

South Australia

Firearms (Compensation) Regulations 1996

under the *Firearms Act 1977*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Compensation
- 5 Compensation for dealers
- 6 Compensation for firearms owners
- 7 Compensation for parts etc

Schedule—Provisions that may result in a reduction in the value of a dealer's business

Part A—Provisions of the *Firearms Act 1977*

Part B—Provisions of the *Firearms Regulations 1993*

Legislative history

1—Short title

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

2—Commencement

These regulations will come into operation on 9 September 1996.

3—Interpretation

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.

4—Compensation

- (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.

5—Compensation for dealers

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—
 - (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 resulting from the amendment or enactment of the provisions referred to in the Schedule by the *Firearms (Miscellaneous) Amendment Act 1996* or the regulations (No. 208 of 1996) under the *Firearms Act 1977* made on 5 September 1996 (see *Gazette 5.9.1996 p1077*).

6—Compensation for firearms owners

- (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—
- (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.

7—Compensation for parts etc

- (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
 - (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.

Schedule—Provisions that may result in a reduction in the value of a dealer's business

Part A—Provisions of the *Firearms Act 1977*

section 5(11)(e)
section 12
section 14
section 15A
section 15B
section 17(3a)
section 19A
section 21BB
section 29B
section 35A

Part B—Provisions of the *Firearms Regulations 1993*

regulation 12(4) and (5)
regulation 19(2), (3), (4), (6) and (8)

regulation 29

regulations made under sections of the Act referred to in Part A.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Firearms (Compensation) Regulations 1996* were revoked by Sch 2 cl 2 of the *Firearms Regulations 2008* on 1.9.2008.

Principal regulations and variations

Year	No	Reference	Commencement
1996	209	<i>Gazette 5.9.1996 p1094</i>	9.9.1996: r 2
1996	256	<i>Gazette 19.12.1996 p2232</i>	19.12.1996: r 2
1997	227	<i>Gazette 27.11.1997 p1451</i>	27.11.1997: r 2

Provisions varied

Provision	How varied	Commencement
r 5	varied by 227/1997 r 3	27.11.1997
r 6		
r 6(2a)	inserted by 256/1996 r 3	19.12.1996
r 7		
r 7(1)	varied by 256/1996 r 4	19.12.1996
Sch	inserted by 227/1997 r 4	27.11.1997