



SUBMISSION

Inquiry into the Queensland Government's Health Response to COVID-19

Firearm Dealers Association - Qld

Phone: [REDACTED]

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Introduction

The Firearm Dealers Association – Queensland Inc. (FDAQ) was established in 1983. It is an industry body, whose members are required to be the holders of a current Firearm Dealers, Armourers or Theatrical Ordnance Suppliers Licence as issued by the Weapons Licensing Branch of the Queensland Police Service.

Members are located in every area of the State. A quarterly meeting is held in Brisbane and regular newsletters advise members of industry, technical and legislative developments.

FDAQ members are daily in touch with the news and needs of shooters throughout Queensland.

The FDAQ Inc is pleased to see that a formal inquiry is to be held into the government health response to COFIC-a9

Author

This submission is prepared by the Secretary (Jan Linsley) with the approval and oversight of the Executive Committee of Firearm Dealers Association - Qld Inc.

Inquiries may be directed to the Secretary at the mailing address on the front page or to email: [REDACTED]

Background

The Coronavirus epidemic began, according to official reports, in Wuhan, China, where it was first reported on 31 December 2019. It was considered to be less severe than the SARS virus reported in 2002. Testing revealed that both viruses were related and although there were fewer fatalities from COVID-19 than there were with SARS, the transmission rate was much higher.

The World Health Organisation registered concern on 12 January 2020 and declared the outbreak in China to be a public health emergency of international concern on 30 January 2020. The WHO further declared COVID-19 to be a pandemic on 11 March 2020.

In Australia, screening for COVID-19 began on incoming passengers from China on 23 January 2020. The first case was identified in Melbourne on 25 January 2020 however it is quite likely that there were earlier cases that were not tested. On the same day in Sydney, three cases were identified on incoming flights from China. A total of nine cases were recorded in January 2020.

Queensland issued a public health emergency order to commence on 6 February 2020. January. The existing public health legislation was amended on 7 February by the Public Health (Declared Public Health Emergencies) Amendment Bill 2020.

The first known three Queensland cases were identified on incoming flights from China on 6 February 2020. Further cases appeared in Queensland from Iran on 29 February 2020. Returning and visiting cruise ships unknowingly disembarked more cases over the following weeks.

The Prime Minister, on 27 February 2020, activated the Australian Health Sector Emergency Response Plan for COVID-19.

On 20 March 2020, Australia's external borders were closed to all non-residents, however residents returning home from international destinations were still allowed to return but were quarantined on arrival. On 21 March 2020, social distancing rules were imposed.

Key directions made under the *Public Health Act 2005* include:

- 2 April – A person must not leave their principal place of residence except for essential needs including work, food, medical and exercise, outdoor gatherings only up to 2 persons or with members of household, receiving only to 2 visitors at a residence, and no gatherings in non-residences.
- 9 April – "Non-essential" business, activity or undertaking must not be operated. "Non-essential" businesses include cinemas, casinos, concerts, indoor sports, gyms, playgrounds, campgrounds, libraries. Restrictions also apply to restaurants (take away or delivery only), churches, hairdressers etc. However most construction, mining, manufacturing and retail businesses continued to operate.

Around Australia, state governments began to close what were termed "non-essential" services and businesses. In Queensland on 31 March 2020 Dr Jeannette Young, the Chief

Health Officer, made the Non-essential Business, Activity and Undertaking Closure Direction (No 4)

On 27 March 2020, a member of Firearm Dealers Association - Qld Inc received the following email:

I am currently contacting various gun stores in Queensland ascertaining the current purchasing trends of customers given the current climate and movement restrictions in place. In particular I am focusing on ammunition and powder sales. Many stores are seeing an increase in sales and volumes due to an impeding (sic) price rise and supply issue. This increase in volume is generally a 50-75% in the number of rounds purchased. I was inquiring if this is the trend you are seeing and if you are currently imposing any sales restrictions on customers due to the supply issue?

Regards

Lee SCHULZ | Senior Constable
State Intelligence Group | Intelligence and Covert Services Command
Level 3 200 Roma Street, Brisbane Queensland 4000
Phone: [REDACTED]
Email: [REDACTED]

The member responded later in the day on 27 March 2020

Hi Lee, apologies for the delay. We have seen an increase over the last few weeks. Not necessarily confined to ammunition and powder sales but have seen increased sales across our batteries, oils and rural products also.

I put this down to a few things –

- Potential for us to be closed with Covid restrictions and farmers not being able to purchase vital supplies in order to go about their jobs*
- The falling Aussie dollar against the Euro and US. This is causing the price rises you mentioned across batteries, ammunition and other products*
- The predicted ammo shortages in the USA. This causes a flow on effect in Australia. We have farmers that have to think about the ammunition needed to protect their winter crops from wildlife which can mean purchasing ammunition 6 months in advance*

We currently haven't placed any restrictions on ammunition sales as we have not seen any people buying overly excessive amounts. It has been more the amount of people buying ammunition due to the above facts that has kept us busy.

Thanks for your time

Kind Regards,

In general, the months of February and March are very busy for firearm dealerships with the coming of the cooler months when the majority of hunting and feral animal control is done.

On 28 March 2020, licensed firearm dealers in Queensland received the following email:

Attention licensed dealers and armourers,

The Queensland Government has issued a direction pursuant to the powers under s362B of the Public Health Act 2005 which lists non-essential businesses and directs same to cease operating.

The direction requires "A person who owns, controls or operates a non-essential business, activity, or undertaking in the State of Queensland, including operating at a private residence, must not operate the business, activity or undertaking during the period specified in paragraph 5, subject to the exceptions set out in Column 2 of the Definitions table at paragraph 7."

Within the definitions table at paragraph 7, the government has determined licensed armourers and licensed dealers, as defined under the Weapons Act 1990, to be a non-essential business. There are no exceptions outlined in this table, therefore all associated dealer and armourer businesses must follow the direction outlined above.

Please be aware there are penalties associated with failing to comply with public health directions.

Weapons Licensing will continue to operate and will be processing all correspondence currently in our possession and documentation yet to be receipted by our office that may have been the result of transactions up to and including 27 March 2020. It is recommended any documentation that fits the latter category be mailed to us via registered post to ensure it is received in a timely manner.

Business operations within Weapons Licensing will continue to be reviewed over the coming weeks. Due to the complex and evolving nature of the situation, we will endeavour to update our website with any changes and we encourage you to continue monitoring this page and any emails we forward to stay informed. It is also recommended you monitor the Queensland Health site for any amendments or revocations of directions.

We recognise this is an uncertain and challenging time for you and your staff. The direct line for armourers and dealers will remain active and we hope to continue assisting you where-ever possible during this difficult time.

Take care and stay safe.

**D W BUST
INSPECTOR
WEAPONS LICENSING**

Our members around the state registered various levels of shock, disbelief, anger, depression and fatalism. Even mail order sales and internet-based sales were prohibited under this first directive.

Many firearms-related businesses are a part of a mixed businesses, eg:

- automotive supplies
- in one case, a clothing shop in outback Queensland
- outdoors/camping supplies
- bulk oil and battery supplies
- rural supplies
- hardware shops
- fishing supplies
- service stations
- mail order suppliers and repairers
- newsagency and stock feed suppliers
- saddlery and farm supplies

The Health Directive closed completely, all these businesses. It was not even possible for firearm dealerships to close the portion of their business that related to firearms. The whole business had to close. There was no warning and no consultation with the trade. By this time, all firearm dealerships which were open to the public had already instituted social distancing and sanitation procedures at the recommendation of FDAQ. Aside from firearm dealerships, hardware shops, clothing shops, hairdressers, supermarkets and most other retail businesses remained open.

FDAQ President, Mr Jade Cleaver, immediately rang the Inspector in charge of Weapons Licensing branch and soon after that conversation, sent the following email:

Dear Inspector Bust,

Thank you for the phone call this Evening. The below has come as quite a shock as dealers are actively practising their social distancing in stores this week, and other Federal Government instructions. Please refer to two photos from the Barn received by the association this week for approval and distribution throughout our network

This change is totally unacceptable to receive on a Saturday evening, with no time to implement it, as I am sure you are aware. The below requires preparation, firearms registration and security is not something we can turn off and turn on like the lights in a night club. It would appear from the below the advice the Government does not agree with this.

What happens to the Firearms in Transit from Melbourne to our store currently? There are three or four pallets on the south side of Brisbane at the moment. should we just leave them there for a month? Or perhaps outside? Secure storage of firearms at all times is essential.

Another dealer has contacted me now, a rural dealer, and he is in fear as he has three pallets of dog food arriving Monday Morning that have to be unloaded at his rural traders store, and the below does state he cannot go in and operate, as he is a licensed firearms

premises, under the Weapons Act 1990. He will be hit with re-delivery charges if they have to be delivered twice.

Rural industry depends on the firearm industry, for the reliable supply of secure storage, ammunition and other equipment associated to their daily needs. Our Members have multiple line items they sell, not just firearms. Rural supply is essential.

The implementation of the below has been completed with no consultation or real forethought to public safety and potential implications with firearms registration and security. Firearms Registration is not optional or a luxury, it is essential.

I have dealers ringing me asking if they can go to work and receive firearm shipments due at first opening on Monday Morning. What am I to tell them?

Dealers have asked me if they can operate their E-Businesses over the weekend or are they to send staff home tomorrow that normally pack on Sunday. What am I to tell them?

I believe this matter needs to be addressed and resolved tomorrow, before Monday.

Inspector Bust replied:

Weapons Licensing has no authority to over-ride this direction. I cannot provide you with any guidelines or instructions that circumvent the authority of the Public Health Act or the Chief Health Officer (CHO) during this pandemic crisis. All I can provide is the advice that dealers can accept deliveries that are due to arrive in the coming days however they cannot trade. This is in response to the question you raised in an earlier email about a pallet of firearms in South Brisbane – naturally there is a need to ensure these items are receipted and appropriately secured. If there is confusion amongst your members, particularly around the incorrect interpretation that they can trade similar to a take-away store, I strongly recommend you continue counselling them against this move.

I have had a further briefing with the Deputy Commissioner this afternoon, and I have been advised the CHO will not be making any amendments to the direction issued. The direction as issued on March 27 remains in force until it is modified or lifted by the CHO, not by Weapons Licensing and not by the QPS or the Police Minister.

And later in response to a request for clarification about trade for mixed business:

The response has come back stating the dealers cannot trade in any goods.

It was clear that the Chief Health Officer had no idea of the significance of the services provided by firearm dealers to keep the community safe. Nor would it appear that any knowledge of those essential services was sought, and certainly not from firearm dealers themselves or FDAQ, the industry body.

FDAQ prepared and sent the following to Commonwealth Ministers and MPs:

Essential Services:

Declaration of Licensed Firearm Dealers as Essential Service

Licensed Firearm Dealers are deemed essential service as:

- 1. The security and safe storage of firearms, ammunition and explosives is essential to the safety of the nation.**
 - The Licensed Firearm Dealers network securely stores and controls the largest and most geographically diverse stock of firearms, ammunition and explosives in the nation.
- 2. The operation of the National Firearms Agreement and the maintenance of the nation's firearm registers is essential to the safety of the nation.**
 - The National Firearms Agreement 1996 [Australia's Gun Laws] in respect to Licensed Firearm Dealers mandates that:
 - Firearm sales be conducted only by or through Licensed Firearm Dealers.
 - That Firearm Dealers are responsible for ensuring that purchasers are appropriately licensed.
 - That Firearm Dealers record and maintain the details (of each weapon purchased or sold against the identity (name, address and license number) of the seller or purchaser.
 - Firearm dealers provide records to the National Register of Firearms through the State and/or Territory licensing authority
 - Firearm dealers provide records to assist police investigating crimes.
 - Firearm Dealers are therefore essential to the continued operation of the National Firearm Agreement and the maintenance of the National Register of Firearms.
- 3. The vetting of approved licenses and the mechanisms to ensure appropriate sale and transfer of firearms, ammunition and explosives is essential to the safety of the nation.**
 - The Licensed Firearm Dealer network performs this function for the Nation as prescribed under the NFA.
- 4. The information security of licensed firearm owners including the address of firearm owners, their firearms and ammunition purchasing history, the location of their safe storage and the categories of firearms held on their license is essential to the safety of the nation.**
 - Licensed Firearm Dealers are required to record all firearm and ammunition transactions and verify licenses. As such, the network holds the largest collection of sensitive data outside of the nation's policing network.

5. Provision of safe storage for firearms for individuals that do not have adequate safe storage of their own or are not appropriately licensed to hold firearms is essential the safety of the Nation.

- Licensed Firearm dealers provide a network to allow safe storage of firearms for individuals, who are unable to securely or legally store certain firearms, ammunition or explosives. These include, Defence Force personnel serving overseas, family heirlooms, people working in FIFO operations, deceased estates, unlicensed firearms found by individuals, previously licensed individuals, sick or temporarily disabled licensed individuals.

6. Ongoing firearm amnesties are essential to the safety of our nation.

- The Federal Government, States and Territories have agreed to implement a permanent and ongoing National Firearms amnesty to be administered by the Licensed Firearm Dealers network. The licensed Firearm Dealers network is essential to the running of the national amnesty and cannot be allowed to fail.

Mass business failures within the Licensed Firearm Dealers network would undermine the nation's security by:

1. Leaving the Nation's largest stock of firearms, ammunition and explosives unsecured.
2. Collapsing the National Firearms Agreement and the National register of Firearm's by removing the mechanism to validate licenses, ensure appropriate transfer of firearms and ammunition, and recording and reporting of data to the National Register through the States and Territories.
3. Exposing large volumes of data associated with individual firearm and ammunition purchase history, location of secure firearms storage for licensed firearm owners, identity details of firearm owners. Delivering a shopping list for organised crime both now and well into the future.
4. Remove safe storage of firearm arrangements for 10's of thousands of Australians in city's and towns across the nation.
5. Diverting essential Policing resources [as many as 10,000 full time police nationwide] to manage the licensed firearms enterprise, secure and store 100's of thousands of firearms spread throughout every corner of the nation, manage 100's of millions of rounds of ammunition spread throughout every corner of the nation, manage large stocks of explosives (gun powder) spread throughout every corner of the nation, manage all transfers of firearms, registrations of parts, repairs to firearms and so on.
6. Remove the ability for registered security providers involved in the protection of cash in transit or other armed guard duties to access firearms and ammunition for training or operational purposes.

Animal Welfare and national food supply.

In addition to national security considerations, the licensed firearm dealers network supports a range of other essential services including animal welfare, and protection of national food stocks.

The collapse of the Licensed Firearm Dealers network would see farmers having to destroy stock with means such as hammers. Feral pest management to preserve the nation's food stocks during what is hoped to be a productive winter crop period this year is essential. Licensed shooters are required to assist farmers in the control of feral pests which, if left unchecked, will destroy up to 30% of the nation's crops.

Urgent action required to secure the network:

Western Australia and Queensland over the past 48 hours, without consultation or planning, have mandated the closure of this essential service.

By tomorrow morning Monday March 30, 2020, if not addressed in those States:

1. All licensed firearm dealership staff in those States will be stood down.
2. Licensed firearms dealers will be walking away from their businesses and seeking alternate employment. Potentially not in their hometown.
3. Dealers will not have the financial means to continue to provide security for large stocks of firearms, ammunition explosives at their registered premises.
4. Individuals will be asked to collect their firearms from safe storage and take them to their local police stations.
5. Local Police will be required to collect and safely store all firearms, firearm parts, ammunition and explosives at all dealerships. These will need to be insured and appropriately handled to enable safe return to the dealers if and when they are allowed to operate again.
6. Frontline police resources will need to be diverted to handle transfers of firearms between individuals, acquire new replacement firearms and provide them to individuals, record details, update registers, verify licenses etc.
7. Individuals with firearms will be directed into police shop fronts to address firearms issues surrendering, licensing or handing in for destruction unregistered, unlicensed firearms ammunition and explosives.
8. Firearms and ammunition currently in transit will remain in the general freight network and unable to be delivered for secure storage.
9. Outlaw motorcycle gangs and organised crime will start looking for opportunities to exploit the close down. Expect increased targeting of failed dealership premises for theft of firearms, ammunition, explosives and personal details of individual licensed firearm owners addresses and firearms held. Also targeting of freight locations where the now goods cannot be delivered and must therefore be being stored.

Motion:

The National Cabinet hereby declares Licensed Firearm Dealers as an essential service.

On 30 March 2020, FDAQ prepared and sent something similar to Queensland State Ministers:

Strategic Purpose – avoid a State-Wide collapse of the Licensed Firearm Dealer Network which would create a National Security issue.

Public Health Concerns:

In relation to concerns around licensed firearm owners & potential public health concerns;

1. The licensed firearms owners already have weapons and ammunition in their possession
2. There are well exercised protections for anyone concerned about domestic violence or suicide in connection with licensed firearm owners
3. Police across the State, have excellent procedure's and due powers to remove firearms from any individuals of concern and mechanisms for discrete reporting

Recommendation: That the QLD Cabinet approves a public education campaign advising of Hotline and discrete reporting mechanisms.

Note 1: The licensed dealer network has volunteered to receive and securely store any firearms from homes for at risk people, ensuring at risk people do not walk into police shop fronts with their firearms.

Note 2: This also addresses issues where police stations do not have adequate storage arrangements particularly where a large collection is involved.

To ensure the ongoing Financial Viability of Industry and prevent mass business closures:

1. Allow the licensed firearm dealers to continue selling items that are not firearms (eg: Optics, cleaning equipment, gun safes etc) and are not ammunition without change, subject to the following provisions:
2. All sales in-store are to be conducted in alignment with QLD Government directions in force at any point in time in relation to COVID-19 and in particular social distancing provisions.
3. Where possible transactions to move to e-business platform/mail order or click and collect.

Ammunition Sales:

The State's agriculture sector is about to see the first crop in 3 years in many cases. Pest infestation of this may lead to 30% destruction in many areas. Food security is essential to the State and firearms and ammunition are required for ferrel pest destruction.

1. Ammunition sales remain available for rural purposes to appropriately licensed individuals
2. Ammunition sales are to be conducted on a click & collect basis
3. All ammunition sales are to be recorded and reported

Firearms Sales:

1. State Police in every case have the sole determination if any individual can purchase a firearm or not
2. State Police are to set their own policy
3. Should State Police issue a permit to acquire, click and collect transactions to be implemented by the dealer network

The above measures will ensure that we don't have a systemic failure of a critical industry, whilst protecting the security of individuals, our nation's and State's food stocks and ensuring adherence to the QLD Governments COVID-19 directives.

On 31 March 2020, the Health Directive was amended:

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Non-essential business, activity and undertaking Closure Direction (No.4)

Public Health Act 2005 (Qld)
Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 19 May 2020.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Preamble

1. This Public Health Direction replaces the Public Health Direction referred to as the Non-essential business, activity and undertaking Closure Direction (No.3) made on 27 March 2020.
2. This Public Health Direction is to be read in conjunction with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.

Citation

3. This Public Health Direction may be referred to as the Non-essential business, activity and undertaking Closure Direction (No.4).

Revocation

4. The Non-essential business, activity and undertaking Closure Direction (No.3) made on 27 March 2020 is revoked from the time of publication of this direction.

PART 1 — DIRECTION - NON-ESSENTIAL BUSINESS, ACTIVITY, OR UNDERTAKING

5. These directions apply from the time of publication until the end of the declared public health emergency, unless they are revoked or replaced.

6. A person who owns, controls or operates a non-essential business, activity, or undertaking in the State of Queensland, including operating at a private residence, must not operate the business, activity or undertaking during the period specified in paragraph 5, subject to the exceptions set out in Column 2 of the Definitions table at paragraph 8.
7. Despite paragraph 6, a person who owns, controls or operates a non-essential business, activity or undertaking may continue to do so online or through the internet, unless stated otherwise in Column 1 of the Definitions table at paragraph 8.

Examples – a business selling goods or providing services online or a personal trainer who offers personal training sessions online.

Definitions

For the purposes of this Public Health Direction:

8. **Community hub** means:
 - (a) a facility in a remote or discrete community acting as a place of refuge or evacuation place in a disaster; or
 - (b) a community facility in an Aboriginal or Torres Strait Islander community that provides essential activities or services relating to child care, youth, harm minimisation and diversion.

Non-essential business, activity, or undertaking means a business, activity, undertaking, premises or place listed in Column 1 unless the exception listed in Column 2 applies:

<i>Weapons, ammunition and propellants</i>	
<p>Licensed armourers and licensed dealers as defined under the <i>Weapons Act 1990</i></p> <p>The holder of a licence as defined under the <i>Explosives Act 1999</i> licenced to sell ammunition under the <i>Explosives Regulation 2017</i>.</p> <p><i>These businesses are not permitted to sell or supply weapons, ammunition or propellant powders online or through the internet unless one of the exceptions in Column 2 applies.</i></p> <p>For the purposes of this direction, ammunition means small arms ammunition for firearms</p> <p><i>Example - cartridges used in firearms or propellant powders used for small arms ammunition.</i></p>	<p>A licensed armourer, licensed dealer or authority holder may store, manufacture, modify, repair, acquire or supply weapons or ammunition to, for or on behalf of:</p> <ul style="list-style-type: none"> • Commonwealth, State or Territory military or police organisations; or • the holder of a security licence (organisation) or a security licence (guard) issued under the <i>Weapons Act 1990</i>; or • international military, defence or security organisations; or • the following persons who require or use a weapon for occupational purposes relating to primary production, animal welfare, nature conservation or pest management: <ul style="list-style-type: none"> • a primary producer, as defined under subsection 995-1(1) of the <i>Income Tax Assessment Act 1997</i> (Cth), able to produce a Queensland firearms licence bearing one

	<p>or more of the following condition codes – PPA, PP2, PP3, PP4, PP5, PP6, PPH; or</p> <ul style="list-style-type: none"> • a commercial pest controller or feral animal controller who is: <ul style="list-style-type: none"> • authorised to undertake vertebrate pest (vermin) control on rural land; and • able to produce a Queensland Firearms licence bearing one or more of the following condition codes – FCA, FC2, FA3, FA4, FA5, FA6, FAH; or • the holder of a lethal damage mitigation permit under the <i>Nature Conservation Act 1992</i>; or • a veterinary surgeon, as defined under the <i>Veterinary Surgeons Act 1936</i> for animal welfare purposes; or • an authorised biosecurity officer for animal welfare purposes; or • wildlife rangers using weapons for activities including pest control and crocodile management under exemption no. 71003924; or • a shark control contractor authorised under the <i>Queensland Fisheries Act 1994</i>; or • a person with a valid current macropod harvesting licence under the <i>Nature Conservation Act 1992</i>. <p>May continue to operate the part of the business that does not store, manufacture, modify, repair, acquire or supply weapons or ammunition.</p> <p><i>Example – a business that sells weapons and fishing gear may continue to sell fishing gear.</i></p>
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Once again, it was clear that the Chief Health Officer had failed to consult with dealers or the industry body, and assumed that the licence code would allow primary producers to purchase essential firearms and firearm-related supplies.

Although there are only 12 licence codes listed in the Weapons Act Regulation, there are in fact, 110 licence codes used by Weapons Licensing Branch.

For the last 3 to 5 years, primary producers have been actively discouraged from obtaining licence codes PP. The requirements for obtaining a PP licence code requires substantial documentary evidence which many primary producers either are not prepared to give, or do not have the time or funds to source them from accountants and banks. In fact, for the last several years of drought, fires and other natural disasters, most primary producers have been forced to seek off-farm sources of revenue, so their primary income no longer comes from the farm. As a result, most primary producers and occupational users of firearms now have an RE code on their licences. Dealer members estimate in excess of 90% of farmers could not, under the restrictive codes, purchase essential firearms, ammunition or firearms-related articles with this new directive.

This policy stems from a Police Minister who did not believe any in the community except police and the army, should have firearms. He openly called farmers with guns "cowboys"

From QPS website, in relation to the requirements for a PP licence code:

You must provide the following documents as evidence of your genuine reason for a firearms licence:

- **Evidence of Property Ownership:**
 - *If you are the owner of the property - A copy of the rates notice for property*
 - *If you are the lessee of the property - A copy of the lease agreement for property, or*
 - *If you are the manager of the property - A copy of the employment contract as manager and can act on the owner/lessee's behalf on the property.*
- **Proof of Occupation** – *Proof of sales (stock or crops); Proof of purchase (hay, farming equipment, etc)*

Following the release of the amended Directive, FDAQ sought from its members, information on the difficulties they were facing in trading. Those issues follow:

Summary of Firearms Dealers feedback over the past 24 hours:

1. Dealers cannot store firearms for most types of shooters anymore. So in the case of a domestic violence situation or a mental health situation a dealer cannot take these firearms and put them into secure storage.
 2. Dealers cannot register unregistered firearms from normal people. They have to send them back out in the street with the unregistered firearm. It is illegal for them to send them out and illegal for them to receive them.
 3. Massive cancellation and request for refunds because dealers can't deliver stock that has been paid for, this is potentially going to send dealers broke.
 4. Toowoomba and Cairns dealerships have just closed their doors.
 5. A lot of Primary Producers and more importantly their workers, only have RE1 code on their licenses.
 6. Reports are flooding in from the west with Primary Producers / Farmers getting rejected still from purchasing ammunition because the PP has been removed off their license by WLB, for dual occupation.
 7. Farmers can no longer get licensed shooters to come and shoot feral pests on their farms. The shooters can't buy ammunition.
 8. The state must remember that over 70% of the pest eradication is done by volunteers with farmers permission, otherwise farmers will go broke paying for all the ammo and quite frankly they don't have the resources and time.
 9. I have a son who was advised in 2016 to get RE (even though he is a primary producer)
 10. To keep you in the loop, we were open for about 2.5hrs today and in that time we would have had 10 to 15 customers present themselves with OC - codes, that we had to refuse service to due to their condition codes not being listed in the latest exemptions from QLD Health. Further to that we had a few known primary producers in both the Rockhampton and Emerald stores with RE- conditioned licenses, left in the same boat.
 11. So in total over 20 customers in 2.5 hours were not able to access essential products for their roles as primary producers. These numbers may significantly increase going forward with regular trading hours being re-established, so it's going to be important to get a resolution on this ASAP.
 12. Just talking with [REDACTED]. He had the sale yards approach him yesterday to buy ammo. They have lame animals they need to euthanase. [REDACTED] told them sorry can't sell you ammo. He told them maybe go see the local Police.
 13. A Dealer cannot take a firearm from any customer that does not want it or have the required need for the firearm anymore, this include Semi-Automatic Military Rifles.
 14. Armourers cannot repair firearms for people that complete volunteer work for farmers or for firearms instructors.

 15. Dealers cannot book in firearms from deceased estates, to get the firearms into secure storage.
 16. Dealers cannot like for like swap faulty firearms for mechanically sound firearms, even for firearms instructors that are still operating as an essential service.

 17. Dealers cannot sell ammunition to Instructors.
 18. Armourers have firearms that have been previously repaired before the date of the health notice, and dealers have firearms for warranty repair that were repaired prior to the health notice. These are NOT the property of the dealer or armourer and cannot be returned to the rightful owners.
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19. The issue is that some farmers/primary producers have Occupational Codes 'OC' on their licences, not the 'PP' code. Under the current exemptions, this means farmers/primary producers are unable to purchase firearms/ammunition.
20. The RE1 code must be considered also possibly with a statement from the customer in store, like the powder register has with day to day sales.
21. Just had a phone call from [REDACTED] a dealer from central Queensland who deals almost exclusively with primary producers, NONE of whom have the PP categories on their licences. BECAUSE, to get a PP licence requires lots of extra paperwork (restrictive policy of WLB over the last 3 or so years) involving all sorts of other agencies to prove primary production (accountants etc). So they don't bother. They just get an OCC code and/or RE1. [REDACTED] says he is unable to sell to farmers at all because of this. So if they think they've allowed farmers to buy firearms and ammunition, they haven't.
22. [REDACTED]: 5 Primary Producers turned away - Repaired firearms can't be returned to shooters assisting primary producers.
23. [REDACTED]: 20 Primary producers unable to access ammunition or gunsmithing services
24. [REDACTED]: Less than 5% of primary producer customers have PP codes. Closing business for now.
25. [REDACTED]: Turned away primary producers wanting to buy ammo but many more recreational shooters out of work planning to do some feral pest control
26. [REDACTED]: Turned away multiple primary producers, some with big holdings, turned away because they have RE codes
27. [REDACTED] Less than 1% of primary producer customers have PP codes. Closing shop.
28. [REDACTED] New shop - unable to open because none of his primary producer customers have PP codes.
29. [REDACTED]: Very few farmers have PP codes - remaining closed.
30. Today I had a call from a guy in the ACT. His Brisbane-based father who is in his late 80's has a rifle that has been in his family since the beginning of the 20th century. He asked if he could store it with me as I specialise in storage, and I do pickups which would reduce his exposure. Because of these new rules, I cannot store that old man's firearms, and he will instead have to go into the public as a vulnerable person, to the police station, to hand it in for safekeeping, until his son can either collect it or have it sent down.
31. Local producer with several thousand acres in 2019 lost \$100 000 in crop damage last year just came in. Was only issued with oc6 OCCUPATION: CAT A, B, C & D - This licence authorises the licensee to have possession of and use registered category A, B, C & D weapons in the conduct of business or employment on rural lands. The rural lands must be owned, managed or used by the licensee or the licensee's employer. All weapons are to remain in secure storage unless authorised, justified or excused by law. So could not be sold ammunition.
32. Another two primary producers in the [REDACTED] area turned away because they didn't have the right codes on their licences
33. Dealers cannot transfer firearms on current approved PTA's, even if the transaction/invoice was done before the date of the health advice and the permit was approved before the date. Current PTA's are useless and expiring as we speak. And Dealers cannot allow people to pick up their paid for ammo orders, which were paid for before the date of the health directive. The transaction has been done, but collection has not taken place. Both of these are causing abusive situations in store at dealerships. I am sure that the premier is seeing this in emails.

- These are the goods belong to the people that were previously paid for before the directive, they should be allowed to collect them without penalty. Dealers are refunding more than they are taking in a morning, and paying credit card fees on such transactions twice.
34. So nobody but those who attended that meeting knows anything about these codes. Dealers don't know them, even rural dealers. Why are there so many codes that aren't mentioned in the regulations? If they're not in the Regulations, they don't exist in law. They should not be applied.
 35. Excludes occupational rural purpose condition codes (OC4/6 etc), which are farmers not declared (under WLB's curious methodology) to be not primary producers, and their employees (and may include the employees of primary producer licensed people as well).
 36. Why can't armourers perform repairs on all licensed firearms owners firearms? This would keep them in work, they do not generally operate retail shopfronts, and help pay for their expensive machinery. The owners already have the firearms, and now in this downtime it might be a good opportunity to get that upgrade done or repair work done that they have been putting off.
 37. It does not permit dealers or armourers to safe store firearms for any person or organisation other than those in the exempted category. I would have thought police would have better things to do than store firearms for the general license holder whose license renewal was forgotten or hasn't been processed in the 42 day exemption period after it expires.
 38. The freight exemptions alluded to by weapons are not in there. Weapons specifically said they cannot override the directive, then said they got permission to do so. It doesn't work that way. It has to be part of the directive, and that was not done.
 39. A lot of these codes have been being removed from primary producers over the recent years gone regardless of their ATO reports: **primary producer, as defined under subsection 995-1(1) of the *Income Tax Assessment Act 1997 (Cth)*, able to produce a Queensland firearms licence bearing one or more of the following condition codes – PPA, PP2, PP3, PP4, PP5, PP6, PPH;**

The reason being is the re-interpretation of this primary producer section of the Act. Most Farmers have needed two jobs in times of drought/fire and there for have lost the PP code, gone to a RE Code or a Occupational OC Code. WLB has been actively removing Primary Production from peoples licenses because of dual employment. These Farmers still need ammo. It has been commented on by very large farming corporations this afternoon that they have instructed their people to just get RE1 licenses because of all the WLB trouble with Primary Production ones, which would know exclude them from buying ammo also for their job.

Clearly, Queensland legislators had no idea of the implications of the amended Health Directive. And how could they? They didn't ask.

The following press release was loudly hailed by both sides of parliament as being the solution.

Minister for Agricultural Industry Development and Fisheries
The Honourable Mark Furner

Tuesday, March 31, 2020

New direction for licensed armourers and licensed dealers

Licensed armourers and licensed dealers will now be able to provide essential services to primary producers and other industries which rely on weapons to do their jobs.

The latest direction from the Chief Health Officer said licensed armourers and dealers may store, modify, repair, acquire or supply weapons and ammunition to specific groups.

Agriculture Minister Mark Furner said the direction provides clarity and certainty for those industries and individuals who need licensed armourers and licensed dealers to carry out their work.

"This is a sensible decision which will allow our agriculture sector to get on with the job of feeding Queenslanders," the Minister said.

"To do that, our primary producers need access to firearms to properly manage pests on their properties."

The direction also allows licensed armourers and licensed dealers to provide weapons and ammunition to:

- commercial pest controllers or feral animal controllers,
- vets,
- shark control contractors, and
- a number of other state and federal bodies.

The Minister said the government received strong representation from primary producers and other groups on this issue and this latest direction provides a sensible, workable and practical solution.

"Our primary producers are playing an essential role as we battle against COVID-19 and these latest measures will make it easier for them to do their jobs," he said.

"As Queenslanders, we have to work together to tackle this unprecedented challenge to our community, so when we come out the other side we are stronger and more united than ever before."

As a result of all the activity, emails, letters, newspaper advertising, approaches to local Members of Parliament and the Premier, a further Health Directive was issued late in the evening of 9th April - on Good Friday evening, to ensure that dealers could not open their doors because of the Easter break, until the following Tuesday.

Non-essential business, activity and undertaking Closure Direction (No.5)

Summary

Effective from: 9 April 2020

Posted: 9 April 2020

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Public Health Act 2005 (Qld)

Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 19 May 2020.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Preamble

1. This Public Health Direction replaces the Public Health Direction referred to as the Non-essential business, activity and undertaking Closure Direction (No. 4) made on 31 March 2020.
2. This Public Health Direction is to be read in conjunction with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.

Citation

3. This Public Health Direction may be referred to as the Non-essential business, activity and undertaking Closure Direction (No. 5).

Revocation

4. The Non-essential business, activity and undertaking Closure Direction (No. 4) made on 31 March 2020 is revoked from the time of publication of this direction.

PART 1 — DIRECTION - NON-ESSENTIAL BUSINESS, ACTIVITY, OR UNDERTAKING

5. These directions apply from the time of publication until the end of the declared public health emergency, unless they are revoked or replaced.
6. A person who owns, controls or operates a non-essential business, activity, or undertaking in the State of Queensland, including operating at a private residence, must not operate the

business, activity or undertaking during the period specified in paragraph 5, subject to the exceptions set out in Column 2 of the Definitions table at paragraph 8.

7. Despite paragraph 6, a person who owns, controls or operates a non-essential business, activity or undertaking may continue to do so online or through the internet, unless stated otherwise in Column 1 of the Definitions table at paragraph 8.

Examples – a business selling goods or providing services online or a personal trainer who offers personal training sessions online.

8. For the purposes of this Public Health Direction:

Non-essential business, activity, or undertaking means a business, activity, undertaking, premises or place listed in Column 1 unless the exception listed in Column 2 applies:

Weapons, ammunition and propellants

Licensed armourers and licensed dealers as defined under the *Weapons Act 1990*

The holder of a licence as defined under the *Explosives Act 1999* licenced to sell ammunition under the *Explosives Regulation 2017*.

These businesses are not permitted to sell or supply weapons, ammunition or propellant powders online or through the internet unless one of the exceptions in Column 2 applies.

For the purposes of this direction, ammunition means small arms ammunition for firearms

Example - cartridges used in firearms or propellant powders used for small arms ammunition.

A licensed armourer, licensed dealer or authority holder may store, manufacture, modify, repair, acquire or supply weapons and/or ammunition to, for or on behalf of:

- a government service entity within the meaning of the *Weapons Act 1990*, section 2; or
- Commonwealth, State or Territory military, corrections or police organisations; or
- a local government that holds a Group Licence under the *Weapons Regulation 2016*; or
- the holder of a security licence (organisation) or a security licence (guard) issued under the *Weapons Act 1990*; or
- international military, defence or security organisations; or
- another licenced armourer or licenced dealer (including inter-state dealer or armourer licenced under the legislation of another State or Territory) in accordance with the conditions of their licence; or
- the following persons who require or use a weapon for occupational purposes relating to primary production, animal welfare, nature conservation or pest management:
 - a primary producer, as defined under subsection 995-1(1) of the *Income Tax Assessment Act 1997* (Cth), able to produce a Queensland firearms licence bearing one or more of the following condition codes – PPA, PP2, PP3, PP4, PP5, PP6, PPH; or
 - an occupational shooter who is:
 - able to produce a Queensland Firearms licence bearing one or more of the following condition codes – OCA, OC2, OC3, OC4, OC5, OC6, AC1, AC3, AC4, OCC; or
 - able to produce a Queensland Firearms licence bearing one or more of the following

- condition codes – RE1, RE2 and who is able to produce:
- the most recent Local Government Rates Notice evidencing that the licence holder owns rural land; or
 - documentation from a rural land owner permitting the licence holder to shoot on the rural land for a rural purpose; or
 - documentation evidencing the licence holder has a current rental or agistment arrangement for rural land; or
- a commercial pest controller or feral animal controller who is:
 - authorised to undertake vertebrate pest (vermin) control on rural land; and
 - able to produce a Queensland Firearms licence bearing one or more of the following condition codes – FCA, FC2, FA3, FA4, FA5, FA6, FAH; or
 - the holder of a damage mitigation permit under the *Nature Conservation Act 1992*; or
 - a veterinary surgeon, as defined under the *Veterinary Surgeons Act 1936* for animal welfare purposes; or
 - an authorised biosecurity officer for animal welfare purposes; or
 - a shark control contractor authorised under the *Queensland Fisheries Act 1994*; or
 - a person with a valid current macropod harvesting licence under the *Nature Conservation Act 1992*.

A licensed dealer may dispose of firearms to individuals who hold *Permits to Acquire* issued prior to 28 March 2020.

A licensed armourer or licensed dealer may acquire, store, register and destroy firearms and ammunition from any individual.

A licensed armourer, licensed dealer or authority holder may continue to operate the part of the business that does not store, manufacture, modify, repair, acquire or supply weapons or ammunition.

Example – a business that sells weapons and fishing gear may continue to sell fishing gear.

It is important to note that during all this time, hardware shops which sell items that are far more often used in domestic violence, remained fully open.

On 24 April 2020, Mr Steve Andrew MP presented a petition to parliament, which stated in its preamble:

These restrictions (referring to licensed armourers and dealers) were originally introduced after the Health Minister raised concerns about a possible increase in firearm-related domestic violence resulting from COVID-19 restrictions. Those concerns have since proved to be unfounded.

The evidence now shows that imposing (and subsequently lifting) restrictions delivered no significant change in the number of firearm-related domestic violence incidences.

Businesses are already struggling as a result of social distancing regulations without additional burdens being imposed on unfounded claims.

Your petitioners, therefore, request the House to rescind the health directive and reinstate all regular trading to all firearms dealers and armourers and allow all licensed firearms owners full access to buy and sell as they did before the COVID-19 pandemic with full observance of current social distancing laws.

On 1 May 2020, FDAQ President sent the following email to the Police Minister, the Health Minister, Weapons Licensing Branch and various others.

As an Industry we are very disappointed today that we have not received notification that the unjustified restrictions on the firearms trade will be reduced or dropped tonight. It should be noted that other leisure sports shops are allowed to trade in full capacity tomorrow.

Tomorrow Firearms Ranges will also be allowed to open and allow leisure activities to start, keeping in mind social distancing, but still Firearms Dealers are not allowed to sell Ammunition or Firearms to Competition participants (Sporting Licensed Items) as per the Weapons Act 1990, the CHO's directive prevents this.

Yesterday we took 87 phone calls for people asking if they could pick up their licensed, sporting equipment on Saturday, as per your verbal direction this week in the media allowed them to, it is also estimated that we have taken over 100 calls on the same matter today. Why is our industry being singled out and having its legal trade restricted? Firearm Sporting Venues are being opened with Social Distancing in place (Refer SSAA Attachment) and the FDAQ has supplied its Industry Policy to the Government over a week ago now to ensure its compliance for when this time comes, to service this part of the Sporting Industry as per our current Dealers License and the Weapons Act. (Please Refer Attached COVID-19 FDAQ).

I have also received several phone calls from dealers, that are running out of room for secure firearms storage, because the CHO's directive does not allow them to dispose of firearms on an approved Permit To Acquire to Recreational/Competition Sports Shooters. These are the same shooters that are allowed to go back to the range tomorrow to use their other firearms and enjoy their sport. These are licensed shooters that have been vetted by Queensland Police Service to have a license and then further approved by Queensland Police Service to possess that new firearm locked up in dealer storage unable

to be released, for their legislated genuine sporting/competition need. The CHO's directive on our Industry does not allow them to use the Queensland Police approved PTA to collect the new firearm.

Some dealerships unable to open are not eligible for the \$750 per week per staff member from the Federal Govt, as they have been forced to close, and release their staff. These are shops that predominantly deal with the Sporting Competition Market. I have had reports of two of these today. These were business's hoping to re-open tomorrow and salvage their business from the last period of losses that they have encountered. Sadly because they are not a golf or fishing shop the CHO has not allowed them to open.

Please Note Cleaver Firearms Retail has in its possession 685 Approved Permits that cannot be used because the firearms are for recreational/competition sporting use. Vault capacities are approaching a maximum. Please also refer to correspondence attached, received today, from The Outpost and The Barn, other large Queensland Dealers stating similar problems.

It would appear that the Labor Government has repetitive behaviour towards damaging the licensed firearm dealer network, and singling us out with unique COVID based restrictions that do not apply to other sports and other recreational activities, this week's actions or lack of action, now make this obvious We request this be resolved immediately.

Another member of FDAQ wrote the following email to the Premier on 2 May 2020:

The Directive including Firearms Dealers & Armorers a Non-Essential business needs to be removed completely and immediately from "Non-Essential Business, Activity and Undertaking Closure Direction (No. 8)".

As an enrolled voter, tax payer, Australian Citizen and contributor to my community, I expect that you can explain to me why my business and industry is being targeted and prevented from operating, despite ensuring all directives by the CHO and State and Federal Government are being adhered to, but the public

can get haircuts, massages, buy unlimited alcohol, get beauty therapy and Botox injections, get a tattoo and piercings, go to farmers markets etc???

I only see customers by appointment, one at a time. I have sanitiser around my business. All surfaced are cleaned with disinfectant and sanitiser several times each day.

I provide a service to the police and security community – who are constantly lamenting about the lack of professional and ongoing training they receive.

I provide services to the sporting community – exercising while maintaining social distancing is apparently suitable.

*I volunteer with various disabled and community services (ex-ADF veterans) that are looking for opportunities to enter the workforce, so I **was** employing ex-Australian military veterans to help them after leaving our military, but **am** no longer able to, as my revenue has dropped by 92%...*

Please provide annotations, references of the facts and data that have been relied upon, as well as the basis for the decision to effectively close my business – and the firearms industry - which is one of the most highly controlled and regulated industry sectors in Australia?

Many other industries can continue with online sales, why cant I? I can legally deliver and post items to suitably licensed customers.

*The fact is, **there is NO REASON to have this unnecessary prohibition preventing my business from being open!***

*There **were** over 26,000 Queenslanders employed in the Firearms Industry – with more than 90% now unemployed – but they WANT to work!!!*

I'm a tertiary qualified and substantially experienced business person, having Bachelor Degree from UQ in Commerce, Post Grad qualifications in Applied Finance plus over 15 years' experience in Corporate Finance at top Australian, American and Japanese banks however I just cant grasp the logic for prohibiting my business from operating – other than pushing a political driven agenda.

I've invested my life savings, sought investment and assistance from family and friends and have gone into debt, risking the ability to provide for my wife and young children, to start my business, that offers training and coaching services to our already over stretched Police officers. To do this to the best of my ability, I opened a Firearms Dealership in November 2019 – exceeding the already onerous regulations.

To obtain a Firearms Dealer Licence, I have gone through seemingly endless back ground checks and character references, validations and spend hundreds of thousands of dollars to the Queensland Government, just to have licenses permits to run a business.

Then, without ANY consultation or justification on March 28th 2020 at 4:23pm I received a directive to cease ALL trade IMMEDIATELY, from QPS Weapons Licensing, as a directive from the CHO. This was devastating.

One of the reasons provided to the media by the CHO and others was that the impending lockdowns would increase domestic & family violence – which could be exacerbated by firearms license holders. This is absurd.

If an applicant for a firearms license has any history of any violence, especially family violence, they are effectively prohibited from being suitable for a firearms license. If there is a complaint against a license holder, their firearms are seized by Police almost immediately, until investigations are completed.

I'm sure your advisers have made you well aware of the requirements for an applicant of a Qld Firearms License to have a clear background to be determined as “a fit and proper person” as required to obtain a Qld Firearms License.

So, statements be Politicians and authorities suggesting firearms owners were a risk to family violence - when bottle shops were able to trade without restriction - was insulting and frankly defamatory. Especially when it's a widely known FACT that alcohol is a

leading contributor to incidents of family violence – I'm hopeful you have advisers that can inform you of this...

Regarding financial incentives and support being promoted by State & Federal Governments, I don't qualify, because my business has not been open for 12 months, and the people I was employing were not employed for 12 months, so I cannot help them.

The Federal Government Guarantee is virtually meaningless, because "normal lending criteria and responsible lending guidelines" need to be adhered to, according to the banks. Meaning if the business cannot show 2-3 years of historical profits, there is no business case to lend... I used to be a corporate banker, so I know all about that.

So, instead of me spending my time trying to work out how to pivot my business to survive, I need to waste countless hours filling in application forms, waiting on hold to MyGov and writing these emails to justify my existence.

I look forward to receiving a phone call from you, to discuss with what you are going to do to help me and my community turn our businesses around, employ Queenslanders and help my state and country recover economically.

Sincerely

It was not until 15th May, a full two weeks later, that Health Direction No 10 allowed dealers and armourers back to full-time trade with no restrictions other than those applied to all businesses relating to social distancing and sanitising procedures. Previous Health Directions lifted restrictions for many, but not for dealers and armourers.

Legal Advice

1. *Based on the criteria for the exercise of the power implicit in the Act, it is difficult to see how closing gun shops, but not other retailers, could have been reached by a reasonable CHO. The CHO's decision only makes sense if other factors (ie it's a GUN shop) were taken into account, and these are not obviously relevant to addressing a medical issue. Unlike the WA order, which was done under a public safety legislation, in Qld its being done under powers granted for medical purposes.*

2.1 Dealers / mixed businesses

The Weapons Act 1990 defines dealer to mean

“a person, other than an armourer or theatrical ordnance supplier, who—

- (a) carries on the business, whether or not for reward or benefit, of acquiring, selling or otherwise disposing of weapons in any way; or*
- (b) for trade or business, displays a weapon for sale or possesses a weapon for sale.”*

Clearly, ‘dealer’ applies only to the selling etc of ‘weapons’, so ammunition and non-weapons items (eg gun cleaning products) is not included. How one deals with a dealer who also has a non-dealer business, is less clear. One view is that a dealer is a dealer only in relation to the sale of ‘weapons’ as defined in the Act, so if the business also sells other stuff (non-weapons) then necessarily they do so other than as a ‘dealer’. Thus, the closure of a “licensed dealer as defined under the Weapons Act 1990” would not extend to non-dealer activities.

It is important to note that the Health Directive does not refer to the closure of the place of business of a dealer, but rather to the “business, activity or undertaking” of a “licensed dealer as defined under the Weapons Act 1990”.

Therefore, I don't see that the directive that the that “Licensed armourers and licensed dealers as defined under the Weapons Act 1990” cease trading can cover things that can be sold other than by a dealer: it is the activity of selling weapons that is prohibited, not the retail activity in general.

2.2 Public Health Act 2005

The “Non-essential business, activity and undertaking Closure Direction (No.3)” states that it is made pursuant to 362B of the Public Health Act 2005.

The sections says:

- (1) This section applies if the chief health officer reasonably believes it is necessary to give a direction under this section (a public health direction) to assist in containing, or to respond to, the spread of COVID-19 within the community.*

- (2) *The chief health officer may, by notice published on the department's website or in the gazette, give any of the following public health directions—*
- (a) a direction restricting the movement of persons;*
 - (b) a direction requiring persons to stay at or in a stated place;*
 - (c) a direction requiring persons not to enter or stay at or in a stated place;*
 - (d) a direction restricting contact between persons;*
 - (e) any other direction the chief health officer considers necessary to protect public health.*
- (3) *A public health direction must state—*
- (a) the period for which the direction applies; and*
 - (b) that a person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.*

Looking at the list of powers conferred on the Chief Health Officer, the closure of a retail business could only be achieved under para (e). That para refers to measures “necessary to protect public health”. The question then is, how is closing gunshops, but not other retail outlets, necessary to promote public health?

One can accept that closing all retail premises might be necessary (ie stop people congregating/ coming into contact), but if that were the reason then:

- All retail premises would be closed; and*
- It would not prevent ‘takeaway’ or online retail activities.*

3. *The Public Health Act Qld requires that directions can only be given where the chief health officer reasonably believes the direction will assist in containing or to respond to the spread of Covid 19 within the community. (Section 362B).*

<https://www.lafo.com.au/qld-health-pins-domestic-violence-on-shooters-closes-dealers-no-evidence/>

The Act requires that directions can only be given where the chief health officer reasonably believes the direction will assist in containing or to respond to the spread of Covid 19

Based on their apparent advice to LAFO as to the reasons, they have presumed incorrectly that the direction to close dealers and armourers will assist in containing or responding to COVID 19.

Other States:

It has been noted by FDAQ that Queensland's Health directives are far worse than other States, including NSW where the COVID Virus is far worse than here in Queensland with more deaths and more cases. NSW had no firearms restrictions in relation to the virus and it would seem they are taking an honourable approach of recognising the firearms trade as essential through supporting its day to day trade.

Reports from NSW dealers indicate that NSW Police have visited these stores, showing full support for them to continue at normal capacity through the continued implementation of social distancing.

Please refer to the below link:

https://www.police.nsw.gov.au/online_services/firearms/covid_19_firearms_registry_response

It should be noted that ONLY states with Labor governments, ie Queensland, Victoria and Western Australia, have instituted firearms related restrictions.. South Australia a neighbour to Western Australia with similar COVID figures also has NO Firearms Trade Restrictions.

False Justifications:

The Sydney Morning Herald of 21 April 2020 reported:

Coronavirus gun sales ban in Labor states opens new policy battleground

The justification for bans on the sale of firearms and ammunition in three Labor-controlled states has been questioned after it emerged the national cabinet had no active role in the moves, despite this being cited by state ministers and officials.

Bans were introduced by governments in Queensland, Victoria and Western Australia at the end of last month as a response to the COVID-19 emergency. Victoria's police minister Lisa Neville announced "a decision of national cabinet to put a temporary ban" on access to firearms at a press conference on March 31 and Queensland officials have also referred to national cabinet playing a central role.

In correspondence to lobby group the National Shooting Council last week, a staffer in Queensland Police Minister Mark Ryan's office referred to "discussions in National Cabinet led by the Prime Minister Scott Morrison" having prompted chief health officers "around Australia" to implement bans. There is no suggestion Mr Ryan was aware of the staffer making that assertion.

Multiple sources in Canberra have told *Brisbane Times* there was no national cabinet decision regarding firearms and the limited discussion that did take place was not led by the Prime Minister.

The sources said WA and Victoria had brought up the topic of firearms during a national cabinet discussion in late March, but it was simply to provide the Prime Minister with lists of retail activities they were proposing to shut down.

One senior Coalition source said the idea any state had banned sales on the basis of national cabinet deliberations was "horseshit".

"It wasn't a national cabinet decision," the source said. "It was pretty well the states making their own decisions re: firearms and the PM being OK with that."

States are responsible for regulating firearms under an overarching policy known as the National Firearms Agreement.

The Prime Minister's office declined to comment, citing cabinet confidentiality.

A spokeswoman for the Victorian government said the ban was made after "extensive discussion and deliberation" at national cabinet, but did not mention any collective "decision" of national cabinet.

The spokeswoman said the ban was enacted partly to ensure the increase in sales did not lead to firearms ending up in the hands of criminals at a time when police's enforcement capacity is reduced due to the pandemic.

With legal challenges to the bans on foot in Victoria and Queensland and non-Labor states showing no appetite for similar sales restrictions, the bans have made COVID-19 a new battleground over gun policy.

Queensland's Chief Health Officer imposed a total sales ban on March 27 that meant even police could not buy ammunition or gun parts, with claims police only learnt of the decision at the same time as dealers.

Queensland agriculture and firearms lobby groups within days persuaded the Palaszczuk Labor government to allow sales to primary producers. With support from the LNP opposition, as well as One Nation and Katter Party MPs, they have since forced much wider concessions for much broader categories of rural shooters.

Several dealerships have nonetheless sent legal letters to Queensland Health as a precursor to court action with a view to challenging the ban in its entirety.

Victorian industry counterparts have already filed a legal challenge to sales bans, with lobby groups claiming it could put dozens of dealers out of business, and gun lobby groups have taken out newspaper ads protesting the bans.

Dealers and other interest groups led by the Victoria-based National Shooting Council last week lodged an appeal with Victoria's Firearms Appeals Committee, an independent statutory body that reviews police decisions over licensing.

'No non-Labor state at this point has even shown any interest'

With little official information provided about the reasons for the bans, firearms lobby groups are painting the moves as ideologically motivated.

"It's starting to look like a political thing because it's only happening in the Labor states," said Graham Park, president of the Shooters Union of Australia, which is based in Queensland.

"No non-Labor state at this point has even shown any interest and we have gotten letters back from several states saying 'we have no interest in following that route'.

"We don't know why the other states did it."

Mr Park said the legal challenge in Queensland was needed to prevent future "overreach" by officials.

Authorities in WA and Victoria have cited public or community safety to explain their bans, without providing details, while no reasons were provided by Queensland Health when it added firearms to a list of "non-essential" retail types.

AgForce policy officer Michael Allpass, who has been negotiating with the Queensland government on the issue, said AgForce "hasn't been advised at all as to how the original decision was made (in Queensland)".

"I did ask for an explanation but I wasn't given one," he said. "There's no rhyme or reason to it. People are just making decisions on the spot in uncertain times."

Victoria Police's licensing and regulation branch wrote to firearms dealers in the state on March 31 advising them that as of midnight the previous night their licences had been varied to stop sales of guns and ammunition to anyone not holding an occupational licence.

The email, obtained by *Brisbane Times*, stated: "Following a decision by National Cabinet, the Licensing and Regulation Division has been advised there will be a suspension of all firearm transactions including the sale, hire and loan of firearms and

ammunition for the reasons of Sport or Target Shooting, Clay Target Shooting and Recreational hunting."

An attachment to the email said: "This decision has been made with the overall safety of the public in mind, ensuring people are not unnecessarily storing firearms and ammunition during an extremely difficult time for many in the community, which may be compounded by family and work-related pressures.

"It also limits the number of unnecessary firearms and ammunition circulating in the community which have the potential to fall into the hands of criminals."

Victoria Police did not answer questions about the references in its statements to a national cabinet decision, referring inquiries to the Prime Minister's office.

WA Premier Mark McGowan said at the time of his government's ban: "Given the closure of firearm sporting clubs and shooting venues, and the need to comply with social distancing, there is effectively no need for over-the-counter sales at gun stores."

In Queensland, Mr Allpass and Mr Park both said state government bureaucrats had attributed the move to deliberations in national cabinet.

"They said, 'oh, this has come out of national cabinet' and I said I don't understand, what has national cabinet got to do with it?" Mr Allpass said.

Mr Park said that when his group had asked officials for the ban to be amended, he was told: "It has to go back to national cabinet."

"We said 'why?' And they wouldn't answer," Mr Park said.

Mr Park, who sits on a state consultative committee for firearms regulation, said senior Queensland police officers had told him they had only found out about the sales ban when it was made public.

The Queensland Police Service did not directly address questions about when it knew of the ban. A spokesman said that although police were responsible for regulating firearms, the QPS was also "compelled to adhere to all directions associated with emergency powers arising from the declared public health emergency".

Hunting is an approved form of exercise in Tasmania

Most shooting ranges are closed under COVID-19 social distancing restrictions and NSW has closed public hunting access to state forests.

States have not expressly banned hunting, however, and Tasmania has included it in [a list of approved forms of exercise](#), although it, too, has banned public land hunting.

There were spikes in sales of ammunition reported early last month but this has been attributed to anticipated price rises because of the fall in the Australian dollar.

Some dealers even emailed customers last month warning them to stock up.

"If you're a target shooter or if you're a farmer who uses a lot of ammunition, you would tend to go 'oh, a 20-25 per cent increase, I think I'll grab it now and put it away' - it doesn't go bad. It wasn't some zombie apocalypse thing," Mr Park said.

The National Shooting Council, a Victoria-based group leading the legal challenge to that state's ban, has predicted the shutdowns will cost the firearms industry \$4 billion and has asked the federal government to consider a special rescue package.

"There's over 1000 dealers in Australia, not all of them are shops, some of them are mum-and-dad businesses that might supply a particular niche of the market," the NSC's Neil Jenkins said.

"If they go out of business, we can't see how they could recover."

On 21 April 2020, The Age reported:

It's a political thing': Firearm industry fights coronavirus gun ban

Federal and state governments made no collective decision to ban the sale of firearms and ammunition as part of the coronavirus pandemic response, despite the insistence of Labor-run states that their bans were based on national cabinet deliberations.

Multiple Canberra sources with knowledge of national cabinet discussions have told *The Age* and *The Sydney Morning Herald* that no decision was made regarding firearms and the limited discussion that did take place on the topic was not led by the Prime Minister.

The sources said Victoria and Western Australia proactively raised the topic of firearms during a national cabinet discussion in late March, but it was simply to provide the Prime Minister with lists of retail activities they were proposing to shut down.

Victorian Police Minister Lisa Neville announced "a decision of national cabinet to put a temporary ban" on access to firearms during a press conference on March 31. Queensland officials also referred to national cabinet playing a central role.

Standing alongside Ms Neville at the announcement, Victoria Police Deputy Commissioner Shane Patton said more than double the average 1000 firearm applications were lodged during the final week of March. He also said the ban would reduce the amount of guns falling into the hands of criminals. Mr Patton did not make any assertions about national cabinet decisions.

One senior Coalition source said the idea any of the states – which are responsible for regulating firearms – had banned sales on the basis of national cabinet deliberations was "horseshit".

"It wasn't a national cabinet decision," the source said. "It was pretty well the states making their own decisions re firearms and the PM being OK with that."

The Prime Minister's office declined to comment, citing national cabinet confidentiality.

Responding to questions from *The Age* and *Sydney Morning Herald*, a spokeswoman for the Victorian government said the ban was made after "extensive discussion and deliberation" at national cabinet, but did not mention any collective "decision" of national cabinet.

The spokeswoman said the ban was enacted partly to ensure the increase in sales did not lead to firearms ending up in the hands of criminals at a time when police's enforcement capacity is reduced due to the pandemic.

With legal challenges to the bans underway in Victoria and Queensland, non-Labor states have shown little appetite for similar sales restrictions.

Gun dealers and shooting groups disputed the rise in sales was a result of panic-buying. They said the increased demand was caused by shooters buying products before a 15 per cent price rise on many firearm products that was due to kick in on April 1, sparked by the drop in the value of the Australian dollar compared with the US dollar. The start of the duck-hunting season also contributed to the rise in demand, they said.

Gun dealer Belinda Mann said she had been selling firearms to buyers in Liberal states like South Australia to generate income.

Gun owners who asked not to be named told *The Age* they were aware of farmers travelling across the NSW border to buy ammunition for pest control. Firearm lobby groups are painting the moves as ideologically motivated.

"It's starting to look like a political thing because it's only happening in the Labor states," said Graham Park, president of the Shooters Union of Australia.

"No non-Labor state at this point has even shown any interest and we have gotten letters back from several states saying 'we have no interest in following that route'."

Victoria Police said it sought internal legal advice before the announcement of the ban.

A spokesperson told *The Age* the ban was required after an increase in ammunition sales that mirrored the panic-buying in other sectors.

Dealers and other interest groups led by the National Shooting Council (NSC) last week lodged an appeal with Victoria's Firearms Appeals Committee, an independent statutory body that reviews police decisions over licensing. They say the ban could put dozens of dealers out of business, and gun lobby groups have taken out newspaper ads protesting the bans.

The NSC, which represents more than 8000 shooters nationwide, has experienced a four-fold increase in membership in Victoria this month because gun shop owners have rallied around the campaign to overturn the ban.

Gun shop owners who spoke to *The Age* said their businesses would not survive the ban, for which the government has not announced an end date.

The ban does not apply to farmers with primary producer licences, but many farmers with different licences – those who derive a significant income from non-farming activities – are unable to buy ammunition to perform pest control.

Sheep farmers in western Victoria said they had almost run out of ammunition to keep foxes off their property. "We are losing five to six sheep a night and burning them the next day because we can't defend stock," said one.

Recommendations

1. Compensation to be paid to all armourers, firearm dealers and sellers of ammunition or propellant powders in Queensland to bring their income for the period of the restrictions to that of the same period in the previous year.
2. Compensation to ALL employees in those businesses commensurate with their normal income.
3. Amendment to the definition of a Primary Producer in the Weapons Act 1990

FDAQ would like the word "primarily" removed from the definition to align with Australian Taxation Office and other federal regulations. This section is now being applied by Weapons Licensing Branch to category C firearms through the renewal process. That policy or interpretation causes a lot of confusion and considerable delays in licence renewals for primary producers.

Previous interpretations of this section by Weapons Licensing did not cause an issue. Recent interpretation of the current wording has changed, causing renewed licences to be rejected, refused, or applicants being advised to change their "genuine reason" from primary production to either occupational or recreational, when nothing has changed in the way of the applicant's circumstances.

Over recent years, it has become normal for a primary producer to have multiple jobs and sources of income, especially in view of recent droughts, floods, fires and natural disasters, experienced firsthand by rural Queenslanders. Those individuals so affected who require multiple income streams, should not be treated differently from those primary producers whose income source is solely or primarily related to their properties. No individual should be penalised for wanting to work harder or be placed in a unfair position by legislation because he has to take up multiple sources of income to make ends meet through times of natural disaster.

The suggested change is relevant now, more than any other time, because of the results of climate change on rural Queensland. Such a change exemplifies the great importance of getting legislation right the first time, because of the example of this definition that has been interpreted differently as administrators and/or governments change.

The removal of this single word will allow WLB Authorized Officers to make an accurate decision when issuing licenses, and ensure that the correct job description codes are listed on an individual's license. Whether a person has two jobs or not does not change the "genuine" need for the firearm.

In very recent times we have seen primary producers unable to purchase ammunition, due to public health Covid restrictions, and rural dealers close their doors from loss of trade. This is the direct documented effect of this word as it is currently interpreted.

Suggested definition:

primary producer means a person (not being a person engaged in primary production as an employee on wages or piecework rates) engaged in the occupation of

- (a) dairy farmer; or*
- (b) wheat, maize, or cereal grower; or*
- (c) cane grower; or*
- (d) fruit grower; or*
- (e) grazier; or*
- (f) farmer,*

whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising.

Conclusion:

The restrictions in relation to firearms and firearm dealers are politically motivated and have nothing at all to do with the health of the community during the COVID-19 pandemic. The restrictions are discriminatory, based on Labor policy with no possible bearing on reality, since licensed shooters have already proven themselves, several times, to be fit and proper members of the community. Nor can the restrictions be claimed to come as a result of a fear of "stockpiling" for the purpose of either domestic violence or defence against community violence. Licensed shooters do not "prepare" to engage in domestic violence because domestic violence offenders are not able to obtain firearms licences, which means they cannot purchase firearms or ammunition. Nor is there any evidence of increasing firearm sales prior to the announcement of the restrictions. In fact, there is no evidence at all of any reason for government or police to be concerned with the activities of licensed shooters before, during or after the pandemic.