

## **PUBLIC**

### **THE HOUSE OF ASSEMBLY SELECT COMMITTEE ON FIREARMS LEGISLATION AND POLICY MET IN THE COMMITTEE ROOM, GROUND FLOOR, HENTY HOUSE, CHARLES STREET, LAUNCESTON ON WEDNESDAY, 24 JULY 2019.**

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**Mr ALISTAIR CAMERON** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Deputy CHAIR** (Dr Broad) - Mr Cameron, thanks for coming. Before you begin giving your evidence have you received and read the guide sent to you by the committee secretary? If so, I would like to reiterate some important aspects of the document.

A committee hearing is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure parliament receives the very best information when conducting inquiries. It is important to be aware this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceeding. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It is important should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

Do you understand?

**Mr CAMERON** - Yes.

**Deputy CHAIR** - Thank you. Would you like to make an opening statement?

**Mr CAMERON** - Yes. I made a submission to the upper House inquiry last year and was one of the ones requested to be heard in this one. I do not know if you have read my submission to the upper House inquiry?

**Dr WOODRUFF** - We have.

**Mr CAMERON** - The gist of my submission was I saw the proposed amendments back in February 2018 as an opportunity to facilitate compliance with the existing laws in a more streamlined manner. I saw it as a positive opportunity for compliance.

I will pull out six points without going through all because you have read it. The first thing is my interaction is as a primary producer and the impact browsing birds and animals have on my operation, which for some years has been significantly damaging. I look at the laws in how they affect that and it is not always obvious, but I will start with some examples. Under the National Firearms Agreement - even the updated one of 2017 - calls for uniformity across Australia.

At the moment there is a problem with the recognition of training and licenses. People moving from Tasmania to Victoria, for example, are not having their Tasmanian licences recognised. They are being told they have to complete the firearms training and the safety course at a \$300 fee and all that goes with it before they will be issued with a Victorian firearms licence. Similarly, people

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coming to Tasmania from interstate have the same experience. I will give you an example. A retired couple who are both target shooters moved to Tasmania a couple of years ago and were told by Firearms Services that they had to sit the course. They are pensioners and it cost them over \$600 to do the course and then be re-licensed. The irony is in Victoria they were actually firearm instructors. They have been in the game of target shooting for that long. I had an employee come from interstate; it took him nearly 12 months to obtain a Tasmanian licence. I had an employee who left and moved to Victoria, again they did not recognise his Tasmanian licence. He has been told he has to sit the course, go through the whole hoops. My point is it should be uniform. The National Firearms Agreement said it should be uniform. It is not being recognised. It is an unfair cost and inconvenience to people who are trying to do the right thing.

The second part is the training. Currently, in Tasmania we have a monopoly. That has created long waiting times for people to get into courses. The courses are infrequent and people in remote areas - for example, King Island - have to travel to Tasmania for a course as there is only one course done per year on the island.

The next point I will make is about renewal of licences. It is viewed as reapplication process rather than a renewal. I do not see why it is treated differently to a driving licence, which is a renewal rather than a reapplication to re-establish your bona fides.

Unless you have done something wrong, pushing it out to 10 years instead of five, as suggested back in February 2018, (a) reduces the inconvenience to people who are applying, and (b) reduces the workload on firearm services who are already stretched.

As you probably know, they have a five-year hump in their processing where they have to put on extra staff because of the way the licensing system was changed back in 1996.

My next point is to clarify 'in use' with relation to farming, primary production. Currently, unless a firearm is actually in use - for example, a rifle has to be put away in a bag with the bolt out, magazine empty, ammunition put away. 'In use' is actually that you are holding and firing it or you are cleaning it. If you have to cross the road from one paddock to another paddock and have a public road going through your property, technically you have to take the bolt out, empty the magazine, put the ammunition away, put the rifle in a bag, cross the road, then get it out again.

Technically, if you are driving around your farm as in the case of patrolling your crops when you have invasive species on them, unless you are shooting the rifle, it supposed to be put away. Section 104 of the act says -

However, it is a defence if the accused can prove that they were in the process of primary production.

To my mind, the law needs rewriting. To use an analogy, it is like saying, 'If the law said it is illegal to drive through a traffic intersection controlled by traffic lights, however it is a defence if the lights are green'. Do you see where I am coming from? The law needs to be tidied up because that is a distinct anomaly and an impediment to farmers in particular. It also applies to foresters.

The next point was an idea of minor infringements, mentioned in the proposed amendments in February 2018. There are no examples given, but an example I can think of is someone may perhaps drop a live round in their vehicle while they are shooting crop protection at night, might not be able to see it in the dark, but they see it in the morning and pick it up and put it away. They might be

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stopped on the road driving back to the house. The police officer with his light sees a round on the floor. That person can automatically lose their firearm licence and/or their firearms for five years.

There are two things there -the manager of Firearms Services is the person who can cancel that person's licence. Another analogy, it is like having the Registrar of Motor Vehicles cancel your driver's licence for five years for having a bald tyre. It is on a par; both are dangerous and what we have at the moment is effectively mandatory sentencing. It doesn't even go to a court. You can appeal to a court but the decision of the manager of Firearms Services doesn't have to go to court to cancel your licence. If mandatory sentencing is not seen as appropriate for other issues, mandatory sentencing should not be imposed on licensed firearm owners.

My last point is in regard to genuine reason. This was not something mentioned in the amendments; it hasn't even been an issue until recently. On your firearms licence you can have genuine reasons for owning - sport or target shooting is reason (1); reason number (2) is hunting; reason number (3) is primary production. If you own a Category A shotgun for hunting or primary production, you should be allowed to use it for target shooting. Same gun, right? What has been happening recently is Firearms Services has contacted at least one clay target club that I know of and said, 'On your list of members you've got a member who doesn't have reason (1) on his firearms licence as his genuine reason'. The club has to contact the member, the member contacts Firearms Services; Firearms Services says, 'If you want to shoot clay targets, you have to have genuine reason (1) on your licence'. This bloke has already got class A and B firearms for hunting and for primary production, so why shouldn't he be allowed to use that shotgun for clay target shooting? The National Firearms Agreement, and also our Act, says you have to have a genuine reason to get a firearms licence and to own a shotgun or a rifle, but it does not say that if your genuine reason is hunting, you cannot use it for target shooting.

I can see an argument where if your genuine reason was (1) target shooting, it shouldn't automatically apply to hunting and primary production because there are other skills and knowledge required if you are going to be involved in that. You get your licence by doing a course conducted on a target range.

Firearms Services recently took it one step further. There is an agricultural merchandise company that holds an annual corporate clay target shoot; they have done it for about the last 10 years. Clay target shooting is an Olympic sport like rowing, and it's a popular event. The people turn up - they are licensed firearm owners because they are mostly farmers or farm employees - and they shoot clay targets and they have a few prizes presented et cetera. It is a good networking activity. The people who are there talk about the weather, about livestock prices et cetera. But this year Firearms Services made the host, the company, provide it with a list of all the guests - their names, addresses and dates of birth - so it could check whether they had reason (1), clay target shooting, on their licence. If they didn't have reason (1) on their licence, they issued a blanket exemption to the club hosting the shoot.

I see this as being over the top. If Firearms Services is that stretched already, why are is it taking what can only be seen as either an intrusive or pedantic approach? Firearms Services, when it started under Julie Shadbolt, had a very good rapport with farmers and the shooting community, but over the 20 years since Julie died, the relationship between the firearm-owning community and Firearms Services in some cases has become quite acrimonious. I think this is another area where things could be improved to make it easier to facilitate the laws we already have. That is my two bobs' worth.

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**Deputy CHAIR** - Thank you very much.

**Mr TUCKER** - You talk about the shooting clubs and your club providing all the names, dates of birth and addresses. I see that as a huge issue: if someone gets hold of the list of who owns what and where they are shooting, it gives access to where their guns are held et cetera. I believe we should be targeting the criminal side more than the law-abiding side of people. Do you believe that we should go to an electronic card with just a number on it without a name? You scan it when you go into the club and that can go through to Firearms Services or the police so they know this person has been to a club, but that is the only information held.

**Mr CAMERON** - My comment there is that your firearms licence does not have your address on it for that reason: if it gets lost, someone doesn't pick it up and say, 'Hey, et cetera - '

**Mr TUCKER** - But obviously the club has the address to provide to Firearms Services -

**Mr CAMERON** - That's the thing. A club has your name, address and your firearms licence, but that's on the club's database. What we are talking about is a shoot being hosted by a company and that company being required to get all that private information which, under the privacy act has got flags as well, and then send that information to Firearms Services.

Now, as you know, Firearms Services ran a big question mark about five years ago where it was firmly believed there had been a leak of personal information of firearm owners because there was a large number of targeted firearm robberies in and around Hobart and Launceston, particularly in Hobart, by robbers who actually had a shopping list. There was a robbery in Hobart where the thieves were disturbed; they went around the corner and robbed another house that had a gun safe. They knew where they all were. People were pointing the finger at Firearms Services and saying, 'Hey, you have a leak in your system', but it was never proven that it did and was never proven that it didn't leak it. Your point is that another organisation getting all that information is another exposure, another weakness, but my point is more that I don't see that it is necessary. I think all that is necessary is that they show a firearms licence that has Category A, which is for a shotgun, to attend an event like that.

As far as electronic swiping and all the rest, that doesn't prove anything because all it proves is that the card was swiped, not the person holding it.

**Deputy CHAIR** - What would it take to add a change of reason or extra reasons for ownership to that list? Would it be simply a matter of contacting Firearms Services and saying, 'Look, I'm going to go to a club and try out clay target shooting'?

**Mr CAMERON** - The person concerned rang Firearms Services and was told that he had to go to Service Tasmania; he had to take either a statutory declaration or a copy of his club membership - he was a financial member of that club - and submit that and his photograph again at Service Tasmania so that he would then, in two weeks' time, be reissued with a new licence endorsed with reason (1), as well as reasons (2) and (3), on his Category A licence.

My point is: why should you have to?

**Dr WOODRUFF** - When you fill out your licence in the first place, can you circle multiple genuine reasons? My understanding is that you can.

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**Mr CAMERON** - There is no category 'multiple', but yes, you can. On my licence I have (1) target shooting, (2) vermin control and hunting, and (3) primary production. My licence has genuine reasons (1), (2) and (3) on it.

**Dr WOODRUFF** - The example you provided gives me a lot of satisfaction that Firearms Services is doing its job: ensuring the safety of the community. The fact that a person didn't know or didn't fill out the form properly in the first place and Firearms Services was looking at an event where there were a lot of people attending. A mass gathering of people for a clay shooting event, which you have to say that to the average person in the street the idea of a lot of people coming together with guns in one place, given the sort of terrorism happening around the country and the world, it is a fair call to actually do that sort of checking. I think people would feel comforted Firearms Services was doing checking to make sure people attending it actually had the proper licences. It just picked up somebody who hadn't filled the form in properly. It is probably reasonable to look at whether Firearms Services gives enough information to people when they are filling out their licence so it is clear. As for whether we need to change the law to loosen it, I cannot see something in the example you provided. What is the law change you think needs to happen in this situation?

**Mr CAMERON** - That is the thing - it is not in the law. That is the whole point. I agree with you about public safety, but those events are on an approved range with instructors and are monitored. They have coaches there for people who may need watching and the club is responsible for making sure the people hosting it have their licences. They are used to conducting large competitions. National competition was held at the club in question. My point is the law itself as I see it does not actually need changing. It is being implemented in a way that is getting people offside, not onside.

**Dr WOODRUFF** - It does sound as if, and this has been raised in previous hearings, there is a number of examples where better communication from Firearm Services, more written and online information, would assist. If I could go to the other point you raised earlier - the issue about the technical nature of farmers moving from paddock to paddock - this is an example other people have raised, feeling it is an impediment to farming practices to have to take the bolt out of the gun and the real concern if there is only one piece of ammunition left on the floor of the car, you could have your gun taken away. The law provides for police offices to provide discretion in the application of their duties on every law on every matter. Isn't it the case Firearm Services needs to provide better information to people about how to move between A and B lawfully so those concerns are put to rest, rather than we need to change or weaken the laws in order for that to happen?

**Mr CAMERON** - I understand what you are saying and I agree that Firearm Services could do a better job with its communication skills. Again, my point is not so much about changing the law, but changing the way the law is written. At the end of the day, there is the potential for someone who may have animosity towards the local plod and one of their employees where the discretion is not going to be used.

**Dr WOODRUFF** - That is a good point and a concern some other people have raised in the hearings. There is a process of appeal if an individual police officer is overly assiduous in applying a law. My question to you and I will pass it on to someone else afterwards is can you give me a real example where this has happened? Concerns are one thing. Is there evidence of the police over-interpreting the law and actually taking people's firearms because they are crossing from one paddock to the next, or they went past the shops on the way. Is there any evidence of this happening?

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**Mr CAMERON** - I do not know personally, I only have anecdotal recollections.

**Dr WOODRUFF** - Of actual events or concerns?

**Mr CAMERON** - I know of one person who was stopped and the police officer in question did use discretion but he gave the person - who was a farm employee - a very hard time.

**Deputy CHAIR** - Was that crossing the road?

**Mr CAMERON** - That was crossing the road, but I will give another example because you mentioned about appeals where a firearm owner had his firearms stolen. When the police came to investigate - his firearms had been stolen from an approved safe, stored in the approved manner - and were taking the details, the chap said, 'By the way they also stole an antique firearm, one that did not require registration'. An antique from the middle of last century, or the century before. The police then charged him for having an unregistered firearm even though this antique did not require registration. He was charged. He had to appear in court here in Launceston charged with possession of an unlicensed firearm. It had been stolen for a start and was exempt from the law, did not require registration in the first place, but he was still charged and had to appear in court. It was explained to the police after the first court hearing that the firearm in question -which had already been stolen - was not subject to the act because of its age. In between the first and the second court appearance when the police dropped the charges, police turned up at this chap's door to confiscate his firearms and take his firearms licence. For a start his firearms had already been stolen and they were taking his licence because he had been charged with an offence under the Act for having an unregistered firearm, a firearm that did not need registering in the first place. The charges were dropped but he still then had to through an appeal process to get his licence back. Again, it is an unjust situation.

**Dr WOODRUFF** - How many years ago was that?

**Mr CAMERON** - Last year.

**Mr TUCKER** - At the moment Category C licences are only for primary production. I will put this on the record: I own a property and have contractors and agents come in and shoot. I notice you have put in that primary producers have been at the coalface of misuse of firearms, dealing in the past with vandalism and poaching, and you have no interest in weakening firearm laws to the detriment of the community.

**Mr CAMERON** - Very much so.

**Mr TUCKER** - I agree totally with you there. You would probably be the same as me in not allowing people on your property who are going to do the wrong thing or who had done the wrong thing in the past.

**Mr CAMERON** - Absolutely.

**Mr TUCKER** - The reason I am bringing this up is because agents and contractors should be able to come under the Category C licence as well as farmers - the farmers to give them a letter of support as we do with our employees to get a licence. Do you have any thoughts on this?

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**Mr CAMERON** - With regard to your first comment, farmers are very much in the front line when it comes to misuse of firearms other than the police dealing with other criminal uses of firearms.

Personally, some years ago when I was investigating people spotlighting from the road, I was confronted with a carload of people, including one person who was only a week out of Risdon, having spent time in gaol for threatening to kill a wildlife officer. There I was, on my own in the middle of the night, and he was among a carload of armed criminals. That was some years ago. I am acutely aware of public safety and when firearms are misused.

As per my submission, I am not in the least wanting to weaken firearms laws because we bear the brunt of it.

Under the current system I could easily apply and qualify for a Category C firearm, but I haven't because, quite frankly, I can't be bothered going through all the hoops required to get it.

I would support, if there was a system for such, someone who wanted to use Category C in the process of crop protection. I don't see the justification for some firearms, such as pump action shotguns, being in Category C, but I would endorse a process, if there was such one, for a primary producer to provide support to someone who wants to acquire Category C for the purposes of crop protection and game control.

**Deputy CHAIR** - Getting back to the genuine reasons, have you ever seen any printed material or information from Firearms Services, in the training or anything, that highlights that not having a genuine reason category on your licence prevents you from participating in clay target shooting or as in your example?

**Mr CAMERON** - No, I haven't, and I haven't seen it in the Tasmanian Firearms Act or in the National Firearms Agreement as updated in 2017, when I looked online yesterday. The only thing I could find in the Tasmanian Act was in section 26, which talks about 'The holder of a licence must not possess or use a firearm ... if any purpose is specified in the licence ...'.

Purpose is not 'genuine reason'. That is the only thing that remotely comes near it. I don't know exactly what they are referring to other than perhaps Category C where the purpose of having a shotgun is for game control.

I have not been able to find it anywhere - in state legislation or the NFA - about not being able to use a firearm if it is owned for one genuine reason or another. All it says is that you have to have a genuine reason, not even multiple reasons. Also, in the documentation from Firearms Services, when you get your licence reapplication, which should be renewal, it lists about eight genuine reasons and then has a brief description of each one on the application form.

**Dr WOODRUFF** - Clarification of that particular issue does sound like it would be useful.

**Mr CAMERON** - Very, and also the fact that technically it is not illegal.

**Dr WOODRUFF** - That's it, or that is your reading of it. I'm not an expert in that. That is at least the way that you read it so it should be clarified.

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**Mr CAMERON** - The other issue is that it is affecting people who are trying to do the right thing in the first place. The chap who was a member of the club, had he sent a photocopy of his club membership card with his reapplication form, he would have reason (1) on his licence as well. In his case, he could have quite easily done it when he last reapplied for his licence.

With the one with the corporate shoot, my concern is that everyone has a licence but I don't see, if you have a shotgun for primary production or hunting, why you shouldn't be allowed to use it for clay pigeon shooting.

**Dr WOODRUFF** - Another question in your submission is about terms of reference to comply with the provisions of the National Firearms Agreement.

Your proposal is to refer to the COAG Council of Police Ministers that they should harmonise the laws between the states and territories. I guess the problem with that is that a number of states are in serious noncompliance with the National Firearms Agreement. If we were to harmonise across the jurisdictions, we could do it two ways: we could dumb down to the lowest, weakest state laws, or we could increase backup to the National Firearms Agreement.

My question is: what is your view about what should be happening?

**Mr CAMERON** - My answer to your question is: can you give me an example? I am not aware of an example of where a state is seriously in breach of the National Firearms Agreement.

**Dr WOODRUFF** - Tasmania has a number of breaches of the National Firearms Agreement. Her Excellency the Governor reviewed all state and territory compliance 10 years after the National Firearms Agreement and then at 20 years. Someone else did the second review. I don't have the details in front of me, but a seriously august academic provided some very good evidence of where states are legally and are not complying with the National Firearms Agreement on things like the minimum age to hold licences, shooting in national parks and reserve areas, the use of silencers and suppressors, different regulations around Category C, years of licence you are allowed to have, a whole lot of things.

The National Firearms Agreement, as you mentioned, was updated in February 2017, and is still the body all states are signed up to. Certainly the Tasmanian Government and the Tasmanian community give a very clear message that they want to stay signed up to this agreement.

Are you really proposing that the problem for Tasmania is that we have these different states that are not in compliance and that we should bring them up to our standard?

The things you put in your submission clearly say you would like to make changes that would breach the National Firearms Agreement.

**Mr CAMERON** - The only one I am aware of, and I see it as splitting hairs, is the one about increasing licences from five to 10 years, but on the issue you raised of sound suppressors, they are not actually mentioned in the National Firearms Agreement.

**Dr WOODRUFF** - I am aware of that.

**Mr CAMERON** - In New South Wales and the ACT, as far as I am aware, there are already provisions for them to be used. Overseas, in Europe, the United Kingdom and New Zealand, they



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are either allowed or are mandatory for hunting. In Tasmania, under the Firearms Act 1932, which is our first one, and the Guns Act 1991, the Tasmanian police commissioner had the discretion to allow the purchase, possession and use of sound moderators - in the old acts they are referred to as silencers, but it is inaccurate - and they are not even mentioned in the National Firearms Agreement.

Sound moderators is another issue, but I think Australia and Tasmania are behind what the United Kingdom and New Zealand are already doing. The United Kingdom's firearms laws in particular have always seemed to be right up there as far as being strict and thorough.

**Dr WOODRUFF** - Sadly, we had people earlier last year talking about the excellent situation of laws in New Zealand and since then we have had the Christchurch shooting.

**Mr CAMERON** - That wasn't with a sound moderator.

**Dr WOODRUFF** - I know. It is clearly the case that strong gun laws are what the community wants. A number of things in your submission are in breach of the National Firearms Agreement. The five- to 10-year extension is one of them. Expanding the access to Category C for clay target shooters would also breach the agreement. I accept the words 'sound suppressors' are not used in the National Firearms Agreement. The absence of them being there some people have argued does not mean they therefore would be supported. The contrary view is put by people who were there when the firearms agreement was established. The idea of them being there was so far from the prospect of what could be countenanced, it was never considered as something that would be agreed to. Anyway, that is another point. You would actually see us changing our laws to weaken them and some of those things would put us in breach of the National Firearms Agreement.

**Mr CAMERON** - I do not see anything I am proposing would weaken the firearm laws.

**Dr WOODRUFF** - In breach is weakening in my view. Being in breach would mean it would weaken the law.

**Mr CAMERON** - With respect, I have to agree to disagree with you. I do not see doing something outside of the National Firearms Agreement is weakening it. I personally see if you make the law easier - and I do not mean weaker, but easier - through the way it is administered. We do not change the law only change the way it is administered. If it is easier for people to comply with the existing law, I see that as strengthening the regime; I do not see it as weakening it at all. I see it as strengthening it because if people comply more intuitively, it has to be stronger.

**Mr TUCKER** - We started to mention suppressors and I notice at the start of your submission you talk about loss of a barley crop with birds, cockatoos?

**Mr CAMERON** - Very much so.

**Mr TUCKER** - This has been brought up by a few in the farming area about suppressors and the use of that issue. It is becoming very pronounced that there is a big difference with this firearm issue between the farming community and the city community and the issues the farming community is facing. Can you enlarge a little in regard to the sound suppressors and cockatoos and other birds?

**Mr CAMERON** - My submission was based upon the proposed amendments as tabled by the previous police minister on 9 February nearly a month before the election, not the day before the

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election. That is why my submission is laid out the way it is because I addressed it in the order of the proposed changes put in the proposal. The more contentious ones you referred to about category shotguns for clay target shooting et cetera were going to be referred to COAG anyway. They were not proposing to actually change it; they were proposing to suggest change to COAG. I actually put in my submission that those more contentious items were being referred to COAG anyway.

With regard to sound suppressors and my main problem, which is sulphur crested cockatoos, where I am at Cressy irrigation has really intensified agriculture and you can hardly see the trees for the centre pivots. That is throughout the Northern Midlands, and one of the consequences is it has created more food for pest species - particularly birds - that you cannot fence out. With the sulphur crested cockatoos, all I can do is actually shoot them when they are on my crop.

Parks and Wildlife, which issues the permits, said the most efficient way to control them is to find where they roost and shoot them at night. We are talking thousands, not tens or hundreds, of sulphur crested cockatoos. Any one mob that hits my crop is probably a minimum of 600. The paddock is literally white with them.

I was born and grew up in Tasmania and I have never seen cockatoos in numbers like that ever before. The Parks and Wildlife person said they are a protected species in every state of Australia. They are a recognised crop pest in every state of Australia. A bit of an anomaly; however, the Parks and Wildlife ranger said the most efficient way to control them is find their roost and shoot them there. The problem for me is they do not actually roost on my property and with my crop protection permit I can only shoot them on my property. They travel quite a long way to come to me. I just wish they would stop on the neighbours rather than stopping on my property. The thing is, for the landowners who have a problem with them and shoot them in the roost, you shoot one or two and then, although it is night, they fly away. That would be a classic example where you could use a sound moderator for more effective control of a pest.

**Deputy CHAIR** - I am afraid we are out of time.

As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are only repeating what you have said. Do you understand that?

**Mr CAMERON** - Does that mean what I have said I cannot say to the media?

**Deputy CHAIR** - Relating to defamation et cetera.

**Mr CAMERON** - All right. I hope I have not defamed anyone.

**Dr WOODRUFF** - Nothing you have said is a problem.

**Deputy CHAIR** - Thank you for your evidence.

**Mr CAMERON** - Thank you very much. Thanks for hearing me.

**Dr WOODRUFF** - Thanks, Alistair. It is good to see you again.

**THE WITNESS WITHDREW.**

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**Mr DAVID BOWER** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Deputy CHAIR** - Thank you for coming today. A committee hearing is a proceeding of parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure parliament receives the very best information when conducting its inquiries. It is important to be aware this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceeding. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It is important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

**Mr BOWER** - I understand. May I make a comment at that point? I received a phone call yesterday that said two things. It said, one, that I would be heard in camera.

**Deputy CHAIR** - Is that your wish?

**Mr BOWER** - No. I hope I am among friends.

**Deputy CHAIR** - Bearing in mind that this proceeding is being recorded, there will be a *Hansard* from this, which will then be published.

**Mr BOWER** - The other point made was that the committee hadn't received my submission. If the committee hasn't received my submission, why was I invited? I have evidence to suggest that I supplied a submission to the committee.

**Deputy CHAIR** - The advice I have received is that the submission to the Legislative Council was confidential. As such, it is their property and they cannot share it with the House of Assembly or any of its committees. As it is no longer a functioning committee, it can't authorise the sharing of the information. Mr Shelton requested for you to appear.

**Mr BOWER** - Can I provide this to committee members? It's an email from me to the Chair of the committee. If you look at the attachments, it provides a list of what I actually submitted to the Chair of this committee at the time. The question I now have is: does the committee have, or is the committee familiar with, my submission?

**Deputy CHAIR** - No.

**Dr WOODRUFF** - No.

**Mr BOWER** - That, to me, poses some considerable issues. I originally came here with a view to provide a very brief opening statement if I was required to, bearing in mind that you were familiar with my original submission, so that puts us in a pretty awkward position, doesn't it?

**Deputy CHAIR** - Yes.

**Mr BOWER** - Where do we go?

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**Deputy CHAIR** - How would you like to proceed? Would you like to give an opening statement or would you like to be in camera, or would you like to be in open committee?

**Mr BOWER** - I would like to submit to this committee the evidence, or the submission, I originally made, for its consideration so that it should be taken as evidence. I have copies of it here.

**Deputy CHAIR** - Would you like to table that submission now?

**Mr BOWER** - Yes, I would.

**Deputy CHAIR** - Once you table it, it is a public document.

**Dr WOODRUFF** - He can submit his own papers as a document. Do you want to keep it confidential?

**Mr BOWER** - Certain parts of it relate to a court decision, so I was a little reluctant to have that put out in the public domain. Given the importance that I see this committee has, I guess I'm happy for that to go ahead and be published.

**Dr WOODRUFF** - Your intention was to submit similar material to the Legislative Council. Did you subsequently ask them to keep it confidential?

**Mr BOWER** - I didn't want it published at the time, basically for the reason I explained to you a while ago. There is evidence in there from court proceedings that I didn't want to put in the public domain.

**Dr WOODRUFF** - I think that might be why it's been recorded as a confidential submission and that's why we didn't get it. I don't think anything untoward has happened.

**Mr BOWER** - No, I don't think there is either.

**Dr WOODRUFF** - I think your intention was to give information; anyway, here you are doing it today, so that's good.

**Mr BOWER** - Can I provide you with the document? I would like to provide the committee with a number of attachments to that document. Some of them might be a little bit short because I had to do this at very short notice after a phone call yesterday. My apologies - I think I've only two copies of one. It's a public document and here's the other one. There is also the document I have some copies of. I may be short on some of the documents, but there are at least two copies for the committee members.

**Deputy CHAIR** - Given what we have agreed to, would you like to make an opening statement? Obviously we don't have the time to read your whole submission.

**Mr BOWER** - Would the committee be in a position to consider what I have put before it and then recall me at a later date, or is that not a possibility?

**Dr WOODRUFF** - We may not be able to do that. We have a deadline to get our comments back to parliament. Just because we don't ask you the questions in person doesn't mean we won't

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read the information and take account of it. This is your opportunity to highlight the things in here you want us to focus on.

**Mr BOWER** - As I said, I had a fairly brief summary to talk to until 10.30 a.m. yesterday. I have embellished that a little bit.

One of the questions in the guide issued to us for appearing before such committees was to say who we represent. I am a member of the TFGA Wildlife Policing and Firearms Committee, but I don't represent TFGA. I am a member of the Arms Collectors Guild of Tasmania, but I do not represent that organisation. I am a professional forester, but I do not represent the forest industry.

I am a farm forester with my own plantations and I am a landowner. I hold categories A, B, C and a H1 licence. I am a firearms owner. I participate in target shooting because I am a target shooter. I have been a game manager, drawing up game management plans, managing some 25 shooters on a cropping and grazing property. I have been a property game manager. I currently assist with two properties, managing game. I hunt fallow deer for the table. I am a recreational hunter.

I have had a firearm stolen. I have been charged with storage offences. I have had my firearms licence cancelled and successfully fought the charges through the court system. I am a victim of, and have survived, some flawed legislation and a pro-prosecution policy of the Tasmania Police Firearms Services in particular. I am representing myself as a voice of experience, a voice of reason and hopefully common sense.

Please interrupt me at any time. I am happy to field questions and clarify anything you might want clarified.

I could go through the legislation and issues and raise many individual changes I would like to see in the Firearms Act.

We need to take a step back and look at the processes and the intent of the legislative framework. The legislation is some 22 years old and I believe it hasn't had an unbiased review process in that time.

If you look at the legislation, correct me if I am wrong, but I don't see any process of review mentioned in our legislation. If you go to other jurisdictions such as New South Wales, section 92 of their act has a review process written into the legislation. Every three years there is to be a review of their legislation.

I fail to see how firearms legislation has gone 22 years without having something like that written into it. If we want to talk about review, there is a very salient point to how we conduct the implementation and enforcement of our legislation. I heard some of Alistair's information and his comment that the nature of the legislation is restrictive and punitive of users. It does not really enable, or make easy, efficient and effective use of firearms for the purpose that went into using them.

In my court case where I had to defend my position, the then chief magistrate and now justice of the Supreme Court agreed that a literal interpretation of sections of the Firearms Act could lead to ridiculous and unintended consequences. That in itself says we need to look at making the

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Firearms Act work better for those who are trying to do the right thing, because I do not think it does.

I heard the National Firearms Agreement mentioned quite a bit in Alistair's discussion. This states quite clearly in its opening statement that the possession and use of a firearm is a privilege conditional on the overriding need to ensure public safety, and public safety is improved by safe and responsible possession, carriage, use, registration, storage and transfer of firearms.

The NFA also states legislation must be clear and unambiguous so firearm owners know their obligations. The transitions between possession, carriage conveyance, use and storage are either absent or poorly dealt with in the Tasmanian Firearms Act and regulations. Some of these terms are not even defined. For instance, there is no provision for carriage or personal possession of a firearm in the Tasmanian legislation and as a result farmers, their agents and recreational hunters are at risk of breaking the law when carrying firearms either on foot or in their vehicles in a state of readiness.

An example the chief magistrate also said there is no definition of the meaning of conveying in the context of the Firearms Act or regulations. We referred to the *Macquarie Dictionary*. This defines 'convey' to mean 'carry or transport from one place to the another'. You can automatically see there is a confusion between conveyance and carriage of a firearm if we rely solely on *Macquarie Dictionary* and if it is not defined and prescribed in the act.

If you look at just about every other jurisdiction, their storage requirements for firearms include carriage. Our poorly worded regulations say something along the lines of 'if a firearm is not being used or maintained, it must be stored', and does not mention carry. All of the other jurisdictions contain the word carry, so if a firearm is not being used or carried, it must be stored. One jurisdiction says that if it is not in your personal possession, it must be stored; it talks about personal possession and carriage - maybe they are interchangeable in that jurisdiction. We certainly do not have that in ours and hence there is so much confusion which is leading to so much ambiguity and misinterpretation of our act.

If you consider what I have said, aspects of our legislation fail to comply with several of the basic requirements of the NFA. I reiterate what Alistair said: licensed firearm owners are not the enemies of the wider community. We need a legislative review process that is regular - as required with other pieces of legislation - and has fair and unbiased objectives based on factual information devoid of politics, untruths and Hollywood stereotypes. It needs to be based on the dual principles of being enabling, effective and efficient so firearms are used as tools of trade while obviously protecting the wider community. At the moment, it seems to be too focused on one of those which makes the other inefficient and ineffective. It needs to be promoted on a tripartisan basis - not as watering down firearms legislation or increasing the risk to public safety, but simply making the legislation work better. Gangs, drug dealers and traffickers in illegal firearms are the enemies of a wider community.

My apologies, I am editing this down as I am going.

**Mr TUCKER** - In your submission, you put 'few in our community would see justification for the use of submachine guns and assault rifles', and I agree with you totally. Yet 22 years after the NFA and the state firearms licence refine the assault rifle on June 2018, which is true and is a very worrying situation. You go on about submachine guns seized in Melbourne in April 2018.

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Where I am leading with this question is you are talking above that, about suicides with firearm-related incidents.

In Tasmania we have 10 firearm related incidents a year, eight of them are suicides. It has been suggested that firearm licence holders do a depression course on mental health before or when they get their gun licences. I was interested to hear your thoughts on that. I can see where you are going with this. With the other two, we are never going to stop it because we are never going to stop it because criminals are the way they are, but depression and suicide are the big issue here and a big issue in farming communities.

**Mr BOWER** - Thank you for the question; I appreciate it. The most dangerous weapon we have has four wheels. What do we do to satisfy that the person behind the wheel is fit to drive a car? If you look at suicides and murders, vehicles are involved probably more so than firearms. I would put the question back to you: where do you stop? How many people jump off the Tasman Bridge every year? It is about one every week, isn't it? If you put it in that context, it is a small proportion, and how do you manage that? I do not know; I do not have an answer.

**Dr WOODRUFF** - There is strong evidence from the health professionals who presented to the committee that when you remove easy access to these sorts of tools, people do not pick them up when they are feeling in a very critically, seriously depressed state, so it makes a big difference.

**Mr BOWER** - Within the last few days a woman cut her mother's head off with a kitchen knife; a very short time ago, a woman walked into a bedroom with a knife from the kitchen and killed eight kids in their beds. In the scheme of things, in the hands of legitimate licenced owners, firearms provide an insignificant contribution to those problems. I admit there are problems, but you do not solve it by making stricter gun laws.

Since 2016, Tasmania arguably has had the strongest laws for storage of firearms in Australia. I now have to have a monitored camera system in my house; I had to get rid of one of my safes because it no longer met the storage requirements. We have the strongest protection of our firearms when they are in the right people's hands. We need legislators to actually provide us with efficient and effective legislation so we can use these tools as they were designed to be used. Pulling in a few grabs from the broader community about where firearms are used, if you look at the scheme of things, they really are not that significant. They are tragic, and it is really sad that any form of violence exists in our community. The tools are just knives - a guy drove his car up Bourke Street and killed six people; a father drove his car into a dam and drowned his three kids.

We cannot control that sort of violence simply by making firearms harder to get hold of. It is absurd.

Dr Samara McPhedran from Griffith University wrote a paper and one of the last points she made was that firearms legislation will not solve violence, domestic or otherwise, nor will it improve the mental health of our community. Violence of any kind does not occur in a vacuum and we have to acknowledge that violence is unfortunately there and I do not know how we control some of it.

Our society is probably heading in very dark directions in some respects with problems with mental health and other things. I do not think what we are trying to achieve by making it harder for people trying to do the right thing is actually going to solve any of those problems.

## **PUBLIC**

**Dr WOODRUFF** - Do you have a specific proposal for how to improve the legislation around carriage?

**Mr BOWER** - In the submission I gave you earlier, it says, basically, that another sensible change would be to delete the term, 'maintain', from regulation , and replace it with the word 'carriage' so it reads 'if a firearm is not being used, carried or conveyed, it must be stored in a locked receptacle'. Then you need to define what 'carriage' means, so it becomes clear to people who are trying to do the right thing. It is in red.

**Deputy CHAIR** - Yes, we do not have colour but I can see where it is the submission.

**Dr WOODRUFF** - This is the change from December 2017 relating to storage.

**Deputy CHAIR** - It talks about changes to regulation, not legislation. Is that correct?

**Mr BOWER** - Yes, I have to apologise. When I first wrote this for Legislative Council, we had not gone through the change to the regulation where sections of the act would be pulled out and put in regulations. It is a bit of a mixed mash.

I have basically gone about changes in use, storage, carriage et cetera. We need to sit back and say, 'Let's put into place a process of review of the legislation. Let us look at what does and does not work. Let us try to make it efficient and effective so people can use firearms and know what their obligations are. Let us make sure we do not impact on public safety by doing so.'

I agree with Alistair. If we are making the legislation work better, it doesn't equate to making it weaker. It only means clarification, so we all know what we should be doing, especially those of us trying to do the right thing.

The other thing I wanted to raise was sound suppressors. Sound suppressors strike a chord with me to make things more efficient. They are simple to make with a water bottle and a piece of electrical tape. If you are handy with a metal lathe, you can make some really fancy ones.

I have before you a submission from Griffith University, which is a fairly comprehensive paper on their assessment of the use of sound suppressors. You can make one of these in your home kitchen. All you need to do is drill a small hole in the bottom of that.

If sound suppressors are so easy to construct, why are they not being used by criminals? You look at all the seizures of firearms around the place. About every two years, you have one turn up. They are not the preferred tool of criminals. Criminals like to hear the sound of the shot going off because it scares the people they are trying to have power over. They want that sound to be heard; they don't want it suppressed. If we are thinking criminals will suddenly start using these because they are made legal, we are having a lend of ourselves. They do not use them. I know several guys who could make me one in their workshop if I wanted them to.

**Dr WOODRUFF** - David, could you explain why you think there is a need to have sound suppressors?

**Mr BOWER** - Alistair mentioned white cockatoos.



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**Dr WOODRUFF** - Evidence we have had from some other people is that sound suppressors are exactly a suppressor - they are not a silencer at all and do not stop sound happening. They stop that loud crack, depending what sort of firearm you are using so. Birds are very alive to sounds of all types and that is how they survive. The question is, with a flock of 2000 or 500 birds, would you make a difference between five birds and 20 birds? I cannot for a moment believe from what I have heard and understand you are actually going to be able to achieve a higher rate of death. I wonder what is the motivation for wanting to have a sound suppressor.

**Mr BOWER** - Very happy to talk to you about that. With subsonic ammunition, there is very little sound from a sound suppressor or a suppressed firearm. The range of subsonic ammunition is about 50 meters and a tree about 30 metres tall. I have spoken to one landowner who sat under a tree and shot 400 birds on his property using suppressed 22 rifle.

**Deputy CHAIR** - Just the subsonic bullets or/and combined with a suppressor like a coke bottle suppressor?

**Mr BOWER** - I am not going to go into that.

**Deputy CHAIR** - It was not a manufactured one.

**Mr BOWER** - I will go there. A number of sound suppressors are manufactured in a number of workshops around Tasmania. We do not hear about them because landowners go about their business quietly. Landowners are not out there making a noise about sound suppressors, although a number of them would use them.

**Deputy CHAIR** - How much difference does that make between subsonic ammunition - which is a bit of a thud - and between the suppressor?

**Mr BOWER** - I have to be careful here. With subsonic ammunition, in a bolt action rifle, you hear two noises; one being the click of the firing pin hitting the bullet and the bullet hitting the animal - that is about it; you hear very little. That is using subsonic ammunition, and these are very useful for pademelons and birds. I have known people to go around a paddock where they would normally shoot two or three pademelons because the noise shoos them off and shoot 20 or 30; it is that sort of level of efficiency.

**Deputy CHAIR** - What is the efficiency just with the subsonic and nothing else?

**Mr BOWER** - Subsonic still makes a noise; it just means it is travelling below the speed of sound. Limited range, but definitely a noise; there is a definitely louder noise with supersonic 22 ammunition. You might shoot three or four with subsonic, but, as I said, I have had reports of people shooting 20 or 30 in the same paddock as they would shoot two, three or four. Animals become gun-shy after you have been around with loud bangs.

It has been reported to me a landowner shot 400 out of a couple of trees on his property over a period of three to four weeks. If you go out and shoot at a flock of cockatoos, apart from getting crap on your head, you generally don't get a second or third shot. If you have an automatic shotgun you may get a couple of extra shots at them. With loud ammunition, I've tried shooting them in the daytime and it's a complete waste of time.

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To your point about larger rifles, you are quite right that any projectile travelling greater than the speed of sound is impossible to silence completely. That's because the bullet makes a crack when it goes through the sound barrier. All supersonic ammunition cannot be completely silenced.

However, you ask: why would you want to put a suppressor on them? I think the research paper on silencers I provided that said if you put a sound suppressor on a .308 rifle, which is typically used to shoot deer in Tasmania, it suppresses the sound back to about that of a .223. It has a profound effect on your hearing, from an occupational health and safety perspective.

**Dr WOODRUFF** - Why would you not be wearing some form of ear protection, which most deer hunters I know do?

**Mr BOWER** - One of the reasons is communication. You have put yourself in a worse position if you can't hear what is going on around you all the time while you have ear muffs on. If you also look at the hierarchy of managing the risk, personal protection equipment is the least effective and the least desirable way of managing a risk. Higher up that hierarchy you get things like engineering solutions, a suppressor; you get making other structural changes to the device so that it doesn't make that noise. Imagine what it would be like driving a car if you didn't have two or three mufflers on it. Would you expect people to wear personal protection if they are driving a car when they can't hear what is going on around them? It's no different when using a firearm.

**Dr WOODRUFF** - Except that one of the things we are required to consider is balancing multiple risks, so the risk to the hearing of the person using the firearm has to be balanced against the risk to the wider community, who are able to hear the sound of a firearm being discharged. There is quite a lot of evidence that people feel alarmed but confident to be able to hear surrounding sounds - indeed, people's lives have been saved endless times because they have heard that sound and have taken cover. That is a very strong argument - it is another risk that has to be balanced.

**Mr BOWER** - It does and I take your point. On the other hand, if you are reducing the .308 sound down to a .223 sound, or if you put a suppressor on a .223, it brings it down to a .22 Magnum level of sound, the .22 Magnum level of sound is about that of a police or ambulance siren. If you put a suppressor on a high-powered rifle it brings it down to what we hear when we hear an ambulance or police siren. I don't believe there is any validation in the argument that putting a suppressor on a high-powered firearm is going to make it unable to be heard. If we assume that a fire brigade siren, a police siren or an ambulance siren are adequate so we can hear those approaching, why would that not be appropriate for a firearm?

**Deputy CHAIR** - We heard evidence from a gentleman with experience in counterterrorism training through the armed forces saying that one of the issues with suppressors is not just the suppression of sound. It basically means that it makes it harder to determine where that shot is coming from, which he raised as an issue. If it were used inappropriately, that would be a concern, not just the sound but the inability to distinguish where it had come from.

**Mr BOWER** - I guess there are a couple of points there, and that is a valid point. That is what makes them effective: the animal doesn't know which direction that comes from and hence it makes shooting actually more efficient even if they don't completely suppress the sound. I go back to my previous point: there is no evidence in our society to suggest that suppressors are being used for criminal activities. If you follow up the assumption you are making, there must be evidence to suggest that criminals are using suppressors now, and there is none.

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**Deputy CHAIR** - We also heard evidence previously that our gun laws were an overstretch because New Zealand had much looser gun laws and there had never been a massacre. That was evidence given in the early stages. We have seen the terrible tragedy subsequent to that. Sometimes the argument is also about potential.

**Mr BOWER** - I would put it to you that the person who committed that atrocity would have done so whether he had a suppressor on the end of that firearm or not. He was using an automatic assault rifle, not a bolt action hunting rifle.

**CHAIR** - That was not the point I was making.

**Mr BOWER** - What was the point you were making? My apologies.

**CHAIR** - The argument that because it hasn't happened, it won't happen. The evidence we heard was that New Zealand had much looser gun laws with easy access to semiautomatics and pump-action shotguns et cetera, therefore there was a perception of safety and that because it doesn't happen in New Zealand, maybe we should mimic New Zealand. Subsequent to that there was the massacre. The idea we can have suppressors because they have never been used in any sort of criminal activity doesn't prevent them being used in a criminal activity and legislators having to balance the pros and cons.

**Mr BOWER** - I take your point, but a suppressor alone doesn't kill people. It has to be attached to a firearm which is attached to a criminal. If we store our firearms and our suppressors in the same place and we consider our firearm storage is adequate, how would that have a bearing on the use of suppressors as a tool to commit crime?

**Dr WOODRUFF** - I want to push back a little about the concerns that the focus needs to be on criminals and traffickers. No-one in this room would disagree with that statement except for the fact that Martin Bryant was not a criminal, a trafficker or a known anything - he was just a person in the community. The Christchurch person who committed that massacre was not, I understand, at all in that category. We have people who own guns and have licences who commit atrocities as well. There are a lot of different people, some of whom own licences legally and commit atrocities, and other people who have firearms illegally.

I am making the point that it's not as simple as dividing the world into people who are illegal and they do all the bad stuff and then people who are legal and they are fine and that we need a different set of rules for them. They are the sorts of things we are trying to balance. I want to squeeze a pedestrian question in because the previous person asked it: that firearm licence renewals should not be a reapplication process. In my experience, the renewal is simply a renewal. I don't understand, it's not really a reapplication process, is it?

**Mr BOWER** - I think it is.

**Dr WOODRUFF** - You have to provide evidence of a genuine reason.

**Mr BOWER** - Yes; if I renew my motor vehicle licence, I go down and have my photo taken, pay the money and walk out. That, to me, is a renewal. My fishing licence is the same, I can do it online, but I have to go out and continually find justification for having a new licence issued to me.

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**Dr WOODRUFF** - Yes, I suppose the difference is that the National Firearms Agreement recognises only that a firearm is not a right but a privilege, and therefore, the genuine reason category has to be substantiated every five years.

**CHAIR** - John has one quick question because we are running out of time.

**Mr TUCKER** - I was going to come back to the New Zealand massacre and also about the assault weapon used in Hobart. How do you think we can strengthen our laws, or New Zealand can strengthen its laws, to stop assault weapons like the one used in Hobart in June 2018, and the weapons that were used in New Zealand?

In my opinion, there is no difference. How are we, with our National Firearms Agreement, meant to strengthen them to stop that from occurring?

**Mr BOWER** - I don't support any need for assault rifle-type weapons or firearms to be in the community for general use. I support the view that we restrict what recreational shooters, professional shooters and primary producers have available.

I probably support greater access to Category C weapons because effectively we are talking about shotguns and .22 rimfires. They haven't got 30-round magazines and automatic fire.

**Mr TUCKER** - I want to talk about assault rifles. Keep away from the Category C. How do you believe we can stop this from occurring?

**Mr BOWER** - If I gave you the right answer, I'd be a rich man. That is the short answer.

We can legislate to a certain degree in lots of things, like with violence. We can provide legislation to try to prevent violence to a certain extent, but we can't provide legislation that will prevent someone going off the deep end when they are doing the right thing, no matter what the law is, whether they had access to semiautomatic rifles or whether they didn't, whether they had access to kitchen knives or they didn't, or whether they had access to motor vehicles or they didn't.

We can't legislate there. We can only do our best and, as Dr Woodruff said, we have to balance use with protecting the wider community. I think we have gone a bit overboard in one direction and a lot of noise out there is not factual. We should be basing our decisions on facts and reality, not Hollywood.

**Deputy CHAIR** - Thank you, Mr Bower. I will just read a statement for you.

As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

**Mr BOWER** - Yes, I do. Thank you very much for the opportunity to appear and present evidence. I apologise for the fact that it has been a very rushed job.

I have had to make a lot up on the run in the last hour, so I hope you'll take into account the evidence I've provided.

**PUBLIC**

**Deputy CHAIR** - Thank you very much.

**THE WITNESS WITHDREW.**

## PUBLIC

**Mr MIKE BUKY** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Deputy CHAIR** - Welcome. Before you begin giving your evidence, have you received and read the guide sent to you by the committee secretary? If so, I would like to reiterate some important aspects of that document.

A committee hearing is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to you outside the confines of the parliamentary proceedings. This is a public hearing; members of the public and journalists may be present and this means your evidence may be reported. It is important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

**Mr BUKY** - Yes, I do, thank you.

**Deputy CHAIR** - Thank you. Would you like to make an opening statement?

**Mr BUKY** - Yes, I would. First, could I request that my name and address be kept confidential for reasons of gun storage? I don't know if that is possible. I have a concern that if it is published in the press, they can obviously relate my name, my address and my evidence and say here is a target. I live in a rural area so there is always a concern for security.

**Deputy CHAIR** - The transcript could be made anonymous .

**Mr BUKY** - I don't mind the transcript being made public, but it is just my name and address.

**Deputy CHAIR** - The address could definitely be withheld. I assume that we have -

**Dr WOODRUFF** - It is already public; it is published on the website and is available; it is at the bottom of the submission.

**Deputy CHAIR** - It hasn't been published.

**Mr BUKY** - I am not sure of the order of these things, but I would like to ask a few questions as to the process this is going through initially. What is the actual need for this inquiry or for this committee? I don't really quite understand it because if the Government adheres to the National Firearms Agreement, what are they actually suggesting? I have not received any information as to what policies are proposed by the Government regarding the NFA.

**Deputy CHAIR** - The short answer is that it was a decision of parliament.

**Mr BUKY** - To have the committee, but what is actually proposed?

**Deputy CHAIR** - You can go back and read *Hansard* when this committee was enacted.

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**Mr BUKY** - But are there any proposals by the Government for other than the committee?

**Dr WOODRUFF** - There was. Are you familiar with the origin of this committee's formation? Before the election, Rene Hidding as the Police minister made some policy commitments as a Liberal policy statement to various stakeholders that were not released more publicly and one of those stakeholders gave them to the Greens. We released them to the media just days before the election and then they became public and a matter of public conversation. After the election, the Legislative Council's Ivan Dean, the member for Windermere, organised an inquiry into the basis of the fact - into lots of things - and that fell over because the Premier subsequently came out and said the Government wouldn't be doing anything in breach of the agreement. Nonetheless, the fact remains that the standing policy document of the Liberals is in breach of the agreement. To quell the concern - or something - the Government made a decision to announce an inquiry. Here we are, and the scope of this inquiry is different to that of the upper House.

**Mr BUKY** - Yes, I've read that.

**Mr BUKY** - I have another question about the committee. We are in a quorum, your core eight committee; it has a chair of the committee, it is a fair representation of parliament, so why is there a need to add any further members to the committee? I believe that what is proposed once parliament sits.

**Deputy CHAIR** - Again, the original committee was four members and a quorum was three giving some redundancy if somebody were not able to be present for a hearing; again, that will be a decision of parliament when we return.

**Mr BUKY** - It is very likely a Liberal member will be put onto the committee and will become the Chair, that weights the committee very strongly in favour of the Government because it is deliberative and casting vote.

**CHAIR** - That is the nature of numbers in parliament, I am afraid.

**Mr BUKY** - If there is no member absent at the moment, what is the point in people giving evidence when he is not present?

**Dr WOODRUFF** - Because the evidence is taken down; *Hansard* is recording everything. Your evidence today is of the same nature as the written submissions people have provided. The member who is not present on the committee will need to read, not only what has come out of today, but every other submission of the Legislative Council and the House of Assembly inquiry and the *Hansard*, which is a concern. This is an opportunity for us to have a conversation and to ask more detailed questions than your submission provided.

**Mr BUKY** - Thank you. My next question is: why derogate from the NFA, why make any changes to the NFA? My submission is along that line. I cannot pretend I am always in agreement with everything any government or any opposition does but, in this case, John Howard perhaps did one of the better things of his prime ministership in getting the NFA together and it works. What I am concerned about is: will this bring the Tasmanian Government and Tasmanian state into further opprobrium by the general public by any changes to this? There is a slippery slope here - once any changes are made, other changes become possible. That is a major concern for the whole agreement. Why change it?

## **PUBLIC**

**CHAIR** - Have you finished your opening statement or do you have more to add?

**Mr BUKY** - No, that will do for an opening statement.

**Mr TUCKER** - Mike, you say in your submission the Tasmanian firearms regime ain't broke so please do not fix it, yet 22 years after the NFA and state firearms legislation, we find an assault rifle in June 2018 being used in Hobart. You obviously do not think that is an issue within the community in Tasmania, or do you believe that is an issue we should, as a firearms committee, be looking at seriously?

**Mr BUKY** - As I noted previously, I have questioned the committee and I would have suggested the whole issue be brought forward - which is more in my opening remarks to COAG - on having a committee here. This is a national agreement other states did and still have to agree on any changes, again, if there are concerns, they should go to COAG. I heard the previous submitters' points on this - we can go down many avenues, we can go down enforcement or greater regulation. Obviously, we do not want that sort of weapon anywhere in the country unless it is with the military or people who are legally allowed to use it. Maybe it is a failure of police numbers, maybe it is a failure of intelligence, but obviously it is not desirable to have it. I do not see Tasmania, on its own, should or could do anything about it. This should be done nationally because firearms like that are dangerous and we have no need for them.

**Dr WOODRUFF** - I suppose by your argument because somebody has broken the law doesn't mean there is a problem with the law - people break the law all the time and it does not mean we should not have the laws. Obviously, we need to look at the circumstances very closely as to why a person would be able to have such a rifle and how that happened. I wanted to ask you about the licensing requirements because you are a firearms owner and have the experience of having reapplied through the process.

**Mr BUKY** - I have reapplied for another weapon. I have not reapplied for my licence. I have had less than five years in Tasmania.

**Dr WOODRUFF** - You made some comments in your submission about the relationship with Firearms Services. I wanted to ask your view as I am inferring you have had questions or points that need clarification. You contacted Firearms Services and you found them to be responsive and helpful.

I am wondering why we have heard testimony from other people who have said they are concerned about things regarding Firearm Services, but I have not heard from them that they have actually contacted Firearms Services and had the conversation. From your evidence, you have and I would you like to go into some examples of things that clarified information, if it is appropriate.

**Mr BUKY** - Yes, of course. To clarify your point, these people you know have not contacted -

**Dr WOODRUFF** - I have not heard from their testimony that they have done, more that there are concerns about things are not written in law and they want assurances. I have not heard them say they contacted Firearm Services and they did not tell us.

**Mr BUKY** - As you undoubtedly know, the firearms legislation requires interpretation. It is a legal document which you have to read carefully and for laypeople that is not always easy. I went on the website; there is a contact button and I emailed the guy and within 24 hours - usually less -



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they come back with a very helpful response. There is no intrusiveness, 'What have you done wrong?', or anything like that.

I felt they were there to help and there was no limit on the questions or sense of 'Oh God this is straightforward or you are boring me' when they responded. Part of this was due to questions from when I applied for my second firearm and went to a dealer who gave me information that contradicted what I understood and interpreted the act to say.

I went back to the guy on the firearms email and he says, 'No, that is not right; yes, that is right', whatever, and clarifies it. It was as simple as that. I have even spoken to police officers as you do every day and the feeling is that police officers are now specialised and you have to go to the right person to get the right answer. All police officers have some understanding, for example, of the firearms act but not the detail. I do not think I am maligning them there at all.

**Dr WOODRUFF** - Would it be a fair summary to say your experience with Firearms Services is they are very responsive?

**Mr BUKY** - Highly.

**Dr WOODRUFF** - If you had a question like 'How do I lawfully carry my firearm from A to B or move from one side of the property to the other side of the property?', the Firearm Services would be more than happy to answer those questions?

**Mr BUKY** - Absolutely, and those are some of the questions because the whole thing of whether the bolt can be in the rifle or not when there is a lock on the trigger and all these sorts of things. That is a very good instance because the firearms dealer said that you have to remove the bolt whenever possible. I questioned that because it didn't say that in the legislation. The guy at the Firearm Services said, 'No, if you have a trigger lock on the firearm, that is satisfactory'. You want to do the right thing. Of course you have to have your ammunition locked separately in the glove compartment with key removed. There are all these little odds and ends, and I really try to comply with the law as best I can. It's just the little details, and there are tiny grey areas, and you just try to clarify them.

**Dr WOODRUFF** - Thank you.

**Deputy CHAIR** - Mr Buky, did your licence rollover in the first cohort after the regulations came in place?

**Mr BUKY** - No, I've only had a Tasmanian firearms licence less than five years.

**Deputy CHAIR** - I suppose I'm clarifying this.

**Mr BUKY** - When I was 12 years old, I fired a .22 at school and over the years. I arrived in Australia on a boat and I had a 12-gauge shotgun just after Port Arthur. I was told then I could not have that shotgun as it was a pump-action shotgun. That was part of the deal. I took it to New Zealand and got rid of it there.

I have been in Tasmania now since 2009 and had the licence because we've been on a property for the last four years.

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**Mr TUCKER** - It's interesting you say you took the shotgun to New Zealand to get rid of it. Why would you not have handed it in?

**Mr BUKY** - Yes, it was confiscated or held by Customs when I arrived. Basically, I was not able to acquire a licence for that shotgun because I was not in the right category. I was then up in Queensland so Customs kept it, but when we went to New Zealand by plane, I was allowed to collect it from Customs, carry it in the bus going to the airport and export it, which was a bit weird.

**Mr TUCKER** - They wouldn't allow you to hand the shotgun in? That's a bit strange.

**Mr BUKY** - In Queensland?

**Mr TUCKER** - Or hand it in during the firearm amnesty period.

**Mr BUKY** - I wasn't here for the amnesty. It was after Port Arthur.

**Mr TUCKER** - Yes, but in Queensland.

**Deputy CHAIR** - You wouldn't be able to sell it. You would have to hand it over to be destroyed.

**Mr TUCKER** - That's what I'm asking.

**Mr BUKY** - When we arrived in Queensland, I declared the shotgun and Customs took it. Then it went through various tests and they said it did not comply. I couldn't get a licence for it, so I said, 'All right'. They were going to destroy it, but I said, 'No, I will export it'.

**Mr TUCKER** - No, it is just your thinking there with that is interesting.

**Dr WOODRUFF** - Would you mind providing a bit of information? You said you bought a firearm because you have a property now. Do you use that for recreational hunting or vermin control?

**Mr BUKY** - No, I don't do recreational hunting; this is for vermin control. We have wild cats and rabbits. That is as far as it goes, really.

**Dr WOODRUFF** - What's your view about the need for any sort of sound suppression?

**Mr BUKY** - I heard the previous comments on that.

They are very expensive. I have looked at them. They are the price of a rifle apparently, \$600 or \$700 for a suppressor.

I can see that they could have a use and I didn't know about the Coke bottle. That was new to me. Perhaps I don't look up these things enough. It doesn't really worry me that much.

I talk to a lot of friends, neighbours and experts in the field, and most of them feel they would like the suppressor because it makes the hunting easier if you are going after pademelons or whatever.

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I've put a good fence around my property. It's only a small property. We've got other animals - ducks and sheep. We have lost ducks in the past to wild animals but now that the fence is up we get less and less.

**Dr WOODRUFF** - You use hearing protection?

**Mr BUKY** - No, I don't. You don't need it. If you've got a .223 or bigger you do, but even with - what is the opposite of subsonic?

**Dr WOODRUFF** - Supersonic.

**Mr BUKY** - Thank you - even with supersonic ammunition I don't think the crack is harmful to hearing. I don't appreciate that argument - it's not my area of expertise, I don't know. I do have a lathe at home and I have been asked to make them but I wouldn't dream of doing it because, as it stands, we all know it's illegal.

**Deputy CHAIR** - Any more questions?

**Mr BUKY** - Can I add one thing which I noted also came up in the previous evidence talking about semiautomatics? After Christchurch, and I can't remember the minister's name but it was in the Commonwealth Government, she said, 'We don't have semiautomatics in Australia'. She stated it very clearly several times. There is a question of definition here of self-loading semiautomatics. Really, the legislation and the agreement need to at least get on the same page of using one term. Self-loading is the same, I am told by experts, as semiautomatic.

**Deputy CHAIR** - Also, that is not true, because there are Category C and Category D weapons.

**Mr BUKY** - But you call them self-loading.

**Deputy CHAIR** - I think that statement was incorrect; that would be my interpretation.

**Mr BUKY** - I think it was incorrect.

**Deputy CHAIR** - We don't have the AR15, which is the weapon of choice, unfortunately, in these things. I am pretty sure that is not allowed to be imported by anybody.

**Mr BUKY** - I understand that, but I think it is confusing for the public when even ministers or governments can't agree on one term for the same weapon. We have gone through this self-loading 12-gauge business, the one proposed by Mr Leyonhjelm and others - I have forgotten what it was called.

**Dr WOODRUFF** - The Adler. The five-shot or 11-shot.

**Mr TUCKER** - It was a seven-shot Adler.

**Mr BUKY** - I think one term would be good. Thank you.

**Deputy CHAIR** - Thank you for your evidence.

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**Mr BUKY** - Last, is it proposed to extend the period of licencing to include options for up to 10 years? I really don't know what is proposed.

**Dr WOODRUFF** - There is no proposal. If you look at the terms of reference, I will find them.

**Mr BUKY** - I have seen those terms of reference, yes.

**Deputy CHAIR** - The issue is that there was.

**Dr WOODRUFF** - They were not anything formal, they were negotiated secretly - not in secret with the people who were part of the negotiating process, but it wasn't a public or formal process.

**Mr BUKY** - So this goes to a report stage eventually to parliament. Would there be a consideration of changing legislation in Tasmania after this?

**Deputy CHAIR** - That is one of the things that we are deliberating on.

**Mr BUKY** - It is a possibility?

**Dr WOODRUFF** - It would be fair to say different members on the committee might have different views. My view would be, as a member of the Greens, that there would be a case for strengthening the laws in certain areas, but we will come to a considered agreed position on the statements and the evidence. One outcome could be no change, another could be more money to Firearms Services, it could be better communication, or it could be changing the laws. There are a number of different possible options.

**Mr BUKY** - One other thing that occurs to me is the safety of firearms owners and the public. I have not had police checks of my equipment since I got my safe and licence, which is four years ago. With the adequate funding of the police and dedicated officers and all the rest of it, would not every couple of years be an appropriate period for checking on storage, bearing in mind some owners have other category weapons that are more desirable.

**Mr TUCKER** - How many firearm owners do we have in Tasmania?

**Dr WOODRUFF** - We have 37 000. It is a massive resourcing effort if you think about driving up those driveways and people being home or organising people to be there. The question is: what are you going to learn that is different about a safe in two years versus five years? If you want to check whether the person has it in the safe at the time or not, you probably should go up every month.

**Mr TUCKER** - You have to have a bit of trust that people are doing the right thing. Not everyone does the wrong thing.

**Deputy CHAIR** - We also heard evidence that people are being checked on a regular basis.

**Mr BUKY** - Oh, I see I understand that.

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**Deputy CHAIR** - Thank you. As I advised you at the commencement of your evidence what you have said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media even if you are just repeating what you said to us, do you understand that?

**Mr BUKY** - I do, thank you.

**THE WITNESS WITHDREW.**

## **PUBLIC**

**Mr GEORGE MILLS** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Deputy CHAIR** - Before you begin giving your evidence, have you received and read the guide sent to you by the committee secretary? If so, I would like to reiterate some of the important aspects of that document.

A committee hearing is a proceeding of parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of parliament. It applies to ensure parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceeding. This is a public hearing. Members of the public and journalists may be present, and this means your evidence may be reported. It is important that, should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

**Mr MILLS** - I do.

**Deputy CHAIR** - Welcome, George, would you like to make an opening statement?

**Mr MILLS** - Thank you for accepting my submission. I am not quite sure whether you want to ask me or want me to represent the questions on the submission.

**Deputy CHAIR** - Would you like to summarise your submission, or are you happy for it to go straight to questions from us?

**Mr MILLS** - Straight to questions.

**Mr TUCKER** - George, you talk about your Category C firearms being available to employees and agents with primary producers. On your property, do you have issues with poachers and things like that? If you gave a view to expand the primary production area in Category C to employees, agents and contractors as well into that area, do you believe it would be policed better that way with firearms?

**Mr MILLS** - John, in due respect to your question, I will start at the beginning.

First of all, I'll refer to firearms as firearms, not as weapons. They are no more weapons than my pen because a weapon is something you take to do damage to someone else with, and I am talking in the terms of firearms. They are not for the purpose of doing damage to anyone other than the job they are licensed for.

The second part is that Category C firearms are low-powered firearms, with no different power in terms of muzzle velocity or range than a Category A. The only difference is that they are self-loading. The ballistic characteristics are the same as Category A, which we are quite happy to licence people with.

The third thing is that they are available in Category C to primary producers. I can't spend all night using a Category C firearm or shooting all night to rid my crops, property et cetera of vermin.

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Most shooting is done at night and I need assistance from other shooters. We know that, and we don't need to spend any more money on the fact that browsing animals - wallabies, possums and deer - are increasing throughout the state.

Category C has nothing to do with deer, but we don't have to spend, as it's been rumoured that the Government may go ahead and do a deer count. We don't have to spend any money. We know from anecdotal evidence that there has been an increase in all these animals.

Allowing our agents to have Category C firearms is just another help in the toolbox for us. I don't see why the public should be concerned at all if there are other people with Category C firearms. Category C firearms have not been used in any massacre or event that caused the firearm laws to change since 1996, or the implementation of this package of firearm laws. We did have firearm laws previous to that.

I don't see there is any problem provided people are using them for the purpose which we ask for them to be used.

**Mr TUCKER** - A follow-up question: how many game animals would be shot on your property, just a rough figure, a year?

**Mr MILLS** - Deer, 30 to 50; wallabies, hundreds, say, 300 to 500; possums, the same number; hares, 50 to 100; rabbits, a fairly low number. That's on Panshanger. That's not all the country that I operate. I operate another 5000 acres. On the coast, there are virtually no hares or rabbits shot there, and no deer, but wallabies, take 500 to 1000.

**CHAIR** - Where is the other property? On the east coast?

**Mr MILLS** - On the north-west coast, Montagu.

I don't expect people to walk in off the street and say 'I want a Category C firearm' - bang, it's done. It would have to be in conjunction with landholders who are prepared to say, 'Yes, I want this person to shoot with a Category C on my property' so that they buy their own firearms. It was suggested by someone in the parliament that we supply the Category C. No, we are not into having armouries and supplying firearms. A firearm is a very personal thing: it's your property; you don't borrow boots, you wear your own boots. You don't lend firearms, you own your own firearm. Everyone has a particular way; some people like it set this way or that way, so it is a very personalised tool.

**Deputy CHAIR** - Some people look down the scope differently as well.

**Mr MILLS** - People like to have this action or that action et cetera; it is a very personalised thing. You can go to London and have shotguns made to fit you just like you have your suit or your shirt tailor-made.

**Dr WOODRUFF** - Thanks, George. You mentioned in your submission about the impact on primary producers of the increasing number of browsing animals and birds. I think you said these caused significant physical and financial damage to crops and pasture across the state. What evidence have you for that?

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**Mr MILLS** - The evidence I have would be look at the BITE program. This is evidence that has been put out, not by me.

**Dr WOODRUFF** - What is the BITE program?

**Mr MILLS** - The BITE program was something the government invested in in 2010 as an alternative to the use of 1080.

**Dr WOODRUFF** - A report was done on that in 2011?

**Mr MILLS** - The state government funded a \$4 million program to test and evaluate control methods for browsing animals.

**Dr WOODRUFF** - Was there a report done on that in 2011?

**Mr MILLS** - They concluded that the economic loss to farm production was in the many millions of dollars. Do I have a record of crop losses and other things tabulated on a piece of paper that I can show you? No, but I can show you photographic evidence of crops browsed from the bush to where the crops or pasture have been completely denuded.

**Dr WOODRUFF** - I guess I am pointing to your word 'increasing'. There is no doubt that native animals and birds do predate on crops in Tasmania - they always have - but you are making a statement that it is increasing. I am asking you to point to the evidence for that because are you aware of the 2017 spotlight surveys that the department does? They show, basically, very mixed evidence for any change in certain parts of the state. There has been a lot of reference to the 2011 report but we have more recent data.

From my understanding, all the information and survey reports make it clear we haven't had proper monitoring done of the impacts on crops so we don't monitor losses to crops. We have this sporadic way of measuring animal numbers, which is not very good. Is it your personal feeling that on your own property you have seen an increase in animal numbers?

**Mr MILLS** - Definitely. I can go back 30 to 40 years and wallabies were a rarity to see on the property. I cleared the last 640 acres on Pansangher back in my teens and you were lucky to see a wallaby. Now we have them everywhere. Everyone I speak to, other farmers, say it is an ever-increasing problem. There are farmers who now cannot put in a fodder crop without it being eaten out by wallabies, or who have to spend significant time shooting. The wallabies get cunning and clear off and then you have to have another bout of shooting a month later and so on.

For people to hide behind numbers not increasing - I do not know how they do supposed counts or the methodology, but ask the public how many dead animals they see on road and they will tell you they are increasing and of course it is.

**Dr WOODRUFF** - Unfortunately, there are lots of reasons why that can be occurring and it does not necessarily lead to increase. My question is really about shooting and the role it plays in managing the numbers of browsing animals on your property. Are you shooting as the control method amongst other control methods?

**Mr MILLS** - What other control methods do I have?



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**Dr WOODRUFF** - Well, I am not sure because people have a range of things available.

**Mr MILLS** - I do not know what they are.

**Dr WOODRUFF** - Fencing.

**Mr MILLS** - That does not control them. It puts the problem onto someone else.

**Dr WOODRUFF** - Well, it can control them for your property. I am not wanting to get into any form of judgment about what you do on your property.

**Mr MILLS** - So apart from fencing?

**Dr WOODRUFF** - My question is around shooting if you use this as a control method. You already said it is hard for you to go and do all the shooting yourself. Do you employ other people to come onto your property?

**Mr MILLS** - I have other people come onto the property.

**Dr WOODRUFF** - So what is the problem with the situation as it is now and why does that need to change? Why do we need to change the law since you have a solution to the problem which is to employ people to come and do the shooting?

**Mr MILLS** - The changes I suggested are written in my submission. If you would like me to go through all those to enhance the effectiveness of the shooting, they are in my submission.

**Dr WOODRUFF** - I wondered if you could answer this. I have read your submission and did not and still do not understand why you feel we need to weaken the gun laws to allow more Category C firearms to be available to people who are working on properties because you already employ shooters and they do the shooting. Couldn't you have more shooters or is it a problem and you cannot find people?

**Mr MILLS** - No, because I want to make the time they spend there more effective and that is why the Category C issue is one of the things that needs to be changed or altered, not weakened. I do not intend to weaken any firearms laws. In my submission, I do not think any of it is weakening, it is making them more effective. In fact, I state at the end I want to see harsher penalties for theft of firearms and that sort of thing, which is what is on the public mind. I have seen the results of people who have stolen firearms out on bail go back and steal them again and get a six-month sentence. For crying out loud, I would have put them away for 16 years.

**Deputy CHAIR** - Point (7) of your submission talks about permits to require a firearm and that second and subsequent firearms purchases should not be subject to the 28-day waiting period. Due to a lack of facilities to repair and difficulty in obtaining parts, a primary producer is forced into the dangerous and illegal position of being unable to purchase another firearm quickly. Has that been a personal experience?

**Mr MILLS** - Actually it has not been a personal experience; it is experience from other people who have had the frustration of not being able to purchase a firearm quickly to replace one that is a problem because they cannot have it fixed or whatever. No, it has not been a personal experience.

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**Deputy CHAIR** - Are you able to elaborate on other people's experiences as you have heard them? How has that been an issue for them?

**Mr MILLS** - It has been frustrating. They have had a long wait; they might have three or four firearms and a certain one, especially if it is a Category C, I do not know how long you will wait, you will certainly wait longer than 28 days. It is an experience other people have had; I am fortunate I have not.

**Mr TUCKER** - George, I would like to come back to the criminal activity. You talk about penalties for theft for firearms should be greatly increased. In June 2018, there was an assault rifle used in Hobart. Twenty-two years after the NFA and our state firearms legislation came in, do you have any ideas what we should be doing to stop these types of firearms? I hear what you are saying - there have not been any of these Category C firearms in these atrocities - do you have any thoughts on what penalties or what we can be doing in your experience to stop people doing this sort of thing?

**Mr MILLS** - You cannot penalise someone before the event; you can only do it after the event. I suggest there are two things involved here: one is the media, you cannot turn on your television at night and not see someone trying to settle an argument with someone else with the misuse of a firearm. You cannot turn the TV on anywhere without seeing that happening. We are brought up with this in our living room, children are brought up seeing this exposure all the time. If you are seeing this on TV from the time you can walk, it must have some sort of effect in your head. These issues with these madmen are mental health issues.

I am not a psychologist and cannot grapple with it, but the government has to grapple with it and not blame the firearm users who use the firearms responsibly and effectively. In Tasmania, we have some 38 000 registered firearm users, I am not sure of the numbers but to pillory all those users and make it impossibly difficult for them to own or use firearms is not solving the madman problem. It makes those legal firearm and responsible firearm users very upset and annoyed. The madmen who do these outrageous things are something else that has to be tackled by governments and you have to speak to psychologists.

**Dr WOODRUFF** - The firearms licence period was something you talked about in your submission. You have made a case for why they should just be renewed and not have a reapplication process when they come up every five years for categories A and B.

**Mr MILLS** - And C and H as well.

**Dr WOODRUFF** - Yes, you are right. A very important part of the licence renewal process is a restatement of a genuine reason a person requires their firearm for, where they are going to be using it and what the genuine reason is. People can select from a number of categories. Are you advocating that process should not be undertaken each time there is a renewal of a licence?

**Mr MILLS** - With due respect, when you get your renewal for your car licence, you are asked if any circumstances have changed - if your eyes have become dimmer or if you have an medical condition that prevents you from driving safely since the last time you were issued with a car licence. I see that as no different to a firearm.

With our modern technology today and the firearms registry, within a day of someone being convicted of a crime considered unconducive to someone owing a firearm, such as assault, they can

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clamp your licence tomorrow. They don't need to have a period five years later to look at your licence and say, 'Oh well, we better see if George Mills has been charged for assault or anything else'. It can be all done instantly, so for the sake of the cost, which ends up coming back to us to bear, I don't see it as necessary. You simply receive your renewal and if your address has changed or the reason you own a firearm has changed, well, you state it. If it hasn't, you don't.

**Dr WOODRUFF** - I guess I am struggling to understand why the process we already have is onerous in any way because it doesn't cost any money. It's a free process and it's a very short form to fill out. The only thing you need to do is reaffirm your genuine reason. I just don't understand what would be the advantage of skipping that step. It is a very simple process that simply requires a reason to be given.

Reasons change. You are basically advocating that this process never happen again and if you did it once, then theoretically, according to your model, if a person holds a firearms licence for 50 years, no-one would ever legally get to check what their reason was and whether that was still valid.

**Mr MILLS** - Yes, it would be valid because if your reasons had changed, you would state it on your reapplication, the same as you do for a drivers licence. With respect, in 1996 John Howard assured firearm users that a licence would be \$5 and for life. Five dollars and for life seems to have changed; it is becoming more and more expensive. As for time, it depends what your application is, but it took me eight hours and I had to get 17 pages of information to a firearms registry to renew my licence this last time.

**Deputy CHAIR** - Category C or - ?

**Mr MILLS** - Categories A, B, C and H, yes.

**Dr WOODRUFF** - You have quite a few firearms then.

**Mr MILLS** - Yes. That was eight hours of my time taken away from productive time to ensure I had all the paperwork - paperwork which had been sent in five years ago, but they wanted more paperwork and understanding such things as acreages and they wanted to have copies of your rates notices and all this sort of stuff. It was 17 pages later and eight hours of my time to get it all together to get it down to the registry.

**CHAIR** - You also supply letters to people who use their firearms on your property. That's not onerous in itself, is it?

**Mr MILLS** - Yes, it is. I have to write out letters for people if I want them to shoot on my property so all of that has to be kept and recorded, yes.

**Dr WOODRUFF** - I think it simply has to say, 'I give permission for the person to get on my property'.

**Mr TUCKER** - No, it's more than that; you have to have details of your property, the address of the property, the size of the property, everything like that if you are doing it properly.

**Dr WOODRUFF** - You would think you would know those things on the back of your hand.

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**Mr TUCKER** - Transporting of firearms is an issue, I see. I see this whole issue with the firearms as a city-country divide. I can fully understand what you put in your submission at point (4), about properties like yours that are intersected by public roads and where you need to go across those roads. There is also the issue with public roads and what you put there within cities and the issue that would create, where the people don't need to have guns in the cities and then they are very hard to police. Do you see where I am coming from with that one within the cities?

**Mr MILLS** - No, not really. We go back to this problem of 'in use'. There are only two things you can do with a firearm at the moment: that is, to lock it up in safe storage or, apart from that, a firearm can be in use. In accordance with the terms under the act, 'in use' means to fire the firearm or hold it so as to cause reasonable belief that it will be fired, whether or not it is capable of being fired. They are the only two things you can do: you can lock it up in your cupboard or you can do 'my firearm is in use', which means I'm firing it or I'm holding it in a way that looks as though it is going to be fired. If I cross the road, my property, I either have to have it locked, as in storage, which means unloading, taking all the rounds out of the magazine. I haven't mentioned this but the magazine is a safe storage for ammunition; it always was in the army. I have to take the ammunition out of the magazine, it might be 10 rounds, put that into a box, then I look left and right, drive across the road, having locked the firearm, then I have to unlock, go through the gate on the other side, and then go through - That is how I have to do it to be in accordance with the law, or I have to hold the firearm, not lock it up, but I can get out of the ute, stand on the side of the road, unlock the gate, open the gate holding the firearm, get back into the vehicle holding onto the firearm, drive across the road, get back out, open the gate holding on to it, and everyone can see me waving this firearm around the side of the road because it's in use. It's a nonsense, absolute nonsense.

**Mr TUCKER** - Do you see the issue within cities with what you are proposing there? I can see where you are coming from in the rural areas, but in the cities, we can't have people driving around, say, down Davey Street, with a gun loaded -

**Mr MILLS** - No. If it's in conveyance within a town boundary, it should be locked and unloaded. I don't have a problem with that; that is conveyance within a town boundary.

What I am talking about is in the purpose. My response to it is a new definition covering 'use': all practical applications of the firearm for the purpose it has been licensed. I haven't been licensed to shoot wallabies down the middle of Davey Street. I probably should be because they are right there in Tarooma, Sandy Bay and all over the place, but for the practical applications of a firearm for the purpose it has been licensed, including cleaning, repairing and demonstrating, or being in the vicinity of the user for the purpose it is being licensed.

I have not been licensed to shoot in Sandy Bay and Tarooma; I have been licensed to shoot on my properties or on crown and forestry land. If someone said I am on crown or forestry land where I am shooting and have the firearm unlocked and loaded in my vehicle, I do not see a problem with that. Not at all. Why would it be?

But certainly, if I was in town, in the vicinity of a town boundary, it would perhaps become a concern. It is very simple.

**Deputy CHAIR** - The issue of sound suppressors has come up a number of times. In your submission you said that sound suppressors are an effective enhancement to shooting both birds and browsing animals. Do you want to elaborate on your thoughts around sound suppressors?

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**Mr MILLS** - It is most effective. I can use a sound suppressor with a spotlight at night, shoot wallabies - boop, boop, boop, boop - before they move. Before they realise what is going on, because there is a limited amount of noise. They do not wake up to what is happening. Without a sound suppressor, you shoot two and the rest are going on their way.

**Deputy CHAIR** - That is with supersonic?

**Mr MILLS** - Yes. It even reduces the sound of supersonic ammunition quite effectively. It is the same thing for deer.

We have 30, 40, 50 deer coming on to the place. In the spotlight, you shoot one or two and the rest are gone. If you have a sound suppressor, you will shoot a lot more.

You cannot shoot deer without a sound suppressor in the United Kingdom. They are fearful of the firearm laws. You have to use a sound suppressor.

We have deer, now, infesting areas of the state they never used to on the north-west and we have houses in close proximity - within a kilometre - of where people want to shoot the deer.

We have people opposed to the shooting because of the noise and they are fearful. Well, why should you have people fearful?

I can give you an example with cockatoos at night in a roost tree. You can shoot many cockatoos with a sound suppressor, as the BITE program proved. We all knew it. But without a sound suppressor, they start flapping off very quickly.

Again, people watch too much television. You see people rushing into films and using sound suppressors and all the people are dead. Everyone rushes away. No-one knows who has done it.

It is clearly nonsense. No-one has been killed with a sound suppressor on its own, so for heaven sake, we licence the sound suppressor, the same as we licence the firearms.

What kills people is a madman with a firearm. Whether he has got a sound suppressor or not, does not make any difference.

**Deputy CHAIR** - In terms of the control, have you used subsonic ammunition and how effective would that be compared to supersonic?

**Mr MILLS** - It is very limited in range. You really cut down in range. The killing range is less than 50 metres.

**Deputy CHAIR** - What about in your cockatoo shooting in a roost tree example?

**Mr MILLS** - I have used high velocity ammunition with a sound suppressor before 1996, before they were made illegal.

**Dr WOODRUFF** - I have a question, George, about the permit to acquire firearms.

In your submission you suggested second and subsequent firearm purchases should not be subject to the 28-day waiting period.

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You said that due to the lack of facilities to repair and the difficulty of obtaining parts, the primary producer is forced into a dangerous and illegal position of being unable to purchase another firearm quickly to replace a defective or faulty firearm. Can you see the reason the 28 days is there is what is known as the 'cooling off period' because people can choose to buy firearms and if they are not in a good space? Can you talk a bit more about this thing you have written here about being in a dangerous and illegal position?

**Mr MILLS** - Yes, all right, we will start at the end of your question, Rosalie. Section 110 of the act says a person must not possess a firearm that is unsafe. If I am thinking the bolt on the firearm is worn, I don't like it, there is too much blowback, it is unsafe, why cannot I say 'We have a lot of shooting to do this next month, this winter, so why can't I go and buy another one?' I have one already and a person must not be in the possession of a firearm that is unsafe and unworkable.

It can be unsafe for many reasons - if I drop it, I am concerned the barrel could be slightly misaligned and bent. I am concerned for my own safety but I am going to keep using it because I am going to have to get permits and I will have to wait 28 days et cetera. It is not helping me and I do not know who else it is helping in the public. If I have a firearm already, be it category A, B or C, and I am that steamed up with someone I am going to go and damage them with my firearm and kill them, I am going to do that with the one I have. I am not going to wait 28 days to buy another one; I will just do it with the one I have. There really isn't a purpose - firearms registry - I have to justify why I am purchasing another firearm for whatever reason; I have to justify that and that is that.

**Dr WOODRUFF** - Have you had this happen to you?

**Mr MILLS** - No, I have not.

**Dr WOODRUFF** - So it is a theoretical concern?

**Mr MILLS** - No, it is not a theoretical concern. It is a concern to many other people because in 1996 when the Firearms Act came in, I had purchased enough firearms to cover me for most reasons and requirements that I needed firearms. As a matter of fact, that is 1996, 20 years ago, and there are now some firearms I need to replace. It has been a most frustrating thing for firearm owners to have to go through. I am certainly in agreement with the first firearm and be it the first firearm in any category, I am quite happy about that. Subsequently it is just a waste of everyone's time, a waste of the registry's time - all of that is a cost to government and a cost to me. It is a waste of everyone's time.

**Deputy CHAIR** - Speaking of that, we are out of time now. Thank you for your evidence. Before you leave, I would like to read this statement.

As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

**Mr MILLS** - Sorry, could you repeat the second last paragraph?

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**Deputy CHAIR** - Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said to us.

**Mr MILLS** - Yes, I understand.

**Deputy CHAIR** - Thank you.

**THE WITNESS WITHDREW.**

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**Mr JAMES BOXHALL** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Deputy CHAIR** - Welcome. Before you give your evidence, have you received and read the guide sent to you by the committee secretary? If so, I reiterate some important aspects of that document. A committee hearing is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place outside of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries.

It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It is important that, should you wish all or parts of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

**Mr BOXHALL** - Yes, I do.

**Deputy CHAIR** - Would you like to give an opening statement?

**Mr BOXHALL** - Yes, I would. Thank you for the invitation to speak to you today.

While my submission was centred around the fundamentals and the mechanics of shooting on a typical farm in my area, I would like to use my opening statement to briefly touch on some of the recent discussions around firearms in Tasmania.

While firearms are often portrayed as dangerous, statistically speaking firearms are very safe. When it comes to things that cause death in this country, you have to go a long way down the list to find death by firearms. At an average of 227 deaths per year, death by firearms sits just below drownings at approximately 250. They sit well below other causes of death: 1137 road deaths in 2018; 1255 flu deaths; 2679 suicides, which doesn't include suicide by firearms; approximately 6000 deaths are attributed to alcohol consumption; and surprisingly as reported briefly on the ABC a few years ago, 18 000 deaths were caused by medical errors in hospitals and doctors' surgeries.

All these deaths are potentially avoidable; in fact, half of all deaths in Australia are potentially avoidable. Why is it that there is this perceived threat of firearms when the statistics show such a low risk? Many people feel there is a bias in the media against firearm owners and the perverse push for ever more shocking stories in the news always has shootings at the top of the news items even when no deaths occur. Road fatalities are often relegated three or four stories further in.

In the lead-up to the tenth and twentieth anniversaries of the Port Arthur tragedy, all the stories in the media were about gun laws, gun violence, the Adler shotgun ban and the general commentary on the success or otherwise of the 1996 gun reforms.

This year marks the thirtieth anniversary of Australia's deadliest road accident, the Kempsey bus crash; however, there has been nothing in media. Thirty-five people were tragically killed, exactly the same number of people killed as at Port Arthur.



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The response at the time to the Kempsey tragedy was nothing like Port Arthur. No prime minister stood up at the time and said 'enough is enough' even though two months prior to the Kempsey tragedy 22 people were killed in the Grafton bus crash. No sweeping changes were made. To this day, the coroner's recommendations have not been fully implemented. The coroner's main recommendation of an upgrade to dual carriageway for the Pacific Highway had a promise from the federal and state governments of a completion of 20 years. Twenty years on this completion never came close to happening with only 39 [per cent?] of the highway upgraded as at 2006. It wasn't until 27 years later - just two years ago - that the actual site of the crash was bypassed. Today it has taken 30 years and still only 70 per cent of the highway has been upgraded.

When 57 people are killed in two road tragedies two months apart with no sweeping changes, why was the response so different six years later to the Port Arthur tragedy?

I will leave you with that thought, but I believe these statistics prove that public safety is not the issue when it comes to proposed gun reforms.

I believe the misconception of firearms are a huge public threat is used by groups who are against gun ownership, on a purely philosophical level.

**CHAIR** - Thank you.

**Mr TUCKER** - James, I've noticed that you shoot on a few properties around the district here.

**Mr BOXHALL** - Yes, around Deloraine.

**Mr TUCKER** - You've been shooting since you were 12 years old.

**Mr BOXHALL** - Yes.

**Mr TUCKER** - There have been a few questions about the age limits, when children should get access to guns. What are your thoughts on that?

**Mr BOXHALL** - Yes, it is pretty different today and whether I would let my step kids use guns at that age - at 12 we were going off by ourselves with a shotgun, shooting rabbits and snakes and whatever we came across.

**CHAIR** - With a .14 or a .22?

**Mr BOXHALL** - No, a 12-gauge shotgun. Different times.

At the time, we had a good understanding of dangers. We did grow up differently. You were literally left for the day to roam through the paddocks and through the countryside.

I didn't grow up in the city, so my childhood might not have been typical of the majority of people in the country.

I think the earlier we can get kids using firearms - I'm proud of our firearm culture in this country. I've heard people say it's terrible when talking about a firearm culture. I think our firearm culture is wonderful.

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I'm involved in some military and collecting clubs and things like that. They are wonderful people. We have a shared interest in the mechanics and guns in general.

My stepchildren have got a real interest in learning how to shoot. They are not old enough yet to have a minor's permit, but they have obviously seen me with firearms and things like that. I think the earlier we can get kids to be shooting while supervised - which is how everyone started, going out with their dad shooting, or an older brother or someone like that, is extremely important.

**Dr WOODRUFF** - Thanks, Mr Boxhall. I am interested in your thinking around why we need to extend the category A and B licences to 10 years, and what your concerns are with keeping them at the National Firearm Agreement of five years.

**Mr BOXHALL** - Again, as in my opening statement, we put a lot of trust in firearm owners. We let people have firearms.

I am coming up, in the next two or three months, to my renewal. I have received the paperwork. Every 12 months, I have to put in my club membership. Firearms Services want that every 12 months. I got it when I renew my club membership. I have to send the form through to show that I have renewed my club membership.

They have already got that, but they are asking for it again right now. I understand that there is only that one period in five years where that might happen. I have renewed my licence four or five times or whatever, and nothing has changed. If they trust me to have a firearm, surely they trust me to put 'No, nothing has changed' on a form and send it back.

The answer about the 10 years: to me, five years isn't a real hassle. That was a proposal put forward. Groups that I am involved with have been involved in some of these proposals and that was one proposal that was put forward.

I don't have a category C licence for shooting on farms but doing that every year I can see it would be very annoying and to no value, especially when you have to do the other ones every five years - all of a sudden you have one to do every year. The Northern Territory has 10-year licences and I do not know if there has been an issue.

**Dr WOODRUFF** - The only issue in Tasmania is we have a strong commitment to upholding the National Firearms Agreement and that is in breach of this, so I wondered if there was a compelling argument you could make to extend it from five to 10 years.

**Mr BOXHALL** - No, purely for red tape and convenience. That is not something I put in my submission because that was a proposal; I said, 'Yes, I would agree with that', but it is not something that, if it did not go ahead, would be a huge burden on me to do it every five years.

**Deputy CHAIR** - In your evidence, Mr Boxhall, you talk about the situation where you go shooting with people with a Category C licence. You talk about the issue with holding that firearm as the owner of that Category C is probably climbing a fence or something similar. Also, the issue of being in a car with a Category C firearm licence holder, would you like to elaborate on what you are talking about there?

**Mr BOXHALL** - By law I cannot take possession of a Category C firearm when we are out on the farm, which obviously has a range of safety concerns. Again, things like climbing through

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a fence - you are taught to hand your firearm over. You cannot do that when you are handing it to someone who is not licenced. You are not allowed to give your firearm to someone who is not licenced for that category of firearm. I have been pulled up in a vehicle by police in that situation; it was not an issue because we knew the local policeman and he knew who we were. I can see it would be an issue with a policeman we did not know because we were travelling with Category C firearm - while unloaded - between us.

Who is actually possessing that firearm when you are pulled up? The driver has both hands on the wheel and he is not going to reach for a firearm when the police are pulling up to move it closer to him. It does create, especially in this situation where it is not, as I have stated, our style of shooting is not really captured. As we are shooting under a crop protection permit, we need not fall into the recreational shooting side of things. We are there to get it done quick and just want to get home. It is part of the day's work; we are going out at night under the crop protection permit. It is not a casual Sunday shoot where you can take the categories A and B firearms, which I do. The farmer I shoot with uses his Category C rifle.

**Deputy CHAIR** - What sort advantage does Category C give the farmer?

**Mr BOXHALL** - It is a fairly modern Category C rifle, so mainly quick follow-up shots. I shoot with a bolt action .22 and he also uses a bolt action at times depending on where we are shooting. With the Category C you do not need those. We have said in the past people will assume a semiautomatic straightaway means you have a 10, 20, 30 or 40 bullets one after the other. Most of the time that is not what you need but those one or two quick follow-up shots.

There will be times where you are shooting at one wallaby and then his mate, which you haven't seen because it is just off to side of the light, will move and have one hop and you can swing around and you can keep your eye in the scope and shoot that wallaby. It is the quick follow-up shots that are the real advantage with semiautomatics; it is not the speed of them. It is the fact you do not have to shift your eye off your scope and target.

With a bolt action, you have to take your eye off and lift your cheek up off the butt.

That quick follow-up shot is quite advantageous. I really notice when I go shooting with him because I am using Category B and he is using Category C, and at the end of the night, there will be one or two times where I have lost a wallaby because of using a bolt action and a few times where he has gotten the wallaby because he is using a semiautomatic.

**Deputy CHAIR** - You are using a Category B?

**Mr BOXHALL** - I am using a Category B and looking at him enviously.

**Mr TUCKER** - When going shooting on farmers' properties, obviously, the farmer is checking you out before you go on to those properties?

**Mr BOXHALL** - Yes, I grew up working on these farms. They are neighbouring farms. I have known them all my life, and related to quite a few of them and things like that.

**Mr TUCKER** - So, the farmers are very vigilant about who they allow to come on shooting?

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**Mr BOXHALL** - Yes, they are. Mainly it is families. The father and/or his kids are the ones doing the shooting. Quite often there will be a bit of a crossover where, if we are out shooting one night, and he is not, there is an understanding we will just go through the top paddocks on his farm or something like that.

It is all regulated under crop protection permits and a little bit different. There are a lot of farms around where it is the families just doing the shooting. They do not get many people come on there. Quite often if we go down the road, we might not be going onto that farm, but if we spot a heap of wallabies as we swing our lights around the corner and all of a sudden, the lights are all lit up in the headlights. On the way back, we might drop in there and do that.

**Mr TUCKER** - Obviously, what you put in your submission about Category C use on these properties, you would have to get permission from the farmer, if that did go ahead. That is where I am heading with this - with the farmer doing the work for the police in checking those people out before they let them on their properties.

**Mr BOXHALL** - Yes, again, I have not had much to do in a situation like that, but that is right.

On the mainland, I have cold-called a few farmers. Just gone up and knocked on the door and said 'You have some rabbits in the paddock there. Do you have anyone coming on and shooting them? Fox shooting or something like that?' Most farmers are still very vigilant and suspicious of anyone wanting to come shooting on their property.

I am the same. We have 20 acres. Every now and then we will get someone driving along who has seen some game, possums or something like that, and will ask to shoot on the property. Obviously, we do not let them, because we shoot our own.

**Dr WOODRUFF** - I have a question in your submission about creating a safer shooting environment and you talk about, as your understanding of how the law stands, that you cannot touch somebody else's firearm.

You mention the situation in the car. If there is a firearm between 2 people, who has possession of that. Also, when you are climbing through fences. What the right protocol is.

Have you spoken to someone in Firearm Services about those particular sorts of concerns?

**Mr BOXHALL** - I have not. I am big on knowing the law. I look at the law and go right, that is what I have to do.

A couple of times, we have even had to school the police officers on what the law actually says.

I am not a big fan of Firearms Services; some of its laws seem to be interpretations of the law. What the law actually says and what Firearms Services says are quite often completely different. It is interesting about the provisions to carry firearms in vehicles at the moment where people are saying these laws are coming in and next thing we will have people driving down the road in public. My understanding is that law was changed in the last lot of provisions. It says now quite clearly in the legislation page that a farmer can carry a loaded firearm on any road that bounds, bisects or joins his properties. I thought that was done and dusted. That has been a very welcome change for someone like me, going in and out of paddocks and crossing the roads. We'd have to take the bolt out, we'd have to take all our magazines out, we'd have to unload all the magazines, walk 10 yards

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across the road, through the gate, put the bolt back in, put the magazines back, load the magazines and then you'd go down out the bottom gate, walk back across the road and have to do the same thing all over again. You'd have to do that 10 times a night on some of the farms where we work.

Firearms Services, I don't think, would say that so far it's legal; right now it says in the law - and I've got it right here - Firearms Services, I am sure, would probably say that's not the law; it says quite clearly:

### Conveying firearms and ammunition

- (1) a person who conveys a firearm or any ammunition must comply with the prescribed safety requirements.

...

- (2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that, at the relevant time, the relevant firearm or ammunition was being conveyed -

...

- (c) in the case of a person whose genuine reason for possessing or using a firearm is primary production, or an employee of that person or another person engaged under a contract or arrangement with that person, on a road that bounds, bisects or immediately connects property or properties owned by that person.

That is in the law currently.

I can understand regulations might not have been written up yet to say that, but I read that law and as a firearm owner I don't want to let police make a discretion or let Firearms Services make a discretion. I want to read that law and go, 'That's what I'm going to do'. I'm not going drive down the main street of Launceston with a loaded firearm because quite clearly that road doesn't bound, bisect or join my properties.

**Dr WOODRUFF** - I understand that, but the examples you gave before were of other things that are not specified in the law or at least not clearly specified about things like who has possession when a firearm -

**Mr BOXHALL** - That's right.

**Dr WOODRUFF** - I guess I am putting to you that Firearms Services has the legal responsibility of administering, overseeing and interpreting those issues and does make itself available to members of the firearms community. In fact, we heard evidence just before you of a person who went into a lot of detail about these tiny little things with Firearms Services and found them rapid and very helpful. I am wondering whether there is really a need to change the regulations or it sounds as though you haven't tried Firearms Services as a source of information and perhaps that might be useful for you.

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**Mr BOXHALL** - I have Firearms Services on my speed dial and we talk to them quite regularly. It depends who you get in Firearms Services. There are a couple of people there who are very helpful and there are a couple of people there who aren't very helpful. If you ring in the morning with a problem, you could ring back that same afternoon with a secondary problem arising from that first phone call and the answer that you get will be completely different.

**Dr WOODRUFF** - It sounds like a written paper trail might be useful and email correspondence.

**Mr BOXHALL** - It is but they do not like sending emails. We have asked time and time again 'Could you send that in an email?' and the answer is usually 'No, we don't do that'.

**Dr WOODRUFF** - That is something the committee could look at because we have heard testimony of the reverse: that in correspondence from Firearms Services people have been sending emails and confirming things in writing, so that sounds like something that would be worth getting to the bottom of.

**Mr BOXHALL** - In the last 12 months they have been a lot better, but they are still lacking in -

**Dr WOODRUFF** - They have a long way to go or some way to go?

**Mr BOXHALL** - They obviously don't employ many shooters down there. Some of the things they struggle with are just basic firearm mechanics. I think they need to hire some shooters to work in Firearms Services.

**Dr WOODRUFF** - If you had in your possession a piece of paper that was signed from Firearms Services saying that if you have a firearm in your possession and it's sitting between you in the car - you can't expect the law to write every step of every different person's life, that is not the way it's written -

**Mr BOXHALL** - No, no, I completely agree.

**Dr WOODRUFF** - Once you start to write things down, you can create secondary problems or unforeseen consequences.

**Mr BOXHALL** - You only have to look at our firearms law to see that.

**Dr WOODRUFF** - Sometimes less is more so you have to be careful what you are asking for in this situation.

**Mr BOXHALL** - I agree with that, yes.

**Dr WOODRUFF** - Going to an operational solution might be a better way of achieving some of the things that you have problems with.

**Deputy CHAIR** - Mr Boxhall, you are talking about that misunderstanding or lack of knowledge of the mechanics of firearm uses. Can you give us an example of where you believe there has been a misunderstanding or a lack of knowledge?

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**Mr BOXHALL** - It's a lack of knowledge and it's the fact that the laws are very confusing. I don't know everyone who works in Firearms Services, but I assume a lot of them come from different areas and Firearms Services hires people from outside the police force. A good example, because I thought it might have come up - I have an understanding of this because I am into firearms but this is how confusing it can quite quickly get: there is a photo of Ned Kelly's 1851 Colt revolver, the revolver he killed three policemen with; it is a black powder, what most people know as a cap and ball Colt. It was made in 1851 so it is pre-1900 and doesn't need to be registered; you don't need a licence for it and it can be kept in a glass cabinet.

Speaking of Firearms Services, I just verified that to be true as of two days ago through Firearms Services. That's a live firearm, anyone could get that firearm, load it up and away they go.

**Deputy CHAIR** - They would need powder.

**Mr BOXHALL** - They would need powder, but you need the ammunition for any firearm, but at the end of the day that's a live firearm. This is the current replica, which, as of 2019, Uberti makes. It is a cap and ball Colt - it's exactly the same firearm, it's just that it was made in 2019 and not in 1851. It's a Colt Navy and exactly the same in function and look; it has same mechanism and uses the same ammunition - it is identical in every way. The 2019 one is a handgun; you need a Category H licence for it and you need to keep it in a Category H safe and it needs to be registered. It is exactly the same firearm, but the first one doesn't need any of that - anyone without a licence can buy it.

Now it gets even more interesting. Same thing again: that's a Denix Colt Navy. That, for all intents and purposes, is a well-made toy: it can't fire, it's impossible. It has a hammer and a trigger so you pull the hammer back to fire, but there is no barrel in it, there is no mechanics inside or anything like that; it's absolutely impossible for that to fire. You need a Category H pistol licence for that; it's not required to be registered but your name and address must be kept on record and it must be kept as a Category H hand gun in a safe.

The first one there is the real firearm that you could actually go out and kill someone with, but you don't need a licence for it and it doesn't need to be registered. The one there that you can't kill anyone with, you don't need to register, although, for all intents and purposes, you do need your name and address and you do need a Category H licence, and you can't have it on display. Even though it is just a well-made toy, you have to keep it in your gun safe.

I could confuse most people down at Firearms Services with that because it's very hard to understand, but that is how the NFA and our legislation are written. Some poor soul who has just started work at Firearm Services - their mind would boggle at that. When I spoke to them the other day, I said 'Does that all make sense to you?'; he said, 'Yeah and its crazy.' So, Firearm Services think the story I have just given you is crazy, but it is true. You could not write that. It is just strange.

That is one of the many crazy laws and regulations we have that really need to be cleared up.

**Dr WOODRUFF** - What is the solution?

**Mr BOXHALL** - The solution is that the third one is a toy: why does it need to be registered and be kept in a gun safe? It is a toy.

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Fair enough, it can be confused as a replica, so someone could go and rob a bank with it. You would need to make sure it does not fall in the hands of criminals.

**Dr WOODRUFF** - How would you do that though?

**Mr BOXHALL** - The first one, the traditional 1851 handgun: the law says that even though it is pre-1900, you are still not allowed to let it fall into the hands of a criminal. That is all it says. It says you must keep it safe from falling into the hands of someone. Not only that. It is probably a \$4000 gun. It does not have to be locked up. It can be kept in a glass cabinet locked up on display.

**Deputy CHAIR** - In this instance, if firearm number (3) -

**Mr BOXHALL** - The toy?

**Deputy CHAIR** - Yes, the glorified toy - if you did not have to have a licence for that, would it mean you could sell it in a shop and a child could buy it if it is not controlled by firearms legislation? Firearm number (1), the Ned Kelly-era weapon, would be much, much harder to come by. So, if somebody were going to use that to rob a bank, there would probably be a much cheaper option.

**Mr BOXHALL** - They would be better off selling the gun than trying to get the money out of the bank.

**Deputy CHAIR** - I can see a distinction and the risks. Although it probably does not make sense in terms of the way you put it out, from an administrative point of view, it is about access to the firearm, or a replica of a firearm, that could be used for misdeeds.

**Mr BOXHALL** - Yes, that is right. The second one on the list, by law since 1996, the Uberti replica is a modern-day firearm, but it still has exactly the same mechanics as the old one. There is completely no difference.

Most people have a little bit of an issue with toy guns being seen as dangerous weapons. It is a little bit over the top. The imitation one, the third one, is quite heavy. It does feel like a firearm.

The second and the first one are identical firearms, but we treat them completely differently because one was made recently and the other one was built 100 years ago.

**Deputy CHAIR** - This has more to do with the National Firearms Agreement putting in place an exemption for genuine antique firearms and their historical value. It is almost like the reason this does not make sense is because an exemption was put in place for those antique firearms.

**Mr BOXHALL** - Yes. That could be the case, and is an example, having had a bit to do with collectors and things like that, which I see that all the time. Firearm Services has a real issue with some of the pre-1900 stuff now. It has tried to charge people with having unregistered firearms, even though the law says they do not have to be registered. There is a little bit of confusion.

The point of that example is that it is confusing - our firearm laws are confusing.



## PUBLIC

**Deputy CHAIR** - In your submission, you stated that one police officer will tell you one thing, only to be told by the next officer something completely different. Is that an example of that or do you have other examples?

**Mr BOXHALL** - No. We have quite a large gun safe. We have had three different inspections over three years. The gun safe was perfectly fine for the first two police officers, but the third officer found the locking mechanism was not up to his liking. I said it complies and I checked with Firearm Services to say it complied. The third police officer was quite adamant if we did not upgrade to what he said was a standard he thought was okay, we would lose our firearms.

**Deputy CHAIR** - What was that locking mechanism?

**Mr BOXHALL** - The locking mechanism was a cover to a padlock. This is going back before the regulations changed, probably four or five years ago. I like reading the law and saying that is what I am going to do. The most common thing you see, which most people are not aware of and police will tell you, is storing your firearms bolts out of your bolt action rifles with your ammunition - that is completely illegal.

You are not allowed to store firearms or firearm parts with ammunition. Most people do not think about it if a police officer says, 'I want you to pull your bolt out and store it with your ammunition'. The reason is because if someone steals that firearm, at least they do not have the bolt. That is okay, but you have just caused me to break the law. The next police officer comes along and goes, 'My God, you have a firearm part stored with ammunition so I am booking you.'

That has not happened to me, but what I am saying is most police officers tell you to store your bolts with your ammunition and that is totally illegal.

**Deputy CHAIR** - In a strict interpretation of the law.

**Mr BOXHALL** - In strict interpretation of the law, it says any firearm part is a firearm so the bolt, the trigger, is all a firearm. If you split it up, it still does not become any less of a firearm because each of those individual pieces is counted as a firearm. It is completely illegal to store a bolt with ammunition, because you are storing firearm and ammunition together.

**Dr WOODRUFF** - Have you challenged or asked the question of the police officer who said it was okay to put the two together?

**Mr BOXHALL** - I have had this argument quite regularly because it is common practice for a police officer to say this is what you do, and the reason they come up with it is because the firearm is not useable if someone steals it. They still have to break into the safe to steal a firearm.

**Dr WOODRUFF** - Safes typically come with a separate storage compartment.

**Mr BOXHALL** - Yes, that is right and where it comes back to police officers using their common sense. I do not want to rely on police officers using their common sense or discretion. The reason we had to change having firearms on roads that bound, bisect or join your property is because too many police officers, with no lights on, were sneaking up on shooters because an old map showed some old farm lane was a public road.

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They were sneaking up on the shooters and booking them for having firearms in quite a deceptive way, and the shooters were none the wiser they were on a road two miles long in the middle of a farm. Some of the bigger farms have those roads coming in there well; they are still on the maps as public roads for all intents and purposes. They are a private road, fenced off; through cattle grids and you are in a paddock. In theory, before we changed this law, every time you crossed or drove on the road you would have to unload your firearms take the bolts out. Police were using that to their advantage. Shooters would be going onto the property not aware - and sometimes even the farmer wasn't aware there was still a reserved road.

**Dr WOODRUFF** - Have you ever heard of any instances of police booking people for having the bolt and the ammunition stored as in your example?

**Mr BOXHALL** - No, because I do not think police realise it's illegal.

**Deputy CHAIR** - Do you have concrete examples of that or is it one of these things somebody said that somebody said?

**Mr BOXALL** - No, what I am saying is the law says you cannot do it.

**Deputy CHAIR** - One of the pieces of evidence we have heard from the police themselves is they have discretion in their application of any law, whether to book or not. You have given this example of police stalking reserve roads. Where does that evidence come from? Is it a whisper in the community?

**Mr BOXHALL** - No, that happened on a farm I worked on and, yes, it was like wow.

**Deputy CHAIR** - What happened subsequently? Was that person charged, did they lose their firearms or was a warning given? What was the outcome?

**Mr BOXHALL** - They were charged. I don't know what happened after that. I didn't personally know the shooters; it happened while we were working on another job at that property just doing some landscaping work. We couldn't believe it. The police just drove up; they turned around and there were the police and the shooter said it was pretty dangerous. I said, 'Did they have their lights on?', and they said, 'Well, we didn't notice them so we think they didn't have their lights on'. They turned around with the spotlight and there were the two police officers walking toward them.

**Dr WOODRUFF** - How long ago was that?

**Mr BOXHALL** - It could be five years ago. I distinctly remember that because we talked about it, and it was well known in the firearms community. I spoke to the previous police minister, Mr Hidding, about that. He knew of that incident and that was one of the things used as a reason for changing this law. It happened once, and he thought it had happened on a few occasions, but that was the only occasion I knew about.

**Dr WOODRUFF** - That has changed now, so that is history. Your interpretation is that there is an inconsistency in the legislation about storage. Do you think that needs to be looked at, first of all whether that is an inconsistency, in your interpretation?

## **PUBLIC**

**Mr BOXHALL** - It is the law - it says a firearm part is a firearm and you are not allowed to store firearm parts and ammunition together. That is quite simple. The police are saying, 'Take that bolt out of your firearm and put it in'. Every police officer who has ever visited me wants me to store my firearms like that.

**Dr WOODRUFF** - Yes, I have always understood that to be the case.

**Mr BOXHALL** - They have said, 'We're not going to book you for that'.

**Dr WOODRUFF** - Okay, that sounds like something that needs to be sorted out.

**Deputy CHAIR** - That is interesting. Thank you for coming today. As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

**Mr BOXHALL** - I do, yes.

**Deputy CHAIR** - Thank you for coming in today.

**Dr WOODRUFF** - Thank you for what you have raised.

**THE WITNESS WITHDREW.**