



11th July, 2019

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

email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Re: *Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019*

Thank you for the opportunity to provide the attached Submission on the proposed Bill.

In principle, the Alannah & Madeline Foundation supports the Bill as it is clearly focused on improving the public safety of the Queensland community, which is the overriding principle of the 2017 National Firearms Agreement, one which we ask all jurisdictions to follow.

However, we have taken the opportunity in our Submission to remind the Committee how Queensland is not compliant with the National Firearms Agreement and if the Committee is considering proposals to strengthen the legislative framework, they should not ignore the clear areas where Queensland legislation is not compliant with those principles that the government, along with all Australian jurisdictions, committed to in 2017.

The Foundation encourages the Committee to consider these matters as well.

If the Committee has any further questions, please direct them to Stephen Bendle, Advocacy Manager, email: [REDACTED] mobile: [REDACTED]

Thank you again for the opportunity and we wish you all the best in your deliberations.

Kind regards

Lesley Podesta
Chief Executive Officer

Submission to the Legal Affairs and Community Safety Committee

Inquiry into the Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019

The Alannah & Madeline Foundation

July 2019



**Alannah & Madeline
Foundation**

Keeping children safe from violence

About the Foundation

The Alannah & Madeline Foundation (the Foundation) was established in memory of Alannah and Madeline Mikac, aged six and three, who were tragically killed with their mother and 32 others at Port Arthur, Tasmania, on 28 April 1996. Our mission is to keep children safe from violence.

The Foundation strongly supports the National Firearms Agreement, which was first put in place following the Port Arthur tragedy. It has been updated on several occasions since that time and is now known as the 2017 National Firearms Agreement (the NFA). The evidence shows that it has helped keep our community safe from firearm violence.

We strongly support the harmonising of state and territory government firearm laws and regulations, one of the key features of the NFA.

Submission to the Legal Affairs and Community Safety Committee

Thank you for the opportunity to contribute to the inquiry into the *Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019*.

The Alannah & Madeline Foundation supports the objective of the *Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019* which is to strengthen Queensland's weapons legislation framework. The Bill proposes to do this by introducing:

- new provisions which will prohibit high risk individuals from acquiring, possessing or using a firearm through the use of firearms prohibition orders
- new weapons offences
- increased current penalties for certain weapon and firearm offences.

The Foundation supports the Amendments outlined in the Bill and believes that they will enhance public safety, which is the overriding principle of the NFA.

However, the Foundation's believes that there are other significant areas of Queensland's firearms laws that fail to meet the minimum requirements for the regulation of firearms that are outlined in the NFA and to which the Queensland government has made a commitment, as recently as 2017.

Queensland is not alone in not having fully implemented all aspects of the NFA. There are a range of studies that provide evidence of firearms laws in each State and Territory not being compliant with aspects of the NFA. While some non-compliance may be relatively minor, multiple instances of minor non-compliance combine to produce significant weaknesses in our laws and undermines the principles of the NFA that have already been agreed to by the Queensland government and all other jurisdictions.

The Foundation believes that there should be a national audit of State and Territory compliance with the 2017 National Firearms Agreement (the NFA) to provide a solid basis for harmonising state and territory firearms regimes in a manner consistent with the NFA and in the best interest of public safety.

In the interim, the Foundation urges the Committee to propose further amendments to Queensland's Weapons Act 1990 and its associated regulations to bring Queensland firearms laws closer to compliance with the NFA.

To assist the Committee with this task, the Foundation would like to draw the Committee's attention to the following areas that the Foundation believes are areas of NFA non-compliance in Queensland's laws.

- Minor's licences are available to persons who are 11 years of age and can be issued for a category A, B, C or H weapon in accordance with the Weapons Regulations 2016, reg. 36. These arrangements enabling minors to use guns are inconsistent with the NFA which explicitly states that licences should not be issued to people under 18 years of age.

- The proof of identity requirements for a firearm licence are less stringent than required by the NFA. The NFA requires that the '100 point system', which is used for opening bank accounts and in other situations in which proof of identity is important, be used.
- Licences for category A and B firearms may be issued for 10 years. This is double the maximum period agreed by the Queensland government in the NFA.
- Category C weapons may be stored in the same conditions as category A and B weapons. The NFA requires that category C weapons be stored "in a locked, steel safe with a thickness to ensure it is not easily penetrable...". The NFA provision is intended to reduce the risk of category C weapons being stolen and entering the black market.
- The production of a valid firearm licence is not mandatory for the purchase of ammunition and there is no limit on the quantity of ammunition which may be purchased. Both of these situations are inconsistent with provisions agreed in the NFA.
- A person who obtains a handgun licence is able to own a pistol or revolver during the first six months of their licence. The agreement in the NFA is to have a system of graduated access for sporting shooters based on training, experience and event participation in which a person is not permitted to own a handgun during the first six months probationary period of their licence.
- A person who obtains a permit to acquire a second or subsequent firearm is exempt from the 28-day waiting period. The NFA required this waiting period to enable appropriate checks to ascertain whether any change in circumstances might affect the person's suitability to possess a firearm or a particular type of firearm.

In addition to the above, the *Weapons Legislation Amendment Regulation (No. 1) 2017* which provided for the re-categorisation of lever action shotguns to categories B and D, effectively only applied to firearms acquired after 10 October 2017, the date of notification of the regulation.

Of significant concern is that people who prior to this date held a lever action shotgun capable of firing more than five rounds were allowed to keep the weapon indefinitely without having to obtain a category D licence and can pass the weapon down after they die to any person with a firearm licence, irrespective of the category of that licence.

The Foundation does not support these arrangements and it is certainly not in the interest of public safety to have lever action shotguns available in the community through happenstance rather than planned policy. The Foundation urges the government to transition to full compliance with the NFA within a reasonably short period of time.

A further significant concern is the time it is taking to fully establish an effective national firearms registry that enables all guns that have been legally owned to be uniquely identified. This task has still not been completed 22 years after the first agreement.

These areas of non-compliance weaken our National Firearms Agreement.

- They increase the number of guns in the community and hence the opportunity for those guns to be used in instances of family violence and to 'fall into the wrong hands'.
- They have facilitated the acquisition of large holdings of firearms by some individuals, beyond what could reasonably be required.
- They potentially undermine the regular testing of licence holders to ensure that it remains appropriate for them to be in possession of a firearm.

The risks posed by guns in the community are clear. In addition to the various deaths of adults involving illegal weapons and criminal activity, media reports over the past two years provide ample evidence of the adverse impact that firearms may have on children and their families:

- In June 2019, four men died and a woman was seriously injured in a mass shooting in Darwin, NT
- During the first half of 2019, eight people have been killed in Melbourne
- In July 2018, two teenagers and their estranged father died in a murder-suicide in Sydney, NSW
- In May 2018, three adults and four children died in a murder suicide in Margaret River, WA
- In September 2017, a 12-year-old boy in NSW was shot in the face when he and a friend found a rifle in a shed
- In August 2017, a three-year-old girl in Lalor Park NSW was killed while playing at her own home when a sawn-off shot-gun possessed by her father discharged
- In August 2017, an 11-year-old girl travelling in a car near Launceston was shot in the head during a dispute
- In August 2017, a 17-year-old boy was shot and killed in Victoria's Neerim East State Forest.

While we may never be able to eliminate gun deaths, these cases highlight why the vast majority of Australians support the NFA, want it fully implemented and do not support it being watered down.

Finally, in the Explanatory Notes provided by Trevor Watts MP, Member for Toowoomba North and in his briefing to the Legal Affairs and Community Safety Committee acknowledged that there had been no consultation with any stakeholders concerned over public safety associated with firearm policy.

Furthermore, the Foundation would reiterate that when considering the *consistency with legislation of other jurisdictions* that the non-compliance with the NFA be considered, especially in matters such as Queensland's inconsistent application of Firearm License terms and the grandfathering of lever action shotguns.

THANK YOU.



Alannah & Madeline
Foundation

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