



Consultation on Proposed amendments to the Firearms Act 1996 relating to antique firearms

Tasmania
November 2024

Introduction

The Foundation supported the Tasmania Police Commissioner's notification in January 2024 to cancel Exemption No.4 under the *Firearms Act 1996*. We believe that all firearms, regardless of age or function should be managed by police firearm services. Licensing, registration and storage of all firearms are fundamental to Australia's strong gun management framework.

We wrote to the Premier at the time about standing up to the self-interested commercial shooting industry. Unfortunately, once again, we have seen the power of the gun lobby on display in having a decision overturned that was made by police in the interest of public safety.

The National Firearms Agreement (NFA) states that firearm use and possession is a privilege that is conditional on public safety. The preamble to the Tasmania *Firearms Act 1996* supports the NFA in its entirety.

We were also disappointed to see that public statements by the Minister for Police, Fire and Emergency Management on 30 October 2024 were also inconsistent with the NFA. The Minister said, "*these amendments are about finding the right **balance** between the value that antique firearms offer and keeping Tasmanians safe from firearms crime.*"

The NFA and the *Firearms Act 1996* do not contain the test of balance. All use and possession of a firearm is contingent on public safety. That is the only test.

To exempt a group of firearm owners, irrespective of the type or function of the firearm, is in defiance of the NFA that the Tasmania government has signed and that all Australians hold proud. It is also inconsistent with the aim of the Tasmania *Firearm Act*.

If the Tasmania government maintains this intransigence in the face of advice from its Police Service, then the very least it can do is ensure that every owner meets the exact same criteria as all firearm owners as being a fit and proper person to do so.

Antique firearms must be registered and if they do not have a unique identifier, the adoption of a tag as discussed in the Consultation paper is appropriate. The consequences of tampering with the tag should be equivalent to tampering with the serial number of a firearm.

And there should be no doubt over the requirement of owners and users of operable firearms, regardless of their age or providence, being required to be appropriately licensed.

Alannah & Madeline Foundation

The Foundation continues to advocate against gun violence for the legacy of Alannah and Madeline Mikac, their mother Nannette and the 32 others who lost their lives at Port Arthur in 1996.

The Foundation is also a founding member of the Australian Gun Safety Alliance which is a collaboration of like-minded organisations from a wide range of sectors. Together, we provide a public voice of reason in matters of firearm policy, legislation and regulation. We do that to balance the commercial interests of a very large and influential firearm industry.

Australian Gun Safety Alliance

The Australian Gun Safety Alliance (AGSA) is a broad coalition of voices representing the interests of the community in ensuring that we maintain vigilance on issues of gun safety.

AGSA members are from the public health, medical, hospital, first responders, unions, and children's services sectors along with faith organisations and those involved with preventing family violence. All members are shown on [our website](#).

Many of the members are making their own submissions, but all support this submission from AGSA.

AGSA is not politically aligned and receives no corporate or individual donations. It is funded by modest philanthropic donations and in-kind services by members.

AGSA understands that the majority of gun owners in Australia are law abiding, responsible people who are not criminals. However, we believe that all governments must do everything in their power to avoid a slide towards an American culture of gun entitlement. They should also uphold their public commitment to the National Firearms Agreement.

We are strong advocates for the preamble of the National Firearms Agreement which states clearly that the use and possession of a firearm is a privilege and that the overriding need to ensure public safety should dictate the regulation of firearms.

The convenience or commercial interests of firearm owners, manufacturers, importers and retailers should never take precedent over community safety.

We advocate this message to every jurisdiction and consult regularly on firearm policy, legislation and regulation.

Comments on Consultation Paper

Introduction

In January 2024, the Foundation supported the Tasmania Police Commissioners notification to cancel Exemption No.4 under the Firearms Act 1996. We believe that all firearms regardless of age or function should be managed by police firearm services. The licensing, registration and storage of firearms are fundamental to Australia's strong gun management framework.

We wrote to the Premier and other MP's about our position and encouraged the government to heed the advice of its Police Commissioner and withstand the pressure of the gun lobby.

Unfortunately, the shooting industry prevailed with the government making a unilateral decision in favour of the industry with no further consultation of community firearm safety advocates such as the Alannah & Madeline Foundation, or the Australian Gun Safety Alliance who represent the 93% of Tasmanians who do not own a firearm and who expect the government to uphold its commitments to the National Firearms Agreement by making the use and possession of a firearm conditional on public safety.

We disagree with the governments undertaking that there will be no licensing requirements, and no requirement to do a firearms safety course for the owners of antique firearms.

We believe the matters raised in this Consultation Paper amount to licensing by default which is disingenuous to the owners and to the public.

Nevertheless, we have provided some comments on the 3 questions asked.

1. The requirement for an owner of an antique firearm to undergo a fit and proper person test in accordance with the Firearms Act 1996.

In the absence of a licensing regime, the requirement for a fit and proper person test is absolutely required.

When reviewing the specific factors that the Commissioner must consider for eligibility for a firearm licence, all of those factors set out in Section 29 of the Act are of equal importance for the owner of an antique firearm – especially an antique revolver.

Equally, the precluding factors such as domestic or family violence orders should also apply.

There should be NO diminishing of the requirements for the fit and proper person test for owners of antique firearms. It would be a grave mistake to determine a subset of these factors that apply more or apply less to one group of firearm owners over another.

We are well aware of the myriad of issues that just owning or possessing a firearm has. These include the coercive control of others, the threat posed to anyone confronted by a firearm that they are unaware of is operable or not. The uncertainty faced by police and first responders to the presence of a firearm and the “death by cop” tragedies that continue to face police around Australia.

While a fit and proper person assessment is an absolute minimum requirement, it makes no sense not to therefore licence the owner of the firearm. If a person is required to meet the fit and proper test they are likely to meet the licensing threshold.

If the government wishes to absolve antique owners from any cost that is an internal matter and should not be confused with the licensing question.

2. The need for tags to be attached to the antique firearm, and whether removal of a tag should be considered an offence.

We understand that antique firearms are not usually identified by a unique serial number.

Therefore, they must be registered with a unique identifier such as a tag.

Removal of the tag should be an offence like removing or tampering with a serial number on a firearm.

3. Where an antique firearm is capable of being fired, the need for that firearm to be licensed appropriately under the *Firearms Act 1996*.

An antique firearm, capable of being fired, or modified in order to be fired, poses the exact same risk to the community as any “normal firearm”. Therefore, the owner or user should be appropriately licensed, and all the requirements of the *Firearms Act* should be complied with.

Failing to do this, is a major breach of the National Firearms Agreement.

We remain available for further consultation on this matter.

Further contact

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