

# Firearms (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purpose of the Act.

*Clause 2* provides for commencement by proclamation.

*Clause 3* cites the Principal Act.

*Clause 4* defines the Administrative Appeals Tribunal.

*Clause 5* enables the lending or borrowing of a firearm without a permit to purchase. (Section 3 of the Firearms Act currently applies the buying and selling provisions of the Act to lending or borrowing a firearm).

*Clause 6* is an amendment consequential upon clause 9 and requires an auctioneer to sell firearms only to authorised persons.

*Clause 7* is an amendment consequential upon clause 9 and requires a gun dealer to sight a permit to purchase a firearm before delivering the firearm to the purchaser.

*Clause 8*—

- (a) is an amendment consequential upon the removal of the authority to purchase a firearm from the shooters licence and the abolition of the various categories of licence in paragraph (d) of this clause.
- (b) amends the criteria for the issue of a shooter's licence by requiring the applicant to successfully complete a training course on firearms safety and requiring an applicant to be of good character and suitable to possess a firearm.
- (c) empowers the police to require an applicant for a shooter's licence to provide a sample set of fingerprints.
- (d) removes the authority to purchase a firearm from the shooters licence, abolishes the various categories of licence and introduces the concept of a separate authority to hunt certain species of game.
- (e) extends the period of a shooter's licence from one or three years to three or six years.
- (f) increases the fee for a shooter's licence.
- (g) is an amendment consequential upon paragraph (d).
- (h) amends certain criteria for the cancellation of a shooter's licence to general unsuitability.
- (i) repeals the obsolete requirement for holders of shooter's licences to register their firearms during the three years from 1 February 1984 and the requirement for registration details to be recorded on a shooter's licence.
- (j) requires the Registrar of Firearms to issue a certificate of registration for each registered firearm.
- (k) empowers the Registrar to require the holder of a shooters licence to complete a statutory declaration that all firearms owned by the licensee are registered and to make failure to do so grounds for cancellation of the licence.
- (l) provides for the forfeiture of a firearm purchased without a purchasing permit.

*Clause 9* requires any person who wishes to purchase a firearm to first obtain a permit to do so from the police.

*Clause 10* empowers the Chief Commissioner to enter into agreements with agents to collect shooter's licences fees and to take photographs for incorporation in shooters licences.

*Clause 11* effects amendments consequential upon clause 8 (*d*).

*Clause 12* creates an offence of purchasing a firearm without a purchasing permit, increases the penalty for the unlicensed possession of a firearm and effects further amendments consequential upon clause 8 (*d*).

*Clause 13* creates an offence of selling a firearm to any person who does not produce a purchasing permit.

*Clause 14* creates an offence of failing to produce a pistol licence, shooter's licence or other authority to possess a firearm when requested by a member of the police force to do so.

*Clause 15* requires the holder of any licence, permit or other authority to notify the Registrar of change of address and to surrender a cancelled licence, permit or other authority to the police. The clause also restricts the sale of ammunition to the holders of a licence or other authority to possess a firearm.

*Clause 16* provides for all appeals against the decisions of the police under the Act to go to the Administrative Appeals Tribunal in lieu of the Firearms Consultative Committee.

*Clause 17* removes the further right of appeal to a Magistrates' Court. (A right of appeal against decisions of the Administrative Appeals Tribunal is contained in the Administrative Appeals Tribunal Act).

*Clause 18* clearly states the offence of possession of an unregistered firearm and increases the penalty for the offence to \$2000 or six months imprisonment plus the forfeiture of the firearm.

*Clause 19*—

- (a) empowers the making of regulations relating to the provision of photographs and fingerprints by applicants for a shooter's licence.
- (b) empowers the making of regulations relating to applications for purchasing permits and the provision of documents with applications for licences permits or authorities under the Act.
- (c) repeals the power to make regulations relating to appeals to the Firearms Consultative Committee. (Power to regulate appeals to the Administrative Appeals Tribunal is contained in the Administrative Appeals Tribunal Act).

*Clause 20* reconstitutes and enlarges the Firearms Consultative Committee.

*Clause 21* removes the appellate jurisdiction of the Firearms Consultative Committee and prescribes the accreditation of firearm safety instructors and the approval of firearm safety courses as a function of the Committee.

*Clause 22* repeals procedural provisions relating to appeals to the Committee consequential upon the removal of the Committee's appellate jurisdiction.

*Clause 23* provides that existing shooters licence remain valid for their existing terms and requires current licence holders to provide a photograph and sample set of fingerprints when next the licence is renewed.

*Clause 24* contains transitional provisions consequential upon the reconstitution of the Firearms Consultative Committee.

