

2008

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

FIREARMS AMENDMENT BILL 2008

GOVERNMENT AMENDMENTS

**SUPPLEMENTARY
EXPLANATORY STATEMENT**

Circulated by the authority of
Mr Simon Corbell MLA
Minister for Police and Emergency Services

This explanatory statement supplements the Revised Explanatory Statement to the Firearms Amendment Bill 2008 (the Bill) as presented to the Legislative Assembly on 19 June 2008.

These amendments deal with matters that have arisen since the introduction of the Bill: lowering the participation age for paintball, transitional and definitional changes flowing from the Children and Young People Bill 2008, extending the genuine reasons available for minors firearms licences and the prohibition of high-powered laser pointers.

Amendments will allow 16 and 17 year olds to participate in paintball sports at approved paintball ranges with the written consent of their legal guardian. The legitimate commercial interests of paintball operators and the growing popularity and development of the sport of paintball in the Australia have been influential in reducing the participation age. This change will bring the ACT into line with NSW.

Amendments will allow young people between the ages of 12-18 to obtain a minors firearms licence for the purpose of receiving instruction in the safe use of firearms for primary production.

The inclusion of high-powered laser pointers in the current schedule of the Prohibited Weapons Act ensures that the item is prohibited immediately following notification of the amending Act. Amendments will also include this item in the new Schedule 1, Part 1.4 — Other prohibited weapons.

Detail of amendments

Government amendment 1

This amendment allows for the commencement of provisions relating to the prohibition of high-powered laser pointers. Both the inclusion in the existing schedule of prohibited weapons and the provisions providing the Firearms Registrar the power to make declarations about authorisations about the use and possession of laser pointers will commence the day following notification.

Government amendment 2

This amendment will allow 16 and 17 year olds to participate in paintball sports at approved paintball ranges with the written consent of their legal guardian. The provision employs the definitions of 'responsible person' and 'parental responsibility' in the *Children and Young People Act 1999*.

Government amendments 3 and 4

These amendments ensure that important definitions in the Children and Young Act 1999 are used and foreshadow definitional changes that will come about with the passage and commencement of the Children and Young People Bill 2008. These amendments are necessary to ensure that the correct law applies to instances where firearms laws relate to minors.

Government amendment 5

This amendment extends the genuine reasons available for minors firearms licences. As well as the existing reasons of firearms training and target pistol training, young people will be able to obtain a minors firearms licence to receive instruction in the use of firearms for primary production. These licences will be available to young people aged between 12-18 where the person with parental responsibility holds a 'primary production' adult firearms licence and will be the person supervising the applicant.

The extended reason of instruction in the use of firearms for primary production is only available for category A and B firearms.

Government amendments 6 and 7

These amendments ensure that important definitions in the Children and Young Act 1999 are used and foreshadow definitional changes that will come about with the passage and commencement of the Children and Young People Bill 2008. These amendments are necessary to ensure that the correct law applies to instances where firearms laws relate to minors.

Government amendments 8 and 9

These amendments insert the extended genuine reason of instruction in the use of firearms for primary production for category A and B firearms for minors firearms licences in Schedule 3 — Licence categories and authority conferred.

Government amendments 10 and 11

These amendments ensure that important definitions in the Children and Young Act 1999 are used and foreshadow definitional changes that will come about with the passage and commencement of the Children and Young People Bill 2008. These amendments are necessary to ensure that the correct law applies to instances where firearms laws relate to minors.

Government amendment 12

These amendments will allow the Firearms Registrar to make a declaration about the possession or use of prohibited laser pointers.

The amendments contemplate that people in certain professional, technical or scientific classes will be excluded from the offence. This will ensure that individuals with genuine reasons, such as astronomers (including amateur astronomers), academics, and surveyors, can continue to use these items, without the requirement for a permit to possess and use the devices.

Government amendment 13

This amendment will include hand-held laser pointers in the current schedule of the Prohibited Weapons Act. This will ensure that the item is prohibited immediately following notification of the amending Act. This will mean that where a person is convicted for the possession or use of a prohibited laser pointer they will be liable to a \$10,000 fine and or imprisonment for one year.

The description is identical to the description in the Commonwealth *Customs (Prohibited Imports) Regulation 1956*.

Government amendment 14

This amendment includes high-powered laser pointers in the new Schedule 1.4 — Other prohibited weapons — in the amended Prohibited Weapons Act. Once these amendments commence, the maximum penalty for the use or possession of prohibited weapons, including laser pointers, will be a \$50,000 fine and or imprisonment for five years.