



SUBMISSION INTO TASMANIAN ANTIQUÉ FIREARMS LAWS

Prepared by
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Proposed Definition:

Shooters Union submits the definition of an Antique Firearm should be legislated into the *Firearms Act* 1996 itself in a form such as:

Antique Firearm means a firearm manufactured more than 100 years prior to the current date and that is one of the following:

- (a) a muzzle-loading firearm
- (b) a cap and ball firearm;
- (c) a firearm for which newly-produced commercially manufactured cartridge ammunition is not readily available in Tasmania

We further submit that antique firearms should be exempt from all licensing, registration, and secure storage requirements – better matching the reality of their status as curios or antique display items, rather than “weapons”.

It is important this definition be enshrined in legislation to ensure it cannot be left to operate as a revokable “exemption” which exists purely at the discretion of the Police Commissioner (an unelected role which should not be in a position to essentially create laws).

Enshrining this definition in the legislation also removes potential liability issues from the

Police Commissioner, and allows them to focus their energies on more pressing police operational matters instead.

Rationale:

Every state of Australia, with the exception of Tasmania, defines muzzle-loading or obsolete cartridge longarms made before 1900 or 1901 as antiques in their Firearms Act (or equivalent) and exempts them from licensing, registration or secure storage.

All states include muzzle-loading pre-percussion handguns in their definition of antique firearm, and Queensland extends the definition to include cap & ball and obsolete cartridge handguns as well.

We submit there are *no* public safety issues associated with this stance, and we are unaware of any incidents anywhere in Australia involving a genuine antique firearm being used for serious criminal purposes in recent years.



We further observe that, due to shipping restrictions between the mainland and Tasmania, it is incredibly difficult to obtain black powder or percussion caps even for licensed firearms owners with modern black powder guns, and this situation is unlikely to ever be remedied.

It is important to remember all antique firearms are at least a century old, and many are older than that. Most of them were not designed to use smokeless powder ammunition, or use cartridges which have not been available for a very long time.

While the traditional definition of “antique firearm” in Australia uses the 1900 (or 1901) cut-off, we note these laws were introduced in 1996 and have not been amended to reflect the fact we are now nearly 30 years in the future from then – meaning time has moved on and guns from the early 20th century are now well over a century old too.

This has created a situation whereby a number of early 20th century firearms for which ammunition – particularly rimfire ammunition such as .25 Stevens and .32 Rimfire - has not been available in a very long time (and will likely never be available again) are still required to be licensed, registered and kept locked up.

This state of affairs offers no public safety benefit, yet increases the regulatory burden on the firearms licensing system in Tasmania.

The “newly manufactured, commercially available cartridge ammunition” requirement serves to ensure 100+ year old firearms where ammunition *is* available, and likely to remain so for the foreseeable future – eg .22LR, .303, 7.92x57mm Mauser, and 45-70 – are still treated as “firearms” and require the usual licensing, registration, and secure storage elements.

We further note that many antique firearms are not in a safe condition to shoot, and are kept as curios, display pieces or wallhangers (eg in studies, pool rooms, ‘man caves’ and the like).

There is no reason to require these firearms to be licensed, registered, or locked away, as they are essentially inoperable ornaments.

Conclusion:

Ultimately we believe the public safety risk posed by genuine antique firearms to be negligible, and that Tasmania Police’s limited resources would be better used elsewhere instead of trying to register, monitor or track century-old curios.

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