

SOUTH AUSTRALIA

FIREARMS (COMPENSATION) REGULATIONS 1996

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Compensation
5. Compensation for dealers
6. Compensation for firearms owners
7. Compensation for parts, etc.

APPENDIX LEGISLATIVE HISTORY

REGULATIONS UNDER THE FIREARMS ACT 1977

Firearms (Compensation) Regulations 1996

being

No. 209 of 1996: *Gaz.* 5 September 1996, p. 1094¹

as varied by

No. 256 of 1996: *Gaz.* 19 December 1996, p. 2232²

¹ Came into operation 9 September 1996: reg. 2.

² Came into operation 19 December 1996: reg. 2.

Citation

1. These regulations may be cited as the *Firearms (Compensation) Regulations 1996*.

Commencement

2. These regulations will come into operation on 9 September 1996.

Interpretation

3. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Firearms Act 1977*;

"**the amending Act**" means the *Firearms (Miscellaneous) Amendment Act 1996*;

"**the application date**" means the application date defined in the schedule to the Act;

"**dealer**" means a person who held a dealer's licence immediately before the commencement of the amending Act;

"**list A**" means the list entitled "Firearms Price List" as in force at the commencement of these regulations which lists prohibited firearms and their values being values which do not exceed \$2 500;

"**list B**" means the list entitled "Reserve List" as in force at the commencement of these regulations which lists prohibited firearms and their values being values which exceed \$2 500;

"**old licence**" means a firearms licence in force immediately before the commencement of the amending Act;

"**new licence**" means a firearms licence granted by the Registrar pursuant to an application made on or before the application date by the holder of an old licence;

"**prohibited firearm**" means a class C or D firearm;

"**the surrender date**" means the surrender date defined in the schedule to the Act.

Compensation

4. (1) The Treasurer may (but cannot be required to) pay compensation in accordance with these regulations.

(2) No person is entitled to compensation by virtue of these regulations.

Compensation for dealers

5. The Treasurer may pay compensation to a dealer for—

- (a) prohibited firearms that were part of the dealer's stock immediately before 17 May 1996 and that the dealer surrenders to the Registrar on or before the surrender date;
- (b) parts, ammunition and manuals for prohibited firearms and equipment for the repair of prohibited firearms if—

3.

- (i) the parts, ammunition, equipment or manuals were in the possession of the dealer immediately before 17 May 1996 and cannot be used for, or do not relate to, any other kind of firearm; and
 - (ii) the parts, ammunition, equipment or manuals are surrendered to the Registrar on or before the surrender date;
- (c) a reduction in the value of the dealer's business caused by the enactment of restrictions on the acquisition, possession and use of prohibited firearms if that business formerly included the sale or repair of prohibited firearms.

Compensation for firearms owners

6. (1) The Treasurer may pay compensation to the owner of a prohibited firearm (not being a firearm that was an obsolete firearm immediately before the commencement of the amending Act) if—

- (a) the firearm is registered; and
- (b) the firearm was owned by that person immediately before 17 May 1996; and
- (c) that person held a firearms licence immediately before 17 May 1996 authorising his or her possession of the firearm; and
- (d) the firearm was surrendered to the Registrar on or before the surrender date.

(2) The Treasurer may pay compensation under subregulation (1) even though paragraphs (a) and (c) of that subregulation are not satisfied if—

- (a) the owner of the firearm had moved his or her usual place of residence to South Australia; and
- (b) the owner—
 - (i) had, within 14 days after moving, applied for registration of, and for a licence to possess and use, the firearm in this State; or
 - (ii) had not made the applications referred to in subparagraph (i) within 14 days of moving because the Registrar or a member of the police force had informed the owner that the applications would be refused because the firearm was a restricted firearm; and
- (c) the owner was, immediately before 17 May 1996, authorised to have possession of the firearm under the law of his or her former place of residence.

(2a) The Treasurer may pay compensation to the owner of a prohibited firearm (not being a firearm that was an obsolete firearm immediately before the commencement of the amending Act) even though—

4.

- (a) the firearm is not registered; or
- (b) the firearm was not owned by that person immediately before 17 May 1996 (but the firearm must have been owned by that person immediately before the commencement of the amending Act); or
- (c) that person did not hold a firearms licence immediately before 17 May 1996 authorising his or her possession of the firearm,

if the firearm was surrendered to the Registrar on or before the surrender date.

(3) The Treasurer may pay compensation to the owner of a prohibited firearm that was an obsolete firearm immediately before the commencement of the amending Act if the firearm—

- (a) was owned by that person immediately before the commencement of the amending Act; and
- (b) was surrendered to the Registrar on or before the surrender date.

(4) Subject to subregulation (6), the amount of compensation must not exceed the amount shown for the firearm in list A or list B.

(5) If the owner of a firearm that is included in list B and that is not a military firearm or a military style firearm is dissatisfied with the amount of compensation shown in list B for the firearm, he or she may, at his or her expense, have the value of the firearm assessed by a person nominated or approved by the Registrar.

(6) The Treasurer may, unless he or she is dissatisfied with the valuation of a firearm under subregulation (5), pay an amount of compensation for the firearm equivalent to the valuation but the amount of compensation paid must not exceed that value even if it is less than the amount set out in list B for the firearm.

(7) The owner of a firearm that is not included in list A or list B may, at his or her expense, have the value of the firearm assessed by a person nominated or approved by the Registrar.

(8) The Treasurer may, unless he or she is dissatisfied with the valuation of a firearm under subregulation (7), pay an amount of compensation for the firearm equivalent to but not exceeding the valuation.

Compensation for parts, etc.

7. (1) Subject to this regulation, the Treasurer may pay compensation to the owner of a part of, or a fitting or accessory for, a prohibited firearm if—

- (a) the part, fitting or accessory was designed to be used as part of, or a fitting or accessory for, a firearm surrendered by the owner and for which the Treasurer has paid compensation under regulation 6(1) or (3); and

5.

(b) the part, fitting or accessory—

- (i) cannot be used for any other kind of firearm; and
- (ii) was owned by the person immediately before 17 May 1996; and
- (iii) was surrendered to the Registrar on or before the surrender date.

(2) The Treasurer may pay compensation under subregulation (1) for the magazine of a firearm if—

- (a) the magazine was designed to be fitted to a class C firearm that is lawfully in the possession of the owner of the magazine pursuant to a new licence; and
- (b) the magazine, if fitted to the firearm, would convert it to a class D firearm,

even though the owner has not surrendered a firearm as required by subregulation (1)(a).

(3) The owner of a part, fitting or accessory in relation to which the Treasurer may pay compensation under subregulation (1) may, at his or her expense, have the value of the part, fitting or accessory assessed by a person nominated or approved by the Registrar.

(4) The Treasurer may, unless he or she is dissatisfied with the valuation of a part, fitting or accessory under subregulation (3), pay an amount of compensation for the part, fitting or accessory equivalent to but not exceeding the valuation.

6.

APPENDIX

LEGISLATIVE HISTORY

Regulation 6(2a):

inserted by 256, 1996, reg. 3

Regulation 7(1):

varied by 256, 1996, reg. 4