

# TASMANIAN - FIREARMS ACT 1996

## DETAILED EXPLANATION OF CURRENT LEGISLATION AND AMENDMENTS PROPOSED 2011/2012.

Comments included were received during the consultation process. The names of the people making comment have been removed.

### ACROYNMS:

DPEM:	Department of Police and Emergency Management
DPIPWE:	Department of Primary Industries, Parks, Water & Environment
MCPMP	Ministerial Council for Police and Emergency Management – Police
Commissioner	Commissioner of Police

	AMENDMENT <small>The words used are not the final version but provide guidance as to that which may be included in the legislation, only.</small>	CURRENT LEGISLATION	SUPPORTING COMMENT	SUBMITTED COMMENT
1	<p><b>Section 3</b> <i>Clarify the definition of 'firearm'</i> Specify those items, which may unintentionally fit within the definition of "firearm" but should not be included as a "firearm". Such as captive bolt humane killers, starting pistols (cap type only which does not have the appearance of a firearm) industrial power tools; a device known as a 'line thrower' which is designed for tagging whales and devices designed for the discharge of signal flares.</p> <p>Amend section 3 "firearm" by inserting after the definition, "but does not include anything declared by the Regulations not to be a firearm."</p> <p>Amend the <i>Firearm Regulations 2006</i> by inserting after 3A: '3B. The following are declared not to be firearms for the purposes of the Act:</p> <p>(a) captive bolt device that does not use blank-fire ammunition of the kind designed for use in an abattoir in the humane killing of livestock; and</p> <p>(b) a device designed for the discharge of signal flares that does not use blank-fire ammunition; and</p> <p>(c) a device commonly known as a line thrower that does not use blank-fire ammunition, designed for establishing lines between structures or natural features and powered by compressed air to other compressed gases.</p>	<p>In section 3 "firearm" means –</p> <p>(a) a gun or other weapon that is capable of propelling anything wholly or partly by means of an explosive; and</p> <p>(b) a blank-fire firearm or device, which includes a captive bolt or power head using such ammunition; and</p> <p>(c) a starting pistol that uses blank-fire ammunition; and</p> <p>(c) an air rifle; and</p> <p>(d) an air pistol; and</p> <p>(e) an imitation firearm, other than a toy; and</p> <p>(f) any other prescribed thing; and</p> <p>(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;</p>	<p>Research throughout other Australian jurisdictions has revealed the following common exclusions from the definition of "firearm":</p> <ol style="list-style-type: none"> <li>(1) Captive bolt guns;</li> <li>(2) Flare guns;</li> <li>(3) Dog retrievers;</li> <li>(4) Line throwers; and</li> <li>(5) Nail guns</li> </ol> <p><b>NSW:</b> The following are declared not to be firearms for the purposes of the Act:</p> <ul style="list-style-type: none"> <li>• an explosive-powered tool,</li> <li>• a heavy bench-mounted rifle of an approved kind that is used for experimental purposes,</li> <li>• a tool designed to be used to split or break rock or concrete by means of the firing of an explosive cartridge, such as the tool known as the "Boulder Buster",</li> <li>• an industrial tool designed to be used in the mining and steel industries to remove refractory material (e.g. slag) from kilns or for other similar purposes, such as the tool known as the "Slag Buster Kiln Gun",</li> <li>• a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock,</li> <li>• any piece of artillery manufactured before 1946 that has been rendered permanently inoperable, and the breech, chamber and barrel of which have been permanently sealed, and that is on permanent display in a public place for memorial or commemorative purposes,</li> <li>• cannon and field guns that have been constructed as pieces of military ordnance, and that have a calibre of more than 25 millimetres, and that have been rendered permanently inoperable, and the breech, chamber and barrel of which have been permanently sealed,</li> <li>• a firearm designed to be used for life saving or distress signalling purposes (such as line-throwing guns or the "Very" type of firearm),</li> <li>• a firearm designed to be used in film, television or theatrical productions for the purposes of breaking glass or ceramic articles and that is only capable of firing a projectile over a short range (such as the firearm known as the "Trunion" gun),</li> </ul>	<p><b>The amendment is supported</b> by those people named adjacent for the following reasons. The amendment provides a definition that will clearly stipulate what is to be legally considered a firearm and will exclude items utilised in every day activities and work environments.</p> <p>It is suggested by .....that the Qld Act citation adds more. It allows for coverage of items that can be used as or converted to become a weapon.</p> <p>.....indicate that in reference to the suggestion made by .....regarding the Qld legislation it must be noted that the specific legislation he is referring is combines firearms and weapons within the one Act.</p> <p>The exclusion of captive bolt guns will bring legislation in line with that of other Australian States and jurisdictions.</p> <p>Supporting comments indicate that the proposed amendment is logical and more concise.</p> <p><b>The amendment is opposed</b> by those people named adjacent for the following reasons;</p> <p>.....opposes this amendment, no supporting argument.</p> <p>Clarification of the definition of Firearm is supported but recommended that any definition be outlined within the Act as opposed to the Regulations.</p> <p>..... strongly support the inclusion of the definition of an imitation firearm but provide no supporting comment</p>

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			<ul style="list-style-type: none"> <li>• a firearm designed to be used to train dogs by firing retrievable projectiles (such as the firearm known as the “Turner Richards Dummy Launcher”),</li> <li>• a tool designed to discharge a nail, spike or other fastener into or through material by means of compressed air or carbon dioxide (such as a nail gun).</li> </ul> <p><b>VICTORIA:</b>  <i>firearm</i> means any device, whether or not assembled or in parts and whether or not operable or complete or temporarily or permanently inoperable or incomplete—</p> <ul style="list-style-type: none"> <li>(a) which is designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means; or</li> <li>(b) which has the appearance of such a device which is not—</li> <li>(c) an industrial tool powered by cartridges containing gunpowder or compressed air or other gases which is designed and intended for use for fixing fasteners or plugs or for similar purposes; or</li> <li>(d) a captive bolt humane killer; or</li> <li>(e) a spear gun designed for underwater use; or</li> <li>(f) a device designed for the discharge of signal flares; or</li> <li>(g) (repealed)</li> <li>(h) a device commonly known as a kiln gun or ring blaster, designed specifically for knocking out or down solid material in kilns, furnaces or cement silos; or</li> <li>(i) a device commonly known as a line thrower designed for establishing lines between structures or natural features and powered by compressed air to other compressed gases and used for rescue purposes, rescue training or rescue demonstration; or</li> <li>(j) a device of a prescribed class;</li> </ul> <p><b>SOUTH AUSTRALIA:</b>            The following are excluded from the provisions of the Act and these regulations:</p> <ul style="list-style-type: none"> <li>(a) captive bolt guns;</li> <li>(b) tools or instruments powered by burning propellant or by compressed air or other compressed gas;</li> <li>(c) rocket line launchers;</li> <li>(d) devices designed to throw a net to catch animals;</li> <li>(e) devices designed to throw an object for shotgun target practice;</li> <li>(f) dog retrievers;</li> <li>(g) Very pistols (means: a handgun designed to fire flares or exploding shells) used only for signalling distress or rescuing persons in distress;</li> <li>(h) a firearm that—               <ul style="list-style-type: none"> <li>(i) has been fitted with a transmitter of infrared electromagnetic waves or a receiver of such waves or both; and</li> </ul> </li> </ul>	

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			<p>(ii) has been modified so as to be incapable of firing a projectile; and</p> <p>(iii) cannot easily be modified to fire projectiles;</p> <p>(i) an underwater firearm;</p> <p>(j) receivers of firearms referred to in a preceding paragraph.</p> <p><b>ACT:</b>            The following are not firearms:            (a) a pre-percussion pistol;            (b) a firearm (other than a percussion-fired pistol) manufactured before 1900 for which ammunition is not readily commercially available;            (c) an explosive-powered tool;            (d) a heavy bench-mounted rifle used for experimental purposes that is of a kind approved by the registrar;            (e) a tool designed to be used to split or break rock or concrete by the firing of an explosive cartridge;            Example: the tool known as the 'Boulder Buster'            (f) an industrial tool designed to be used in the mining and steel industries to remove refractory material (such as slag) from kilns or for other similar purposes;            Example: the tool known as the 'Slag Buster Kiln Gun'            (g) a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock;            (h) a tool designed to discharge a nail, spike or other fastener into or through material by means of compressed air or carbon dioxide.</p> <p><b>NORTHERN TERRITORY:</b>            No specific exclusions</p> <p><b>WESTERN AUSTRALIA:</b>            No specific exclusions</p> <p><b>QUEENSLAND:</b>  <i>firearm</i> means—            (a) a gun or other thing ordinarily described as a firearm; or            (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging—            (i) a projectile; or            (ii) noxious, corrosive or irritant liquid, powder, gas, chemical or other substance; or            (c) a thing that would be a firearm mentioned in paragraph (a) or (b), if it were not temporarily inoperable or incomplete; or            (d) a major component part of a firearm;  <i>but does not include—</i>            (e) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow; or            (f) a replica of a spear gun, longbow or crossbow; or            (g) a slingshot, shanghai or sword.</p>	

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2	<p><b>Section 3</b></p> <p><i>Define 'Imitation firearm'</i></p> <p>Amend section 3 by inserting a definition of 'imitation firearm':</p> <p>"An imitation firearm is an article, of any material or colour, that is a copy or reproduction of a firearm or has the appearance of a firearm, and which could reasonably be mistaken as a firearm."</p> <p>As the result of national agreement, the following definitions should be included in the Act:</p> <p><i>Manufacture</i>            Manufacture of a firearm or major firearm part means:</p> <ol style="list-style-type: none"> <li>a. Any process, the intended outcome of which is the creation of a firearm or major firearm part, including, but not limited to: Barrel, slide, frame, receiver or bolt body or</li> <li>b. Reactivating a permanently deactivated firearm.</li> </ol> <p><i>Modify</i>            Modify a firearm or major firearm part means: Any process by which an existing firearm or major firearm part is changed from the designer's or original equipment manufacturer's intended configuration for the purpose of modifying or altering it to custom specifications.</p> <p><i>Maintain or Repair</i>            Maintain or repair firearm or major firearm part means: Any process designed to keep it in or to restore the working order the firearm or a major firearm part but does not result in the manufacture or modification of that firearm or firearm part.</p>	<p>Section 3 states that, for the purposes of the Act "firearm" includes –</p> <p>(e) an imitation firearm</p> <p>There is no definition of "imitation firearm" within the Act however.</p> <p>The definitions of manufacture, modify and maintain or repair do not presently exist in the Act.</p>	<p>MCPEMP passed a resolution at their November 2009 meeting, for a nationally consistent definition of 'imitation' firearm.</p> <p>The <i>Firearms Act 1996</i> currently includes an 'imitation firearm' within the definition of 'firearm' but it is not defined further, thus creating uncertainty.</p> <p>The new definition of 'imitation firearm' will capture those items, which look like a firearm but do not discharge a projectile. If the item does discharge a projectile by means of compressed gas or air or by explosive or propellant means, then it would fit the definition of 'firearm' and be so classified.</p> <p>The definitions of <i>manufacture, modify and maintain or repair</i>, were not include in the consultation process, but sought for inclusion following national agreement for compliance.</p>	<p><b>The amendment is supported</b> by those people name adjacent for the following reasons;</p> <p>The inclusion of a definition of Imitation Firearm will provide clarification and assist in the determination of certain offences. The inclusion of such a definition is logical</p> <p>.....has no current holdings or intelligence of who is in possession of imitation firearms. An amnesty may be required in and effort to obtain reliable intelligence. The current database being utilised by .....could not adequately record the additional intelligence.</p> <p>In addition it is requested that within the interpretation of the Act a definition is provided for "reasonably". .....support this amendment but advise that administrative support would be required.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>The suggested definition causes concern and confusion amongst the laser skirmish and laser tag industry. Members of this industry wish to see an exclusion for the equipment utilised in ..... Members of this industry wish to see specific legislation written into the Act that describes the equipment utilised within the industry as a clear exception to the definition of a firearm.</p> <p>For example equipment that does not shoot a projectile but rather uses an infrared beam or electronic signal for the purpose of playing recreational games.' "</p> <p>Clarification is sought regarding a definition of reasonable when referring what could be reasonably mistaken for a firearm. It is requested that for a definition of Imitation Firearm to be more specific.</p>

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3	<p><b>Section 9</b></p> <p><i>Create a separate offence with a more substantial penalty for possession of a prohibited firearm without a licence.</i></p> <p>Insert section:</p> <p>“A person must not possess or use a firearm listed in Schedule 1 – Prohibited Firearms unless the person is the holder of a firearms licence of the appropriate category or written authority of the Commissioner of Police in respect of that firearm”.</p> <p>“A person is to apply for a firearms licence in accordance with <u>Division 5</u> of this Part.”</p> <p>With a more substantive penalty punishable upon indictment under the <i>Criminal Code</i>.</p>	<p><i>9. Possession or use of firearms</i></p> <p>(1) A person must not possess or use a firearm unless the person is the holder of a firearms licence of the appropriate category as specified in <u>Division 2</u> in respect of that firearm.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(2) A person is to apply for a firearms licence in accordance with <u>Division 5</u> of this Part.</p>	<p>There is currently no higher penalty for the possession of a ‘prohibited’ firearm, which is under normal circumstances, is a fully automatic firearm, or is self-loading firearm with a magazine capacity of more than ten rounds. This offence should be recognised separately as a more serious offence than possession of a non ‘prohibited’ firearm with larger penalties available.</p> <p>These firearms have been listed in Schedule 1 as there is not legitimate reason for possession and use of these firearms.</p> <p>In 2002 it was a resolution of the Australasian Police Minister’s Council that all jurisdictions were to ensure that the offence of possession of a prohibited firearm or a handgun will attract substantial penalties.</p> <p>Further, in accordance with the National Firearms Agreements, all states and territories were to ensure a charge of illegal possession can be made in circumstances where an illegal firearm is found in premises with a person or persons, even where there is no actual physical possession of the gun by any person.</p>	<p><b>The amendment is supported by those people name adjacent for the following reasons;</b></p> <p>This amendment is supported but a request for a definitive description of what a more substantial penalty might be is requested.</p> <p>There is a public perception that those who possess a prohibited firearm are not law abiding firearm owners and possess the firearm for illegal purposes. The firearm community wish to separate the offenders from the general firearm community who abide by their licence conditions and registration restrictions.</p> <p>This amendment is supported when a firearm is used in the perpetration of a crime. With the legislation being such that courts are encouraged to utilise a more suitable penalty for each specific case.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>Firearms should be treated on an equal basis irrespective of the category of firearm. Penalties should be reflective of this.</p>
4	<p><b>Section 10</b></p> <p><i>Clarify section 10 to reflect that firearm dealers do not need to lodge an application for a permit to acquire for firearms purchased for the business.</i></p> <p>Amend section 10 (1) (b) to read:</p> <p>(1) A person must not acquire a firearm unless the person is the holder of –</p> <p>(a) a permit to acquire and a firearms licence of the category appropriate to that firearm,</p> <p>(b) except in the case of a licensed firearms dealer.</p>	<p><i>Section 10</i></p> <p>(1) A person must not acquire a firearm unless the person is the holder of –</p> <p>(a) a firearms licence of the category appropriate to that firearm; and</p> <p>(b) a permit in respect of that firearm.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p>	<p>The requirement to lodge a permit application prior to acquisition of a firearm does not apply to firearm dealers acquiring firearms for on sale.</p> <p>Dealers are required to register any acquisitions on their transaction register within 24 hours. This register is their business book keeping record which they are required by statute to provide to the Commissioner quarterly and may be inspected at any reasonable time. In addition, these records must be kept by the dealer for 6 years (s89).</p> <p>However, section 10 at this point of time does not concur with the other provisions of the <i>Act</i> in relation to this. This amendment will rectify this position.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons.</b></p> <p>The administrative purpose for an application for a permit to acquire is not relevant to a firearms dealer. It is a bureaucratic act that does not contribute to firearms control and increases the cost of the licencing and registration process.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>Not supported, further explanation is requested as to why a dealer is not required to lodge an application for a permit to acquire a firearm. There is concern that dealers may exploit this section with regards to personal firearms use.</p>

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5	<u>Section 12</u>  Exhibition of firearms requirements to be amended or removed	<p><i>12. Exhibition of firearms</i></p> <p>(1) A person must not possess a firearm for show or exhibition unless the person is the holder of a firearms museum licence in respect of that firearm.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(2) A person is to apply for a firearms museum licence in accordance with <u>Division 5</u>.</p>	<p>It has been submitted that this section should be removed or rewritten, as "its intention may be long lost in time". The intention of this section has been questioned as it relates to individual collectors/exhibitors at venues like the Hobart Gun Show.</p> <p>However, this provision (along with section 20, 87 and 97) relates to the holders of a firearm museum licence. These sections provide for the licensing of museums and provide restrictions around the premises and security required for such premises.</p> <p>Individual exhibitors may seek an exemption to exhibit at certain events, and should be required to have permission of the Commissioner to display firearms over a set period of time, to ensure Tasmania Police is aware of the exhibition and to ensure strict conditions are imposed relating to security.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons.</b></p> <p>General support for this section has been received as the removal or re writing is logical and will ensure that the act is contemporary. Application in writing to the Commissioner for individual exhibitors or an organisation on behalf of a group or exhibitor is adequate.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>Clarification is sought to determine if section will be re written or removed. No further comment is provided.</p>
6	<u>Section 16</u>  <i>Reclassify pump action shotguns from category C to category A</i>	<p><i>Section 16 - Category C firearms licence</i></p> <p>(1) A Category C firearms licence applies to any –</p> <p>(a) self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds of ammunition; and</p> <p>(b) self-loading shotgun with a magazine capacity of no more than 5 rounds of ammunition; and</p> <p>(c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition.</p> <p>(2) A Category C firearms licence authorises the holder to possess or use only one firearm referred to in <u>subsection (1)(a)</u> and one firearm referred to in <u>subsection (1)(b)</u> or <u>(c)</u> specified in the licence for the particular purpose specified in the licence.</p>	<p>It is argued that pump action shotguns are not 'self loading' nor are they high velocity; therefore they should not be classified as a category C (self loading) but as a category A.</p> <p>Category A firearms are less restricted in who can possess and use them, and there are no legislative restrictions on the quantity that can be possessed.</p> <p>The matter was discussed at the National Firearms Policy Working Group meeting in February 2010 and a nationwide reclassification was not supported.</p> <p>Reclassification would be inconsistent with National Firearms Agreements and legislation in all other jurisdictions.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons.</b></p> <p>It is argued that this legislation is a knee jerk reaction to the Port Arthur Tragedy. "... nonsensical and senseless knee-jerk reaction to the Port Arthur tragedy... from a purely practical point of view, I would bet that 10 cartridges could be fired faster from a double-barrelled shotgun by a shooter with a pocketful of ammunition than from a self-loader or pump action firearm..."</p> <p>"Lever action rifles have long been available to the public, and the rate of fire attainable with a lever action rifle is the equivalent to that of a pump action fire arm. "Education ... not persecution..." "He [.....]/their group would be far better of [sic] trying to stem the flow of violent video games that are flooding into our country... as a result our society is breaking down, along with our moral standards."</p> <p>"... it is ridiculous that I can legally use a pump action centre fire rifle or a bolt or lever action shotgun but not a pump action."</p>

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		<p><i>Section 14 Category A firearms licence</i></p> <p>(1) A Category A firearms licence applies to any –</p> <p>(a) air rifle; and</p> <p>(b) rim-fire rifle, other than self-loading; and</p> <p>(c) shotgun, other than pump action or self-loading; and</p> <p>(d) shotgun and rim-fire rifle combinations.</p> <p>(2) A Category A firearms licence authorises the holder to possess or use only a firearm referred to in <u>subsection (1)</u> for the particular purpose specified in the licence.</p>		<p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>"It is absurd to suggest that pump action shotguns are not self loading and therefore should be Category A firearms."</p> <p>"I found this... confusing and misleading."</p> <p>"... should be reclassified as Category B as originally discussed..."</p> <p>The matter was discussed at the most recent National Firearms Policy Working Group meeting in February 2010 and a nationwide reclassification was not supported. Reclassification would be inconsistent with National Firearms Agreements.</p> <p>..... state that in addition to the above mentioned opposing comment the reclassification would require a total reform of current processing practices and that the software currently utilised would not be able to record the required data effectively. It would be financially costly and more labour intensive.</p>
7	<p><u>Section 16</u></p> <p><i>Remove the maximum number of collection firearms of category C and D.</i></p> <p>Amend sections 16(2) and 17(2) by inserting after the first instance of the word 'licence', "other than a licence issued for the genuine reason of firearms collection".</p>	<p><i>16. Category C firearms licence</i></p> <p>(1) A Category C firearms licence applies to any –</p> <p>(a) self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds of ammunition; and</p> <p>(b) self-loading shotgun with a magazine capacity of no more than 5 rounds of ammunition; and</p> <p>(c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition.</p> <p>(2) A Category C firearms licence authorises the holder to possess or use only one firearm referred to in <u>subsection (1)(a)</u> and one firearm referred to in <u>subsection (1)(b)</u> or <u>(c)</u> specified in the licence for the particular purpose specified in the licence.</p> <p><i>17. Category D firearms licence</i></p> <p>(1) A Category D firearms licence applies to any</p>	<p>It has been submitted that there should be no limit on the number of category C or D firearms a collector may acquire as a single or pair of firearms would not amount to a collection.</p> <p>A collector must show commemorative, historical, thematic or investment value for each firearm they wish to acquire.</p> <p><b>NSW, VIC, NT and QLD:</b> No limit on number of category C or D firearms a collector may acquire, however Category C firearms must be rendered temporarily inoperable, and category D rendered permanently inoperable.</p> <p><b>ACT:</b> No limit on the number of category C or D firearms, however both categories must be rendered permanently inoperable.</p> <p>It is submitted that this is intended to be the case in Tasmania; however, the legislation may not adequately reflect this situation.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons.</b></p> <p>"Collectors/institutions should be as part of licensing, required to keep careful and valid inventories..."</p> <p>Supported, no further comment provided</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>"... this will lead to people creating arsenals under the guise of being firearms collectors."</p> <p>"Should this go ahead [which we oppose] we would suggest that [Category C] firearms only ONE of each type may be kept as a collection item. ... all collectors' firearms under a Category C and D should be rendered permanently inoperable as is the case in the A.C.T."</p> <p>Not supported, no further comment provided.</p>

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		<p>–</p> <p>(a) self-loading centre-fire rifle; and</p> <p>(b) self-loading shotgun with a capacity of more than 5 rounds of ammunition; and</p> <p>(c) pump action shotgun with a capacity of more than 5 rounds of ammunition; and</p> <p>(d) self-loading rim-fire rifle with a magazine capacity of more than 10 rounds of ammunition.</p> <p>(2) A Category D firearms licence authorises the holder to possess or use only a firearm referred to in <u>subsection (1)</u> that is specified in the licence for the particular purpose specified in the licence.</p>		
8	<p><u>Section 22</u></p> <p>Expand the definition of “use” to include cleaning and maintenance of firearms.</p> <p>Amend section 22(e) by deleting “.” and inserting “; or”</p> <p>And adding:</p> <p>“(f) cleaning or undertaking routine maintenance on the firearm whilst it is in the holder’s immediate control and custody.”</p>	<p><i>22. Additional authority relating to possession</i></p> <p>A licence that authorises the holder to possess a firearm also authorises the holder to possess it while –</p> <p>(a) taking it to a licensed firearms dealer for the purpose of maintenance or repair and subsequently recovering it from the dealer; or</p> <p>(b) taking it to a licensed firearms dealer for the purpose of sale and subsequently recovering it from the dealer if not sold; or</p> <p>(c) taking it for inspection and subsequently recovering it; or</p> <p>(d) conveying it from one place to another for the purpose of using it; or</p> <p>(e) taking it for the purpose of surrendering it.</p> <p>In section 3:  “use”, in relation to a firearm, means –</p>	<p>It is argued that a firearm is required to be stored in accordance with Part 5 of the <i>Act</i> when not “in use”. However, the legislation does not allow for the scenario of a licence holder performing routine cleaning and maintenance to their firearms.</p> <p>It is therefore recommended to allow for such a scenario within section 22.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons.</b></p> <p>This amendment is supported and viewed as being a sensible and logical amendment that will remove any pre existing confusion within the legislation.</p> <p>It has been requested that consideration be given to the definition of in use. That the term in use be expanded to include waiting to participate in an organised event and that there be a legislative requirement that a firearm cannot be cleaned or maintained in a residential premises whilst other persons are present.</p> <p>.....states that they would like to see “in use” expanded to include waiting to participate in an organised event”.</p> <p>..... states that a proposal of this sort could be workable if it was to be accompanied by a legislative requirement that a firearm cannot be cleaned or maintained in residential premises whilst other persons are present.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>It has been suggested that broadening the definition of “in use may</p>



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		(a) fire the firearm; or  (b) hold it so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.		provide a legal argument for criminal use of a firearm.
9	<u>Section 25</u>  Amend section 25(1) to include:  (c) or is surrendering the firearm for registration or destruction.	<u>25. Purchase and sale</u>  (1) A licensed firearms dealer must not purchase, acquire or take possession of a firearm from another person who is not a licensed firearms dealer unless that other person –  (a) is authorised by a licence to possess the firearm and the firearms dealer has seen the licence; or  (b) is the holder of a corresponding firearms dealer licence.	There is a current exemption issued by the Commissioner of Police, which allows firearms to be surrendered to a firearms dealer. It has been submitted that this exemption should be permanently included in the legislation. However, the surrender of firearms to Tasmania Police is a constant program, with firearms being able to be surrendered at a Police Station at any time.  The Firearm amnesties will remain in place for the foreseeable future, but subject to the direction of the Commissioner of Police.	<b>The amendment is supported by those people named adjacent for the following reasons.</b>  To broaden the purchase and sale provisions.  .....states that this maybe a satisfactory amendment, but needs to be accompanied by a requirement that a dealer in fact destroys the firearm, rather than (potentially) trading it.  <b>The amendment is opposed for the following reasons;</b>  There is no requirement for this amendment as Section 129, which relates to an Amnesty within the current legislation, covers this purpose and there is presently an exemption in place to allow for this.
10	<u>Section 25</u>  <i>Restrict firearm dealers from “loaning” firearms and require a firearm licence to be sighted by a dealer when selling a firearm.</i>  Remove section 25(2) and replace it with:  (2) A licensed firearms dealer must not sell or supply any firearm to any person unless that other person –  (a) is authorised by a permit to acquire the firearm and the dealer has seen the permit; and	<i>Section 25(2) states that:</i>  A licensed firearms dealer must not sell any firearm to any person unless that other person –  (a) is authorised by a permit to acquire the firearm; and  (b) the dealer has seen the permit.  Penalty:  Fine not exceeding 100 penalty units.	The section should restrict a firearms dealer from selling or “supplying” a firearm to any person unless the person is the holder of both a current firearms licence and a current permit to acquire a firearm and the dealer has seen both the licence AND the permit.  This would prevent a firearms dealer from providing a firearm (‘loaning’ it) to a person prior to that person being issued with a permit to acquire a firearm (and thus circumventing the requirement for a 28 day waiting period).  The Commissioner of Police has imposed this condition on all firearms dealers since August 2007 by virtue of section 35(a)(ii) and this amendment would formalise the current arrangements.	<b>The amendment is supported by those people named adjacent.</b>  No further supporting comment has been provided.  <b>The amendment is opposed by those people named adjacent.</b>  No further supporting comment has been provided.

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	(b) is authorised by a licence to possess the firearm and the firearms dealer has seen the licence.		A dealer should also be required to sight the permit AND the licence to ensure the person taking possession of the firearm is in fact the licence holder.	
11	<p><u>Section 25</u></p> <p><i>Amend the prescribed fee for dealer's transactions.</i></p> <p>Amend section 25(4):</p> <p>Remove "only charge" and replace it with "not charge in excess of the"</p> <p>Insert:</p> <p>"Penalty: Fine not exceeding 50 penalty units".</p> <p>Amend the <i>Firearms Regulations 2006</i>:</p> <p>Amend Schedule 1, Item 5 by deleting "10" and replacing it with "25", (therefore at this point of time \$35.00).</p>	<p><i>25. Purchase and sale</i></p> <p>(1) A licensed firearms dealer must not purchase, acquire or take possession of a firearm from another person who is not a licensed firearms dealer unless that other person –</p> <p>(a) is authorised by a licence to possess the firearm and the firearms dealer has seen the licence; or</p> <p>(b) is the holder of a corresponding firearms dealer licence.</p> <p>Penalty: Fine not exceeding 100 penalty units.</p> <p>(2) A licensed firearms dealer must not sell any firearm to any person unless that other person –</p> <p>(a) is authorised by a permit to acquire the firearm; and</p> <p>(b) the dealer has seen the permit.</p> <p>Penalty: Fine not exceeding 100 penalty units.</p> <p>(3) The holder of a licence may sell a firearm to, or purchase a firearm from, another holder of a licence through the agency of a licensed firearms dealer.</p> <p>(4) A licensed firearms dealer who acts as an agent under <u>subsection (3)</u> may only charge the prescribed fee for so acting.</p>	<p>It is submitted that the prescribed fee a firearm dealer can charge should be removed, to allow market forces to prevail. They submit that the prescribed fee does not take into account increases in the dealer's costs since 1996.</p> <p>However, in the more remote areas there is only one dealer to choose from (unlike the major cities where there are a number of dealers). This may disadvantage the public as there is insufficient competition to keep the prices at a reasonable level.</p> <p>It could well be an argument though, that Tasmania now does not have areas that are so remote as to not be influenced by market forces and firearm dealers in neighbouring towns or cities.</p> <p>Ultimately, the legislation requires that all firearm transfers occur through Tasmanian Licensed Firearms Dealers, therefore the fee needs to be controlled in the same manner for the protection of the protection public.</p> <p><u>Whilst removal of the prescribed fee is not supported, it is recommended that the prescribed fee be increased and set as a <i>maximum</i> fee, which can be charged.</u></p> <p>There are presently 133 firearm dealers.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>.....supports the amendment of this section not the removal.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>In a majority of responses received it was stated that this amendment should be a matter for market forces.</p>

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12	<p><u>Section 29</u></p> <p><i>Confirmation of the safe storage requirements.</i></p> <p>Amend section 29(1) by deleting: '(e) is able to meet the storage and safety requirements specified in Part 5.'</p> <p>Amend section 60(4) by inserting: '(d) is satisfied that the applicant is able to meet the storage and safety requirements specified in Part 5.'</p>	<p><i>Section 29(1)</i> of the Act states that:</p> <p>The Commissioner must not grant an application for a licence unless the Commissioner is satisfied that the applicant-</p> <p>(e) is able to meet the storage and safety requirements specified in Part 5.</p> <p>60. General restrictions on granting permits</p> <p>(1) The Commissioner must not grant an application for a permit unless the Commissioner is satisfied that the applicant is a fit and proper person.</p> <p>(2) In deciding whether the applicant is a fit and proper person, the Commissioner may, as regards the applicant, take into account any of the matters that are to be taken into account under <u>section 29(2)</u> in respect of an applicant for a licence.</p> <p>(3) The Commissioner must not grant an application for a permit to a person who would not be granted a licence for any reason specified in <u>section 29(3)</u> and <u>(4)</u>.</p> <p>(4) The Commissioner must not grant an application for a permit to acquire a firearm unless the Commissioner –</p> <p>(a) is satisfied that the applicant is the holder of a licence authorising the applicant to possess or use the firearm; and</p> <p>(b) is satisfied that there is a sufficient reason and need for the applicant to acquire the firearm; and</p> <p>(c) in the case of an applicant who is the holder of a Category H firearms licence for sport or target shooting, is satisfied that the applicant has held that licence, and has been a member of an approved pistol shooting club, for a period of at least 6 months.</p>	<p>Applicants for firearms licences have not yet acquired any firearms; therefore most do not have any storage and safety facilities installed at the time of making their initial application for a licence. It is not feasible to expect licence holders to have storage facilities in place at the time of making the application for a licence.</p> <p>The requirement for the Commissioner to be satisfied that a person can meet the storage and safety requirements is more appropriate once the person has made an application for a permit to acquire a firearm. An inspection is performed by Tasmania Police at this stage to ensure that the Commissioner is able to be satisfied of the arrangements in place prior to granting the permit to acquire a firearm.</p> <p>The requirement for the Commissioner to be satisfied that an applicant for a firearms licence is able to meet the storage and safety requirements specified in Part 5 of the <i>Act</i> should be removed from section 29(1)(e) and this should apply to the granting of an application for a <i>Permit to Acquire a Firearm</i> in section 60.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons</b></p> <p>The amendment is supported however the following points are to be noted;</p> <p>Incorporate the wording 'does meet' to ensure safety is actually being attained as opposed to shows the means of the ability to be safe."</p> <p>Ensure that the difficulty of obtaining a firearms licence is reduced by storage requirements only becoming an issue at the point of a licence holder acquiring a firearm.</p> <p>.....states that if this amendment is made, the Commissioner has to be satisfied that the applicant has met the storage and safety requirements beforehand.</p>

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13	<p><b>Section 29</b></p> <p>Insert Section 29B</p> <p><i>Allow the Commissioner to require an applicant or licence holder to provide certain information, and to provide information to health professionals to assist in the giving of an opinion as to suitability for a firearms licence.</i></p> <p>Insert a provision in similar terms to that below –</p> <p>(1) Before the application is granted, the Commissioner may -</p> <p>(a) make an inquiry or conduct and investigation into the applicant or the application; and</p> <p>(b) require the applicant to give the Commissioner further information the Commissioner reasonably needs to be satisfied about the applicant's identity or physical or mental health including -</p> <p>(i) in relation to the applicant's physical health - a report from a medical practitioner about the applicant's physical health; and</p> <p>(ii) in relation to the applicant's mental health - a report from a medical practitioner or psychologist about the applicant's mental health; and</p> <p>(c) inspect the secure storage facilities for the firearm or category of firearms possession of which is to be authorised by the licence; and</p> <p>(d) supply, for this section, information or a document relevant to the applicant's identity to an officer or member of a State or Commonwealth police service; and</p> <p>(e) require the applicant to display an adequate knowledge of the safety practices for the use, storage and maintenance of the firearm or category of firearms the possession of which is to be authorised under the licence.</p>	<p><i>29. General restrictions on granting licence</i></p> <p>(1) The Commissioner must not grant an application for a licence unless the Commissioner is satisfied that the applicant –</p> <p>(a) is at least 18 years of age; and</p> <p>(b) is a natural person; and</p> <p>(c) is a fit and proper person; and</p> <p>(d) has satisfactorily completed an approved firearms safety course; and</p> <p>(e) is able to meet the storage and safety requirements specified in <u>Part 5</u>.</p> <p>(2) In deciding whether a person is a fit and proper person the Commissioner is to take into account the following:</p> <p>(a) any likelihood of the person using a firearm –</p> <p>(i) for an unlawful purpose; or</p> <p>(ii) to harm himself or herself;</p> <p>(b) the mental and physical condition of the person;</p> <p>(c) any criminal activity of the person, whether in Tasmania or elsewhere;</p> <p>(d) any offence committed by the person under this Act or under the <u>Guns Act 1991</u>;</p> <p>(e) the ability of the person to exercise reasonable and responsible control over a firearm;</p> <p>(f) whether the person is subject to a restraint order, interim restraint order, family violence order, interim family violence order or police family violence order or has, at any time in the 5-year period immediately before lodging the</p>	<p>This is mostly the formalisation of existing practice and processes, which are allowed for under the current provisions of section 29.</p> <p>This recommendation is designed to provide specific authority for the Commissioner to require an applicant or licence holder to provide information relating to their physical or mental health including a report from a medical practitioner, psychologist or psychiatrist (this can be required currently under section 29 to satisfy the Commissioner that the person is a fit and proper person).</p> <p>If such information is provided, this provision would also allow for the Commissioner to provide information to the health care professional which may influence their opinion about the applicant's mental health if it is reasonable to believe that the health care professional was not aware of the information.</p> <p>Currently, requiring of fingerprints or other identifying particulars is not provided for within the Act. Allowing inquiries into the identify of a person will assist to ensure that legal name changes are not undertaken in order to gain a firearms licence by a person who would otherwise be refused a licence due to their previous history (this situation occurred recently in NSW).</p> <p>Mental health issues associated with firearms ownership are a priority for the National Firearms and Weapons Policy Working Group.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported but the following suggestions should be noted;</p> <p>A provision should be considered for information to be provided to the Commissioner from family members and other persons who may have a close relationship with the applicant.</p> <p>If an applicant withdraws an application through this process when asked to provide medical information the applicant is to be precluded from making an application for a period of 10 years.</p> <p>Information of a firearm purchase/ownership to be provided to neighbours, co inhabitants.</p> <p>An assessment of suitability to be conducted by an authorised officer/police officer</p> <p>Concerns have been expressed regarding the level of privacy protection. Clarification is sought regarding the medical or mental health conditions that will be considered a reasonable attribute to deny an applicant. It is a possibility that this may cause people to not seek help ...</p> <p>The intent of this amendment, is supported however there are concerns regarding the proposed wording. A suggestion being: (1) Before the application is granted, the Commissioner may, <i>on reasonable grounds- ...</i>"</p> <p>Supported in general but (e) should be deleted.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment allows for legitimate firearms owners to be subjected to the same treatment as people involved in criminal activity.</p> <p>The amendment may result in infringement of personal rights.</p> <p>The amendment in allowing the Commissioner to require a report from a medical may be intruding into the privacy of the applicant as well as putting the applicant under a financial burden.</p> <p>A medical practitioner may be placed in a difficult position regarding the disclosure of private information. Please refer to the case law mentioned. A doctor was sued in the UK for disclosing his opinion ... <i>W v Egdell 1990 House of Lords UK.</i> "The amendments are in breach of the protection of Personal Information Act Tasmania, and the <i>Privacy Act (Cwth).</i>"</p> <p>[Advice on <i>W v Egdell 1990</i> issue raised above is that:  <a href="#">In the first part of the process you are not placing any obligation on the health practitioner to reveal things to police – police are asking</a></p>

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	<p>(2)</p> <p>(a) If the Commissioner suspects, on reasonable grounds, that the applicant's stated identity is false, the Commissioner may require the applicant to provide an identifying particular to verify the applicant's identity.</p> <p>(b) For the purposes of this section, "identifying particular" includes</p> <p>(i) fingerprints;</p> <p>(ii) DNA; and</p> <p>(iii) any other means by which to identify a person.</p> <p>(3) The applicant is taken to have withdrawn the application if, within a stated reasonable time, the applicant -</p> <p>(a) refuses to provide the information reasonably required under subsection (1)(b); or</p> <p>(b) refuses to allow the inspection under subsection (1)(c); or</p> <p>(c) fails to comply with a requirement under subsection (2).</p> <p>(4) If information about the applicant's mental health given under subsection (1)(b) is provided in a medical practitioners or psychologist's report, the Commissioner may -</p> <p>(a) make information in the Commissioner's possession available to the medical practitioner or psychologist; and</p> <p>(b) ask the medical practitioner or psychologist to provide a further report.</p> <p>(5) The Commissioner may make the information available only if the Commissioner considers, on reasonable grounds -</p> <p>(a) the doctor or psychologist was not aware of the information; and</p> <p>(b) the information may influence the medical practitioners or psychologist's opinion about the applicant's mental health.</p>	<p>application, been subject to such an order;</p> <p>(g) whether the person is subject to a recognisance, granted in Tasmania or elsewhere, to keep the peace.</p> <p>(3) The Commissioner must not grant an application for a licence to a person who -</p> <p>(a) within the period of 5 years before the application was made, has been convicted in Tasmania or elsewhere of any crime involving violence to another person, whether or not the crime is a crime under a law of Tasmania; or</p> <p>(b) has at any time been sentenced to a term of imprisonment, whether in Tasmania or elsewhere, for an offence involving violence to another person unless the Commissioner is satisfied that the nature of the offence, the term of imprisonment and the length of time since that term expired do not justify the refusal to grant the licence; or</p> <p>(c) has been convicted of an offence under <u>Division 1 of Part 3 of the Guns Act 1991</u> or under <u>section 114</u> of this Act or a crime under <u>section 183 of the Criminal Code</u>; or</p> <p>(d) is subject to a firearms prohibition order, or one or more of the following in relation to personal injury:</p> <p>(i) a restraint order;</p> <p>(ii) an interim restraint order;</p> <p>(iii) a family violence order;</p> <p>(iv) an interim family violence order;</p> <p>(v) a police family violence order; or</p> <p>(e) in the Commissioner's opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, is a risk to public</p>		<p>the applicant to get an appropriate medical report and provide it. The Doctor is only giving something to the patient and the patient/applicant may or may not provide it to you – if he/she wants the licence he/she no doubt will do so – bit like seeking a police check – consent covers all issues especially if you are asking applicant not directly to Doctor.</p> <p>PIP Act does not apply to the private sector so no issue there except if Doctor is in Govt – but in any event consent of patient is part of process</p> <p>Privacy Act does not prevent information being provided by the Doctor to anyone with the patient's consent/request – you are not approaching the Doctor in the first instance the applicant is.</p> <p>So far as the follow up – you can build consent into the application itself – agree to the release by the Doctor of additional information if the initial report needs to be expanded upon.</p> <p>The other answer is "required or allowed by law" which covers a multitude of things if consent is not given.</p> <p>Don't know when the Privacy Act came about in UK but we have always had tension between professional obligations and providing information to third parties – decision may have been consequence of local laws or none?]</p> <p>Section 148 also provides a legal protection in sub-section 148(5).</p> <p>..... states that clarification in relation to 2(b) is sought it could include; 'If the Commissioner is not satisfied with the identity of the applicant, he is to refuse the application.' 'If the Commissioner suspects that an applicant is using a false identity and is a person who would otherwise be refused a licence pursuant to section 29, the Commissioner may invite the applicant to establish their bona fides by submitting a DNA sample or fingerprint.' This directly connects fingerprinting and DNA to criminal activity - which is more acceptable..."</p>

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	<p>(6) The Commissioner must also advise the applicant of the information being supplied to the medical practitioner or psychologist.</p> <p>(7) The Commissioner may make the information available under subsection (4) despite the provisions of any other Act.</p> <p>(8) Unless the Commissioner considers that it is currently required for the investigation of an offence, the Commissioner must, after deciding the application -</p> <p>(a) return to the applicant any identifying particular obtained in the course of inquiries into the application; and</p> <p>(b) destroy any record or copy of the identifying particular.</p> <p>(9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.</p>	<p>safety.</p> <p>(3A) If an application for a licence is being determined by a delegate of the Commissioner, the opinion referred to in <u>subsection (3)(e)</u> must be that of the Commissioner and not the delegate.</p> <p>(4) The Commissioner must not grant an application for a licence if the Commissioner has reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant.</p> <p>(5) The Commissioner must not grant an application for a licence authorising the possession or use of a firearm unless –</p> <p>(a) the Commissioner is satisfied that the applicant has a genuine reason for possessing or using the firearm; and</p> <p>(b) the applicant produces evidence to the Commissioner's satisfaction in relation to the requirements specified in <u>Division 6</u> of this Part in respect of that reason.</p> <p>(6) Notwithstanding <u>subsection (5)</u>, an applicant for a firearm heirlooms licence is not required to establish or provide a genuine reason in applying for the licence.</p>		
14	<p><u>Section 31</u></p> <p><i>Allow for a Category C licence as an alternative to Category D for animal population control</i></p> <p>Amend section 31 subsection (1) by inserting after the first instance of "primary production":</p> <p>“, animal population control “</p>	<p><i>31. Restrictions on granting Category C firearms licence</i></p> <p>(1) The Commissioner must not grant an application for a Category C firearms licence to any person unless the person establishes and provides evidence that the genuine reason for holding the licence is primary production or firearms collection and, if the genuine reason for</p>	<p>Presently, the holder of a licence for the genuine reason of 'animal population control' may acquire a Category A, B or D firearm. Category C is not available but considering it is a lower magazine capacity firearm, it should be offered as an alternative to Category D.</p> <p>The categories are detailed below:</p> <p><b>Category A firearms</b></p> <p>(a) air rifle; and</p> <p>(b) rim-fire rifle, other than self-loading; and</p> <p>(c) shotgun, other than pump action or self-loading; and</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>The amendment is supported and consideration should be given to extend this section to recreational hunters who provide a service to primary producers. These hunters will need to demonstrate a genuine need."</p> <p>.....support this amendment but advise that this amendment cannot be proclaimed until the Police Firearms Data Base is replaced with technology that is capable of administering the legislation. A review of this technology is presently under review with</p>

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	<p>and inserting after the second instance of "primary production":</p> <p>" or animal population control "</p> <p>Allow for a restriction to be applied as to the number of Category D firearms that a person may possess under their licence.</p>	<p>holding the licence is primary production –</p> <p>(a) produces evidence to the Commissioner's satisfaction that there is a need for the person to possess or use a firearm of the category to which the application relates; and</p> <p>(b) produces evidence to the Commissioner's satisfaction that the need is not met –</p> <p>(i) by the authority conferred by a Category A firearms licence or a Category B firearms licence; or</p> <p>(ii) by any other means.</p> <p>(2) Any licence granted by the Commissioner authorising a person to possess or use a firearm referred to in <u>section 16(1)</u>, if the genuine reason for holding the licence is firearms collection, is subject to the conditions specified in <u>section 47</u>.</p>	<p>(d) shotgun and rim-fire rifle combinations.</p> <p><b>Category B firearms</b></p> <p>(a) muzzle-loading firearm; and</p> <p>(b) centre-fire rifle, other than self-loading; and</p> <p>(c) shotgun and centre-fire rifle combinations.</p> <p><b>Category C firearms</b></p> <p>(a) self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds of ammunition; and</p> <p>(b) self-loading shotgun with a magazine capacity of no more than 5 rounds of ammunition; and</p> <p>(c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition.</p> <p><b>Category D firearms</b></p> <p>(a) self-loading centre-fire rifle; and</p> <p>(b) self-loading shotgun with a capacity of more than 5 rounds of ammunition; and</p> <p>(c) pump action shotgun with a capacity of more than 5 rounds of ammunition; and</p> <p>(d) self-loading rim-fire rifle with a magazine capacity of more than 10 rounds of ammunition.</p> <p>There are presently no restrictions on the firearms of this category that may be possessed other than the fact that the person has a genuine reason. As a result a person may possess multiple Category D firearms.</p> <p><b>Category H firearms</b></p> <p>(a) pistol; and</p> <p>(b) air pistol.</p>	<p>a separate Cabinet Budget submission being developed.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment is noted as being an appalling proposal for men in the suburbs who want to go out and blast away at wildlife in the bush.</p> <p>No further supporting comment is provided.</p>
15	<p><u>Section 35</u></p> <p><i>Clarify the authority to vary the conditions of a licence</i></p> <p>Insert additional section:</p> <p>(1) The Commissioner may, at any time vary or review any condition imposed on a licence under this Part.</p> <p>(2) The variation of a condition under this section has effect upon giving notice of that variation to the holder of the licence.</p> <p>(3) For the purposes of this section, "notice" is considered to be given:</p>	<p><i>Section 35</i> states:</p> <p>Subject to this Division, the Commissioner may grant an application for a licence –</p> <p>(a) subject to –</p> <p>(i) the conditions specified in <u>section 46</u> or <u>47</u>; and</p> <p>(ii) <i>any other condition the Commissioner considers appropriate</i>; and</p> <p>(b) only after the end of 28 days following the day on which the application is lodged.</p>	<p>It is often necessary to impose additional conditions upon certain licence holders after a licence has been granted (due to a change in circumstances), such as, specific storage requirements may need to be imposed, or a person may be restricted to shooting at a certain property or location.</p> <p>Licence conditions are currently varied under section 35(a)(ii). Section 20 of the <i>Acts Interpretation Act 1931</i> provides that "Where an Act confers a power or imposes a duty, the power may be exercised and the duty shall be performed -</p> <p>(a) from time to time as occasion may require."</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported provided DPIPWE permits are issued to the licensee.</p> <p>..... support this amendment and provide existing examples of persons with physical disabilities being able to hold a licence with conditions that include supervision guidelines for the persons significant other.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment requires further explanation regarding guidelines</p>

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	(i) by giving it to the person; or (ii) by leaving it at, or sending it by post to, the person's residential or postal address or place or address of business or employment whichever is last known to the server of the notice or other document.		For certainty, the power to vary a licence condition after an application has been granted needs to be more clearly articulated.  <b>Section 141 Reviews</b> allows for a person to apply to the Magistrates Court (Administrative Appeals Division) for a review of certain decisions, which includes section 35(a)(ii). It is appropriate for the additional authority to be included under this provision.	surrounding the proposal and the possibility of an appeals process being put in place. [Allow appeal provision under s141].  No further supporting comment provided
16	<p><u>Section 37</u></p> <p><i>Include licensing arrangements for commercial fishers.</i></p> <p>Amend section 37(f) by inserting after 'firearms dealer,':</p> <p>"Commercial fisher- whose principal occupation is fishing for commercial purpose as defined under the <i>Living Marine Resources Management Act 1995</i>."</p>	<p><i>37. Genuine reasons</i></p> <p>(1) A genuine reason to possess or use a firearm is any of the following:</p> <ul style="list-style-type: none"> <li>(a) sport or target shooting;</li> <li>(b) recreational hunting or vermin control;</li> <li>(c) primary production;</li> <li>(d) animal population control;</li> <li>(e) animal welfare;</li> <li>(f) business or employment as a firearms dealer, security agent or security guard;</li> <li>(g) firearms collection;</li> <li>(h) show or exhibition.</li> </ul> <p>(2) A person does not have a genuine reason for possessing or using a firearm if the person intends to possess or use the firearm for –</p> <ul style="list-style-type: none"> <li>(a) the person's personal protection or the protection of his or her family; or</li> <li>(b) the general protection of property, other than the protection of property in the course of carrying out the functions of a security agent or security guard.</li> </ul>	<p>Commercial fishermen have previously been granted licences for 'primary production'.</p> <p>The reference to primary production in the Act in relation to Category C firearms (it is now proposed that this should refer to all categories of firearm) refers to:</p> <ul style="list-style-type: none"> <li>(i) the suppression of vertebrate pest animals <b>on the land</b>; and</li> <li>(ii) the destruction of animals to avoid pain and suffering.</li> </ul> <p>Advice obtained is that the sea is considered a public place. Most commercial fishers state they wish to use a firearm to deter or protect themselves from sharks or seals, but a firearm cannot be used on most types of shark or on seals. A DPIPWE permit can be granted for the use of 'bean bag' ammunition as a deterrent for seals (to be fired from a shotgun, so a Category A firearm).</p> <p>Under current departmental policy, commercial fishers are allowed to obtain a Category A licence if they have completed the DPIPWE training for use of seal deterrent ammunition (proof required: copy of DPIPWE letter certifying training completed). A shotgun discharges this deterrent ammunition, so Category A only should be sufficient. A number of fishermen have exemptions to use 'power-heads' to deter sharks.</p> <p>Enquiries with other jurisdictions has found that many states/territories do not allow for commercial fishermen to be authorised to carry firearms (except QLD, NSW and NT which have different issues – NT are quite restricted still).</p> <p>It is therefore proposed to include a provision for commercial fishers to be licenced for the reason of 'business or employment'. Restrictions will be imposed as a matter of Departmental policy (including provision of a permit to discharge seal deterrent ammunition from DPIPWE and only for Category A firearms).</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>.....states that currently there are no storage guidelines legislated for vessels. It is therefore essential that such provisions are legislated.</p> <p>This amendment is required to provide clarifications for Commercial fishers. For example providing guidelines as to who has control and licence for the firearm/s. These provisions should be similar to those documented for the security industry.</p> <p>Sections 42 (Animal Welfare) and 43 (Requirements relating to business and employment) will require amendment to include the category of "Commercial Fisher".</p> <p>Storage requirements will need to be stipulated for a commercial vessel. Under part five of the Act.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>People on fishing boats should not be encouraged or allowed to shoot seals or sharks. They should be encouraged to find other ways of resolving problems relating to sea life.</p> <p>This section is contentious in the classification of who is classed as a primary producer. The amendment is supported in relation to commercial fishers who are granted licences to repel if they are to only use them in the manner as described in the supporting comments. There are those within the boating and fishing fraternity who do not act responsibly when it comes to seals, particularly those who wish to be circumspect in <i>what</i> they use as cray-pot bait and in the way in which they obtain bait. My concerns also lie with the <i>securing</i> of the said firearms, either aboard a vessel or ashore."</p>



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			<p>The <i>Living Marine Resources Management Act 1995</i>, defines a "<b>commercial purposes</b>" means the purpose of sale, processing, manufacture, marine farming or any other purpose that is directed to gain or reward." Advice from the Department of Primary Industries, Parks, Water and Environment is that this definition only allows for commercial fishing purposes and not amateur or people who are not principally employed for fishing purposes.</p>	
17	<p><u>Section 40</u></p> <p><i>Clarify the requirements for the genuine reason of 'primary production'</i></p> <p>Delete section 40 and replace it with:</p> <p>'An applicant whose genuine reason for possessing or using a firearm is primary production must –</p> <p>"(a) be a person:</p> <p>(i) whose principal occupation is the business of primary production on land owned, managed or leased by them; or</p> <p>(ii) whose principal occupation is as an employee of a primary producer referred to in (a); and</p> <p>(b) produce evidence to the Commissioner's satisfaction that he or she intends to use the firearm solely in connection with –</p> <p>(i) the suppression of vertebrate pest animals on the land; and</p> <p>(ii) the destruction of animals to avoid pain and suffering.'</p>	<p><i>Section 40</i> states:</p> <p>An applicant whose genuine reason for possessing or using a firearm is primary production must, in the case of an application for a Category C firearms licence–</p> <p>(a) be a person who is a primary producer or who is employed or engaged in the business of primary production; and</p> <p>(b) produce evidence to the Commissioner's satisfaction that he or she intends to use the firearm solely in connection with –</p> <p>(i) the suppression of vertebrate pest animals on the land; and</p> <p>(ii) the destruction of animals to avoid pain and suffering.</p>	<p>There is currently ambiguity relating to what amounts to 'primary production'.</p> <p>NSW legislation requires that the applicant must:</p> <p>"(a) be a person whose occupation is the business of a primary producer, or who is the owner, lessee or manager of land used for primary production, and</p> <p>(b) state that he or she intends to use the firearm solely in connection with farming or grazing activities (including the suppression of vertebrate pest animals on the land concerned)."</p> <p>Victorian legislation requires the applicant to "produce evidence that he or she is regularly engaged in the business of primary production as an owner, lessee or manager of land used for the primary production or is a person employed for the purposes of such a business".</p> <p>This would also ensure that all applicants for a firearms licence for primary production are required to provide the same level of proof, as the current section only refers to Category C firearms licences.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>..... states that this amendment is logical and provides clarification.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment by imposing that the principal occupation of a person should be that of a primary producer will immediately deny all those farmers who have had for financial reasons to seek off farm. Producing evidence to support any claim would add an administrative overhead, adding cost and wasting valuable police time. The proposed change ignores the reality of today's primary production environment.</p> <p>The Tasmanian legislation needs to note the interstate classification system.</p> <p>The proposed amendment is significantly inconsistent with the ATO and other jurisdictions.</p> <p>"The NSW wording 'regularly engaged' if applied to landowner, manager or lessee appears to me more reasonable.</p> <p>In relation to 40(a)1"... remove 'on land owned, managed or leased by them.' " Re: 40(b) remove 'solely'..."</p> <p>.....supports in principle... remove 'solely' ". "... we have ... concerns regarding restricting primary producers to shooting on their own land. Farmers may also need to control pest animals in homestead areas and often need to work cooperatively on properties other than their own."</p>
18	<p><u>Section 47</u></p>	<p><i>Section 47</i> states:</p>	<p>It has been submitted that the requirement to render 'collection' category A, B, C and H firearms temporarily</p>	<p><b>The amendment is supported by those people named adjacent.</b></p>

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	Amend the requirements relating to the collection of firearms by – (a) removing the requirement for collection firearms to be rendered temporarily incapable of being fired; and (b) change the requirement for Category D firearms to be rendered permanently inoperable, to a requirement for temporary inoperability.	(1) Any licence that authorises the holder to possess firearms for the purpose of a firearms collection is subject to the following conditions:  (a) any firearm in the collection that has been manufactured after 1 January 1900, other than a firearm referred to in <u>section 17(1)</u> , must be rendered temporarily incapable of being fired by –  (i) the removal and storage of the bolt or firing pin or both the bolt and firing pin in a locked container of an approved type that is kept separate from the firearm; or  (ii) the application to the firearm of an approved trigger lock;	incapable of being fired is too onerous, as they are also subject to the same storage requirements as other firearms (the requirement to firstly render the firearm temporarily incapable of use and secondly, store it in an approved firearms storage facility is onerous). It has been submitted that this requirement to render the firearm temporarily incapable of being fired should be removed.  Category D firearms are required to be rendered permanently inoperable. It has been further submitted that this should be changed to require temporary inoperability, as the value of a deactivated firearm is substantially decreased. DPEM submit that the value of a firearm should not be a primary consideration in determining appropriate safety and security measures.  <u>These submissions are NOT supported as these changes would be contrary to the resolution of the APMC Special Firearms Meeting July 1996, Agenda item 1.10 which stated:</u>  “(b) Category D firearms would only be permitted in the collection if rendered inoperable; (c) all other firearms manufactured after 1900 held in a collection must be rendered temporarily inoperable although individual jurisdictions may require Category C firearms to be rendered permanently inoperable.”	No further supporting comment provided.  <b>The amendment is opposed by those people named adjacent for the following reasons;</b>  The value of firearms should be a consideration - requirements ... that affect ... value should involved compensation otherwise no permanent damage should be done."  This is an appalling proposal it completely circumvents the NFA. ... it is <u>meant</u> to be onerous."
19	<b>Section 47</b>  <i>Clarify the requirements for collection firearms in section 47(1)(d)</i>  Amend section 47(1) by inserting:  “(da) Notwithstanding subsection (1)(d), a firearm rendered temporarily incapable of being fired in accordance with subsection (1)(a) may be temporarily rendered operable for the purposes of undertaking routine cleaning or maintenance, or for participation in an approved shoot in accordance with section [collectors shoots, to be included].	<b>47. Special conditions of certain licence</b>  (1) Any licence that authorises the holder to possess firearms for the purpose of a firearms collection is subject to the following conditions:  (a) any firearm in the collection that has been manufactured after 1 January 1900, other than a firearm referred to in <u>section 17(1)</u> , must be rendered temporarily incapable of being fired by –  (i) the removal and storage of the bolt or firing pin or both the bolt and firing pin in a locked container of an approved type that is kept separate from the firearm; or  (ii) the application to the firearm of an	It has been proposed that section 47(1) (d) should be clarified to apply only to category D firearms (which are required to be rendered permanently inoperable) as opposed to category A, B, C or H firearms (which must be rendered temporarily inoperable).  The rationale behind this is that temporarily inoperable firearms may need to be temporarily returned to operability for the purposes of cleaning and maintenance, or for participating in approved collectors shoot.	<b>The amendment is supported by those people named adjacent.</b>  No further comment.  <b>The amendment is opposed by those people named adjacent.</b>  No further comment.

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		<p>approved trigger lock;</p> <p>(b) any firearm referred to in <u>section 17(1)</u> in the collection must, in the prescribed manner, be rendered permanently incapable of being fired;</p> <p>(c) the holder must not possess any ammunition for any firearm in the collection unless it is stored in the prescribed manner;</p> <p>(d) the holder must not restore any firearm in the collection to a state in which the firearm can readily be fired;</p> <p>(e) the holder must not discharge a firearm which forms part of the collection;</p> <p>(f) a collection of firearms must only contain firearms manufactured before a prescribed date.</p>		
20	<p><u>Section 47</u></p> <p>Amend section 47 to remove (1)(c), (d), (e) and (f).</p>	<p><i>Section 47</i></p> <p>(1) Any licence that authorises the holder to possess firearms for the purpose of a firearms collection is subject to the following conditions:</p> <p>(a).....</p> <p>(b).....</p> <p>(c) the holder must not possess any ammunition for any firearm in the collection unless it is stored in the prescribed manner;</p> <p>(d) the holder must not restore any firearm in the collection to a state in which the firearm can readily be fired;</p> <p>(e) the holder must not discharge a firearm which forms part of the collection;</p>	<p>It has been submitted that section 47 subsections (c) – (f) should be deleted as they serve no useful purpose.</p> <p>Subsection (c) is not currently utilised but does not disadvantage any collector and it is recommended that it be retained in case it is required in the future.</p> <p>Subsection (d) has been addressed above, by rewording it to allow temporary reactivation of those firearms rendered temporarily inoperable, for cleaning or maintenance purposes or for participation in a shooting activity approved by the Commissioner of Police.</p> <p>Subsection (e) requires a small amendment to make it consistent with the proposal at item number 55 to allow for occasional shooting activities as approved by the Commissioner of Police.</p> <p>Subsection (f) – DPEM agree this should be removed:</p> <ul style="list-style-type: none"> <li>• there is presently no prescribed date in our Regulations; and</li> <li>• this was in the original agreement (APMC Special Firearms Meeting May 1996, Resolution 3d) but was replaced at the APMC Special Firearms Meeting July 1996, Agenda item 1.10 with a requirement that</li> </ul>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No comment made.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>(f) can be deleted but (c), (d) and (e) should stay. Subsections (c), (d) and (e) should remain as they are, however agree ... section (f) ... can be removed.</p> <p>Disagrees with DPEM comment that (c) should be retained.</p>

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		(f) a collection of firearms must only contain firearms manufactured before a prescribed date.	collections must be of an “obvious and significant commemorative, historical, thematic or investment value” with no restriction on the date of firearms able to be in a collection.	
21	<u>Section 47(2)</u>  <i>Remove requirement for heirloom firearms to be permanently disabled</i>	<u>Section 47 (2)</u>  A firearm heirlooms licence is subject to the condition that the heirloom firearm must, in the prescribed manner, be rendered permanently incapable of being fired.	It has been proposed that a trigger lock should be an acceptable alternative to permanent disablement of an heirloom firearm which decreases its value.  The DPEM submit that an ‘Heirloom Licence’ specifically relates to those people who wish to retain firearms purely for sentimental reasons. There is no requirement for such a licence holder to undertake the approved firearms safety course and the fees are reduced significantly. Such firearms can already be retained under a collection licence (if the person is a bona fide collector) or under another type of licence (for use) if they do not wish to have them rendered permanently inoperable.  Should people wish to use the firearm and not permanently disable than they area able to obtain a firearms licence for the particular category.	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p> <p>No comment made.</p>
22	<u>Section 47(4) &amp; Regulations concerning Security agents / guards.</u>  <i>Include more stringent requirements for security agents/guards</i>  Amend section 47 by deleting (4) and replacing it with:  (4) Any licence that authorises the holder to possess firearms for the purpose of business or employment as a security guard or agent is subject to any prescribed conditions.  Amend the <i>Firearms Regulations 2006</i> by inserting:  <b>4A Prescribed conditions relating to security guards and agents</b> In this part: <b>security guard</b> has the same meaning as in the <i>Security and Investigations Agents Act 2002</i> , and who is licensed	<u>Section 47 (4)</u>  The Commissioner may, by notice in writing given to the holder of a Category H firearms licence for sport or target shooting in existence immediately before 1 July 2003, amend any conditions specified in that licence to give effect to the amendments made to this Act by the <i>Firearms Amendment Act 2003</i> .	Section 47(4) is no longer required as the licences issued prior to 1 July 2003 have now all expired or been reissued in accordance with the current legislation.  In accordance with other jurisdictional requirements (particularly NSW, from whose Act the proposed amendments have been adapted), it is proposed to include specific requirements for security guards and agents relating to: <ul style="list-style-type: none"> <li>• the storage and safekeeping of firearms, which may include the need for bullet traps;</li> <li>• maintenance of registers regarding the possession and use of firearms; and</li> <li>• requirements for ongoing training and validation in the use of firearms (to be delivered by the service provider who delivers the firearms safety training course).</li> <li>• Due to the type of firearms to which security guards/agents have access (category H – handguns) and the level of trust placed in such persons who are authorised to carry firearms in public places it is appropriate reasonable regulation and requirements be put in place.</li> </ul>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>..... indicates this amendment is supported but will significantly increase the administrative workload of the work area and highlight that the current database will need to be replaced to cater for this amendment.</p>

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	<p>under this Act to possess firearms for the genuine reason of business or employment.</p> <p><b>security agent</b> means the holder of an agents licence under the <i>Security and Investigations Agents Act 2002</i>:</p> <p>(a) who is licensed under this Act to possess firearms for the genuine reason of business or employment, or</p> <p>(b) who employs security guards.</p> <p><b>4B Restrictions on authority conferred by licence issued to a security guard</b></p> <p>A licence issued to a security guard:</p> <p>(a) does not authorise the possession of more than one firearm at any one time, and</p> <p>(b) does not authorise the possession or use of a prohibited pistol or a shotgun unless otherwise authorised by the Commissioner in writing.</p> <p><b>4C Special conditions on licence issued to a security guard</b></p> <p>(1) It is a condition of a licence issued to a security guard for the genuine reason of business or employment that the licensee must not:</p> <p>(a) apply for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or</p> <p>(b) possess or use, in the licensee's capacity as a security guard, any firearm acquired by the licensee for any other reason.</p> <p>(2) Nothing in subclause (1) prohibits a security guard from acquiring, possessing or using a firearm under the authority conferred by any other licence or permit held by that person.</p> <p><b>4D Special requirements for safekeeping of firearms by a security agent</b></p> <p>(1) For the purposes of section 86 (1)(d) of the Act the requirements specified</p>		<p>At this point of time there are 160 security agents or guards who have a security licence to carry a firearm.</p>	

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	<p>in subclauses (2)–(5) are prescribed in relation to the safe storage of firearms by a security agent.</p> <p>(2) If the security agent is authorised to possess one, but not more than one, firearm, the following requirements apply:</p> <ul style="list-style-type: none"> <li>(a) the firearm must, while not being carried or used by a person authorised to possess or use the firearm, be stored in a locked receptacle of an approved type made of metal, concrete or any other approved material that is not easily penetrated;</li> <li>(b) the receptacle must be bolted to a wall or floor;</li> <li>(c) any ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the receptacle containing the firearm;</li> <li>(d) the premises on which the firearm is stored must               <ul style="list-style-type: none"> <li>(i) have an intruder alarm that is monitored off-site and is of an approved type.</li> </ul> </li> </ul> <p><b>4E Requirements relating to the carriage of firearms</b></p> <p>(1) A security guard or agent must comply with the following requirements while carrying a pistol:</p> <ul style="list-style-type: none"> <li>(a) the pistol must be carried in a holster worn by the security guard or agent;</li> <li>(b) the shape and size of the holster is to be consistent with, and suitable for, the shape and size of the pistol to be carried;</li> <li>(c) the holster, when worn in conjunction with a belt, must be secured firmly to the belt;</li> <li>(d) if the holstered pistol is concealed by clothing, the holster may be designed to allow free access to the pistol, but otherwise the holster must be designed with a thumb-break</li> </ul>			

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	<p>safety strap and with the trigger not exposed or alternatively with a complete covering flap so as to conceal the weapon from view; and</p> <p>(e) any such holster worn by a security guard or agent other than a holster with a complete covering flap must be of an approved type.</p> <p>Maximum penalty: 50 penalty units.</p> <p><b>4F Requirements for security guard employers</b></p> <p>(1) A person who employs security guards must:</p> <p>(a) keep in safe storage at the employer's place of business all firearms that are authorised to be possessed by those security guards while they are not on duty, and</p> <p>(b) in addition to the requirements set out in Part 5 of the Act, ensure that any firearm required to be kept in safe storage in accordance with paragraph (a) is secured in such a manner as would reasonably prevent its removal by anyone other than by the employer or an authorised employee.</p> <p>(2) Subclause (1) (a) does not apply to any firearm that is permitted to be retained by a security guard in accordance with clause 4H or 4I.</p> <p>(3) A person who employs security guards must not allow any firearm in the person's possession (including those firearms that have been acquired by the person in connection with the person's business) to be possessed or used by an employee who is not authorised to possess or use the firearm by a licence.</p> <p>(4) A person who employs security guards must, if any person who is employed as a security guard (other than on a casual basis) ceases to be employed as a security guard, notify</p>			

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	<p>the Commissioner in writing of the person's cessation of employment within 7 days of the person ceasing to be so employed. Maximum penalty: 50 penalty units.</p> <p><b>4G Employees to return firearms after being on duty</b></p> <p>(1) A person who is employed as a security guard must, at the end of any period of duty, return any firearm in the person's possession to his or her employer's store of firearms unless the person is authorised to retain possession of the firearm in accordance with clause 4H or 4I. Maximum penalty: 50 penalty units.</p> <p>(2) A person does not commit an offence under subclause (1) if:</p> <p>(a) the person has not been on duty at his or her ordinary place of work, and</p> <p>(b) it was not reasonably practicable, for reasons of distance or public safety, to return the firearm to the employer's store of firearms, and</p> <p>(c) it was not reasonably practicable in the circumstances for an authorisation under clause 4H or 4I to be obtained before the end of the period of duty (e.g. because the person was required to travel unexpectedly in connection with the person's employment).</p> <p><b>4H Arrangements for off-duty possession of firearms by employees</b></p> <p>(1) The Commissioner may authorise in writing any person who is employed as a security guard to retain possession, between periods of duty as a security guard, of any firearm that the person is authorised by a licence to possess.</p> <p>(2) The Commissioner must not authorise possession of a firearm between</p>			



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	<p>periods of duty unless the Commissioner is satisfied that:</p> <p>(a) it is not practicable in the circumstances, for reasons such as distance, for the employee to return the firearm to the employer's store of firearms, and</p> <p>(b) the firearm will be stored in accordance with the requirements of Part 5 of the Act.</p> <p>(3) In determining whether or not it is practicable in the circumstances for the employee concerned to return the firearm to the employer's store of firearms, reasons such as commercial practice or inconvenience on the part of the employee or employer are not, in themselves, to be taken into consideration.</p> <p>(4) An employee's authorisation to retain possession of a firearm between periods of duty is subject to the following requirements:</p> <p>(a) the firearm may only be carried by the employee when the employee is travelling directly to or from work or in the course of a work-related journey;</p> <p>(b) the firearm must be stored at the employee's place of residence;</p> <p>(c) the employee must comply with the requirements of Part 5 of the Act; and</p> <p>(d) the employee must allow a police officer to inspect, at any reasonable time, the arrangements for the safe-keeping of the firearm.</p> <p>(5) An authorisation under this clause remains in force for such time as is specified in the authorisation unless it is sooner revoked by the Commissioner.</p> <p>(6) The Commissioner may revoke any such authorisation if the Commissioner is satisfied that:</p> <p>(a) the requirements of subclause (4) have not been complied with,</p>			

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	<p>or</p> <p>(b) it is in the public interest to do so.</p> <p>(7) An authorisation under this clause is automatically revoked when the employee to whom it relates ceases to be employed by the person who was the employer at the time the authorisation was granted.</p> <p><b>4I Temporary arrangements for off-duty possession of pistols by employees</b></p> <p>(1) If the Commissioner is satisfied that it is not reasonably practicable for a person who is employed as a security guard to comply with clause 4G (1):</p> <p>(a) because the person is required to work on a temporary basis at a place other than the person's ordinary place of work, and</p> <p>(b) because of the distance between the other place of work and the employee's place of residence, the Commissioner may authorise in writing the person to retain possession, between periods of duty as a security guard, of any firearm that the person is authorised by a licence to possess.</p> <p>(2) An employee's authorisation under this clause to retain possession of a firearm between periods of duty is, in addition to the requirements of section 39 of the Act, subject to the following requirements:</p> <p>(a) the firearm may only be carried by the employee when the employee is travelling directly to or from work or in the course of a work-related journey; and</p> <p>(b) the firearm must be stored in accordance with approved arrangements that have been made by the employer.</p> <p>(3) An authorisation under this clause may only be given on a temporary basis, and remains in force for the limited period as is specified in the</p>			

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	<p>authorisation (unless sooner revoked by the Commissioner).</p> <p>(4) The Commissioner may revoke an authorisation under this clause for such reason as the Commissioner considers appropriate.</p> <p><b>4J Registers to be kept by security guard employers</b></p> <p>(1) A person who employs security guards, or who is self-employed as a security agent, must keep in the approved form:</p> <p>(a) a register in which are kept particulars of the acquisition of firearms by, the servicing and inspection of firearms on behalf of, and of the disposal of firearms and ammunition by, the person, and</p> <p>(b) if appropriate, a register in which are kept particulars of the names of each employee who is authorised by a licence to possess a firearm, and of the periods for which each such employee has possession of the firearm.</p> <p>(2) The person must ensure that each register is maintained in a book of not less than 100 pages in the following manner:</p> <p>(a) the pages are to be bound in a manner that will prevent any page being readily removed, each page is to be numbered consecutively;</p> <p>(b) entries are to be made in black or blue ink and any alteration to an entry must be made by interlineation or striking out and not by erasure; and</p> <p>(c) no page is to be extracted.</p> <p>(3) The person must:</p> <p>(a) ensure that each register is kept in a place of safe keeping at the place of business of the person or at an approved address, and</p> <p>(b) ensure that each register is kept</p>			

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	<p>for not less than 3 years after its completion, and</p> <p>(c) ensure that an appropriate entry is made in the register referred to in subclause (1) (a) within 24 hours of the acquisition, servicing, inspection or disposal of a firearm, and</p> <p>(d) if appropriate, ensure that an appropriate entry is made in the register referred to in subclause (1) (b) when any firearm (and any ammunition for the firearm) is transferred from the person's store of firearms to the custody of an employee and when the firearm and ammunition is returned to the store of firearms, and</p> <p>(e) immediately produce, if requested to do so by a police officer at any time, any such register to the officer and permit the officer to inspect, and make copies of any entry contained in, the register.</p> <p>Maximum penalty: 50 penalty units.</p> <p><b>4K Maintenance of firearms</b>            A person who employs security guards, or who is self-employed as a security guard, must:</p> <p>(a) ensure that each firearm in respect of which each security guard holds a licence is serviced at least once a year by a licensed firearms dealer.</p> <p>Maximum penalty: 50 penalty units.</p> <p><b>4L Additional requirements relating to security guards</b></p> <p>(1) The Commissioner may refuse to issue a licence to a person who is employed as a security guard unless the person:</p> <p>(a) has completed, to the satisfaction of the Commissioner, an approved firearms safety course, and</p> <p>(b) produces the person's licence under the <i>Security and</i></p>			

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	<p><i>Investigations Agents Act 2002.</i></p> <p>(2) In addition to the firearms safety training courses required in connection with an application for a licence, a security guard who possesses a firearm must undertake, at least annually, such continuing firearms safety training courses as may be approved. Maximum penalty: 50 penalty units.</p> <p>(3) A person who employs security guards must:</p> <p>(a) ensure that subclause (2) is complied with by the persons employed as security guards by the employer, and</p> <p>(b) report to the Commissioner when those persons have completed the required training course or if any such person fails to undertake the required training course. Maximum penalty: 50 penalty units.</p> <p><b>4M Number of firearms to be held by security firms</b></p> <p>(1) The authority conferred by a licence issued to a security firm authorises the firm to possess only such number of firearms as, in the opinion of the Commissioner, are required to carry out the security activities of the security firm.</p> <p>(2) The Commissioner may require a security firm to provide information relating to the following:</p> <p>(a) the number of firearms owned by the security firm,</p> <p>(b) the number of security guards employed by the firm,</p> <p>(c) the security activities for which the firearms are used,</p> <p>(d) such other relevant information that is required in order for the Commissioner to form an opinion under this clause.</p>			

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23	<p><u>Clarify sections 51 and 53.</u></p> <p>Remove “, or interim restraint order” from section 51(3).</p>	<p><i>Section 51(3)</i>            The Commissioner <b>must</b> cancel or suspend a licence if the holder is subject to any restraint order, other than a restraint order referred to in subsection (1) [firearms prohibition order or a restraint order relating to personal injury or a family violence order], or interim restraint order.</p> <p><i>Section 53(1)</i>            The Commissioner, if satisfied that there may be grounds for cancelling a licence or if the holder of a licence becomes subject to an interim restraint order, interim family violence order or police family violence order, <b>may</b> suspend the licence by serving on the holder of the licence a notice –</p> <p>(a) stating that the licence is suspended and the reasons for suspending it; and</p> <p>(b) requesting that the holder provide the Commissioner with any reason why the licence should not be cancelled.</p>	<p>Section 51(3) is ambiguous, as it is unclear whether an interim restraint order requires the suspension or cancellation of a licence.</p> <p>Following legal advice, it is apparent that section 53(1) provides a discretion to suspend a licence on the issue of an interim restraint order, therefore section 51(3) must mean that the prescriptive requirement to cancel or suspend does not relate to interim orders (only full orders).</p> <p>It is therefore recommended that the reference to interim restraint orders in section 51(3) is removed to ensure clarity and allow section 53(1) to operate effectively.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>The legislation should be clarified but not as suggested. Many restraint orders do not relate to family or domestic violence or violence of any type. Simply implementing legislation to cancel or suspend a firearms licence belies the reality of the restraining order process and assumes that a blanket approach. A better approach would be to enable a magistrate at the first hearing of a restraint order to determine if firearms are to be an issue, this would also enable magistrates to order mediation as part of the court ordered process.</p> <p>There appears to be no redress offered.</p> <p>It should be clarified such that the granting of an interim restraint order is sufficient to require cancellation or suspension.</p> <p>It has become common for interim restraint orders to be used ... vindictively ... The Commissioner's power must be discretionary to be fair and reasonable. Then the right of appeal applies."</p> <p>No further supporting comment.</p>
24	<p><u>Section 54</u></p> <p><i>Allow for the seizure of ammunition when a licence is surrendered, suspended or cancelled.</i></p> <p>Amend section 54 by inserting “ammunition and firearm parts” after “firearm” in subsection (3), (4)(a), and (5).</p>	<p><i>54. Surrender of licence and firearm</i></p> <p>(1) A person, by notice in writing to the Commissioner, may surrender a licence held by that person.</p> <p>(2) A licence surrendered under <u>subsection (1)</u> ceases to have effect –</p> <p>(a) on the date specified in the notice; or</p> <p>(b) if a date is not specified, on the date of receipt of the notice.</p> <p>(3) A person who surrendered a licence must immediately surrender any firearm to which the licence relates.</p> <p>(4) If a licence is suspended or cancelled, the person to whom it was issued must immediately surrender –</p> <p>(a) any firearm in the person's</p>	<p>On the surrender, suspension or cancellation of a licence, a police officer may seize any firearm in the possession of the person (or the person is required to surrender it). This provision does not currently include ammunition and or firearm parts, which may then be assembled.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No comment made.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>The legislation should reflect the individual requirements of each action, suspend, cancel and surrendered. In the case of cancellation, seize all ammunition related to the firearms in question. Where an individual surrenders a firearm the individual must state what ammunition he has and his intentions regarding the ammunition (sale, gift etc.) Where a satisfactory explanation is not provided then police should be able to seize. Where a licence is suspended then there should be no requirement to seize ammunition until a final decision is made. Lastly, where ammunition is seized it should be destroyed.</p> <p>Ammunition is not specific to a licence holder nor to a gun.</p> <p>If a person voluntarily surrenders their licence then they should have the opportunity to sell their possessions through a licensed firearm dealer.</p>

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		<p>possession; and</p> <p>(b) the licence.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(5) A police officer may seize any firearm in the possession of a person whose licence is surrendered, suspended or cancelled.</p> <p>(6) In this section –</p> <p>"firearm" includes a weapon of the kind referred to in <u>paragraph (a)</u> of the <u>definition of "light ordnance"</u> in <u>section 3</u>.</p>		
25	<p><u>Section 55 &amp; 56</u></p> <p><i>Corresponding licence and registration of firearms</i></p> <p>Insert section 56A:            "A firearms licence holder who is a resident of another State or Territory does not commit an offence under section 74 of this Act if a firearm is possessed or used in accordance with section 55 or 56 and the firearm is registered under a law in force in that other State or Territory."</p>	<p><i>55. Licence not required in certain circumstances</i></p> <p>A person who is a resident of another State or a Territory is not required to hold a Category A firearms licence, a Category B firearms licence or a Category H firearms licence –</p> <p>(a) if the person is the holder of a corresponding licence; and</p> <p>(b) for the purpose of participating in an approved shooting competition or for any other approved purpose.</p> <p><i>56. Corresponding licence</i></p> <p>(1) If a person resident in another State or a Territory notifies the Commissioner by notice in writing that he or she intends to reside in this State, any corresponding Category A firearms licence or corresponding Category B firearms licence held by the person is taken to be such a licence under this Act for a period of 3 months from the date of the notice.</p>	<p>'Registered' means 'registered under this Act'. This means that a firearm not registered under the <i>Tasmanian Firearms Act 1996</i> is technically 'unregistered' even if it is correctly registered and licensed in another jurisdiction.</p> <p>This is an anomaly, which requires a small insertion into the Act.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported however it has been raised that it doesn't holistically address the real problem. Sections 55 and 56 do not provide a clear, simple and practical way of becoming licensed in Tasmania and this proposed amendment does not address that. The 7 days mentioned in 56 (2) is unrealistic. In relation to Section 56 (3) you cannot apply for a licence without completing a firearms course and perhaps joining a shooting club within 7 days. You will be lucky to get onto a firearms course in less than 2 months. It is impossible to join a club in less than 1 month. There needs to be a section that recognises the interstate registration of a firearm whilst the person completes the requirements of licensing in Tasmania.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment has raised concerns with regards to a large number of firearms owners who profess to being collectors join a Collecting club solely in order to gain a Firearms Licence.</p>

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		<p>(2) If a person resident in another State or Territory notifies the Commissioner by notice in writing that he or she intends to reside in this State, any corresponding Category C firearms licence, corresponding Category D firearms licence or corresponding Category H firearms licence held by the person is taken to be such a licence under this Act for a period of 7 days from the date of the notice.</p> <p>(3) If, before the 7 day period referred to in <u>subsection (2)</u> expires, a person referred to in that subsection applies for a licence, that person is not guilty of an offence under <u>section 9</u> during any period the application is being determined.</p> <p>(4) A person must not possess or use a firearm under the purported authority of a corresponding licence without notifying the Commissioner under this section.</p> <p>Penalty: Fine not exceeding 50 penalty units.</p>		
26	<p><u>Section 61</u></p> <p><i>Remove the 28-day waiting period for second or subsequent firearms.</i></p> <p>Delete section 61(b) and replace it with:</p> <p>(b) in the case of an application for a permit to acquire which has been made by a person who does not possess a registered firearm under a licence under this Act, only after 28 days have expired after the making of the application for the permit.</p> <p>(ba) in any other case, only after sufficient time has expired to allow the Commissioner to consider the application properly.</p>	<p><i>61. Granting permit</i></p> <p>The Commissioner may grant an application for a permit –</p> <p>(a) subject to any condition the Commissioner considers appropriate; and</p> <p>(b) only after the end of 28 days following the day on which the application is lodged; and</p> <p>(c) in the case of an application from the holder of a Category H firearms licence for sport or target shooting, to acquire not more than 2 pistols of different categories from the following categories of pistols if the Commissioner is satisfied that the applicant has held the Category H firearms licence for sport or target shooting, and has been a member of an approved pistol shooting club, for a period of at least 6 months:</p>	<p>This amendment would still require a person who wishes to acquire their <i>first</i> firearm to wait 28 days from the date of lodgement of their application. Any applications for <i>subsequent</i> firearms would not be subject to this time constraint.</p> <p>The rationale behind this amendment is that the ‘waiting period’ is designed to ensure that a person does not lodge an application for a firearm licence and firearm on impulse with the intention of accessing a firearm for the purposes of self harm or harm to another person. This reason is not sustained once the person already owns a firearm, which could be used for such a purpose, but simply wishes to obtain a second or subsequent firearm.</p> <p>There also exists a 28-day waiting period between the lodgement of an application for a <i>licence</i> and its issue, and this would remain in place. It would still allow sufficient time for proper consideration (including relevant background checks) prior to granting the application without a</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported as the rationale behind this clause is designed to ensure that a person does harm others or themselves. However licence holders already have access to firearms, thereby negating the original rationale.</p> <p>The amendment will bring Tasmania in line with the majority of other states’ legislation.</p> <p>Retain the 28 days for licence, but no wait for currently held categories. Processing of permits to buy for additional firearms of a category already owned need to be processed more efficiently, for example, Victoria now does it on line within 24 hours.</p> <p>No further supporting comment provided.</p> <p>This amendment will align Tasmania with other States.</p>



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		<ul style="list-style-type: none"> <li>(i) one .22 inch calibre pistol;</li> <li>(ii) one .177 inch calibre air pistol;</li> <li>(iii) one centre-fire pistol;</li> <li>(iv) one black-powder muzzle loader; and</li> </ul> <p>(d) in the case of an application from the holder of a Category H firearms licence for sport or target shooting, to acquire a pistol referred to in <u>section 18(3)</u> if the Commissioner is satisfied that the applicant has held the Category H firearms licence for sport or target shooting, and has been a member of an approved pistol shooting club, for a period of at least 12 months.</p>	<p>mandatory minimum waiting period.</p> <p><i>Requirements Australia-wide:</i>  <b>Victoria:</b> 28 days on first firearm only, but the Act allows "sufficient time to allow consideration" of subsequent applications.  <b>NSW:</b> First firearm has a 28-day waiting period. Subsequent firearms <i>of the same type already registered</i> have no waiting period.  <b>ACT:</b> 28 days for all.  <b>Queensland:</b> First firearm has a 28-day waiting period. Subsequent firearms only require a wait of "the remainder of the day on which the application is submitted".  <b>South Australia:</b> 28 days for all, but for "special reasons" the waiting period can be shortened.  <b>Western Australia:</b> 28 days from issue of <i>licence</i>.  <b>NT:</b> 28 days for first firearm only  <b>Tasmania:</b> 28 days for all.</p> <p>It should be noted that the <u>Joint Standing Committee on Community Development considered this issue in 2007</u>, and recommended retaining the 28-day waiting period for <i>all</i> firearms. It is proposed again, as this position appears to put Tasmania out of line with the other mainland jurisdictions.</p>	<p>The recommendations of the Joint Standing Committee on Community Development Report on The Firearms Act 1996 – Part 3, Divisions 1 and 2 Minors Permits and the Granting of Permits to Acquire Firearms, 2007 are detailed in the supporting comments.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This section of the legislation performs an important public safety role, especially for the protection of spouses.</p> <p>The section should be amended as follows;            Amend (ba) to read 'sufficient time to allow consideration with no longer than 14 days'            Amend this to read ... sufficient time to allow consideration being no longer than 14 days.</p> <p>This should be a maximum of seven days.</p>
27	<p><u>Section 69</u></p> <p><i>Amend the provisions relating to Minor's permits by lowering the age for juniors to shoot recreationally or "in the field".</i></p> <p>Comment on the outcome.</p> <p>That the age for minors to shoot recreationally (or "in the field") be lowered to 14, subject to completion of a firearm safety-training course.</p> <p>Those supervisors of minors must have completed the approved firearm safety-training course.</p> <p>A definition of "immediate supervision" be included for minors shooting in the field and on a range.</p> <p>A definition of "minor" to be only a</p>	<p><i>69. Granting minor's permit</i></p> <p>The Commissioner may –</p> <p>(a) if satisfied that the parent or guardian of an applicant has given permission, grant an application for a minor's permit subject to any condition the Commissioner considers appropriate; or</p> <p>(b) refuse to grant the application -</p> <p>(i) if satisfied that the applicant is not a fit and proper person, taking into account the matters specified in section 29(2); or</p> <p>(ii) on any ground the Commissioner must not grant a licence under section 29(3) and (4).</p> <p><i>70. Authority of minor's permit</i></p> <p>(1) A minor's permit granted to a person of 16 years and under 18 years of age authorises the holder to possess or use a firearm of a category specified in the</p>	<p>It is recommended that the age of juniors authorised to shoot recreationally or "in the field" be lowered to 12 years of age. Currently there are two categories of minor's permits:</p> <p>(1) Ages 12-15: permit holder can shoot on an approved range only; and</p> <p>(2) Ages 16-17: permit holder can shoot on an approved range or receive instruction "in the field".</p> <p>All other jurisdictions have lesser restrictions than Tasmania, and it is recommended that a small reduction in age be allowed for, in company with:</p> <p>(1) the introduction of a requirement to complete an approved firearms safety training course for <i>all</i> applicants; and</p> <p>(2) the introduction of a substantial penalty for failing to adequately supervise a minor.</p> <p><i>Other states:</i>  <b>SA:</b> Category A firearms may be used without a permit between the ages of 10-14 under supervision of a licensed adult. Other firearms may be used without a permit between the ages of 14-18 under supervision. On a range or</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>12 year olds may hunt recreationally in all other states of Australia and it is felt that Tasmania should be brought in line again making for uniformity across Australia this would mean that there would only be one minor's permit rather than two.</p> <p>As 1080 is being phased out hunting and shooting is an important part of the toolbox for farmers. Being able to recruit minors into this way of life at a younger age will improve their understanding of safe and ethical hunting.</p> <p>This amendment will have the benefit of taking away the novelty of handling firearms and strengthening family ties.</p> <p>The recommendations of the Joint Standing Committee on Community Development Report on The Firearms Act 1996 – Part 3, Divisions 1 and 2 Minors Permits and the Granting of Permits to Acquire Firearms, 2007 are detailed in the supporting comments.</p>

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<p>Tasmanian resident.</p> <p>Allow for offences for supervisors and the minors, which will include the forfeiture of firearms, subject to an application before the Magistrates court, carried by minors, whether owned by the minor or not and whether the minor is the subject of a formal or informal caution or not.</p>	<p>permit only -</p> <p>(a) under the supervision of -</p> <p>(i) the holder of a licence; or</p> <p>(ii) a person approved to supervise the use by minors of firearms to which the permit relates; and</p> <p>(b) for the purpose of -</p> <p>(i) receiving instruction in the safe use of the firearm; or</p> <p>(ii) target shooting on an approved range.</p> <p>(2) A minor's permit granted to a person of 12 years and under 16 years of age authorises the holder to possess or use a firearm of a category specified in the permit only -</p> <p>(a) under the supervision of -</p> <p>(i) the holder of a licence; or</p> <p>(ii) a person approved to supervise the use by minors of firearms to which the permit relates; and</p> <p>(b) for the purpose of -</p> <p>(i) receiving on an approved range instruction in the safe use of the firearm; or</p> <p>(ii) target shooting on an approved range.</p>	<p>recreationally.</p> <p><b>VIC:</b> Junior licence available between 12-18 years for categories A, B and C (clay target only) for use under supervision on a range or recreationally.</p> <p><b>WA:</b> A person under 18 can shoot under supervision of a licence adult (on range or recreationally).</p> <p><b>ACT:</b> Junior's permit available between 12-18 years on completion of an approved firearms safety-training course. For use at a club or for instruction in the use for primary production under supervision.</p> <p><b>NSW:</b> Minor's permit available between 12-18 years on completion of an approved firearms safety training course. For use on a range or for recreational hunting under supervision.</p> <p><b>NT:</b> 16-18 year olds can get a Junior Licence on completion of an approved course for use at an approved range. What about recreational hunting?</p> <p><b>QLD:</b> Junior's permit available for 11-17 years for use on a range or recreational hunting under supervision.</p> <p><u>The recommendations contained in the report of the Joint Standing Committee</u> were considered, which included:</p> <p>(1) A recommendation that the age for minors to shoot recreationally (or "in the field") be lowered to 14, subject to completion of a firearm safety-training course.</p> <p>Comment: The age recommended is 12, which is in line with other jurisdictions and would create just one type of minors permit.</p> <p>The requirement for completion of the firearms safety-training course has been included.</p> <p>(2) A requirement for minors to be members of a shooting club, which shoots on a range for a period of 2 years (this was not considered feasible nor in line with other jurisdictions).</p> <p>It is submitted that it is impractical for parents to take their children to approved ranges (particularly children of primary producers).</p> <p>It is further submitted that the child should learn their skills in the environment they will be using a firearm in (i.e. shooting on a range will not equip a minor for the experience of shooting recreationally or in a primary production environment)</p>	<p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment has the potential to expose the licensed child and other children to unacceptable and unnecessary risk of physical injury, from accidental or deliberate misuse of a firearm. This is contrary to good policy and to the United Nations Convention on the Rights of the Child ... Article 3.</p> <p>All other jurisdictions are in breach of the NFA., the only change that should be made is the granting of minors' permits should be repealed such that the minimum age for a person to use a firearm is 18.</p> <p>A Churchill Fellowship Research paper into handguns analysing gun deaths among American children, confirms a direct link between firearm availability and gun deaths. As parents we are fully aware of the volatility of adolescents and children the thought of a pump action shotgun in the hands of a 12 year old [is] absolutely terrifying.</p> <p>The gun lobby has the job ahead of it convincing the rest of the community why pump-action shotguns should be more freely available to children as young as 12.</p> <p>A two-tiered licence arrangement is preferable in that it provides to the minor a clear path of progression and in turn a sense of ownership of their responsibility as they mature. There are issues pertaining to psychological impacts.</p> <p>Certainly concern regarding the ability of a young person to fully understand the impact of taking the life of another living creature. A 12 year old can be physically capable, but lack the emotional maturity needed. The question needs to be asked - what is in the best interest of the young person?. There is a big difference between supervised training with artificial targets and shooting and killing an animal.</p> <p>Amend (d) to read 'approved courses for juniors are applied at 50% of the adult rate'.</p> <p>This amendment is supported in relation to the lowering of the age to 12. Support is not given to the part that says; '(d) has satisfactorily completed an approved firearms safety course.' The proposal to send a minor to TAFE] will very seriously disadvantage minors who do not live in Hobart or Launceston. The Act should have a provision that allows the use of category A firearms on an approved range with the requirement of a minor's permit. This is allowed for in other jurisdictions.</p> <p>Suggest the inclusion of ... (d) that the approved firearms safety course fees be applied at 50% of the adult rate." Re: clause (2) "...is it necessary? ... it is making criminals out of innocent young people."</p> <p>Supports reduction in age but see little logic in junior target shooters needing to undertake a gun safety-training course. The current arrangement is already working well. If the junior does do a gun safety-training course after six months, it should not be necessary to</p>

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			<p>(3) A recommendation that supervisors of minors must have completed the approved firearm safety-training course.</p> <p>Comment: All applicants for firearms licences since 1997 have completed the firearm safety-training course.</p> <p>Any licence holder who has not completed the course has held their licence for more than 10 years (and was therefore considered competent and not required to complete the course in 1997).</p>	<p>revisit this when they are able to apply for a full licence at age 18.</p> <p>No further supporting comment.</p>
28	<p><b>Section 84</b></p> <p><i>Amend section 84 to include safekeeping requirements for ammunition.</i></p> <p>Amend section 84 by inserting “or ammunition” after each instance of the word “firearm”.</p>	<p><i>84. General requirements</i></p> <p>(1) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm is kept safely.</p> <p>(2) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm is not stolen or lost.</p> <p>(3) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm does not come into the possession of a person who is not authorised to possess it.</p>	<p>The safekeeping requirements of section 84 should apply to ammunition as well as firearms.</p> <p>This provision will not affect licenced firearm owners at all.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported, as national consistency is important.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>If the storage requirement was to match the firearm classification storage requirement this change would not be reasonable. Generally ammunition storage should only have to meet the minimum requirement for Category A firearms.</p> <p>General support is given for a requirement for safe keeping of ammunition. This amendment raises the issue of what the ... standard will be. If it is to be the same as a firearm support is not given, as it would be excessive and unnecessary."</p> <p>No further supporting comment.</p>
29	<p><b>Section 85</b></p> <p><i>Increase the storage requirements for larger quantities of firearms</i></p> <p>Insert in Section 85:</p> <p>“An authorised licence holder <u>in possession</u> of 15 or more firearms must comply with the following requirements in respect of the storage of those firearms:</p> <p>(1) The premises and place of storage are to be equipped with an anti-intrusion alarm that is able to detect</p>	<p><i>85. Category A and B firearms licence requirements</i></p> <p>(1) The holder of a Category A firearms licence or Category B firearms licence must comply with the following requirements in respect of the storage of any firearm to which the licence applies:</p> <p>(a) if the firearm is not being used, it must be stored in a locked receptacle of an approved type that</p>	<p>Licence holders who own large quantities of firearms are potential targets for burglaries.</p> <p>Firearms dealers are required to meet a certain standard for storage and security of firearms due to the quantities of firearms they may hold, and some individual licence holders (collectors) may have more firearms than a firearms dealer, and therefore the increased level of security should apply to ensure that large quantities of firearms are adequately secured against theft.</p> <p>At this point of time of the 36,800 firearm licence holders in the State, there are only approximately 370 people who own 15 firearms or more. The broad evidence is that those with this number of firearms, many of whom are collectors</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>Ten firearms would be more appropriate in the interest of safety than the proposed fifteen. Security measures such as alarm systems with 24-hour backup and security monitoring are necessary to help deter the theft of firearms.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>Why 15, Queensland suggests 30, we should follow Qld.</p> <p>In relation to alarms the figures provided in this document show that multiple thefts greater than 14 firearms since 2005 are a very minor</p>

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	<p>any unauthorised entry to the premises or place or any unauthorised interference with any firearm.</p> <p>(2) An alarm system referred to in subsection (1) must be:</p> <p>(a) professionally installed with a 24 hour battery backup;</p> <p>(b) monitored (either by security company or back to mobile phone of the owner); and</p> <p>(c) activated when the premises are not occupied by a person who is appropriately licensed or authorised.</p>	<p>is –</p> <p>(i) constructed of hard wood, metal, concrete or any other approved material; and</p> <p>(ii) not easily penetrable;</p> <p>(b) a receptacle that weighs less than 150 kg when empty must be fixed to a wall or floor in a manner that prevents easy removal;</p> <p>(c) the locks of a receptacle must be–</p> <p>(i) of solid metal; and</p> <p>(ii) of an approved type;</p> <p>(d) any ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the receptacle containing the firearm;</p> <p>(e) any other prescribed requirement relating to security and safe storage.</p> <p>Penalty: Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.</p> <p>(2) <u>Subsection (1)</u> does not apply to a licensee if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements specified in this section.</p> <p><i>86. Category C, D and H firearms licence requirements</i></p> <p>(1) The holder of a Category C firearms licence, Category D firearms licence or Category H firearms licence must comply with the following requirements in respect of the storage of any firearm to which the licence applies:</p> <p>(a) if the firearm is not being used, it</p>	<p>already have stringent storage security provisions in place.</p> <p>Some other jurisdictions have increased storage and security requirements for larger quantities of firearms (Queensland, for example, requires 'collector' storage standards for more than 30 firearms).</p> <p>The issue remains that there is a need to reduce the number of firearms that are in the hands of unregistered people, who may well be those people who will never pass the 'fit and proper person' test and or will use the weapons for unlawful purposes.</p> <p>Therefore the arguments being that alarms be placed on all premises where a firearm is stored or where a certain number are stored.</p> <p><b>Theft of Firearms during the period 1 Jul 2005 – 30 Jun 2010.</b>            This includes air rifle, pistol, revolver, rifle and shotgun only.</p> <table border="1" data-bbox="1359 961 1768 1465"> <thead> <tr> <th>No. of Firearms stolen</th> <th>No. of theft occasions</th> </tr> </thead> <tbody> <tr><td>1</td><td>102</td></tr> <tr><td>2</td><td>41</td></tr> <tr><td>3</td><td>22</td></tr> <tr><td>4</td><td>22</td></tr> <tr><td>5</td><td>3</td></tr> <tr><td>6</td><td>17</td></tr> <tr><td>7</td><td>6</td></tr> <tr><td>8</td><td>4</td></tr> <tr><td>9</td><td>4</td></tr> <tr><td>10</td><td>1</td></tr> <tr><td>11</td><td>1</td></tr> <tr><td>12</td><td>2</td></tr> <tr><td>13</td><td>2</td></tr> <tr><td>16</td><td>2</td></tr> </tbody> </table>	No. of Firearms stolen	No. of theft occasions	1	102	2	41	3	22	4	22	5	3	6	17	7	6	8	4	9	4	10	1	11	1	12	2	13	2	16	2	<p>part of theft profile. Any sensible risk analysis would have to question change on these grounds alone. This proposed Amendment will make a lot of extra work for police.</p> <p>What is the necessity for an alarm system to have to be installed by a professional? If it is properly installed, it shouldn't matter who installed it.</p> <p>The figures provided in this very document show that multiple thefts greater than 14 firearms since 2005 are a very minor part of theft profile. If implemented it has multiple issues for affected firearms owners, especially for our rural members.</p> <p>Will the Police be available to respond to all alarm, in relation to setting the alarm when the licensed or other authorised person is not on the premises?</p> <p>Further clarification is sought in relation to what constitutes authorised. is a shooters spouse, family, friend or house sitter authorised?</p> <p>This is an amendment that seems to offer comfort to authority but is unnecessary on any sensible risk analysis and creates difficulty for licensees and the police.</p> <p>This amendment is not supported in relation to the inclusion of alarms for a collection of 15 or more. It is supported in relation to the inclusion of an alarm where the collection consists of 15 or more Category C, D and H firearms. The amendment 84A (2) (b) is not supported under any circumstances.</p> <p>An appropriate number of firearms is 10. There should be construction requirements for the building. An alarm, on its own is insufficient once the building has been burgled, the firearms are gone.</p>
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		<p>must be stored in a locked receptacle of an approved type made of metal, concrete or any other approved material that is not easily penetrated;</p> <p>(b) the receptacle must be bolted to a wall or floor;</p> <p>(c) any ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the receptacle containing the firearm;</p> <p>(d) any other prescribed requirement relating to security and safe storage.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(3) <u>Subsection (1)</u> does not apply to a licensee if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements specified in this section.</p> <p>The definition of "possession" is already allowed for in the Act.</p>		
30	<p><u>Section 86</u></p> <p><b><i>Increase the storage requirements for all firearms</i></b></p> <p>That section 85 is replaced as detailed above and storage requirements for all Categories of Firearms be detailed in section 86, by adding to this section "category A and B".</p>	Section 85 and 86 detailed above.	As detailed previously. This will mean that all storage will need to be metal, concrete or other material that is not easily penetrated.	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>The amendment is supported, as the level of theft is alarming.</p> <p>Support is given for evidence-based measures to reduce in an attempt to reduce firearms theft, including the application of suitable penalties.</p> <p>Should the proposed changes be implemented, persons affected should not be left with out-of-pocket costs. The Tasmanian Government should compensate owners for the costs of installing mandatory alarm systems with the possibility of applying the changes</p>

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				<p>to those who hold more than 30 [as per QLD] rather than 15.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment raises concern with the word increase.</p>
31	<p><u>Section 87</u></p> <p><i>Clarify the requirements for storage of firearms and ammunition by firearms dealers.</i></p> <p>By inserting:</p> <p>“(j) in the case of the holder of a firearms dealer licence, if the premises or place of storage are premises or a place to which the public have access, all ammunition at those premises or that place that is not in the physical possession of the holder or any employee of the holder, or that is not being displayed to a customer under the immediate continuous personal supervision of the holder or the employee, is to be stored in a locked receptacle of an approved type that is kept separate to any receptacle containing a firearm.”</p> <p>AND</p> <p>“(k) any other requirements as prescribed in the Regulations.”</p> <p>In the <b>Firearms Regulations 2006</b> insert:          “13A Prescribed requirements relating to Firearm Dealers          (1) In relation to section 87(f) and (g) of the Act:          (1) Anti-intrusion alarms must be professionally installed with a 24-hour battery backup.          (2) The alarm system must be monitored (either by security company or back to mobile phone of dealer).          (3) Alarms must be activated when the premises are not occupied by a person who is appropriately licenced or authorised.</p>	<p><i>87. Firearms dealer and museum licences requirement</i></p> <p>The holder of a firearms dealer licence or a firearms museum licence must comply with the following requirements in respect of the premises specified in the licence and the place of storage for firearms in those premises:</p> <p>(a) the premises are to be in a structurally sound condition;</p> <p>(b) the doors giving access to the premises and their locks, bolts, hinges and other fastenings are to be strong, stout and in good condition;</p> <p>(c) any windows, skylights or other covers of openings giving access to the premises are to be in good condition and their locks, bolts, hinges and other fastenings are to be strong, stout and in good condition;</p> <p>(d) all doors and windows, skylights and other covers are to be capable of being secured against unlawful entry;</p> <p>(e) all reasonable steps are to be taken to secure the premises and the place of storage from unlawful entry;</p> <p>(f) the premises and place of storage are to be equipped with an anti-intrusion alarm that is able to detect, to the maximum extent reasonably practicable, any unauthorised entry to the premises or place or any unauthorised interference with any firearm;</p> <p>(g) the anti-intrusion alarm is to be activated at any time the premises are unoccupied;</p> <p>(h) in the case of the holder of a firearms dealer licence, if the premises or place of storage are premises or a place to which the public have access, all firearms at those premises or that place that are not in the physical possession of the holder or any employee of the holder, or that are not being displayed to a customer under</p>	<p><i>Insertion of requirements for ammunition storage:</i>            The storage requirements for firearms dealers and museum licences do not currently specify the requirements for the storage or security of ammunition.</p> <p>This amendment will require any ammunition in areas <i>accessible to the public</i> to be adequately secured. It will also allow for additional stock stored in a secure room, which is not accessible to the public.</p> <p><i>Clarification of other storage requirements relating to firearms:</i>            The current requirements relating to security of firearms at dealer’s premises are ambiguous and open to interpretation. Further clarification should provide certainty to firearm dealers and police.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p> <p>No further supporting comment.</p>

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	In relation to section 87(h) of the <i>Act</i> : (a) If the firearms are to be secured in a manner which prevents their ready removal, the minimum standard of wire is 5mm stainless steel plastic coated wire, looped at either end and locked to the rack with a good quality lock (with a shank no less than 8mm thick) or a 30mm x 8mm steel bar locked at both ends with same quality lock as above.	the immediate continuous personal supervision of the holder or the employee, are to be – (i) dismantled, rendered temporarily incapable of discharging a shot, bullet or other missile by the removal of a part of the firing mechanism or otherwise or secured, whether in a display cabinet, rack or otherwise, in a manner that prevents them from being readily removed and fired; or (ii) locked up in a metal container of sturdy construction that is secured to the premises, a metal safe of sturdy construction or a steel and concrete strongroom of sturdy and sound construction; (i) if any firearm has been dismantled or rendered temporarily incapable of discharging a shot, bullet or missile by the removal of a part of the firing mechanism, that part is to be stored on the premises in a locked receptacle of an approved type that is kept separate from any receptacle containing the firearm.		
32	<u>Section 89</u>  <i>Remove the requirement for lodgement of ammunition returns by dealers.</i>  Remove 'and ammunition' from section 89(1), insert 'and' after 'firearms,' and replace subsection (2) with:  '(2) A licensed firearms dealer must, if required to do so by the Commissioner, compile records of ammunition purchased by the dealer and ammunition sold by the dealer in a form approved by the Commissioner for that purpose.'	<i>Section 89(1) states:</i>  A licensed firearms dealer must keep a record in an approved form of all dealings with firearms, firearm parts and ammunition.  <i>89(2) states:</i>  A dealings record is to contain the following particulars: (e) the type, description and quantity of any ammunition;	The requirement for the recording of ammunition sales is not required. Most other jurisdictions do not generally require it (with the exception of WA), and the information is not used for any particular purpose. Ammunition may be purchased by licence holders in other states and then shipped into the State, without the knowledge of DPEM.  <b>NSW:</b> no requirement <b>WA:</b> required to record <b>ACT:</b> no requirement <b>VIC:</b> no requirement <b>SA:</b> no general requirement, but legislation allows the Registrar to require a dealer to compile a record of ammunition purchased and sold if considered necessary. <b>NT:</b> no requirement  This amendment would retain the requirement that ammunition must only be sold or supplied to the holder of an appropriate firearms licence.	<b>The amendment is supported by those people named adjacent.</b>  No further comment made.  <b>The amendment is opposed by those people named adjacent for the following reasons;</b>  This amendment will allow for the information ultimately be available to police seeking to investigate crime this ensures that the dealer is only selling to a person with a licence.
33	<u>Section 96A</u>	<i>96A. Employment restrictions, &amp;c.</i>	Section 96A currently excludes certain people from being employees of firearm dealers. Persons are excluded if they	<b>The amendment is supported by those people named adjacent for the following reasons;</b>

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	<p><i>Include a person who has had a firearm licence cancelled as a proscribed person for the purposes of section 96A.</i></p> <p>Amend Section 96A(6) to read:</p> <p>“has, in the 10-year period immediately preceding that day, had a firearm licence cancelled or an application for a licence or permit refused under this Act or in any other jurisdiction on the grounds that –</p> <p>(i) the person was not considered a fit and proper person to hold or be issued with the licence or permit; or</p> <p>(ii) the person was not considered a fit and proper person to be trusted with possession of firearms; or</p> <p>(iii) the holding or issuing of the licence or permit would be contrary to the public interest; or</p>	<p>(1) The holder of a firearms dealer licence must not employ a proscribed person in a job that gives the proscribed person access to any firearms or ammunition dealt with under the licence.</p> <p>Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(2) A proscribed person must not apply for or accept employment that gives the proscribed person access to any firearms or ammunition dealt with under a firearms dealer licence.</p> <p>Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(3) The holder of a firearms dealer licence must not cause or allow a proscribed person to –</p> <p>(a) act as an agent for the business carried on under the licence; or</p> <p>(b) participate in the management of the business carried on under the licence.</p> <p>Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(4) A proscribed person must not –</p> <p>(a) act as an agent for a business carried on under a firearms dealer licence; or</p> <p>(b) participate in the management of the business carried on under a firearms dealer licence.</p>	<p>have had firearm licences cancelled or refused in the previous 10 years (including dealer licences) or are subject to restraint orders, family violence orders, good behaviour bonds or firearm prohibition orders.</p> <p>The section does not currently exclude a person who has had a personal firearms licence cancelled due to concerns about that person’s fitness and propriety (it only refers to a person who has had a firearm dealer licence cancelled).</p>	<p>This amendment is supported and it should be extended to a person who is deemed to have withdrawn an application under the proposed Section 29B(3).</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>There needs to be an appeal mechanism included within this amendment.</p> <p>Why should the Commissioner be the only one to decide what is in the public interest? This section should be deleted."</p>



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		<p>Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(5) It is a defence in proceedings for an offence under <u>subsection (1)</u> or <u>(3)</u> if the defendant establishes that, on the day of the alleged offence, he or she did not know, and could not reasonably have been expected to know, that the person to whom the alleged offence relates was a proscribed person.</p> <p>(6) For the purposes of this section, a person is taken to be a proscribed person on a particular day if the person –</p> <p>(a) has, in the 10-year period immediately preceding that day, had a firearms dealer licence cancelled; or</p> <p>(b) has, in the 10-year period immediately preceding that day, had an application for a licence or permit under this Act refused on the grounds that –</p> <p>(i) the person was not considered a fit and proper person to be issued with the licence or permit; or</p> <p>(ii) the person was not considered a fit and proper person to be trusted with possession of firearms; or</p> <p>(iii) the issue of the licence or permit would be contrary to the public interest; or</p> <p>(c) is subject to an interim restraint order or interim family violence order or a similar interim order in force under a law of another jurisdiction; or</p>		

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		<p>(d) is subject to a restraint order, family violence order or police family violence order or a similar order in force under a law of another jurisdiction; or</p> <p>(e) is subject, either in this State or elsewhere, to a good behaviour bond relating to an offence of or involving violence; or</p> <p>(f) is subject to a firearm prohibition order.</p>		
34	<p><u>Section 98</u></p> <p><i>Amend S.98 to remove the requirement to sight the registration certificate.</i></p>	<p><i>98. Repair</i></p> <p>(1) A licensed firearms dealer must not take possession of any firearm for the purpose of repairing it unless the dealer has seen –</p> <p>(a) the licence or permit of the person who is giving possession of the firearm to the dealer; and</p> <p>(b) the current certificate of registration of the firearm.</p> <p>Penalty: Fine not exceeding 20 penalty units.</p> <p>(2) A licensed firearms dealer must not repair any firearm that is not registered.</p> <p>Penalty: Fine not exceeding 50 penalty units.</p>	<p>It has been submitted that section 98 should be amended to require either (1) (a) or (b) (and not both) as it is “an impost to require a licensed person to provide both forms of identification of ownership of the firearm”.</p> <p>This submission is not supported, as the <i>Act</i> requires dealers to <u>only accept firearms for repair that are registered</u>. Sighting of the person’s licence alone would not confirm that an individual firearm is registered; it can only be confirmed by sighting of the certificate of registration.</p> <p>The proponents of the amendment have previously been advised that if a person has misplaced their certificate of registration, then the dealer can request a replacement certificate from Firearms Services.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment requires further clarification.</p>
5	<p><u>Section 101</u></p> <p><i>Amend section 101 relating to the mailing of firearms, parts or ammunition outside the State.</i></p> <p>Amend section 101 (c) by removing “security mail” and inserting “by registered mail, a form of post or freighting that requires delivery in person to the</p>	<p><i>101. Mailing firearms outside State</i></p> <p>A person must not send any firearm, firearm part or ammunition to another person by mail unless –</p> <p>(a) the person sending it holds a firearms dealer licence; and</p> <p>(b) the address to which it is sent is outside Tasmania; and</p> <p>(c) it is sent by security mail; and</p> <p>(d) the other person would not, because of</p>	<p>The requirements for mailing of a firearm, part or ammunition by mail outside the state include a requirement for the item(s) to be sent by “security mail”, “Security mail” is not defined.</p> <p>For consistency with other jurisdictions and also for certainty, it is recommended that this be amended in line with NSW legislation.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>

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	addressee”.	receiving it or being in possession of it at the place to which it is sent, be guilty of any offence under any law which applies at that place; and (e) the other person holds a corresponding licence under the law of that other place. Penalty: Fine not exceeding 50 penalty units.		
36	<p><u>Section 110</u></p> <p><i>Amend section 110 to allow a firearm dealer or collector to have possession of an unsafe firearm in appropriate circumstances.</i></p> <p>Insert section 110 (4):            “Notwithstanding section 110(1),            (a) the holder of a firearms dealer licence may have an unsafe firearm in his or her possession in the ordinary course of his or her business or for the purpose of repairing it; and            (b) the holder of a firearms licence for the genuine reason of collection or the holder of a firearms museum licence may have an unsafe firearm in his or her possession.”</p>	<p><i>110. Unsafe firearms</i></p> <p>(1) A person must not have possession of a firearm that is unsafe.            Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(2) A police officer may seize any firearm in the possession of any person if the police officer suspects on reasonable grounds that the firearm is unsafe.</p> <p>(3) A firearm is unsafe if –            (a) because of some mechanical defect or its general condition, it may reasonably be considered to be unsafe; or            (b) for any other reason, it may reasonably be considered to be unsafe.</p>	<p>It has been submitted that section 110 be amended to state: “A person must not use a firearm that is unsafe”. However, this would prevent a person from being required to dispose of an unsafe firearm.</p> <p>It is therefore recommended that the section be amended to include firearms dealers and collectors as those persons authorised to <b>possess</b> unsafe firearms as they may be either repairing the firearm, or it may form part of a collection (but is not authorised for use).</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported however it may be better achieved by amending Section 110 as follows: 'a person must not, without a reasonable or lawful excuse, have possession of a firearm that is not safe'.</p>
37	<p><u>Section 118</u></p> <p><i>Amend the provision prohibiting silencers/sound suppressors to include a sound suppressor, which is built into the firearm.</i></p> <p>Amend section 118 as follows:</p> <p>At the end of section 118(1) insert after 'firearm':</p> <p>“, whether the implement forms part of the firearm or is or can be affixed or attached to the firearm.”</p>	<p><i>Section 118 states:</i></p> <p>(1) A person must not use, keep, possess, sell or manufacture any implement designed to suppress the sound caused by the discharge of a firearm.</p>	<p>Amend the section prohibiting the use, possession, sale or manufacture of a sound suppressor to include a sound suppressor, which is built into the firearm (newly developed technology).</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>

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38	<b>Section 118</b>  <i>Allow for the use of silencers/sound suppressors or moderators.</i>	<b>118. Silencers and magazines</b>  (1) A person must not use, keep, possess, sell or manufacture any implement designed to suppress the sound caused by the discharge of a firearm.  Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.  <b>155. Exemptions</b>  (4) The Commissioner, subject to any specified condition, may exempt a person or class of persons from a provision of this Act relating to the possession or use of any or any combination of the following:  (a) any ammunition;  (b) a firearm;  (c) a firearms magazine;  (d) a firearm sound suppressor.	It is submitted that consideration should be given regarding the use of silencers or sound suppressors/moderators for "health and occupational safety reasons".  The DPEM submit that moderators are similar to silencers as they are 'designed to suppress the sound caused by the discharge of a firearm' as per section 118 and are therefore prohibited. Anything, which moderates or suppresses the sound of the explosion caused by the discharge of a firearm, would fit within this definition.  Silencers or sound suppressors/moderators are currently allowed for by exemption, which can be issued under section 155(4). They are only issued in very restricted circumstances (currently only a very small number of approved members of DPIPWE hold such an exemption). There are other means available, which provide ear protection.	<p><b>The amendment is supported by those people named adjacent for the following reasons</b></p> <p>The use of sound suppressors or moderators is very important for occupational health and safety considerations, people can be frightened when hearing (legal) gun shots in the field.</p> <p>With the encroachment of civilization on rural areas the issue of minimising the impact on ones neighbours will become important in the future. Would-be users should] obtain a permit.</p> <p>This amendment would allow sporting shooters to remain competitive as some of these devices can also reduce the recoil of firearms and improve accuracy.</p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>Use for health and safety is nonsense. Appropriate hearing protection should be worn. Silencers can present dangers to others in the vicinity who may not be informed or aware of firearm activity in the area, the noise can also act as a warning system for others to alert the authorities."</p> <p>This amendment should relate to target shooting only.</p>
39	<b>Section 119</b>  Allow for the legalisation of Paintball and amend section 119.		The sport of paintball is the 3rd most played alternative sport in America (after in-line skating and skateboarding) and is played in over 100 countries.  All other states in Australia allow for paintball, with few problems other than the theft of equipment, mis-use of equipment and some issues over the operation of ranges.  Tasmania is now, and has been since 2007, the only state, which does not permit the sport on the basis that the equipment used to discharge the paint ball is classified as a firearm, and section 119 of the <i>Firearms Act 1996</i> expressly prohibits, <u>simulated war games in which a firearm is used or carried by a person.</u>  The sport advocates that it promotes a range of attributes and benefits for its players, those including; Physical Activity, Teamwork, Communication, Leadership, Planning and Initiative to name a few. Paintball is also seen as a	<p><b>The amendment is supported by those people named adjacent for the following reasons</b></p> <p>This amendment is supported as this game has potential for attracting the tourist dollar, all year long. There is a current Facebook site [Tas Paintball] lists 7,833 local interstate and overseas supporters.</p> <p>A significant submission was provided on this topic.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment is a further attempt to propagate the American gun culture. If shooters are so concerned for development of teamwork, communication and leadership, suggest their members join the Scouts or Army Reserve or take up karate.</p> <p>If the sport is legalised it will have significant financial implications to</p>

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			<p>major tourist attraction, an attraction in which Tasmania has no comparison and hence possesses even more appeal to travellers. Paintball is a sport, all the equipment involved is designed for sport and warrants no malicious view of the sport.</p> <p>Safety statistics also show the sport as having fewer injuries than major sports such as Football, Soccer, Tennis and even Golf.</p> <p>If Tasmania were to move to allow paintball (bearing in mind we <u>must</u> be able to administer it in terms of licencing, registration, range inspections) it is suggested we should have a model of licencing the operators of a paintball range who would have all paintball equipment registered to them. Persons wishing to participate would have to be bona fide members of a club/range and over the age of 16, which seems to be the consistent age limit for participants. Compliance with range safety requirements as well as safekeeping/storage of equipment would then fall to the operators of the range and avoid the potential for hundreds of individuals to be licenced and possess their own equipment.</p> <p>DPEM would need to recover costs to administer these ranges and operators appropriately.</p>	<p>the Laser Skirmish current business. ... the safety statistics [for paintball] do not account for the numerous welts and bruises which are caused by being hit by a paintball projectile.</p> <p>Significant debate has occurred in relation to this matter.</p>
40	<p><u>Section 120</u></p> <p><i>Amend the offence provisions relating to handling of a firearm under the influence of alcohol or drugs to include 'physical possession'.</i></p> <p>Amend section 120 as follows:            Subsection (1): replace 'handle' with 'have physical possession of'.</p> <p>Subsection (2): insert 'physical' before 'possession'.</p> <p>Subsection (2)(a): insert 'physical' before 'possession'.</p> <p>Insert:            '(3) For the purposes of this section, 'physical possession' means under the person's immediate physical</p>	<p><i>Section 120</i></p> <p>(1) A person must not handle or use a firearm while the person is under the influence of alcohol or any other drug.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p> <p>(2) A person must not sell or give possession of a firearm to another person if –</p> <p>(a) the person knows or has reasonable cause to believe that the other person is under the influence of alcohol or any other drug; or</p> <p>(b) the other person's appearance or behaviour is such that the person intending to sell or give possession of the firearm believes or has reasonable cause to believe that the other person is incapable of</p>	<p>Currently the legislation states that if a person 'handles' a firearm under the influence of alcohol or any other drug then they are committing an offence. However, this section is too limiting as it requires proof that the person was actually handling the firearm (that is, they must be caught with the firearm in their hands in order to prove this offence).</p> <p>Many charges under this section are being dismissed or not proven for this reason, despite the fact that the person does not have the firearm secured in accordance with the storage requirements for a firearm that is not 'in use'. This appears to be against the intention of the section. Most other jurisdictions have 'actual possession' or 'physical possession' requirements in their like provisions.</p> <p>The definition of 'possession' in the <i>Criminal Code Act 1924</i>: "have in possession" includes having under control in any place whatever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This proposed amendment presents a good opportunity to review the relevant level of intoxication. If there are many charges being brought against shooters for handling firearms whilst they are under the influence of alcohol this ought to be a matter of considerable alarm.</p> <p>..... suggest that provisions for testing as per the <i>Road Safety Alcohol and Drugs Act 1970</i> Should be considered, and definitions to be included of relevant terms.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment should include a safe blood alcohol level similar to driving a car they likewise should not be guilty of an offence if they are over 0.05 and sitting in camp and the firearm is in their tent or vehicle but not handling the firearm.</p>

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	control or not secured in accordance with the requirements for a firearm not being used in Part 5 of this Act.’  <i>(or: means physically handle or have an immediate ability to physically handle the firearm)</i>	exercising responsible control over the firearm.		
41	<u>Section 120</u>  Allow for drug or alcohol testing for persons found handling or in actual physical possession of a firearm that are suspected to be under the influence.  Insert provisions similar to those contained within the <i>Road Safety (Alcohol and Drugs) Act 1970</i> , Division 2 in relation to those persons found in actual physical possession of a firearm.	Section 120:  (1) A person must not handle or use a firearm while the person is under the influence of alcohol or any other drug.  Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.	A power of arrest exists for this section (s140) but there is no provision to test a person who has been found handling or in possession of a firearm for the presence of alcohol or drugs, (as there is within the <i>Road Safety (Alcohol and Drugs) Act 1970</i> ).  Whilst the provisions of the <i>Road Safety (Alcohol and Drugs) Act 1970</i> could be included, the major issue will be that, most possession issues where firearms are either in the physical possession or in the near vicinity of a person under the influence of alcohol or a drug will be on private property. To impose a limit on the amount of alcohol a person can consume and allow police or other enforcement officers to test would be too complicated and result in antagonistic and dangerous interaction, which is unnecessary.  Provisions already exist under the <i>Police Offences Act 1935</i> for possession of a dangerous weapon if drunk (s4) and those found driving whilst under the influence of alcohol  Provisions already exist under the <i>Firearms Act 1996</i> s120, which may include the suspension of a firearms licence and seizure of their firearms until the conclusion of any court hearings. Penalties for these provisions may include the cancellation of their firearms licence and confiscation of firearms.	<b>The amendment is supported by those people named adjacent.</b>  .....supports this amendment and indicates that provisions similar to the <i>Road Safety Alcohol and Drugs Act, 1970 (the Act)</i> should be considered.  In doing this level of intoxication should be built into a framework directly linked to seriousness of offence. i.e., alcohol levels or presence of drug and circumstances of offence. Similar to Section 18 (b) of <i>Road Safety Alcohol and Drugs Act, 1970</i> , Excessive Drink Driving Notices, which results in the immediate disqualification of a licence.  There are provisions within the Act to repeal the immediate disqualification  <b>The amendment is opposed by those people named adjacent for the following reasons;</b>  This amendment raises this issue of why should a firearm owner have their firearms confiscated 'until the conclusion of court hearings'? A driver can fail a breath test and their vehicle is not confiscated (to the best of our knowledge) 'until the conclusion of court hearings'.  This amendment should read “excludes doctor prescribed drugs i.e. blood pressure etc. [sic]”
42	<u>Section 124</u>  Firearms with serial number defaced or removed.  Insert section 124A: “Possession of a firearm with a defaced or altered serial number or identification mark.	124. Defacing or altering identification marks.  A person must not, either intentionally or recklessly, deface or alter any number, letter or identification mark on any firearm or firearm part.  Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3	Deem firearms with no serial number or a serial number which has been defaced, to be automatically unregistered and create an offence for their possession.  This was required by the APMC National Firearms Trafficking Policy Agreement 2002, Resolution 7:  The introduction of offences relating to defacing of serial numbers:	<b>The amendment is supported by those people named adjacent.</b>  No further supporting comment provided.

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	<p>A person must not possess a firearm on which the serial number or identification mark has been defaced or altered, if the defacing or altering of the serial number or identification mark is not in accordance with this Act.</p> <p>Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both."</p>	<p>years, or both.</p>	<ul style="list-style-type: none"> <li>• An offence to possess a firearm on which the serial number has been defaced or removed;</li> <li>• An offence to remove or deface a serial number.</li> </ul>	
43	<p><u>Section 129</u></p> <p><i>Include firearms dealers as persons authorised to accept surrendered firearms under amnesty.</i></p>	<p>129. Amnesty</p> <p>Where any person –</p> <p>(a) who is not authorised under this Act to have possession of a firearm has possession of a firearm; or</p> <p>(b) has possession of a firearm which that person is not authorised to possess under this Act –</p> <p>and that person voluntarily brings the firearm to a police station and surrenders it to the Commissioner, no action is to be taken against that person in respect of any offence relating to the unauthorised possession of the firearm by that person.</p>	<p>This is already allowed for by exemption. This situation allows the Commissioner to withdraw this exemption if this arrangement becomes unsuitable.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>
44	<p><u>Section 147</u></p> <p><i>Amend the requirements for inherited firearms to allow an unregistered firearm to be surrendered to 'a licensed firearms dealer'.</i></p>	<p>147. <i>Inherited firearms</i></p> <p>(1) If at the time of a person's death the person was in possession of a firearm, a person who as a consequence of that death gains possession of the firearm must, as soon as is reasonably practicable after gaining possession of the firearm -</p> <p>(a) if it is a registered firearm, deliver it up to –</p> <p>(i) the Commissioner; or</p> <p>(ii) a person (in this section referred</p>	<p>It is submitted that an unregistered firearm should be able to be surrendered to a licensed firearms dealer in the event of the owner's death.</p> <p>The surrender of unregistered firearms to licensed firearms dealers is currently allowed for by exemption issued by the Commissioner of Police. This allows for the exemption to be withdrawn if this situation is no longer considered appropriate by the Commissioner.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>

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		<p>to as "the keeper") who holds a firearms licence of the category appropriate to that firearm; or</p> <p>(b) if it is an unregistered firearm, surrender it to the Commissioner.</p>		
45	<p><b>Section 148</b></p> <p><i>Include a Social Worker as a "prescribed person" for the purposes of section 148.</i></p> <p>Amend section 148(6) by</p> <p>Renumber (d) to (f) and at (d) insert: 'a social worker eligible for membership of the Australian Association of Social Workers; or'</p> <p>and at (e) insert:</p> <p>'a person who provides professional counselling services; or'</p>	<p><b>Section 148</b></p> <p>(1) A prescribed person is to inform the Commissioner, by notice in writing, if he or she reasonably believes that -</p> <p>(a) a patient or client is likely to possess or use a firearm; and</p> <p>(b) such possession or use would be unsafe, for the patient or client or another person -</p> <p>(i) because of the patient's or client's mental or physical condition; or</p> <p>(ii) because the patient or client would be a threat to public safety.</p> <p>(5) The act of giving any information in a notice in good faith does not give rise to any criminal or civil action or remedy.</p> <p>(6) In this section "prescribed person" means -</p> <p>(a) a person who is registered as a medical practitioner under the <u>Medical Practitioners Registration Act 1996</u>; or</p> <p>(b) a person who is registered as a nurse under the <u>Nursing Act 1995</u>; or</p> <p>(c) a person who is registered as a psychologist under the <u>Psychologists Registration Act 2000</u>; or</p> <p>(d) any other person or class of person determined by the Minister by notice in the <i>Gazette</i> to be a prescribed person.</p>	<p>The requirement for certain health care professionals to provide information regarding concerns relating to a person's access to firearms should be extended to include a social worker and a person who provides professional counselling services.</p> <p>Many people are seen by social workers and professional counsellors in relation to a variety of issues such as mental health, anger management, family, alcohol or drug dependency issues. In some circumstances, there may be concerns regarding the person's continued access to firearms, which should be reported to Firearms Services to allow a proper review of the person's licence and circumstances.</p> <p>Social workers and professional counsellors have previously been included by a Gazette notice issued 15<sup>th</sup> July 2003; however it is still not common established practice for reporting to occur.</p> <p>Consultation will take place with DHHS Mental Health Services.</p> <p><b>ACT legislation:</b>  <b>Health professional</b> means any of the following people:</p> <p>(a) a doctor, psychologist, nurse, midwife or social worker;</p> <p>(b) a person who provides professional counselling services;</p> <p>(c) anyone else declared under the regulations to be a provider of health-related services.</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported however it is proposed. Section 148(1)(b) the word 'could' [be] substituted for 'would'.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>This amendment is not supported as we would consider social workers as a mandatory reporting group, a broad category of variably qualified people and it would give them broad powers to unreasonably influence and interfere in other people's lives and activities. It could be hypothesised that they don't use the powers they have at present because they support the view that they are not equipped to make those judgements.</p> <p>This amendment is not supported as single complaint can result in the permanent confiscation of firearms and cancellation of a licence with no provision for redress and no penalty for false accusation.</p>
46	<p><b>Section 149</b></p> <p><i>Disposal of forfeited firearms</i></p>	<p><b>149. Disposal of surrendered or seized firearms</b></p> <p>(3A) Any firearm or ammunition forfeited to the</p>	<p>Amend section 149 to provide the Commissioner of Police with the authority to determine how to dispose of forfeited firearms under section 149(3A), similar to section 37ZI of the <i>Police Offences Act 1935</i> in relation to vehicles.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>



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	Amend section 149 (3A) as follows:  Replace "Minister" with "Commissioner".	Crown under <u>subsection (3)</u> is to be disposed of as the Minister determines.	At present under section 149(2) if a magistrate orders the firearm or ammunition (a) is forfeited to the Crown or forfeited under section 149(3) the nature of the disposal is as the Minister determines under 149(3A). This determination should be an administrative action and not place the Minister in an invidious situation of deciding disposal for constituents or other members of the community with whom they may have contact.  The Act requires an audit each year by the Auditor-General of all firearms disposed of by the Department under this provision. The majority of forfeited firearms are destroyed by Tasmania Police with a small number retained for the Ballistics Library (if the item is of evidentiary value).	<b>The amendment is opposed by those people named adjacent.</b>  No further supporting comment provided.
47	<u>Section 149</u>  <i>Provide for a Magistrate to order the forfeiture of seized firearms</i>  Insert sub-section 149 (2A):  "(1) A magistrate may order forfeiture of a firearm or ammunition under subsection (2)(a), if the magistrate is satisfied that:  (a) the owner of the firearm or ammunition is not authorised by or under this Act to be in possession of the firearm or ammunition and has failed to provide an alternative method of disposal for the firearm or ammunition within a reasonable time; or (b) the whereabouts of the owner of the firearm or ammunition has not been, and is not likely to be, ascertained by reasonable inquiry; or (c) the owner of the firearm or ammunition has failed to comply with the requirements of this Act in relation that firearm or ammunition."	<i>149. Disposal of surrendered or seized firearms</i> (1) A police officer or a person who claims to be the owner of any firearm or ammunition surrendered or seized under this Act may apply to a magistrate for an order under this section. (2) A magistrate may order that the firearm or ammunition— (a) is forfeited to the Crown; or (b) is to be returned to the person claiming to be the owner of the firearm or ammunition; or (c) is to be disposed of in any manner the magistrate determines. (3) If a person is convicted of an offence under <u>Part 5</u> in respect of which any firearm or ammunition has been seized under <u>section 88</u> , the court, in addition to imposing any other penalty, may order that the seized firearm or ammunition is forfeited to the Crown. (3A) Any firearm or ammunition forfeited to the Crown under <u>subsection (3)</u> is to be disposed of as the Minister determines. (4) . . . . . (5) The Auditor-General is to arrange for an	Many firearms are seized by police every year, and if the owner is (a) not able to be contacted or found after reasonable enquiry, or (b) not authorised to possess the firearm but fails to provide adequate instructions on another means of lawful disposal, then the firearms are kept by Tasmania Police until an order can be obtained by the court.  Magistrates are currently reluctant to order the forfeiture of firearms under the current provisions (which results in a large number of firearms being retained and stored by Tasmania Police), and it is submitted that providing further direction as to the matters to be considered may assist a Magistrate in making such an order.	<b>The amendment is supported by those people named adjacent.</b>  No further supporting comment provided.  <b>The amendment is opposed by those people named adjacent for the following reasons;</b>  In relation to Part (b) Amend this to read 'Firearms Dealers may sell stored firearms after the storage charges exceed the resale value of the firearm if the whereabouts of the owner of the firearm or ammunition has not been and is not likely to be ascertained by reasonable enquiry'.

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		<p>independent audit of all firearms or ammunition disposed of under this Act to be carried out once every year.</p> <p>(6) A report of any audit carried out under <u>subsection (5)</u> is to be tabled in both Houses of Parliament.</p> <p>(7) In this section –            "ammunition" includes a projectile falling within <u>paragraph (b)</u> of the <u>definition of "light ordnance"</u> in <u>section 3</u>;            "firearm" includes a weapon falling within <u>paragraph (a)</u> of the <u>definition of "light ordnance"</u> in <u>section 3</u>.</p>		
48	<p><u>Section 149</u></p> <p>Allow for mandatory forfeiture of firearms upon conviction for certain offences.</p>	<p>See section 149 (above)</p>	<p>It is submitted that certain offences should attract mandatory forfeiture of firearms upon conviction to highlight the serious nature of the offence. Suggested offences include:</p> <ul style="list-style-type: none"> <li>• Possess loaded firearm in public place including in a vehicle in a public place;</li> <li>• Discharge a firearm into, from or over a public place;</li> <li>• Trespass while in possession of a firearm (this is contained within the <i>Police Offences Act 1935</i>);</li> <li>• Recklessly discharging a firearm; and</li> <li>• Carry a firearm with criminal intent.</li> </ul> <p>This is considered unnecessary, as Magistrates have the discretion to impose this penalty already.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>This amendment this should be extended to include a lifetime ban of owning firearms for all crimes of violence, drugs and all other serious offences resulting in a sentence of 6 months or more.</p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>The use of words like 'public place' cause great concern as there are numerous meanings. it should be the combination of both the act of having a firearm and the intent [intended use] that police should be required to determine before seizing a firearm.</p> <p>Do not replace Minister with Commissioner. The disposal of firearms needs greater oversight [sic] than just the police.</p> <p>No further supporting comment provided.</p>
49	<p><u>No current section</u></p> <p><i>Establish infringement notices for minor offences under the Act.</i></p> <p>Insert similar provisions to those provided for liquor infringement notices in accordance with section 61 of the <i>Police Offences Act 1935</i>.</p>	<p>Not currently provided for.</p>	<p>Some of the more "minor" firearms offences may be diverted from the court system and dealt with by way of infringement or penalty notice:</p> <ul style="list-style-type: none"> <li>• minor offences by dealers such as lodging late quarterly returns without reasonable excuse (93(1)), failing to include a transaction in the register within 24 hours (89(3)) and failure to label firearms (94(1));</li> <li>• minor storage offences;</li> <li>• failure to produce a firearm carried and failure to state name and address (108);</li> <li>• failure to advise of change of address within 14 days;</li> </ul>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>Any storage offence ought to be regarded as a serious matter and not just given an infringement notice.</p> <p>..... recommends that storage offences and other minor infringements as noted in the supporting comment be considered in relation to the issuing of Infringement Notices.</p> <p>This amendment is supported if the process frees up court time, but</p>

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			<ul style="list-style-type: none"> <li>• failure to produce licence card on demand by police officer (122);</li> <li>• failure to produce written permission to hunt on property on demand by police officer;</li> <li>• if renewal of licences is included, failure to lodge a renewal application by the required time; and</li> <li>• offences under regulations, including transport of firearms.</li> </ul>	<p>there needs to be some boundaries written into the Act... at least one of the examples given in the consultation paper is not supported by the current Act as an offence.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>
50	<p><u>No current section</u></p> <p><i>Extend the Statute of Limitations period for summary offences under the Act out to 12-months, after the detection of the offence, but within three years after the actual commission of the offence.</i></p> <p>It is recommended that a provision is inserted which would allow for summary offences under the <i>Firearms Act 1996</i> to be prosecuted up to 12 months after the <i>detection</i> of the offence.</p>	<p>Not currently provided for – the 6 month statute of limitations currently applies for summary offences in the section 26 of the <i>Justices Act 1959</i>.</p>	<p>Currently, proceedings must be instigated within 6 months of the date of the offence. This results in a large number of offences only detected after the 6 months period (but not at the fault of Tasmania Police or DPIPWE) not able to be prosecuted.</p> <p>Increasing the limitation period would demonstrate the Government's attitude to the serious nature of firearms offences and is consistent with many other jurisdictions.</p> <p>Queensland: 1 year after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.</p> <p>NSW: An offence under this Act or the regulations may be dealt with in a summary manner if the court attendance notice was issued within 2 years of the date on which the offence is alleged to have been committed.</p> <p>Examples where this is required, is the decision not to prosecute an expired licence holder who advised he had sold his firearm to another person 2 years prior. The DPP advised that the charge was outside statutory time and therefore we could not proceed.</p> <p>This happens with some regularity when people's licences expire and they are required to surrender their firearms. Under the existing legislation, if a person advises Firearms Services that they "lost" a firearm 2 years ago but "forgot" to report it, then they cannot be proceeded against.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>In relation to this amendment there should be mandatory forfeiture for the discharge of a firearms within 200m of a home.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>
51	<p><u>No current section</u></p> <p><i>Allow for the collection of pre-1900 firearms.</i></p> <p>Insert a section similar to the following:</p>	<p>Not currently provided for.</p>	<p>Firearms manufactured prior to 1 January 1900 are currently exempted by the Commissioner of Police from the provisions of the <i>Act</i> provided the firearm:</p> <ol style="list-style-type: none"> <li>is not capable of discharging cartridge ammunition;</li> <li>is a firearm for which cartridge ammunition is no longer commercially available.</li> </ol>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p><b>No further supporting comment provided.</b></p>

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	<p>(1) This section applies to any firearm manufactured before 1 January 1900 that:</p> <p>(a) is not capable of discharging breech-loaded metallic cartridges, or</p> <p>(b) is a firearm the ammunition for which is determined by the Commissioner to be ammunition that is not commercially available.</p> <p>(2) Sections 10, 24, 25 and 81 do not apply in relation to a firearm to which this section applies.</p> <p>(3) A person does not commit an offence under section 74 with respect to an unregistered firearm if it is a firearm to which this section applies.</p> <p>(4) Nothing in this section authorises the use of any firearm to which this section applies.</p> <p>(5) Any determination by the Commissioner of the ammunition that is not commercially available for the purposes of this section must be published in the Gazette.</p> <p>(6) A firearm will only be classified as subject to this section by determination of the Commissioner.</p> <p>(7) That the Commissioner can refuse to grant authority under this section based on the provision of S29.</p>		<p>This means that a licence is not required to possess such a firearm, firearms are not required to be registered, and the provisions of the <i>Act</i> relating to storage do not apply.</p> <p>It is recommended that this exemption should be included in the legislation and also the determination as to what is “not commercially available ammunition” should be restricted to made by the Commissioner (or his delegate).</p> <p>It has been recommended changing the requirements to firearms that are 100 years old or more instead of manufactured prior to 1 January 1900 as this is the standard worldwide for antiques and will allow obsolete collectible firearms with no commercially available ammunition to be included with the passing of time. This is not supported by Tasmania Police as firearms manufactured post 1900 are capable of holding metallic cartridges which can be reloaded (even if the ammunition is not widely “commercially available”, such ammunition can easily be made/manufactured).</p> <p>A further restriction to be included is the status of a firearm as ‘pre-1900’ or subject to this provision is to be determined by Tasmania Police.</p>	<p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>In relation to this amendment further clarification is sought. The last paragraph on page 69 does not elaborate on what is proposed. What is proposed must be in the legislation.</p>
52	<p><u>No current section</u></p> <p><i>Requirements for reporting of firearm incidents by medical practitioners.</i></p> <p>South Australian legislation is provided as an example:</p>	Not currently provided for.	If a firearm incident has occurred which has resulted in injury to a person, then the incident should be investigated by police to ensure that the persons involved are not liable for criminal charges, that the safety of the whole community is not at risk, as well as assessing the suitability of the people with the firearms to retain access to firearms.	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p>

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	<p>(1) If a medical practitioner, or other person prescribed for the purposes of this subsection, has reasonable cause to suspect in relation to a person whom he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a firearm, the medical practitioner, or other prescribed person, must make a report to the Registrar under this section.</p> <p>Penalty: Fine not exceeding 50 penalty units.</p> <p>(2) A report under this section -</p> <p>(a) must be made as soon as practicable after the suspicion is formed; and</p> <p>(b) must include -</p> <p>(i) the name and address of the person the subject of the suspicion or, if the name and address are not known, a description of the person; and</p> <p>(ii) details of the wound; and</p> <p>(iii) any information provided to the practitioner or other person about the circumstances leading to the infliction of the wound.</p> <p>(3) If a medical practitioner, or other person prescribed for the purposes of this subsection, treats a person for a wound that the practitioner or person has reasonable cause to suspect was inflicted by a firearm, the practitioner or person must take reasonable steps to retain any ammunition or fragment of ammunition recovered from the wound until it can be collected by a police officer.</p> <p>(4) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.</p>			<p>No further supporting comment provided.</p>

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53	<p><u>No current section</u></p> <p><i>Further define "possession" in relation to a firearm, and provide for proof of possession.</i></p> <p>Insert a provision similar to the NSW provision below:</p> <p>(1) Without restricting the meaning of the word "possession", for the purposes of any proceedings under this Act, a firearm is taken to be in the possession of a person so long as it is in or on any premises owned, leased or occupied by, or in the care, control or management of, the person, unless the court is satisfied that:</p> <p>(a) the firearm was placed in or on, or brought into or on to, the premises by or on behalf of a person who was lawfully authorised by or under this Act to possess the firearm, or</p> <p>(b) the person did not know and could not reasonably be expected to have known that the firearm was in or on the premises, or</p> <p>(c) on the evidence before it, the person was not in possession of the firearm.</p> <p>(2) In this section, "premises" means any place, vehicle, vessel or aircraft.</p>	Not currently provided for.	To assist in defining "possession" and what constitutes "possession" under the Act.	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>In relation to this amendment care must be taken with the wording to ensure there are no unintended consequences.</p>
54	<p><u>No current section</u></p> <p><i>Allow for renewal of a firearms licence</i></p> <p>Insert similar provisions to those contained within the <i>Firearms Act 1996</i> (Victoria):</p> <p><b>41 Renewal of Licences</b></p> <p>(1) Before the expiration of a licence under this Part, the holder may apply to the Chief Commissioner for renewal of the licence.</p> <p>(2) A person who is making an</p>	Not currently provided for.	<p>There is currently no provision for the 'renewal' of a firearms licence (a licence holder simply has to reapply under the same provisions as a new applicant). A renewal provision would be useful in it's entirety.</p> <p>But provisions allow that if, prior to the expiry of the licence, the holder of a firearms licence has applied for the re-issue of that licence under section 28 and that application has not been determined before the date of expiry of the licence, the licence is deemed to continue in force, on and from that date, until the determination of the application.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>This amendment is supported however 42(2)(a) is too narrow</p> <p>This amendment is supported, however we suggest the example legislation be completely scratched and some brief sensible words to reflect the actual need be drafted.</p> <p>This amendment. however administration issues are to be considered as the current data base could not administer the details required for this.</p>

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	<p>application for the renewal of a licence under this Part must make that application to the Chief Commissioner.</p> <p>(3) An application must -            (a) be in a form and manner approved by the Chief Commissioner;</p> <p>(4) An application must be accompanied by -            (a) a list of all the firearms in the possession of the applicant; and            (b) in the case of an application by a body corporate, if any of the responsible persons has changed during the course of the licence—            (i) proof of the identity of the new persons, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference in the <i>Financial Transactions Reports Act 1988</i> of the Commonwealth; and            (ii) a full set of each person's fingerprints.</p> <p>(5) The applicant must pay the fee prescribed for the category of licence applied for.</p> <p><b>41A Continuation of licence during consideration of application for renewal</b>            If a licence holder has applied for renewal of a licence under section 41 and that application has not been determined before the date of expiry of the licence, the licence is deemed to continue in force, on and from that date, until the determination of the application.</p> <p><b>42 General discretion of Chief Commissioner to refuse to renew a licence or to alter or vary the conditions of a licence</b>            (1) The Chief Commissioner may renew</p>			<p><b>The amendment is opposed by those people named adjacent for the following reasons;</b></p> <p>..... already have a list of firearms owned and will supply it to you. Why ask for it if you already have it?</p> <p>In relation to the last paragraph - To remove any doubt, this Act applies to an application for the renewal of a licence as if it were an application for a new licence.- must be removed, it is inappropriate."</p> <p>Re 41(4): should be deleted as Firearms Services already has a list of firearms.</p> <p>The firearms registry already has these details.</p> <p>Support is not given for Sections 41, 41A, 42 &amp; 43. Support is given to Section 45.</p>

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	<p>or refuse to renew a licence under this Part and, if a licence is to be renewed, the Chief Commissioner may alter or vary the conditions on the licence or impose further conditions on the licence.</p> <p>(2) The Chief Commissioner must not renew the licence -</p> <p>(a) if the applicant can no longer demonstrate that he or she has the reason for which the licence was previously issued; or</p> <p>(b) if the applicant or any responsible person in relation to the application is a prohibited person; or</p> <p>(c) unless the Chief Commissioner is satisfied that -</p> <p>(i) the applicant and all responsible persons in relation to the application are fit and proper persons; and</p> <p>(ii) the applicant can comply with the storage requirements set out by or under the Act; and</p> <p>(iii) the renewal of the licence is not against the public interest; or</p> <p>(d) for any prescribed reason.</p> <p><b>43 Circumstances in which the Chief Commissioner may alter or vary conditions on a licence</b></p> <p>The Chief Commissioner may alter or vary the conditions on the licence -</p> <p>(a) if the applicant can no longer demonstrate that he or she has the reason for which, in respect of any of the firearms possessed under the licence, the licence was issued; or</p> <p>(b) for any other prescribed reason.</p> <p><b>43A Variation of licence for failure to comply with participation condition.</b></p> <p>Not required.</p> <p><b>44 Review of a decision not to renew a licence</b></p> <p>A non-prohibited person who has applied for a renewal of a licence under this Part</p>			



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	<p>may apply to the Committee for a review of a decision of the Chief Commissioner—</p> <p>(a) not to renew that licence; or</p> <p>(b) to alter or vary any of the conditions on the licence.</p> <p><b>45 Disposal of firearms where licence not renewed</b></p> <p>(1) A person whose licence is not renewed does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence—</p> <p>(a) if no application for review has been made against the decision not to renew the licence, for 28 days after the licence expires, for the purposes of disposing of the firearm; or</p> <p>(b) if an application for review has been made against the decision not to renew the licence, for 28 days after the confirmation of the decision, for the purposes of disposing of the firearm.</p> <p>(2) If a condition on a licence is altered or varied under section 43, the holder of the licence does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence which must be disposed of because of that alteration or variation for a period of 28 days after the alteration or variation for the purposes of disposing of the firearm.</p> <p>(3) A person who is disposing of a category A or B firearm in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.</p> <p>Penalty: 60 penalty units or 12 months imprisonment.</p> <p>(4) A person who is disposing of a category C or D firearm or a non-prohibited handgun in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.</p>			

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	<p>Penalty: 120 penalty units or 2 years imprisonment.</p> <p>(5) A person who is disposing of a prohibited firearm in the circumstances to which subsection (1) or (2) applies must dispose of that firearm in the manner specified in the licence.</p> <p>Penalty: 240-penalty units or 4 years imprisonment.</p> <p>This section should also include a provision similar to:</p> <p>“To remove any doubt, this Act applies to an application for the renewal of a licence as if it were an application for a new licence.”</p>			
55	<p><u>No current section</u></p> <p><i>Allow for the use of collection firearms on specific occasions.</i></p> <p>Insert a provision similar to:</p> <p>(1) The Commissioner may approve the holder of a licence granted for the genuine reason of collection, to carry or use any category A, B or H firearm held under the licence at an arranged shooting event held on an approved range.</p> <p>(2) The Commissioner may impose any conditions on the approval that the Commissioner considers appropriate.</p>	Not currently provided for.	<p>Many collectors own firearms, which are suitable for use but also form part of a collection. The current legislation prohibits the use of a collection firearm, forcing the licence holder to acquire additional firearms for use.</p> <p>If collectors shoots could be allowed for (on approval of the Commissioner or Police) this may reduce the number of firearms held by collectors.</p> <p>This will allow owners these types of firearms for specific events, such as historical re-enactments (the Midland Militaria Meet) or a black powder-shooting event.</p> <p>Victoria has a similar provision.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p> <p><b>The amendment is opposed by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>
56	<p><u>No current section</u></p> <p><i>Allow collectors with specific security standards to acquire and possess any category D firearm, both military and sporting.</i></p>	Not currently provided for.	Legislative change is not supported by DPEM – the Commissioner may provide an exemption if it is considered appropriate.	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>This amendment is not worded correctly. The change required is to allow any Category D firearm to be collected, both ex military and sporting, as well as any ex military semi or fully automatic firearms, which have been temporarily deactivated, providing specific security is in place.</p>

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				<p><b>The amendment is opposed by those people named adjacent for the following reasons.</b></p> <p>No further comment made.</p>
57	<p><u>Section 39</u></p> <p>That sub-paragraph “(b) the Director-General of Lands; “be removed from section 39.</p>	<p><b>39. Requirements relating to recreational hunting or vermin control</b>            An applicant whose genuine reason for possessing or using a firearm is recreational hunting or vermin control must produce a document giving permission to shoot a type of animal or vermin specified in the document on land specified in the document from –  <b>(a)</b> the owner or occupier of the land; or  <b>(b)</b> the Director-General of Lands; or  <b>(c)</b> the Director of National Parks and Wildlife; or  <b>(d)</b> the chief executive officer of the Forestry corporation established under <u>section 6 of the Forestry Act 1920</u>.</p>	<p>This particular amendment was not included in the public consultation as it was only raised by DPIPWE after the consultation period.</p> <p>Over the past few years, previously unallocated Crown land has been assessed and as a result some areas have been sold, other areas have been transferred to local Government or Forestry Tasmania, and large areas have been declared as reserves under the Nature Conservation Act and Managed by Parks and Wildlife Service.</p> <p>Some of the latter areas are now specified on the new Firearms Licence holders permission document for Reserved land.</p> <p>A particular problem has arisen with holders of the Crown Land Permission document requesting areas where they can exercise the right purportedly granted by the document, namely hunt. While there are several areas on the west coast and a small area in the Northeast, there are no suitable areas elsewhere and this has resulted in complaints, including one to the Ombudsman, who has supported the changes being made.</p> <p>The following areas of reserved land are specified on the permission document, Moulting Lagoon Game Reserve, Waterhouse Conservation area, Cameron Regional Reserve, Sellars Lagoon Game Reserve, North-East River Games Reserve, Great Western Tiers Conservation Area, Central Plateau Conservation Area – Wallaby hunting zones only, Top Marshes Conservation area and Five Mile Pinnacles conservation area.</p>	
58	<p><u>Firearms Regulations 2006 Regulation 10</u></p> <p><i>Amend the method of permanently deactivating a firearm so as to preserve</i></p>	<p><i>Firearms Regulations 2006</i></p> <p><i>10. Firearm collections and heirloom firearms</i></p>	<p>It is submitted that the method of permanent deactivation should be reviewed. Their submission includes a suggestion to allow deactivation of ex-military firearms by removal and destruction of the internal parts.</p>	<p><b>The amendment is supported by those people named adjacent.</b></p> <p>No further supporting comment provided.</p>

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	<p><i>the value of such firearms</i></p>	<p>(1) For <u>section 47(1)(b)</u> and <u>section 47(2)</u> of the Act, the following is the prescribed manner in which a firearm of a kind specified in those sections that is not a shotgun is to be rendered permanently incapable of being fired:</p> <p>(a) a bore diameter mild steel rod is to be inserted into the barrel of the firearm, extending for the full length of the barrel;</p> <p>(b) the mild steel rod is to be fully welded to –</p> <p>(i) the muzzle and finished flush; and</p> <p>(ii) the chamber of the firearm, if applicable;</p> <p>(c) the barrel is to be welded to the receiver to prevent its removal;</p> <p>(d) the firing pin of the firearm is to be removed and the firing pin hole welded closed;</p> <p>(e) all internal springs or components that can be removed from the firearm without detracting from its external appearance are to be so removed;</p> <p>(f) the trigger of the firearm is to be welded in a fixed position to prevent its function;</p> <p>(g) weld is to be applied to the internal components of the firearm to prevent its function, if possible;</p> <p>(h) each bolt, if any, is to be welded in a fixed position;</p> <p>(i) each external hammer, if any, is to be welded in a fixed fired position to prevent its function;</p>	<p>DPEM submit that any method of deactivation would have to be permanent (i.e. removal of internal working parts would not suffice, as they could be replaced which would effectively reactivate that firearm).</p> <p>It should be noted, that preservation of the value of a firearm is not the sole consideration.</p> <p>Deactivation methods in other jurisdiction include:</p> <p><b>Victoria:</b></p> <p>(6) Any category D firearms kept in the collection must be rendered permanently inoperable as follows—</p> <p>(a) in the case of firearms with fixed firing pins, the pin must be ground flush with the face of the bolt, in any other case, the pin must be removed completely; and</p> <p>(b) in the case of firearms with a firing pin hole, the hole must be filled from the front end with weld; and</p> <p>(c) the barrel must be rendered inoperative by—</p> <p>(i) welding a steel insert into the chamber end to prevent chambering a round; or</p> <p>(ii) drilling a hole vertically through the chamber and welding a substantial pin in place to prevent chambering a round; and</p> <p>(d) immobilising the firing mechanism by welding the trigger and internal components.</p> <p><b>NSW:</b></p> <p>(3) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a rifle to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:</p> <p>(a) a bore diameter mild steel rod must be inserted into the barrel of the firearm extending for the full length of the barrel,</p> <p>(b) the steel rod must be fully welded to:</p> <p>(i) the muzzle and finished flush, and</p> <p>(ii) the chamber of the firearm (if applicable),</p> <p>(c) the barrel must be welded to the receiver to prevent the barrel from being removed,</p> <p>(d) the firing pin must be removed and the firing pin hole welded closed,</p> <p>(e) any internal springs or components that can be removed without detracting from the external appearance of the firearm must be removed,</p> <p>(f) any trigger of the firearm must be welded in a fixed position to prevent the trigger from working,</p>	<p><b>The amendment is opposed by those people named adjacent for the following reasons.</b></p> <p>This amendment is not supported as the police method is deemed too severe, differs from Army method, where are replacement parts for very old guns to be sourced. Preserving the value of a firearm is and should be the number one consideration. How dare my investment/collectibles be viewed in this light. This whole regulation should be reworded to separate firearms into their various categories. A and B must be treated differently to C, D and H and prohibited firearms.</p> <p>No further supporting comment provided.</p>

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		<p>(j) the action of the firearm is to be welded in a closed position to prevent its function;</p> <p>(k) if the firearm has a bolt action, weld is to be applied to the bolt guide rail to prevent removal of the bolt;</p> <p>(l) if the firearm has a nipple, the nipple is to be blocked with weld.</p> <p>(2) For <u>section 47(1)(b)</u> and <u>section 47(2)</u> of the Act, the following is the prescribed manner in which a firearm of a kind specified in those sections that is a shotgun is to be rendered permanently incapable of being fired:</p> <p>(a) a bore diameter mild steel rod is to be inserted into the barrel of the firearm for a distance of 5 centimetres;</p> <p>(b) the mild steel rod is to be fully welded flush to the muzzle;</p> <p>(c) a 5 centimetre long mild steel plug is to be inserted into the chamber and fully welded flush;</p> <p>(d) the barrel is to be welded to the receiver to prevent its removal;</p> <p>(e) if the firearm has a nipple, the nipple is to be blocked with weld.</p> <p>(3) An heirloom firearm that is a semi-automatic pistol is, in addition to the matters set out in <u>sub-regulation (1)</u>, to have the slide of the pistol welded to the frame on both sides to prevent its removal.</p> <p>(4) A pistol with a revolving cylinder is, in addition to the matters set out in <u>sub-regulation (1)</u>, to have a mild steel rod extending from the muzzle to a chamber of the cylinder and the cylinder is to be welded to the frame.</p> <p>(5) A weld made for the purposes of this</p>	<p>(g) the internal components of the firearm must (if possible) be welded to prevent the firearm from working,</p> <p>(h) any bolts and external hammers must be welded in a fixed position,</p> <p>(i) any other mechanism or action in respect of the firearm must be welded in a closed position to prevent the firearm from working.</p> <p>(4) In accordance with section 20 (a) of the Act, a firearms collector licence is subject to the condition that any prohibited firearm (being a shotgun to which a category D licence applies) that is part of the collection must be rendered permanently incapable of being fired in the following manner:</p> <p>(a) a bore diameter mild steel rod must be inserted into the barrel of the firearm for a distance of 5 cm,</p> <p>(b) the steel rod must be welded flush to the muzzle,</p> <p>(c) a 5 cm long steel plug must be inserted into the chamber and fully welded flush,</p> <p>(d) the barrel must be welded to the receiver to prevent the barrel from being removed.</p> <p>(5) Despite sub clauses (3) and (4), any such prohibited firearm may be rendered permanently incapable of being fired by being sectionalised (that is, by milling away the external parts of the firearm to expose its internal mechanisms) in an approved manner.</p> <p>(6) For the purposes of sub clauses (3) and (4), and in addition to the requirements of those sub clauses:</p> <p>(a) any welding required to be done must:</p> <p>(i) be substantial and, wherever practicable, not be done by way of spot welding, and</p> <p>(ii) be done by way of gas metal arc, gas tungsten arc, manual arc electrode or gas fusion with steel wire, and</p> <p>(b) if a firearm has a component of a non-ferrous composition that cannot be satisfactorily welded but is required to be welded, that component may be glued and pinned to prevent it from working, and</p> <p>(c) the barrel of a firearm that is constructed of material unsuitable for welding may be plugged with a mild steel rod and welded by gas brazing or a similar method, and</p> <p>(d) any nipple of a firearm must be welded so that it is blocked.</p>	

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		regulation is to be –  (a) substantial and, if practicable, not a spot weld; and  (b) effected by gas metal arc, gas tungsten arc, manual arc electrode or gas fusion with steel wire.  (6) If a firearm that is required to be welded in accordance with this regulation has components of a non-ferrous composition that cannot be satisfactorily welded, the components may be glued and pinned to prevent their function.  (7) If a firearm that is required to be welded in accordance with this regulation has a barrel that is constructed of material suitable for welding, the barrel may be plugged with a mild steel rod and welded by gas brazing or a similar method.		
59	<p><u>Firearms Regulations 2006 Regulation 12</u> <i>Clarify the requirements for conveying a firearm</i></p> <p>Amend the <i>Firearms Regulations 2006</i>:  Delete Regulation 12A.  Delete Regulation 12 and replace it with:  <i>12. Safety requirements for conveying firearms</i> The following are the safety requirements for conveying any firearm: (a) the firearm is to be in the unloaded condition; (b) ammunition is to be stored completely separate from the firearm; (c) magazines are not to contain any ammunition; (d) at least one of the following requirements is to be met: (i) either the firearm or ammunition is to be in a locked receptacle of an approved type;</p>	<p><i>Firearms Regulations 2006</i> <i>12. Safety requirements for conveying prohibited firearms</i> The following are safety requirements for conveying a prohibited firearm: (a) the firearm is to be in the unloaded condition, with any detachable magazine detached from the firearm; (b) the bolt or breech block is to be removed from the firearm, if reasonably possible; (c) . . . . . (d) . . . . . (e) a trigger lock is to be fitted to the firearm, if possible; (f) if the firearm is not a pistol, it is to be conveyed in a locked receptacle that is of solid construction or made of timber that is at least 10 millimetres thick; (g) the receptacle is to be fitted with a metal lock; (h) the locked receptacle is not to contain any ammunition; (i) magazines are not to contain any ammunition; (j) if the firearm is a pistol, it is to be contained in a locked receptacle</p>	<p>The requirements for conveying firearms require clarification to provide certainty for licence holders and police. It is recommended to establish one requirement for all types of firearms, which reflects the intention of the requirements which is to ensure they are not available whilst in a moving vehicle and are secured from theft.</p> <p>It is submitted that primary producers should be exempted from the requirements 'when moving about their properties, going about their normal duties and using the public roads that either bisect, bound or connect their property'. This is already provided for within section 104 of the Act which states:</p> <p><i>104. Conveying firearms and ammunition</i></p> <p>(1) A person who conveys a firearm or any ammunition must comply with the prescribed safety requirements.</p> <p>Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.</p> <p>(2) It is a defence in proceedings for an offence under <u>subsection (1)</u> if the defendant establishes that, at the</p>	<p><b>The amendment is supported by those people named adjacent for the following reasons;</b></p> <p>This amendment is supported but "crossing ... or travelling a short distance on a public road with no intent of shooting on, from or over that road should be some discretion in those circumstances.</p> <p>This is supported however I am hesitant to encourage removal of rifle bolts, as this is a sure fire way to lose bolts. ... Replacing a bolt is the same cost as a whole new rifle. ... people may find a bolt and try it ... (as a spare/replacement)....resulting in a potentially dangerous situation.</p> <p>This is supported but the comment is unacceptable to primary producers.</p> <p><b>The amendment is opposed by those people named adjacent for the following reasons.</b></p> <p>In relation to lever action rifles the trigger locks don't work and cable locks don't work, so there will have to be a provision for allowing lever actions to be carried unloaded in a locked bag or exempt.</p> <p>The bolt and magazine could be removed from the firearm and put in a coat or trouser pocket, because of having to travel on public roads to reach different sections of farm.</p> <p>In relation to 12 (c) it should only be applied if the magazine is</p>

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	<p>(ii) the bolt of the firearm is to be in a closed container, completely separate from the firearm;</p> <p>(iii) the firearm is to be fitted with a mechanism that locks or disables the trigger or action and prevents the firearm from being used; or</p> <p>(iv) the firearm is to be broken down into at least 2 separate parts so as to be incapable of being immediately used.</p>	<p>preferably located in the most secure area of a vehicle (such as the locked boot of a sedan).</p> <p><i>12A. Safety requirements for conveying other firearms</i></p> <p>The following are safety requirements for conveying a firearm that is not a prohibited firearm:</p> <p>(a) the firearm is to be in the unloaded condition;</p> <p>(b) ammunition is to be in a closed container, completely separate from the firearm;</p> <p>(c) magazines are not to contain any ammunition;</p> <p>(d) at least one of the following requirements is to be met:</p> <p>(i) the firearm is to be in a locked receptacle;</p> <p>(ii) the bolt of the firearm is to be in a closed container, completely separate from the firearm;</p> <p>(iii) the firearm is to be fitted with a mechanism that locks or disables the trigger or action and prevents the firearm from being used.</p>	<p>relevant time, the relevant firearm or ammunition was being conveyed –</p> <p>(a) in connection with the defendant's employment or livelihood; and</p> <p>(b) no further than reasonably necessary in the circumstances.</p>	<p>integral to the firearm.</p> <p>This amendment should specify that it only applies outside the precinct of a shooting range, or when the firearm is not being used for primary production, pest control or hunting.</p> <p>.....supports in principle we want an exemption for primary producers and employees when going about their normal business. .... requests insertion of following wording: 'Primary producers and their employees are exempted from the requirements of this regulation when moving about their properties going about their normal duties and using public roads that either bisect, bound or connect their properties.'</p> <p>Support is given to the disassembling of firearms. Do not support having to transport magazine empty.</p> <p>This amendment is supported however we are concerned [about] 12(c)... this is fine if the magazine is an integral piece of the firearm. ... this should not be applied to a detachable magazine ... [which] is just another means of confining the ammunition.</p>