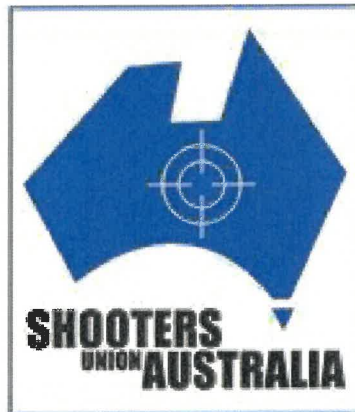


SUBMISSION

on

**Proposed
Firearms Amendment (Community Safety) Bill 2023**

Tasmania



**SHOOTERS UNION AUSTRALIA LTD
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1. Introduction

- 1.1 The purpose of this document is to provide comment and information in relation to the proposed Firearms Amendment (Community Safety) Bill 2023 as it applies to Shooters Union Australia members.
- 1.2 Authors – Jan Linsley and Professor Ross Grantham on behalf of Shooters Union Australia Ltd Executive Committee.
- 1.3 Contact Details:

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2. Intended Audience

Department of Police, Fire and Emergency Management Strategy & Support
Executives of Shooters Union Australia Ltd
Members and Branches Shooters Union Australia Ltd

3. Authority to comment

- 3.1 Shooters Union Australia Ltd was formed consequent to the formation of Shooters Union organisations in several states, the first of which was Queensland in 2005.
- 3.2 The Shooters Union movement has grown rapidly and is now one of the largest shooting organisations in Australia.
- 3.3 Shooters Union has been represented at several intrastate advisory groups over recent years.
- 3.4 Members of Shooters Union have held firearms licences for many years since licensing was introduced in all states and engage in the full spectrum of licensed firearms use activities, including (but not limited to) sports/competition shooting, hunting, pest control (volunteer and professional), primary production, collecting, and occupational use.

4. General Comment on the proposed amendments

- 4.1 Shooters Union Australia is happy to support amendments intended to reduce the regulatory burden on licensed firearms owners and allow them to participate in the activities they choose.
- 4.2 We are concerned, however, that either by design or by intention, firearms that are currently legal under one category may now be categorised differently for legitimately owned firearms for which the owner has no existing licence and no possibility of obtaining one. This may result in confiscation of legally owned and obtained property of private individuals.
- 4.3 It would seem that the recategorization of firearms according to their action types is an intention to bring the legislation into line with the National Firearms Agreement. However, the NFA is not legislation and the Parliament of Tasmania is not bound to enact the NFA in legislation and should only do so where Parliament believes it to be in the best interests of the people of Tasmania.
- 4.4 Therefore, we address only those aspects of the amendments that will negatively impact our members in pursuing their legal activities.



Keenan Response
21.06.17.pdf

5. Specific Comment

5.1 Section 6 amended (Application of Act)

Whilst we have no issue with the insertion of subsection 3A in relation to ancillary constables, we believe that only sworn Police Officers have the training and experience necessary to deal with firearms-related matters. We do not believe that ancillary constables should be authorised in this legislation. We are also concerned that ancillary constables should have firearms and be permitted to store them at their homes. We do not believe that arming ancillary constables is in the interests of the people of Tasmania.

5.2 Section 14(1)(c) (Category A firearms licence)

The 'action' of any firearm is the mechanism that allows the firearm to function. There is no inherent safety issue with lever action firearms of any calibre. Lever action firearms have been in use for over 150 years and have proven themselves to be safe and reliable.

A rimfire rifle of any action type, and a shotgun of any action type, do not alter the calibre of the firearm or pose any greater threat than does a bolt action rifle of the same cartridge or a shotgun of the same cartridge.

We note that pump action firearms are already excluded from Category A and reiterate that the action type does not create any inherent danger.

The proposal to use the type of action as part of the categorisation of a firearm is, therefore, illogical and reflects a profound misunderstanding of firearms and if passed would embarrass Parliament. We strongly object to this proposal and further

recommend that action types play no part in the categorisation of rimfire firearms or shotguns.

5.3 Section 15(1) (Category B firearms licence)

This proposal also reflects a deep misunderstanding of the nature and use of firearms. A lever action centrefire rifle, regardless of its magazine capacity, presents no greater or lesser risks to community or personal safety than a bolt action centrefire rifle. The action is simply a mechanical device to allow the firearm to function safely.

There is no evidence to suggest that the magazine capacity has any bearing on the illegal use of a lever action centrefire rifle. In fact, no evidence is available to suggest that any crimes have been committed with lever action rifles with a magazine capacity greater than 5. Lever action rifles have been available and used extensively in Australia since the mid-1800s. There is simply no evidence to support a change to the categorisation of lever action firearms with >5 magazine capacity.

The proposal to use the magazine capacity as part of the categorisation of a firearm is, therefore, illogical and reflects a profound misunderstanding of firearms and if passed would embarrass Parliament. We, therefore, strongly object to this proposal and further recommend that magazine capacities play no part in the categorisation of centrefire firearms.

We also recommend that pump action centrefire rifles be returned to Category B along with other centrefire rifles.

5.4 Section 17(1)(c) (Category D firearms licence)

As stated earlier, an action type is a mechanical device that allows a firearm to function. There is no valid reason to categorise firearms by action type. There is no logic in categorising a firearm by the number of shots that can be fired without reloading a magazine.

We, therefore, strongly object to the proposal to recategorize a lever action firearm with a magazine capacity of more than 5 rounds to Category D.

To put rimfire rifles with a magazine capacity of 10 shots, shotguns and lever action rifles with a magazine capacity of more than 5 rounds, no matter whether lever action, pump action or self-loading, into Category D has no bearing on community safety. Nor is there any evidence to say that such firearms should be in the very restrictive and almost impossible to obtain category D.

5.5 Section 29 (General restrictions on granting licence)

This section, when followed through to other legislation, is indicative of the consultation summary relating to refusal and cancellation of firearms licences for participants in outlaw motorcycle gangs (OMCGs) – an important amendment to ensure that dangerous gangs do not have access to violent weapons.

It is obvious that no one wants firearms in unsuitable hands. Our concern about this section relates to the decision as to who is 'unsuitable'. We strongly recommend an appeals process to limit and address the risk to human rights inherent in such discrimination. For example, motorbike jackets with "colours" are desirable vintage items of clothing and not necessarily indicative of participation in gang membership or activity.

5.6 Section 118 (Silencers and magazines)

'Silencer' is a wholly incorrect term that again reflects a profound misunderstanding of firearms. Sound moderators, to use the correct term, do not 'silence' firearms. Rather, they merely reduce the sound. There are very valid reasons why sound moderators should be permitted for use in various situations.

The use of firearms has long been a prime source of hearing loss in the people who use them, regardless of whether or not hearing protection is consistently used. Sound moderators, therefore, should be regarded as safety devices under Workplace Health & Safety standards. Hunters and professional shooters are often unable to wear hearing protection because of the necessity of auditory clues in identifying prey. Shooters on ranges all have hearing loss to a degree and the use of sound moderators would limit if not eliminate that loss. Millions of dollars could be saved in the costs to the health service of providing hearing-related health care and the provision of hearing aids.

We strongly recommend that sound moderators be made available to Tasmanian licensees by the application of the permit-to-acquire provisions.

5.7 Section 119A Possession of digital blueprints for manufacture of firearms

It is important to recognise that a digital blueprint is not an exploded firearms diagram or a diagrammatic parts list.

Many old firearms, even some manufactured during the 20th century, are no longer being made and parts are not available. If parts are lost or break, that renders such firearms useless. Any competent machinist with a lathe or milling machine may well be able to manufacture parts according to samples or diagrams. This is a perfectly legitimate occupation and should not be prevented as an unintended consequence of legislation that seeks to prevent whole firearms being illegally manufactured.

The definition in point (8) of the proposed legislation defines a digital blueprint as (a) any type of digital or electronic reproduction of a technical drawing of the design of an object and (b) any electronic coding by the application of which an object may be manufactured.

This definition would include a digital photograph or storage of an exploded firearms drawing, possession of which must not be included in legislation. The definition must be amended to something like the definition found by internet search:

A Digital Blueprint is a digital version of a process diagram and includes highly detailed process flows, functional and non-functional requirements, and all regulatory requirements, amongst other critical information. 1 Mar 2022

This definition is clear and concise and would not inadvertently result in unintended consequences.

5.8 Section 129 Amnesty

Two very successful amnesties were held in Queensland in recent years. They were so successful because unregistered or illegal firearms or parts could be handed in to licensed firearms dealers who could register them and thereafter dispose of them to licensed firearms owners in the normal manner (ie PTA). Many people with illegal firearms are not happy to surrender them to police and, therefore, may not do so. A dealer, however, is less threatening.

Surrendering illegal firearms to a licensed firearms dealer also frees up police time to engage on other important business when the majority of surrendered firearms come from deceased estates, "found" items when a residence or property changes hands etc. The fact that a person is surrendering an illegal firearm is already an indication that the person is trying to do the right thing. They should be assisted to do so by allowing surrender to licensed dealers and dealers, who accept such firearms or parts, should be compensated for their provision of a surrender service by being allowed to register and sell the firearms or parts. To destroy such items is a waste of police resources and time.

6. Recommendations

- 6.1 That only members of the Tasmania Police Force deal with firearms-related matters and are permitted to store their service firearms in their homes.
- 6.2 That action types are not used to categorise rimfire rifles or shotguns
- 6.3 That magazine capacities are not used to categorise centrefire rifles
- 6.4 That pump action centrefire rifles be recategorized to Category B.
- 6.5 That pump action rimfire rifles be recategorized to Category A
- 6.6 That lever action rifles and shotguns, regardless of magazine capacity, be categorised according to their cartridge
- 6.7 That an appeals process be included in the provisions for removing or refusing licences for specified groups to avoid unintended consequences for individuals not engaged in gang clubs or activities
- 6.8 That sound moderators be permitted according to need and permits-to-acquire
- 6.9 That the definition of a digital blueprint be adjusted according to industrial guidelines
- 6.10 That firearms, parts, and ammunition be surrendered to licensed firearms dealers under amnesty provisions.
- 6.11 That firearms, parts and ammunition surrendered to licensed firearms dealers may be retained and dealt with according to normal trade practices.