

National Handgun Buyback Regulations 2003 2003 No. 344

EXPLANATORY STATEMENT

STATUTORY RULES 2003 NO. 344

Issued by the authority of the Minister for Justice and Customs

National Handgun Buyback Act 2003

National Handgun Buyback Regulations 2003

Section 10 of the *National Handgun Buyback Act 2003* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act enables the Commonwealth to appropriate funds for the purpose of providing financial assistance to the States (defined to include the Australian Capital Territory and the Northern Territory), in connection with the implementation of the handgun buyback.

Section 3 of the Act provides that the 'buyback period' in relation to a State means the period from 1 July 2003 until 31 December 2003, unless a later time for the end of the period is prescribed in relation to the State by regulations.

The purpose of the Regulations is to extend the handgun buyback beyond 31 December 2003 in State and Territory jurisdictions that have requested an extension. The effect of the Regulations would be that Commonwealth reimbursement may continue to be available under the Act to those jurisdictions for qualifying payments made until the prescribed end date. 'Qualifying payment' is defined in the Act as being the payment made by a State in accordance with a written agreement between the Commonwealth and the State, being either: a payment for compensation for the surrender of handguns, parts or accessories; or a payment made in direct connection with the administration of the handgun buyback or related education or awareness raising strategies.

The length of the extension of the handgun buyback prescribed in the Regulations has been determined in accordance with requests from each State and Territory. All States and Territories, except the Australian Capital Territory, have requested an extension. The extensions would range from the end of January 2004 (Tasmania and the Northern Territory) to the end of June 2004 (Queensland).

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

Details of the amendments are set out in the Attachment.

The Regulations would commence on gazettal.

ATTACHMENT

Details of the *National Handgun Buyback Regulations 2003*

Regulation 1 - Name of Regulations

Regulation 1 provides for the regulations to be named the *National Handgun Buyback Regulations 2003*.

Regulation 2 - Commencement Regulation 2 provides for the regulations to commence on gazettal.

Regulation 3 - Definition

Regulation 3 contains a definition relevant to the ensuing regulation defining 'Act' to mean the *National Handgun Buyback Act 2003*.

Regulation 4 - Buyback period - later times

Regulation 4 lists the later times for the end of the 'buyback period' for each jurisdiction for which an extension of the handgun buyback was sought.