



# **National Handgun Buyback Act 2003**

**No. 60, 2003**

**An Act to provide for financial assistance for qualifying payments made by States and other expenditure in connection with the implementation of the handgun buyback, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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**An Act to provide for financial assistance for qualifying payments made by States and other expenditure in connection with the implementation of the handgun buyback, and for related purposes**

*[Assented to 30 June 2003]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *National Handgun Buyback Act 2003*.

## 2 Commencement

This Act commences on the day on which it receives the Royal Assent.

## 3 Definitions

In this Act:

**buyback period**, in relation to a State, means the period starting at the beginning of 1 July 2003 and ending at whichever of the following applies:

- (a) the end of 31 December 2003;
- (b) if a later time is prescribed in relation to the State by regulations for the purposes of this paragraph—that later time.

**COAG handgun reforms** means the following taken together:

- (a) the consolidated resolutions agreed upon by the Australasian Police Ministers' Council at the Special Meeting on Firearms (Handguns) on 28 November 2002;
- (b) the measures relating to handgun reforms endorsed by the Council of Australian Governments after that meeting but before the commencement of this Act.

**handgun buyback** means the compensation scheme agreed upon by the Council of Australian Governments at its meeting of 6 December 2002, including any additions, modifications or variations to that scheme endorsed by the Council of Australian Governments after that meeting but before the commencement of this Act.

**qualifying payment** means a payment made by a State in accordance with a written agreement between the Commonwealth and the State, being either:

- (a) a payment that:
  - (i) is for the purposes of the handgun buyback; and
  - (ii) is compensation for handguns, handgun parts or handgun accessories surrendered by a person during the buyback period in relation to the State; or

- (b) a payment made in direct connection with:
  - (i) the administration of the handgun buyback; or
  - (ii) education or awareness raising strategies relating to the COAG handgun reforms.

*State* includes the Australian Capital Territory and the Northern Territory.

#### **4 Financial assistance for qualifying payments by a State**

- (1) The Minister may authorise the payment to a State of amounts by way of reimbursement for qualifying payments made by the State.
- (2) The Minister may only authorise the payment to a State of an amount under subsection (1) if:
  - (a) the State has made a claim for payment of the amount in the form approved by the Minister for the purposes of this paragraph; and
  - (b) the claim for payment is made before the end of the period of 12 months beginning immediately after the end of the buyback period in relation to the State; and
  - (c) the Minister is satisfied that the payment of the amount is in accordance with a written agreement between the Commonwealth and the State relating to the handgun buyback.
- (3) If the total amount paid to a State under this section is more than the total amount payable to the State under the written agreement mentioned in paragraph (2)(c), then the State must repay the excess to the Commonwealth.
- (4) An amount payable by a State to the Commonwealth under subsection (3) is recoverable by the Commonwealth as a debt in a court of competent jurisdiction.

#### **5 Minister may authorise other payments**

In addition to payments under section 4, the Minister may authorise other payments by the Commonwealth relating to the

COAG handgun reforms including, but not limited to, payments in connection with the following:

- (a) the administration of the COAG handgun reforms;
- (b) education or awareness raising strategies relating to the COAG handgun reforms.

## **6 Nature of payments to States under this Act**

Payments to a State under this Act are by way of financial assistance to the State.

## **7 Tabling of agreement**

The Minister must cause a copy of the written agreement between the Commonwealth and States relating to the handgun buyback to be tabled in each House of the Parliament within 15 sitting days of that House after all States have entered into the agreement.

## **8 Delegation**

The Minister may, by writing, delegate to:

- (a) the Secretary of the Department; or
  - (b) an SES employee or acting SES employee in the Department;
- all or any of the Minister's powers under this Act.

## **9 Appropriation**

The Consolidated Revenue Fund is appropriated for payments under this Act.

## **10 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.



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*[Minister's second reading speech made in—  
House of Representatives on 15 May 2003  
Senate on 16 June 2003]*

(59/03)