



Australian Capital Territory

Firearms (Compensation) Regulations 2003 No 28

made under the

Firearms Act 1996

Republication No 2

Effective: 20 January 2004 - 1 July 2004

Republication date: 20 January 2004

Last amendment made by SL2004-3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Firearms (Compensation) Regulations 2003*, made under the *Firearms Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 20 January 2004. It also includes any amendment, repeal or expiry affecting the republished law to 20 January 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Firearms (Compensation) Regulations 2003

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R2
20/01/04

Firearms (Compensation) Regulations 2003
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Australian Capital Territory

Firearms (Compensation) Regulations 2003

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Firearms Act 1996

Part 1 Preliminary

1 Name of regulations

These regulations are the *Firearms (Compensation) Regulations 2003*.

3 Application of pt 2

Part 2 applies in relation to a pistol, and an accessory or major part for a pistol, for which a person is entitled to compensation under the Act, part 12 (Transitional provisions).

4 Expiry

These regulations expire on 1 July 2004.

Part 2 Modification of Act, pt 12

5 Act modified—pt 2

This part modifies the *Firearms Act 1996*, part 12 (Transitional provisions).

6 Section 129

substitute

129 Definitions for pt 12

In this part:

accessory, for a pistol, does not include a cap, jacket, carry bag, glove, safety glasses or a similar item.

amnesty period—

- (a) means the period after 30 June 2003 and before 1 January 2004; and
- (b) for the following provisions—includes the period beginning on 5 January 2004 and ending at 12 noon on 10 January 2004:
 - section 132 (Temporary amnesty for possession of prohibited pistols by licensed target pistol shooters)
 - section 135 (Compensation for surrendered prohibited pistols—licensed pistol shooters)
 - section 135A (Compensation for surrendered accessories and major parts—licensed pistol shooters)
 - section 136 (Compensation for licensed firearms dealers—prohibited pistols)
 - section 136A (Compensation for licensed firearms dealers—other items)

- section 137 (Compensation and mandatory licence disqualification—licensed pistol shooters withdrawing from pistol shooting)
- section 137B (Compensation for licensed pistol shooters withdrawing from pistol shooting—other items).

major part, for a pistol, includes a slide, barrel, revolving chamber, trigger assembly, frame and magazine.

National Valuation List means a National Valuation List, as amended from time to time, on the web site at www.handgunbuyback.gov.au.

valuation list, for a pistol, or an accessory or major part for a pistol, means the National Valuation List (if any) applying to the pistol, accessory or major part.

valuation panel means the panel established under section 140.

7 Section 135 (2)

substitute

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
 - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

8 New section 135A

insert

135A Compensation for surrendered accessories and major parts—licensed pistol shooters

(1) In this section:

related item, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 135; or
- (b) an accessory (including a special holster) that is—
 - (i) specific to a pistol for which the person is entitled to compensation under section 135; and
 - (ii) directly related to the person's participation in pistol shooting; or
- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.

(2) This section applies to a person if—

- (a) section 135 applies to the person; and
- (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.

(3) The person is entitled to payment of the following amount of compensation for the related item:

- (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
- (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.

(4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the

valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

9 Section 136

substitute

136 Compensation for licensed firearms dealers—prohibited pistols

- (1) This section applies to a prohibited pistol owned by a licensed firearms dealer if—
 - (a) the dealer acquired or ordered the pistol before 20 December 2002; and
 - (b) the dealer surrenders the pistol to a police officer during the amnesty period.
- (2) The dealer is entitled to payment of the following amount of compensation for the pistol:
 - (a) if the pistol was imported by the dealer—the total of the customs value of the pistol determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
 - (b) in any other case—
 - (i) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (ii) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.

- (3) However, if a valuation list applies to the pistol but the dealer asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the dealer is entitled to payment of the amount of compensation assessed by the valuation panel.

136A Compensation for licensed firearms dealers—other items

- (1) In this section:

related item means—

- (a) any part or accessory for a prohibited pistol that can be used only for a prohibited pistol; or
 - (b) commercially available factory-loaded ammunition that can be used only by a prohibited pistol.
- (2) This section applies to a licensed firearms dealer if—
- (a) the dealer acquired or ordered a related item before 20 December 2002; and
 - (b) the dealer surrenders the item to a police officer during the amnesty period.
- (3) For each particular kind of related item surrendered by the dealer, the dealer is entitled to payment of the amount of compensation worked out in accordance with subsection (4) or (5) for a quantity of the item that is not more than a commercially viable stock level for the item.
- (4) The amount of compensation payable to the dealer for a related item is as follows:
- (a) if the item was imported by the dealer—the total of the customs value of the item determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
 - (b) in any other case—

- (i) if a valuation list applies to the item—the amount worked out in accordance with the list; or
 - (ii) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (5) However, if a valuation list applies to the item but the dealer asks a police officer to arrange for the item's value to be assessed by the valuation panel, amount of compensation payable to the dealer is the amount assessed by the valuation panel.
- (6) For this section, the person or a police officer may ask the valuation panel to decide whether—
 - (a) a thing is a related item for the dealer; or
 - (b) the quantity of a related item that is a commercially viable stock level for the item.
- (7) The valuation panel's decision applies to the working out of the amount of compensation to which the dealer is entitled to under this section.

10 Section 137 (2)

omit

11 New sections 137A and 137B

insert

137A Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols

- (1) This section applies to a person to whom section 137 applies.

- (2) The person is entitled to payment of the following amount of compensation for each pistol surrendered by the person under section 137:
- (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

137B Compensation for licensed pistol shooters withdrawing from pistol shooting—other items

- (1) In this section:

related item, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 137; or
 - (b) an accessory (including a special holster) that is—
 - (i) specific to a pistol for which the person is entitled to compensation under section 137; and
 - (ii) directly related to the person's participation in pistol shooting; or
 - (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
- (a) section 137 applies to the person; and

- (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
 - (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

12 Section 138 (2)

substitute

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
 - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (2A) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

13 Section 139

omit

14 Section 140

substitute

140 Valuation panel

- (1) The chief executive must arrange for the establishment of a valuation panel constituted by—
 - (a) 4 firearms dealers licensed under the *Firearms Act 1996* (NSW); and
 - (b) 1 police officer exercising functions in relation to the surrender of pistols under this part; and
 - (c) 1 police officer experienced in firearm ballistics.

Note For the making of appointments, see Legislation Act, div 19.3.

- (2) The quorum for a meeting of the panel is 1 firearms dealer and 1 police officer.
- (3) The panel has the functions given to it by this part.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Firearms (Compensation) Regulations 2003 SL2003-28

notified LR 28 August 2003

reg 1, reg 2 commenced 28 August 2003 (LA s 75 (1))

remainder commenced 29 August 2003 (reg 2)

Note SL exp 1 July 2004 (see SL2003-28 reg 4)

as amended by

Firearms (Extension of Amnesty) Amendment Regulations 2004 (No 1) SL2004-3

notified LR 19 January 2004

reg 1, reg 2 commenced 19 January 2004 (LA s 75 (1))

remainder commenced 20 January 2004 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Section 129

reg 6 am SL2004-3 reg 4

Amendment of Firearms Regulations

pt 3 hdg om LA s 89 (3)

Regulations amended—pt 3

reg 15 om LA s 89 (3)

Regulation 4

reg 16 om LA s 89 (3)

Regulation 4 (b) to (f)

reg 17 om LA s 89 (3)

Regulation 29 (2) (a) (ii)

reg 18 om LA s 89 (3)

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 29 Aug 2003	29 Aug 2003- 19 Jan 2004	not amended	new regulations

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