

# Director of Public Prosecutions Direction 2016 (No 1)

Notifiable instrument NI2016–164

made under the

***Director of Public Prosecutions Act 1990, section 20 (Directions and guidelines by Attorney-General)***

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## 1 Name of instrument

This instrument is the *Director of Public Prosecutions Direction 2016 (No 1)*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Definitions

In this direction:

***Official participant*** means a person who has completed all registration requirements to participate in the biathlon event on 9 April 2016.

***Place of competition*** means the designated areas of competition at Mount Stromlo, Canberra, ACT during designated competition hours.

***Prescribed premises*** means the ACT Smallbore Rifle Club, 4 Meehan Gardens, Griffith, Canberra, ACT.

## 4 Preamble

Due to its climate, terrain and location, the Australian Capital Territory (ACT) is a preferred location for many organised and authorised sporting events. These events provide an opportunity for members of the ACT community to participate in or watch these events, and also contribute to economic growth.

Snowsports ACT and Biathlon Australia are organising a biathlon event to take place in Canberra on 9 April 2016. The event intends that participants use a laser rifle target system. The rifles are not capable of firing live ammunition, however they could reasonably be mistaken for an operable firearm and therefore fall into the category of imitation or replica firearms under the *Firearms Act 1996*, schedule 1, item 19. Imitation or replica firearms are prohibited in the ACT.

As this event is new to the ACT, there are currently no provisions under the Firearms Act or Regulation that would allow the Firearms Registrar to issue a licence or permit to the participants in this event. If the use of the laser rifle target system is to become regular in ACT sporting events, the Government will consider longer terms measures, such as legislative amendments. However, for the purpose

of the 9 April 2016 event, this direction not to prosecute will provide competitors (both local and interstate) with the freedom to possess and use the laser rifles during the competition. Competitors will be required to store the laser rifles at the prescribe premises when they are not in use.

## **5 Direction**

I, SIMON CORBELL, Attorney-General, after consulting with and having regard to the advice of the Director of Public Prosecutions (who agrees that giving a direction is appropriate in these exceptional circumstance), direct that no person is to be prosecuted for the offence of unauthorised possession or use of a prohibited firearm under section 42 of the *Firearms Act 1996* in the following circumstances:

(a) the person—

- i. is an official participant of, or an official connected with, the Snowsports ACT and Biathlon Australia biathlon event on 9 April 2016; and
- ii. is within the ACT during the period 8 April 2016 to 10 April 2016; and
- iii. is in possession of a laser rifle target system laser rifle; and
- iv. complies with the requirement to store the laser rifle at the prescribed premises when it is not being used for the purposes of the competition; or

(b) where the person is transporting the laser rifle—

- i. to the prescribed premises or place of competition from their jurisdiction (outside of the ACT) ; or
- ii. from the prescribed premises or place of competition returning to their jurisdiction (outside of the ACT); or
- iii. within the ACT from the prescribed premises to the place of competition or from the place of competition to the prescribed premises.

Simon Corbell MLA  
Attorney-General

5 April 2016