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

**FIREARMS AND PROHIBITED WEAPONS  
LEGISLATION AMENDMENT BILL 2017**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
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## **FIREARMS AND PROHIBITED WEAPONS LEGISLATION AMENDMENT BILL 2017**

### **Introduction**

This supplementary explanatory statement relates to the Firearms and Prohibited Weapons Legislation Amendment Bill 2017 (the Bill). 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.

This explanatory statement must be read in conjunction with the Bill. It is not, and is not intended to be, a comprehensive description of the Bill. What is written about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

This supplementary explanatory statement specifically relates to government amendments to the Bill, and addresses comments made by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (Scrutiny Committee).

### **Scrutiny Committee comments**

In its Scrutiny Report 10, the Scrutiny Committee discussed proposed sections 18A to 18C of the *Firearms Act 1996*, inserted by clause 7 of the Bill, and their engagement of the right to fair trial under section 21 (1) of the *Human Rights Act 2004*.

The Scrutiny Committee made the point that new section 18C is limited to only allowing the requirements of new section 18C (2) (b) to be dispensed with.

The intended effect of new section 18C (3) is to allow the registrar to agree that the ACT Civil and Administrative Tribunal (ACAT) or the court need not follow the processes outlined in new section 18C (2) (b). That is, that in deciding an application for review of a relevant decision, if the registrar agrees, the ACAT or court need not receive evidence and submissions regarding security sensitive information in private, in the absence of the public, the applicant for review, the applicant's representative or any other interested party.

The effect of new section 18C (3) is that the registrar may agree to an applicant, or other person, being present during the hearing. This has the result that certain information will be heard by the applicant (or any other person present) during the hearing, despite that information's status as security sensitive information.

### **Outline of the government amendments**

#### **Amendment 1      Clause 19**

This amendment substitutes clause 19 of the Bill. Clause 19 will now amend section 6 (1) (a) of the *Firearms Regulation 2008* to replace the obsolete term *pre-percussion pistol* with *antique firearm*. The effect of section 6 of the

Firearms Regulation is to declare certain items not to be firearms for the purposes of the Firearms Act.

**Amendment 2      Clause 20**

This amendment substitutes clause 20 of the Bill, replacing the new definition of *antique firearm*. The definition of *antique firearm* made by amendment 2 is adapted from the current definition of *pre-percussion pistol* in section 6 (2) of the Firearms Regulation.

**Amendment 3      Clause 22**

This amendment omits clause 22 of the Bill.

**Amendment 4      Clause 34**

Amendment 4 adds one word, *detachable*, to clause 34 of the Bill. Clause 34 inserts new item 8A into schedule 2 of the *Prohibited Weapons Act 1996* to provide that 'a centre-fire rifle magazine (other than a centre-fire self-loading rifle magazine) with a capacity of more than 10 rounds' is a prohibited article in the ACT.

With the government amendment, clause 34 will declare 'a *detachable* centre-fire rifle magazine (other than a centre-fire self-loading rifle magazine) with a capacity of more than 10 rounds' as a prohibited article.

Amendment 4 is made to ensure that only detachable magazines come within the prohibition, not tubular magazines. Tubular magazines are integral to a firearm, being internal. Without the word *detachable*, clause 34 has the unintended effect of prohibiting all centre-fire rifle magazines with a capacity of more than 10 rounds, and thereby any firearm of which tubular magazines with this capacity are a part.