



Submission to the Select Committee on Firearm Legislation and policy

SUMMARY

1. The Guild supports multiple Safety Course Providers and notes the current system may not comply with ACC guidelines. That course availability and waiting times will improve with additional providers. That current guidelines, in not recognising some jurisdictions safety courses – in contradiction, to the NFA, should be overturned. The recent practise of mandatory cancelling a licence after 14 days of its expiree is causing hardship and should be reviewed.
2. The Guild proposes that those with the appropriate ***Need and Reason*** access to category C firearms for the same approved use as the Farm Owner/Primary Producer would then meet the NFA which does not outright ban these items just restricts them to specific use. That a Category E be added instead of the current exemption process. That the approval for the use of semi auto shotguns in competition be expanded to other organisations with some changes to the approval requirements.
3. The Guild has continually proposed a permanent Firearm Consultative Group that meets regularly and has representative, experienced members. We suggest that this will improve communication, operation of the Act and reduce friction between FAS and Firearm Owners.
4. That the administrative functions of FAS be separated from the Police Department to remove a conflict of interest between administration, enforcing and prosecution

INTRODUCTION

The Guild and firearm organisations have raised issues over many years at the various Firearm Organisation meetings held under direction of both Labor and the Liberal Ministers of the Day and, co-incidentally, to Parliamentary House inquiries. Our intention is improving the operation of the Act for our members rather than an attempt to weaken it. As previously noted in the summary - the intention of the NFA to have a **need and reason** to possess and use a firearm would remain unchanged as would the licensing & firearm application approval process.

Statistics from the Bureau of Criminology reports tell us the vast majority of Firearm Crime is conducted by those without a licence and using an unregistered firearm that has not been stolen from a licenced owner. The sudden inversion of this fact defies belief yet is used by those who oppose firearm law improvement.

The Firearm Owner must comply with a vast array of rules, of an ever-changing interpretation, any failure to comply with which may result in a temporary loss of licence and firearms, court case - often lengthy, crippling expensive if using a barrister - with an uncertain result! Unfortunately, this is made worse, due to the complexity of the Law, Police Officers with a lack of knowledge of the Act making errors. Worse if defending oneself due to a difficult personal financial position. This situation is exacerbated by Police Prosecution staff continually receiving a deferment of proceedings at court appearances with consequential increase in costs and time for the defendant.

This process is viewed by our members as being increasingly a bureaucratic deterrent to drive Firearm Owners from their interest. Attempts, during the previous Act amendment process, to improve what is viewed by us as a poorly drafted Act has resulted in little change to improve the operation of the Act or public safety despite this being the stated aim. In our opinion changes appear to affect the Licenced firearm owner rather than have an effect on the criminal element who misuse firearms.

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1 **Current and Future Licensing Regimes including Training, Licence Renewal**

- 1.1 The Guild believes that the current single provider of Firearm safety training be expanded to those organisations that can fulfil the criteria of an approved Training Provider. This should be open to any organisation that can meet those criteria such as occurs in other Jurisdictions. In NSW, for example, some firearm organisations conduct approved Safety Courses.
- 1.2 We understand that the principal of introducing competition to Public monopoly's is required under the Competition and Consumer Act 2010 (CCA). This may mean that Tasmania's current single provider method does not meet the principals of the CCA. There have been considerable delays for applicants waiting on course availability and this will be reduced if not eliminated with additional providers. Course expense may be reduced by competition between multiple providers.
- 1.3 At present some mainland training courses are not approved by Firearm Services Tasmania (FS-TAS). This results in a delay to the mainland licenced applicant who then has to sit the course in Tasmania. Also increased cost via the cost of the course and due to storage of the firearms in the interim and frustration as they are already experienced & licensed in their previous state. We believe that this should be overturned!
- 1.4 The NFA allowed for previous experience to be considered for the approval of a Firearm Licence. This principal appears to have been overlooked! The Guild believes a different jurisdictions approved Safety course and Licence should be recognised and transferable with the minimum of checks as deemed necessary.
- 1.5 We have seen cases during the current licence renewal period where, for a variety of reasons, a licensee's application for renewal has not occurred up to the 14 days following expiry of a Firearm licence. The result has been the surrender of firearms or storage by a Firearm dealer until a Licence re-application can be completed.

For some, to regain their licence has required spending considerable sums and three or more months due to the requirement to conduct a safety course prior to a new licence application. This is due to the 1997 licensing approval process not requiring a firearm course due to an applicant holding a pre-existing licence. This seems ludicrous and an excessively bureaucratic decision for those older firearm licensees who have had a licence for a considerable time, of at least twenty-one years.

We note that the previous Minister foreshadowed a computerised internet system which, eventually, may possibly correct this? The lack/loss of mailed renewal notices is also of concern not only for the Licence expiry – also for the security of the lost mail identifying a Licensee and their address! We have been informed that a system put in place in 2018 to contact expiring licensee's by email or text does not appear to be successful as it would rely on FAS holding the licensee's email address or mobile number which has not been a requirement on the Licence application form.

We believe that this should be reviewed, and a procedure implemented to overcome this anomaly.

2. **Compliance with the National Firearms Agreement (NFA) & Licence Categories**

- 2.1 The NFA intention was to restrict firearm ownership and use to those who have a need and a reason. Also, to restrict use of certain firearms such as semi-automatics. To enable this firearms have been:

a) categorised* due to their method of action and calibre and;

b) a reason to own - from 1 to 8.

* In Tasmania from category A, B, C, D& H, other states have additional categories.

- 2.2 The Guild does not propose to widen the use of firearms to those not already using firearms. It proposes to allow those already using a firearm - with the correct need and reason, access to a category of firearm best suited to their requirements. This need and reason are already identified and approved for the Primary Producer/farm owner we propose this simply be extended to their staff doing the same job enabling this to be carried out in an improved, efficient and humane method.
- 2.3 **Category E** - Guild members currently must request a Commissioners exemption to possess a Prohibited item. We propose a Category E to replace this somewhat inefficient method as occurs in other states. Some members have waited over twelve months to gain an exemption which requires continuous communication with Firearm Services to remedy – not always with a response!
- 2.4 We support **the use of C class firearms (semi-automatic shotguns) in competition.** This already exists in a limited manner for those with a medical reason to do so. However, this is limited to one firearm organisation. To expand this to allow more than one clay shooting organisation is proposed by the Guild which wishes to allow our members who have infirmities forcing them to use a semi- automatic shotgun an involvement in our competitions.
- 2.5 We also are of the view that a three- barrel shotgun and a semi-automatic shotgun with three round capability are, in a risk analysis, identical. However, the semi-automatic is a much more fore-giving firearm for the recoil sensitive shooter or those of a slight stature particularly younger shooters and females. That the current medical exemption be broadened to allow those of such stature.

Our conclusion is that as three-barrel shotguns are available then so should three round restricted semi-automatic shotguns – a principle that is used in other jurisdictions such as the United Kingdom.

3. The Roles of Firearm Services (FAS) and a Broad - Based Consultative Group

- 3.1 The Guild has previously proposed and lobbied for a permanently constituted Firearm Consultative Group that meets regularly rather than the add-hoc committees that have been utilised previously. We note that some other States have permanent groups, particularly the Northern Territory which has its Council existence entrenched in their Firearm Act.
- 3.2 In the past the level of co-operation and information transfer was good with the first FAS Manager. Unfortunately, this decreased until nearly non-existent in recent times! The result has been an unfortunate and unhealthy relationship between some elements of Police & FAS with firearm owners and organisations. Decisions have been made with poor due diligence, little consultation and occasionally a lack of co-ordination between different Police units & FAS with a consequential reappraisal often under stressful conditions for the organisations and individuals concerned.
- 3.3 The revolving door nature of recent FAS Managers who have been Police Inspectors with little knowledge of the Act or Firearms who then depart after one to two years in this role prior to gaining experience has accentuated the dysfunctional and a confrontational approach by Managers which has eventuated. This approach eventually manifested in the previous manager not communicating over issues.
- 3.4 The Guild believes a permanently constituted Statutory Council will go a long way to alleviating this previous unsatisfactory situation. A Representative, experienced Group - meeting regularly, will enable its members to introduce items of concern for discussion and propose methods of resolution with the resultant advice provided to the Minister and Government. The Guild fully supports a consultative group and trust that it will improve communication, efficiency and an improvement in the Firearm Act.

- 3.5 The addition of non-firearm community members in this Consultative Group has been acknowledged previously by the Guild. As an organisation that prides itself in presenting factually based proposals we have no concerns with such a proposal. In retrospect, the previous Minister did invite a high-profile anti-gun lobbyist to be part of his Firearm Consultative Committee however we note that this person declined.
- 3.5 Unfortunately, experience has revealed that attempted communication between the new Manager FAS and Guild members has proven to be non-existent. Attempts to contact the Manager to discuss the recent points of concern – in reference to completing the pistol match attendance requirement when not owning a pistol raised in this Managers first Newsletter failed.

4. The Roles of Tasmania Police, Firearms Services

- 4.1 We believe that the role of Tasmania Police as the initiator of Firearm Law proposals, administrator of the Act, compliance enforcers, investigator of breach's of the Act and also, occasionally, as the prosecutor is a conflict of interest.

To reduce this, we believe that these roles should be separated with the administration of the Act and of FAS separated from the Police Department possibly into the Sport & Recreation or Agriculture departmental areas. Firearm storage inspections should be conducted by permanent, regional & experienced inspectors which would alleviate the current problem with inexperienced police officers and the many instances of issues around inspections in the last eighteen months

- 4.3 The role of police would not be excluded from Firearm Law proposals or liaison with Firearm Services under this proposal however a separation would occur between administration, policing and prosecution.

Conclusion

The Guild recognises that the safety of the Public as, quite rightly, a guiding principle in any changes with an activity that has potential danger involved. That risk management is a modern method of this principle. The Guild also believes that this should be tempered with the principle of 'the minimum intrusion into the life of the citizen as possible' to maintain safety and its duty to the public.

What we have seen over the last twenty-one years since the inception of the current Firearm Act is that the Licenced Firearm Owner is predominately a law abiding, safe citizen. The Australian Bureau of Criminology statistics supports this view. When the use of motor vehicles, knives, assaults, chemicals and fire in attacks take lives, a tiny percentage are lost to firearms, of which these are nearly always an unlicensed assailant with an unregistered firearm.

The Guild does not seek to weaken the Firearm Act, nor break the NFA. All states have differences in their Firearm Acts and regulations despite broad general adherence according to the Australian Bureau of Criminology. However, we have seen many changes to Firearm Law s over this time - we seek to improve the Act and proposed changes from a perspective of those that are most affected by its operation and also the most experienced especially in the collecting field of Firearm use. A point not always recognised as legitimate by those that oppose Firearms use.

We believe that as Licenced Firearm Owners are assessed to be a fit and proper person, approved for the appropriate category and assessed to have a need and reason to possess a firearm they should be allowed to go about their activities with the minimum intrusion possible. To this end the Act should be clear and as simple as possible to enable those affected and those that administer it to understand and comply with its requirements. We will always seek to improve this as our goal.

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Secretary – on behalf of the
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