

1996

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

WEAPONS ACT 1991

WEAPONS REGULATIONS (AMENDMENT). NO. OF 1996

EXPLANATORY MEMORANDUM

Circulated by Authority of the Attorney-General

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Section 102 of the *Weapons Act 1991* provides that the Executive may make regulations for the purposes of the Act. Section 20(2) provides that the regulations may exempt a specified person or class of persons from any or all the requirements of the Act and may specify the circumstances in which that exemption applies.

This Weapons Regulation (Amendment) provides for authorised bodies to be exempt from item 11 of schedule 3 of the Act in so far as it relates to the possession of paint pellet guns. Schedule 3 lists the weapons currently prohibited in the Australian Capital Territory.

The regulation specifies the circumstances in which a registered business, its employees and participants in paint pellet games conducted by the registered business, can possess a paint pellet gun for use on an approved paint pellet range.

For the purposes of this regulation the authorised body must be fit and proper in accordance with section 24 (1)(a) of the *Weapons Act 1991*. The source of the fit and proper person criteria is therefore contained in the wording of section 24(2) of the principal Act. In ascertaining the fit and proper nature of the applicants the Registrar would thus have regard to issues such as the criminal history of the applicants and the existence currently, or within the previous 8 years, of a restraining or protection order against one or more of the applicants.

The authorised body must notify the Registrar of Weapons of the serial number of all paint pellet guns in its possession and may not sell or otherwise dispose of paint pellet guns without the written permission of the Registrar. The authorised body must also ensure that people under the age of 18 years and those people who would could reasonably be perceived to be under the influence of drugs or alcohol are not given possession of paint pellet guns.

The regulation further requires that those people supervising and instructing participants in paint pellet games are suitably qualified in the safe handling and operation of the weapons to do so.

The regulation further provides for the security and storage of paint pellet guns by the authorised body.

The regulation has no financial implications and will commence on gazettal.