

## Strategy and Support

### Submission of comments on draft legislation

To whom it may concern,

Thank you for the opportunity to comment on the proposed changes outlined below.

Please see my responses to each proposal in RED below each proposal.

Regards Rolf Hey Licenced firearms dealer [REDACTED]

17/FEB/2023

#### PROPOSED AMENDMENTS INCLUDE:

##### 1. Categorisation of lever action shotguns in line with the National Firearms Agreement

Tasmania is implementing the decision, agreed to between Australian states and territories, to reclassify lever action shotguns as either:

- Category B firearms – for lever action shotguns with a magazine capacity of no more than five rounds of ammunition, or
- Category D - for lever action shotguns with a magazine capacity of more than five rounds of ammunition.

The commencement of this provision will be delayed, ensuring that all relevant licence holders can be contacted, and their licences transitioned to the appropriate category or other arrangements made.

**No Comment, apart from seeing a lack of quality in the manufacture of these firearms and wondering why anyone would seriously purchase them.**

##### 2. Automatic refusal of firearms applications for persons associated with OMCGs

In line with the Tasmanian Government's commitment to community safety, this proposed amendment makes participation in an outlaw motorcycle gang (OMCG) a ground for mandatory refusal of a licence application. It will also allow for the revocation of a firearms licence if a current firearms licence holder is found to be a participant in an OMCG.

The removal of firearms licences from people participating in OMCGs builds on the strong steps the Tasmanian Government has already taken to ban the wearing of gang insignias that causes the public to feel intimidated and threatened.

I feel there needs to be documented definitions as to defining a member of an OMCG. We should not 'discriminate' to those members of groups that may belong to a credible group and want to wear particular clothing and or 'colours'/'patches' as is often the case with such members and who is of no risk to public safety.

### 3. Alignment of the firearms amnesty with the national amnesty

There is a permanent firearms amnesty in Tasmania that means that unregistered or unwanted firearms can be surrendered to police or firearms dealers without any action being taken in relation to possession offences.

To ensure consistency and clarity, it is proposed that the firearms amnesty is extended to include that firearm parts and ammunition can be surrendered under the amnesty.

Under this proposed amendment, people who don't have a licence for the firearm part or ammunition can surrender the items without penalty. This will mean that members of our community have options available to them for the safe storage of these items while they seek appropriate possession licences.

The current amnesty provisions will apply to this amendment. This includes that a person can apply to re-acquire the surrendered item as long as they have the appropriate category of firearms licence in Tasmania and can justify their genuine need to possess that item. Consultation information sheet: Firearms Amendment (Community Safety) Bill 2023 4

Allowances should also be made for parts to be handed in to dealers to be passed on to FS for destruction AND OR retained by the firearms dealer as usable parts for those dealers employed in the repair of firearms.

### 4. Clarification of offence provision for carrying a firearm or toy firearm with criminal intent

There has been a global rise in the manufacture and distribution of lifelike 'toy' firearms, such as gel blasters. For this reason, and because gel blasters and other toy guns have an operating mechanism that is similar to an air rifle, they are considered firearms under Tasmanian law.

These 'toys' can be so well designed in weight, look and colour that they cannot be easily or quickly differentiated from real firearms. This means they can genuinely be used to intimidate or threaten the public.

The proposed amendment to the Act is to ensure that individuals who use an imitation ('toy') firearm to offend (e.g. threaten or steal) will be able to be convicted for that offence as if they had used an actual firearm.

I agree with this as the 'intent of use' is what is important. These toys continue to grow in the marketplace, but I don't see an issue to owning them or needing any other form of control other than being prosecuted for improper use.

## 5. Clarification of offence provision for aggravated assault

Currently, using a firearm, threatening to use a firearm, or carrying a firearm is an element of the offence of aggravated assault.

As described in #4 above, imitation firearms (or 'toys') can be so well designed in weight, look and colour that they cannot be easily or quickly differentiated from real firearms. This means they can genuinely be used to intimidate or threaten the public.

The proposed amendment to the Act is to make clear that possessing or displaying an imitation firearm that is also a toy will constitute the offence of aggravated assault.

Individuals who display an imitation firearm that is also a toy in the course of an assault cannot r\_e\_l\_y\_ \_o\_n\_ \_t\_h\_e\_ \_i\_t\_e\_m\_ \_b\_e\_i\_n\_g\_ \_a\_ \_'t\_o\_y'\_ \_r\_a\_t\_h\_e\_r\_ \_t\_h\_a\_n\_ \_a\_ \_'f\_i\_r\_e\_a\_r\_m'\_ \_u\_n\_d\_e\_r\_ \_t\_h\_e\_ \_A\_c\_t\_.

This requires further clarification for children playing with toy firearms, who maybe then reported to police. This could result in the wasting of police resources. Some common sense needs to prevail in these circumstances.

## 6. New offence provisions for possession of digital blueprints for the manufacture of firearms

There are emerging technological capacities to home manufacture firearms, firearm parts and sound suppressors using electronic milling machines or 3D printers.

The Bill proposes offences for the possession of digital blueprints for the unlawful manufacture of firearms, firearm parts and sound suppressors.

The manufacturing of firearms using either electronic milling or 3D printing is covered within the o\_f\_f\_e\_n\_c\_e\_ \_p\_r\_o\_v\_i\_s\_i\_o\_n\_s\_ \_f\_o\_r\_ \_'d\_e\_a\_l\_i\_n\_g', \_t\_h\_e\_ \_d\_e\_f\_i\_n\_i\_t\_i\_o\_n\_ \_o\_f\_ \_w\_h\_i\_c\_h\_ \_i\_n\_c\_l\_u\_d\_e\_s\_ \_m\_a\_n\_u\_f\_a\_c\_t\_u\_r\_i\_n\_g\_.

Exemptions for advanced manufacturing and other lawful manufacturing of firearms and firearm parts for national defence will be considered.

These emerging new technologies are going to be increasingly problematic in the future.

This goes much wider than the firearms community and I think you will find that anyone producing illegal firearms by these methods will not be licenced and hard to track down.

The only way I see a suitable outcome is to adequately prosecute people that do the wrong thing with this technology.

Having computer files or blueprints for firearms is going to be difficult to regulate in my opinion.

I can't see how this could be regulated on a large scale with searches of PC's etc

As a firearms dealer I also have many books showing the exploded views of firearms, are we then going to be banning books? I don't think we should go down this path of history.

Some of the books that I own were a very large investment and a very important library costing many thousands of dollars to purchase.

#### 7. Extension of infringement notice offences

New offences have been proposed for inclusion in Schedule 1A that will provide more options to Tasmania Police to issue infringement notices, rather than a summons to attend court. These will relate to minor administrative offences only. Consultation information sheet: Firearms Amendment (Community Safety) Bill 2023 5

I have had many complaints in the past regarding officers that do inspections of storage requirements not fully interpreting the Act properly. Before more infringements are handed out, perhaps internal staffing standards need to be correctly handled first with adequate training for those that are tasked with the job of inspections. This would help with both public safety and perception.

Could we also have a clarification as to what defines being under the influence of alcohol. Is it the absence of alcohol, or is it the .05 limit as defined for the operation of automobiles? I think this is an important clarification for those using and conveying firearms to and from events or hunting activities etc.

#### 8. Clarifying the application of the Act to certain State Service employees and members of the Australian Defence Force

The legislation currently allows Australian Defence Force personnel to be exempt from provisions of the Act. The proposed amendments are aimed at ensuring clear obligations and exemptions for certain employees and service people under the Act, which predominantly apply only during the performance of their duties.

Agreed

#### 9. Providing an extended capacity to apply for disposal of firearms, firearm parts and ammunition

Currently, only a police officer or a person who claims to be the owner of any firearm or ammunition, may apply to a magistrate for a disposal order.

The proposed amendments extend the application capacity to individuals who have prosecuted an offence under the Act, and allow for the application to be heard by other relevant courts in Tasmania. If this means that engagement of a suitable legal practitioner is also ok, then this is a suitable amendment.

10. Clarifying the auditing obligations of the Tasmanian Auditor-General in relation to disposal of firearms

To ensure clear auditing of firearms, firearm parts and ammunition disposed of by the Crown in Tasmania, an amendment is proposed that provides a complete picture of the disposal capacities of the Crown under other Acts, to ensure that the Auditor-General can effectively carry out their auditing obligations.

**Transparency of auditing practices is important to all concerned.**