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

ELEVENTH ASSEMBLY

FIREARMS AMENDMENT REGULATION 2026 (No 1)

SL2026-3

EXPLANATORY STATEMENT

**Presented by
Minister Paterson MLA
Minister for Police, Fire and Emergency Services
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FIREARMS AMENDMENT REGULATION 2026 (No 1)

BACKGROUND TO THE AMENDMENT REGULATION

The purpose of this Firearms Amendment Regulation 2026 (No 1) (Amendment Regulation) is to amend the Firearms Regulation 2008 (Firearms Regulation) to provide that orders under the *Workplace Protection Orders Act 2025* (Cth) (CWPO Act) must be considered in determining a person's suitability to hold a firearms licence.

The *Firearms Act 1996* (Firearms Act) and the Firearms Regulation establish an integrated licensing and registration scheme for firearms in the ACT. The Firearms Act provides for matters the registrar must consider in determining whether a person is suitable to hold a firearms licence or other authority (discretionary criteria), as well as matters that automatically deem a person unsuitable (mandatory criteria). The registrar must not grant a licence to a person unless satisfied on reasonable grounds that the person is suitable and must suspend or cancel a person's licence if they are found to be unsuitable after the licence is issued.

The discretionary criteria include whether, in the previous 10 years, the person has been subject to an interim protection order, a final order that has been revoked or successfully appealed against, or a final order that permits the person to possess and use a firearm.

The mandatory criteria include whether, in the previous 10 years, the person has been subject to a final protection order other than an order that has been revoked or successfully appealed or an order that permits the person to possess and use a firearm.

'Interim protection order' and 'final protection order' are defined in the Dictionary to the Firearms Act to include interim and final orders made under the *Personal Violence Act 2016* (Personal Violence Act), *Family Violence Act 2016*, and equivalent orders under the legislation of a State, another Territory, or New Zealand.

CWPOs are not currently recognised as orders impacting the suitability of a person to possess or use a firearm. Background regarding the CWPO Act follows.

The Commonwealth Workplace Protection Orders Bill 2025 (CWPO Bill) passed the Parliament on 29 October 2025 and received Royal Assent on 4 November 2025. The Bill responds to significant workplace health and safety risks faced by Commonwealth workers and workplaces, particularly those in frontline service-delivery.

The Bill provides for the making of CWPOs to prevent violence against Commonwealth workers or individuals in Commonwealth workplaces.

A CWPO may be made where the court is satisfied that the respondent has engaged in personal violence, there is a real risk that the respondent will engage in further personal violence if the order is not made, and the order is necessary or desirable to prevent further violence from occurring.

A CWPO may impose such conditions as the court considers necessary or desirable to prevent the respondent from engaging in further personal violence, and to ensure the safety of a Commonwealth worker or individuals at a Commonwealth workplace.

The CWPO scheme is intended to operate concurrently with State and Territory laws. It is modelled on the ACT's WPO scheme established by the Personal Violence Act.

The CWPO Bill will commence six months after it receives Royal Assent, unless an earlier date is fixed by proclamation. The latest the Bill may commence is 5 May 2026.

OVERVIEW OF THE AMENDMENT REGULATION

Section 17 of the Firearms Act applies if the registrar is deciding an individual's suitability. It provides that the registrar must consider any discretionary criteria in section 18 that apply to the individual.

Discretionary criteria under section 18 of the Firearms Act and discretionary criteria prescribed by Regulations

Section 18(1) lists discretionary criteria for section 17. Section 18(1)(d) provides that other criteria may be prescribed by regulation.

The Amendment Regulation inserts new section 65A into Part 15. Subsection 1 provides that the section applies if the registrar is deciding an individual's suitability under section 17 of the Act.

Subsection 2 provides that certain orders made under the CWPO are prescribed criterion. Specifically, it provides that a prescribed criterion is whether, within the 10 years before the day the registrar makes the decision, the individual has been subject: to an interim order or urgent interim order under the CWPO; or a final order or consent order that has been revoked or, for a final order, successfully appealed against. 'Successfully appealed against' is defined by adopting the definition of that phrase in section 19(2) of the Firearms Act: "an order is successfully appealed against if an appeal against the making of the order is upheld." Section 18(1)(b) lists discretionary criteria including final protection orders that have been revoked and interim protection orders. The Amendment Regulation follows this approach by prescribing CWPOs that have been revoked or are interim orders as discretionary criteria.

Section 18 of the Firearms Act does not refer to final protection orders that have been successfully appealed against. However, the Amendment Regulation also

makes CWPOs that have been successfully appealed against a discretionary criteria. This approach ensures that the Amendment Regulation extends discretionary criteria to include CWPOs that are successfully appealed against and thereby prioritises the protection and safety of the community. This is also addressed in the consistency with human rights section.

Mandatory criteria under section 19 of the Firearms Act and mandatory criteria prescribed by Regulation

Section 19(1)(c) of the Firearms Act provides that, for section 17, mandatory criteria in relation to an individual includes if the individual is not suitable because of a reason prescribed by regulation.

Section 19 of the Firearms Act provides that for section 17, the mandatory criteria include an individual who within the last 10 years has been subject to a final protection order other than an order that has been revoked or successfully appealed against.

Subsection 3 of the Amendment adopts the same approach and is therefore consistent. Subsection 3 provides that, for the Act, section 19 (1) (c), a prescribed reason is that, within the 10 years before the day the registrar makes the decision, the individual has been subject to a final order or consent order under the CWPO, *other than* an order that has been revoked or, for a final order, successfully appealed against.

Explainer regarding enforcement processes

Currently, the Court notifies the ACT Firearms Registry of every Family Violence Order (including interim and other protection orders). Upon commencement, the process for any CWPOs is very likely to closely resemble the process for family violence and protection orders.

Commencement

This regulation commences on the later of the commencement of the CWPO Act and the day after this regulation's notification day. Importantly, section 65A applies in relation to the making of a decision on or after the commencement day, even if the relevant CWPO was made before that day or the application was made before that day.

IMPACT ON HUMAN RIGHTS

Rights Promoted

By ensuring the registrar has clear grounds to act where a CWPO is made against the holder of a firearms licence the Amendment Regulation will address risks to community safety and accordingly promote the right to life protected under section 9 of the *Human Rights Act 2004* (Human Rights Act).

Rights Limited

1. Nature of the right and the limitation (s28(a) and (c))

The amendments may limit the right to a fair trial (section 22). By providing that a person who is or has been subject to a final CWPO must be assessed as unsuitable to possess a licence (and accordingly be refused a licence or have an existing licence cancelled), the amendments may restrict a person's ability to challenge key administrative decisions of the Registrar.

The Amending Regulation requires the Registrar to consider CWPOs that have been successfully appealed against as a discretionary criteria under section 18. This may also limit the right to a fair trial.

The Amendment Regulation provides that the registrar must consider an order made under the CWPO even if the relevant order was made before commencement of the Regulation and, for a decision in relation to an application under the Act, the application was made before that day.

This may appear to limit the right under section 25 of the Human Rights Act not to be subject to retrospective laws. However, the suitability provisions in ss 17 – 19 of the Firearms Act are not criminal offence provisions and a finding that a person is not suitable cannot be considered a punishment or penalty. Nonetheless, the transitional provision may result in retrospective operation, in that it will mean the Firearms Regulation may operate by reference to a CWPO made before commencement or before a relevant application under the Firearms Act. This is proportionate and justifiable. Further, the alternative is illogical and undermines the underlying policy rationale to ensure public safety.

The amendments may limit the cultural and other rights of Aboriginal and Torres Strait Islander peoples (section 27). First Nations communities may use firearms to hunt and conduct other activities on traditional lands. If a member of one of those communities is assessed as unsuitable to possess a firearm, their ability to participate in cultural activities may be compromised.

The amendments may limit the right to work and work-related rights (section 27B). Certain occupations, including primary production and the security industry, may require the use of firearms. If a person is assessed as unsuitable to possess a firearm, their ability to participate in their chosen occupation may be compromised.

2. Legitimate purpose (s28(b))

The underlying policy outcome of the Amendment Regulation is to maintain public safety. Specifically, it ensures that the Registrar must consider whether a CWPO has been made in relation to an individual to determine their suitability. It does so in a manner consistent with the existing approach in the Firearms Act.

3. Rational connection between the limitation and the purpose (s28(d))

The behaviour and conduct that may constitute the basis for making a CWPO are relevant in determining suitability to hold a firearms licence, and subsequently acquire, possess or use a firearm. There is a direct rational connection between the imposition of stringent requirements on the management of highly regulated property, such as firearms, and the legitimate purpose of promoting public safety. By using evidence of a CWPO to determine a person's suitability to hold a firearms licence, the Amendment Regulation reduces the risk of firearms being used in an unlawful way or to cause harm to others.

4. Proportionality (s28 (e))

The approach proposed is the least restrictive approach and is consistent with the existing approach in the Act.

REGULATORY IMPACT STATEMENT

Section 34 of the *Legislation Act 2001* requires the preparation of a Regulatory Impact Statement where a subordinate law is likely to impose appreciable costs on the community, or a part of the community. Since this regulation does not impose appreciable costs on the community, no such statement is necessary.

CLAUSE NOTES

Clause 1 Name of Act

This clause sets out the name of the regulation as the Firearms Amendment Regulation 2026 (No 1).

Clause 2 Commencement

This clause provides that the regulation commences on the later of: the commencement of the Commonwealth Workplace Protection Orders Act 2025 (Cwlth); and the day after this regulation's notification day.

Clause 3 Legislation amended

This clause provides that this regulation amends the Firearms Regulation 2008.

Clause 4 New section 65A

This clause inserts new section 65A in part 15 of the Firearms Regulation 2008.

Section 65A, subsection 1, provides that section 65A applies if the registrar is deciding an individual's suitability in relation to a matter mentioned in the Firearms Act, section 17 (1). (Section 17(1) of the Firearms Act says that section 17 applies if the registrar is deciding an individual's suitability in relation to, amongst other things, an application under the Act or the cancellation of a licence.)

Section 65A, subsection 2, provides that for section 18(1)(d) of the Firearms Act, a prescribed criterion is whether, within the 10 years before the day the registrar makes the decision, the individual has been subject to an interim order or urgent interim order under the CWPO Act, or a final order or consent order that has been revoked, or, for a final order, successfully appealed against.

Section 65A, subsection 3, provides that for section 19(1)(c) of the Firearms Act, a prescribed reason is that, within the 10 years before the day the registrar makes the decision, the individual has been subject to a final order or consent order under the CWPO, *other than* an order that has been revoked, or, for a final order, successful appealed against.

Section 65A, subsection 4, provides that the phrase "successfully appealed against" is defined by reference to section 19(2) of the Firearms Act.

Clause 5 New Part 20

Clause 5 inserts new Part 20 into the Regulations.

Part 20 contains transitional provisions.

Section 87 provides for the application of section 65A. Section 87(1) provides that 87 section 65A applies in relation to the making of a decision on or after the

commencement day, even if: the relevant order under the CWPO Act was made before that day; or, for a decision in relation to an application under the Act, the application was made before that day.

Section 87(2) provides that, in section 87, “commencement day” means the day the Firearms Amendment Regulation 2026 (No 1), section 3 commences.

Section 88 provides that this part (part 20) expires 1 year after the day it commences.