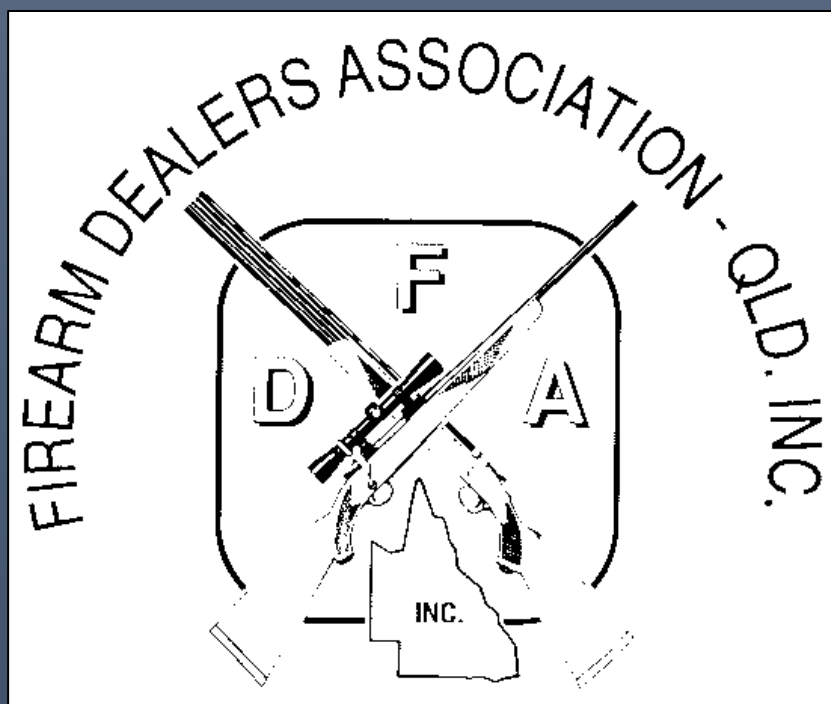


2021



SUBMISSION

POLICE LEGISLATION (EFFICIENCIES & EFFECTIVENESS) AMENDMENT BILL 2021

FIREARM DEALERS ASSOCIATION – QLD INC
PO BOX 733
DALBY QLD 4405



Contents

Introduction	2
Author.....	2
Proposed Amendments –	3
Amendment of s 35 (Acquisition of weapons)	3
Amendment of s 36 (Sale or disposal of weapons)	3
Amendment of s 152 (Approved officers)	3
Amendment of s 163 (Evidentiary provisions)	4
Amendment of s 168B (Amnesty for firearms and prescribed things in particular circumstances)	4
Conclusion:	5

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 have the opportunity to respond to the provisions encompassed in the document entitled Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021.

We address only the proposed changes to the Weapons Act 1990.

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]

Proposed Amendments –

Amendment of s 35 (Acquisition of weapons)

The effect of this clause is to double the time a person can store a firearm for another person, which usually occurs, according to the Explanatory Notes, ***due to the person's weapons licence expiring, serious health issues or during the administration of deceased estates.***

In current legislation, this time period is 3 months, so the proposed amendment will extend the period to 6 months.

Where a licence expires or the bequest of a firearm is to an unlicensed person, a new licence must be applied for. Previously, 3 months was sufficient time for a new licence to be issued, considering the eligibility requirements for new firearms licences. We are advised that the time for issue of a new licence has extended beyond 3 months and new applications are not assessed until 20 weeks after lodgement. Our concern is that this amendment may actually extend the time for the issue of a new licence. Whilst we appreciate the proposed extension we believe that it should be accompanied by shorter processing times.

Amendment of s 36 (Sale or disposal of weapons)

Section 36(3)(c) enables the temporary storage of a firearm by a licence holder on behalf of another person. This commonly occurs due to the person's weapons licence expiring, serious health issues or during the administration of deceased estates. Clause 33 doubles the time a person can possess a weapon under s 36(3)(c) before the person is required to dispose of the weapon, from three months to six months.

Our comment to the amendment of section 35 also applies to this amendment.

Amendment of s 152 (Approved officers)

Clause 34 amends s 152 to reflect that an officer of the public service is now referred to as a public service officer.

Since there is no change in policy with this amendment and it appears to legislate existing practice, we do not have any objection to this amendment.

Amendment of s 163 (Evidentiary provisions)

According to the Explanatory Notes: ***A document signed by an approved officer who is either a police officer or public service officer under ss (2) is to be considered evidence of the facts stated in the document.***

Our concern with this amendment is that a public service officer will be permitted to sign a document that in itself will be considered evidence in court, without having to prove that the contents of the document are true. Since this section appears to relate to particular firearms, we would like to see an opinion sought of a licensed firearm dealer or armourer. Serial numbers on firearms are often concealed under stocks and forends, most military rifles have rack numbers and/or multiple serial numbers on them and many serial or model numbers on old firearms are difficult to read. Model numbers are often included in serial numbers, which further confuses firearm identification. It would seem reasonable to include a provision for the expertise of industry to be sought as confirmation of statements made before admission to court.

Amendment of s 168B (Amnesty for firearms and prescribed things in particular circumstances)

- The amnesty provisions in current legislation have put the viability of the amnesty in doubt. Whilst the amendments go some way towards rectifying the situation, there has been no input by experts in the field and these new proposals do not go far enough to support the application of the amnesty and its goals. Most importantly the amnesty fails to follow the guidelines of two hugely successful Queensland amnesties run in recent years.
- Major deficiencies include:
 - Dealers should be able to accept ALL categories of firearms. A dealers licence allows a person to buy, sell or otherwise dispose of firearms. It has no bearing on whether or not a person can shoot the firearms, so there is no point in restricting a dealer to specific categories, providing their storage requirements are up to the standard to house the categories of firearms surrendered.
 - A dealer required to direct a person wishing to hand in a firearm anonymously to a local police station facilitates the person in holding illegal firearms. Persons wishing to surrender firearms to dealers want to do so because of the anonymity of the transaction. Not so at the local police station.
 - Our members inform us that although the clearance from police to dispose of an amnesty firearm was received fairly quickly when the amnesty commenced, the time has now extended to several months in some cases, and is often only issued when the dealer follows up.

- Most importantly - The firearms that everyone, including the police, are most seriously concerned with removing from the community, ie Category R (machine guns), will not be accepted by dealers because they can't be retained in their premises until clearance to dispose/transfer is obtained. Those firearms must go the police, so why would a dealer take the time and effort to accept an amnesty firearm which must go directly to the police? In the case of rural dealerships, many of which are sole traders, delivery to local police would entail closure of the business for the period of time it takes to attend a police station. Most dealers will direct the person to take it to the police directly. So a dealer, who has multiple licences, approved secure storage and the appropriate paperwork to handle these, is permitted under these proposals to send a person with an illegal firearm and no licence for it, back out into the community with what is arguably the most important category of firearm to remove from the community.

Conclusion:

The proposed changes do not, almost universally, achieve the intended goals and the amnesty provisions particularly, do not conform to community expectations and create a potentially dangerous situation.

The bill should only proceed with amendment and expert advice obtained. If the object of the legislation as a whole is community safety, then the amnesty provisions fail to deliver that safety and in our opinion, increase the danger to the community.