

2017

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

EXPLANATORY STATEMENT

FIREARMS AMENDMENT BILL 2017

Presented by
Mick Gentleman MLA
Minister for Police and Emergency Services

FIREARMS AMENDMENT BILL 2017

Outline

This explanatory statement relates to the Firearms Amendment Bill 2017 (the Bill) as presented to the ACT Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly. The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

Purpose of the Bill

The Bill amends the *Firearms Act 1996* to reclassify lever action shotguns with a magazine capacity of:

- a) up to five rounds to Category B; and
- b) more than five rounds as Category D.

In 2015 the Australian Government temporarily prohibited the importation of lever action shotguns with a magazine capacity greater than five rounds. This was in response to the imminent arrival in Australia of a significant number of lever action shotguns with a magazine capacity of seven rounds, in particular the Adler A110.

Lever action shotguns are not a new development. However, the concern of Commonwealth, State and Territory law enforcement agencies was that this specific shotgun has a significant rate of fire, combined with a greater magazine capacity than the vast majority of lever action shotguns currently in Australia.

At the Council of Australian Governments meeting on 9 December 2016 all first Ministers agreed to reclassify lever action shotguns to Category B with a magazine capacity of up to five rounds and Category D for shotguns with a magazine capacity of more than five rounds. Currently lever action shotguns are Category A firearms.

On 17 February 2017, the updated National Firearms Agreement (the NFA) was released publicly. The updated agreement amalgamates the 1996 NFA and the 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia. The updated NFA included the reclassification of lever action shotguns.

Human Rights Considerations

The Bill does not engage or limit rights under the *Human Rights Act 2004*.

FIREARMS AMENDMENT BILL 2017

Detail

Clause 1 Name of Act

This clause names the Act the *Firearms Amendment Act 2017*.

Clause 2 Commencement

This clause provides that amendments in the Act commence the day after the Act is notified.

Clause 3 Legislation amended

This clause identifies the legislation amended by the Act.

Clause 4 Licence categories and authority conferred, Schedule 3, item 1, column 3

This is a technical amendment clarifying that a Category A licence does not apply to firearms mentioned in items 2, 3 or 4.

Clause 5 Schedule 3, item 2, column 3

This is a technical amendment clarifying that a Category A licence does not apply to firearms mentioned in items 3, 4, 5 or 6.

Clause 6 Schedule 3, item 2, column 3, new paragraph (d)

This clause inserts 'lever action shotgun with a magazine capacity of not more than five rounds' to the list of firearms to which a Category B licence applies.

Clause 7 Schedule 3, item 4, column 3, new paragraph (da)

This clause inserts 'lever action shotgun with a magazine capacity of more than five rounds' to the list of firearms to which a Category D licence applies.

Clause 8 Schedule 3, items 11 and 12, column 3

This is a technical amendment clarifying that a Category A (minors firearms licence) licence does not apply to firearms mentioned in items 13 or 14.

Clause 9 Schedule 3, item 13, column 3, new paragraph (d)

This clause inserts 'lever action shotgun with a magazine capacity of not more than five rounds' to the list of firearms to which a Category B (minors firearms licence) applies.

Clause 10 Schedule 3, item 14, column 3, new paragraph (d)

This clause inserts 'lever action shotgun with a magazine capacity of not more than five rounds' to the list of firearms to which a Category B licence (minors firearms licence) applies.