

Firearms Amendment Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Firearms Act 1996* (***the Act***) and the *Firearms Regulation 2006* (***the Regulation***) as follows:

- (a) to enable theatrical armourers to be treated as firearms dealers under the Act and to be issued with firearms dealer licences instead of theatrical armourer permits under the Regulation,
- (b) to exempt persons from the licensing and registration requirements under the Act in relation to the possession of antique firearms (ie those manufactured before 1900) that do not take breech-loaded metallic cartridges or for which ammunition is not commercially available,
- (c) to provide that the exemption for pre-1900 firearms does not allow a person to use any such firearm without a licence or permit,
- (d) to allow unlicensed persons to possess and use firearms on approved shooting ranges while under supervision and to allow unlicensed persons to possess and use firearms while participating in approved firearms safety training courses,
- (e) to remove the mandatory 28-day waiting period for issuing a licence if the application is for the renewal of a licence,
- (f) to provide that the mandatory 28-day waiting period for issuing a permit to acquire a firearm (such permits are required by any licensed person other than a firearms dealer in order to acquire a firearm) does not apply if the applicant already has a firearm of the same kind as the firearm that is the subject of the permit application,
- (g) to allow licensed firearms dealers to send and receive firearms by registered post (or other form of certified or security mail),
- (h) to remove the need for a licensed person who is participating in an arms fair, or in a historical re-enactment that involves firearms, to have a separate permit authorising the person to participate in the arms fair or the historical re-enactment,
- (i) to provide that firearms may be kept under the authority of an heirloom permit if they are rendered temporarily inoperable,
- (j) to enable minors who have held a minor's target pistol permit under the Act for at least 12 months to obtain a permit to shoot large calibre pistols in specialised shooting competitions involving those pistols,
- (k) to enable penalty notices to be issued for certain summary offences under the Act and the Regulation,
- (l) to remove the requirement to include the name and address of a firearms dealer in an advertisement for the sale of a firearm,
- (m) to modify certain requirements under the Regulation relating to the provision of information to the Commissioner,
- (n) to make a number of other miscellaneous amendments of an administrative, minor or consequential nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent, except for the amendments relating specifically to theatrical armourers (which will commence 3 months after the date of assent to the proposed Act, unless commenced sooner by proclamation).

Clause 3 is a formal provision that gives effect to the amendments to the *Firearms Act 1996* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Firearms Regulation 2006* set out in Schedule 2.

Clause 5 makes it clear that the explanatory notes set out in the proposed Act do not form part of the

Clause 6 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedules 1 and 2 contain the amendments to the Act and the Regulation that are described in the Overview above. Each amendment is explained in more detail in the explanatory note following the amendment concerned.