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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

NATIONAL FIREARMS PROGRAM IMPLEMENTATION BILL 1996

EXPLANATORY MEMORANDUM

(Circulated by authority of the Attorney-General
the Honourable Daryl Williams AM QC MP)



NATIONAL FIREARMS PROGRAM IMPLEMENTATION BILL 1996

OUTLINE

This Bill appropriates monies for financial assistance to the States, the Australian Capital Territory and the Northern Territory in connection with the implementation of the national firearms program.

The appropriation is for the purposes of –

payments to the States and Territories so that they may be reimbursed for compensation payments made by them to persons who hand in self-loading rifles, self-loading shotguns and pump action shotguns as part of the nationwide amnesty and compensation-for-surrender scheme agreed by the Australasian Police Ministers' Council on 10 May 1996;

payments to the States and Territories so that they may be reimbursed for compensation to gun dealers for surrender of stock and associated loss of business in accordance with the principles agreed by the Australasian Police Ministers' Council on 17 July 1996;

payments to the States and Territories and by the Commonwealth for purposes connected to the compensation-for-surrender scheme and for implementation of the new national licencing and registration schemes.

Payments for reimbursement for compensation will be limited to compensation for firearms surrendered during the nationwide amnesty period.

States and Territories will be required to return any excess funds to the Commonwealth.

FINANCIAL IMPACT STATEMENT

The payments will be funded out of the gun levy (a one-off increase in the Medicare levy for the income year 1996-97). The amounts involved are estimated to be in the order of \$500 million. While the greater part of the payments are likely to be made in the financial year 1996/97, it is anticipated that some will not be made until 1997/98.

NOTES ON CLAUSES

Clause 1: Short Title

Clause 1 is a formal provision specifying the short title of the Bill

Clause 2: Commencement

The Bill will commence on the day it receives Royal Assent

Clause 3: Interpretation

Several terms are defined in clause 3:

‘amnesty period’ is defined as the period starting at the beginning of 10 May 1996 and ending at midnight on 30 September 1997. This is the nationwide amnesty period agreed to by the Australasian Police Ministers’ Council. There is also provision for the Attorney-General to determine a lesser period of time to take account of any jurisdiction which wishes its amnesty and surrender period to be a shorter period. He may not determine a longer period. Payments to the States and Territories for reimbursement for compensation will only be made for firearms surrendered during this period.

‘national firearms program’ is defined as the program of measures agreed to by the Australasian Police Ministers’ Council at its meetings on 10 May 1996 and 17 July 1996. These include an effective national registration scheme for firearms and a program of compensation for those restricted category firearms handed in during the nationwide amnesty period.

‘qualifying compensation’ is compensation paid under a State or Territory scheme to implement the national firearms program. The scheme must be approved in writing by the Attorney-General. Qualifying compensation is compensation paid under such a scheme to persons who hand in self-loading rifles, self-loading shotguns or pump-action shotguns. These are restricted category firearms, to be surrendered under the national firearms program.

Qualifying compensation will also include compensation to gun owners for parts and accessories which are specific only to restricted category firearms and cannot be used in conjunction with other firearms. In addition, it will include compensation to gun dealers for surrender of stock-in-trade and of accoutrements such as parts and accessories, ammunition, service manuals and machinery which are for use in relation only to restricted category firearms and cannot be used in relation to any other firearms and for loss of business associated with such surrender.

Qualifying compensation is limited to compensation for firearms and associated equipment surrendered between 10 May 1996 and 30 September 1997 and claims for loss of business lodged during this period. The States and Territories will only be reimbursed for payments of qualifying compensation.

‘State’ is defined to include the Australian Capital Territory and the Northern Territory.

Clause 4: Financial assistance for qualifying compensation paid by a State

This clause enables the Attorney-General to authorise payment to a State or Territory to reimburse the State or Territory for qualifying compensation already paid. It also enables the Attorney-General to authorise payment to a State or Territory in advance for amounts of qualifying compensation expected to be paid by that State or Territory. In this case, any amounts in excess of the amount of qualifying compensation actually paid out by the State or Territory must be repaid to the Commonwealth. The Commonwealth may take court action to recover any such excess not repaid to it.

Clause 5: Additional financial assistance

Clause 5 enables the Attorney-General to authorise payments to the States and Territories and other payments by the Commonwealth for purposes directly connected to the scheme for payment of qualifying compensation and for implementation of the new nationwide licencing and registration schemes. This amount will be limited to an amount notified by the Attorney-General in the Gazette. The Attorney-General will not be able to revoke or change this limit.

Clause 6: Nature of payments under this Act

This clause makes it clear that payments under the Bill to the States are in the nature of financial assistance granted under section 96 of the Constitution.

Clause 7: Appropriation

Clause 7 appropriates the Consolidated Revenue Fund for payments made under the Bill.