

2016

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

FIREARMS AMENDMENT REGULATION 2016 (No 1)

SL2016-28

EXPLANATORY STATEMENT

Circulated by the authority of

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Minister for Police and Emergency Services

FIREARMS AMENDMENT REGULATION 2016 (No 1)

Overview

The Firearms Regulation 2008 includes important regulatory responsibilities for the registrar of firearms, licensees and permit holders. The Firearms Amendment Regulation 2016 (No 1) (the Amendment Regulation) makes changes to the regulatory regime to prescribe reasonable steps to ensure that a firearm is stored safely when it is being transported.

The requirements apply to all categories of firearms in the ACT. The requirements also apply to both the commercial and non-commercial transportation and storage of firearms.

Licensees remain under an obligation to always ensure that their firearm is stored safely which in some instances may require going beyond the obligations outlined in the Amendment Regulation.

The Amendment Regulation provides:

- clear safety requirements, including in relation to the security and visibility of the firearm, and separation of the firearm and ammunition when storing and transporting a firearm in a vehicle; and
- exemptions for primary producers or government employees such as conservation officers.

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Detail

Clause 1 – Name of regulation

This clause states that the name of the regulation is the *Firearms Amendment Regulation 2016 (No 1)*.

Clause 2 – Commencement

This clause provides that the regulation commences on the day after it is notified.

Clause 3 – Legislation amended

This clause states that the legislation amended is the *Firearms Regulation 2008*.

Clause 4 – New division 11.3

This clause inserts new division 11.3 into the Regulation.

New section 52A provides reasonable steps for the safe storage of firearms during transportation under section 180 of the *Firearms Act 1996*.

Subsection 1 provides that a person will be considered to have taken reasonable steps to ensure a firearm is stored safely while being transported if they comply with the provision.

Subsection 2 provides that to comply with the provision a firearm must not be loaded and must be kept separate from ammunition.

If the firearm is being transported in a vehicle other than a motorbike it must be rendered temporarily incapable of being fired; or be locked in a container that is secured to the vehicle.

If a firearm is being transported using a motorcycle it must be stored in a lockable hard-case pannier, luggage box or other container appropriate for transporting the firearm.

Regardless of the vehicle the firearm must not be visible to a person who is not responsible for transporting the firearm.

To avoid doubt a vehicle includes a bookable vehicle (for example a taxi) that can be used for transportation of a firearm if the other safety requirements are satisfied.

A vehicles boot would be considered a securely locked compartment if it is not accessible from the other parts of the vehicle e.g. it must be able to be locked from the drivers/passengers cabin.

Subsection 3 provides that subsection 2 does not apply to:

- primary producers where it is reasonable that they will need to use the firearm during transportation for a purpose related to the business;
- a person employed or authorised by a primary producer, where it is reasonably likely that they will need to use the firearm during transportation for a purpose related to the primary producer's business;
- a conservation officer where it is reasonably likely that they will need to use the firearm during transportation for a purpose related to the officer's duties; and
- a person employed or authorised by a government agency to kill fauna where it is reasonably likely that they will need to use the firearm during transportation for a purpose related to their employment or authorisation.

If it is not reasonably likely that an exempt person will need to use their firearm during transportation the firearm must be stored as described by the section.

Under section 180 the maximum penalty for not taking reasonable steps to store a firearm safely is imprisonment for 2 years for a prohibited firearm or imprisonment for 1 year for any other firearm.

Clause 5 – Section 54

New section 54 prescribes the safety requirement for a person to transport a prohibited firearm or pistol under section 234 of the Firearms Act. The requirements mirror those provided in new section 52A explained above.

Under section 234 the maximum penalty for not transporting a prohibited firearm in accordance with the prescribed safety requirements is 50 penalty units.

Clause 6 – Dictionary, note 3

Clause 6 is a technical amendment. The clause notes that the use of the term 'government agency' in the regulation has the same meaning that it has in the Firearms Act.