

On 10th February, the Finance and Expenditure Committee reported back to the House on the Arms Legislation Bill. Their full report can be [read here](#).

COLFO’s full submission on the Arms Legislation Bill can be [read here](#) and our supplementary submission [here](#)

AREA	WHAT THEY NEEDED TO CHANGE	WHAT THE SELECT COMMITTEE DID	WHAT STILL NEEDS TO HAPPEN
Administration of Act	<p>The Bill does not recognise that some concerns with firearms regulation have stemmed from Police administration. The decreased numbers of Arms Officers and diversion of allocated budget and this legislation have fundamentally broken the mutual respect and cooperation between the firearms community and the government.</p> <p>The Arms Legislation Bill should set up a new agency to administer firearms law and oversee gun control, including control of police firearms.</p>	<p>The SC Report indicates they did not consider this.</p>	<p>A new Arms Authority should be established to ensure there is a distinct budget set aside for arms administration and independent implementation.</p>
Life of Licence	<p>Section 25 of the Bill reduced the life of a firearms licence to 5 years (from the current 10 years). This would add considerable cost to taxpayers and individuals without any benefit.</p>	<p>The SC has recommended that first time applicants receive a licence for 5 years, with subsequent licences to last 10 years.</p>	<p>We accept this compromise.</p>
Health Practitioner	<p>The Bill in section 6(2)(1) defines a health practitioner so broad that it includes such people as a chiropractor.</p> <p>There is also a requirement for licence applicants to provide the name of a health practitioner in their application, and allowing health practitioners to break patient confidentiality by reporting to Police if they believe their patient should not be able to use a firearm.</p> <p>The current drafting of these provisions set out to create barriers for LFOs in gaining their licence and in raising mental health concerns.</p> <p>To read more on what we said on Health practitioners, click here</p>	<p>The SC Report indicates they worry about the balance between patient privacy and community safety. They make small changes to these clauses –</p> <ul style="list-style-type: none"> - Limit the definition of health practitioner to those that have a capacity to assess mental health - Police must tell a health practitioner when a patient has a licence - Any subsequent mental health assessments must be carried out by someone other than the reporting health practitioner. 	<p>The ACT Party minority report sums up this area – “The doctor-patient relationship has long been a privileged one. The bill as introduced made a “suggestion” that doctors speak to Police if a person with a firearm licence faced mental health challenges. Proponents of this provision have been keen to claim that the provision was not mandatory. However, that being the case, it makes no difference from the status quo where doctors had the possibility of reporting a person in danger to other authorities but are not required to. Altogether, the introduction of this provision has needlessly stigmatised mental health challenges for no gain of any kind”</p>
Firearms Registry	<p>The Arms Legislation Bill ss 93 – 94 establishes a firearms registry that puts considerable and expensive obligations on licensed firearm owners with no evidence that it will make the community any safer.</p> <p>It has onerous, confusing and unworkable obligations to update the registry every time a firearm, magazine or part are moved. Further obligations can also be made by regulation.</p> <p>There is also considerable risk for LFOs from the registry in that it would become a target for criminal activity.</p> <p>To read more on what we said on the registry, click here</p>	<p>The SC have sensibly recommended that temporary transfers of less than 30 days need not to be recorded in the registry. The committee states “An obligation to provide information about temporary transfers to the registry would be too onerous on those engaged in a legitimate use of firearms. We are not convinced that any possible benefits to public safety would justify such an intrusion on the legitimate use of firearms”</p> <p>They do not state what the possible benefits or even the remaining purpose would be of a comprehensive register.</p> <p>The SC recommend tightening up requirements on other government agency use of the information in the register.</p>	<p>There is still no evidence that a registry will provide any public safety use.</p> <p>The change recommended by the SC negates the operational benefit that Police claim– so that they know when they turn up to a property whether firearms are present. This purpose was always imaginary – too many firearms will remain outside the system for this to have ever worked.</p> <p>The proposed registry should be rejected.</p>
Ammunition	<p>Arms Legislation Bill s22B – created a new offence for anyone who is not a licence holder to be in possession of ammunition. There are several issues that needed to be resolved –</p> <ul style="list-style-type: none"> - There is no definition of ammunition - Ammunition is not inherently dangerous and there is already regulation about the safe handling of ammunition in clause 19 of the Arms Regulation 1992 - under the Police’s approach to “possession” almost anyone in a household with a firearm will be legally “in possession” of the ammunition <p>the penalty for this offence is \$10,000 which is absurd</p> <p>Section 22 of the Bill requires a system of registration for those who sell or supply ammunition to keep a record for ten years of who they sold to, the quantity and type they sold, and the firearms licence at “their place of business” (s22D). This assumes that all sellers of ammunition do so for</p>	<p>The SC has not improved the ammunition provisions other than to exclude projectiles used for airguns and to allow that a dealer’s employee can be under supervision rather than immediate supervision.</p> <p>SC have recommended that the definition of dealer changes so if clubs want to continue to sell they have to become an incorporated society. This is on top of having to be certified under the new Part 6 regime.</p>	<p>The new offence for possessing ammunition without a licence should be rejected. It is a pointless extension of criminality to thousands of innocent bystanders.</p> <p>Sporting clubs should not be treated as dealers.</p>

	<p>the purposes of business. This ignored the reality of many shooting clubs and ranges who bulk buy & supply members with ammunition.</p> <p>To read more on what we said on ammunition, click here</p>		
Shooting Clubs & Ranges	<p>Part 6 of the Bill establishes a regulatory regime for sporting clubs and ranges without evidence of a problem to be fixed or that the consequences won't be worse than any problem.</p> <p>It is clear that the government intends for the cost of this new regime to be borne by the clubs and ranges. Also that the extent of the regulation is largely unknown as there is extension regulation making power given to the Commissioner.</p> <p>Section 38T of the Bill – gives the Police the right to enter and inspect clubs and ranges. Given that clubs are largely volunteer and may not have clubrooms, this could mean people's homes.</p> <p>Section 38A of the Bill definition of shooting ranges captures permanent shooting ranges but not temporary (such as used for competitions). The current community based regime is working very well, but this new regime will cause some ranges to close and drive people to use non controlled ranges.</p> <p>To read more on what we said on shooting clubs and ranges, click here</p>	<p>SC have recommended that a regulatory regime remain in place but believe that they are reducing the voluntary burden by</p> <ul style="list-style-type: none"> - Allowing for 12 months for clubs and ranges to apply to be certified - Giving clubs 5 months after the end of the financial year to put in an annual report - Removing the requirement to have public liability insurance <p>But they have added in that clubs and ranges must now demonstrate that they have secure storage and they are likely to require the new annual reports to have as much information as an incorporated society.</p> <p>The SC is so out of touch that they think certification would be “relatively quick” and “mostly a matter of filling out paperwork”</p> <p>They recommend restricting inspection rights to premises that are actually part of a range or club (not someone's home) and that Police must give reasonable notice of seven days before inspection.</p> <p>There is no need for these provisions. If Police suspect offending they should be using standard search warrants.</p>	<p>Shooting clubs and ranges are subject to current health and safety laws. There is no evidence that these mostly community organisations create special harm.</p> <p>The window dressing by the SC shows how out of touch they are with the community.</p>
Advisory Group	<p>Sections 88 – 90 of the Bill establish a Firearms Advisory Group. The intent of this group is valid but the implementation is flawed as it will mean that it is easily captured by Police or political bodies and there is no requirement for Police to take in to account user experience and evidence.</p> <p>COLFO urged that the appointment powers ensure the forum has genuine firearms experts and trusted representatives of the shooting community. The ability to contribute to evidence based policy and to lead opinion among firearm users is critical.</p> <p>The group as proposed looks like to bog down discussion in politically tribal contention.</p> <p>The group should have powers to report directly to the Minister if it chooses, and not just the Commissioner of Police. The Advisory Group should also be authorised to report directly to the Minister of Justice because this Bill offends against many basic principles of justice, and ignores constitutional safeguards.</p> <p>It should have a budget that enables it to engage its own secretariat in case servicing by the Police becomes too compromising of its deliberations.</p> <p>To read more on what we said on the advisory group, click here</p>	<p>The SC only recommends that there is a power inserted to remove a member of the group.</p>	<p>The forum composition, lack of independent secretariat and power need major change to ensure it is a legitimate authoritative and trusted forum for exchanging informed views and generating consensus.</p>
Dealers	<p>Section 5(1)(a) of the Bill provides a definition of dealer that would capture many hobbyist collectors and clubs who supply firearms and ammunition.</p> <p>Section 6(b)(i) provides that a dealer must have 'suitable staff' which provides Police with another way of imposing additional diligence on businesses without any explanation.</p> <p>Section 5A requires that dealers expressly state their activities and get approval for each one. This is particularly burdensome in areas with limited dealers (rural) having ad hoc firearms presented</p>	<p>The SC have restricted the definition of 'dealer' so that hobbyists and clubs should be less likely to be caught by these regulations.</p> <p>They have also removed the requirement to have 'suitable staff' as they recognised that those handling the firearms would be licensed anyway.</p>	<p>The requirement for specific activity approval needs to be changed to reduce the burden on dealers.</p>

	<p>to them. Section 5A requires that dealers expressly state their activities and get approval for each one. This is particularly burdensome in areas with limited dealers (rural) having ad hoc firearms presented to them.</p> <p>Section 74(1)(jb) provides a new regulation making power to regulate advertising or promotion of firearms. There is no justification provided for this or the intrusion on freedom of speech.</p> <p>Section 7A(3) provides that Police may impose “any conditions” on a dealer participating in a gun show. This is too broad and should have limits on it. To read more on what we said on dealers, click here</p>	<p>The ability to regulate advertising has been removed and replaced with a provision that allows only for regulation to be made on the material that would be included in sale. This severely constrains the power to just providing for material in relation firearms safety and obligations.</p>	
Pest Control exemption	<p>The changes to the Arms Act last year provided for a pest control exemption to the prohibited firearms ban. However the ban is drafted too narrowly which excludes many who undertake pest control on their own land (farmers) and the administrative burden of complying means it is difficult for even those who meet the criteria to gain an exemption.</p> <p>The Arms Legislation Bill section 33C provides that the pest control exemption is valid for 2 years. Which given the difficulties in gaining an exemption is too short and creates business uncertainty.</p> <p>To read more on what we said on the pest control exemption, click here</p>	<p>The SC do not show they considered the current problems with the exemption except to extend the licence duration to 2 ½ years.</p> <p>They provide for this justification on the basis that it would align with the units of 5 and 10 year licencing regime (so LFOs would be able to apply all at once). This ignores the practical realities that the vast majority of those applying will already have their firearms licence and therefore they will always be out of sync.</p>	<p>The pest control exemption should be extended to ensure farmers are not disqualified from applying.</p> <p>The life of the licence should be 5 or 10 years (to align with the new general firearms licence).</p>
Sporting Exemption	<p>The Bill fails to fix a key problem with last year’s changes that did not provide a sporting or competition exemption to the prohibited firearms ban.</p> <p>To read more on what we said on a sporting exemption, click here</p>	<p>The SC Report does not show that they even considered this</p>	<p>A sporting exemption needs to be included.</p>
Appeal Rights	<p>Section 62 of the Bill provides a new appeal process to reduce people going directly to the Courts (which is an expensive and time consuming). They must first instead appeal to the Commissioner.</p> <p>COLFO agrees with the intention of this change but believes the first appeal should be to an independent body. An appeal process to the Commissioner could eventually make things even slower and more experience.</p>	<p>The SC has recommended that the appeal rights be extended to clubs and ranges but have made no other changes.</p>	<p>The first appeal should be to an independent body.</p>
Penalties	<p>The Bill disproportionately increases the penalties for offences against the Arms Act.</p> <p>To read more on what we said on a sporting exemption, click here</p>	<p>The SC did not mention the disproportionately high offences.</p>	<p>A full review of the penalties should be undertaken and justification provided for the disproportionate increases.</p>
Cost	<p>There is considerably more cost for taxpayers and LFOs from the changes proposed in this Bill. However the changes will not make the community nor LFOs any safer. The Bill also provides the Minister with the ability, through regulation to impose the costs of the new regime on LFOs (ss 80 – 86)</p>	<p>The SC has recommended that LFOs not be charged for updating the registry but partial funding for the registry could still come from the firearms licensing fee.</p>	<p>LFOs will not receive any benefit from the registry – they will be put at risk by it. There should be no ability for LFOs to be charged for the costs of the registry.</p> <p>There should be a limit on new / increased charges on LFOs by requiring a full independent analysis of who benefits and what is a reasonable cost recovery. The current provisions incentivise Police to gold plate the regime as there is no effective way of preventing funds raised to be used for other Police purposes.</p>