

2009

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

FIREARMS AMENDMENT REGULATION 2009 (No 1)

Subordinate Law No SL2009-13

EXPLANATORY STATEMENT

Circulated by authority of
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Minister for Police and Emergency Services

Overview

The *Firearms Act 1996* (the Act) sets out the licensing and enforcement regime for firearms in the ACT. Schedule 2, Part 2.2 lists persons exempt from the Act.

Part 2.2 lists several classes of people as exempt. These include members of:

- State and Territory police;
- Defence Forces; and,
- Australian Army Cadets.

The *Australian Federal Police Act 1979* (Cth), section 8 sets out the functions of the Australian Federal Police (AFP). Among its other functions, section 8 (1) (bf) provides that the AFP's functions include the provision of police services and police support services for the purposes of assisting, or cooperating with an Australian or foreign: law enforcement agency; intelligence or security agency; or government regulatory agency.

From time to time, the AFP train police officers from foreign law enforcement agencies. Previously, these officers have been sworn under the Australian Federal Police Act and in the process have been covered by the existing exemption in the Act. The AFP has decided to discontinue this practice.

As a result, this amendment creates a new class of individual exempt from the Act — a member of a police service or force of a foreign country. This exemption will be limited to those foreign members in the ACT who use a firearm when participating in a training activity conducted by the Australian Federal Police. This amendment relies on the regulation making power in the *Firearms Act 1996*, section 272 (2) (r).

This amendment to the Firearms Regulation is a temporary remedy that addresses the immediate need to exempt officers due to arrive in the ACT in the near future. The Firearms Act, schedule 2.2 will be amended via the next Justice and Community Safety Bill.

NOTES ON CLAUSES

Part 1 Preliminary

Clause 1 Name of regulation

This clause states that the name of the Regulation is the Firearms Amendment Regulation 2009 (No 1).

Clause 2 Commencement

This clause states that the Regulation commences on the day after its notification day.

Clause 3 Legislation Amended

This clause states that this Regulation amends the Firearms Regulation 2008.

Clause 4 New section 73A

This clause inserts a new section in the Firearms Regulation. Section 73A People exempt from the Act relies on the regulation making power in the *Firearms Act 1996*, section 272 (2) (r).

The effect of this clause is that members of a police service or force of a foreign country will be exempt from the operation of the Firearms Act in certain circumstance. The exemption applies to foreign police members where they are in possession of a firearm while taking part in a training activity conducted by the Australian Federal Police.

Clause 5 Dictionary, note 2, new dot point

This clause inserts a new reference to a term define in the Legislation Act 2001, dictionary, part 1.