

Submission to the Select Committee on the Arms Legislation Bill:

Possession of Ammunition

1. Section 22B of the Bill creates an offence for anyone who is not a licence holder to be in possession of ammunition. This offence is absurd. First, as outlined below in paragraph 166, there is no definition of ammunition.
2. Second, ammunition is not inherently dangerous. It is far more stable in the hands even of idiots, than a knife, or a motor-bike or a rental scooter. There is already regulation about the safe handling of ammunition in the Arms Regulation 1992 –

19 Conditions relating to security precautions

(1) Every firearms licence shall be subject to the following conditions:

(a) the holder shall not put a firearm in such a place that a young child has ready access to it:

(b) the holder, where he or she has both a firearm and ammunition for it in his or her possession, either—

(i) shall take reasonable steps to ensure that the ammunition is not stored in such a way that a person who obtains access to the firearm also obtains access to the ammunition; or

(ii) shall ensure that, where the ammunition is stored with the firearm, the firearm is not capable of being discharged:

3. Third, under the proposed approach to “possession” from time to time almost anyone in a household with a firearm will be legally “in possession” of the ammunition. The impractical nature of this provision can be illustrated by this example:

“C” visits a friend’s rural property for the weekend. The friend is a licensed firearm holder and has firearms and ammunition stored securely on the property. “C” doesn’t know where this is stored or how to access it, but is aware that it is likely to be on the property while she is there.

She is accompanied by another friend, D, who knows nothing about the firearm or ammunition. During the weekend, C’s friend pops in to town, leaving C and D as the only ones there. Under this Bill, C would now be in possession of the ammunition. And as a non-licence holder, she would be in breach of the law.

This is despite C not being able to access the ammunition, nor understanding how to use it in a firearm if she tried. The status of D is equally problematic.

If the friend was required to take it off the property when they went to town, the ammunition is likely to be less secure as it would be in a vehicle (not a safe).

4. It is probable that most houses in rural areas will have ammunition somewhere. Non-licence holders will often be home when a licence holder is not. Is the licence holder expected to take the ammunition when departing the property (therefore not leaving it with a non-licence holder)? If they take it with them, or are heading on holiday and leave the ammunition in the car, what about the other people in the car? Can they go in to collect shopping, or buy fish n' chips, leaving non-licence holders in the car?
5. Licence holders would rarely announce to anyone the ammunition they have stored on their property. That is not because it is dangerous on its own. It is because of the association with the firearms. They often do not tell other family members where it is, and how much is there, when there are children in the home. That can be because it is hidden separately from both the firearms cabinet, and the bolt or some other vital parts, as part of the precautions against children (including visiting children) trying to access 'forbidden fruit'. And they adopt routine silence as a precaution against advertising themselves to criminals. In some households, with extended family and frequent visitors, ammunition is not announced to reduce the risk it is 'borrowed'.
6. Accordingly most non-licensed members of households with a firearms, whether or not they know anything, or next to nothing of the ammunition, could be criminalised by these provisions. They are unlikely to be taking any notice of these law changes. They will not imagine it could be doing anything as stupid as criminalising them, because it has no connection to any legitimate safety objective. Unwittingly, people will become offenders if they innocently spend time at a friend's place when the licence holder is not present but ammunition is, or house-sit, or attend to feed the cat, or to watch a neighbour's Netflix subscription.
7. Properly stored ammunition does not pose any risk. Even when not locked away it is only a risk that the law should engage when used by someone with criminal intent in a firearm. The controls on firearm use is the safeguard on that. COLFO has supported in the past the informal constraint, intended to oblige people to renew their licences, by confining sale of ammunition to licence holders.
8. COLFO is being led to regret such encouragement as it seems to have fuelled irrational fears, almost superstition about items associated with firearms. There is no benefit to the community from such an impractical liability – with a penalty of up to \$10,000 on innocent non licence holders.



9. The Government may argue that the 'reasonable excuse' provision in s22B(2) would prevent the people being penalised in the situations outlined above. But the purpose of the restriction is so mysterious that a court will have no steer on what is reasonable, or not. There is simply no justification for criminalising possession of an innocuous good that is far less dangerous than other equipment that frequently kills people. The purpose seems to be purely to feed superstitious hysteria. It is of course an indication of how Police intend to act with their new powers. Testing this new offence through the courts will create unnecessary hardship and do nothing to make the community safer.