

PUBLIC

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

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

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

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

Mr HIDDING - It is indeed.

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

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

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

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

SUBORDINATE LEGISLATION, HOBART 16/11/17 - FIREARMS AMENDMENT REGULATIONS 2017 (S.R. 2017 No. 51) (MANHOOD/EDWARDS/ROSSITER/HIDDING)

PUBLIC

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

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

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

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

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

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

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

PUBLIC

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

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

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

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

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

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

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

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

PUBLIC

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

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

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

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

CHAIR - They might have bomb experts there.

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

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

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

CHAIR - Remember it well.

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

Mr HIDDING - The first one was paint ball.

PUBLIC

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

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

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

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

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

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

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

Mr MANHOOD - No.

Mr HIDDING - You can disallow.

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

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

CHAIR - Yes. The first one was disbanded.

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

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

PUBLIC

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

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

CHAIR - The letter had been sent?

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

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

Mr HIDDING - Who said that?

CHAIR - I am saying that.

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

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

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

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

PUBLIC

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

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

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

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

Mr HIDDING - Yes.

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

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

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

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

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

PUBLIC

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

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

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

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

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

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

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

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

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

PUBLIC

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

Mr FARRELL - And an appeal process?

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

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

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

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

Mr HIDDING - That was one.

CHAIR - We get those examples.

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

Mr VALENTINE - As long as there is a tolerance.

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

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

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

PUBLIC

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

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

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

Mr HIDDING - None at all.

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

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

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

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

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

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

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

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

PUBLIC

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

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

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

Is that what you are saying?

Mr HIDDING - Yes.

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

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

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

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

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

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

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

Mr HIDDING - There would be some, no question.

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

PUBLIC

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

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

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

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

CHAIR - That is an inside job.

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

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

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

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

PUBLIC

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

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

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

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

Mr VALENTINE - Can we have those statistics tabled?

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

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

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

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

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

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

PUBLIC

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

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

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

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

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

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

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

Ms OGILVIE - The keys were not hard to find?

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

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

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

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

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

PUBLIC

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

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

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

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

Ms OGILVIE - It is a development opportunity.

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

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

Mr HIDDING - Thank you for that.

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

Mr HIDDING - When were they?

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

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

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

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

Mr HIDDING - About 10 years ago too.

PUBLIC

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

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

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

CHAIR - Are you going somewhere minister?

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

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

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

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

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

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

PUBLIC

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

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

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

CHAIR - So you ask for an inspection?

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

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

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

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

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

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

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

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

THE WITNESSES WITHDREW.

SUBORDINATE LEGISLATION, HOBART 16/11/17 - FIREARMS AMENDMENT REGULATIONS 2017 (S.R. 2017 No. 51) (MANHOOD/EDWARDS/ROSSITER/HIDDING)