



2017

Parliament of Tasmania

PARLIAMENTARY STANDING COMMITTEE

SUBORDINATE LEGISLATION

FIREARMS AMENDMENT REGULATIONS 2017 (S.R. NO. 51)

Members of the Committee

Mr Craig Farrell MLC
Ms Tania Rattray MLC (Chair)
Mr Rob Valentine MLC

Mr Roger Jaensch MP
Ms Madeleine Ogilvie MP
Mr Nic Street MP

The Committee was appointed under the provisions of Section 3 of the *Subordinate Legislation Committee Act 1969* (No. 44 of 1969). Section 8 of the Act outlines the functions of the Committee, as follows –

- (a) to examine the provisions of every regulation, with special reference to the question whether or not –
 - (i) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made;
 - (ii) the form or purport of the regulation calls for elucidation;
 - (iii) the regulation unduly trespasses on personal rights and liberties;
 - (iv) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions; or
 - (v) the regulation contains matters that, in the opinion of the Committee, should properly be dealt with by an Act and not by regulation; and
- (b) to make such reports and recommendations to the Legislative Council and the House of Assembly as it thinks desirable as the result of any such examination.

INQUIRY

The Committee held public hearings in relation to the Firearms Amendment Regulations 2017 (SR 2017, No. 51) (the Regulations) on 3 and 16 November 2017 and heard evidence from five (5) witnesses. The transcripts from the hearings are attached to this report. The commencement date for the Regulations is 4 December 2017.

The decision to commence the inquiry followed consideration of a number of detailed submissions that were received by the Committee in relation to the Regulations. The issues that were raised included concerns about cost, interpretation, penalties and potential impacts on firearms owners.

All non-government witnesses that appeared before the Committee accepted that there was a need to regulate firearms in Tasmania but were critical of the need for increased storage specifications under the new Regulations.

Mr Andrew Judd, President of the Sporting Shooters Association of Australia (Tasmania) summarised his Association's concerns –

One, private firearm ownership is a legitimate part of a society where responsible citizens can engage in cultural, recreational and economic activities that require a level of trust to avoid and minimise harm that could be potentially caused. Such activities are not just related to firearms use.

Two, the primary reason for secure storage under the original acts and agreements was to keep unauthorised users, such as children, away from firearms or make it more difficult to commit crimes of passion. This has morphed into making theft more difficult, which in isolation may seem like a noble goal but in reality is difficult to achieve because the hardened perpetrators of such crimes are likely to rise to the challenge and largely negate such measures.

Three, the RIS is a thin document that underestimates the cost of the actions being implemented and does not provide statistics supporting the actions, especially for alarms.

Four, the public good comparisons of the RIS users as a cost-benefit justification are based on conjecture rather than any validity-justified data.

Five, in particular the introduction of alarms for one handgun or 10 or more firearms is a measure that will make the lives of our members far more difficult, especially as they try not to end up on the wrong end of excessive penalties that are being instigated for breaches of these rules.

Six, we strongly believe our members face these difficulties and costs for little public good as the measure will likely be ineffective given the bar has been set very low as a way of making this a palatable measure for the RIS.

Seven, if this regulation comes into force, we believe it will be very quickly strengthened. In its current stage it is just a vehicle to get the idea on the books.

Eight, when strengthened this potentially could cost our members a fortune, again for little gain.

Nine, we have some ongoing concerns with the wording around the specifications for the metal thickness of safes.¹

Mr Glen and Mrs Cheryl Arnol provided their perspectives as sporting shooters and raised concerns about the Government's focus on these Regulations rather than increasing the penalties for gun theft and illegal possession.

I don't have a problem with the new gun laws or the way the draft regulations are being done. No problem whatsoever. If the draft regulations go through, that's fine. I personally don't have a problem with it because I have been a firearm owner for just about 50 years and my firearms are very important to me, absolutely. Some of them my father purchased for me so they have sentimental value. Not only that, but my competition firearm is particularly important to me, so of course I am going to take every reasonable step to protect them. Of course I'm going to comply with the regulations if they come out as they are, but what I'm asking the Government to do is to give me as a firearm owner a little bit more protection in relation to stolen firearms. What happens if there are still these 200 firearms stolen? What are you going to do then? What other rules and regulations are going to come in place? There is absolutely no evidence that these new storage laws will stop the break-ins, so the police will then have to go to the next step, which is to create much stronger penalties for the criminal use of a firearm.²

President of the Tasmanian Farmers and Graziers Association Mr Wayne Johnston highlighted the concerns of the Association in relation to the possible impact of the new Regulations on farmers and provided several examples of challenges that had already been experienced.

¹ Hansard Transcript 3 November 2017, Mr Andrew Judd, p.1

² Hansard Transcript 3 November 2017, Mrs Cheryl Arnol, p.21

I can give you two very close examples. We have a staff member of the TFGA who had purchased a safe from the local store, had an inspection and the police officers told him that safe was not up to the thickness required. He purchased that in good faith. There is an issue that commercial businesses were not selling the safes as they were supposed to.

I have a son who had a safe inspection and the police officer measured the thickness of the gun safe with a measuring tape and told him the thickness of the wall of his safe was 2.75 mm and he is supposed to have 3 mm. I was livid when I was told three or four days later, after he then went out and bought a 700 gun safe to replace the one he had, that you cannot do that.

I know the minister is saying that under the new regulations there will be a checklist that all firearms owners will have and the police officers will have and you will be able to stand them, side by side and go through the checklist. That is fine, but people have bought what they thought were legal gun safes and now they are being forced to pay out more money with the change of the law. There needs to be some serious things looked at regarding storage and safety.³

Mr Andrew Harvey, Secretary of the Arms Collectors Guild of Tasmania provided comment on the impact of the Regulations on members of the Guild.

When they have to replace what they already have, one of the examples was \$4300 for building furniture that didn't look like a safe. He purposely did that because he didn't want it to be seen easily. They're basically losing any investment they've already got and will have to start again. He is now going to have to spend another \$4000 to do something similar just to meet the compliance.

I believe this move to mandatory 2 mm minimal steel cabinets is less secure because of the fact that they are more obvious. I also think that the previous lockers, where they had timber and metal in the one locker, are more secure because it is harder to break into. You could use a grinder to get through the inside but it has wood inside so it takes a bit more to get into some of these lockers, even though they are not 2 mm steel. To me that is a step backwards and lacks flexibility in where and how you store your firearms.

We also had another issue pointed out that collectors have to keep their firearms that are collectibles temporarily deactivated. One of the ways you can do that is to remove the firing pin or the bolt, or put a locking mechanism on it, so many members, including myself, put bolts in a separate container. Now under this rule with the firearm parts - and firearm parts are particularly defined in the act - you have to put it in the same security level as your safe - 2 mm for A and B and 3 mm for C, D and H. If you are going to buy a new safe, you are probably going to leave your bolts in that safe, so if they take the safe they then have your bolts and that is definitely a disadvantage. A rifle without a bolt is useless and it is very hard to get bolts. As a

³ Hansard Transcript 3 November 2017, Mr Wayne Johnston, p.28

*commercial proposition they don't provide us with new bolts. You have to buy a new rifle. Having your bolts in a separate container is a really good secure thing.*⁴

The Minister for Police and Emergency Management Hon Rene Hidding MP later attended a hearing with representatives from the Department on 16 November 2017. At the hearing, the Minister was asked a number of questions in relation to various aspects of the Regulations and in particular, areas of concern that had been raised in the evidence. Amongst other points, the Minister provided the following clarifying advice in response to a variety of concerns and questions that were raised –

- The new Regulations are the first changes to have occurred since 1996;
- The Regulations have been developed over a number of years and that the Firearms Consultative Committee had played a central consultative role in relation to the development of the enabling legislation over successive governments;
- The decision to amend the legislation and introduce the Regulations was influenced by the issue of stolen firearms and their use in criminal activity;
- Upgrading storage requirements was a key element of the reforms and the Firearms Consultative Committee played a substantial part in considering this issue. Most conceivable scenarios associated with storage were considered in the development of the Regulations;
- Compliant receptacles are already on sale in Tasmania;
- Monitored electronic security is not a requirement under the Regulations but an audible alarm system is required at a minimum. Starting prices for a compliant system are well under \$100;
- The Minister does not believe there will be significant non-compliance with the Regulations from the date of commencement on 4 December 2017;
- There is ongoing discussion regarding 'Adler' shot gun arrangements and the issue of a room being used for reloading;
- It is acknowledged that there have been some issues with early inspections by Tasmania Police as part of transitional arrangements and as a result, a checklist is being developed for use by Tasmania Police and firearm owners as part of the inspection process to provide some assistance with the terms of an inspection;
- Regulatory requirements for gun safe thickness (2 or 3mm) will be in accordance with national standards rather than individual inspection measurements;
- The Regulations enable flexibility to fasten 4 bolts to one surface rather than 2 bolts for each of 2 surfaces and was the result of feedback on the draft Regulations;
- The inspections will be undertaken in a co-operative approach with firearms owners when using the checklist to assess firearms compliance;
- Firearms have a value for thieves on the black market in comparison with house hold items that might otherwise be stolen; and
- There is flexibility within the Regulations for the Commissioner to approve storage arrangements that are different but beyond the minimum requirements.⁵

The Chair of the Committee gave Notice of a Disallowance Motion in the Legislative Council on 28 September 2017 to ensure that the Committee reserved its right to move to disallow the Regulations. This motion was moved in the Council on 28 November 2017,

⁴ Hansard Transcript 3 November 2017, Mr Andrew Harvey, p.35

⁵ Hansard Transcript, 16 November 2017

to ensure post inquiry concerns were placed on the public record and the commitments given by the Minister on behalf of the Department were restated, in regard to the flexibility and co-operative approach with ongoing inspections in relation to firearms owners compliance requirements.

At its meeting on Thursday, 16 November 2017, having considered the range of information received, the Committee resolved to pass as 'Examined' the – Firearms Amendment Regulations 2017 (SR 2017, No. 51).

Subordinate Legislation Committee Role

In examining the Regulations as part of the Inquiry, the Committee has noted a range of concerns and unreasonable limitations associated with its statutory role. The concerns have included the timing of the Committee's role and the process of disallowance. These issues will be the subject of further consideration in the next parliament.



Tania Rattray MLC
CHAIR

30 November 2017

HANSARD TRANSCRIPTS

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**THE PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE
LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART
ON 3 NOVEMBER 2017.**

FIREARMS AMENDMENT REGULATIONS 2017 (S.R. 2017. No. 51)

CHAIR (Ms Rattray) - I move -

That the statement by Mr Nic Street MP be accepted and incorporated into
Hansard.

Motion agreed to.

The statement read as follows:

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Joint House Committee on Subordinate Legislation

Minister's opening Statement for Nic Street to read into Hansard

The Firearms Act became law more than 20 years ago. A comprehensive review of the *Firearms Act 1996* commenced in 2009 under the then Labor Government, and continued from 2014 under the Hodgman Liberal Government, which brought it to completion.

These regulations form the third tranche of the delivery of the changes brought about by the passage through Parliament of the *Firearms Amendment Bill 2016*.

Both Governments were assisted throughout the six year review by the Firearms Consultative Committee, established by Labor, which comprised a large group of stakeholders providing direct advice to the Minister on every element of the legislation, but particularly storage of firearms.

Prior to the review, due to consistent advice by Tasmania Police, there was already awareness among firearms owners that wooden safes and Brownbuilt lockers would no longer be considered an acceptable standard. Later, it was generally advised that the most likely outcome of new storage laws would be 2mm steel safes for Category A and B, and 3mm steel safes for Category C and higher which is already the requirement.

Consistent advice from firearm dealers was that most firearm owners anticipated the changes expressed in these Regulations and over the last few years have transitioned to meeting most of the new requirements.

The resulting Amendment Bill presented to Parliament therefore provided for a higher standard of storage as well as a mandatory prison term for the possession of a stolen firearm. The mandatory prison term for possession of a stolen firearm was removed by the Legislative Council and substituted with a higher maximum term of imprisonment. This amendment was reluctantly accepted by the Government.

The first aim was to address the number of firearm thefts due to home burglaries in Tasmania by making it harder to break into storage receptacles and to provide specific and increased penalties for possessing a stolen firearm. This sends a strong deterrent message to criminals, and is designed to defend the good reputation of all law abiding firearm owners.

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The second aim of the storage changes was to remove provisions subjecting storage requirements to approval by the Commissioner of Police, and instead to put the requirements in formal Regulations. This creates greater certainty for all firearms owners and also means any future changes to requirements cannot be made by a single person. They require the oversight of the Parliament. That process is exactly what we are progressing to put the new Regulations into effect.

While the process of implementing the new storage requirements is taking place now, sometime after the Act was amended, all peak firearm groups have been kept advised of progress and there have been progress updates reported in Tasmania's print media.

Further, in order to ensure every firearm owner could have a further say on the proposed changes, the Government undertook a Regulatory Impact Statement (RIS) process in November 2016. The RIS process was advertised in the Government Gazette, Tasmania's three daily papers, on the Tasmania Police website, and was widely reported in the print and online media.

From the 37,000 members of the firearm owning community in Tasmania, the RIS process received just over 150 submissions with at least 20 identified as coming from outside Tasmania.

Every submission was appreciated and the issues raised have been carefully analysed. The Government has been determined to ensure the final outcome gets the balance right, is practical, and minimises costs. The Government has also committed publicly that firearm owners would have ample time to adjust to any requirements.

In June 2017 all licensed firearms owners received a letter from Tasmania Police to advise of a final six-month courtesy period that the Government had requested so that any affected firearm owners could check their circumstances and plan to meet the requirements before the new Regulations commence in December 2017.

For the great majority of firearm owners, the only change will be the need to fix two more bolts to the floor or wall of their safe to take the total to four bolts. This was done to make it more difficult to jemmy the safe off the wall or the floor.

The Government has also taken particular note of concerns raised regarding the requirement of 'at least' 2mm metal and has sought formal advice as to how best to provide clarity of expression in practice. We can advise that the relevant Australian Standard would apply as this accounts for certain positive and negative tolerance levels for metal products such as AS/NZS Standard for tolerance no.

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1365:1996. One major shooting organisation received their own legal advice that there should be no further explanation attempted in the Regulations as the formal standard should apply as the ordinary meaning of the Clause. It should also be noted that 3mm metal safes have been the requirement for C, D, & H for more than 20 years with no issues.

The electronic security required for storage of 10 or more firearms or any Category H firearms is principally aimed at deterring theft. It is self-evident that firearm owners known to have substantial numbers of firearms and/or pistols are likely to be at a substantially higher risk of burglary and stealing attempts.

The Government has been advised by members of the Firearms Advisory Consultative Committee (FACC) that many Cat H and 10+ owners have long had electronic security in place for the above reason.

Whilst numbers do fluctuate there are around 37,000 licensed firearms owners in Tasmania. Of that 37,000 around 1700 have ten or more firearms or have hand gun licences; that is less than 5%.

These owners will only need to choose one item or form of electronic security from a very broad list of options. The Regulations are deliberately non-prescriptive to ensure that owners can choose the type of security and level of protection that best suits their circumstance. This arrangement also provides an important element of the unknown for would-be thieves who will be unaware of just what form of electronic alarm protection is in place at that particular residence.

We are advised that electronic security options include simple motion-activated alarms available in various retail stores or online or at security specialists, starting at well under \$100. These emit a piercing sound, which means the intruder needs to leave the space.

There will be no list of brands or types – it just needs to be electronic and it needs to work on inspection. We are aware that many people already have substantial electronic security in place to protect their valuable firearms.

The Government is confident that these Regulations provide a robust public policy outcome, balancing the needs of the broader community with the rights of, and protection for, the State's law abiding firearm owners.

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Mr ANDREW JUDD, PRESIDENT, SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (TASMANIA) WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Ms Rattray) - Welcome, Andrew. All evidence taken today is protected by parliamentary privilege, but I remind you that once you are outside of the hearing that protection no longer applies. A copy of the information by witnesses is available. Have you read that?

Mr JUDD - Yes.

CHAIR - The evidence is being recorded and the *Hansard* version will be published on the committee website when it becomes available. Would you like to make an opening submission to the committee?

Mr JUDD - Thank you for the opportunity to address this committee inquiring into the 2017 firearms regulations. I am president of SSAA (Tasmania). We have more than 4750 members in this state. We are the largest and most diverse shooting organisation in Tasmania representing hunters and target shooters, with rifles, shotguns and handguns. We have 17 incorporated branches around the state and some affiliated hunting clubs.

As some of you may be aware, we have had a deep involvement in recent times with legislative issues - firstly, the 2015 amendments to the Firearms Act and now these regulations. It was always, and still is, our view that the storage provisions should have been part of the act and subject to greater parliamentary scrutiny. Unlike the act, we have had more consultation on these regulations and we, and others, have been able to negotiate some sensible improvements in language and policy. Nonetheless, some of the outcomes we believe to be still unreasonable and unwarranted. We believe implementation in the current form will be at great personal monetary and emotional cost to our members for little demonstrated gain for public safety.

The following is some comment with relevance to our position on the regulations.

One, private firearm ownership is a legitimate part of a society where responsible citizens can engage in cultural, recreational and economic activities that require a level of trust to avoid and minimise harm that could be potentially caused. Such activities are not just related to firearms use.

Two, the primary reason for secure storage under the original acts and agreements was to keep unauthorised users, such as children, away from firearms or make it more difficult to commit crimes of passion. This has morphed into making theft more difficult, which in isolation may seem like a noble goal but in reality is difficult to achieve because the hardened perpetrators of such crimes are likely to rise to the challenge and largely negate such measures.

Three, the RIS is a thin document that underestimates the cost of the actions being implemented and does not provide statistics supporting the actions, especially for alarms.

Four, the public good comparisons of the RIS users as a cost-benefit justification are based on conjecture rather than any validity-justified data.

Five, in particular the introduction of alarms for one handgun or 10 or more firearms is a measure that will make the lives of our members far more difficult, especially as they try not to

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end up on the wrong end of excessive penalties that are being instigated for breaches of these rules.

Six, we strongly believe our members face these difficulties and costs for little public good as the measure will likely be ineffective given the bar has been set very low as a way of making this a palatable measure for the RIS.

Seven, if this regulation comes into force, we believe it will be very quickly strengthened. In its current stage it is just a vehicle to get the idea on the books.

Eight, when strengthened this potentially could cost our members a fortune, again for little gain.

Nine, we have some ongoing concerns with the wording around the specifications for the metal thickness of safes.

We have a number of written submissions and I would be pleased to attempt to help in providing further explanation or understanding of our position.

CHAIR - Firstly, can I take you to the thickness of the proposed new storage containers? There has been some conjecture that the new ones being advertised do not meet the requirements for that prescribed millimetre thickness. Do you have any understanding of that?

Mr JUDD - All things are built to specifications and in this case of steel. I sought advice from a toolmaker the other day and he said the difference can be up to 0.5 of a millimetre. He said in some manufacturers of steel, especially offshore, it can be a bit more than that. We would like it to be specified that it is nominally that dimension so if that steel is bought at 2 mm or 3 mm steel and you have an overzealous administrative officer and if they measure it with a micro-meter, bang. We won't say they would do that, but we have to cover every avenue. If it is bought as a nominal sheet of steel or the safe was advertised as 2 mm steel, if it was 1.7 mm - and bear in mind it can be 2.3 mm. That is the advice we've got. That is the extreme variation. Australian steel is a lot better.

There was one case of farmer who had his category C firearms taken away because the policeman measured the steel with a tape measure, and that was the son of the TFGA president. We do not want our members who buy a safe in good faith then to be subject to the extremes that can be placed upon them.

CHAIR - The extra cost is an issue that has been raised with the committee and most members have had some representation and we have had a number of submissions around the extra cost. In the regulatory impact statement it was referred to as 'negligible cost' or something to that effect. I am interested in what your members think might be the cost of upgrading and moving up to the required storage requirements. We will touch on the surveillance a bit later.

Mr JUDD - The cost could expand. A lot of people have bought safes previously in good faith that were compliant. I do not want to make any case for Brownbuilt lockers because originally the intention was, as pointed out in my opening statement, to limit access to non-licensed holders. Unfortunately, these days, with the equipment that is available at any hardware store, you are never going to stop a dishonest person from accessing -

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CHAIR - Cordless everything.

Mr JUDD - Yes. We believe a portion of our members may have bought safes in good faith and they will not comply with the new rules. It could be anywhere from \$500 up for each individual to upgrade. We are not saying that is going to be in everybody's case. All of my equipment complies with category C which exceeds what I required. Some of our members will be required to buy additional safes when they already have them, due to these changes.

Mr VALENTINE - You provided the document, 'The Real Cost of the New 2017 Storage Requirements'. Do you have a copy of that?

Mr JUDD - Yes.

Mr VALENTINE - You have it headed 'Statement 1', 'Statement 2' and 'Statement 3'.

Mr JUDD - Sorry Rob, last one.

Mr VALENTINE - Second page, near the top, third sentence down, you say -

We also believe the minimal alarm requirement will be ineffective and all licensees in this category will be forced, within a very short period, to go to monitored systems with power failure back-up.

Can you explain what you mean there? If you have an alarm system in place, it is an alarm system and therefore you would be complying. When you say 'ineffective', can you expand on that?

Mr JUDD - When an alarm goes off, when I was younger you would go and make sure the person's house was all right. These days, with the type of people who engage in that activity we drive past because you may have a fear for your own personal safety because some of those people are trying to get money for drugs.

CHAIR - You do not have the right to defend yourself anymore no matter what the circumstances.

Mr JUDD - No. Largely, alarms can be ignored. A lot of our members are isolated - they are farmers or whatever they may be - and an alarm is not much good if your nearest neighbour is 500 metres away or more. In that case they would be ineffectual.

Mr VALENTINE - I am interested in the 'will be forced within a very short time'. The regulations do not force people to do that, do they? Do you know something I don't?

Mr JUDD - No. Our concern is that an audible alarm could be a vehicle to expand it later on through regulation and this is why we wanted it in the act originally, which we argued when we presented it to you at the time. If it is in the act, it is a set thing and cannot be varied except by an act of both Houses. Our concern is that if they prove ineffectual, it may be a reason for the government to be able to, through the regulatory process -

Mr VALENTINE - To up it.

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Mr JUDD - To up it.

Mr VALENTINE - You're saying - just so I can understand - that in the future the regs might actually be toughened up?

Mr JUDD - Toughened up.

Mr VALENTINE - It is not the individual under this set of regulations that are being proposed will be forced to?

Mr JUDD - No.

Mr VALENTINE - That is all I wanted to clarify, thanks.

Mr JUDD - If we go to monitored alarms, when we presented for the act, several of the alarm companies at the time basically said that they wouldn't attend an alarm if there were firearms there, so then the onus would come back to the police. As we know, they are already extremely stretched, which would make it even more difficult. Underlying whose responsibility it is for the theft of those firearms, if you can't get a security company to attend and the police can't attend in a timely manner -

CHAIR - And they have a balaclava on anyway, so how do you identify them?

Mr JUDD - I had that discussion when I had to brief one of our clubs on another matter two nights ago in Westbury and the president said he had a video system in. I said, 'Well, you probably won't comply.' He said, 'Why?' I said, 'Well, it says that the system has to make the intruder clearly identifiable.' If he's wearing a balaclava he's not clearly identifiable. It is unfortunate but true.

Mr VALENTINE - Under your statement 3 on the first page - I have a few questions for the minister when we get to him later - the ammunition requirement has now been downgraded. Can you explain what you are saying there for my edification as much as anything?

Mr JUDD - The ammunition requirement, as when we briefed you previously, was for it to be stored in basically a firearms safe.

CHAIR - An explosive box, I think someone referred to it as.

Mr JUDD - Yes, Don Jones, but we don't necessarily agree with that, because ammunition in its state as smokeless powder is quite safe and stable. It was a fair cost to owners to do that. Now we've spoken to the minister - and I will say the minister does listen to us and has been very helpful most of the time - it is back to where it is in a locked container.

Mr VALENTINE - But it has to be away from the firearms?

Mr JUDD - Stored separately from the firearms. Some safes have an ammunition section within the safe that is keyed differently to the actual safe itself, but it has to be stored separately.

CHAIR - It can't be under the one key.

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Mr JUDD - Basically.

CHAIR - The one access.

Mr VALENTINE - I have one other question about condensation. Is there any concern about condensation where ammunition is stored in a steel container, say in a cold environment?

Mr JUDD - Most ammunition has to be stored in a dry, cool place. If it's stored in a shed there could be some concern with condensation.

Mr VALENTINE - Just the type of container I'm thinking of.

Mr JUDD - Yes, a steel container. With a wooden container you won't get that problem.

Mr VALENTINE - Not unless it's coated with some lacquer that causes condensation.

Mr JUDD - If it's stored correctly there isn't a huge concern, but there is a concern, depending on the environment, about which storage container is kept.

Mr FARRELL - Andrew, just listening to your previous statements, do you feel that this action with the new safe regulations is a bit like putting a lock on your shed - it is just going to keep the honest people out? Do you feel there is a real case that people who want to get the firearms will just go and buy a bigger grinder?

Mr JUDD - Pretty much. I don't, but a lot of firearm owners store their firearms in their garage, because sometimes they don't want them where people can see them as we're not meant to have them visible. If it's in the garage, what is next to it? Your tools. I'll be honest, when I was younger we had firearms pretty much -

CHAIR - Under the bed.

Mr JUDD - under the bed, yes, and in every corner of the house. The original act's intention was good, which was to stop any accidental things happening with firearms. I will be straight up - my children never ever touched any of my firearms because they were part of our life, but if one of their friends came round there'd be curiosity. To have them inaccessible to non-licensed holders and younger people, we don't have a problem with that - it is a step in the right direction - but to spend a substantial amount of money to try to stop a thief, as we know, they break into vaults and steal banks and jewellery and everything like that. They will always find a better way. They will build a better mousetrap.

Mr FARRELL - Reading through the information you provided, there is a real fear that if this doesn't work, you'll just go to a thicker steel and a bigger safe and more regulation.

Mr JUDD - Basically, as I explained, Mr Farrell, if it had been in the act, it would have been set for five years and we would have had the opportunity to combat that through the process, but it is in regulations and we are very, very concerned that things might slip through.

Mr FARRELL - In the Glenorchy Sporting Shooters Association submission, point 4 says -

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... electronic security providers will be tempted or coerced into providing the location of premises that require their services and could inadvertently reveal the location of thousands of firearms to a small group of individuals outside the tightly regulated owner/police environment.

Are there any controls within security companies to ensure this that you are aware of?

Mr JUDD - I couldn't speak on that, Mr Farrell, because I'm not aware of that. As an association we have recently deleted members' addresses from our membership cards for that reason and also our gun licences now do not have addresses on them for that particular reason. We are always concerned about the security of our members. I hate to say it, but we have to record members' names and licence numbers and addresses when they attend the club, so if you're a person of ill repute and are walking around the club pretending to be a visitor and you go, 'Mr Valentine's got a nice gun', and you go over to buy yourself a sausage, you could look in the book and see where he lives. It's as simple as that. We try to minimise that as much as we possibly can because we definitely don't want any firearms out in the community that aren't in the hands of licence holders.

CHAIR - There was quite a bit of discussion through the debate for the legislation around accessing the addresses and the types of guns held by those licensed and they had no issue, but that was certainly raised through the debate.

Mr STREET - Andrew, presuming that all of your members comply at the minute with the regulations, have you worked out a rough dollar cost for compliance for members to bring themselves up to the regs?

Mr JUDD - No, we believe it could be in the millions over the state, and bear in mind that some of our members do not participate in target shooting. We represent all groups of shooters and some of them would already be compliant. We don't inspect their safes so we can't say that a proportion of them would be non-compliant but we believe there will be quite a few that will be up for quite a substantial amount of money. I myself have multiple firearms, well over the 10 mark. I do have an alarm system, because I am a dealer, which is monitored, but for a lot of our members, our base, if they are looking at a reasonable alarm, is about \$600.

Another area of our concern is about handguns and the difficulty with competing in handgun. My first competition shot when I was 12 years old was with an air pistol, and to tell the truth that was stored under my father's bed, as you pointed out.

CHAIR - Or behind the door in the bedroom.

Mr JUDD - I don't agree with that, but if someone wants to partake in handgun shooting, which is only for target shooting in this state, they have up to a nine-month wait before they can purchase their first handgun. The costs are quite onerous to do that. They have to go through a fair bit of process, a probationary period, and then they have to go through a period with the police before they can get a permit to acquire. They have to identify exactly what they are going to use that handgun for in their permit to acquire, and it has to be signed off by a club official.

Then we put this on that they might be up for - I have no complaints having a compliance safe - but they might be up for \$600 for a reasonable alarm system and all of a sudden the cost has escalated. It will damage our ability to be able to get future members to participate in that sport.

PUBLIC

Our association - we actually compete internationally in handgun, so it has ramifications a long way down the track for us.

CHAIR - Do you want to walk me through the bolting to the floor requirements and the potential changes there?

Mr JUDD - I will say the minister has been very receptive on that. We had a discussion with him and originally it said bolted to the floor and the wall. As we pointed out some of our members are elderly, or more mature - I won't say old - and -

CHAIR - Experienced in life.

Mr JUDD - Experienced in life. The minister has said that as long as it is bolted in four points, it can be bolted to the wall. Our concern was that if you had someone - and some of our members are very experienced in life - who had to get down on their hands and knees because that safe is bolted to the floor, it is just too hard. The minister has been quite good there - he has listened to our argument and realised that what we put forward was quite valid. It is bolted in four points with a coach bolt. I will be honest: a lot of the safes now with the big thick doors on them, if you don't bolt them when you open it it's going to fall over anyway. We don't really have an issue with the bolting. To say that is the only cost to upgrade might not be the case, because -

CHAIR - You might have to reinforce your floor or your wall. That's what I've been hearing about those other costs that come the changes. For example, do you have to put extra studs behind your wall? You don't want it as a feature in your lounge room with all due respect to people who love their firearms. It wouldn't be going in my lounge room, I can assure you. Where do you put it that has the maximum studs and relevant wall space, if you like?

Mr JUDD - A small safe would need to be bolted to the floor and the wall, because it would only engage one stud, with a 450mm stud spacing. I would say that if you screwed a board on there to be screwed to, they would say that the board can be easily removed. It depends, but the minister has been quite good with this in regards to how it is installed.

CHAIR - Being more flexible.

Mr JUDD - He has given us an assurance that the police will be given a checklist of what's required and the firearm owners will be given a checklist as well, so we don't have our over-zealous administrative officers coming in and saying 'That's not bolted down correctly'. The firearm owners will know what's required of them and the police will also be able to know what they have to enforce.

CHAIR - There will certainly be some questions for the minister. The reason why the minister isn't appearing today is the fact that the person from the firearms department, Luke, could not be here today, so we thought, 'Well, unless we have both of them together ...'; that is why.

Mr JUDD - One area with bolting down safes, though, is that some of our members don't own their own house. It's very hard to go to a landlord and say, 'I'd like to cut the skirting board out so that I can put the safe against the wall'. I don't know what the answers are there. Unfortunately it's the way of the world. One of our members quite clearly is in a position to buy a house and he said, 'I don't want to, it suits me to rent'. He is fortunate that he had a garage where he can bolt his safes down.

PUBLIC

Mr FARRELL - If I may, Chair?

Just on that, with gun thefts to date, how often do they take the whole safe or is it they just cut the doors and take the guns?

Mr JUDD - There were some cases, one at Old Beach a few years ago where they wheeled the safe out. They took it out of the gentleman's bedroom and put it on a utility in the attached garage and drove off with the whole thing. Primarily now, as we have pointed out a couple of times, the availability of portable tools has now made it a lot easier. Strangely enough, Don, who some of you know from previous briefings, he was burgled and the only safe they did not get into was his timber one.

Mr VALENTINE - Did they try to get into that or just did not recognise it?

Mr JUDD - No, they tried to get into it. They obviously went with a grinder.

CHAIR - And the grinder would not grind the timber. They did not take an axe, did they?

Mr FARRELL - Just what you are talking about, what you have to do is to protect your firearms: does that have any impact on your home insurance? Where does your liability cut in if someone does take your gun?

Mr JUDD - It depends on your insurer. We have a concern that if someone's safe is not 0.3 mm out, the insurance will go 'That was not installed in accordance with the regulations'.

Mr FARRELL - They are not known for their generosity.

Mr JUDD - It depends on your insurer. With my insurer I do not have to itemise what firearms I have. With other insurers you do. Our association, a few years ago, we started the process - well, actually I started the process - of having member insurance for firearms which gives them \$25 000 of insurance for \$25 per year, which is based upon what we pay. I will use the RACT as an example, but it is substantially less than what we have to pay, but as a member benefit.

Mr VALENTINE - My question was along the same lines really. It was: what is the attitude of insurance companies in relation to the strengthening of storage requirements? They might see that as a real positive and therefore drop the premiums. Have you had any experience or any discussion? Being the association you would have had discussions with insurance companies.

Mr JUDD - We hope that all our members insure through use to be honest, Mr Valentine.

Mr VALENTINE - Which keeps costs down, possibly.

Mr JUDD - Which keeps costs down, yes. Knowing insurance companies, I have never known them to drop the premium, just to drop a value.

PUBLIC

Mr VALENTINE - I am just wondering. You might have an arrangement where you get a certain discount if you introduce so many members, but they say that it is only providing you have a storage of a certain standard as opposed to what the regs say.

Mr JUDD - No, we don't. The difficulty we have had nationally with insurers is basically why we run our own insurance brokerage itself for that particular reason because rightly or wrongly firearm owners can be ostracised by companies. We went down the road of forming our insurance brokerage for all insurance, but primarily to cover people with firearms.

Mr VALENTINE - Just to clarify that: when you say 'your insurance brokerage', brokerage generally means going out and finding the best deal as opposed to covering the value yourselves as an organisation.

Mr JUDD - No, we run a brokerage for all types of insurance. Like I said, we have a member benefit where we do firearms insurance.

Mr VALENTINE - You go out and find the best company?

Mr JUDD - The best company; our brokerage does. QBE is one of our primary insurers and they rub their hands together because when you have got 185 000, they are hoping to get 30 to 40 per cent of them to sign up for \$25 a year, because we do not profit on the firearms insurance. Sorry, we have a \$1.50 I think we profit on, an administration fee. They rub their hands together and go 'You beauty'.

CHAIR - Andrew, my question to you is with the current system in place: do you see any advantage for safety, any additional safety aspects, of these proposed changes for storage and surveillance? Your submission probably says it all, but I would like you to put it on the record. Is the system broken - what we already have?

Mr JUDD - I don't believe it is. This has morphed into theft prevention rather than public safety. You're never going to stop the criminal element from breaking in and accessing.

CHAIR - They do not have registered guns.

Mr JUDD - If you follow current affairs, there has been a fair swag of illicit handguns brought into the country and obviously some stolen firearms are used in the course of further crime, but we don't believe the number is that huge and our main concern -

Mr VALENTINE - Is it 60?

Mr JUDD - 65.

CHAIR - That number has been decreasing, my information tells me, so the regulations currently in place are obviously working. Are additional requirements, at significant cost to law-abiding registered firearms owners, going to make any substantial difference?

Mr JUDD - I don't believe so.

PUBLIC

CHAIR - Andrew, is there anything else you want to present? You have an extensive submission and we very much appreciate the work that has been put into that. It is very helpful for the committee.

Mr JUDD - I am happy. I have been able to make some statements through answering about how these could impact immensely on the development our sport, which is a big concern for us. You're aware of the submission from Glenorchy. I was president of that club for 12 years and I will say it is one of the growing sports. Glenorchy caters for 80 handgun shooters every Saturday.

Mr VALENTINE - Where do they operate?

Mr JUDD - At the very top of Tolosa Street in Glenorchy, on the fringe of Wellington Park. Originally the AIF small bore rifle club moved there in 1974 from Coleman Street in Moonah. They were in the old quarry in Coleman Street. The Glenorchy Handgun and Revolver Club, capped at 20 members, was one of the most sought-after clubs in Tasmania due to its location at the bottom of Lime Kiln Dam on the opposite side of the road next to the quarry. That club, through insurance, was in financial difficulties. We were with AIF on a co-lessee agreement there with the Glenorchy Council and the pistol club was in trouble due to insurance. They amalgamated with us and went from 20 members to 700-plus members in that club at the moment. We have a large membership base.

CHAIR - You also stated it was your understanding that about 60 per cent of your members will need to comply with an upgrade to their storage facilities.

Mr JUDD - Yes. I have an alarm system. I run an event for the association, Rifle Metallic Silhouette, which we compete in internationally and send a team every year. It started in Mexico years ago, when Pancho Villa used to shoot live cows, but in 1948 they started to use metallic cut-outs of animals. In that discipline alone - and we have 18 disciplines in the association and 28 national championships - there are 13 different firearms if you wish to compete in everything. Most of our members who are active target shooters will be impacted severely by the 10 or more gun rule. If the 10 or more gun rule came in, we believe it should be any category of firearm rather than singling out pistol shooters for that one handgun, because that is going to stop pistol shooters from entering the competition.

Mr VALENTINE - With respect to the Firearms Consultative Committee, I didn't read any mention of it in this paper. You may have mentioned it in your opening statement, but has your organisation had input through that process?

Mr JUDD - Yes, and we've had a lot of input into the laws and things like that. The minister has been very receptive to us and others, but this is one of the sticking points we have with him. It has been quite pleasurable dealing with Mr Hidding in a lot of the matters because he's admitted he knows very little about firearms and has given us the opportunity to give as honest and upfront advice as we can. Obviously we are pro-firearm, but we try to be as honest and truthful as we possibly can. We have a system that tends to work.

CHAIR - Thank you very much, Andrew. We certainly appreciate the work and effort and you coming here today to represent your organisation. It is a sport that appears to be gaining quite a bit of momentum.

PUBLIC

Mr JUDD - Our largest growth area on percentage is ladies. The Glenorchy club especially caters to disabled shooters, wheelchair-bound shooters. It is a non-discriminatory sport where we do not have ladies trophies in most of our events; it is open. The only thing we differentiate in is juniors.

CHAIR - They probably beat you blokes too a fair bit of the time.

Mr JUDD - There's one lady in South Australia who has represented the country in about five different events and she beats me all the time. We don't want to see any impediments to getting people into the sport.

CHAIR - It appears from the information we have, not only from you and your organisation but also from others that the significant cost impost is perhaps going to be hard to manage.

This transcript will be available for you and your members. We are meeting with the minister and the firearms department on 16 November and the committee will make a conclusion after that. Thank you again very much for your time.

THE WITNESS WITHDREW.

PUBLIC

Mr GLEN ARNOL AND Mrs CHERYL ARNOL, TRIABUNNA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Good morning and welcome, Glen and Cheryl. Thank you very much for making the time today. I will ask you both to make the statutory declaration and let you know that these are public hearings that will be recorded on *Hansard*. You have parliamentary privilege while you are here, but once outside of this place what you say is up to you. We will ask you to make an opening statement and then we will take the opportunity to ask some questions in regard to the evidence you have provided.

Mr ARNOL - I would like to start my comments by using a term quite often used by the Minister for Police in relation to the wider community. The minister often uses the term 'the wider community and their expectations', and as part of that wider community we have expectations also. That is, that the government will treat us with fairness and respect, which they don't appear to be doing at the moment. Every time firearms are mentioned, either in parliament or in media reports, all we hear about is the crime side of firearm usage and unlawful use of firearms. We believe this is brought about by the fact that the bureaucracy and the police are making the laws and the House of Assembly is just rubber-stamping them for the police.

Adding to this problem is the small size of parliament and the three significant portfolios the minister has, which doesn't give him time to treat each one with the diligence he should, and the decision-making is being farmed out to bureaucrats with the support of the police, whose only experience of firearms is of the criminal nature.

The new storage requirements should not have reached this point, as the first step in the whole business was when the minister, Mr Hidding, brought to the firearms advisory committee a proposal that if he could implement mandatory sentencing, would the firearms advisory committee, representing the firearm-owning community, agree to that proposal? The wider firearm-owning community gave it a nod of approval as it didn't impact on them and only impacted on the unlawful and stolen firearms.

It must be remembered that at this time this was seen as a deal and Mr Hidding's end of that deal fell over through lack of parliamentary support. Hindsight would tell us he probably knew when the proposal was made that it had very little chance of obtaining agreement with the mandatory sentencing, because there was lack of support within the Opposition, and also the Law Society of Tasmania believes that it takes away the independence of the judiciary. Once that happened, our end of the deal should have been negated. However, Mr Hidding then used the term that he had 'consulted' with the wider firearm community and went ahead with this proposal and of course we finished up with the draft regulations and the mess we have today.

After some time lapsed, we started to look at the regulatory impact statement in more depth and found it to be a very poor document, ill-thought through as far as the impact on the firearm-owning community goes, and in some areas contradictory to the desired outcomes. For example, it says, and I quote, 'It should reduce firearm theft', but in another paragraph, it says, 'It is not known what the impact will be'.

I would like to digress for a moment and say 'should' and 'will' are two totally different words. If we don't know what the impact is going to be, I would ask the question: why are we doing it?

PUBLIC

While the minimum thickness of safe construction is 2 millimetres, there is no standard for the fastenings to hold it in. There is also no standard for what it has to be screwed to, either the wall or the floor. With modern construction materials being pine studs and MDF - or medium density fibre board, which in other words is chipboard - neither of those materials has any holding strength at all and could just about be removed from the wall or floor with a toothpick. How do people get on who don't have the skills to implement the proposed requirements? Do they have to engage a tradesman, which further increases the risk of theft?

It is envisaged that these stronger storage requirements of bolting the safe down will increase the damage to homes. We can see on television the lack of concern that thieves and burglars have in backing utes into shopfronts in smash-and-grab raids under full view of CCTV, walking into jewellery shops in broad daylight and smashing their way through counters, once again in full view of CCTV, so where does that leave firearm owners if insurance companies start to jack up on house and contents insurance because of the damage caused in removing firearms from the home? We know that the insurance companies are quite adept at putting exclusion clauses in policies and also refusing to insure in certain areas. It is likely from this legislation that people may have to make a decision as to whether they give up their sport and recreation or get their house insured.

We have an expectation that if these regulations were implemented, inspection would be undertaken by a qualified person - a structural engineer - and the police, for the reasons given above, so that in the event of a burglary there is no fear of being charged for incorrect storage, which is currently being done, and the requirements of law have been met so that insurers have no room to reject claims. Currently police spend as much time looking for technicalities in storage to charge the owners of the premises that have been burgled in relation to incorrect storage as they do looking for clues to the theft.

When it is all said and done, thieves break into homes to get to the gun safe. No law will stop criminal activity. Laws are only a form of intimidation and if criminals are not intimidated, they will take the risk. Look at the laws in relation to phone use while in control of a vehicle. Even the premier was prepared to take that risk. Thank you.

Mrs ARNOL - I don't disagree that if reducing firearm thefts can reduce even a handful of deaths over the next 20 years, the cost of the changes will be well and truly justified, but what if they don't? There is no evidence to suggest anything will be any different. Where will that leave the law-abiding firearm owner who has taken all reasonable precautions to protect his or her valuable asset? These regulations are ill-thought out and need serious consultation with people who have the protection of their firearms at heart. Law-abiding firearm owners do not want to see their homes invaded and their valuable assets used in illegal activities, but no amount of security will stop that. Criminals are not afraid of the law.

If the police cannot protect their own police compound from being breached - for example, a few years ago a four-wheel drive was stolen from a Hobart compound, the navy in Darwin could not protect its compound from firearms being stolen, and even Service Tasmania could not stop its security being breached recently when people invaded their building - imposing stricter rules on firearm owners will do nothing but increase the cost to them for additional compliance that may never work.

PUBLIC

When looking at the alternative options, the regulatory impact statement made the point that implementing greater storage requirements would result in higher costs to existing and new firearm owners. Without specific proposals, it is not possible to calculate any difference in costs, but the increased cost is not expected to result in firearm theft prevention and community safety increases proportionate to that increased cost. Whilst this was in the context of greater storage requirements than was proposed in draft regulations, surely it can be applied in the context of greater storage requirements than what existed in the act and would have the same effect.

It should be noted there are around 135 000 registered firearms in this stage. Statistics will show that on average only 200 firearms are stolen each year, which is 0.00149 per cent, if my calculator works correctly. If community safety is the catalyst for the new storage regulations, why has it taken more than two years to draft these new regulations? The reality is it is not about community safety. It is about a government being able to say, 'We are tough on crime'. With great respect, you are not. All that is happening is that those who obey the law are ultimately being treated like criminals simply because we are firearm owners. They are being blamed for criminal activity with firearms and strict storage is supposed to fix that.

It is way past time firearms owners in this state were supported by the government in stricter penalties for the criminal use of a firearms. Under the Firearms Act firearm owners are subject to quite hefty penalties if they do the wrong thing in the eyes of the police. We are not the bad guys here but we are fast becoming that simply because we own firearms. It is not and never has been the intention of firearm owners to water down the firearm laws. All we want are fair and reasonable laws that we can abide by and stricter penalties for those who choose not to live within the law when it comes to firearm crime.

I will finish with a quote from the Firearms Owners United website on the recent shooting of a child in Sydney -

So just to sum up, a shooting committed with an illegally shortened unregistered firearm by an unlicensed individual who was already the subject of an AVO, was breaching that AVO, had previously breached the said AVO and committed firearm offences at the same address a year prior is the fault of legal firearm owners? I think not.

I am over being treated like a criminal because I'm a firearm owner. Thank you.

CHAIR - Anything you would like to add, Glen, before we go to question?

Mr ARNOL - There is probably heaps of things and I am sure some of the questions will generate some of that.

Mr VALENTINE - On page 3 of your document, 'Supplementary Risk Response, G and C Arnol, Tasmania LFOs', you say, second paragraph down -

... licensed firearm owners in general are not averse to stronger storage laws because arms and possession are just as important.

What is the solution? What do you see is the best way to strengthen these laws, obviously not to the extent that is being suggested you are saying? What do you see as some of the solutions in terms of better protection because the police can only deal with those guns they know exist?

PUBLIC

They do not know the ones they do not know exist, do they? That is the case. What are you suggesting should be the level of storage?

Mr ARNOL - Mr Valentine, if I could take the opportunity to answer that question, and without be sarcastic, let me say that if I knew the answer to that, I would probably be sitting in your position asking the question. In all honesty -

Mr VALENTINE - Quite clearly there have been 60 events or so, whatever it is, of guns being stolen so clearly what exists at the moment would seem not sufficient enough. I suppose here you are saying it is targeting licensed firearm owners, but they can only deal with the ones they know exist. There must be some middle ground is what I am saying.

Mr ARNOL - If we knew the answer, we would certainly be sharing it with you. Can I just say we are dealing with firearm storage and firearm theft in this particular venue but the situation is: What other burglaries are going on? What is the percentage of firearm burglaries as opposed to other burglaries in the community? Computers, televisions and stuff like that. I suggest strongly that without any data, it is quite miniscule in relation to other burglaries.

Mr VALENTINE - You are probably right.

Mr ARNOL - What I am saying to you is if the current storage of government buildings and chemist shops and various other institutions, are being breached by burglars or thieves whatever you want to call them where do we take this storage situation to overcome that? The answer is there is not a way of doing it. Like I said in one of my submissions, or supplementary submissions I think, once they break into your home they have committed an offence. What they take is really irrelevant, but now we are starting to look at the firearm side of things I suppose there is more relevance to it.

Mr VALENTINE - Because they take lives, I suppose. That is the point.

Mr ARNOL - That is right, but then again when you look at that situation there are plenty of other implements in the community that will take your life. The current mode of murder I guess you would say is motor vehicles and knives. So where do we go to protect that side of the community? It is a very vexing question and very difficult to put a solution on it.

Mrs ARNOL - There seems to be a notion that the number of firearms stolen every year is a real problem, and as I said there is 135 000 registered firearms in this state -

Mr VALENTINE - In this state?

Mrs ARNOL - In this state, yes. An average of 200 is stolen each year with the data over the last five years. It seems to me that the storage regulations we currently have really have been working when you look at the break-in data in relation to other burglaries and the like. As Glen said, the crime is not taking our firearm, the crime is them breaking into our home.

Mr VALENTINE - Yes, it is. It is the outcome, though, that the Government would be looking at. You can kill someone remotely with a gun but you cannot kill someone remotely with a car. You have to be driving it. I understand you have an argument there, but obviously we have to try to find that middle ground.

PUBLIC

With respect to the Tasmanian Firearms Consultative Committee, have you had any input into that?

Mrs ARNOL - I was a member of the firearms consultative group until it was disbanded in June 2015 and then I was a member of the advisory committee. The minister had an advisory committee recently. I believe there have been two meetings and I one. I was away on leave when the second one was held.

Mr VALENTINE - During that time, these would have been dealt with, wouldn't they?

Mrs ARNOL - Yes and no. We did not have a huge amount of input into the regulations because the committee was disbanded. These have been formulated in the last 18 months or so and TFACC has not been in operation for that period.

CHAIR - Supplementary to that. The minister, in a statement that was provided to the committee a little earlier said that there has been a six-year review on getting to this stage by the Tasmanian Firearms Consultative Committee.

Mrs ARNOL - The TFACC was set up by the previous government and it was continued, to his credit, by Mr Hidding. We were looking in the early stages primarily at changes to the Firearms Act and there were a number of those, as I am sure you are aware.

CHAIR - Thank you, I wanted to clarify that.

Mr FARRELL - You mentioned at the end of your contribution how you are a responsible gun owner but you feel you are being treated unfairly. Do you feel there is a general misunderstanding in the broader community about gun owners and gun clubs and what it is all about? Do you feel you are being victimised because you have equipment that is deemed in some quarters to be killing implements?

Mrs ARNOL - I object to my firearm being called a weapon and I have consistently done that. I do not fit the stereotype of a firearm owner. Most people who find out that I use firearms and, I will use the example of my optician, the young man who dispensed my spectacles at the time who was surprised why I needed three pairs of glasses. When I explained to him I was a competition clay target shooter and I needed this pair for this and this pair for that, he sat there and looked at me and said, 'A lady who shoots, how wonderful'. That was the wider community and this is a young man who did not know anything about shooting and all of a sudden he has me, all five foot nothing of me, as a firearm owner.

We generally find when we talk to the wider community and they find out we are competition shooters, the general reaction is, 'That is great, how terrific is that'. Once people find out they do not judge you. Unfortunately, firearm owners are judged in general by the flannelette-wearing, recreational person, generally male. They do not see people like me as being a firearm owner.

CHAIR - For a sport.

Mrs ARNOL - Yes, for a sport. I was asked recently if I was a farmer because I owned a firearm. No, I am not a farmer. I own a firearm because I am a competition clay target shooter. That is the perception of the community.

PUBLIC

Mr ARNOL - One of the biggest issues we have is that both government and police always target us and they should not. Coming down here this morning, I passed three road signs that had gun shot impacts on them. That is advertising to the public that people do the wrong thing but not all people do the wrong thing. When you look at clay target shooting, there is no denying it is an expensive sport, so we are not going to be wasting ammunition shooting at road signs. Yet, that is the perception that those who oppose firearms get and that is the perception they use to try to convince the wider community that we are the problem, and we are not the problem. How you define those who are the problem away from those who are not the problem, I have no solution.

Mr VALENTINE - Like drivers, though, isn't it? Certain drivers always abide by the rules and others don't.

Mrs ARNOL - Yes, exactly.

Mr ARNOL - I guess it was a little bit of sarcasm to put that kind of comment in there about the premier and the telephone. In one of my submissions I referred to the fact that life is made up of risks from the day we're born until the day we die. If it wasn't for risks we wouldn't get into space, we wouldn't get into the sea and we wouldn't do all sorts of things. People are prepared to take those risks and unfortunately criminals are no different. We have two things in common with criminals: we have the factor of risk and we have the factor of being inquisitive. As soon as that phone rings you think, 'Who is that?' Without thought you pick it up and answer it. We all do it. I have seen police officers talking on the phone and I have seen all sorts of people in eminent positions talking on the phone while they have been driving a car, because it is just the natural reaction.

The problem we have with firearms is that inquisitiveness, - 'I wonder what he's got in his home?' They break in, 'Ah, a gun safe'. The next thing you know firearms are stolen and it comes back, 'Those redneck firearm owners, no-one should have firearms other than the police'. I'm not denigrating the police in this, they are supposedly trained, but they are trained with a Glock. The use of a Glock and the use of a long-arm in the type of enjoyment we have is totally different. Hunting and competition shooting with long-arms is totally different to pistol or handgun operation. That is what needs to be taken into account by the government.

I am 67 years of age and my wife is 68. I actually owned my own firearm when I was seven years of age. My grandmother gave me a double-barrel 410, so I've had 60 years of experience, but our government -

CHAIR - You used to keep it under your bed, pretty much?

Mr ARNOL - Used to, yes, almost slept with it for the first fortnight. That wealth of information is not being conveyed to the government, because the government won't listen with any degree of sincerity to what we have to offer or what we know about the industry.

Mr FARRELL - I'm just wondering, Cheryl, picking up on a comment you made - and I'm aware through your evidence that you've been on a couple of consultation groups and committees - has it been consulted with the wider firearm community? If you weren't on it and other witnesses that we've had weren't on it, who is the wider firearm community?

Mrs ARNOL - I think the TFACC was set up on the basis that it had representatives from the various shooting organisations, so that made the wider community, if you like, because we were

PUBLIC

representing our members. That is how the wider firearm owning community came into the TFACC.

CHAIR - So there is no criticism about the make up of that original consultative committee?

Mrs ARNOL - None whatsoever.

CHAIR - It's just the fact that it had been disbanded.

Mrs ARNOL - If there's any criticism is the fact that we were disbanded before the draft regulations actually came through.

CHAIR - Why do you think that was, do you have any understanding?

Mrs ARNOL - I don't know.

CHAIR - It will be a question for the minister.

Mrs ARNOL - Yes, it's a question for the minister. I received a delightful letter from the minister thanking me for my service and that he was disbanding it, so I don't know. Certainly I appreciated the opportunity to be on that committee and I think there is certainly an avenue for that committee.

I think the thing that needs to be remembered in all of this, though, the regulatory impact statement, my understanding of a regulatory impact statement, I will be perfectly honest, until we started this process I didn't really know a lot about subordinate legislation or regulatory impact statements or anything. My understanding is that it is supposed to identify all the costs to the community.

CHAIR - That is exactly the role of the committee, not policy, just the cost impost.

Mrs ARNOL - Sure. The problem that I see in the regulatory impact statement is it's made statements like most people will only need a couple of \$2 bolts, or most people will only need -

CHAIR - No, they're only one dollar.

Mrs ARNOL - Sorry, yes, one dollar, thank you. The problem with that is, to the best of my knowledge, firearm services does not have specific data in relation to the gun safes that everybody has. They only know that a licensed firearm owner has a gun safe that is approved under the current act that has been in place for the last 20 years.

Mr VALENTINE - According to the category of firearms.

Mrs ARNOL - Well, yes and no. Under the act at the moment the gun safes are not as specific as what they are under the regulation. You have to have an approved safe, whatever that construction might be.

To the best of my knowledge, those inspections over the last 20 years have not been site-specific. What I don't know, and what I have struggled with, is: how does the Government know how much it is going to cost the firearm-owning community? They don't know whether I

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have to change my safe because it doesn't meet the 2 mm or 3 mm category, depending on the category of the firearm. They don't know whether the man down the road's safe has to just be screwed down because it is not quite 150 kilograms. All they know is we currently have approved safes under the current Firearms Act. So how can they make a judgment decision on how much it is going to cost the firearm-owning community? That is the answer I do not know and the problem I have with the whole thing.

Mr FARRELL - You mentioned insurance before and that they will come along after the fact and have a look at how you stored your guns. There is no solid detailed description whether you have a dynabolt into a concrete floor or a couple of \$1 bolts into a stud plasterboard wall. If the insurance company comes along, how are they going to assess what you have done?

Mr ARNOL - What has happened in the past, not only firearms but other issues with insurance, is they have looked at the police report and the report has said the gun was incorrectly stored. As soon as they have said that the insurance company said, 'Because of your failure to store the firearm properly, we are not paying'. There is a fair bit of fine print in insurance policies these days, not so much with firearms but with everything, which most people don't bother to read. They just pay the premium and do not find out they have an issue with their insurance until something happens. If we get to the point where people think, 'Will we give up our sport or will we insurance our home?' and they decide to go with their sport, what happens if the dryer malfunctions and their home is burnt down? They have lost a \$500 000 asset because of legislation that has been put in place that serves no real purpose at all. We are not against firearm storage or firearms laws as long as they are sensible, have some benefit to the community and support us as far as looking after the valuables we have. The competition firearms we have at the moment, which we are taking to Melbourne with us, are very valuable and we look after them with a vault under the house, burglar alarms and the whole kit and caboodle.

Mrs ARNOL - One of the things the regulatory impact statement didn't address is whether every single firearm safe that is the subject of these new regulations, if they're approved, was when they would be inspected. I am guessing the inspection regime will take place when a firearm owner's licence comes due or they want to buy a new firearm et cetera. In fairness to firearm owners, if we have to abide by these new regulations and go to the expense of improving our storage and this is for the safety of the wider community, surely the police need to take the view that they should inspect every single safe after 4 December? How are they going to know everybody has abided by these new regulations? How are they going to know the wider community is safer with these new regulations if they don't inspect every single safe and site-specific record the data?

CHAIR - You might know they've already made a start.

Mrs ARNOL - They've made a start but only because of the firearms licences that are falling due now. They are applying some of these new regulations, even though they are not in place yet, to people being inspected.

CHAIR - They are pre-empting the judgment of the committee.

Mrs ARNOL - Absolutely. We did a bit of a mathematical exercise and came up with a figure. If the government or the police were to undertake that inspection regime, it would cost somewhere around \$21 million. That is not identified in here as a cost to the wider community,

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whether that is the wider firearm-owning community or the wider community who will supposedly feel safer with us having these extended gun laws.

Mr VALENTINE - So you are saying that if they undertook it might justify the stronger storage laws?

Mrs ARNOL - Mr Valentine, you have to understand that I don't have a problem with the new gun laws or the way the draft regulations are being done. No problem whatsoever. If the draft regulations go through, that's fine. I personally don't have a problem with it because I have been a firearm owner for just about 50 years and my firearms are very important to me, absolutely. Some of them my father purchased for me so they have sentimental value. Not only that, but my competition firearm is particularly important to me, so of course I am going to take every reasonable step to protect them. Of course I'm going to comply with the regulations if they come out as they are, but what I'm asking the Government to do is to give me as a firearm owner a little bit more protection in relation to stolen firearms. What happens if there are still these 200 firearms stolen? What are you going to do then? What other rules and regulations are going to come in place? There is absolutely no evidence that these new storage laws will stop the break-ins, so the police will then have to go to the next step, which is to create much stronger penalties for the criminal use of a firearm.

Mr STREET - Is your opinion that what we've got at the minute is as good as it can be, or have you got a suggestion as to where we ought to be going?

Mr ARNOL - To say it's as good as it can be is probably an overstatement, but to come up with a suggestion that improves it is an understatement because, as I said previously, if we had the solution, we would certainly give it to you free of charge. Believe me, we would. I really don't know where to go with -

CHAIR - Is it a sledgehammer to crack a nut? That's the question.

Mrs ARNOL - That's about it, Ms Rattray, yes.

Mr ARNOL - We've got a situation where some homes have no deterrent at all but they look solid; they look like they're impenetrable. There are other homes that are probably full of guns that look like you could break into them with, as I say, a toothpick. The presentation of homes has an impact on it and where those homes are situated. We have contended for a long time that there has been some breaching of the data on CrimTrac. The police contend that is not the case. Whilst this has nothing to do with costs and what we're discussing today, there have been times when homes have been broken into and there have been 10 firearms in a safe and they've only taken three. How did they know that those three firearms were in that safe and why didn't they take all of them? You would think if criminal activity was looking to get firearms for sale or whatever they want to do with them, they would take the lot.

That brings me another point. The regulatory impact statement comments on the fact that these firearms are being used in crime or going into the black market. We don't have any statistics or data to suggest that. Many of them, or very few of them I should say, show up ever again. I think I made the point in my statement that we strongly believe many of these firearms are being sold on to people who can't get a licence, so while they are illegal and unregistered firearms, they're not posing any danger to the community. These are the things I think everyone has to take into account. If data were supplied to say there have been 200 firearms stolen and 150 of those

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have gone into the black market and crime, we may have a different view of things, but at this time there is no data to suggest where they've gone.

Mrs ARNOL - When you look at the statistics for the last 10 years of firearms stolen across this state, I think it's reasonable to say that the firearm storage requirements in the original Firearms Act have worked. They have worked for almost 20 years. Yes, a number of firearms are stolen but in the context of the number of registered firearms compared to the number of stolen, it is minuscule. I take Mr Valentine's point that firearms in the wrong hands can be dangerous but I come back to the point that that should not be my responsibility if I am abiding by the law in relation to storage. That is the responsibility of the police.

Mr VALENTINE - In your submission under supplementary risk response in the third paragraph, you make an interesting point about licensed firearm owners being treated as criminals if Tasmania Police deems to have unsafe storage in the event of a break-in at their home, despite Tasmania Police being the inspecting body to approve safes. Are you suggesting that there should be a different arm of government that is the inspecting body as opposed to the police?

Mrs ARNOL - No, that's not the suggestion. The suggestion there is that our safes are inspected if there is a break-in and they are approved under the old act. I am talking about the old act and not confusing it with the new regulations. Under the old act, every single safe has to be inspected and approved by the police at some time during the course of your firearm ownership or your firearm licence. What has happened - and there is evidence in relation to this - is that our safes are approved, but we come to a situation where someone is broken into and their firearm is stolen, the firearm owner can be subjected to committing an offence of having unsafe storage. If it is proven that the firearm was in the safe storage that was already approved, how can I or anybody else that has their home broken into and that storage breached, be charged with having unsafe storage?

Mr STREET - Well you wouldn't be, would you?

Mrs ARNOL - There is evidence to suggest there have been firearm owners that has happened to, Mr Street.

Mr VALENTINE - Would that be in full compliance - perhaps if they left the lock undone?

Mrs ARNOL - If they've left the lock undone or something like that, then that is their own fault and they have to cop the offence in that situation, but if the safe has been physically broken into, the firearm owner should not be charged with having unsafe storage. I believe there are some examples, limited though they may be because there are 200 firearms stolen in 61 episodes over the time so there are not that many episodes of that in any one year, one would think or hope, but as the safe is approved, why should that happen?

Mr ARNOL - As a follow-up to the comments my wife just made, one chap in our local area was booked. I don't know what the outcome of it was, I think they may have dropped the charges in the end, but his gun safe was stored in his garage and he had the key of the safe planted in the garage. Some of his supposed friends must have known where the key was and entered the garage, got the key out, unlocked the safe and took the guns and he was formally charged. Was that his fault? Whose fault was that? What Cheryl has just mentioned has happened in the past and I daresay will happen in the future.

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Much of the problem we face in relation to storage issues we have discussed this morning comes from the fact that Firearms Services put in place what they call policy. I sought some legal advice on policy and found it has no real legality, it is just a format the police put in place. I am asking you people to consider closely within this review how people can live with laws where we don't know what's going on and policy that is just put in place on the run, because that is actually what's going on and that is a very difficult situation for us.

CHAIR - That is certainly another area that we don't get the opportunity to do in this forum. We have plenty of other forums as members of parliament and that is certainly one that you might like to progress with the candidates for the House of Assembly election that will be around March 2018.

Mrs ARNOL - Absolutely.

CHAIR - Any other questions, members, in regard to this? We haven't covered surveillance, other than you talking about your own situation. Do you have anything to share with the committee about the surveillance requirements?

Mrs ARNOL - Like monitored alarms?

CHAIR - Electronic security, yes.

Mrs ARNOL - Electronic security has a place, there is no question about that, and most people who have firearms they value - and in this case in relation to the regulations, if they have more than I think 10, they have to have a monitored alarm. I guess that's fine in terms of the suburbs where there is a quick response, but an audible monitored alarm -

CHAIR - At the back of beyond.

Mrs ARNOL - Exactly - is probably not that great. I understand, though, that under the regulations they've taken the view that there are various types of monitoring available, as long as it's a recording, if you like. The issue with the recording, though, is that it says in the regulations, if my memory serves me correctly, that it has to be of a very high standard so the perpetrators are able to be identified.

CHAIR - Like what colour his balaclava is.

Mrs ARNOL - Yes. I worked at a business in Triabunna that had significant cameras they spent an awful lot of money on, and unfortunately the break-in that occurred there three or four years ago didn't bring anything from the cameras, because as you said, Madam Chair, they had balaclavas, hoodies and all of that, so regardless of how expensive your recording equipment is, I'm not sure how you're going to be able to comply with that section of the regulations.

Mr FARRELL - Just following on from that, it says in the minister's document that -

The owners will only need to choose one item or form of electronic security from a broad list of options. The regulations are deliberately non-prescriptive to ensure owners can choose a type of security and level of protection that best suits their circumstances.

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Mrs ARNOL - Yes.

Mr FARRELL - Your opinion on that may be completely different to the Government's, the police's and the insurance company's. How do you best prescribe that? It even mentions that there are some that start well under \$100 and they make a loud noise, although probably not as loud as an angle grinder. What are your thoughts about putting these ideas into the regulation? I don't think they are really going to have any effect on securing your guns. Why do you think these things have been prescribed?

Mr ARNOL - Let's be quite honest and specific here: I think it's people making decisions without life experience in the country. That's really what we're talking about here. Whether you buy an alarm system that's worth \$100 or \$20 000, we've seen on television where highly sophisticated CCTV doesn't stop thieves if they really have a mindset to do what they want to do. Just across the road from where we live there is a hotel and a takeaway shop. Quite often the burglar alarm will go off there when there's no burglary being committed, and that will run and run until it runs out of steam, and no-one comes, so if one of those places housed firearms and it was an actual burglary, they've got ample time to get in and get out.

The other point you just mentioned is that it's probably not as loud as an angle grinder. Modern-day tools have provided a wealth of implements for burglars and mobile phones are probably the most dangerous, because if two people go they can communicate with each other. We're in a no-win situation irrespective of what we put in, what we spend and what the police try to do to protect us. It is virtually a situation of being out of control and we don't know what to do to bring it back into control.

Mrs ARNOL - The RIS said that a review of advertised costs for installed audible alarm systems and video surveillance systems indicate that capable systems start at around \$300.

CHAIR - They're on special if they're \$300.

Mrs ARNOL - I don't believe that would apply to a capable system. That would apply to how they've actually described what a video system should be, which is that it must report to a storage device any activity where the receptacle is located, the storage device must be locked and it must be of sufficient quality to identify people. With great respect, I don't think a \$300 system is going to do that. We did some research into it and probably to meet that requirement, which came out in the letter from Tasmania Police on 24 May, the cheapest we found was around \$1500. Again I come back to the point that some of the figures in the RIS are seriously flawed and probably more so now that the regulations have been changed from the draft regulations that this RIS applies to.

Mr VALENTINE - On page 4 in the first paragraph of the conclusion, you say data suggests that there could be as many as 13 000 illegal firearms in the state. What data are you drawing that from?

Mrs ARNOL - There is one website called gunpolicy.org which I think was run by the University of New South Wales and they did a significant amount of research into the number of registered firearms in the country. Their rule of thumb, if you like, was that illicit firearms generally run at about 10 per cent of registered firearms.

CHAIR - So there are 135 000.

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Mrs ARNOL - Yes, so it is about 13 500.

Mr VALENTINE - That's the national figure?

Mrs ARNOL - I believe so, Mr Valentine. That's the national standard used by researchers.

CHAIR - Is there anything else, Cheryl or Glen, that either of you would like to leave with the committee for our deliberations?

Mrs ARNOL - I would like to thank the committee for giving us the opportunity to come and talk to you. As I said earlier, I don't have a problem with the new regulations, I truly don't. I don't have a problem with new storage regulations. What I have a problem with is that we, as firearm owners, are not being supported by the Government in relation to the illegal or criminal use of firearms, which then impacts on our ownership of firearms. Because we are firearm owners we are somehow blamed because of that criminal use. I would just seek the committee's support in putting forward -

CHAIR - The status quo?

Mrs ARNOL - Yes, the status quo would be good, I think, but we are also seeking the Government's support in getting stronger penalties for the criminal use of firearms.

CHAIR - We very much appreciate not only the submission, the most recent one, but the effort you have gone to to engage particularly with myself as your elected member, but also with other members I know you have made the time and effort to speak to in regard to this. Certainly your efforts as part of the consultative committee as well have not gone unnoticed, so thank you.

Mr ARNOL - I would also like to thank you for your assistance and also the other Legislative Councillors we've had the opportunity to speak to, because they've all been very supportive and willing to listen, so we thank them very much for that.

CHAIR - I don't doubt that. They're a pretty good bunch, the colleagues I have in this place. We all take our work very seriously. We will make this available as soon as possible and again we thank you for your time.

THE WITNESSES WITHDREW

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Mr WAYNE JOHNSTON, PRESIDENT, AND **Mr NICK STEELE**, ACTING CEO, TASMANIAN FARMERS AND GRAZIERS ASSOCIATION WERE CALLED VIA TELECONFERENCE, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Ms Rattray) - Welcome, gentlemen. We have your submission before us but if there is anything you would like to add to that we would be appreciative of hearing it.

Mr STEELE - Thank you for the opportunity to do this by teleconference. We appreciate it. Primary producers in regional Tasmania generally make up a very large percentage of the legitimate firearm users in the state, using firearms on a daily basis as tools of trade and for sporting and recreation purposes. The TFGA recognises firearms as one of the tools of trade for primary producers and their agents to assist in the management of browsing animals on their properties. Firearms are also a vital tool in the humane destruction of diseased or injured livestock at any time during the day. Firearms legislation needs to be practical and workable for landowners and their agents as they engage in daily work.

The TFGA believes it is critical the government focuses on changes to improve firearm legislation or regulation, that it is conscious of the need for primary producers to continue to access effective pest management tools and are focused on addressing the heart of the problem: that is, the criminal misuse of firearms rather than law-abiding gun owners. That is the key to our submission as to why we haven't accepted some of the regulation amendments. We believe our members are doing the right thing and there is no need for some of those changes.

Mr JOHNSTON - I sit on the minister's firearms advisory council and I have done since the current committee was formed, and I did prior to that in the last three or four years. I have been representing my members on that committee for a while now.

CHAIR - George Mills was the TFGA representative as well at one stage. Can you clarify what George's position is now?

Mr JOHNSTON - George sits on our internal TFGA firearms and policing committee and Wayne is now a rep on the ministerial committee.

CHAIR - I misunderstood that when George contacted me. My understanding was that he was the TFGA rep on the firearms committee. I appreciate that clarification. As to your position, Wayne, on that committee can you give me some understanding of the process and the TFGA's involvement in that consultative committee and now the new body and the engagement and consultation between those bodies to get to where we are today?

Mr JOHNSTON - If we go back a couple of years when the previous committee was there, when the current government came in - I can't talk prior to the current government as to what the structure was - we were asked, with about seven or eight other bodies, to sit around the table and talk solely about firearms, their use and application. The minister had one or two advisers with him and some police officers who were there representing the police department and Firearms Services. We were frustrated - and I think I speak for all of the other committee members at the time - we didn't seem to be getting any traction or we weren't being taken notice of with some of the issues prior to that. The minister then dissolved that committee and re-formed another committee earlier this year which did not have all the people on it from the previous committee

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but had a majority of those people on it. We re-formed with the new focus to look at the regulations that the government were hoping to bring forward.

CHAIR - That was the draft regulations that were put out for comment?

Mr JOHNSTON - Correct. We thought that we had some input into those. I think we had two meetings prior to the draft regulations coming out. We talked about issues that are now in the draft regulations. We talked about storage and we talked about pump action shotguns and all of the bits and pieces. We talked about the wallabies and the deer and the possums. The issues that we have. The non-access or restricted access to 1080.

I have got to say that the committee was a more functioning committee this time around. We had representatives there from the police force this time but not from Firearm Services as I understand it. We were given the understanding that we would meet again before the regs were presented to parliament but unfortunately that did not happen. Therefore the regs have come out. They were not quite as we would have hoped, hence why we are here today, having this discussion with you and why we have put some policy things forward.

I should say at the moment why we are here. The government produced a media statement back in probably May saying that they were going to put out the new regulations which would come into effect on 4 December. That prompted quite a few of our members to get in touch with us saying, 'I have got to go out and buy a new safe because mine is not up to standard', or 'I have now got to screw it to the wall', or 'I have perhaps to have some monitored alarms put in'. We then put out our own media release, which I think may have upset the government a little bit, to say that these are proposed changes. They are not actually in the law at the moment. They will possibly come into law on 4 December 2017.

I have got to say as well that Firearm Services have been directing the police force at the moment that when they are out doing firearm inspections on private premises that they are enacting the proposed regulations.

CHAIR - We are aware of that, Wayne.

Mr JOHNSTON - It is extremely disappointing to the point of some of our members are having an argument with the police officers in the sense that while they are trying to implement the new storage regulations where you bolt it twice to the floor and twice to the wall the members are saying now under [inaudible] firearm in the seat beside me and cross the road and go from one property to the other, the police officers said, 'No, you cannot do that. We will book you for that.' If you are aware of that, that is fine. I just wanted that stated. I think it is very disappointing that that has happened already because that has produced more uncertainty in the community as to what people are doing. We are all trying to be law-abiding. The last thing we want to do is actually have people who are breaking the law. If you are aware of that, that is good, Tanya.

CHAIR - Thank you very much for clarifying that situation. Anything else you want to add before we go to questions, Nick or Wayne?

Mr JOHNSTON - No, not from me.

Mr STEELE - No, thanks, Tanya.

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CHAIR - I read this in a letters to the editor recently and I am interested to see whether, Nick and Wayne, you think that this is somewhat typical of the people that you represent. It says -

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I am an old age pensioner, 80, and also a firearm owner. I own only a single shot, a .410 calibre, valued, I am told, at about \$25. I use it to disperse crows et cetera from my poultry runs. When the gun laws came into force regarding gun storage, I purchased an approved unit. Now I am told that my \$300-plus cabinet is illegal and I must buy a new one. I am expected to pay the same cost to store one only firearm as someone who has up to nine. No-one would break into my home to steal an item worth \$25.

Then they go on to talk about a 'city-bred politician' - well, I am far from a city-bred politician, I can assure you, and I think probably hence why we are here today. Can you give me some indication whether you think that is representative, in some respects, of who you represent as the TFGA?

Mr JOHNSTON - I can give you two very close examples. We have a staff member of the TFGA who had purchased a safe from the local store, had an inspection and the police officers told him that safe was not up to the thickness required. He purchased that in good faith. There is an issue that commercial businesses were not selling the safes as they were supposed to.

I have a son who had a safe inspection and the police officer measured the thickness of the gun safe with a measuring tape and told him the thickness of the wall of his safe was 2.75 mm and he is supposed to have 3 mm. I was livid when I was told three or four days later, after he then went out and bought a 700 gun safe to replace the one he had, that you cannot do that.

I know the minister is saying that under the new regulations there will be a checklist that all firearms owners will have and the police officers will have and you will be able to stand them, side by side and go through the checklist. That is fine, but people have bought what they thought were legal gun safes and now they are being forced to pay out more money with the change of the law. There needs to be some serious things looked at regarding storage and safety.

I could go on about the proposal about the 10 guns or more but your letter to the editor was right and you have to look at those things using common sense. The minister on numerous times said, 'We want common sense to prevail'. So do we, because it is hard-earned dollars. We do not want people breaking into our buildings and our homes and taking firearms away. That is the last thing we want. Community safety is paramount.

CHAIR - My understanding from what you are saying, Wayne, is perhaps there is some lack of understanding of the requirements and what officers who are doing the inspections, are undertaking. Perhaps there are some guidelines there that need to be improved if this committee does not move to disallow. I will take that on board because that is not the first time I have heard that story about the officers who come and inspect, and do not seem to have a lot of an idea about how you bolt something to the floor and whether a dollar bolt from Bunnings, four of them, does the job and where you put it in your wall and whether the studs appropriate et cetera.

Mr JOHNSTON - That is right, Tania. Are our police officers all of a sudden going to become carpenters or building inspectors to know it is fastened correctly? How many of our police officers who do firearms checks are licensed firearm holders who have done a course

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themselves? Not many of them, I can assure you. They have been through the police force and they know how to handle a pistol. Do they own a firearm licence? I know some do not.

CHAIR - We have heard some evidence this morning that it is a lot different using a Glock than it is to use a firearm in a clay target pistol shoot.

Mr VALENTINE - With respect to the bottom of page 1 of your submission where you point out the requirement to store firearm parts with firearms should be removed from the draft regulation bill to avoid complete firearms being taken if broken into and stolen. Was this discussed at that committees you attended on the minister's firearms committee?

Mr JOHNSTON - Yes, it was, Rob. We had members there from the firearms guild and the collectors association. We talked about what constitutes a firearm. There are parts of a firearm - trigger, barrel, stock and those bits and pieces - which cannot be used or cannot fire a projectile.

Mr VALENTINE - As of themselves, standalone.

Mr JOHNSTON - That's right, standalone. In the public perception if somebody has, say, a barrel, they may feel threatened - which is fine, I can understand that - but if you have a piece of wood, which is what a stock is, that is just a piece of wood even though it is shaped. There is only one part of a firearm that is capable of doing anything by itself - a frame and receiver. They are the two pieces that can do any damage. All the rest of them should be stored so they can't be stolen. In fact they shouldn't be in the same safe as a firearm.

Mr VALENTINE - That wouldn't take a huge amount of change, would it, to put that right?

Mr JOHNSTON - You wouldn't think so. Just some definitions, which we haven't touched on, in the current Firearms Act would make life a lot easier for all concerned. It just needs to be reworded in a few places.

Mr VALENTINE - In doing that, it might mean somebody needs an extra safe to store the parts. Was that discussed?

Mr JOHNSTON - Yes, but depending on the definition of a 'safe'. It possibly doesn't have to be. It is while it is under lock and key and that may be just in a room that is locked. It depends on what your definition of a safe is. Our members are saying it shouldn't be in a firearms safe, it should be made safe but not locked away with all your firearms.

Mr VALENTINE - Just moving to page 2, third paragraph -

Storage of ammunition by licence holders' proposal by government to ensure ammunition is stored in a metal receptacle is setting a very dangerous precedent. Government is permitting firearm owners to place ammunition in a metal receptacle that could explode during a fire. This means firefighters and other personnel attending a fire will be placed in a very dangerous situation.

Wouldn't the same circumstance be if it was in a wooden receptacle? What are you suggesting happens here?

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Mr JOHNSTON - We are saying that if you put it into a metal box, you are creating a bomb, whereas the containers provided by the manufacturers won't go off subject to fire like they would if they were heated up in a metal box.

Mr VALENTINE - That is because of the confinement of the powder?

Mr JOHNSTON - Correct.

Mr VALENTINE - It was just in reference to the fire, and I wondered if you were suggesting they should be wooden receptacles.

Mr JOHNSTON - No, not at all. The manufacturers' recommendations are there for a reason. Around the world they have made the recommendations and we don't see why we should be trying to create something that doesn't need to be created.

Mr VALENTINE - It is sensible they are not stored in the same container as the firearm, presumably.

Mr JOHNSTON - It would make sense, but at the moment most safes have the bottom component, which is where you put your firearms, and the top or bottom door where you put your magazine, bolts and ammunition.

Mr FARRELL - Have you had any explanation from the government as to why they are specifying a metal storage case for ammunition?

Mr JOHNSTON - Not that I can remember.

Mr FARRELL - So there has been no further discussion on this?

Mr JOHNSTON - I've got to say we thought we were going to get another look at the proposed regulations before they actually went into parliament, but we didn't. Our understanding was we would have met again and tried to work with the minister and the government and gone through them, but we didn't get the chance. There are certainly lots of things that we've been trying to work through to make it easier for everyone concerned, but there seemed to be a push to roll this through, so here we are today.

Mr FARRELL - It just raises the question, and you probably don't have the answer, but where would this leave the liability if there was a fire and the ammunition stored in the metal case went off? Would that be the fault of the firearm owner or the government for specifying it? It raises that issue as well.

Mr JOHNSTON - I can't comment on that apart from the fact that I'm a volunteer firefighter of nearly 30 years. I have attended some house fires where between gas bottles and gas struts exploding and the odd small bit of ammunition - as a volunteer firey when you turn up to a house fire, you don't know what's in the house. It never occurs to us that there may well be a room that contains quite a lot of ammunition that may well be in a metal box. If it's in cardboard or is stored by the manufacturers, it will just go off and it won't have any great bang to it, I suppose, if that makes sense.

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Mr FARRELL - As far as your members go, I imagine some would have their safes at their residence and some would have them in other places around their farms. Would it be right to assume that?

Mr JOHNSTON - I don't know, but I think most farmers would have their safes in their houses. There may be some who may have a dedicated room, but I'm not aware of any. Personally speaking, everyone I know has their safe in their house. I think that's the safest place.

Mr VALENTINE - Where they can keep an eye on it.

Mr JOHNSTON - That's right.

CHAIR - Wayne and Nick, this is may be one for either of you and I am happy to have both of you make a comment. Regarding electronic surveillance, some of the questions and issues raised around that is that it's all well and good to have appropriate surveillance and it has to be to a certain standard because you have to be able to clearly identify the colour of the balaclava, but how do you see that monitoring of an electronic surveillance device working in rural areas, given that you could be 20 kilometres away from your next-door neighbour? Who is going to come to attend an incident when an alarm goes off? Have you thought about that?

Mr JOHNSTON - Absolutely. I'm going to let Nick answer this one and then come in afterwards because I have a little bit of personal experience with this.

Mr STEELE - I think it's pretty much clarified in our submission but all our members think it's a step too far in terms of putting that financial burden on them to actually have an alarm and then it's the practicality. Is it a camera, is it monitored, is it a sound one? The reality is: what difference is it going to actually make? Our members are taking those steps anyway to secure their firearms in their houses and in safes, so we believe this section that has been proposed in the regs isn't needed, especially in the rural environment.

CHAIR - Before Wayne answers, we have a statement provided by the minister this morning so you won't have had an opportunity to read this but it will be on the website as soon as we're able to get it there. I will just quote from it -

We are advised that electronic security options include simple motion-activated alarms available in various retail stores or online or at security specialists starting at well under \$100. These emit a piercing sound, which means the intruder needs to leave the space.

Wayne, do you want to respond to that, or Nick?

Mr JOHNSTON - The minister has said that for less than \$100 you can have something put there to do what you just said, which is fine. We're all heading down the track of beefing up our security on farm, because we have far too many people wandering around at the moment doing things they shouldn't be doing on farms. The first proposal that the minister put forward was for monitored alarms. Monitored alarms would be done by Jacksons or -

CHAIR - A security company?

PUBLIC

Mr JOHNSTON - A security company, that's right. If you're at Bothwell or Meander, where I am, you're an hour from Launceston, an hour from Hobart, an hour from Devonport. By the time the alarm goes off and the security company responds, there is an hour gone, so the practicality of that would not have worked as far as we were concerned. I've got a camera on farm for numerous bits and pieces. I had a motorbike stolen - they cut a locked gate and a locked shed open and they were in and out in seven minutes. I had photos of them holding the bolt cutters, I had photos of the ute, I had this, that and everything, but what I didn't have was a photo of the numberplate and that got me nowhere. The police turned up, I showed them my photos and said, 'I've got 'em', but I didn't get them because I didn't have the numberplate. Sorry, I'm very sceptical about it. Yes, flashing lights, noise that emits from an alarm that gets sensed when a bird flies past or when a spider crawls over it -

CHAIR - It does in my office in Scottsdale.

Mr JOHNSTON - I know. This is for a resident that has 10 or more firearms. I don't know how far you go. Our members were not happy that this was proposed just because they didn't think it would actually do anything to stop anybody. I guess they were more concerned there was potential for the database to have been leaked and for people to know that people had 10 or more firearms.

I just want to go back to thinking about your other question where you asked whether our members had firearms stored at home or on property. Some would have them stored on their properties because if they live off property, they wouldn't want to carry the firearms in their cars backwards and forwards every day. Again they are checked so police officers would have come round and checked what their safes are like et cetera.

CHAIR - Thank you, I appreciate that. I was also interested in what you thought about that starting price of well under \$100. The RIS referred to a surveillance system of around \$300 so I am not sure whether the minister has seen them on special somewhere.

Mr JOHNSTON - A basic camera, standalone, with AA batteries and a SIM card in it is around \$300. That is not linked up to anything. The other issue, of course, is mobile phone reception. You can have them hooked up to mobile phones and take photos but some of our members don't have reception where they live at the moment.

CHAIR - You wouldn't want your set-up around Winnaleah; they don't have very good reception at all. Since the Derby NBN has come on line, that has ruined the service for everyone else around it, so it is a really interesting situation we have there. Anyway, I will take that up with Michael Paterson at another time. Is there anything else you would like to share or leave the committee with as we move forward with our deliberations?

Mr JOHNSTON - Thanks for the opportunity of presenting today on behalf of the TFGA. I guess one thing we have been talking to the minister about regularly is the criminal aspect of it. I know out in the general community firearms are raised as issues with people, but it's the criminals we need to be putting the pressure on, not the law-abiding firearms owners who are doing everything legally. It is the ones out about there who seem to get hardly a penalty for doing what they're doing. It causes all sorts of issues. We do need them as a tool of trade, as Nick said earlier; they are something that we need. We haven't the poisons or the traps or whatever has been available to us in the past years and our populations of browsing animals are increasing all the time, so we have to have access to them.

PUBLIC

CHAIR - One of the key points George Mills shared with me when we had a lengthy conversation was around animal welfare. We know you cannot leave a beast that is not able to get well on the side of the road without doing something appropriately with it or you will soon be put into the animal welfare authorities. That is one of the issues. I was pleased to receive that phone call and have that conversation and he touched on a number of the points you have made today, Wayne.

I want to clarify that the minister's statement that Nick Street was good enough to table this morning will be incorporated into *Hansard* and will not be a separate document. Interestingly, it says that this has been a six-year review so we have waited six years and then been in a very big hurry to put these regulations into place and they did not even get a chance to go back to the members of the committee that have been involved at various stages. That will be something we will discuss with the minister at another time.

Mr VALENTINE - On page 2 of your submission in the top paragraph, you say 'Bolt into brick makes sense but bolt into plasterboard would need extra reinforcement'. Where plasterboard is stalled, you would position it in the corner, wouldn't you, where all the studs and things are?

Mr JOHNSTON - It depends on the house. I've got a timber-framed house with plasterboard on it and a little area my wife allows me to put the gun safe. It's about where it is practical. The larger gun safes that hold five or more firearms have to be a minimum of 150 kilos and be bolted to the floor, so they will take some getting off. The person has to break into the house to start off with, they have to find the gun safe and then they have to remove it. It gets back to the point I made before: how do some of these people know where the firearms are stored and what people have? This is probably outside the remit of your committee but we have talked to the minister about how firearm renewals are sent out and how they are passed back in at Service Tasmania. You turn up to Service Tasmania and you have the yellow form flapping around in your hand with your rates. If I was very devious and was organised, I would be looking at a lot of places like Service Tasmania buildings and see who is going in for firearms renewal licences so I would know where to go.

CHAIR - That has been raised but it's certainly outside our remit at this time but one that you, being on that committee, will have an opportunity to raise again and, as members of parliament, we will also have an opportunity to raise that. Thank you very much. We appreciate your time and appreciate TFGA again being proactive and providing the submission to the committee. You do a great job in representing your members and it does not go unnoticed.

Mr JOHNSTON - Thank you, Tania.

THE WITNESSES WITHDREW.

PUBLIC

Mr JOHN GREEN, PRESIDENT, AND **Mr ANDREW HARVEY**, SECRETARY, ARMS COLLECTORS GUILD OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Gentlemen, you have been here listening for some time so you've already heard the spiel in regard to what the committee will do and the like, so I won't repeat that. I will invite either of you to make an opening statement and then we will -

Mr HARVEY - Before we start, I will give out some addenda that you may not have and some examples of firearm security that we've come up with.

CHAIR - Thank you very much. I like people who come to this committee with solutions to the issue at hand. I will invite you, Andrew, to make an opening statement.

Mr HARVEY - I am a life member of the Arms Collectors Guild and have been its secretary for 20 years. John Green is the president and a life member of the guild, and also a life member of the Australian Cartridge Collectors Association, so we have a huge amount of knowledge of collecting and firearm use in general.

Both of us have been participants in the firearm industry and we have 40 years of experience between the two of us, which means we have quite a bit of experience with firearm safes and receptacles and assisting our customers in choosing the right storage facility, and also a fair amount of experience dealing with Firearms Services on storage matters.

As guild committee members over the years we also give quite a large amount of information and advice to our own members and deal with Firearms Services on their behalf. John has also represented the guild to government on legislation matters. He has been a member of the minister's firearms advisory committee and has been involved with firearms legislation matters for 30-odd years, so quite some time. My background is with the navy and weapons was my area. I have trade qualifications as an electrical fitter mechanic and a diploma of maritime electrical engineering. The areas I covered in my 35 years of navy service included explosives, ammunition and firearm storage, certification of firearm storage, modification and so on, so I also have experience in military-type storage facilities.

The guild was first created in 1972 from members who were people in the Victorian guild and we have over 315 members. We also have a close liaison with the other two collecting organisations in the state. When we look at these regulations and the requirement to have alarms for more than 10 firearms or one pistol, you would have to say that most of our members would come into that group.

I point out that this is not the first time we've had to upgrade our storage. When storage requirements first started, members of the guild had to be dealers to have pistols and were required to have safe keeping of their firearms, so that goes back to quite early days. Since that time there has been three to four upgrades that members have had to have done to their security. Each time the previous storage may not have been any use anymore and they would have to outlay time, effort and money to upgrade their security, and sometimes more, because if they added extra categories they might have had to add extra security. However, this change is potentially the most expensive.

PUBLIC

What I would like to talk about mostly, though, is this change to the 2 mm metal safes. In the post-1997 changes, where most people then had to provide storages, previously if you had a firearm you might have locked it in a cabinet so it would not have looked like a firearm storage if someone broke into your house. I used to have a metal box under the house. I think where some of the firearm theft is happening now is that when they break in, instead of having to work hard to locate the firearms, it is sitting in a big metal box that says, 'I'm a firearms storage'. I believe this has been a step backwards. They're a little bit harder to get into but they know where they are and they have used some amazing methods to get into them - ripping out whole walls to take the firearm safe, cutting into them, jemmying them. They have been extremely good at breaking into these safes when they find them. Has that been a step in the right direction? Having security, yes, but not necessarily to have a commercial, identifiable safe. I did a survey of my members and nearly three-quarters of them will need to upgrade their security.

Mr GREEN - I would like to continue with some of the things our members have gone to the trouble of doing. One person bought his safe, laid it on its back in the corner of the room and bolted it down and his wife made cushions and curtains to go over it so when you sat in his room you sat on the safe. It was well disguised. Where firearms have been locked in a cabinet that doesn't look like a safe, they have missed those because they have clothes in front of it or whatever.

CHAIR - I know of somebody who put theirs up into the ceiling through the manhole but it didn't have four bolts, so he's been told that that doesn't comply even though it is probably more secure than sitting out in the open.

Mr GREEN - Correct. It's very hard to hide a big safe that is so wide and so deep and is painted. They're not easy to shift around, that's for sure.

Mr HARVEY - When they have to replace what they already have, one of the examples was \$4300 for building furniture that didn't look like a safe. He purposely did that because he didn't want it to be seen easily. They're basically losing any investment they've already got and will have to start again. He is now going to have to spend another \$4000 to do something similar just to meet the compliance.

I believe this move to mandatory 2 mm minimal steel cabinets is less secure because of the fact that they are more obvious. I also think that the previous lockers, where they had timber and metal in the one locker, are more secure because it is harder to break into. You could use a grinder to get through the inside but it has wood inside so it takes a bit more to get into some of these lockers, even though they are not 2 mm steel. To me that is a step backwards and lacks flexibility in where and how you store your firearms.

We also had another issue pointed out that collectors have to keep their firearms that are collectibles temporarily deactivated. One of the ways you can do that is to remove the firing pin or the bolt, or put a locking mechanism on it, so many members, including myself, put bolts in a separate container. Now under this rule with the firearm parts - and firearm parts are particularly defined in the act - you have to put it in the same security level as your safe - 2 mm for A and B and 3 mm for C, D and H. If you are going to buy a new safe, you are probably going to leave your bolts in that safe, so if they take the safe they then have your bolts and that is definitely a disadvantage. A rifle without a bolt is useless and it is very hard to get bolts. As a commercial proposition they don't provide us with new bolts. You have to buy a new rifle. Having your bolts in a separate container is a really good secure thing.

PUBLIC

Mr VALENTINE - Is that by regulation that you have to buy a new gun?

Mr HARVEY - No, that is the commercial suppliers.

Mr VALENTINE - That is them making a killing on that?

Mr HARVEY - Exactly. There are other issues when you have to put a new bolt in with head spacing. There are gunsmithing issues.

Mr GREEN - You have to go back to the manufacturer to be factory fitted otherwise you have ramifications with expansion.

Mr VALENTINE - Yes, because of tolerances and those things.

Mr HARVEY - Exactly. The end result is you just can't buy another bolt. There are some new firearms that have some differences to that because you can change calibres and things, but as a general rule you can't get a bolt for a rifle.

CHAIR - If there was someone ringing around looking for bolts and you didn't know them, you might twig that they might be -

Mr HARVEY - You can't sell a bolt to a person to a person without them showing their firearm licence.

Mr GREEN - It has happened. We had a person come into the gun shop with a firearm and say, 'I haven't got a bolt, can you get one for me?' Oddly enough, we knew the rifle, we knew who owned it and we knew it had been stolen.

CHAIR - Thank goodness we're in Tasmania.

Mr GREEN - Yes, exactly. The following week when he came back, Charles Ruston was waiting there in plainclothes and said, 'That's so-and-so's rifle', and arrested this guy and took him away and he collapsed in tears because he was an innocent third party. He had been given the firearm by a relative who got the firearm from someone else.

Mr HARVEY - We have had situations where we have had commercial firearm safes and homemade, very unidentifiable facilities side by side and at least two incidents where they broke into the commercial safe and took the firearms and didn't touch the other one. This comes back to the idea of sometimes it is better to have firearm safes that are hard to see.

CHAIR - Disguised in some way.

Mr HARVEY - If we look at the statistics of firearm theft, Tasmania has a statistic of about 0.19 per 100 000 firearm thefts, which is exactly the same level as South Australia. There are 0.19 thefts per 100 000 people. Western Australian has 0.20 per 100 000, slightly worse, and they have already gone through this process three times. They have changed their firearm safes at the expense to licensees and are now at 5 millimetres and still have a higher figure than us. I would say that indicates that the thickness of the safe has nothing to do with firearm theft.

PUBLIC

Mr GREEN - On alarms, and I know it has been talked about extensively already this morning, we have at least six incidents recorded where alarms were fitted to commercial buildings with firearms in them and the attendance time at 3 a.m. was a dramatically slow response on behalf of the police. They have staffing issues and they cannot be everywhere all the time, but I have been walking down Brisbane Street in Launceston at 8 o'clock in the morning and an alarm is going off in a premises and I have seen two policemen walk straight past and casually glance in and keep going. People take very little notice of an alarm with an audible outside arrangement and a blue light.

The big issue, particularly with Andrew in the country, is that if an alarm goes off nobody knows and nobody hears, or you don't have phone reception, little things like that. It is the response time. I could be here at this meeting and my alarm might go off at my house in Launceston. I can't do anything about it but I can phone the police but it may take them at least 45 minutes to get to my house -

Mr HARVEY - If they choose to attend.

Mr GREEN - Yes. The same with CCTV cameras and those things - if they've got a balaclava on, it's not much help to have a picture of a guy in a balaclava.

Mr HARVEY - We have had one issue in a commercial premises where the person broke through the side wall wearing what you would have to call what looked like a Michelin suit - I have been told they are a fridge suit - and the heat detectors didn't pick it up because it doesn't emit heat.

This fellow was in there. Fortunately the firearms had been put in another interior firearm safe. He left very quickly. Waited his 30 minutes so that there was no response and went back in again and then tried to get into the main. No alarm went off at any time until a trembler alarm went off inside the second one and then everybody turned up, but too late.

Mr VALENTINE - A trembler alarm?

Mr HARVEY - Vibration and movement. When he is starting to try to punch his way through the door, the vibration caused the alarm to go off.

Mr VALENTINE - That is all right. I have never heard of that term.

Mr GREEN - They put them around the walls and if someone tries to break through the wall with an axe or something, yes.

Mr HARVEY - We also had an incident where the security company was only about 700 metres from the fellow's address. The person broke in. The lady next door walked out and the person had got in, got the firearms and left before the security company got there within about four minutes. I know one of the earlier respondents was asking about how would a person know exactly where to go to get in to this, but anyway that is another issue.

CHAIR - In regard to the police being able to check the storage requirements, do you have a view on what sort of knowledge and understanding that somebody might need to be able to say, 'Yes, that meets the requirements under these new regulations'?

PUBLIC

Mr HARVEY - I have a copy of the document they have been given and it does not have a lot of specifics. I have had many incidents with my members where this has gone wrong. I have had one member who was charged for having an incorrect thickness of his safe. The fellow said he had a C class firearm which is 3 mm -

CHAIR - Did he use the measuring tape?

Mr HARVEY - He did not use anything. It was all by eye. He gave him the wrong thicknesses. He said 6 mm on the front and 4 mm on the side, which is incorrect - it is 3 mm. Did not have any measuring device. He was charged with having the incorrect thickness safe and other charges and all of those charges were dismissed, but he had to get a barrister. He is still paying it off. He had to sell some property to pay to defend himself in court and all charges were dismissed.

CHAIR - Was this under the new requirements?

Mr HARVEY - Under the current.

CHAIR - I was going to say I do not think you could charge anyone. It is not 4 December yet.

Mr HARVEY - This happened 12 or 14 months ago. We have also just had a situation where somebody did an inspection and said, 'Your safe is not bolted down'. He said it is extremely heavy and she wanted him to provide a certificate to say that it is across the weight. There is actually a specification the minister has given for the thickness of safes and when you go to that specification, it tells you where you can measure the safe. It gives you a tolerance, it gives you a tolerance for the paint. I would suggest to you that no police know that and they are certainly not doing that.

With weight there is also a formula on how to work out the weight of a safe. That is an app on a phone so they could calculate the weight of a safe simply by a quick measurement. Of course, their measuring equipment: if they are going to measure, they should have measuring equipment that is calibrated and approved and they should have the knowledge to use it. I certainly disagree that they have that at the moment.

I guess we are getting people who are interpreting things that are not necessarily in the legislation.

CHAIR - That in itself could be a significant financial impost not only on firearms owners but also the wider public because somebody will have to pay for that. Is that a fair assumption?

Mr GREEN - Yes. One of the main things there is basically the police do not have a standard pro forma, and I did write that on there, to follow when they go. We have had interpretations by attending officers that have said one thing and then someone else says an entirely different thing and there has been conflict between various officers doing the inspections and that sort of thing. There is no standard operating procedure laid down and we did discuss this at the last meeting with the minister and the other people.

CHAIR - Was that before these regs were tabled?

PUBLIC

Mr GREEN - In between, while they were underway. Firearm Services did say that they were looking at a standard operating procedure for this. It's been 20 years and I don't know how long it's going to take.

CHAIR - It's taken six years to get to this.

Mr GREEN - This stage, yes, that's right.

Mr FARRELL - You mentioned there was some consultation, have you been kept in the loop with the group forming this regulation sufficiently, do you believe?

Mr HARVEY - John is on that group.

Mr GREEN - I have been involved with consultation since 1996 when the act came in and 1997 when it was enacted. The then manager, Julie Shadbolt, and you probably know her name, Julie was a terrific manager.

Mr HARVEY - Very consultative.

Mr GREEN - Yes, and she would come and sit down and so we'd talk about all sort of things and she was really good. It seems since she left as manager within Firearm Services things have degraded and gone down hill. We've had less consultation to the stage now where we're sending emails to Firearm Services and if you get an answer back, it's not signed; people not returning calls or replying to emails. I had an incident last week where Blood Brothers was on in Launceston and I consulted on the firearms being used in that play. I have been an armourer and safety officer for about 30 years doing plays and that sort of thing. Belinda King rang Firearm Services three times and sent three emails and had no response in regard to using toy firearms on stage with audible sounds for the shots.

CHAIR - The play is nearly finished.

Mr GREEN - It is, yes. Have you seen it?

CHAIR - I haven't seen it, no.

Mr GREEN - It's good.

Mr HARVEY - We've had a lot of problems in the last two years with this sort of issue. I have members who have been waiting for two years for a reply for an application for an ammunition collecting certificate and other exemptions.

CHAIR - Good question, Mr Farrell.

Mr VALENTINE - I think it's all been covered.

CHAIR - Is there anything you would like to share with the committee? This is your opportunity.

Mr GREEN - I would like to address particularly Mr Valentine on the ammunition issue. Ammunition storage has been resolved. We resolved that at the last meeting with the minister.

PUBLIC

There were 79 submissions put into the minister's office, I believe. I know that we all did one. Suddenly out of nowhere came this thing that said that ammunition had to be stored in a 2 mm container. I believe that came from the fact that there is a 2 mm storage area in the top of the safe. Again, I don't store ammunition in that sort of container. If you look at all ammunition that comes from commercial sources, they're all in cardboard containers, so in a fire it actually burns away, the ammunition will burst open -

Mr HARVEY - There's no compression.

Mr GREEN - Yes, but once you contain it within something and heat it to a certain level, it then becomes volatile. The wording in the act stayed the same. It went back to 'a separate locked container'.

Mr VALENTINE - Isn't that still an issue, though?

Mr GREEN - No, it's not. The minister resolved it.

Mr VALENTINE - A separate container, does it have to be a certain - because of the amount of the ammunition within a certain space if you don't want that compression to be happening?

Mr HARVEY - If you have enough ammunition in a solid enough area, you're going to have an issue, but small quantities of ammunition certainly won't -

Mr VALENTINE - All I'm saying is the regulations may not make that distinction.

Mr HARVEY - They don't, no.

Mr VALENTINE - So isn't that an issue?

Mr HARVEY - It's probably an education issue with our members not to put ammunition in an area that will contain it to a point where the pressure will build up and burst.

Mr STREET - There is no change to the storage of ammunition in those regs.

Mr HARVEY - No, a separate locked container.

Mr FARRELL - It is specified in the manufacturer's instructions other than that.

Mr VALENTINE - I understand that. I'm just looking at the regs.

Mr HARVEY - If there's enough gaps in containers or buildings, the pressure will release.

CHAIR - We acknowledge that is a concession that's been made already.

Mr GREEN - Yes, they've gone back to what it was before.

CHAIR - The status quo remained there. A couple more status quos -

Mr GREEN - It's never been a problem with the ammunition. We're all prepared to work to get the best result.

PUBLIC

Mr VALENTINE - Do you have any data on the percentage of firearms crimes that are registered guns from licensed firearm owners?

Mr HARVEY - I looked up the Australian Institute of Criminology's previous reports and they gave a figure that was, Australia-wide, of about 1.5 to 2 per cent of registered firearms that are stolen and then used in crime. That was a number of years ago and it may be well out of date, but the last report they did that was the sort of figure. It's a very small figure.

Mr GREEN - We have always been at the minister and he came out early on and talked mandatory sentencing. We have never asked for that; we have asked for appropriate sentencing for people who commit crimes such as breaking in and stealing firearms.

Mr HARVEY - We did have an issue with a person who broke into a dealer, was caught and then released on bail and then broke into the next dealer when he was released. It is disappointing to see situations such as that happen.

In discussions with us the minister has talked about looking at storage that doesn't quite meet the standard. The commissioner has a power to look at that and say, 'If it's at least as good as, they can approve that'. We have tried that. Our vice president had storage in this category and asked Firearms Services to come and check. He chased it and chased it and eventually talked to the sergeant at the Newnham Police Station who was very kind and understood the situation and sent two policemen out that day. They came and did an audit - most of these firearm inspections now seem to be audits rather than storage inspections, which my three recent ones have been - and said, 'We are happy with that, but I'll go back to the sergeant and he will make a decision'. The problem with that is reinterpretation and we have had a lot of problem over recent years where we have been told one thing by a previous manager and then down the track there is a reinterpretation and I've had members charged in that situation. One fellow spent \$30 000 in barrister's fees to defend himself. He is one of the biggest collectors in the state and a reinterpretation has meant he has been charged.

Mr VALENTINE - Did he win or lose?

Mr HARVEY - He lost in the end.

Mr GREEN - On the point of stolen firearms, I have worked over 20 years in a gun shop in Launceston and in that time we have had two stolen firearms come into the shop. I don't know where these stolen firearms are going. They are obviously not turning up in crime to any great extent. I think someone said earlier maybe they are going to people who can't obtain a licence and are being stashed away, or going interstate.

Mr HARVEY - This is Australia-wide, though, so that would still come up in those statistics.

CHAIR - Thank you very much, gentlemen. We appreciate you taking the time to come and see us. This issue has generated a lot of interest.

Mr GREEN - All we are after is a fair outcome for law-abiding people. I was at a meeting in Queensland with Queensland Police - I was only an observer - and one of the guys said, 'All those in the room with a firearms licence, please put your hand up', and everyone on this side of the table put their hand up. None of the police on the other side of the table had a firearms

PUBLIC

licence. So they haven't done the civilian training course; they are not aware; they are not interested in shooting. It is difficult for someone to administer an act when they don't know the nuts and bolts of it. I have been involved with firearms most of my life. I have shot all disciplines as far as big bore shooting, small bore shooting, pistols, shotguns. I won one state title for shotgun shooting.

Mr HARVEY - We have police in our membership.

CHAIR - Five-foot-nothing lady who certainly did not fit the stereotype and I know she is pretty handy with her firearms.

Mr VALENTINE - Unfortunately, it's not about the law-abiding person as such, it's about the gun getting into the wrong hands.

Mr GREEN - We don't have a problem with that. I've worked in agriculture for 22 years with the agriculture department in Tasmania and I worked at the Cressy Research Station. I had firearms there and I always had a safe. My kids were brought up with firearms and shooting but I've always felt I needed to have my firearms secure, so we don't have a problem with that. I have my locked house with my dedicated locked room with my locked steel safe in it. How far do I have to go to secure it to stop someone breaking in?

CHAIR - It is a sledgehammer approach. We appreciate your input on behalf of your members and thank you very much for your time today.

THE WITNESSES WITHDREW.

PUBLIC

THE PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON THURSDAY 16 NOVEMBER 2017.

FIREARMS AMENDMENT REGULATIONS 2017 (S.R. 2017. No. 51)

ACTING INSPECTOR LUKE MANHOOD, COMMANDER PETER EDWARDS, AND INSPECTOR DOUGLAS ROSSITER, DEPARTMENT OF POLICE AND EMERGENCY MANAGEMENT, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED. THE HONOURABLE RENE HIDDING MP, WAS CALLED AND EXAMINED.

CHAIR (Ms Rattray) - Welcome, everyone. Before we start, I have a query I would like to have cleared up. We received a call from someone who has reviewed the recent transcript and noted in the second paragraph of your ministerial statement, minister, on page 2 you referred to the Firearms Amendment Bill of 2016 and it should be 2015.

Mr HIDDING - It is indeed.

CHAIR - We will rectify that now we have had confirmation from you, minister. I now invite you to make some opening statements.

Mr HIDDING - I am pleased to come before the Joint House Standing Committee on Subordinate Legislation and participate in an inquiry. I believe I was the first member of this committee to initiate such an inquiry. We had six or seven in the following years, all on fishing matters. They have a role within the bounds of the act, which is whether a body's rights are being impinged and unfairly so. The regulations have been through a certification process, which has identified this fits within the Subordinate Legislation framework.

This thin document, these few pages of regulations, are the result of some seven, eight or nine years work, some five years under Labor. When I dictated the words you referred to, Chair, I thought it couldn't possibly be 2015, it had to be 2016. In fact, it was 2015 that act went through. It is two-and-a-half years since and we still here talking about regulations. We did know the regulations process was going to take some time. We had timed it at July of this year rather than December, so we are six months later but that reflects there are strong views out there about anything to do with firearms legislation.

The committee has been reminded of the process of the Firearms Consultative Committee. I chose to continue with precisely the same committee Labor had, so we didn't have to go back over it all. That was a large group of people, all focused on advancing finalisation of that act, which finally went through Parliament. Everybody had things they wanted to deliver and protect for their own areas but everybody also agreed there was a public policy challenge, which still exists now, but it has cooled off a little. That was the rash of burglaries that had gone on for a number of years, targeted directly at firearms. Police were finding that when they were arresting people who had been involved in violent crime, including hold-ups and things like that, they had stolen firearms. They had been stolen out of people's houses and they were turning up in the

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underworld. We had a real public policy challenge. The crooks believed these firearms are easy to obtain once you are in house, so we needed to upgrade storage and we had to give a strong message that it would be a different arrangement under these new regulations. Thankfully, with all that talk about there being stronger storage and stronger penalties for the possession of stolen firearms, we have seen somewhat of a reduction. I have not brought the statistics with me but as police minister, I am not reading every couple of weeks about another nasty break-in and 20 guns being stolen.

The elements of the legislative project with the Firearms Consultative Committee that related to storage wasn't a huge part. It wasn't the bulk of the discussion but it was a substantial part. Every member of the Firearms Consultative Committee worked through that step-by-step. They worked through what was proposed to be removed from the legislation because it was clunky. It was 1996 language and somewhat modified in 2007. There were a few requirements in the act but the rest of it was in the hands of the Commissioner of Police. From memory, as there are only one or two of us left in the House that were around in 1996, it was as controversial in 1996 as to how the storage should be. We said, 'Let's just leave it to the commissioner of the day to complete the detail.'. However, it was strongly felt by the firearms Consultative Committee that to leave something as important as that in the hands of a serving police officer, where there was no opportunity to contribute, such as today, was not sustainable. It should come out of the act and go into regulations in the standard arrangements most of our other legislation has.

I note from the *Hansard* of the hearings that a number of people have said things such as, this is the thin edge of the wedge and it will just advance. It could and did advance before and no-one knew about it until they received a letter to say they had moved. Under this arrangement, we would be back before this committee, or this committee will be looking to see what the uplift is and why we are doing it. This process gives the firearm owners of Tasmania, of which there are some 35 000 to 36 000, full democratic coverage of any movement on these regulations. They can come back before this committee and say, this is unfair and it is outside of what we want.

CHAIR - That is exactly what they have done, minister.

Mr HIDDING - Exactly. The *Hansard* reflected that people were somewhat concerned there might be movement. If there is movement it would not be through me because I am relaxed about where these have ended up. It is modest, achievable and doable and has broad support. It will not be coming from me. If a future minister or government wants to take them any higher I would expect we would be sitting here again. Somebody would be saying they are wrong and they can look at it.

We have also looked at, with all these groups, almost every single conceivable circumstance, for example, concrete bunkers people have had in and how does it deal with that, what if there was a bank down the road and I brought the big steel safe out of it, I have concreted it into my house and how does that work. All those matters have been dealt with and have been protected and arranged under this. I cannot think of a storage circumstance that has not come up, been discussed and worked through with the relevant bodies to a reasonable outcome.

With full agreement of the Firearms Advisory Council and the parliament, I said on the record precisely what we were doing and parliament was aware. The second reading speech stated -

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It is the intention of this Government to formally regulate the storage of firearms, ammunition and firearm parts by prescribing the minimum storage requirements in regulations. The minimum requirements for the construction of a metal storage receptacle will be prescribed in detail for each category of firearm. This will see the end of firearms being stored in thin metal lockers and even in wooden receptacles.

Elsewhere it went on to specify it would be 2 mm, 3 mm, some extra bolting and any element of electronic security, which would be the choice of the relevant firearm owner. We will go back to the electronic matter shortly, if you don't mind.

As I have an opportunity to do so, having gone through the *Hansard* that I received yesterday, I note Cheryl Arnol was on the committee, a practical and good contributor. They have no problems with the regulations. After all, she was part of the development of them. I note two representatives of SSAA, who were here today, have some issues. The SSAA was fully represented on that committee the entire time and signed off on these changes. I recognise the two individuals who came before this committee were not the SSAA representatives at the time.

The matter of monitored electronic security was raised as being an issue, which we deliberately removed; it is not required anywhere to have monitored electronic security. The TFGA even mentioned that at some stage it was proposed we would require monitored security. That was an urban myth. It was never proposed to have mandated monitored security. It would be a nonsense in the country and it would not work. Therefore, we always had a focus on policing and the burglaries that were happening.

What we wanted to say is, for anybody who had a substantial number of firearms or pistols, which are highly desirable on the black market; if you went to break into someone's house looking for that stuff, you could be sure there was going to be a form of electronic security but you would have no idea what. If it was mandated they could work around it, they would know what was there. The regulations clearly state it is your choice. If somebody wants to break into a house of a pistol owner they have no idea what is there. They have no idea whether it is electronically monitored, audible alarms or all of it; they will not know. That was the intent of the legislation.

The regulations say the alarms have to audible or monitored, recorded, and they have to work. Audible has to have a sound and the recording device has to record in a reasonable quality.

I was in a dealer yesterday. He has sold a substantial number of devices at \$495, which I thought was very expensive, where there is a camera in the room where the safe is. If somebody breaks in it automatically starts recording and records it on your own mobile phone or a secondary one. You can be down at the pub, and your mobile phone comes up and you see somebody in your back room and it is actually recording on your phone. That is what a number of people in that area have chosen to do. I think it is pretty smart. For all that, \$69 was the one I saw of a high quality trembler alarm where somebody walks into a room, touched the safe or opened the door even, and the noise is so horrendous you cannot be in the room. You have to have noise cancelling headphones to be even in the room. Nothing is ideal but it is all designed to be a deterrent against burglaries.

I noticed there was some evidence somebody had indicated the storage in the first place was the protection of firearms from children in the house. I was part of the 1996 legislation and that is

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not true. As part of the national firearms agreement it is deliberately against burglaries, break-ins and those firearms ending up on the black market. I will ask Senior Sergeant Manhood to speak about where we fit in the national firearms agreement with these regulations. We are about midstream, which is where we like to be. We do not want to be the loosest in anything or the highest in anything either.

As part of the national firearms agreement storage, this is basically mandated and Tasmania has recently again voted with all other jurisdictions to leave our commitment to that in place.

The situation we have now is that parliament has decided to take any reference to storage out of the act and put it into these regulations. This is the first set of regulations. There is not another set of regulations available. If it is not these regulations - if these regulations are not to be - then we need to have a plan B. We need to have another set of regulations otherwise there will be none. Ordinarily what we do with regulations is replace another set of regulations. So if you disallow one the other set of regulations come in and you go back to the original which was always with the fishing. They always tried to move it and we would go back to the previous one.

As I said, it was part of a process. A lot of people were involved. There was a lot of support and we recognise that. It is why we did a regulatory impact statement which allowed everybody to say what the issues were. A perfect arrangement of how good regulatory impact statements work was the debate over ammunition storage. A qualified armourer from the Australian Defence Forces said they should be metal because in the defence force they have to be in metal. It was proven that is probably not a good idea however it seems to be in the ADF. So we could be excused -

CHAIR - They might have bomb experts there.

Mr HIDDING - Yes. That is what the ADF do. We could be excused for following ADF rules. When we saw the commonsense, we went back to what it was before. The way it was working before it didn't have a problem in any event. So we probably should have left it alone, but in fact we are back to where we started with that.

CHAIR - Explain to me if you have been able to take the storage of ammunition back to where it was, why can't you take the storage of firearms back to where it was if this is disallowed? Why can't you do that? Explain to me that.

Mr MANHOOD - The process was firearm storage for firearm licence holders was set out in sections 85 and 86 of the act depending on the category of licence people had. When the Firearms Miscellaneous Amendment Regulations went through the parliament in 2015 they repealed those sections and replaced the two sections with a new section 85 that says that regarding these storage requirements the detail will be prescribed in the regulations.

CHAIR - Remember it well.

Mr MANHOOD - The commencement of that amendment act did not occur on its royal assent because of the huge number of amendments made to the act. They were brought in three phases. They commenced on the proclamation. This is the third and final phase.

Mr HIDDING - The first one was paint ball.

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Mr MANHOOD - Then there were some other ones to do with mainly back office regulatory things for the firearm services. It also dealt with provisions for firearms to be surrendered to dealers and some other bits and pieces.

Mr VALENTINE - What were the rough dates of the proclamation?

Mr HIDDING - Eight or nine months for the first one, for paint ball.

Mr MANHOOD - The first phase was 4 November 2015, so the same year. The second phase, which also included the minors' permits and change of age for them, was 17 August 2016.

In regard to this phase, the sections of the amendment act has to be proclaimed alongside the making of these regulations. That happened when they went to the Executive Council on 7 August this year. The amendments that remove sections 85 and 86 from the Firearms Act and replace them with the new section 85 are already law. They have a hard-wired commencement date in them of 4 December, but there is no way to prevent that. Once the proclamation has been made, which it has by being signed by the Governor and being gazetted on 16 August this year, there is no way to undo the proclamation. The only thing that could be done to change the act is to do a new amendment act to amend the act.

There is no way to administratively change the requirements of the act. From 4 December the storage requirements will no longer be in the act and there is nothing we can do to insert them back into the act. They will dependent on there being regulations.

CHAIR - The status quo cannot remain no matter what this committee does?

Mr MANHOOD - No.

Mr HIDDING - You can disallow.

CHAIR - Then there will be no regulation. Minister, why didn't the regulations that were settled on go back? The people from that advisory committee were of the understanding they would see those regulations before they were tabled. What happened there?

Mr HIDDING - Do you mean when they stood the committee back up again?

CHAIR - Yes. The first one was disbanded.

Mr HIDDING - They are two entirely separate groups. The other lot had been in harness for some five and half years. I stood them down because some of them wanted to speak and under the rules the Labor Party had set out in government, they were not allowed to speak. A number of them said, 'Can I comment on the carriage of firearms?', particularly the TFGA, which is their main issue, the carriage of firearms in their work trucks and vehicles. I said, 'You know the rules, knock yourself out but there is the problem for the committee'. We stood them down.

We then stood another advisory committee up, not as large because it was a huge group and it was difficult to get them all together. I stood up another group, when we realised we were required by the federal council of the police ministers to re-open the act for the Adler shotgun.

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Seeing we had the act open, I stood a smaller group up again. That was not for the regulations. That was for 'while they have the act open, what else should we be looking at', and particularly TFGA with the carriage of firearms that is moving well on. I spoke to Mr Mills about that other day and he is very happy we are working on a protocol for that. That is what that group was stood up for.

We discussed the regulations with that group and said to them that there were no changes to what the original group had decided except for the ammunition storage. We had gone back to what it was. That is the only reason they did not see the regulations. And we had to get them tabled because we had this timing issue and we had promised them a six month thing.

CHAIR - The letter had been sent?

Mr HIDDING - We sent a courtesy letter, which we had committed to doing, to firearm owners. We said, 'We will give you six months' notice.' Here we are, it is two and a half years on and it is time to have regulations. The long agreed regulations are what they are. One area of contention, which was the ammunitions -

CHAIR - So where is the compromise for the community in this? There are going to be a lot of people who are not going to be able to comply by 4 December.

Mr HIDDING - Who said that?

CHAIR - I am saying that.

Mr HIDDING - I don't agree. I am in contact with firearm dealers all around Tasmania. Yesterday I was with a major firearms dealer who tells they have been selling a couple of safes a month for the last six or eight months, since this knowledge has been out there. There hasn't been a flood of them because they've had two-and-a-half years' notice. He said the main sales of the 2 mm and 3 mm safes that came in two years ago. This dealer would know 90 per cent of firearm owners in a very large area of Tasmania and they are of the view that 90 per cent of people are already compliant.

Mr FARRELL - In reference to the act, it mentions 'receptacle' several times but that is not defined in the act. Could we hear a bit more on that, please?

Mr HIDDING - I will hand over Acting Inspector Manhood. From memory, the only mention of 'receptacle' is 'ammunition receptacle', which was going to be specified in steel but now isn't, so we are back to where we were before. The reference to 'receptacle' is in regulation 4, 9A.

Mr MANHOOD - The regulations make mention of the 'receptacle' in regard to ammunition, but it does in regard to the firearms as well. In each case, firearms have to be storage in a receptacle. We haven't defined 'receptacle' because in the regulations it provides what the requirements for the receptacle are. There is no need to define it any further than its common dictionary definition because the specific requirements that apply to those receptacles are set out in the regulations themselves.

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Mr FARRELL - There was concern, too, for people involved in sports shooting that need to reload. There was a proposal put, I believe, to have a room classified as a 'safe storage area', so all the reloading gear doesn't have to be dismantled and put away. In sports shooting you are using several rounds of ammunition and the sports shooters feel that has not been progressed or allowed.

Mr HIDDING - That is part of the ongoing discussion on the Adler shotgun arrangements, with the legislation open again. That discussion includes the amendment that would be required to say a room could be 'a safe' under certain circumstances. I wrote to the commissioner to ask, under the current act, if there was any way he could declare or consider a room being used for reloading, which is a very practical thing. It takes a long time to do and everything is set up so if you had to pack it up every night it would be a horror show. We are absolutely committed to doing it, but it is not possible under how everything is written now or in these regulations. That is one of a number of things we are looking at for the Adler changes.

Mr MANHOOD - It is perhaps worth noting that the ammunition storage requirements in these regulations are in fact no different from what has been the case for the last 20 years. There is no stricter requirement. There is nothing that adversely affects people who reload as a consequence of these regulations.

CHAIR - That change came out of the regulatory impact statement and the opposition to that?

Mr HIDDING - Yes.

Mr MANHOOD - I suppose the purpose of the regulatory impact statement is to make sure there is consultation. The regulatory impact statement and the draft regulations were both released in November 2016. They were open to the public for a month to provide comment and we received 160 submissions. All those submissions were considered and there were a number of amendments that were made to the draft regulations which were forecast in regulatory impact statement.

It did say what the preferred option was based on the storage decisions that had been made previously. We accept that we are never going to get everything 100 per cent right. We don't consider every possible circumstances, which is why we sought feedback. When we got that feedback and we considered it, we made a number of changes.

Mr HIDDING - It was a good process. The submissions to the RIS were terrific and in fact, were more considered to some of the stuff that we had through Firearms Advisory Council because they had to put it down in writing as a submission. It was great.

Mr FARRELL - In regard to inspections, we have heard that the random inspections are very random with some people being inspected numerous times and others not being inspected. Could you explain a little bit more about that process, and if we are able to get records or what details are kept.

Mr HIDDING - As a result of the RIS process and the feedback of what is happening on the ground and with the transition - there has been a two and half year period don't forget; the legislation has gone through a two and a half year period. We have police officers out there

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inspecting, knowing what is in the regulations. I will place on the record, and I do not want to embarrass my friend sitting here, that there were some inspections, the conduct of which were a little awkward in that they had some knowledge of what was possibly coming and operated more in an advisory role rather than what was going on.

I am putting that down to transition issues. The Police Commissioner has agreed. It is now being actioned that there will be a much better arrangement for inspections from now on. Within a short period of time there will be a check list that the firearm owners will have and the police will have and they will do it shoulder to shoulder. They will go one by one. There will be no 'what about this, what about that?'. It will be a structured process where they will go through a check list and they will both know exactly what it is about.

The Commander has been working on this now for me for some months, and he can bring us up to date where we are at.

Mr EDWARDS - If the regulations come into effect on 4 December, it will be available on our website by that date, so that firearm owners can see the things that they are going to be checked against. It is not going to be comprehensive chapter and verse because there are lots of variations that might occur. It will be a very valuable guide as to exactly what is going to be checked.

The way we do our business is about the division of labour. So when we have summonses to serve, they go out to the local police stations, and they all have their different methods of serving them, which complies with guidelines. The same with firearms inspections. Far and wide, this has to occur across the state. We send it out to the local police to do the inspections. There are probably hundreds of police officers who conduct those inspections. Applying that process, you are always going to get some variations. Some suggestions have been made which are being explored as to how we may well improve the consistency in relation to that.

Mr FARRELL - Following on from that, we have heard that when guns have been confiscated, sometimes they are fairly valuable items and they haven't been treated all that well - just put into the back of the vehicle and taken off and stored somewhere. Will there be processes in place to protect against that or allow people that have had their guns confiscated, if they get them back, any path to say 'you have damaged by gun'?

Mr EDWARDS - We take possession of lots of property for lots of reasons. All I can say is that we do our best to respect that property when it is taken into our possession. As you can appreciate, we have thousands of firearms in our possession at any one time and at lots of different locations in the state. We do do our best. I have heard those criticisms. I have heard some cases where some police officers go out of their way to maintain the quality, and other places where the facilities are not the best. They are the difficulties we have undertaking those tasks which are one component of the policing responsibilities.

Mr FARRELL - We heard with the penalties, there is some discussion it should be on a sliding scale. If someone accidentally has a shell in the back of a ute, whether it be a farmer or whoever, then they -

Mr HIDDING - The members of my current advisory group would also tell you that like the other matter we raised a moment ago that is also under discussion now. I am feeling very warm

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about an arrangement where, if there has been an inadvertent breach or relatively minor breach that has been identified during the search, a moderate on-the-spot fine would be the worse thing that would happen, or a caution, and not the confiscation of firearms or the temporary holding of firearms. Much simpler much more practical arrangement. We are well down the track with that.

Mr FARRELL - And an appeal process?

Mr HIDDING - That is always the case. A caution, then an on-the-spot fine rather than a summons.

Mr VALENTINE - The issue of the thickness of a safe, 2 mm; some are saying they buy what they believe might be a 2 mm-thick plate but it has variations down to 1.8 mm. How do we overcome that?

Mr HIDDING - We have had a deal of advice as has the Sporting Shooters Association. In fact, they had their own national advice that said the only way you can describe a 2 mm plate is to describe it as a 2 mm plate; there is an Australian standard, which is what would be referred to and in the ordinary meaning. For those in doubt, police officers are not going to be running around with callipers here. I come from the -

Mr VALENTINE - Some have used, apparently, a ruler.

Mr HIDDING - That was one.

CHAIR - We get those examples.

Mr HIDDING - We have already discussed those unfortunate matters and that was one of them. Somebody used a measuring tape and found it was 2.7 mm. That is precisely what this document says. A 2 mm plate can be between 1.7 mm and 2.3 mm. I come from the building industry where a 90x32 stud specified in the light timber framing code is rarely 90x32. It is a 90x32 stud when it comes out of the kiln. The same is for steel. The ordinary meaning of a 2 mm steel plate is within its tolerances of manufacture.

Mr VALENTINE - As long as there is a tolerance.

Mr HIDDING - We are advised under the dictionary and ordinary meaning rule you would go to the industry standard.

CHAIR - The issue is as long as that tolerance actually goes to the practical sense otherwise people feel like they are being treated unfairly. That is the issue.

Mr MANHOOD - It will absolutely. When the police are doing inspections, what they are looking for is compliance with the requirements to make sure that firearms are kept safely. They are not going to be looking for fractions of a millimetre difference. When it is going to become an issue is when someone might face prosecution for a storage offence where it is grossly non-compliant, not some very technical minor difference.

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Mr VALENTINE - If a firearm owner has the requisite 2 mm safe, that does not stop them from actually inserting a wooden inner frame in any way does it? Obviously in colder environments you get condensation and things like that and it might be -

Mr HIDDING - I know people who have concrete bunkers lined with lovely thick pine which keeps it at a good temperature.

Mr VALENTINE - Just for the record there is no problem with it?

Mr HIDDING - None at all.

CHAIR - What I am hearing is there is a great deal of flexibility as long as there is an attempt to meet the standards if they buy in good faith?

Mr HIDDING - In good faith. For instance a major hardware store were selling something called gun safes. We warned them in Tasmania if you advertise it as a gun safe that is not a gun safe. So they have stopped doing that.

The gun safes that are available at gun safe dealers are 2 mm or 3 mm and it is pretty obvious they are different. You only have to knock the side of them and a police officer will soon figure out whether it is 2 mm or 3 mm by that. Nobody is going to be running around with callipers or measuring things.

Mr VALENTINE - One further question I had was with regard to the fixing to the wall and the floor. During our hearings there were some who said, 'You're talking about plaster walls being behind some of these', and possibly flimsy pine studs.

Mr HIDDING - It was a builder on our Firearms Advisory Council that came up with this and pointed out that when something was bolted to the floor you could jemmy it off the wall very easily and pull the bolts out. As he pointed out, if you have a skirting board and a flat-back safe - and they are not all flat-back, some are step-out - you would install a piece of timber between two studs and screw to that. That is how you would install a broom cupboard at home. Nothing is going to be that specific that it is going to be a problem.

Mr VALENTINE - People were worried that if they were renting a place they couldn't cut the skirting boards.

Mr HIDDING - They wouldn't need to, but you would be allowed to put up a board with a couple of screws and then bolt it to that. None of these regulations guarantee someone is not going to break in and open your safe. It's all a perception about whether it is worthwhile breaking into that house to try to get the pistols considering this might go off, that might happen, and it's now double-bolted. It is just generally harder. Something has worked because all that discussion about it being harder we have pulled it off.

A/Insp. MANHOOD - As part of the regulatory impact statement that was one of the requirements that changed. In the original draft regulations the receptacle had to be bolted twice to the floor and twice to the wall. That is still in there as an option but we have now said it can also be four times to one surface. If they don't want to bolt into two surface, there is an option to bolt four times to one surface.

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Mr HIDDING - It won't jemmy; with four bolts it won't tip. It's the same outcome. There has not been an option that hasn't been considered and reconsidered to be as simple as possible and yet still deliver at least a strong perception it is going to be much harder.

Mr VALENTINE - I am just looking at 9A(f):

In the case of a receptacle that weighs less than 150 kilograms when empty is fixed by means of internal masonry fixing bolts or coach screws in a manner that prevents its removal and at least twice to wall and at least twice to the floor or four times to a wall or the floor.

Is that what you are saying?

Mr HIDDING - Yes.

Mr MANHOOD - That was a change based on the feedback we received from the consultation process as part of the regulatory impact statement. It is also consistent with a number of other jurisdictions that have bolting requirements. Our bolting requirement is lesser in the respect it is only required where the safe weighs less than 150 kilograms when empty. In some other jurisdictions the bolting requirement exists for all safes regardless of weight.

Mr VALENTINE - What is the latest figure for guns that have been stolen up to 30 June?

Mr MANHOOD - In the regulatory impact statement we released figures for a 10-year period and I have run the extra year for the last financial year, so I have the 11 years. There had been a significant increase over that 10-year period.

In 2006-07, we had 42 burglaries resulting in 125 firearms being stolen. That steadily increased over the 10-year period where in 2015-16 we had 75 burglaries with 260 firearms being stolen, so more than double. In the last year it has decreased but not massively. We have gone down to 60 incidents in the 2016-17 financial year, with 207 firearms stolen in that year. That still gives us an average of 200 firearms a year being stolen over the past 11 years.

CHAIR - Does that data show you whether those firearms were stored as per the existing regulations?

Mr MANHOOD - The automatic extraction of data doesn't tell us that, so to find out that detail it is necessary to read the reports. Because of the number of reports, that is not practical but I did do that for the year prior to the regulatory impact statement. For 2015-16 I did go through those figures. I can run through the finding of that, if you like.

CHAIR - I do not need every one of them but an indication of whether they are from people who are complying with the existing requirements.

Mr HIDDING - There would be some, no question.

Mr MANHOOD - There were some that were and some that were not. In that year we had 76 burglaries with 260 firearms stolen. In 61 of the instances, the firearms were stolen from a

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safe. In one case it was unclear from the report. There were 14 occasions where they were not stored properly; the firearm owners had not stored them in a safe or cabinet at all. Two of those were stolen from vehicles where the firearms had been left in a vehicle and, in those two instances, it was not even a case a brief absence from the vehicle. One car had been left with the firearm in it overnight, parked on a farm. In another incident, the person had the car stolen because they left the car unlocked with the keys in the ignition and left the firearms laying on the back seat.

In the other 12 incidents where they were not stolen from a safe, they were stolen from an assortment of places which included being left under a bed, in a wardrobe, left on a table - but that is not the majority of cases. In the majority of cases, 61 out of the 76 burglaries, they were stolen from a safe.

CHAIR - Making the safes even stronger, is that going to stop people who can go to Bunnings and get a cordless grinder and get into safe? Is it going to make any difference? That is the question that has been asked.

Mr MANHOOD - The answer would be that we can never guarantee firearms are not going to be stolen. But the problems with the safes we can identify. On 13 of the occasions out of those 61, the safe was removed entirely; that resulted in 50 firearms being stolen. That is one of the reasons the bolting requirements have been increased, to stop that from happening. Currently it is permissible, especially for category A and B firearms, people have flimsy metal cabinets they store them in or they have wooden containers. The stronger requirements will prevent them being broken into. There were 35 occasions where the safe was broken into on the premises but there were another 13 occasions where the offender found the keys and opened the safe.

CHAIR - That is an inside job.

Mr MANHOOD - No, that is simply a matter that some firearm owners have their firearms safe on the premises and they hang the keys on a hook somewhere else in the house or they have them in a drawer.

Mr HIDDING - It is happening with motor vehicle theft. They are no longer breaking into the cars. They are breaking into the houses and knocking the keys off. We have to stay a step in front of the market all the time. We have to ask firearm owners now to be different, and you will find most of them are carrying their keys in their pocket with them which is the smartest way to do it, have them on them.

Mr MANHOOD - There was only one incident of firearms being stolen where there was a working alarm on the premises in that year. There was one incident where there was video surveillance on the premises. In that incident, the offenders were identified from the surveillance footage; they were apprehended and the firearms were recovered.

With the analysis I have done of firearm storage, there seems to be some misinformation out there about what is happening around firearm thefts. There is this perception that firearm owners are being targeted, they are being identified, and their houses are being burgled. The data does not show that at all.

PUBLIC

The reality is that 20 years ago, when I was a constable in the police force, people used to break in and they would steal your television set. They would then -

CHAIR - Now they have a better one than you have.

Mr MANHOOD - Yes. They would steal your VCR and DVD player. The reality is, TVs are too big to carry off down the street these days. All those other consumer electronic products are worth nothing. If you steal somebody's DVD player, you would have to pay someone to take it off your hands.

CHAIR - It is not funny, it is quite sad, isn't it?

Mr VALENTINE - Can we have those statistics tabled?

CHAIR - They will be tabled through *Hansard*. The full suite of them? Yes, can we have those tabled?

Mr HIDDING - We can provide you with a briefing because he was quoting from a broader document.

Mr MANHOOD - The point is with the firearm thefts, firearms are something that is worth money. If somebody steals a firearm, they know that they can sell it for money, whereas if the steal something else, like a DVD player, they cannot.

What is happening, is people break into houses, and if they find that there are firearms, they take the time and effort to steal them. The data suggests that people are not being targeted. We have people in the state that own over 100 firearms in some instances. They are not the houses that are being broken into. In most instances of the firearms being stolen, there are one or two firearms being stolen in a burglary. The reason that they are being stolen is because the criminals that break into people's houses and steal things know that they can get money for things that they cannot get for other items.

Mr HIDDING - Particularly on the black market, and particularly pistols. Police tell us that a drug dealer who is out there, starts off small, but within six months he is a bit of an operator. He is not a real operator until he gets a pistol. The only way to get one of those is on the black market. The only way to get them is to break into someone's house. A drug dealer will pay a lot more for a black market pistol than for anything else.

Ms OGILVIE - I have a slightly different line of questioning, minister. It comes from being a mother of three children who can get into anything. Two boys who are really clever and savvy with technology also. My interest is in safe at home, no pun intended again, but for kids who will know where dad's keys are and who will have seen somebody using the code. What I would like to understand more is the principles and the evidence that you have had over the journey of this legislation, leading to these regulations, around the issues for kids in the house where there is nothing untoward, but certainly dealing with kids who are pretty on top of arrangements for security and safety and all those sorts of things and technologically savvy.

PUBLIC

I do not have a particular position on this, because I am coming new to this area. But I did go to school with a lot of farm kids so I understand the dynamics and the seasoning that some kids have as opposed to city kids and those sorts of issues.

I assume that you have had a lot of input on this particular concern. When you talk about keys in the fruit bowl, that is not just for a burglar, but that is also for the 14 year old. Perhaps it is something the Commander might be able to address.

Mr HIDDING - I am sure if any of the submissions to the RIS even raised child safety. It has not been on our radar at all. As a parent and grandparent myself, I absolutely understand what you are talking about.

Ms OGILVIE - It is about accidents, really, in a sense.

Mr HIDDING - Yes. Further storage requirements, under certain circumstances, require the bolt to be separate from the gun, but in a home safe, what is the -

Mr MANHOOD - No, they don't. The bolt can be stored with the firearm.

Certainly, the theft or management of keys to firearm storage has been a concern for police for some time, particularly on the burglary front. Over a number of years we have seen firearms regularly stolen where the burglars had no effort at all in stealing the firearms because they have simply found the keys.

Ms OGILVIE - The keys were not hard to find?

Mr HIDDING - We have a body of work to be done to engage with firearm owners to say, this is what is happening next. I am very pleased to be able to tell you that we have a senior civilian manager of firearm services who will be started on 18 December. That is a major change in direction. Also, we are looking at much more on-line capability, which is a major change in direction as well. Eventually, we are hoping for full on-line.

I want much more - I have asked my people - communication with firearm owners to say, 'These are the latest concerns. No fruit bowl. Work something else out with your keys'. We find, when you have the opportunity to do that one on one with them, people change pretty quickly.

Ms OGILVIE - I was going to raise that, which is the answer perhaps. Part of the answer is the continual development of understanding and communicating good practice. As part of the licensing process, is there that kind of communication that goes on? Can you build into that, something around kids in the house, to raise that as an issue and thinking those things through?

I did have a friend going through school who accidentally shot himself. He was from a farm, the firearm was available, he was 14 years old; he did not die but he injured himself quite badly. That was probably preventable, I think. I met up with him recently and we had a chat about it.

Mr ROSSITER - I could probably talk about what the current process is.

PUBLIC

The act currently has a protection in it. The onus is clearly on the licence holder to take all reasonable precautions to make sure the firearm does not come into the possession of someone not authorised to access it. That is already in the act and it will remain in the act.

What we are doing as part of the process preparing for the new regulations is building within the inspection templates some guidance to our police officers conducting inspections, and some guidance which will obviously go out to the public who are firearm licence holders. It will make it clear part of that is making sure people in the house do not know the alarm code, do not know where the keys are, and the onus is on the licence holder to make sure that does not happen.

When our police officers are going out doing inspections they will be talking to the licence holder: where are your keys? Where is your alarm code? Who knows it? Is there anyone in the house who could potentially have access to this and what are you doing about it?

Where they are found not compliant, this will not be a case of 'You are not compliant, we are taking your firearms'. It will be how can we rectify this and how can we make it -

Ms OGILVIE - It is a development opportunity.

Mr ROSSITER - Absolutely. We are building that into the current process and it is in the current act.

Ms OGILVIE - For future reference it is a particular area of concern for mums as well. To convey that to you, minister, as something of continual professional development in this area.

Mr HIDDING - Thank you for that.

CHAIR - Minister, obviously there is a concern in the community from firearm owners of 'when are we ever going to stop?'. They have had significant changes for their requirements over a number of years.

Mr HIDDING - When were they?

CHAIR - They tell me they have changed their storage three or four times in an effort -

Mr HIDDING - So in 1996; then in 2007 there were some changes; then the Commissioner could change anything whenever he felt like it any time. From memory, he asked everybody doing firearm inspections to tell people that wooden firearm safes and Brownbuilt lockers are out and to get a safe. That was the advice.

Was there a final ruling wooden safes were out or was that just advisory?

Mr MANHOOD - That was just advisory. The storage requirements that exist today began in 1996. There has not substantially been any change to those, but there has been advice from firearm services in terms of guidance to people. For example the 3 mm thickness for categories C, D and H firearms has been advice to firearm owners about how to best store their firearms.

Mr HIDDING - About 10 years ago too.

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PUBLIC

Mr MANHOOD - Yes. It has not been a legislative requirement.

CHAIR - Obviously people have been making an effort to continue to upgrade their storage. Interestingly we were told in Western Australia at present they have a 5 mm thickness requirement and yet they still have a rate of 0.20 per 1000 of firearm thefts. We have below that. That is the information we have been receiving. When is it going to end if you are not actually -

Mr HIDDING - It ends here on 4 December. If it starts again that will be another government, another minister and possibly another -

CHAIR - Are you going somewhere minister?

Mr HIDDING - No, I have no idea who the minister for police is going to be. This committee will be sitting again. There are no plans for any more. This is the first since 1996. In fact I have some private advice for any future police minister: forget it because we have spent two and a half years with this little document. I doubt anyone is going to be rushing in to do any more.

Mr FARRELL - In other states, licences are served for a 10 year period. Is there any particular policy on that?

Mr HIDDING - That is another matter that is on the table in this ongoing process while Adler legislation is open. We are looking at that. I am very attracted to, not necessarily the five years, because what has happened in this year we have had a huge re-licensing year. With extra staff we are still behind and it is a very lumpy arrangement. I am attracted to it for practical reasons. I am not opposed to longer periods, particularly in A and B. We are not there yet, but those discussions are under way.

Mr JAENSCH - Minister, thank you for clarifying that some form of electronic security is required from a very broad menu of options, but that monitored electronic security is not a mandated requirement. I believe that will dispel a lot of fears amongst people who have come to me.

We are going to an ambiguous regulation in place of approval by the commissioner of storage arrangements, which I understand in the past has often happened through the delegation from the commissioner to a person. Sometimes that was seen to be a rather subjective thing and a moving target depending on who was in the role. You mentioned earlier that you believe we are in a position now to deal with those questions that come up in offices such as mine where people come in and show they have a steel container that is imbedded in the floor in a concrete slab, with all sorts of padlocks and things like that, and they don't have to do away with that to go and buy a new 2 mm safe and bolt it to the wall and floor. How are you going to judge these existing arrangements to determine their compliance if we are not giving somebody delegation to make a judgment? Can you clarify that for me?

Mr HIDDING - In all the discussions about pre-existing concrete safes or a bank vault someone has purchased, which is clearly highly superior to the minimum regulations, we dealt with that in the act.

PUBLIC

Mr MANHOOD - In the new section 85 that is brought in by the amendment bill that went through the parliament in 2015 it delegates the requirements for storage to the regulations but does have a provision that says:

The commissioner may approve storage that is at a higher level than what is prescribed.

So if someone has storage that is beyond that but different to what is prescribed in the regulations, that can still be approved by the commissioner.

CHAIR - So you ask for an inspection?

Mr HIDDING - I will place on the record precisely what the new section is, new section 85(4):

This section does not apply to a licensee if the licensee satisfies the commissioner that the licensee has provided alternative arrangements for the storage of firearms, firearm parts and ammunition in the licensee's possession that are of a standard not less than the prescribed requirements.

If it is something else and clearly superior or not less, the commissioner can have a look, through delegation - my guess is it would go all the way to the manager of Firearms Services and may well get to the commissioner's desk to say, 'There is a bank vault you couldn't blow up with a bomb and it's better than a 3 mm safe'. It would only need a once-off designation and it would be right.

CHAIR - Minister, is there anything else you would like to share with the committee?

Mr HIDDING - I would like to place on record my thanks to the entire department, Firearms Services, that had an extraordinary tough year with the massive number of licences and dealing with a set of regulations that are the first for a long time - since 1996 - so therefore it was going to be problematic but we have dealt with every single case as they've come through. I am very confident that the huge percentage of firearm owners are already compliant. There are probably one or two others who will comply by 4 December. Inevitably there will be one or two who won't comply by 4 December and I say to them 'Don't do it'. We would ask everybody to play the game.

CHAIR - Thank you very much, minister. The committee will continue with its deliberations. We very much appreciate your time this morning. It is another reminder that the subordinate legislation process is not adequate to deal with these issues before they are gazetted. This is an issue we need to continue to try to push forward in the parliament so we don't get to this situation, that we have this earlier rather than after the legislation.

Mr HIDDING - That has come up from time to time over the years.

CHAIR - We have tried twice, both colours of government, with no success in the Legislative Council. We appreciate your time, thank you very much.

THE WITNESSES WITHDREW.

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