
Submission for the Public Consultation on the
Firearms Amendment (Miscellaneous) Bill 2026 (Tas)

Redacted

August 2026

General feedback

Broadly speaking, the *Firearms Amendment (Miscellaneous) Bill 2026* (Tas) (the Bill) intends to improve community safety. While some of the amendments appear to achieve this aim, others present challenges to effective operation of the legislative scheme.

One simple, but powerful, change arising from the Bill is the amendment from ‘pistol’ to ‘handgun’. This change acknowledges the importance of technical terminology when regulating firearms. It underscores the importance of avoiding ambiguous or opaque terms and provisions that make understanding and compliance with the law challenging for firearm owners, the regulator, courts, and members of the public more generally.¹

The consultation Information Sheet advises that ‘several definitions are to be amended for national consistency, such as pistol amended to ‘handgun’ and ‘firearm sound suppressor’ to ‘suppressor’’.² However, the reasoning behind the change of firearm sound suppressor does not appear to align with the stated reason.

At the Commonwealth level, the *Customs (Prohibited Imports) Regulations 1956* (Cth) at s 4F uses the term ‘firearm accessory’ to include ‘silencer’, ‘sound moderator’, and ‘sound suppressor’:

firearm accessory means any of the following devices, whether or not complete, damaged, temporarily or permanently inoperable, or unfinished:

(a) a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of the firearm;

In New South Wales the *Weapons Prohibition Act 1998* (NSW) in Schedule 1(4)(3) uses the term ‘silencer’:

Silencers or any other device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by firing the firearm.

In Queensland the *Weapons Act 1990* (Qld) at s 141D uses the term ‘firearm related item’ to include ‘silencers’:

¹ See, for example, ‘substantially duplicates in appearance’ as per Schedule 1(7) of the *Firearms Act 1996* (Tas). Diprose Adams, S. (2017), Judging a Book by its Cover: The Challenges of Prohibiting Firearms by their Appearance. *University of Tasmania Law Review*, vol. 36(2), 49-67.

² DPFEM. (2026), Consultation Information Sheet for Firearms Amendment (Miscellaneous) Bill 2026, DPFEM, Hobart.

a silencer or another device or thing that is made or used, is capable of being used or is intended to be used for reducing the sound caused by discharging a firearm

Similarly to New South Wales and Queensland, Victoria uses the term ‘silencer’ in their *Firearms Act 1996* (Vic) at s 3(1):

***silencer** means any instrument or thing by means of which the sound caused by the discharge of a firearm is rendered less audible, whether the instrument or thing forms part of the firearm or is or can be affixed or attached to the firearm*

In South Australia, the *Firearms Act 2015* (SA) at s 4(1) uses the term ‘sound moderator’:

***sound moderator** means a device designed or adapted to be attached to, or comprising part of, a firearm to muffle the report when the firearm is fired and includes baffles, tubes or other parts that when fitted together would comprise a sound moderator*

From a technical perspective, the existing legislation in Tasmania using the term ‘firearm sound suppressor’ is more precise and accurate than most other Australian jurisdictions. The stated intention of creating national consistency around terminology also raises the question of why the Bill does not seek to create national uniformity around the ownership and use of firearm sound suppressors.

Specific feedback

5. Section 3 amended (Interpretation)

Button or lever release firearm

For the definition of ‘button or lever release firearm’, subsection (b) should be clarified to distinguish it from firearms that fire from an open bolt (including fully automatic firearms):

*(b) requires the manual operation of a button, lever, or other mechanisms, **other than the trigger**, to rechamber a new cartridge following the self-ejection of the cartridge case’*

The addition in red clarifies that the ‘lever or other mechanism’ excludes the operation of the trigger. Currently, the operation of the trigger would satisfy (a), (b), and (c) creating ambiguity and conflict around whether they are Category C, D, or prohibited per Schedule 1(1).

The definition of ‘button or lever release firearm’ should specifically exclude handguns. It should be amended to read:

Button or lever release firearm means a centre-fire firearm, ***other than a handgun***, that -

This is because semi-automatic handguns with a slide that locks rearward on an empty magazine would satisfy the definition of ‘button or lever release firearm’ when a new magazine is inserted and slide release depressed.

Range

The proposed definition of ‘range’ is potentially exceptionally broad and would include Crown Land, and private land (including forest reserves) where shooting is undertaken. If the intent is for this term to be broad, then it achieves this outcome. However, consideration should be given to the impact such a broad term could have on landowners.

Straight pull action firearm

Subsection (b) of this definition could be clarified to read:

*(b) that does not require any **manual** rotation of the handle, bolt, or similar part of the firearm during the unlocking and locking of the firearm*

The challenge with the current wording is that the bolt head on some straight pull action rifles, such as Schmidt-Rubin K11, convert the linear straight pull action into a rotational force through a cam. While the manual operation of the bolt is linear, the bolt rotates to engage and

disengage the locking lugs. This would preclude some straight-pull firearms from being captured by the definition as intended by Parliament.

Suppressor

The definition of suppressor seems very broad. Specifically, the Bill nor the Act define ‘implement’ and the Macquarie Dictionary defines it as ‘an instrument, tool or utensil’.³ This definition is sufficiently broad to potentially include sub-sonic ammunition, for example. That is, ammunition specifically designed to suppress the sound caused by the discharge of the firearm.

The Bill also amends the definition of ‘firearm part’ and a further enhancement to this new definition would be to amend the definition of ‘firearm’ contained in s 3 of the Act and which currently reads:

firearm means –

- (a) a gun or other weapon that is capable of propelling anything wholly or partly by means of an explosive; and*
- (b) a blankfire firearm; and*
- (c) an air rifle; and*
- (d) an air pistol; and*
- (e) an imitation firearm; and*
- (f) any other prescribed thing; and*
- (g) any thing that would be a firearm under paragraph (a), (b), (c) or (d) if it did not have something missing from it or a defect or obstruction in it –*

Subsection (g) should be amended to read:

firearm means –

...

³ Macquarie Concise Dictionary (2017) ‘implement’, Macquarie Dictionary, 7th edn, p. 591.

(g) any thing that would be a firearm under paragraph (a), (b), (c) or (d) if it did not have ~~something~~ a firearm part missing from it or a defect or obstruction in it –

This amendment would further clarify the importance of firearm parts to the operation of firearms, and further, would reduce uncertainty around what is a firearm. Under the current definition of a firearm, a timber stock, front sight, or even a sling, could fit within the definition of (g). This issue has been noted within firearms policy literature as creating challenges for prosecutors, courts, and firearm owners.⁴

8. Section 14 amended (Category A firearms licence)

This amendment would preclude rimfire rifles that are either single-shot or have an integral magazine from being Category A firearms. This because of the wording of (b)(i):

(b) rim-fire rifle that –

(i) has a detachable firearms a magazine with a capacity of no more than 10 rounds; and

(ii) is not self-loading

A single-shot .22 calibre firearm without any magazine would not satisfy the proposed definition as the definition requires a detachable magazine. Likewise, a rim-fire rifle with a non-detachable/integral magazine would also not satisfy this definition. They would still be classified as firearms, but not firearms to which a category of licence could be issued.

9. Section 15 amended (Category B firearms licence)

This proposed amendment suffers the same challenge outlined above at 8 being the requirement for a detachable magazine.

13. Section 25 substituted

⁴ Diprose Adams, S (2020) 'All or Nothing: The Legal Dilemma of Identifying a Firearm in Australia', *University of Western Australia Law Review*, vol 47, pp. 376-408.

The proposed amendment to s 25 creates two main challenges. The first is that s 25(1) should specify that the dealer is acquiring or taking possession of the firearm(s) specifically for the purpose of selling the firearm(s). At present, the section could be interpreted as also covering firearms provided to a dealer for the purpose of repairs or storage. The section could be amended in the following way to address this issue:

(1) A licensed firearms dealer, or the holder of a firearms dealer employee licence, (the purchaser) must not purchase, acquire or take possession of a firearm from another person for the purposes of selling the firearm unless that other person (the seller) –

While this challenge exists in the current wording of the Act too, the Bill should seek to rectify rather than perpetuate this challenge.

The second challenge is that the amendment would preclude a dealer from selling firearms from someone without a valid licence. For example, if a firearm dealer is storing an owner's firearms when the owner has their licence suspended under s 53 of the Act, then the dealer could only keep possession of the firearms if the owner surrendered them under s 25(1)(d). Likewise, if a firearm owner dies and the executor requests a firearms dealer to attend the property to take possession of the firearms and sell them for the estate, the dealer could not do this as the dealer could not satisfy the requirements under s 25(1)(a), (b), or (c). This could have the perceived effect of forcing firearm owners to have to surrender their firearms rather than being able to sell them through a dealer.

15. Section 29 amended (General restrictions on granting licence)

The proposed amendment to s 29(3)(e) has the effect of enabling the Commissioner to consider any information and not just that information related to criminal offending and criminal history. This raises the question of whether the Commissioner (or their delegate) is suitably qualified to make risk assessments outside crime and policing; such as mental health information. While from a policy perspective the Commissioner should be able to consider other public safety information sources, there are insufficient checks and balances accompanying the amendment. Applicants and firearm owners should have transparency to the Commissioner's decision making, particularly if it relates to decision making on health and medical information.

24. Section 57 amended (Change in particulars of licence)

The amendment to s 57 needs to include a provision dealing with the uncertainty of the future and that some people may not know when they will move, or they will get the date wrong. For example, if a firearm owner expects their house purchase to settle on a particular date, and so they notify Firearms Services, but then the day prior to settlement an issue is raised during the inspection, and at which point settlement is delayed by a further 30 days. This could create confusion and additional unnecessary correspondence and compliance challenges for firearm owners and the regulator.

40. Section 121A inserted

It is worth raising the question of whether s 121A(2) should have an exemption for firearms dealers. The section would require a firearm owner to validate a dealer's licence and storage facilities prior to lending them the firearm; such as for the purpose of carrying out repairs.

Summary

The amendments put forward in the Bill share some alignment to the intentions expressed in the Consultation Information Sheet, but require further refinement before enactment. If the Bill was enacted as it stands, it would risk creating unnecessary complexity and challenges for both firearm owners, and Tasmania Police as the regulator and administrator of the scheme. Public safety is a paramount consideration for the regulation of privately held firearms, but increasing the complexity of legislation does not necessarily correlate to increased public safety outcomes. The increasing number and complexity of regulations needs to be balanced with increased communication and consultation with firearm owners, to ensure they understand their legal obligations, and funding and resourcing for effective enforcement and prosecution of criminal non-compliance.