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Department of Police, Fire and Emergency Management
Strategy & Support
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HOBART TAS 7001

Via email strategy.support@dpfem.tas.gov.au

Dear Sir/Madam

Thankyou for the opportunity to make a submission regarding the *Firearms Amendment (Community Safety) Bill 2023*.

We commend the Tasmania government on taking steps to improve firearm safety in the community. We strongly support most of the amendments. We have raised some questions or sought clarification of some of the items.

We are concerned however about the reclassification of lever action shotguns. While the review of the National Firearms Agreement in 2017 recommended the reclassification of lever-action, rapid-fire guns as Category B, the same Agreement accommodates any jurisdictions who may wish to impose more restrictive regulations.

Making rapid fire, five round firearms more available to the recreation shooting industry is not consistent with the intent of this Amendment Bill, the public statements by the Premier and Minister, or the interests of the Tasmanian community.

We ask that the government uphold the safety of the community as its priority and restrict the availability of these firearms to Category C.


The Foundation is happy to discuss further during the consultation process if that is helpful.


Yours sincerely,

Stephen Bendle
Advocacy Advisor, AMF
Convenor, Australian Gun Safety Alliance



For their right to be safe




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Submission to the Tasmania Government on the
Firearms Amendment (Community Safety) Bill 2023

March 2023

For their right to be safe

Introduction

Thank you for the opportunity to provide comments on the Firearms Amendment (Community Safety) Bill 2023. We commend the Tasmania Government for their vigilance in continuing to ensure that the community is free from gun violence.

We broadly support the Amendment with some concerns that are included in this submission.

The Foundation

On 28 April 1996, Alannah and Madeline Mikac, aged six and three, were tragically killed alongside their mother and 32 other people at Port Arthur in Tasmania. One year later, the Alannah & Madeline Foundation was launched in the girls' honour by their father Walter Mikac AM and a small group of volunteers, driven by the belief that all children and young people should be able to live a happy and safe life, free from violence and trauma.

Today our work continues through care, prevention and advocacy – from supporting children experiencing family violence to online bullying and fighting for the rights of young people everywhere. After 25 years, that fight continues. The challenges facing children and young people may have changed; but our mission has not. We fight for their right to be safe, so their future is strong.

The Australian Gun Safety Alliance

In 2018, the Foundation established the [Australian Gun Safety Alliance](#) (AGSA) which is the only independent voice to government that is focused on preventing firearm violence in the Australian community. The membership consists of around 30 prominent national organisations, each with a strong membership base in every jurisdiction, including Tasmania.

They are experts in their fields, which include public health, health promotion, primary medicine, specialist practice, family violence, law enforcement, children services and faith-based sectors.

AGSA is not politically aligned and receives no corporate or individual donations. It is funded by philanthropic donations and in-kind services by members.

We understand that the majority of gun owners in Australia are law abiding, responsible people who are not criminals. However, Australian governments must do everything in their power to avoid a slide towards an American culture of gun entitlement.

AGSA believes that the onus of firearm laws and regulations should be on public safety and not the convenience or commercial interests of a few. This is the overriding principle of the National Firearms Agreement which has served Australians well.

However, nearly 27 years after the Port Arthur tragedy and when all jurisdictions committed to the National Firearms Agreement which established a minimum set of standards for the use and possession of firearms, not a single jurisdiction is fully compliant.

AGSA currently consults with every jurisdiction, some in a formal capacity, others as required. We work to improve firearm policy, legislation and regulation. We are also a regular media commentator on issues relating to firearm safety.

Summary

We support most of the amendments. We feel that there are some that require further explanation or consideration but are still in the interests of the Tasmanian community.

We are however concerned about the reclassification of lever action shotguns. We acknowledge that the updated 2017 National Firearms Agreement provides a minimum standard to reclassify these rapid-fire guns as Category B. However, we point out that the National Firearms Agreement specifically accommodates jurisdictions who may impose more restrictive regulations.

Making rapid fire, five round firearms more available to the recreation shooting industry is not consistent with the intent of this Amendment Bill, the public statements by the Premier and Minister, or the interests of the Tasmanian community.

The Tasmania government has a simple opportunity to protect the public from the risk of such firearms and to stand up for the safety of the community by categorising lever action shotguns with no more than five rounds as Category C firearms.

Comments on the Amendment Bill

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

We acknowledge that the updated 2017 National Firearms Agreement (NFA) made provisions for the reclassification of lever action shotguns.

However, we draw the government's attention to the preamble of the NFA:

This Agreement sets out minimum requirements in relation to the regulation of firearms. Nothing in this Agreement prevents jurisdictions from adopting additional including more restrictive regulations

The availability of five shot, rapid fire guns in Category B is not consistent with this Community Safety initiative. The Tasmanian government has an opportunity to strengthen their approach to firearms in the community by ensuring that any lever action firearm with up to five rounds is classified as a Category C firearm and thus restricted.

This approach is available to the government as the NFA specifically invites jurisdictions to adopt more restrictive regulations.

A review of Category B firearms clearly shows that it accommodates single shot firearms. There are no rapid fire or multiple shot firearms in this category. The very nature of lever action firearms is consistent with the criteria of Category C.

Given the opportunity of the government to strengthen Tasmania's gun laws, we reject this amendment as one that improves community safety.

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

We support this amendment as it addresses an area of known firearm activity within OMCG's.

3. Alignment of the firearms amnesty with the national amnesty

We worked closely with the previous Federal Government on the implementation of a permanent national firearm amnesty and so we support this amendment.

We do question whether the proposed amendment accommodates the ability of firearms or firearm parts to be surrendered to licensed firearms dealers.

We also note in the Consultation Information Sheet that it is assumed that people surrendering items will have options available for safe storage of these items while they seek appropriate possession licences. We suggest that the information sheet be updated to include the options of the sale and destruction of surrendered firearms or firearm parts.

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

We support this amendment as we agree with all efforts to minimise the proliferation of gel blasters and other toy guns. We assume this amendment provides for a new offence, in addition to the possession of gel blasters.

5. **Clarification of offence provision for aggravated assault**

We support this amendment.

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

We agree that the emerging threat of 3D printed, or hybrid printed firearms is a real one that we are already seeing in many jurisdictions.

We agree with this amendment that being in possession of blueprints should be an offence.

7. **Extension of infringement notice offences**

While we agree in principle, the only concern we have is about what provision there is for Tasmania Police to deal with multiple, cumulative or regular infringements.

There should be some ability for police to escalate an infringement based on the history of an individual.

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

While we have some trepidation about expanding exemptions to the Act, this seems a reasonable Amendment.

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

We support this Amendment.

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

We support this Amendment.