

# Submission

## Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021

September 2021



The Shooting Industry Foundation of Australia (SIFA) thanks the Queensland Legal Affairs and Safety Committee for the opportunity to comment on the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 (Part six).

The Shooting Industry Foundation of Australia (SIFA) is the peak body that represents the Australian shooting industry. Since our inception, SIFA has worked in advocacy, research, education and safety promotion to inform the public, regulators and politicians about the vital role our industry plays in Australia.

At the core, SIFA's main role is to promote, develop and represent the interests of a vital Australian industry that adds significant value to the Australian economy. In 2018 alone, it was estimated that the gross contribution of the Australian shooting industry to GDP was \$2.4 billion and supported some 19,500 full time jobs

**s 35 (Acquisition of weapons) and s 36 (Sale or disposal of weapons) to extend the time frames under which an appropriately license person can temporarily hold a weapon on behalf of another weapons licensee from three months to six months.**

SIFA supports the proposal to amend Section 35(6)(c) and Section 36(3)(c) from 3 months to six months on the basis that it is in the public interest for firearms to be stored safely, and that there should be as few impediments to that outcome as possible.

The scenarios outlined in the explanatory notes do not consider all situations. These temporary storage arrangements are often utilised whilst people navigate the Queensland licensing regime (e.g., following an interstate transfer for work). In common with many other states, the service delivery experience provided by the Queensland regulators is not always what it should be. Extending the timeframes permitted for temporary storage must not have the effect of extending the time taken to process routine licensing applications.

The committee should ensure that this provision is not confused with situations where the nominated safe storage address for the firearm differs from the firearm owners residential address. These are permanent arrangements, not temporary.

**s 163 (Evidentiary provisions) to enable a non-sworn technical officer, who is an approved officer under the Act, to prepare a document to be produced as evidence as to the category of a weapon.**

The inconsistent categorisation of firearms by jurisdictions is problematic for the Australian firearms industry. This is compounded when jurisdictions choose to classify a firearm differently to the category assigned in the National Firearms Identification Database (NFID) which is maintained by the Australian Criminal Intelligence Commission (ACIC).

SIFA has no issue with a non-sworn technical officer producing evidentiary material per se. It is preferable that such documents are produced by the most technically competent person available. The act of swearing an oath does nothing to enhance that person's technical knowledge of firearms. It could be argued that the lived experiences of a sworn police officer might in fact erode that person's objectivity regarding firearms.

The aspect of this proposed amendment which SIFA is compelled to flag with the committee is the question of the qualifications and experience required for appointment as an approved officer in these circumstances.

Section 152 (2) of the Queensland Weapons Act 1990 states that “However, a police officer may be appointed as an authorised officer only if, in the commissioner’s opinion, the officer has the necessary expertise or experience to be an authorised officer”. (SIFA assumes that the terms “approved officer” and “authorised officer” are interchangeable and are simply a case of inconsistent drafting).

Industry has previously expressed its lack of confidence in the technical competence and objectivity of the jurisdictional representatives contributing to the Firearms and Weapons Policy Working Group (FWPWG) chaired by the Department of Home Affairs (DHA).

There is a clear expectation that anyone being considered for appointment as an authorised officer (whether sworn or un-sworn) must have specialist and in-depth firearms knowledge and not have found themselves in their current assignments via allied fields or via a serendipitous career pathway.

SIFA urges the committee make enquiries as to what guidance is available (if any) to support the Commissioner in their due diligence prior to accepting the authorised officers bona fides and confirming the appointment and satisfies themselves that those arrangements and experience thresholds are of an evidentiary standard.

**s 168B (Amnesty for firearms and prescribed things in particular circumstances) and s 168C (Dealing with surrendered firearm of prescribed thing) to allow a licensed firearms dealer to retain and deal with an anonymously surrendered firearm or prescribed thing, in circumstances where an authorised officer from Weapons Licensing, QPS approves the licensed dealer to do so.**

SIFA supports these amendments on the basis that they facilitate the anonymous surrender of illegitimate firearms to licensed firearm dealers in Queensland and it incentivises dealers to support the national amnesty initiative. Under the current legislation, these key items are deficient and thus are roadblocks to a successful amnesty. These new arrangements are broadly in line with SIFA’s fact-based advocacy (attached) leading up to the declaration of the amnesty.

It must be noted however that Queensland has failed to adopt the nationally consistent amnesty model which was agreed to at the Firearms and Weapons Policy Working Group. Had they done so, and had these amendments been geared towards achieving and maintaining national consistency, the data clearly shows that the Queensland amnesty would have been more effective in removing illicit firearms from the community from the start of the initiative.

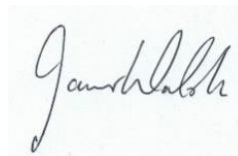
The committee could consider enquiring as to what policy drivers lead to such a compromised and sub optimal permanent amnesty arrangement being implemented in Queensland. This will be useful to know when the data inevitably shows that the performance of the Queensland amnesty lags that of other states, and pressure mounts to realign them for best ongoing effect.



David Voss

**Policy & Research Manager**

[Redacted contact information]



James Walsh

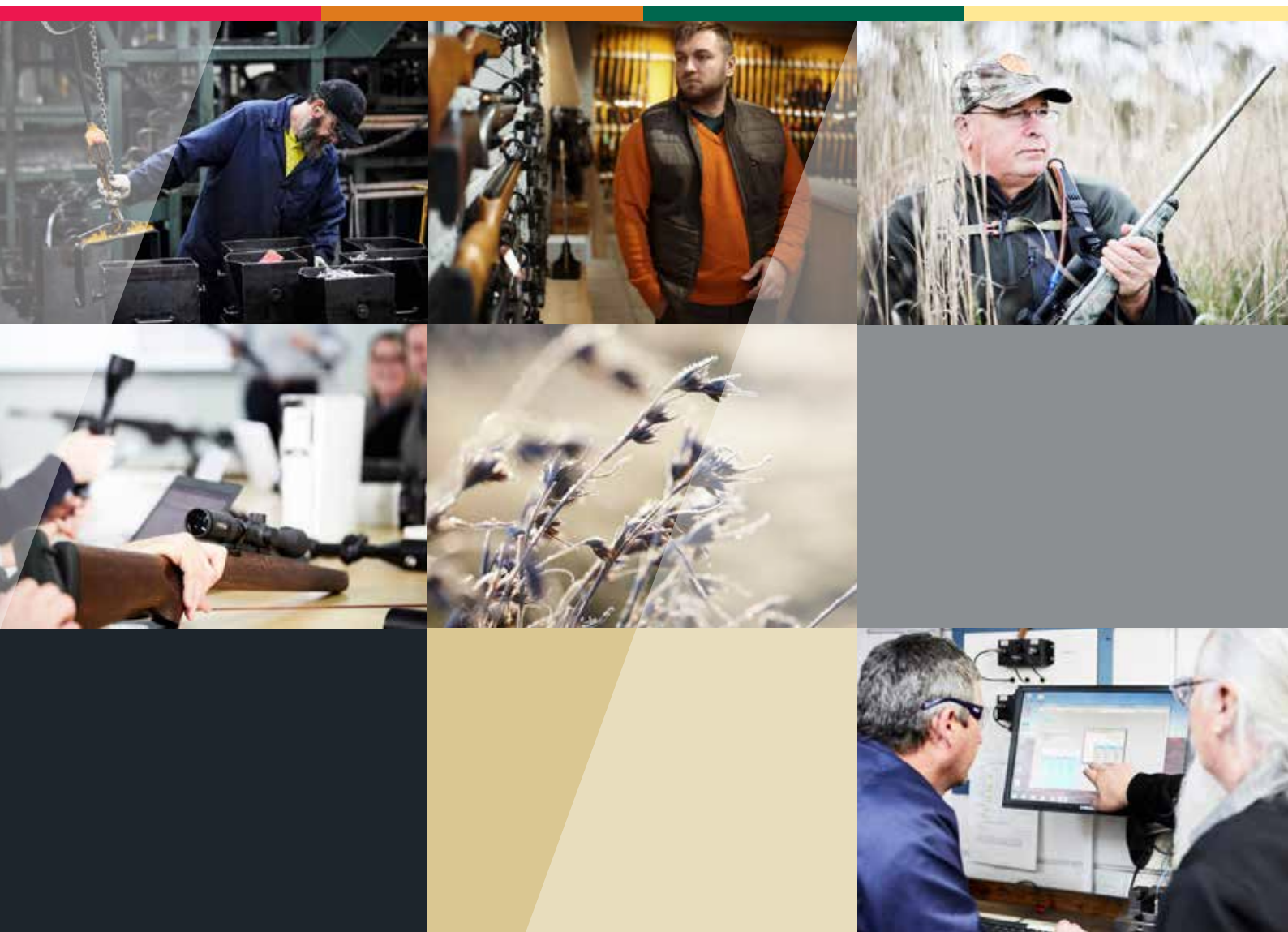
**Executive Officer**

[Redacted contact information]



# National Firearms Amnesty SIFA Recommendations

OCTOBER 2020





## Introduction

In November 2019, the Ministerial Council for Police and Emergency Management reached agreement with the States and Territories to implement a permanent national firearms amnesty across Australia. SIFA applauds this decision as we strongly support the idea of a permanent national firearms amnesty, as long as the model chosen, and the relevant enabling regulation ensures utmost success and does not disenfranchise the Australian firearms industry.

The founding principle of firearm regulation in Australia is public safety and the presence of illegal and unregistered firearms in the community detracts from this principle. In this regard, the sole objective of a firearms amnesty should be to facilitate the removal of as many illegal and unregistered firearms from the community as possible.

In seeking to define the best firearms amnesty model to achieve this, many examples of very successful initiatives already exist in Australia's recent history. The 2017 National Firearms Amnesty was promoted as being a highly successful event<sup>1</sup>. However, could it have been even more successful?

SIFA's analysis has concluded that up to 29,053 illegal and unregistered firearms could remain on the street today as a direct consequence of states watering down the best practice amnesty model.

In examining the results of the 2017 national firearms amnesty by jurisdiction, the impact the different regulatory models had on the success of each individual amnesty becomes obvious. It is evident that amnesties with more regulation around the surrender of firearms, and those that did not utilise the licensed firearms dealer network, produced less successful results. This highlights that had all jurisdictions opted for the 2017 Tasmanian, Queensland or New South Wales models, even more firearms would have been surrendered.

Given that Australia is looking to implement a permanent amnesty, it is important that the jurisdictions look to past models and mimic the most successful of these to ensure that any facilitating regulation is nationally consistent, efficient, and effective. To achieve utmost success, the requirements put in place also need to be structured to attract the full and ongoing support of the general public and the firearms industry. Both common sense and public safety demand this.

SIFA welcomes the opportunity to consult with Government on firearms matters and we thank you for allowing us to provide our recommendations for a successful national firearms amnesty.

<sup>1</sup> Pg. 18. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

## The 2017 National Firearms Amnesty

### 2017 Main Amnesty Conditions by Jurisdiction<sup>2</sup>.

#### Australian Capital Territory

- Firearms permitted to be registered or sold as part of the amnesty.
- Unlicensed people may apply for a licence and go through the permit to acquire process.
- No dealers permitted to accept firearms; all items must be taken in the first instance to the police.

#### New South Wales

- Free registration of surrendered firearms
- Firearms can be on-sold through a participating dealer.
- All firearms, firearm parts, ammunition and prohibited weapons can be handed in to participating dealers and police stations during the amnesty.

#### Northern Territory

- Firearms, ammunition, parts and prohibited weapons surrendered to dealers or police stations.
- Registration of surrendered firearms permitted with the cost of the permit to acquire waived.
- Surrendered firearms capable of being registered, may be sold to a third party.

#### Queensland

- The police encouraged people to hand in articles for registration, sale, or destruction to a dealer, rather than a police station.
- Unregistered firearms were permitted to be registered or sold during the amnesty.
- Those registering a firearm to a current licence holder during the amnesty, had permit to acquire fees waived.
- Those who applied for a new licence during the amnesty did not have to apply for a permit to acquire or pay the standard fee.

#### South Australia

- Licence holders permitted to have unregistered firearms added to existing licenses through a dealer with registration fees waived during the amnesty.
- Unlicensed people could surrender firearms to a licensed dealer, with the firearm only able to be registered if it is an heirloom or historically significant.
- Sales of firearms were only permitted for those holding a firearms licence at the time of surrender.
- Unlicensed people must hand the firearm in to a dealer or police station where it will be sent for destruction.

#### Tasmania

- Those who already had a licence for the same category of firearm being surrendered were able to apply for a permit to acquire.
- Unlicensed people surrendering firearms were permitted to apply for a licence.
- Firearms were permitted to be on-sold, with the sale conducted through a dealer.

#### Victoria

- Surrendered firearms could be registered with firearm licence holders required to apply and pay for a permit to acquire.
- Current licence holders permitted to sell items to or via an approved dealer.
- Dealers permitted to accept surrendered items that cannot be registered or sold, which are required to be handed to police for destruction.

#### Western Australia

- Licence holders permitted to register firearms during the amnesty.
- Non-licensed people permitted to hand in articles at a police station and apply for a licence.
- All firearms required to be surrendered to police stations only.

<sup>2</sup> SSAA National - <https://ssaa.org.au/news-resources/politics/ssaa-secures-successful-amnesty-model/>

### Summary of Authorised Surrender Locations by Jurisdiction<sup>3</sup>

Jurisdiction	Items permitted to be handed in for registration, sale, or destruction to:		
	Police Stations	Mobile Police Stations	Participating licensed firearm dealers
<b>ACT</b>	Yes	No	No
<b>NSW</b>	Conditional – items could be handed in to police stations for destruction (or donation) but not registration or sale.	No	Yes
<b>NT</b>	Yes	No	Yes
<b>QLD</b>	Yes – police stations were approved drop-off locations, though people were encouraged to hand in items to participating licensed firearm dealers (rather than police) where possible.	No	Yes
<b>SA</b>	Conditional – items could be handed in to police stations for destruction (or donation) but not registration or sale.	No	Yes
<b>TAS</b>	Yes	Yes	Yes
<b>VIC</b>	Yes – police stations were not advertised as approved drop off locations, but items handed into police were accepted.	No	Yes
<b>WA</b>	Yes	No	No

<sup>3</sup> Pg. 20. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

## Results of the 2017 Firearms Amnesty<sup>4</sup>

### Total number of items surrendered by category.

Jurisdiction	Firearms	Firearm parts and accessories
ACT	699	60
NSW	24,831	1,898
NT	347	12
QLD	16,375	107
SA	2,825	26
TAS	1,830	117
VIC	9,175	103
WA	1,242	109
<b>Total</b>	<b>57,324</b>	<b>2,432</b>

### Total number of items surrendered by drop-off point.

Jurisdiction	Licensed Firearm Dealer	Law Enforcement
ACT	0	699
NSW	16,856	7,975
NT	41	306
QLD	12,441	3,934
SA	503	2,322
TAS	95	1,735
VIC	7,218	1,957
WA	0	1,242
<b>Total</b>	<b>37,154</b>	<b>20,170</b>

Subsequently, people who surrendered firearms during the 2017 amnesty were also given the opportunity to complete a voluntary and anonymous survey. This survey polled the reason why people were surrendering their firearms. A total of 743 completed surveys were received<sup>5</sup>.

	Selected		Not Selected		Unknown		Total
	N	%	N	%	N	%	
Ability to register firearm	390	52.5	329	44.3	24	3.2	743
Did not need or want the firearm any more	127	17.1	592	79.7	24	3.2	743
To avoid being charged	83	11.2	636	85.6	24	3.2	743
Sense of responsibility	206	27.7	513	69.0	24	3.2	743
Other	111	14.9	608	81.8	24	3.2	743

<sup>4</sup> Pg. 6. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

<sup>5</sup> Pg. 14. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017



## SIFA's Analysis of the 2017 Firearms Amnesty Results:

Jurisdiction in order of success on number of firearms surrendered per 100K of population.

Jurisdiction	No. of firearms Surrendered <sup>6</sup>	2017 Population <sup>7</sup>	No. Surrendered per 100K	Potential*	Shortfall
TAS	1,830	524,700	348.7707	1830	0
QLD	16,375	4,965,000	329.8087	17316	941
NSW	24,831	7,915,100	313.7168	27605	2774
ACT	699	415,900	168.0692	1451	752
SA	2,825	1,728,100	163.4743	6027	3202
VIC	9,175	6,385,800	143.6782	22272	13097
NT	347	246,700	140.6567	860	513
WA	1,242	2,584,800	48.0501	9015	7773
<b>Total</b>	<b>57,324</b>	<b>24,766,100</b>	<b>231.4616</b>	<b>86,377</b>	<b>29,053</b>

\* Potential calculated using best results (Tas) based on 100K of population, projected across all jurisdictions.

<b>National average per 100,000 population</b>	231	<b>Shortfall by not using best practice</b>	29,053
<b>Max potential from best practice</b>	86,377	<b>% effectiveness</b>	66.4%

- The jurisdiction (WA) that **opted for a restrictive firearm amnesty model and excluded licensed firearms dealers** from the process, had the least successful results recording only **48 firearms surrendered per 100K of population**, and a total of **1,242 or 2.2% of the total 57,324 firearms surrendered**.
- The jurisdictions (TAS, QLD & NSW) that decided on **less regulation, utilised the established licensed firearms dealer network**, and **retained incentives for people to surrender firearms**, recorded the highest number of firearms surrendered, topping out at **348 firearms surrendered per 100K of population**, and a total of **43,036 or 75% of the total 57,324 firearms surrendered**.
- People surrendering firearms preferred to do so via a licensed firearms dealer, rather than a law enforcement officer. Nationally, **licensed firearms dealers collected 16,987 more** firearms than law enforcement.
- Nationally, **65% of all firearms surrendered in the amnesty were via a licensed firearms dealer**, instead of law enforcement.

**The results of the voluntary and anonymous participation survey highlighted the following attitudes for taking part in the amnesty:**

- **53%** of people surveyed stated that the ability to **register or on-sell an unregistered firearm** was a major **incentive to surrender a firearm** during the 2017 amnesty.
- Only **11%** of those surveyed, surrendered their firearm over **fear of being charged**.
- **28%** of those surveyed indicated a sense of responsibility, was their reason for surrendering.
- **17%** surrendered their firearm as they did not need or want the firearm anymore.
- Overwhelmingly, **89%** of those who surrendered firearms did so for **reasons other than the risk of being charged with an offence**.

6 Pg. 6. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

7 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3101.0main+features1Dec+2017>.

## SIFA's Recommendations

SIFA's recommendations have been developed by researching the performance and outcomes of previous successful firearms amnesties and undertaking extensive consultation with the licensed firearms dealer network, who are well versed with jurisdictional firearms regulations.

1. To achieve the maximum effect and success of a firearms amnesty, the process must include the already established, licensed, and trusted firearms dealer network who have the knowledge and systems in place to effectively administer an amnesty.
2. Firearms amnesty regulation must not place any unnecessary requirements or conditions on the surrender of illegal or unregistered firearms.
3. Any amnesty must allow for the unconditional anonymous surrender of illegal and unregistered firearms to licensed firearms dealers.
4. Licensed firearms dealers must be permitted to register all surrendered firearms (assuming they meet legal requirements), so they can attempt to recover their costs incurred for supporting and administering an amnesty.
5. A firearms amnesty must not remove incentives for participation, such as the ability to register and/or commercially transact in surrendered firearms. This is particularly important to encourage those who are in possession of firearms with intrinsic, sentimental/heirloom and/or significant commercial value, to hand them in.
6. The Government must not assume that licensed firearm dealers will support an amnesty at their own expense and for no commercial benefit. It is not the job of licensed firearms dealers to accept, check, record and transport surrendered firearms to the Police, for no commercial return or compensation for the loss of their time.
7. There should be no added burden for an appropriately licensed firearms dealer to support the amnesty.

**SIFA will publicly support a firearms amnesty where the facilitating regulation meets or exceeds the above criteria.**

## Conclusion

If the idea of a firearms amnesty is to increase public safety by removing unregistered and illegal firearms from the streets, then the priority for Government must be to make the facilitation of this as easy as possible, rather than hinder the process.

As demonstrated in the 2017 National Firearms Amnesty results, the accessibility of the vast licensed firearms dealer network is critical to the success of a firearms amnesty. Firearms dealers are already trusted by Governments to manage firearms transactions on a day-to-day basis, and when incorporated into an amnesty correctly, they become a crucial part of the process. It simply does not make sense to exclude them from the process.

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In this regard, **SIFA strongly supports the introduction of a permanent National Firearms Amnesty that is efficient, effective and utilises the already established licensed firearms dealer network.**

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It is vital that jurisdictions implementing regulation to facilitate a firearms amnesty, forgo philosophical or emotive contentions that may lead to the development of ineffective regulation, and remain focused on the sole purpose of the initiative and desired outcomes.

It is disappointing to note that at the time of drafting this paper, there are moves by individual jurisdictions to implement firearms amnesties that consist of overbearing requirements and superfluous regulation, ignore previously successful and proven models of amnesty, and reject the proven positive effect that the licensed dealer network delivers to the objective.

These jurisdictions will reduce the overall success of the national firearms amnesty initiative and in doing so they will risk public safety as their actions will see illegal and unregistered firearms stay in the community. **They are planning for their amnesty to fail!**



## Contact

**James Walsh** *Executive Officer*



PO Box 8133, Seymour VIC 3660

[www.sifa.net.au](http://www.sifa.net.au)

