

Firearms (Compensation) Regulations 2003

Subordinate Law SL2003-28

The Australian Capital Territory Executive makes the following regulations under the *Firearms Act 1996*.

Dated 27 August 2003.

BILL WOOD Minister

TED QUINLAN Minister



Firearms (Compensation) Regulations 2003

Subordinate Law SL2003-28

made under the

Firearms Act 1996

Contents

		Page
Part 1	Preliminary	
1	Name of regulations	1
2	Commencement	1
3	Application of pt 2	1
4	Expiry	1

Contents

		Page
Part 2	Modification of Act, pt 12	_
5	Act modified—pt 2	2
6	Section 129	2
7	Section 135 (2)	3
8	New section 135A	3
9	Section 136	5
10	Section 137 (2)	7
11	New sections 137A and 137B	7
12	Section 138 (2)	9
13	Section 139	9
14	Section 140	10
Part 3	Amendment of Firearms Regulations	
15	Regulations amended—pt 3	11
16	Regulation 4	11
17	Regulation 4 (b) to (f)	11
18	Regulation 29 (2) (a) (ii)	12

Part 1 Preliminary

1 Name of regulations

These regulations are the *Firearms (Compensation) Regulations* 2003.

2 Commencement

These regulations commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Application of pt 2

Part 2 applies in relation to a pistol, and an accessory or major part for a pistol, for which a person is entitled to compensation under the Act, part 12 (Transitional provisions).

4 Expiry

These regulations expire on 1 July 2004.

Part 2 Modification of Act, pt 12

5 Act modified—pt 2

This part modifies the *Firearms Act 1996*, part 12 (Transitional provisions).

6 Section 129

substitute

129 Definitions for pt 12

In this part:

accessory, for a pistol, does not include a cap, jacket, carry bag, glove, safety glasses or a similar item.

amnesty period means the period after 30 June 2003 and before 1 January 2004.

major part, for a pistol, includes a slide, barrel, revolving chamber, trigger assembly, frame and magazine.

National Valuation List means a National Valuation List, as amended from time to time, on the web site at www.handgunbuyback.gov.au.

valuation list, for a pistol, or an accessory or major part for a pistol, means the National Valuation List (if any) applying to the pistol, accessory or major part.

valuation panel means the panel established under section 140.

7 Section 135 (2)

substitute

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
 - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

8 New section 135A

insert

135A Compensation for surrendered accessories and major parts—licensed pistol shooters

(1) In this section:

related item, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 135; or
- (b) an accessory (including a special holster) that is—
 - (i) specific to a pistol for which the person is entitled to compensation under section 135; and
 - (ii) directly related to the person's participation in pistol shooting; or

SL2003-28

Firearms (Compensation) Regulations 2003

page 3

- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
 - (a) section 135 applies to the person; and
 - (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
 - (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

9 Section 136

substitute

136 Compensation for licensed firearms dealers—prohibited pistols

- (1) This section applies to a prohibited pistol owned by a licensed firearms dealer if—
 - (a) the dealer acquired or ordered the pistol before 20 December 2002; and
 - (b) the dealer surrenders the pistol to a police officer during the amnesty period.
- (2) The dealer is entitled to payment of the following amount of compensation for the pistol:
 - (a) if the pistol was imported by the dealer—the total of the customs value of the pistol determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
 - (b) in any other case—
 - (i) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (ii) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol but the dealer asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the dealer is entitled to payment of the amount of compensation assessed by the valuation panel.

136A Compensation for licensed firearms dealers—other items

(1) In this section:

related item means—

- (a) any part or accessory for a prohibited pistol that can be used only for a prohibited pistol; or
- (b) commercially available factory-loaded ammunition that can be used only by a prohibited pistol.
- (2) This section applies to a licensed firearms dealer if—
 - (a) the dealer acquired or ordered a related item before 20 December 2002; and
 - (b) the dealer surrenders the item to a police officer during the amnesty period.
- (3) For each particular kind of related item surrendered by the dealer, the dealer is entitled to payment of the amount of compensation worked out in accordance with subsection (4) or (5) for a quantity of the item that is not more than a commercially viable stock level for the item.
- (4) The amount of compensation payable to the dealer for a related item is as follows:
 - (a) if the item was imported by the dealer—the total of the customs value of the item determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
 - (b) in any other case—
 - (i) if a valuation list applies to the item—the amount worked out in accordance with the list; or
 - (ii) if a valuation list does not apply to the item—the amount assessed by the valuation panel.

- (5) However, if a valuation list applies to the item but the dealer asks a police officer to arrange for the item's value to be assessed by the valuation panel, amount of compensation payable to the dealer is the amount assessed by the valuation panel.
- (6) For this section, the person or a police officer may ask the valuation panel to decide whether—
 - (a) a thing is a related item for the dealer; or
 - (b) the quantity of a related item that is a commercially viable stock level for the item.
- (7) The valuation panel's decision applies to the working out of the amount of compensation to which the dealer is entitled to under this section.

10 Section 137 (2)

omit

11 New sections 137A and 137B

insert

137A Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols

- (1) This section applies to a person to whom section 137 applies.
- (2) The person is entitled to payment of the following amount of compensation for each pistol surrendered by the person under section 137:
 - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.

SL2003-28

(3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

137B Compensation for licensed pistol shooters withdrawing from pistol shooting—other items

(1) In this section:

related item, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 137; or
- (b) an accessory (including a special holster) that is—
 - (i) specific to a pistol for which the person is entitled to compensation under section 137; and
 - (ii) directly related to the person's participation in pistol shooting; or
- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
 - (a) section 137 applies to the person; and
 - (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
 - (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or

- (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

12 Section 138 (2)

substitute

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
 - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
 - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (2A) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

13 Section 139

omit

14 Section 140

substitute

140 Valuation panel

- (1) The chief executive must arrange for the establishment of a valuation panel constituted by—
 - (a) 4 firearms dealers licensed under the *Firearms Act 1996* (NSW); and
 - (b) 1 police officer exercising functions in relation to the surrender of pistols under this part; and
 - (c) 1 police officer experienced in firearm ballistics.

Note For the making of appointments, see Legislation Act, div 19.3.

- (2) The quorum for a meeting of the panel is 1 firearms dealer and 1 police officer.
- (3) The panel has the functions given to it by this part.

Part 3 Amendment of Firearms Regulations

15 Regulations amended—pt 3

This part amends the Firearms Regulations 1997.

16 Regulation 4

omit everything before paragraph (b), substitute

4 Not firearms—Act, s 4, def firearm

(1) In this regulation:

pre-percussion pistol means a muzzle-loading pistol (including a percussion lock pistol that is muzzle-loading) that uses black powder to propel a projectile, but does not include any breech loading pistol with a rotating cylinder or any other breech loading pistol that accepts metallic cartridges.

- (2) The following are declared not to be firearms:
 - (a) a pre-percussion pistol;
 - (b) a firearm (other than a percussion-fired pistol) manufactured before 1900 for which ammunition is not readily commercially available:

17 Regulation 4 (b) to (f)

renumber as regulation 4 (2) (c) to (g)

18 Regulation 29 (2) (a) (ii)

omit
subparagraph (i);
substitute
subparagraph (i); and

Endnotes

Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

Notified under the Legislation Act on 28 August 2003. (see www.legislation.act.gov.au)

© Australian Capital Territory 2003