

First print



New South Wales

Commonwealth Powers (Firearms) Bill 1996

Explanatory note

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

Overview of Bill

The object of this Bill is to refer to the Parliament of the Commonwealth power to enact legislation relating to firearms. The reference is made under section 51 (37) of the Commonwealth Constitution.

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 a day to be appointed by proclamation.

Clause 3 effects the reference of power. Clause 3 (1) describes the matters being referred to the Parliament of the Commonwealth. Clause 3 (2) provides that the reference is not to affect the general criminal law of the State, or State law relating to apprehended violence orders, or other matters prescribed by regulation. Clause 3 (3) contains a definition of *firearm*, which includes matters contained within the definition of that expression in the *Firearms Act 1989*.

Clause 4 provides that the reference has effect until terminated by proclamation.

Clause 5 contains a power to make regulations for the purposes of the proposed Act.

First print

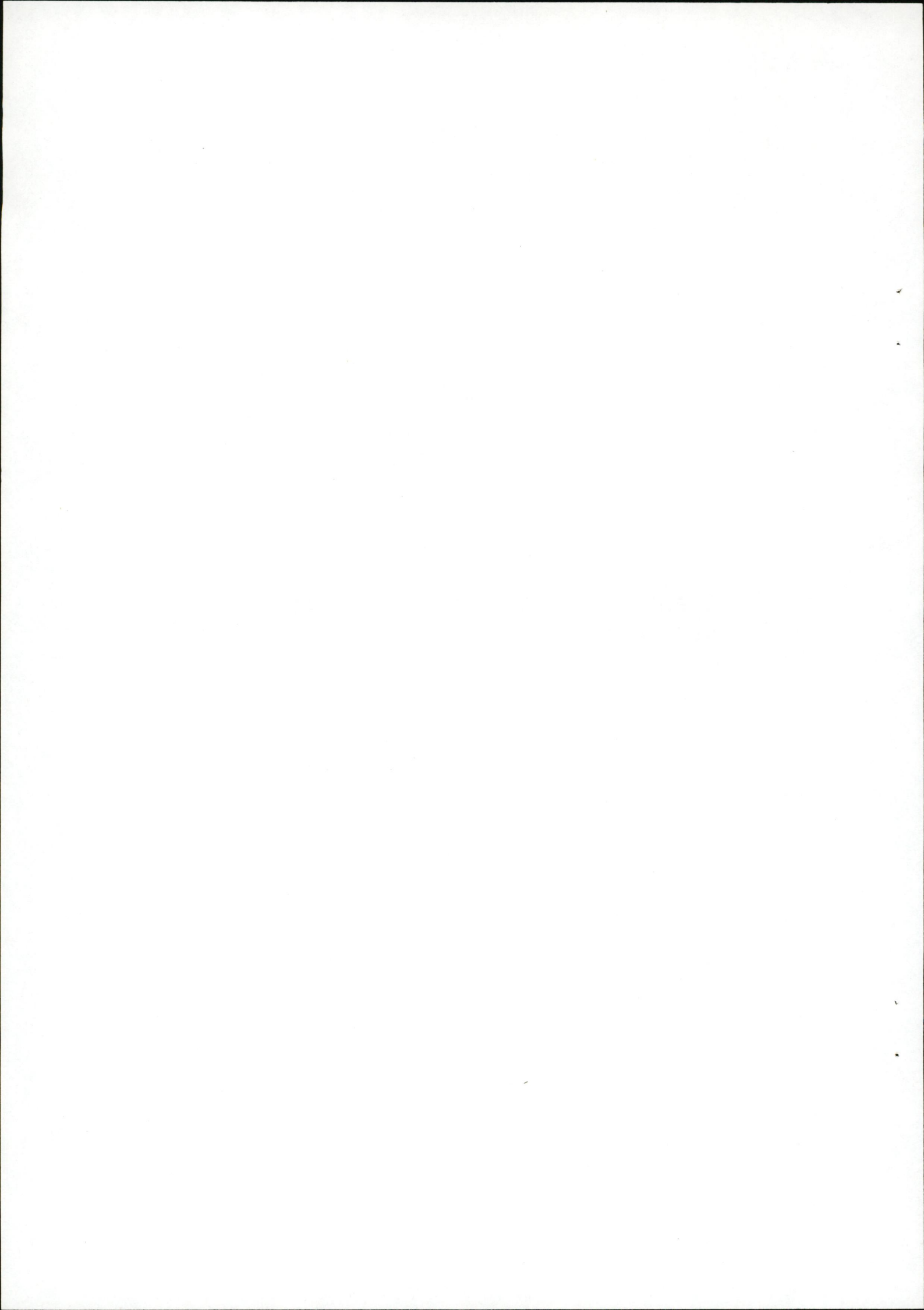


New South Wales

Commonwealth Powers (Firearms) Bill 1996

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Reference of matters relating to firearms	2
4 Duration and termination of reference	3
5 Regulations	4





New South Wales

Commonwealth Powers (Firearms) Bill 1996

No. , 1996

A Bill for

An Act to refer to the Parliament of the Commonwealth certain legislative powers relating to firearms.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Commonwealth Powers (Firearms) Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation. 5

3 Reference of matters relating to firearms

- (1) Subject to this Act, the following matters, to the extent to which they are not otherwise included in the legislative powers of the Parliament of the Commonwealth, are referred to the Parliament of the Commonwealth, namely, the matters of: 10
- (a) the registration, possession, use, storage, purchase, acquisition, sale, transfer, disposal, manufacture, assembly, repair or alteration of firearms or any class or description of firearms, and
 - (b) the licensing or other authorisation of firearm shooting ranges, and 15
 - (c) the licensing or other authorisation of persons with respect to:
 - (i) the possession or use of firearms or any class or description of firearms, or 20
 - (ii) any of the other matters mentioned above, and
 - (d) the regulation or prohibition of:
 - (i) the possession or use of firearms or any class or description of firearms, or
 - (ii) any of the other matters mentioned above, and 25
 - (e) the inspection of premises with respect to any of the matters mentioned above (including the carrying out of safety testing), and
 - (f) the exemption of persons or firearms from any requirements relating to any of the matters mentioned above (including the establishment of amnesties for the surrender of firearms), and 30
 - (g) imposing conditions or other requirements in relation to any of the matters mentioned above.

-
- (2) The matters referred by this section do not include:
- (a) matters involving the creation of offences against Commonwealth law in connection with assault, murder or any other offence against the person or against property, where firearms are involved, or 5
 - (b) matters affecting offences against State law, where firearms are involved, otherwise than in connection with registration or licensing provisions relating to firearms, or
 - (c) matters affecting State laws relating to apprehended violence orders or any other orders that restrain a person from engaging in conduct of any kind, or 10
 - (d) matters, or matters of a class or description, prescribed by the regulations from time to time.
- (3) In this section:
- firearm* includes: 15
- (a) a gun, or other weapon, that can propel anything wholly or partly by means of an explosive, and
 - (b) a blank fire firearm, and
 - (c) an air gun, and
 - (d) anything that would be a firearm if it did not have something missing from it, or a defect or obstruction in it, and 20
 - (e) a part of a firearm, and
 - (f) ammunition or components of ammunition for a firearm, and 25
 - (g) an imitation firearm or a replica of a firearm, and
 - (h) any other weapon or article (whether of a similar or different nature) of a class or description prescribed by the regulations from time to time.

4 Duration and termination of reference 30

- (1) The reference under this Act has effect for a period commencing on the day on which this Act commences and ending on the day fixed under subsection (2) as the day on which the reference under this Act terminates, but no longer.

- (2) The Governor may, at any time, fix by proclamation a day as the day on which the reference terminates.

5 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

5