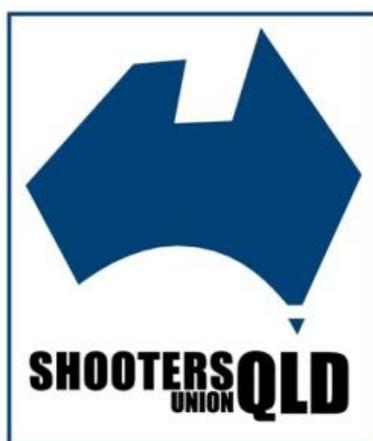


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SUBMISSION

Police Legislation
(Efficiencies & Effectiveness)
Amendment Bill 2021

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1. General Comment

We appreciate the opportunity to comment, but restrict ourselves to the proposed amendments to the Weapons Act 1990.

We noted the announcement of the permanent national amnesty with interest but some trepidation since the legislation relating to the amnesty was not offered to any stakeholders prior to enactment. We are aware that a great many licensed Dealers in Queensland opted out of the amnesty because the legislation was so badly flawed. Once again there has been no consultation with industry prior to the development of these amendments, and once again, the legislation falls short of the goal of removing illegal firearms from the community.

It seems that there is a deliberate attempt to prevent licensed firearms Dealers from participating fully in the amnesty, despite the extremely successful amnesties in 2013 and 2017 when it was clearly beneficial to the community to have Dealers as the receipt and disposal entities of unwanted and unregistered firearms.

We are at a loss to understand the motives behind restricting licensed Dealers, particularly in light of their integral front-line role in the maintenance and accuracy of the Commissioner's Register and their requirement for secure storage facilities.

2. Authors

Ms Jan Linsley and Professor Ross Grantham on behalf of Shooters Union Queensland Pty Ltd Executive Committee.

3. Intended Audience

- Legal Affairs and Safety Committee of the Queensland Parliament.
- Minister for Police and Corrective Services and Minister for Fire and Emergency Service, the Hon Mark Ryan MP.

4. Background and authority to comment

- 4.1 Shooters Union of Qld Inc was formed in 2005, obtaining Weapons Licensing club approval in that year. In 2018, the organisation was restructured to become a proprietary limited liability company because of rapidly increasing

membership numbers. Shooters Union Queensland Pty Ltd is the second largest shooting organisation in Queensland.

- 4.2 Shooters Union Australia Inc was formed in 2013 in answer to requests by members in other states. The organisation was changed to a company limited by guarantee in 2018, again because of rapidly increasing membership Australia-wide.
- 4.3 **Shooters Union has been represented at all Ministerial Advisory groups since formation, both in Queensland and in other states and is a member of the Weapons Licensing Branch internal Working Group. Shooters Union Australia Ltd is represented on the Commonwealth Firearms Advisory Council.**

5. Specific Comment on the Proposed Amendments

5.1 Amendment of s 35 (Acquisition of weapons)

Section 35(6)(c) enables the temporary storage of a firearm by a licence holder on behalf of another person. This amendment doubles the period of temporary storage from 3 months to 6 months.

Shooters Union Qld Pty Ltd supports the extension of time for temporary storage on the basis that a new licence can take quite some time to be obtained, particularly in light of the eligibility requirements which must be achieved prior to licence application.

However, the amendment seems an entirely self-serving measure on the part of Weapons Licensing Branch, designed to cover up the appalling service standards currently being delivered by Weapons Licensing Branch.

At a meeting between Qld Police and the Shooting Associations on 16 August 2021, the following information was given by [REDACTED] of Weapons Licensing Branch:

- 8,000 licence applications currently lodged with Weapons Licensing for processing.
- Applications commence their assessment 20 weeks after lodgement date due to the large volume of applications.

Sometimes, temporary storage will be with a licensee's friend or family member. Currently, when that 3 months period expires, the firearms must be surrendered to a licensed firearm dealer for storage, which involves a fee which can vary from dealer to dealer according to individual commercial arrangements. Weapons Licensing Branch has 42 days after expiry to decide an application for renewal of a licence and after that period, the person is unlicensed and must also surrender their firearms to a licensed dealer for storage. With 8000 licences outstanding, some of which must be the result of late renewals and the

amendment proposing an extension of storage to 6 months and licences not even being assessed until 5 months have passed, it would seem that the service standard for the issue of licences by Weapons Licensing Branch is already far exceeding the 3 months temporary storage requirements.

The effect of this amendment may be even further deterioration of Weapons Licensing Branch service standards, resulting in higher fees having to be paid by licensees, whether or not that storage is the result of their own late renewal, a death in the family necessitating a new licence application or the extremely poor service being afforded to licensees by Weapons Licensing Branch. It may be that Weapons Licensing Branch will now feel able to further delay their assessment of a licence from the current 20 weeks, which is already well outside reasonable time frames, to 24 weeks, to fit within the 6 months temporary storage amendments. We believe this to be a very real possibility, given the current service standard.

5.2 Amendment of s 36 (Sale or disposal of weapons)

Our comment to this amendment is the same as in the previous amendment.

5.3 Amendment of s 152 (Approved officers)

We have no problem with the concept of this amendment. However, please note our comments in the following amendment.

5.4 Amendment of s 163 (Evidentiary provisions)

We are concerned that a statement made by a public service officer does not have to be confirmed by anyone, not even a police officer, and can be accepted as evidence in a court proceeding. We believe that a licensed dealer or armourer should confirm statements made in relation to firearms by approved officers, particularly in regard to the location of serial numbers, configurations and categories. It is almost impossible for all knowledge of all firearms to reside in any one individual and where cases are brought to a court, it may be that several opinions are required before a statement can be considered to be accurate.

5.5 Amendment of s168B (Amnesty for firearms and prescribed things in particular circumstances) AND

5.6 Amendment of s168C (Dealing with surrendered firearm or prescribed thing) AND

5.7 Insertion of new s168D

These amendments allow licensed dealers to hold firearms surrendered to them under amnesty, pending an authority from Weapons Licensing Branch, allowing them to commercially dispose of the surrendered item. This requirement significantly undermines the purposes of the legislation and of the amnesty.

Our concern here relates to an understanding that each surrendered item will require its own individual authority from Weapons Licensing Branch. This largely renders the amnesty an exercise in bureaucratic paper recycling. Firearm dealers are the ones who administer the initial registration of all firearms. The paperwork requirements already far exceed what could be considered efficient management procedures. They have the expertise, the licences, the experience and the knowledge to perform the essential service of removing of illegal firearms from the community in a safe and efficient environment. If an approval separate to the formally agreed provisions of the amnesty is required, and we do not believe it is, then it is much more efficient and effective to create a blanket approval, if not for all licensed dealers, then at least for each individual dealer so that he can accept all amnesty firearms without further complications.

As was pointed out at the most recent Police Minister's Firearms Advisory Forum (6th May 2021), the original amnesty legislation was very poorly drafted, thereby rendering the amnesty almost untenable, and certainly unviable. Despite the acceptance of this by all attending the Minister's Forum, the amendments now presented do not do much to improve matters and fall well short of what should have been an easy fix. We are unsure as to why the amendments do not reflect the agreed solution, but the responsibility must lie with the Principal Policy Officer at the Queensland Police Service.

We are now, and if this legislation is passed, will be in the situation where dealers are unlikely to accept Category R firearms under amnesty because those firearms have to be transported to local police stations. Presented to a dealer, they can be notified, inspected, rendered safe and securely stored, pending appropriate checks by Weapons Licensing Branch. However, it is extremely unlikely that dealers will accept them, but will rather refer the holder to the nearest police station. This will undoubtedly defeat the purpose of the amnesty. Is an individual really likely to take their machine gun to a police station and hope they are not prosecuted or otherwise intimidated by police? Most will take their machine gun and put it back where they got it from, being too afraid to surrender it to anywhere other than a dealer. How can this requirement make the community safer?

Why is a dealer only permitted to accept amnesty surrendered firearms in categories already appearing on his dealers licence? Again, dealers will refuse to accept firearms they cannot hold, thereby sending unlicensed individuals back into the community with illegal guns. The whole purpose of an amnesty is destroyed by provisions such as this.

5.8 Amendment of Schedule 2 (Dictionary)

This amendment removes the definition of approved officer under Schedule 2 because it is already defined elsewhere. Shooters Union has no issue with this amendment.

6. Recommendations

- That the amendments to the Weapons Act 1990 as presented be NOT approved.
- That consultation with licensed firearm Dealers be undertaken before further amendments are prepared.
- That the amendments to the Weapons Act 1990 be returned to the Queensland Police Service Firearms Advisory Committee for review, amendment and approval by that group.
- That the legislation so amended be presented to the Minister's Forum for further review.