

2010

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

FIREARMS AMENDMENT REGULATION 2010 (No 1)

SL2010 - 19

EXPLANATORY STATEMENT

Circulated by authority of
Mr Simon Corbell MLA
Minister for Police and Emergency Services

Firearms Amendment Regulation 2010 (No 1)

Overview of Regulation

The Firearms Amendment Regulation 2010 (No 1) (the regulation) amends schedule 1 of the *Firearms Act 1996* by inserting a description of a firearm ‘a .50 BMG calibre firearm or a derivative’. The Legislative Assembly has explicitly authorised this particular exercise of legislative power through the Firearms Act, section 7 (3) (a).

Clause Notes

Clause 1 – Name of Regulation – states the title of the regulation as the Firearms Amendment Regulation 2010 (No 1).

Clause 2 – Commencement – states that the regulation commences on the day after its notification.

Clause 3 – Legislation amended – provides that this regulation amends the Firearms Act 1996.

Clause 4 – Firearms Act 1996, schedule 1, new item 23 – inserts a description of a new item, ‘a .50 BMG calibre firearm or a derivative’, into the schedule of prohibited firearms. Section 7 (3) (a) of the Act allows a regulation to amend Schedule 1 by adding the name or description of a firearm.

Before the commencement of this amendment, a .50 BMG calibre firearm or a derivative was classed as a Category B firearm. The acronym BMG denotes the ‘Browning Machine Gun’ so named after its designer. A .50 BMG calibre firearm is a firearm that uses a high calibre cartridge. These firearms have a long range and were designed for use in theatres of war, originally for anti-aircraft purposes.

At the time of making this regulation, there were no registered .50 BMG calibre firearms or derivatives of these firearms in the ACT. These items have not been registrable in the ACT as there is no genuine reason to possess or use these firearms that a licensee could rely on under ACT law. Including these firearms in the schedule of prohibited firearms removes any doubt that these firearms are not registrable in the ACT.

An additional result of making these firearms ‘prohibited firearms’ is that the unauthorised possession or use of these items becomes liable to the offence in section 42 – Offence – unauthorised possession and use of prohibited firearms. In the event that a person commits this offence, the following maximum penalties would apply:

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| • 1-2 prohibited firearms | 10 years imprisonment |
| • 3-9 prohibited firearms | 14 years imprisonment |
| • 10 or more prohibited firearms | 20 years imprisonment |

These penalties contrast with the offence in section 43 – Offence – unauthorised possession and use of firearms other than prohibited firearms. This offence carries maximum penalties of 5 years, 7 years and 20 years for possession or use of the same number of firearms.

The increased penalties associates with the unauthorised possession and use of .50 BMG calibre firearms or derivative firearms is appropriate as these firearms, if used illicitly, can have significant adverse consequences.