elapsed after the suspension took effect.

Clause 65 Approved paintball ranges, cancellation of approval

This clause, made under section 272(2)(k), creates a new power for the Registrar to cancel an approval in circumstance where certain situations arise. The circumstances where the Registrar must cancel the approval are set out in subclauses (1)(a) – (1)(e).

The Registrar also has a new discretionary power to cancel an approval where the approved person has done one of the following things 10 years before the day of approval:

- The approved person contravened the Act, whether or not they were convicted of the offence, or
- The approved person was convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.

Subclause (3) sets out the requirements the Registrar must satisfy in order to give the paintball range and the approved person natural justice in relation to the decision of whether or not to cancel the approval.

Part 15 Miscellaneous

Clause 66 Meaning of spare barrel

This is a new provision that provides a description of a ‘spare barrel’ for the purpose of this Regulation.

Clause 67 Sporting organisations

This clause prescribes the sporting organisations permitted to use starting pistols. Officials of the prescribed organisations are not guilty of the offence in Act (section 44 offence—unauthorised possession or use of a firearm other than a prohibited firearm) if they use a starting pistol in the course of the organisation's sporting activities.

Clause 68 Minimum participation rates for members of approved clubs

This clause, (formerly section 4A) was inserted into the Regulation by the *Firearms (Prohibited Pistols) Amendment Act 2003*. The provision sets out the minimum participation requirements to be met by members of approved clubs, in order to qualify to be licensed to possess and use a pistol.

Clause 69 Pistols, prescribed dimensions

This clause prescribes the dimensions for the definition of 'pistol' in the Act.

Clause 70 Firearms, permits for theatrical and other productions

The Act, section 141(a) makes provision for the regulations to prescribe the circumstances under which the Registrar may issue a permit for the possession or use of firearms.

This clause provides that a permit authorising the possession or use of a firearm may be issued for theatrical or dramatic productions or historical re-enactments where specified conditions are satisfied.

Clause 71 Arms Fairs, permits to conduct

This clause allows the Registrar to issue a permit to conduct an arms fair where the premises are deemed suitable for that purpose. Arms fairs are events conducted under the auspices of a dealers licence and allow licensees to showcase their firearms for the purposes of display or for sale.

Clause 72 Firearms, permits for possession and use of tranquilliser firearms

This clause allows the Registrar to issue a permit for the possession and use of tranquilliser firearms. It is intended that these permits will be issued to persons who can demonstrate that the use of a tranquilliser firearm is a necessary part of their occupation.

Clause 73 Firearms, permits for possession and use of powerheads

This clause allows the Registrar to issue a permit for the possession and use of powerheads for occupational or marine recreational activities. Powerheads are used by professional fishermen and recreational divers for protection from shark attacks.

Part 16 Notification and review of decisions

Clauses 74-76

This part provides for the review by the ACT Civil and Administrative Tribunal of decisions made under this Regulation. Clause 73 anticipates the commencement of the *ACT Civil and Administrative Tribunal Act 2008*, section 6 (ACAT Act). This clause allows for decisions made between the commencement of this Regulation and the ACAT Act (approximately 4 weeks) to be taken as being made on the day of commencement of the ACAT Act.

Schedule 1 of the Regulation lists the reviewable decisions.

Part 17 Transitional

Clause 77 Definition —pt 17

This clause defines key terms for the transitional provisions.

Clause 78 Pre-commencement Act shooting ranges

This clause provides that shooting range approvals held before the commencement of this Regulation continue, as new approvals, until one of the following occurs:

- The day the original approval would have ended under the previous regime;
- The day the new approval is cancelled under section 60 of this Regulation; or
- The day this clause expires (clause 83 provided that part 18 expires 1 year after its commencement).

It is intended that the Registrar will work with shooting range operators to ensure that new approvals are progressed before the expiry of this part.

Clause 79 Pre-commencement Act paint pellet ranges

This clause provides that paint pellet range authorisations held before the commencement of this Regulation continue as approvals until one of the following occurs:

- The day the original authorisation would have ended under the previous regime;
- The day the new approval is cancelled under section 65 of this Regulation; or
- The day this clause expires (clause 83 provides that part 18 expires 1 year after its commencement).

It is intended that the Registrar will work with paintball range operators to ensure that new approvals are progressed before the expiry of this part.

Clause 80 Pre-ACAT reviewable decisions

This clause anticipates that this Regulation will commence before the ACAT Act commences. As a result, this clause deems reviewable decisions made by the firearms Registrar in the intervening period as having been made on the commencement day of the ACAT Act.

Clause 81 Transitional — modification of Act

This clause transitionally inserts a new section into the Act to authorise the possession and use of certain firearms. The Amendment Act inserted into the Act, schedule 1, item 12, the term ‘fitted with a pistol grip’. The effect of this amendment was to make certain firearms prohibited that were not previously prohibited. It was always the intention to allow licensees to possess and use these firearms for approved competitions.

This provision will be inserted into the Act via the Justice and Community Safety Bill 2009. This transitional modification of the Act ensures that the Act properly reflects the intentions of the Amendment Act.

Clause 82 Expiry — pt 17

This clause provides that this part expires 1 year after the commencement day of this Regulation.

Part 18 Repeals

Clause 83 Legislation repealed

This clause repeals the Firearms Regulation 1997 SL1997-13. The two current paint pellet range authorisations are also repealed. Transitional provisions provide for the continuing operation of paintball ranges under the new scheme until applications for approvals are made and considered.