



Gun Control Australia

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Submissions

Strategy & Support

Department of Police, Fire and Emergency Management

GPO Box 308

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By email:

**Response to Consultation Draft –
*Firearms Amendment (Miscellaneous) Bill 2026***

Thank you for the opportunity to respond to the consultation draft, with associated consultation information sheet that is neither issued in the name of the Minister, the Department of Police Fire and Emergency Management or the Commissioner of Police.

Gun Control Australia has had a significant interest in control of firearms extending over at least 40 years. We advocate for firearms to be regulated through a public health model of regulation and not through what is colloquially known as a law and order approach to firearms. The key to successful harm minimisation is reduction in availability of the instrument of harm. The law and order model just utilises ever increasing penalties, with no preventative strategy. The Port Arthur massacre in 1996 showed once and for all how law and order model could catastrophically fail.

To its credit, the consultation draft includes many provisions that fall into the public health model of regulatory responses, but others, regrettably, fall into the law and order category. Numerous provisions are also aimed at freeing up trading in firearms, a far cry from the intention of the post-Bondi reform period.

The consultation information sheet makes reference to the announcement by the Tasmania Government on 23 February 2026 of the measures that it proposed to take to improve community safety. The consultation information sheet, however, neglects to make reference to the agreement reached in mid-December 2025 through National Cabinet (including Tasmania) to reach an agreement for a series of legislative reforms across the States and Territories

to deal with firearms. One of the outcomes of that meeting was an agreement to consider options for limits on numbers of firearms. There is no evidence the Minister or government has advanced this objective at all, though the Commissioner clearly has done so.

In line with that agreement, the Commissioner of Police took the obvious lead in February 2026 and wrote to the Minister to strongly support the introduction of limits on numbers of guns. I attach a copy of that letter dated 5 February 2026 to the email carrying this letter. We support Commissioner Adams' position.

In making these comments, it must be noted that Gun Control Australia does not accept the terms of the *Firearms Act 1996* as it currently stands, or even as it will be ultimately amended, is a sufficient approach to the control of firearms. We have put on the record over about three decades our objections to various shortcomings, including:

- permitting people under 18 to be able to possess and use firearms;
- the recognition of a category of firearms licence for what is known as "recreational shooting" or "recreational hunting";
- the failure to introduce limits on the amount of alcohol that a person can have in their blood while they are using or possessing a firearm, which limit should be no greater than .05 (as applied to motor vehicle drivers and boat drivers);
- categorising lever action shotguns as Cat B;
- self-defence must be stipulated as not being a reason to hold a firearm licence;
- it must be stipulated that a firearm licence is a privilege, and not a right;
- there is a need for gun club office bearers to pass a fit and proper person test; and
- the availability of semi-automatic handguns.

Turning to the consultation draft, Gun Control Australia offers the following comments by reference to the clause numbers in the Bill.

Clauses in the Bill:

9. The proposal for s.15 means magazines of 10 rounds for centre fire rifles. Shooters with Cat B licences should not have centre fire rifles with magazine capacities of up to 10 rounds.

Otherwise, the limitation on lever release centre fire rifles is a welcome step.

In our view, there should be a move of all lever release shotguns to be Cat C. And there should be a magazine capacity limit for shotguns and centre fire rifle combinations.

10. The proposal to open up Cat C use to permit ownership of numerous types of Cat C firearms is opposed. The limit should remain as one 1(a) firearm, and one 1(b) or 1(c) firearm.

No justification has been advanced for this change.

12. The authorisation referred to in the proposed (b)(ii) must be required to be in writing. It cannot possibly be satisfactory that Police can tolerate a situation where a licenced dealer can walk out of the shop and say to an employee that they can act on the dealer's behalf when the dealer is absent, through an oral statement such as "it's all yours, mate".

The provision is opposed, as it is not possible for the Commissioner to be satisfied as to the character of the employee; section 29A does not require an examination of the employee's close associates as is required for the dealer.

The proposed amendments to s. 19A are not the subject of a sensible explanation. There is no time limit for the authorisation. This proposal effectively allows for the responsibilities attendant upon a gun dealer to be transferred to a person who has not been assessed for the responsibility reposed to them. They are not a dealer; they are an employee of a dealer.

13. We here make comments in terms of the proposed s.25 where reference is made to a licence or person being "verified". This requirement is introduced through different provisions in the Bill. It is a welcome reform. However, there is a lack of definition as to what is required by way of verification.

The Tasmanian Land Titles Office has recently introduced verification requirements for dealings in land. The Commonwealth Anti-Money Laundering legislation also introduced requirements for identity verification. Car rental firms are introducing online verification. These systems should be replicated for firearms. And, either way, there

should be a requirement for each of the purchaser, dealer and seller to keep a record of the verification process.

Everybody has access to a mobile phone with a camera. Recording of the verification process could be as simple as requiring the purchaser or seller etc to obtain a copy of the licence of the other party to the transaction. And regulations should be put into place to require those verification details to be uploaded to the Registrar's database within 12 hours.

The proposed s.25(4) is not acceptable. It would not be possible for the Commissioner to regulate these kinds of transactions, and it goes against the move in 1996 to end the private sales of firearms. This provision is ambiguous and unenforceable.

17. 36C(2)(c) needs to have the words "by the applicant" inserted after the word "satisfied", with the intention that it is clearly the responsibility of the applicant to satisfy the Commissioner. It should not be the responsibility of any other person or party.
18. For s.37, the phrase "recreational hunting" should be deleted from (1)(b). This is not and never has been a precise or definable category of firearm usage. In fact, it is ambiguous, and not consistent with regulation of firearms in the 21st Century.

Put simply, and bluntly, the perpetrator of the mass shooting in Bondi on 14 December 2025 was a "licenced recreational hunter". The category is fundamentally different to target shooting, firearm collection, animal population control or primary production where use of a firearm is clearly and precisely understood. That cannot be the case for recreational hunting.

The proposed s.37(1)(i) is opposed. There is no justification for giving the Minister the opportunity to prescribe further categories of genuine reason to possess or use a firearm. What could possibly be contemplated here? Is the Minister wanting to permit firearm possession for self-defence?

No explanation has been advanced for this proposal.

22. The proposed (ab) in ss(2) time limits the suspension of a licence due to mental or physical health issues. That is a good reform. But at the end of 12 months, how does the Commissioner know that the person has recovered sufficiently to be able to have their licence back? We

are not aware of any process whereby a person is required to reapply at the end of a suspension. If there is such a process in place, or put in place, then that will satisfactorily deal with our concern.

29. The proposed (2)(ca) should not only require notification of the nominated storage location, but also the name of the occupier of the premises.
32. In this amendment to s.98, the issue of verification arises once again.
37. Theft of firearms is a significant problem. Like other aspects of firearm regulation, any response involves a matrix of regulation. Increasing penalties can have only a minor part to play in efficacious regulation.

But what is critical are limits on the number of firearms that any one licence holder can have. See Recommendation 14 of the Interim Report of the Royal Commission into Antisemitism on Social Cohesion, supporting the National Buyback and limits on numbers of guns.

The firearm ownership dynamic has changed since 1996. There are now less shooters, but more guns. Gun theft is on the rise again, Tasmania having amongst the highest rate in the nation. Limits are needed.

Regardless of this, the other response to theft of firearms is to have mandatory security cameras installed to protect firearms stored in homes. This requirement currently exists in regulation 9C for more than 10 firearms or any Cat H firearms, but it needs to be broadened to cover all firearm storage. Home security cameras are cheap and effective. Regulations will need to provide that the digital data is stored for a minimum period of time (perhaps 3 months).

We reiterate, better security is not an alternative to limits on gun numbers; it is additional.

We advocate following the NSW lead: 4 guns for most licences (not collectors) and 10 for primary producers.

40. The proposed s.121A again refers to “verifying” the licence or permit of another person. We repeat the comments made earlier about verification.

But as to (2)(b), ensuring a person has the means to comply and/or intends to comply is clearly enforceable. There is a penalty of 50 penalty units and up to 2 years' imprisonment for a failure to ensure a person intends to comply with storage requirements. How could a prosecution for this offence ever succeed? It clearly could not. The defendant would say something like "he assured me he would comply with the storage requirements" and "he had a gun safe", or something like that. This provision should be deleted if it cannot be couched in clear, unambiguous language that enables it to be readily enforced by Police. Absent that, it amounts to nothing more than permitting the lending of firearms without any real regulation of that activity at all. As presently drafted, it must be rejected.

And in ss(4), if this provision is to be persisted with, the lender should also be required to produce to the Police officer the verification documents that the lender has obtained in the course of lending the firearm.

54. This is the proposed introduction of mandatory imprisonment for certain firearm offences. Mandatory minimum sentences are opposed. It negates the separation of powers and fails to pay due regard to the ability of magistrates and judges to gauge for themselves the seriousness of any offence.

Dealing with the proposed ss(3) will just tie up court time in examinations of whether the sentence might be unjust or whether there is some other issue that disappplies ss(2). Courts in Tasmania are already significantly back-logged. Furthermore, the criteria in ss(3) in general terms reflect the law as it is now for a court that would be sentencing an offender for any of the relevant firearms offences identified in ss(1). The proposed provision simply articulates all of the factors available to a court to reduce the sentence which would be presently applicable. Absent those factors, it could well be expected that an offender convicted of a relevant firearms offence would receive a sentence that is greater than the minimum term anyway. The provision is wasteful of court resources, complicating the sentencing process and interfering with the separation of powers. These provisions should be removed from the Bill.

Yours faithfully,

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