

FACT SHEET

Firearms Amendment (Community Safety) Bill 2023

The *Firearms Amendment (Community Safety) Bill 2023* (the Bill) addresses several priority community safety issues in the *Firearms Act 1996* (the Act).

In summary, the Bill proposes to amend the Act to:

- Provide for the reclassification of lever-action shotguns to accord with the National Firearms Agreement, as agreed by the Council of Australian Governments in December 2016. The amendments will change the categorisation of lever-action shotguns with a magazine capacity of no greater than 5 rounds from Category A to Category B, and those with a capacity greater than 5 to Category D. Commencement of this amendment will be delayed, to allow time for Firearms Services and affected firearms owners to prepare for the reclassification and allow time for them to obtain a different firearms licence category if they are able.
- Provide for the automatic refusal of a firearms licence for a participant of an identified organisation, such as outlaw motorcycle gangs (OMCGs), listed at section 7A of the *Police Offence Regulations 2014*. Participants who are licensed may have their licences cancelled under the Act.
- Extend the provisions of the permanent firearms amnesty to include firearm part, firearm sound suppressor or ammunition.
- Allow the Commissioner of Police to determine how surrendered firearms and items are disposed of.
- Provide for a new offence for the unlawful possession of digital blueprints for the manufacture of firearms, firearm parts and sound suppressors using modern technology such as electronic milling or 3D printing. The new offence includes defences for lawful firearm or parts manufacturing, protections for State Service staff and volunteers, in accordance with their duties. Additional defences for possession of digital blueprints, including if the blueprint came with the firearm and the possession is solely for the remaking of the item. There exists a further defence to cover conduct that was of public benefit.
- Provide for a definition of toy firearm and recognise toy firearms as firearms when used to commit the offences of carrying a firearm with criminal intent and aggravated assault. The definition of 'use' in the Act has been expanded to also apply to toy firearms. The definition of firearm in part 9 of the Act is expanded to include toy firearms, ensuring a police officer can require a person to hand over a firearm or toy firearm for examination in a public place.
- Provide for extended auditing obligations for the Auditor-General to include all firearms disposals by the Crown and its agencies, whether under the Act or any other legislation.

- Provide for the automatic forfeiture to the Crown of a seized unlawfully shortened firearm, on the conviction of a person of an offence, where the unlawfully shortened firearm was used in relation to the offence.
- Allow the Commissioner of Police to determine the method of disposal for court ordered forfeitures in relation to the offence of conveying firearms.
- Provide for a new schedule of firearms infringement notice offences for minor infractions of the Act, including 12 new infringement notice offences. Penalties for the new infringement notice offences range between 1 and 2.5 penalty units (with a value of \$195.00 and \$487.50 respectively, between 1 July 2023 - 30 June 2024). The new infringement notice offences allow for on-the-spot fines for conduct relating to minor failures of firearm storage, transportation and safekeeping requirements, failing to notify Firearms Services of changes and for not meeting firearms dealer obligations.
- Provide that the Act does not apply to specific groups of employees while in the course of their duties, subject to conditions. This allows members of those groups to use or possess firearms required by their employment, as necessary. The standard conditions for the Act not applying are that the person does not consume any intoxicating liquor and is not under the influence of alcohol or any other drug. Subject to those conditions, the Act does not apply to:
 - a member of the Australian Defence Force
 - a correctional officer under the *Corrections Act 1997* who is a member of the tactical response group, but only for firearms licensable under categories A – H, and for things prescribed as firearms under paragraph (f) of the definition of firearm in the Act
 - a person appointed as an ancillary constable, but only for firearms licensable under category H
 - an authorised person under the Act, but only for firearms licensable under category D, to allow for animal control operations conducted by the Department of Natural Resources and Environment Tasmania.

The legislative reforms balance the requirements of licensed and lawful firearms owners with community safety needs.

Alignment with the National Firearms Agreement ensures a more nationally consistent legislative approach between Australian jurisdictions. The Agreement affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms. The Agreement sets out the minimum requirements and jurisdictions can adopt additional regulations.

The Bill is to commence on a day or days to be proclaimed.