

## Queensland Community Safety Bill 2024

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# Submission

## Queensland Community Safety Bill

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Committee Secretary  
Community Safety and Legal Affairs Committee  
Parliament House, George Street  
Brisbane Qld 4000

The Shooting Industry Foundation of Australia (SIFA) welcomes the opportunity to comment on the Queensland Community Safety Bill 2024.

Regrettably, this response falls short of the standard SIFA usually strives for due to the grossly inadequate consultation window.

SIFA is the peak body representing the major importers, wholesalers and retailers of firearms and related accessories.

In 2019, our industry was conservatively estimated to contribute \$2.4 billion to Australia's GDP and supported some 19,500 jobs.

SIFA's Insight 2022 industry survey data shows us that the majority of licensed firearm dealers are located in regional areas, and that fifty five percent of those dealerships are mixed businesses providing a range of benefits and economic activity to their local communities.

These businesses provide a valuable public service since it is a legislated requirement that all firearm transactions must be facilitated by a licensed firearms dealer.

General observations.

Throughout the material provided, there are instances where statements relating to lawful firearms are interspersed with comments relating to illegal firearms. The effect of this is to blur the distinction between the two very dissimilar categories.

By any measure, lawful firearms in Australia and licensed firearm retailers are heavily regulated.

Instances of firearms misuse are so low that the Australian Bureau of Statistics are obliged to substitute similar numbers in the data they report to avoid identifying individuals.

Any risk to public safety is overwhelmingly due to illegal firearms and should remain the governments focus.

## **Introducing a Firearm Prohibition Order (FPO) scheme in Queensland.**

In principle, SIFA is not opposed to FPO's and support police efforts to target the illegal use of firearms by criminals.

We would have liked to research anecdotal feedback of concerns relating to the operationalisation of FPO's in other jurisdictions but were denied the time to do that.

SIFA supports the proposal to restrict the authority to issue an FPO to the rank of Commissioner of Police (or the Magistrates Court). The legislation must not remain silent on the delegation of that authority, and ideally would prohibit any such delegation by the Commissioner.

SIFA also supports the proposal to include FPO's in the public interest monitor (PIM) functions and responsibilities. This is an important safeguard.

A suitable, external, appeals mechanism must be accommodated to ensure that there is no misuse of such a powerful instrument, and to avoid undermining the authority of higher courts.

Care must be taken to eliminate the possibility of, and effects of, FPO's having unintended consequences. Examples here are impacts on an individual's future employment in fields exposed to firearms, such as agriculture, local government, or conservation. This is especially true when there is only a familial or community relationship to the subject of an FPO.

Specifically, the capture of law-abiding individuals employed within the firearm and ammunition industry is concerning. As worded, there are no protections for retailers who are exposed to or transact with, without their knowledge, a person who is subject to an FPO.

The potential penalties (13 years) for this situation are clearly excessive. We can think of no other situation where a person is unknowingly the victim of an illegal act committed by another person and is potentially punished for that.

It is a defence for subjects of previous FPO's if the person can prove that they did not know and did not have reason to suspect that a firearm or firearm related item was in or on the place.

Why does the subject of an FPO, a person not deemed to be fit and proper, enjoy such a protection when a legitimate businessperson or employee going about their lawful occupation not enjoy an equivalent privilege? Inserting the word "knowingly" as per NSW and other jurisdictions would correct that oversight.

Given the extent of lawful interstate trade conducted across the industry, the issue of cross jurisdictional considerations must also be addressed.

"FPO's" are spoken of generically in the bill, seemingly without regard of the state which issued them. As written, the obligations for Queensland based firearm and ammunition retailers appear to be the same regardless of the state or territory issuing an FPO.

It is unclear to us how a firearms or ammunition retailer in Queensland can inform themselves of FPO's issued by other jurisdictions, and how that might be made workable for every transaction. It is also unreasonable to expect Queensland based retailers to maintain a working knowledge of the FPO arrangement in all other jurisdictions.

Similarly, it is unclear how this will apply to the sale of artifacts captured within the scope of this bill (certain firearm parts, antiques) which are otherwise unregulated, either in Queensland or elsewhere.

As the custodians of FPO information, perhaps the question is more one of how the Queensland government will facilitate firearms and ammunition retailers to comply with the proposed legislation?

The obvious mechanism to enable compliance with the bill is the National Firearms Register (NFR) which is not expected to be operational for another four years.

It is not unreasonable to assume that the coroners report into the Wieambilla shootings will also provide some useful insight and identify some desirable changes.

There are rational arguments to remove the firearm and ammunition related aspects of this omnibus bill until a more appropriate time.

**Introducing a requirement upon sellers of small arms ammunition to verify a buyer has a valid licence or authority prior to sale of the ammunition.**

SIFA is comfortable with measures to ensure that ammunition is not sold to those without the proper authorisation to possess it. The issue at hand here is ensuring the validity of that authority, and the record keeping necessary to prove compliance.

The statement "verified the authority through a verification system, if available." is ambiguous. Is it intended that a sale may proceed when a verification system is unavailable (either in its entirety, or temporarily), or is it intended that there be no sale unless a verification is first achieved? Is the Bill written in such a way that a future regulator is prevented from arriving at a different interpretation?

If there is an expectation of compliance, then a prudent businessperson may choose to maintain records of that validation check for their own protection. This introduces its own risks, as we have seen by the ineffective Firearms Amendment (Ammunition Control) Bill 2012. For example, unsecured photocopies of licenses represent a privacy and security risk.

The Bill must consider the suitability of Digital licenses as an alternative to a verification system, as defined.

## **Improving the efficiency and effectiveness of firearms regulation as identified in the Queensland Audit Office Report.**

There were 13 recommendations in total contained in the Auditors report.

We did not have the time to consider each of those recommendations and to map what is proposed with each of those recommendations.

It would be disappointing should we discover that the recommendations have been cherry picked.

Without doubt, the coroner's report into the Wieambilla shootings will also be an objective and useful examination of the current state of affairs, and will likely either reenforce the auditors earlier work, or add to it.

Another significant externality which needs to be factored in to any work in this space is that of the National Firearms Register, which is expected to demand a series of legislative and work practice changes in the interests of national consistency.

Efficient and Effective regulation is an ongoing exercise. Appending this work to such a broad suite of public safety proposals does not do justice to the challenges we collectively face in Queensland.

### **Server availability.**

The definition of "availability" is meaningless and clearly unacceptable.

There are seven layers in the Open Systems Interconnection (OSI) model, with servers being but one part of the physical layer.

Further, it is likely that the "servers" used to host this application are virtualised servers, meaning they are software defined servers transferable / movable across an array of physical servers at any one time.

Layer	Function	Example
<b>Application (7)</b>	Services that are used with end user applications	SMTP,
<b>Presentation (6)</b>	Formats the data so that it can be viewed by the user Encrypt and decrypt	JPG, GIF, HTTPS, SSL, TLS
<b>Session (5)</b>	Establishes/ends connections between two hosts	NetBIOS, PPTP
<b>Transport (4)</b>	Responsible for the transport protocol and error handling	TCP, UDP
<b>Network (3)</b>	Reads the IP address from the packet.	Routers, Layer 3 Switches
<b>Data Link (2)</b>	Reads the MAC address from the data packet	Switches
<b>Physical (1)</b>	Send data on to the physical wire.	Hubs, NICS, Cable

Whilst it could be argued that much of this data model is beyond QPol's control (e.g., the Telstra network used to deliver level 4), the same is true of licensed firearms and ammunition retailers.

The regulations must arrive at a more sophisticated measure of service availability, and the regulations must include clear exemptions for such times that the overall service is unavailable for a firearm or ammunition retailer to access.

The question of how retailers are to be informed of planned system outages so as to not impact their commercial operations must be resolved prior to the bill being enacted. How that is achieved so as to not foreshadow windows of opportunity for unverified ammunition purchases is an issue for QPol to resolve and deconflict.

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