



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: [Inquiry into Legislation on proposed firearms reform](#))

Members:

MS C BARRY (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MR S RATTENBURY

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 21 APRIL 2026

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Secretary to the committee:
Mr J Bunce (Ph: 6205 0199)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

ADAMS, MR SEAN ALEXANDER	17
ANDERSON, MR IAIN , ACT Ombudsman	40
BLUNDELL, MR BRIAN , Treasurer, ACT Rural Landholders Association of Farmers.....	17
BREINER, MR RICHARD , Superintendent, Firearms, ACT Policing.....	50
BROWNE, MR ROLAND , Vice President, Gun Control Australia	29
BUXTON, MS CLAIRE , Executive Branch Manager, LPP, Criminal Law Branch, Justice and Community Safety Directorate	50
CHIN, MR RICHARD , Deputy Chief Police Officer, ACT Policing.....	50
DAVIES, MS SARAH AM , Chief Executive Officer, Alannah and Madeline Foundation	29
FUNNELL, MR LACHLAN , Executive General Manager, Corporate, ACT Policing.....	50
GRANT, MR GARRY , Rural Affairs Committee Member and Executive Councillor, NSW Farmers	17
GRUNDY, DR ALICE , Research Manager, the Australia Institute	29
GUO, MS EMMA , Senior Team leader, Legislation and Governance, ACT Policing.....	50
KENYON, THE HON THOMAS , Chief Executive Officer, Sporting Shooters Association of Australia	1
LEE, MR SCOTT , Chief Police Officer, ACT Policing.....	50
MATHEW, DR PENELOPE , President and Human Rights Commissioner, ACT Human Rights Commission	40
McCOSKER, MS JANE , Human Rights Legal Adviser, ACT Human Rights Commission	40
NEGUS, MR STEPHEN , Board Chair, National Rifle Association of Australia	1
NG, MR DANIEL , Deputy Director-General, Justice, Justice and Community Safety Directorate	50
PATERSON, DR MARISA , Minister for Police, Fire and Emergency Services, Minister for Women, Minister for the Prevention of Domestic, Family and Sexual Violence, Minister for Corrections and Minister for Gaming Reform.....	50
PREDAVEC, MS SKYE , Researcher, the Australia Institute	29
SMALL, MS NICOLE , Secretary, Sporting Shooters Association of Australia ACT	1
WELCH, MS ELEN , Policy Director, NSW Farmers.....	17
WILLIAMS, MR ROSS , Captain, Canberra Rifle Club	1
WINDSOR, MR DAVID , Chair, Biathlon Australia Ltd	13

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Amended 20 May 2013

The committee met at 11.39 am

KENYON, THE HON THOMAS, Chief Executive Officer, Sporting Shooters Association of Australia

NEGUS, MR STEPHEN, Board Chair, National Rifle Association of Australia

SMALL, MS NICOLE, Secretary, Sporting Shooters Association of Australia ACT

WILLIAMS, MR ROSS, Captain, Canberra Rifle Club

THE CHAIR: Good morning, and welcome to the public hearings of the Standing Committee on Legal Affairs for its inquiry into legislation on proposed firearms reform. The committee will speak with sporting shooters bodies, Biathlon Australia, rural landlords and farmers' representative bodies, gun control advocates, the ACT Human Rights Commission and the ACT Ombudsman, and the Minister for Police, Fire and Emergency Services.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending this event today.

Those who may be attending to observe the proceedings are reminded that interjections are not allowed. If you believe that any evidence given today requires a response, please contact the committee secretary.

The hearing is a legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore today's evidence attracts parliamentary privilege and, as such, the giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly.

The hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses used the words, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome witnesses from the Sporting Shooters Association of Australia ACT, the National Rifle Association of Australia, and the Canberra Rifle Club. Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would anyone like to make a brief opening statement?

Ms Small: I have an opening statement, if I may.

THE CHAIR: Yes.

Ms Small: I appear today as the secretary of the Sporting Shooters Association of Australia ACT, representing thousands of lawful, licensed firearms owners across the territory. Our members support public safety, responsible regulation and

evidence-based policy. We unequivocally condemn the horrific terrorist attack at Bondi and extend our sympathy to the victims and their families.

This inquiry must carefully consider whether the reforms that are before you are targeted, proportionate and fair. The New South Wales government response to the Legislative Assembly petition that received over 97,000 signatures stated that the New South Wales government—and I quote:

... acted swiftly to introduce strict firearms laws to reduce the number of firearms circulating within the community ... This sent a clear message to would-be offenders ... that public safety is a priority, and we are acting to reduce the risk of another mass shooting occurring.

That leads to a fundamental question: is it proportionate, fair and reasonable that lawful firearms owners—people like me, our members, and the others sitting here with me today—are being targeted by these reforms as a response to the Bondi terrorist attack, when that attack was carried out by alleged extremists and criminals operating outside the ACT firearms licensing system?

The submissions that you have received supporting this bill rely heavily on overseas data, assumptions about behaviour, and broad correlations that do not meaningfully reflect the ACT's already highly regulated firearms environment. They often leap from “gun control works” to “therefore law-abiding owners must be further restricted” without demonstrating a clear causal link to improved safety outcomes here in the territory.

Reform must be targeted, intelligence-led and proportionate; not symbolic, not reactive, and not designed to create the appearance of action by placing additional burdens on people who have done nothing wrong. Public safety is best served by focusing on risk, enforcement and suitability, not by presuming that lawful ownership itself is the problem.

THE CHAIR: Thank you very much. My first question is to the Sporting Shooters Association of Australia. In one of your recommendations, you talked about how the focus should be on individual assessment to affirm public safety. I want to talk to you about that. What do you think would be a better approach to individual assessments and/or a better measure to address the risk associated with firearms?

Ms Small: The main issue is that we currently have a system where you already have those suitability assessments on each individual person. Each firearm purchase, each firearm sale, each storage compliance check, each licensing process and each renewal process already goes through a process with the ACT registry. Those systems are in place and have been in place for 30 years. They have been improved by having greater access to information through various channels over the course of that 30 years. It is not a stagnant process. It has been improved, and there is greater access to information that the ACT police have available to them.

Continuing those individual assessments will better benefit public safety by ensuring that the individual licence holder is a suitable person, has not had any interactions with the ACT police that disqualify them from holding a licence, and that every firearm that

they want to purchase is assessed by ACT police. It is not the right assumption to say that a person can go into a shop and walk out with a firearm in the ACT. We have mandatory 28-day waiting periods, during which ACT police have to assess that that application is suitable, and that it meets the genuine reason and the genuine needs criteria.

Providing extra information and extra support to the ACT Firearms Registry, so that they can then draw on more information, more data, and have additional resources to make sure that those assessments are being undertaken for every single purchase, will actually bolster community safety in a better sense than anything that is being proposed through the public safety bill, on the limits and the re-categorisations.

THE CHAIR: On that limit, there are members of the public who believe that one gun is one too many, and there are people who do not understand, basically, the need for someone to own more than one gun. Can you tell me why someone would have more than one firearm?

Ms Small: There is a magnitude of reasons. There is a list of seven genuine reasons in the ACT as to why you can own a firearm. There is sporting. In our submission, we have the list of all of our disciplines, the firearms, and what those disciplines entail. You have hunting, professional pest control and animal welfare. It is not as simple as saying that a firearm that is used for a sporting application is the same firearm that can be used for another sporting application, in a professional sense, or in an animal welfare sense. It is very much a piece of sporting equipment or a tool that is used, depending on the reason for the issue of the firearms licence that has been to the satisfaction of the ACT police.

Mr Kenyon: Following on from Nicole's point, there are a number of different calibres; they have different energy. The variability within firearms themselves is quite large, and the various needs that you put them to are quite varied. To be blunt, the more you are involved in shooting, the more firearms you need. In our case, with our competitions, different competitions require different firearms. One particular competition requires three different types of firearms—a pistol, a shotgun and a rifle, just to compete in that competition. There are small-bore targets, large bore, and long distance. The further you go, the more power you need to drive a bullet accurately over that distance. Depending on their use, the more uses you have, the more firearms you need, basically. If you think of them as tools, the more jobs you do, the more tools you need; it is exactly the same thing.

THE CHAIR: With respect to your issue with the cap—I think it is up to 10—what is the issue with that? How many firearms would a person—

Mr Kenyon: For instance, if you wanted to compete in every discipline that you can in SSAA, we have 19 different disciplines. I think we calculated that you would need up to 50 different rifles. We do not have anyone who does that, but if you chose to do so, that is what you would need.

If you are a keen hunter, for instance, you are targeting different species. For day and night, you would have different scopes. You would have a night scope and a day scope. You cannot just change easily between the two. You can physically do it, but there is a

process to make sure that it is accurate, and that is time consuming, and you have to go to a range or find a place where you can safely target that rifle in, or sight the rifle in.

Generally, if you are shooting, even if you are shooting the same species at night, as well as during the day, you would need two rifles—one with a night scope, one with a day scope. That would be a particular calibre for a particular animal. For pigs, it would be different from deer, which would be different from goats, which would be different from foxes, which would be different from rabbits, for instance. If you are shooting five species, day and night—it is a lot of shooting, but you could do that—that would be 10 rifles, just there.

Conversely, the benefit of the current system is that, if you can only justify a need for two rifles or two firearms, you only have two firearms, and that is your limit, because you cannot justify a greater number. A random cap might say, “Okay, you can go up to 10,” and you can have as many as you want; you do not really need to justify it, but you can have 10. What is the point of that? It is a self-limiting system that we currently have. There is no correlation between the number of firearms that we have in society, which has increased in the last 30 years, and gun deaths, which have decreased in absolute terms and in relative terms. The correlation between the number of firearms that are available and community safety is very low.

THE CHAIR: For my benefit, how many firearms, on average, would a member who is competing in the most competitions currently hold? What is the average number of firearms that your members would hold?

Ms Small: It varies, based on the disciplines in which they compete. It is not as easy as saying there is a specific number that generally fits everybody, because you also have the fact that we have members who own property and who are professional pest controllers, or who are hunters, or who have obligations in other settings. They could be a security guard, and they are the registered user of a particular firearm on their licence. It is a really hard thing to put a number on and say, “This is what’s going to work.”

It had been considered in various states—potentially looking at caps. Those investigations have found that there is no need to introduce caps if you are looking at the individual assessment on the individual person with the individual firearm. It came out in the WA law commission report; they received 1,244 submissions, and one of their recommendations was no caps, and continue with the individual assessment. There was a long consultation period, from the opening of the discussion paper. It was something that they put to individual people to consider whether there was a number, and their recommendation was no caps, and individual assessments, because that would benefit public safety more than picking a number.

Mr Kenyon: I think the ACT appeals tribunal found the same thing.

Ms Small: Yes. There was a case that went to ACAT in the ACT after a PTA, a permit to acquire, was rejected. The tribunal found that individual assessments based on genuine need, genuine reason and a person’s security requirements and their obligations were more likely to benefit public safety than saying, “No, this person can’t own this additional firearm.”

THE CHAIR: What was that case.

Ms Small: It was Q v Registrar of Firearms, back in 2016 or 2017.

Mr Kenyon: It is referenced in the submission, Madam Chair.

Ms Small: Yes.

Mr Negus: From the NRAA's point of view, we also have 16 disciplines within our rules, and they are all rifle competitions that we focus on. We have members that will have less than 10 rifles, but we also have members that have many more rifles than that, because they may also be members of SSAA, or the pistol associations and the pistol clubs. It depends a lot on people's availability of time, their interest and their financial viability to be able to pursue some of these things.

For our competition-focused organisations, we will go from small-bore rifles right up to black-powder rifles for certain events. There is a whole variety of different types of firearms that are required, and some people are interested in collecting those and in shooting all of those types of different firearms.

MR WERNER-GIBBINGS: I want to reference the need for different scopes for different rifles when people who are professional pest controllers are using weapons, and you might need more than one, or more than three, depending on whether it is pigs, deer or rabbits. Is it generally the process, or is it not, that someone involved in pest control would go out and say, "Today's a pig day," or "Today's a rabbit day"? If not, you would be taking multiple weapons out. How are those weapons stored, when you are travelling around?

Ms Small: In accordance with the regulations.

MR WERNER-GIBBINGS: What do they require?

Ms Small: It is specified in the regulations that they have to be—

Mr Kenyon: Locked container.

Ms Small: Yes, in a locked container with the bolt removed, if possible, with ammunition stored separately in a separate locked container, and completely out of sight, not viewable from—

Mr Williams: Not readily accessible.

MR WERNER-GIBBINGS: So there is a fair bit of work to get them set up, when a new job comes along?

Mr Williams: Yes. If they have been contracted out for a hunting scenario, and they are doing two or three contracts in a night, they would have one, two or three guns, but they would be in a locked container within their vehicle, on their vehicle, with the bolt and ammunition separate, in their own locked container. If someone were to break in,

they would have to break into the vehicle in the first instance, break into the locked zone, and then break into a third locked zone to actually assemble the weapon for use, if that was the case.

MR WERNER-GIBBINGS: You both mentioned up to 50 rifles, or up to 19 disciplines, and that it is limited by time and financial ability—talent, probably, sometimes.

Mr Kenyon: Talent is generally not so important. Not in my case, anyway!

MR WERNER-GIBBINGS: For an average club member, how many would it be? Up to 50 is a lot, but is it more like eight or is it more like 10?

Mr Williams: It is personal circumstances—genuinely, personal circumstances. You need to have a genuine reason to own a rifle. I will use my own case. I have two target rifles. I grew up on a farm, so I have access to five rifles on the farm, and I have inherited three. With respect to my ability in rifle capacity, already, I have eight or 10 rifles available to me, straight off the bat. But those are my personal circumstances. If I were a contract shooter as well, maybe some of those would cross over. Each member might have two or 10—or 20, if they are living on a farm. We are in a regional city, to start with, so that is a high likelihood, within this town. They are a sporting shooter, for the SSAA, but they also shoot with our club. There are two very different rifles in that space, already. It is really about personal circumstances, and you have to justify why you own a rifle in the first place. It is hard to put a number to.

Mr Kenyon: The problem with trying to come up with a number that would suit most people is that it will automatically disadvantage some people, at the top end, who have more uses, do more shooting or just enjoy that sport more, for no real reason. It is hard to demonstrate any sort of public safety benefit from that. Therefore you are disadvantaging a group—admittedly, a smaller group of people—and you are doing it for no real public safety benefit, or no gain. From our point of view, that is fundamentally unfair.

MR WERNER-GIBBINGS: I was interested in whether the maximum is 19 disciplines, but the average is two, or whether the average is 15 or 10, in terms of your club members—

Mr Kenyon: Most of our members do not do all 19. Again, there is the time it takes. The really keen ones spend a lot of time travelling around. It seems unfair that you are limiting their choices, after a certain point, because you are saying, “Because of the cap on the firearm number and the requirements of the disciplines, you have to pick and choose which disciplines you want to do.”

Mr Negus: I heard an analogy that when you get your drivers licence you can own as many cars as you want, depending on your finances, but you can only drive one car at a time. The same applies to firearms licensing. Whilst you can own more than one firearm, you can really only shoot one at a time. That is a very similar analogy.

Mr Kenyon: It extends further. If there had been a tragedy involving a motor vehicle, where someone had used it, would we respond by limiting the number of cars someone

can own, or would we respond by saying, “How did this person who should never have had a drivers licence get a drivers licence, and what is our process behind that”? That is our main point. As a result of Bondi, we are saying that the problem here was not how many firearms he had or what type of firearms he had; the problem here was that he had access to firearms in the first place, and there was a failure in the process that allowed him to get a firearms licence.

That particular failure was a lack of information-sharing between the federal government agencies and the state police. That should be addressed, and it has been addressed legislatively by the federal government, because that was the failing. Police in New South Wales at the time had the power they needed to prevent those people from getting access to firearms, if they had had access to that information. And they routinely do it.

If the son had been associated with bikies, it is highly likely that police would have said, “Hang on a sec, this guy is associating with bikies,” because that is an area that New South Wales police oversee and on which they have access to intelligence. They would have said, “This person is associating with bikies. He’s living in the same building as someone who’s applying for a firearms licence. Deny the firearms licence.” That happens routinely across Australia. That is under current laws, as they stand, and at the time Bondi happened. The failure was with the information-sharing—and the radicalisation of the individual, let’s not forget that. That was the failure here, not the number of guns that he had or was able to get.

MR WERNER-GIBBINGS: This question is for the NRAA. With respect to operating within national and international sporting frameworks, every jurisdiction in Australia is looking at reforms. Some are further along; some are going in slightly different ways. How important is cross-jurisdictional consistency for sporting shooters, and how do you see the approaches from each jurisdiction so far?

Mr Negus: From the NRAA’s point of view, the possibility that straight-pull rifles might be changed to category C prohibited is a real issue for us. Just in the ACT, in the Canberra Rifle Club, there are 18 biathlon members, and two of those recently competed in the Winter Olympics. Potentially, in New South Wales, if those rifles are not able to be used, once the legislation is gazetted, and if that is changed in the ACT, where do those members go? How do they pursue practice, for the purposes of representing their country internationally? That is an issue. They could go to Queensland, because Queensland is not changing their legislation.

MR WERNER-GIBBINGS: Not as much snow in Queensland!

Mr Negus: That is true, but it is for training purposes, and for shooting. I understand Tasmania is not changing as well. In Western Australia, they have not changed it, either. It seems to me to be a very harsh response on straight-pull rifles that is impacting a number of people. That is one example of how it impacts us across legislation and across jurisdictions.

Ms Small: It is also not entirely true that we are already consistent with New South Wales.

MR WERNER-GIBBINGS: I am not asking about that. Cross-jurisdictional consistency, obviously, is important.

Ms Small: Yes. In general, there have been comments that, because New South Wales has changed their laws, we need to make sure that we are still consistent with New South Wales. We are currently not consistent with New South Wales in some respects. In New South Wales, for example, an unlicensed person can be under the direct supervision of another licence holder. In the ACT, the only option for an unlicensed person to use a firearm is at a club, under the direct supervision of an authorised instructor who is approved by the ACT police, the Firearms Registry.

There are already fundamental differences between the legislation in both of our jurisdictions, which I think does not support the argument that we need to make sure that we align. We actually do things better in some respects—and significantly better in those respects—than New South Wales does. We have more rigorous checks around those things than New South Wales does.

Mr Kenyon: Having some form of uniformity is useful. More importantly, having states recognising other states' laws is useful as well, in terms of travelling. We have national competitions and state competitions; people travel for both. Being able to travel between states with firearms gets more complicated with a lack of uniformity. Recognising that is important, as is being able to have something in place for people who are passing through. It is not so important for the ACT, I suppose, but when you are travelling from Victoria to Queensland, or vice versa, there is a potential risk that you are travelling through with illegal firearms that are legal in both states. It is legal in Queensland and in Victoria, but it is not legal in New South Wales.

There needs to be some process. At this point it has to be built into the National Firearms Agreement, because states have started doing their own thing and varying it. The National Firearms Agreement is on the verge of dying, as it currently stands, simply because of the process that has been followed to get us to where we are now. States have rushed; they have gone ahead of the NFA. They have not taken the time to consult nationally.

That is not your fault, and there is nothing, probably, that you can do about it, either, to be honest, but that is the situation that we are in. Having laws that accommodate the recognition of other states' laws for the purposes of travelling, hunting and everything else—competition—is very important to our members.

MR RATTENBURY: I want to ask a question of the rifle club and the rifle association in the first instance. You raised a specific issue around 3D blueprints for what you termed “innocuous accessories”. Is it your read of the legislation that there is a need for definition, or does the legislation address it adequately already?

Mr Negus: We felt that it was a bit too broad. I have some “innocuous accessories” here. Our members will 3D print accessories that assist. But they also need to be able to understand what the dimensions are with the firearms, so that they can create these accessories and be able to make sure that they fit correctly, whether it is a trigger guard, trigger locks, caps on scopes, caps on iron sights, bullet boxes—those sorts of things.

MR RATTENBURY: From what you have just said, are you saying that people need to have access to the 3D design of a gun to be able to work out how to design the accessory? Is that the point you are making?

Mr Negus: That is correct. They need the dimensions. To get those dimensions, they need to be able to look at the details of the firearm's design.

MR RATTENBURY: Your concern is not just about the 3D design of the ammo box; it is about access to the design of the firearm as well, in order to match things?

Mr Negus: That is right, to match sights, to match trigger guards and those sorts of things.

MR RATTENBURY: My impression of your submissions and the evidence you have given so far is that, when it comes to caps, your view is not that the cap should be increased from what is proposed, but that there should not be a cap; rather, you would seek to approach it through the scrutiny of individuals and their individual suitability.

Ms Small: Correct.

Mr Kenyon: That is correct, yes.

MR RATTENBURY: Am I correct in understanding your evidence?

Mr Negus: I think we are all aligned on that.

MR RATTENBURY: The Australia Institute cited something in their submission, but it is evidence they have brought from somewhere else. I have lost the source now, but they essentially identified that there are 200,000 more people who list sports shooting or recreational hunting on their firearms licence than actually participate in either activity, according to data from the federal government's AusPlay survey. That is for New South Wales. Can you talk to us about your views on that piece of evidence?

Mr Kenyon: Yes. I think it is wrong. The number that they cite for people who are fulfilling their obligations, from memory, is around 34,000, or something like that—30,000. In New South Wales alone, we have between 50,000 and 60,000 people who fulfil their obligations every year. The estimate from the federal government is based on a survey of activity. A lot of people are reluctant to explain to people that they do not really know that they own firearms or that they participate in shooting. It is highly likely that that survey received a very low response rate or a very low positive response rate from people who actually shoot.

There are two processes. If you own for the purposes of target shooting, you need to go to the range in New South Wales four times to fulfil your obligations. That gets reported to New South Wales police. If you have it for hunting, for public land hunting, which I think they call an R licence in New South Wales, you need to go at least once a year, and you need to report back within 30 days of your trip about the details of what you shot or did not shoot. For a lot of people, if they are shooting on private land, there is no reporting process. But to suggest that they never shoot seems a little absurd to me.

MR RATTENBURY: The concern, though, is that if the genuine reason why you have a firearm is that you are a member of a club, the suggestion seems to be that there are far more licences than people who are members of clubs. That is the piece of evidence that I am trying to interrogate.

Mr Kenyon: The only requirement to be a member of a club is for target shooting. It is possible to be a member of a club and get a hunting licence, but you do not have to be. If you have access to a private property, for instance, you do not have to be. Just because you own a licence, it does not mean you have to be a member of a club, until they changed the law after Bondi. One of the provisions in the act—not yet ratified or assented to, but one of the provisions in the act—was that you had to be a member of a club, if you had a firearms licence.

MR RATTENBURY: Yes.

Mr Kenyon: But that is not currently the case. You can own a licence without being a member of a club. The only requirements for attendance are for target shooting, when you have that as your particular genuine reason—target shooting. With the 250,000-odd shooters in New South Wales who have a firearms licence, not all of them are target shooters, and not all of them would have target shooting on their licence.

MR RATTENBURY: The way I read the data—and this might be for the local clubs to give us a bit of insight on as well—is that if I were to go and apply, one of my stated genuine reasons might be that I want to belong to the club, or I do belong to the club. The gap seems to be between the number of people who apply and who use that as their reason, and the number of people who belong to clubs. That is what I am trying to interrogate.

Ms Small: If they do use that as their genuine reason, they have those legislated attendance obligations. If those attendance obligations are not met, it is a reason for any of the jurisdictional police to suspend that licence. If they do not meet their obligations, they are at risk of losing their firearms licence. In my circumstance, I have multiple genuine reasons. I am licensed for category A, category B and category H—rimfire rifle, centrefire rifle and pistol. My genuine reasons are club shooting for rifle and pistol. I also have the genuine reason of being a landholder in New South Wales, and I also have the genuine reason of recreational hunting.

My attendance obligations are still there, even though I have hunting on my licence, because I still have those club attendances that I must achieve to maintain my licence. If I go for my renewal and I cannot satisfy the registrar that I am active, that I have met all of my obligations and that my genuine reasons are still being maintained, my licence does not get renewed. My firearms are then seized, until I can then demonstrate that I have met my obligations, or that I have a new genuine reason to fill the gap, essentially.

It is not that it is not checked. It is not that it is not an obligation that people have to maintain at each PTA—permit to acquire—point. There are questions on those PTAs about what you intend to do. There are all those checks. In reality, a person that has applied for multiple PTAs, thereby increasing the number of firearms that they own, has gone through more checks with ACT police on a more regular basis, and has more

regular touch points with police, and their genuine reasons and their genuine needs tests are constantly checked.

Mr Kenyon: In those states that have attendance requirements, the clubs are required to provide those to the police as well.

MR RATTENBURY: The moment of enforcement, checking, comes when you go for your—is it annual renewal?

Mr Williams: It is five years. I have just done the renewal, and you have to put genuine reasons in your renewal application. If you are, in my case, a target shooter, my club attendances or competition attendances have shown that I have done the four, five or six attendances—the minimum amount of attendances—for the licence requirements.

MR RATTENBURY: Do any of you want to put a view on the capability of the enforcement system? Is it able to do its job? Are they resourced enough or are they struggling keep up with the requirements of the act and ensure that they are being met by licence holders?

Ms Small: Our registry is unique, in that we have to attend the—

MR RATTENBURY: Ours being the ACT?

Ms Small: ACT, yes. It is unique, in that we have to attend the registry whenever we put in any application.

Mr Williams: In person.

Ms Small: In person. We are the only jurisdiction that has a constantly open Firearms Registry.

Mr Kenyon: It is a sore point in other states, where you cannot even go in and see people.

Ms Small: We talk to the same people. They know us by name. We walk through the door, they see us and they know who we are. Any increase in funding for this particular area will be welcomed by the ACT Firearms Registry and ACT police. Not only can those resources be used for compliance, enforcement, regulation and support of firearms owners, but the ACT registry are also the people that are on call if there is an incident involving an illegal firearm or an incident like the one that happened in Wright in December.

I think they could use more resourcing. It would be a better use of public funds than a buyback, in the sense that it would deliver public safety outcomes. They could better direct their resourcing to the real issues of the illegal firearms, as opposed to the ones that they already know about. They know where all of ours are.

Mr Kenyon: The three things that fundamentally affect firearm safety are background checks, safe storage and safety training. They are the things that have the most dramatic benefits for public safety. The key part of 1996 and the reforms as a result of 1996 were

that they mandated that across all states across the country. The place to put your resources, as a police force, is into those things that improve one of those three things or all of those three things—that is, checking storage arrangements, for instance, if you are worried about things being stolen, making sure the safety training is up to scratch or making sure your background checks are done as comprehensively and as thoroughly as you can, and making sure that the group within the firearms branch that is doing those checks is well resourced and not being rushed and overwhelmed.

Mr Williams: And that the genuine reasons that are being policed are genuine reasons.

Mr Kenyon: Yes, correct.

THE CHAIR: There is a concern that the re-categorisation of some firearms would lead to more firearms. If a firearm is going from category A to C, for example, and there is a reason to get a category C licence, that would lead to more people having access to more dangerous firearms. My understanding is that, for every firearm that you obtain, you have to provide a reason for obtaining that firearm. Do you share these concerns as well, or is that not a concern that you hold?

Mr Kenyon: Our view on it would be that there might be reasons for expanding access to category C. Category C are generally regarded as low-powered—shotguns and rimfire rifles, essentially. There are some elements of competition, overseas especially, that use semi-automatic rimfire rifles or semi-automatic shotguns. Our members are excluded from those competitions because they cannot access those firearms.

You might say that, for sporting shooting, under particular circumstances that are tightly regulated, there might be a reason to expand access into category C. At the moment, generally, primary production is the only one that can do it, with some others as well, but that is the main user of it. But there is a carve-out for ACTA, the Australian Clay Target Association, to use semi-automatic shotguns in competition at the moment. That is not broadly available to other organisations, such as sporting shooters, the sporting clay associations or whatever else.

There might be reasons to do it. Again, as long as you maintain genuine reasons to own and be involved in that category, and a genuine reason to own the firearm that you are intending to use within that category, I think you are able to ensure public safety, while still allowing people to participate in the sport.

THE CHAIR: On behalf of the committee, thank you for your attendance today. If you have taken any questions on notice—I do not think that you have—the committee secretary will contact you about providing a response. Thank you very much for your time.

WINDSOR, MR DAVID, Chair, Biathlon Australia Ltd

THE CHAIR: I welcome our next witness, from Biathlon Australia. Please note that, as a witness, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

Would you like to make a brief opening statement, or would you like us to go directly to questions?

Mr Windsor: I would like to thank you very much for this opportunity. We really appreciate the consultation. As you know, biathlon is an Olympic and Paralympic sport. We have just returned from Milano Cortina. It was an amazingly successful journey to have our athletes there. We really appreciate this opportunity to try and keep the sport of biathlon alive, at least in the ACT, as well as across Australia.

THE CHAIR: Thank you very much. In your submission you raised concerns about the legislation essentially meaning that biathlon would not exist, or that you would not be able to compete in the ACT. Is your concern that the firearm exclusively used in your sport is not covered at all in the legislation?

Mr Windsor: It is covered insofar as essentially you are outlawing them for use in biathlon. The rifles we use are a subsonic low-power rifle. It is a .22, which is a very small bullet, small calibre. It is a very specific rifle. The bill, as drafted, categorises those types of rifles as a category C rifle. The problem with category C is that you require a category C licence. Category C licences are limited to adults only and not minors. The only reason that you can buy a category C rifle is if you are a primary producer or a member of the clay target shooting association and you require a specific rifle for that competition.

In short, biathlon has not even been considered or contemplated. I suppose we are collateral damage, to use a blunt term. If the legislation had considered biathlon rifles, no doubt you would have had some carve-outs or added some genuine reason for biathlon. Like the previous speakers, we are just a sport target shooting organisation. We compete predominantly in New South Wales, ACT and Victoria, but most of our competition occurs overseas, in Europe and North America.

THE CHAIR: You are not covered by the exemption; is that what you are saying? The legislation does not—

Mr Windsor: Correct.

THE CHAIR: You also mention in your submission that you are having conversations with New South Wales and the national body. What are those conversations and what can we draw on from those conversations in this committee?

Mr Windsor: The wonderful thing about those conversations is that the commonwealth Department of Home Affairs and the New South Wales Firearms Registry have both made it very clear that they are not out to get biathlon. The whole purpose of the changes that they have made to their legislation, obviously, is around community safety et

cetera, which is, of course, paramount. But they have also expressly told us that it would seem that, due to the rushed nature of the legislation, there are unintended consequences. Unfortunately, biathlon is part of that unintended consequence. We are working with them to come up with workarounds, changes to the regulations and ways in which our biathletes can continue to do what they do. It has been very positive, very fruitful and collaborative.

THE CHAIR: Is there anything in those conversations that you can mention in terms of the workarounds? Are there any useful suggestions there?

Mr Windsor: From a legislative perspective, the Department of Home Affairs are currently working on changing the regulations, the import regulations, the customs and import regulations, to ensure that biathlon rifles can be imported into Australia. That was one of the unintended consequences. With the New South Wales Firearms Registry, we have had early conversations about figuring out ways in which biathletes and their parents, for instance, if it is a minor biathlete, can obtain a category C licence. As it is currently drafted, there is a discretion in the New South Wales law to enable a category C licence to be issued, but that is a discretion. We need to find a workable solution so that that discretion gets applied fairly, quickly, promptly and reasonably for our members.

MR WERNER-GIBBINGS: I have two related questions. Biathlon rifles have a straight-pull repeating action that is adequate to kill rabbits and other small critters, but they are not high-powered, high-calibre or high-velocity. How does biathlon's structure and culture manage its own safety risks compared to sports and people using other firearms?

Mr Windsor: I cannot speak for other firearm users, but, as I said, we are an Olympic and Paralympic sport. We are a national sporting organisation. We have signed up to the National Integrity Framework, which has a whole bunch of governance and integrity requirements, if you are not familiar with them. We are subject to the International Biathlon Union competition rules, which are very safety focused.

Our members are all sport target enthusiasts. They compete at the highest levels. Whether it is a youth, junior or masters athlete, they are all competing under competition rules which have strict safety requirements. I cannot speak for other shooters and how they conduct themselves, but, from our perspective, they are all sport target shooters. As the previous members of the panel discussed, you have to have locked boxes, you have to have ammo boxes and you have to have locked cases for your rifle.

We transport rifles every year to Europe. We deal with the airlines; we deal with European countries. For every competition that we enter, we have to get permission from the organising committee, whether it is in France, Italy, Germany or the Scandinavian countries. Our athletes typically spend, say, four or five months in Europe on the International Biathlon Union circuit and probably visit up to six or seven countries. They have to go through lots of hoops and hurdles to get their rifle out of Australia, onto an aeroplane, travel to Europe, go through four, five or six different borders within Europe and then return to Australia. As you can imagine, our culture is pretty strict.

MR WERNER-GIBBINGS: Just related to that, and the impact on juniors of class changes, how do athletes typically enter biathlon in Australia, and what is the age breakdown?

Mr Windsor: Put it this way: we have recently had a development camp in Jindabyne. We have a brand-new facility there. We have had 25 juniors, or children, brand-new kids, new to the sport, rock up to Jindabyne to attend a development camp. That gives you an idea of the popularity of the sport, at least at that grassroots level. Like every sport, we have a broad range of athletes, but they all start out as youths. They start at about 13 or 14 years old. It is not unusual to have 11 or 12-year-olds. Typically, we will start out people with laser rifles. There is a mechanism where there is no projectile coming out of the barrel. In order to compete, you need to use a .22 long rifle. That is for 14-year-olds, 15-year-olds and 16-year-olds.

In the youth categories overseas, we have under 18s and under 21s; then you have adults—senior class. For anybody who is competing in the junior cups, the Youth Junior World Championships, the Youth Winter Olympic Games, they are all under 21 and/or under 18, depending on the category within which they are competing.

MR RATTENBURY: Good afternoon. Thanks for joining us. You touched on this a little bit in response to Ms Barry's question, but I wanted to explore the situation across Australia, in the sense that the ACT is seeking to align itself with a national firearms agreement. Presumably, these laws are rolling out reasonably similarly across the jurisdictions. Your reaction suggests that I am perhaps not quite right there. I am interested in understanding where the ACT sits vis-a-vis other jurisdictions. Is anybody doing it well, in terms of enabling a sport like biathlon to meet the requirements of the law and to continue to operate?

Mr Windsor: With the way that the legislation in Victoria, New South Wales and ACT—that is our primary cohort of members—operated prior to Bondi, it was working well. It met the requirements of what you guys are chasing, which is community safety and making sure that the right people are licensed with the right firearm. It certainly met our requirements. It should be remembered that biathlon rifles are low powered, for want of a better word. They do not necessarily present a great danger to humans. Categorising them as an A-type rifle, which was the case in Victoria, ACT and New South Wales prior to Bondi, was perfectly adequate.

With the fact that there have been changes now, not every jurisdiction has the same category C requirements. ACT's category C licence is different to a New South Wales category C licence, which will then be different to a Victorian category C licence. Of course, you have the feds overlaying that with their import and export requirements. We have been working with the feds and they have been fantastic.

There are different rules for different jurisdictions, so not all category As, Bs and Cs are the same, based on jurisdiction, just because each piece of legislation is different. There is no one-size-fits-all across jurisdictions. For instance, in your case, in the case of category C, juniors just cannot have a category C licence, which is not necessarily the case in New South Wales or Victoria.

PROOF

MR RATTENBURY: Okay, so that is unique to the ACT. Thank you.

THE CHAIR: I have no more questions for you.

MR RATTENBURY: Your submission was very clear, but I wanted to clarify a couple of things, so thank you for that.

THE CHAIR: We will wrap it up there. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, the committee secretary will contact you about providing a response. Thank you very much for attending.

Mr Windsor: Thank you so much for your time; we really appreciate it.

THE CHAIR: The committee will now suspend the proceedings for a lunch break and reconvene at 1.45 pm.

Hearing suspended from 12.38 to 1.45 pm.

ADAMS, MR SEAN ALEXANDER

BLUNDELL, MR BRIAN, Treasurer, ACT Rural Landholders Association of Farmers

GRANT, MR GARRY, Rural Affairs Committee Member and Executive Councillor, NSW Farmers

WELCH, MS ELEN, Policy Director, NSW Farmers

THE CHAIR: We welcome witnesses from the Rural Landholders Association, NSW Farmers and Sean Adams. Do you have any comment to make on the capacity in which you appear?

Mr Adams: I am a sporting shooter and a professional shooter, with a registered business.

THE CHAIR: Please note that, as witnesses, you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you like to make an opening statement?

Mr Grant: Yes. Good afternoon; thank you for the invitation to appear before this committee to provide evidence to this inquiry, alongside the ACT Rural Landholders Association. I am here today representing the NSW Farmers Association, the state farming organisation that represents farmers across New South Wales and the ACT. NSW Farmers advocates for agricultural communities and rural industries employing over 75,000 people in New South Wales and ACT and contributing more than \$24 billion to the economy.

I am a primary producer based near Braidwood, where we run sheep and cattle, along with a beef cattle enterprise on another property in the Bega Valley. I am a member of the NSW Farmers Executive Council. Additionally, I chair the NSW Farmers Southern Tablelands branch, which has responsibility for members based in the ACT and those whose farm businesses operate in the border region.

I am joined today online by NSW Farmers Policy Director Elen Welch, the staff lead on policy on firearms within the association.

NSW Farmers acknowledges the decisions agreed by national cabinet to strengthen gun laws across the country following the devastation and atrocity that occurred in Bondi in December. Farmers recognise that the ACT government is seeking to increase the visibility of firearm ownership across the territory and the laws that underpin this.

The recent commitment made by the ACT government to enhance the ACT Firearms Registry is a positive step, to transition from a paper-based system to a digital platform, to upgrade the registry system, improve data and enhance user experience. Realising the benefits of a national registry continues to be limited by different state and territory-based data capacity.

With respect to the proposed changes that are currently before the ACT Legislative Assembly, it is positive to see consultation on the bills prior to the Assembly's decision, which has not taken place in all jurisdictions. NSW Farmers continues to advocate that

any changes to firearms laws should not be rushed, be informed by meaningful consultation and evidence to ensure that the policy is feasible, does not have unintended consequences for primary producers and food and fibre production, and can achieve the desired outcomes for community safety.

Firearms are a critical tool of trade for farming, and it needs continued access to the right tools that are practical and effective to ensure that any unintended consequences do not extend to farm safety and risk management. Farm operations range significantly in use of firearms, including size, commodities, operating environment and pest pressures, all of which impact on what types and set-up farmers will have in their firearms toolkit.

NSW Farmers currently have considerable concerns regarding some—not all—of the proposed changes in the Firearms (Public Safety) Amendment Bill 2026. In particular, our concerns relate to the proposed caps and re-categorisation of certain firearm types. Additionally, it is of significant concern to NSW Farmers that the national buyback design may not be fit for purpose and will unfairly penalise farmers required to surrender firearms to meet new requirements. We strongly recommend that the ACT government ensure that firearm owners are able to access fair compensation based on market rates prior to December 2025 to ensure that this measure does not cause financial hardship for impacted farm businesses.

One of the consequences following moves by governments to strengthen these laws has been the unintended consequences for legitimate agriculture use. We caution that any changes to firearms laws in the ACT and regulations should not adversely impact access to essential tools on which farmers depend to do their jobs, underpinning biosecurity, pest and environmental management, and livestock management. This extends to other licence holders involved in agriculture that support essential pest management and biosecurity activities—for example, those involved in agricultural supply chains, vertebrate pest management controls, and recreational hunters relied on by farm businesses.

We appreciate the opportunity to be here, and we look forward to the committee's questions.

THE CHAIR: Thank you very much for that opening statement. I will go straight to questions. I was really interested in your submission. In your submission you talked about the sharing of firearms between farmers. How does it work realistically, and what would the caps mean for that sharing arrangement?

Mr Blundell: Thank you for the question. At a practical level, in the ACT, on rural leases, we tend to be smaller-type farmers. We may have employees. We may have trusted recreational shooters that come in and help us with pest management and managing invasive species. You often find that it might be the farmer who owns the firearm. Their employees may use that firearm in pest management and animal welfare. Essentially, the farmer is lending the farm's firearm to the employee so that they can carry out the work that they need to do.

It might also be a situation—and I think this will become a larger issue if the caps are introduced—where you may have a trusted recreational hunter who has certain firearms

that they may use for the control of rabbits, foxes or pigs. There might be a sambar deer problem, which is an increasing problem around the ACT, and they will require a bigger firearm to manage that successfully. The farmer may have that .30-calibre firearm that is required, but the trusted recreational hunter may be up to their cap. In the future, you may see the farmer lending out their firearms to those trusted recreational hunters so that they can carry out that pest management exercise.

They are examples of where the sharing of firearms happens now, and I think it will happen more if the firearms caps are introduced.

THE CHAIR: Is the concern then that if there is a five or 10 cap limit on firearms that you can hold at one time, that sharing would not be able to occur? Is that the concern?

Mr Blundell: The concern is that it will occur more often. The concern also is that there appears to be a difference between the way New South Wales and ACT are going. For example, if I have an ACT firearm, my understanding of the way it is working is that a common firearm that is used for control of pigs is what they call a Taipan pump-action centrefire, which, from my understanding, will still be available for use in the ACT, but it will not be available for use in New South Wales.

It becomes very complicated. Can I lend that to my employee, who might happen to live over the border in New South Wales? I am not an expert on this, but my understanding is that that will be a very complicated arrangement between the ACT and New South Wales. If I tried to lend my employee that type of firearm and they took that firearm across the border they would then be in trouble, or I would be in trouble; I do not know.

THE CHAIR: Essentially, the concern is about having consistency across jurisdictions?

Mr Blundell: Most definitely.

THE CHAIR: And that sharing would occur more, because we have essentially created a problem with the caps?

Mr Blundell: That is right, yes. It is about the size of the firearm that you need to manage the range of invasive species that we have now—rabbits, foxes, pigs and deer. Best practice is to use a range of different size firearms to manage that. Also, now we do a lot more thermal shooting, with the increasing technology. That is done at night. Thermal shooting requires a particular scope, a particular optic that is used at night, as opposed to a glass optic, which is used during the day. You may have exactly the same type of firearm, but you need one set-up for day and one set-up for night. It is essentially two firearms for the same purpose. Again, if you need two for that, with various calibres to manage various animals, it does not take long to exceed that cap.

THE CHAIR: That is really useful. I have a question for you, Sean. You talked about suggested amendments to section 52A, and that is around the criteria-based approval mechanism. Can you expand on that?

Mr Adams: Could you repeat the question?

THE CHAIR: In your submission, you talked about section 52A, and that is the criteria-based approval mechanism. What would that look like in practice, as your solution? I think that was one of the solutions that you offered in your submission.

Mr Adams: A lot of those mechanisms are already in place, as has been discussed in some of the previous sessions. With every acquisition of a firearm, we have to be able to justify the needs reason for that firearm. Even with obtaining multiple firearms of the same calibre, they can quite often serve different purposes. It is a difficult thing. There can be a lot more stringent checks done and a lot more information provided to the registry about the need for that particular rifle or the acquisition of that particular firearm, whatever it might be.

MR RATTENBURY: Your central point is that there should be consideration on a case-by-case basis, not a simple number. Is that—

Mr Adams: My belief around the whole thing is not necessarily that the caps should be in place at all. Personally, I do not believe that putting caps or reclassifications on firearms will achieve the objective of improving public safety. It has already been seen in New South Wales, and it has been seen in the ACT as well, that since all these events have happened, the ACT registry has processed, I believe, over 1,000 new licence applications since this event began. That is more than they would typically do in a one-year process.

My belief is that putting the caps on will not reduce the number of firearms that are in the ACT in order to improve public safety, which is the perception of what this bill is meant to do. It will result in those same number of firearms then being spread over a larger number of households. A flow-on effect will be a larger number of firearms licence holders that have to be regulated by the registry.

MR RATTENBURY: You have talked about more than 1,000 new applications for licences. I can ask the government later, but it sounds like you know a bit about it.

Mr Adams: I have nothing official, but I have had discussions when I have been in the registry. As has previously been discussed, we are in a unique circumstance in the ACT, in that we have a registry that we can physically walk into and talk to someone. We are the only state where you have to appear in person for that process. The registry get to know the individuals. They can assess in person the suitability of that person, and the need for what they are asking for. The information that I have received is not in an official capacity. It is in discussions with the registry, but I am sure that information would be available from them in some form.

MR RATTENBURY: Yes, we can ask them a bit later. Do you have any sense of the nature of those applications? Are the existing people getting more, or is it new people?

Mr Adams: My understanding, from information I have from them, and from other firearms licence holders that I have talked with, is that there is a large number of people encouraging friends and family members to go and get their licence, and those firearms would just end up being transferred.

One of the issues around it is that, if there really is a concern about the theft of the firearm, I would be more concerned about the way that this is heading, in this circumstance. With those of us that are perceived to have a high number of firearms, we have not just walked into the shop, filled a shopping trolley and walked out. They have been accumulated over a long period of time. Over that period of time, as that number increases, our level of security increases. We get bigger, beefier safes. Some people get back-to-base alarms. They will get security cameras, and that sort of thing.

The issue I see with all of those new licence applications is that, while they might be meeting the requirements of the legislation for storage, they will be at that minimum, base level, and possibly they will be acquiring more firearms in a shorter space of time than what has happened historically until now. The problem then is that if a house gets broken into—and the person may not necessarily have been targeting firearms; they might have just broken into the house—there is a higher percentage chance that that house will contain firearms. They will see a safe and make whatever attempts they can to get into it.

I strongly believe that the caps and the reclassifications will not actually do anything to improve public safety as is intended. I believe that firming up and increasing the requirements around storage and security for the individuals, for what they currently have, would be a more appropriate step.

THE CHAIR: What is your concern around the storage requirements that the bill is proposing?

Mr Adams: The vast majority of people find it very difficult to interpret legislation. It is not the easiest thing to navigate. When it comes to reading the legislation and finding out what the minimum requirements are under the regulations—the type of safe that must be there for the type of firearms that you have, the number of firearms that you have, how that safe is to be fixed and mounted—there can be a little bit of confusion around that. The registry is very good at giving out information to people about what is required there.

One of the issues is the strain on the registry, as it is at the moment. The number of compliance checks that are done on an annual basis is probably less than desirable. Because I live rurally and I have what is perceived to be a high number of firearms, I am probably considered to be in more of a high-risk category for being targeted for theft or unauthorised access, so I have had compliance checks done a couple of times.

Those officers come directly to my house. They check the safes, they measure the thickness of the safes, the types, how they are bolted in, and make sure that they cannot see any way that that safe could be easily tampered with, altered, cut open or have someone gain unauthorised access. Those compliance checks are very crucial. But if you suddenly increase the number of licence holders that are out there, even though they might be following the legislation to the letter, there are probably a lot of variables that are not covered by the legislation and that could be covered by having an officer walk into their house and say, “You should do this differently,” or “This should be mounted in this way, not this way.”

THE CHAIR: The more firearm licences you have, the more compliance checks you

have to do, the higher the risk that—

Mr Adams: There is. More focus could be put on the actual licensing process itself, for new licence holders. With departments already being constrained by the current climate, and while they might be carrying out all the checks that they can do and are required to do, there is a larger number of people that they do not necessarily get to know well, or face to face. There is possibly the potential for less desirable people to obtain a firearms licence and slip through the cracks.

MR WERNER-GIBBINGS: I have a question for NSW Farmers. From the submission, and from what I can gather, it is not that the organisation opposes reform outright, but you do raise concerns about how the reforms will apply to, affect and impact primary producers. Are you able to talk us through where you think the reforms, or certain proposals or elements of the reform proposals, are well targeted and will be effective or useful? Where are the real risks regarding capturing low-risk farming activities?

Mr Blundell: Maybe we could start with the risks. The ACT, of course, is surrounded by New South Wales. There are many farmers in the border regions who have properties in both ACT and New South Wales. Some of the real risks are around those inconsistencies between New South Wales and ACT, in trying to understand what the laws are, because they are very technical. They are potentially complex. When you are trying to understand it for two jurisdictions that are slightly different, we feel that you run the risk of becoming noncompliant, when you do not have that understanding that you need.

You have this situation where you are driving around your paddock doing pest management and crossing over the border many times. There are some practical implementation issues around how that works. Farmers, like most firearm owners, want to do the right thing, and certainly want to abide by the law. But there is that difficulty with those cross-border type issues and running afoul of that unwittingly. That is potentially one of the big risks that we see.

Ms Welch: I can add to what Brian has just spoken to. With the first bill, the two things that we are not particularly concerned about are the prohibiting of belt-fed firearms and the offence around 3D printing. We do have concerns with arbitrary caps for farmers. We recognise that the proposal has a cap of 10 for primary producers and five for other licence holders.

NSW Farmers does not support caps for primary producers in either a New South Wales or an ACT context. The reason is that there are a whole range of use cases that individual businesses will have for those, depending on the pest pressures that they are facing, which species, what size of animals, and what animals they have in their enterprise that they need to manage in adverse situations. You may have day and night set-ups, as was elaborated on earlier by ACT landholders. You might need to have the same firearm over two different set-ups.

A cap potentially means that farmers will not be able to access the tools that they use on a very regular basis in their business-as-usual operations. There needs to be a pathway which allows for producers who have a genuine, legitimate case to access

additional firearms if they do need them.

I want to provide one other example which touched on the chair's earlier question around the borrowing scenarios. Firearms, in terms of the data that we have been given as an organisation, are decent investments for farm businesses. It could be \$2,000; it could be \$10,000 when you add on accessories that optimise how you use that efficiently. That means that a business might invest in that. It might be used by the owner; there might be others that are licensed to use it in the business, but they do not own the firearm, because it is a significant cost for an employee to have for their job.

They are the sorts of things where we might see impacts if farmers have to surrender them to meet the new requirements placed in the cap, which has an unclear evidence base. I will leave it there.

Mr Blundell: In terms of the strengths, public safety is a big thing. We are very much in favour of that, as well as landholder safety. We do not want people wandering onto our properties with firearms, and shooting. Having the genuine reasons, having all those requirements, we think is a good thing. With having a genuine reason for being able to own and use a firearm, we are certainly very supportive of that. We do not want to see hordes of people with firearms wandering around the community, wandering onto our properties, and shooting. That is not where we want to go at all.

Ms Welch: The commitment around the uplift in the registry database is a significant step forward and it is something that we, as an organisation, support. That will be a positive step forward to a national firearms registry.

MR RATTENBURY: I want to ask a couple of questions. In your submissions, you particularly raised some issues with the buyback model. You said that there has been a market distortion since December 2025. Can you talk the committee through what has happened?

Mr Grant: There is a potential one. Western Australia has already had a buyback.

MR RATTENBURY: Yes.

Mr Grant: During that time there were opportunities; people either surrendered a firearm or potentially sold it to the eastern states. Now, in New South Wales, since December, that means the market value for those second-hand firearms has dropped, because people are looking at it and saying, "There's a surplus of firearms on the market since that December decision." That is what we are saying: the market value—

MR RATTENBURY: Has dropped because of potential oversupply.

Mr Grant: has dropped and has been distorted in that respect. That is a theoretical one at the moment. When it comes to compensation, we are saying that the compensation should be based on the value of that firearm pre December 2025.

MR RATTENBURY: I understand your point. Is there actual change in value or is it the sense that it may happen?

Mr Grant: I am not a firearms dealer. The other thing, of course, is that, even in New South Wales, the same sort of thing has happened with the increase in applications for new firearms licence holders. All of that is slowing down the whole system—even transfers. A lot of sales are not going through. There was an initial freeze on a permit to acquire in New South Wales, while they sorted out who could acquire another firearm without potentially breaching their cap.

There have been a number of things already which have slowed down, if you like, the business of transferring firearms in New South Wales. There is already a lot of administrative delay in the system there. This was long before we even got to talk about a buyback. There is uncertainty, even about what firearms will be re-categorised; that is still not entirely clear. The legislation says one thing, but what does that mean when it comes to the regulations? In New South Wales, we are probably not going to see the regulations until later this year—probably in September, at the earliest, it would seem. There is a lot of uncertainty between now and then.

MR RATTENBURY: You have led me neatly to my next question. I think your submission touched on concerns about registry capacity, in light of all these changes and the extra workload. I cannot remember whose submission it was. I have read all of them. Essentially, the point you are making is that government will need to consider boosting resources to the registry because there is a whole lot more stuff—a whole lot more processes and things to work through.

Mr Grant: That is a very valid point.

MR RATTENBURY: I think you made it.

Mr Grant: I am not quite sure where the ACT is heading on this. In New South Wales, there was a commitment to increase resources to the Firearms Registry. That was announced. With all budgets, it takes time for that to flow through to people at desks who are reviewing applications and so on. You have a lag there.

What New South Wales did as well, unfortunately, is that they decided to reduce the renewal term from five years to two years, which means that those applications need to be reviewed far more quickly. You have a 250 per cent increase in the workload of the registry, just to deal with the current lot of licence holders, let alone the new ones that have applied. You are increasing the bureaucratic load here, which needs to be resourced. It will be substantial, I would suggest.

Mr Blundell: As Sean mentioned earlier, it is a bit unique in the ACT, in that you actually have to front up in person to the registry here. It is probably a very good control in itself. Arguably, the system we have now does work very well and does serve a good purpose. If there is going to be a shortening of the time in which you need to renew your licence, which increases the workload, maybe it will not be as effective. Maybe some of these changes are a little bit counterintuitive to the way the system works now, and arguably it works quite well.

THE CHAIR: I want to confirm something. Your issue with the licence renewal going from five years to two years is that it will increase the bureaucratic workload. Are there any other concerns that you hold regarding that?

Mr Grant: Part of the rationale for reducing it from five to two, presumably, was to pick up licence holders whose—

THE CHAIR: Are inactive?

Mr Grant: activities might be a little bit suspect. I would suggest that a better way to go, rather than having everyone's licence renewed every two years, is to do it pretty much along the same lines as how domestic violence is treated. If someone is caught up in domestic violence, there is a very quick response. I would suggest that the response from the police to that licence holder, if they are involved in any other criminal activity, should be very swift. We should not be waiting a year or more until their licence renewal comes up. I think that would be a better use of resources.

MR RATTENBURY: Can I come back to the buyback question? The submissions talk about needing to not just buy back the firearms but also the accessories that go with them. You talk particularly about night-time scopes, thermal scopes and the like. Are you able to give the committee a sense of the value of those relative to the firearm?

Mr Grant: The new thermal scopes and the like probably will be more than the value of the—

Mr Adams: I have multiple thermal optics. My cheapest one is \$6½ thousand.

MR RATTENBURY: It is obviously no good to you if you have given the gun back.

Mr Adams: I have nothing to put it on, so it serves no purpose.

MR RATTENBURY: Your point is that buybacks should be for the package, not just for the firearm.

Mr Adams: It is the optics. If there are any other accessories that have been bought, like bipods, tripods or ammunition for that rifle, and if you no longer have the rifle and you have nothing to put it on, it is an investment that you have made that has gone. For farmers, professional shooters or anyone who is doing shooting and has invested that money over a long period of time for either their sport, what they love, or necessity for work, necessity for managing a rural landholding, that investment is then lost.

Mr Blundell: There is also the ammunition. If you do have to hand back your firearm and you no longer have a need for that ammunition, what are you going to do with it? We think that the ammunition should be part of the buyback as well, to take that out of the community; otherwise you will potentially have ammunition sitting around that you do not need.

Mr Adams: If you no longer have the firearm, if you do not have another firearm with that calibre on your licence—

Mr Blundell: That is right.

Mr Adams: you are no longer allowed to have that ammunition in your possession.

MR RATTENBURY: You are committing an offence.

Mr Adams: As soon as that firearm of that calibre is removed from your licence, if you do not have another firearm of that calibre on your licence and you are in possession of that ammunition, it is a firearms offence.

MR RATTENBURY: You have to dispose of it somehow.

Mr Adams: Yes. Ammunition these days is not cheap. For most .308 calibre rounds used for larger game at longer distance, like deer, you can be looking at anywhere from \$2.50 to \$5.80 per round.

MR RATTENBURY: You do not want to miss.

Mr Adams: With ammunition prices, particularly since COVID and the delay in production, the prices have soared and they have not come back down. While someone may not have a huge amount of ammunition stored for that rifle and for use, it is a significant investment.

MR RATTENBURY: Thanks. That is helpful.

THE CHAIR: Assuming that the cap comes in and you have no exemption to hold as many firearms as you currently hold, what do you estimate the buyback would be? What would it cost the government to get those firearms from you?

Mr Adams: If it was just the firearms themselves, without any of the optics or the accessories and everything else, for the stuff to get me down below the caps, I would be looking at probably around \$20,000 to \$25,000.

THE CHAIR: What about if you add the ammunition and the scopes?

Mr Adams: If you wanted to include the scopes, the ammunition and everything else, you could probably add another \$75,000 to that.

Ms Welch: From the NSW Farmers perspective, this is the financial penalty piece that we are concerned about. Obviously, farm businesses and pest control businesses have made business decisions about investment in tools. That might have a 10-year horizon, so if they purchased it in the last five to eight years, there is a significant cost that they have planned to expend over a longer period of time, and they might not be able to completely afford it.

MR RATTENBURY: I want to touch on this cross-border issue. How will it impact particularly ACT rural landholders? Is there a lot of movement across the border, or are people reasonably self-contained in the ACT?

Mr Blundell: Certainly, in my own case, I am right on the border. I have one house on the ACT side and one house on the New South Wales side. There are no physical barriers. I might live here, my employee might live here, and a family member might live there. For me, it is a real issue. If the caps are different in both states, the person

who lives here might have a different cap to the person who lives there. We are the same operation, in effect.

There are plenty like me who live on the borders, but there are quite a few rural leaseholders in the ACT who live in the ACT and who might own property in the surrounding region—Yass or wherever. They are licensed in the ACT, but they then take their firearms into New South Wales to do pest management on their other block of land at Yass. Again, potentially, if you are entitled to own and use that firearm in the ACT, but you are not entitled in New South Wales, it creates difficulties in managing your other block of land in New South Wales.

MR RATTENBURY: From a professional shooter's point of view, I presume you operate in both jurisdictions?

Mr Adams: Yes. Our business operates all over ACT, the entirety of New South Wales and northern Victoria.

MR RATTENBURY: I cannot imagine there are many people who would operate just in the ACT as a professional—

Mr Adams: No. The ACT is very small and, being completely surrounded by New South Wales, the majority of people would inevitably cross the border. Even heading towards Batemans Bay, the way the border goes, with the highway there, you cross over the New South Wales-ACT border half-a-dozen times on the one highway. You need to be very aware of the legislation in every state when moving with firearms. Different states have different requirements for transport and storage, as well as the classification of firearms.

For example, I have a category C firearms licence in the ACT, which lines up with New South Wales legislation, which allows me to have self-loading rimfire rifles and self-loading shotguns. In Victoria, though, those firearms are classified as category D. Even though I own it and I am licensed for it in the ACT and can use it in New South Wales, if I cross over the border into Victoria with that, I am then no longer licensed for that category of firearm, and that is a firearms offence. Regardless of the fact that my ACT licence is current, that I own the firearm and it is registered, if I cross over the border to a state where it is in a different category, it is a firearms offence.

THE CHAIR: If you know about the requirements for each state, why not just get the licences that you need? What would be the limitation?

Mr Adams: Without being a Victorian resident, I cannot obtain the licence that they require to do it. There is a category D in the ACT, which does cover a different range of firearms, most or all of which are counted in category D in Victoria. But a category D firearms licence in the ACT is very different to what I own now. It is actually a separate licence, and it is for a shorter period. For me personally, for the contracts that I service all around those states, I have no need for that category of firearms licence. For me, there is no need for the extra expense and the headache regarding the amount of running around that you have to do to obtain those licences for the contracts that I would do in Victoria. We would have to find another way to service those.

PROOF

THE CHAIR: That is really useful; thank you. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, the committee secretary will contact you about providing a response. Thank you very much for attending.

BROWNE, MR ROLAND, Vice President, Gun Control Australia
DAVIES, MS SARAH AM, Chief Executive Officer, Alannah and Madeline Foundation
GRUNDY, DR ALICE, Research Manager, the Australia Institute
PREDAVEC, MS SKYE, Researcher, the Australia Institute

THE CHAIR: We now welcome representatives of the Australia Institute, Alannah and Madeline Foundation and Gun Control Australia. For the Hansard record, could you please state your name and the capacity in which you appear?

Ms Predavec: Skye Predavec, Researcher at the Australia Institute.

Dr Grundy: Alice Grundy, Research Manager at the Australia Institute.

Ms Davies: Sarah Davies, Chief Executive Officer at the Alannah and Madeline Foundation.

Mr Browne: I am Roland Browne. I am Vice-President of Gun Control Australia.

THE CHAIR: Thank you. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Does anyone have an opening statement?

Ms Predavec: Yes. Thank you for the opportunity to appear before this committee. Canberrans, like all Australians, expect that their governments will keep them safe from gun violence. Limiting the number of firearms that individuals can own and use, as well as re-categorising firearms and further restricting belt-fed and 3D-printed firearms—which are all currently in the Firearms (Public Safety) Amendment Bill—are all welcome measures to strengthen the ACT's gun control laws. It is a really good first step but there are more steps to take, and with them the Legislative Assembly has the opportunity to set a new Australian standard for firearms regulation by adopting the following measures.

Ensuring the ACT is fully compliant with the National Firearms Agreement, including by abolishing unlicensed firearm use and minors' firearm licences; making ACT data compatible with the national firearms register; and bringing the ACT's data transparency and consultation standards in line with New South Wales—which would mean Canberrans can better understand the number of guns in their community.

Australia Institute research shows an enormous gap between the number of people participating in sports shooting and hunting, and those that have that as the genuine reason on their licence.

In some cases, the weakness of evidence required for genuine reasons has had fatal consequences. Strengthening the evidence required would help reduce that gap. Because of the closeness of the two jurisdictions, it would also be sensible to match New South Wales for gun cap on the number of firearms per licence.

We are happy to elaborate on anything raised in our submission or statement in more detail. Thanks so much.

Ms Davies: Thank you, chair and committee members. We really appreciate the opportunity to be with you today, to appear on behalf of the Alannah and Madeline Foundation. We strongly support the Firearms (Public Safety) Amendment Bill 2026 and commend the ACT government for bringing forward reforms that are both necessary and grounded in evidence. We also strongly support the introduction of the Firearms (Firearm Prohibition Orders) Amendment Bill 2026.

As the last jurisdiction in Australia to implement a firearms prohibition order regime, the ACT has the opportunity to adopt a framework which reflects best practice, to learn the lessons from the other jurisdictions and strengthen community safety. The Alannah and Madeline Foundation is guided by the child rights framework, and we are committed to helping make sure that the safety and wellbeing of children and young people is central to all policy decisions.

We absolutely recognise and acknowledge that most firearm owners are completely responsible and act well within the law. However, effective regulation must also be designed to prevent harm before it occurs, and to ensure that firearm use is dependent upon public safety. So, regarding the Firearm (Prohibition Orders) Amendment Bill, prohibition orders have been proven in other jurisdictions to be a really critical preventative tool enabling authorities to restrict access to firearms for individuals who pose a risk to the community.

And whilst we support the bill, we do think there are opportunities to strengthen it further, in particular, aligning key elements with other jurisdictions, such as eligibility criteria, the duration of orders and police powers. This would improve consistency and clarity and effectiveness. We would also emphasise that in balancing human rights considerations, the right of the community, and particularly the rights of children, to be safe from firearm violence must remain paramount.

Turning to the Firearms (Public Safety) Amendment Bill, at its core this bill reflects the premise of the National Firearms Agreement that firearm ownership in Australia is a regulated privilege conditional upon public safety. The proposed measures, particularly limiting the number of firearms an individual can possess, are practical, proportionate, and long overdue. And the evidence is clear. As firearm numbers increase, so too does the risk of harm. Reducing the number of firearms in the community reduces opportunities for misuse, theft and diversion into the illicit market, and reduces the risk of impulsive acts violence and self-harm.

Importantly, these reforms do not prevent legitimate firearms use. What they do is prevent excessive accumulation and the creation of private stockpiles that serve no clear public purpose. The bill also responds to emerging risks. Re-categorising firearms to reflect the technological developments and criminalising the possession of digital blueprints for 3D-printed weapons ensures that the law keeps pace with the rapidly evolving threats.

So ultimately, this is about harm reduction. It is about applying the same public health logic that underpins effective policy areas and other policy demands like road safety, tobacco and alcohol. We urge the committee to support these reforms as measured and necessary steps to enhancing the safety for all of ACT's communities, but in particular,

children and young people. Thank you.

Mr Browne: My name is Roland Browne. I am from Gun Control Australia. I live in Hobart. I have been involved in gun control in this state, and then nationally, since 1987. Our group was formed after the Hoddle and Queen Street shootings in Melbourne in 1987. At that time, the shooters groups opposed the reforms that were put forward by the Cain government in the late 1980s. I also want you to note that we are one week short of the 30th anniversary of the massacre at Port Arthur, which occurred on 28 April 1996. That, of course, led to the National Firearms Agreement.

When those laws were put forward as part of a national agreement by the states and the commonwealth, the shooters groups around Australia opposed those new laws. And, of course, they have all made Australia a safer place. And we have seen, and I have seen, over 30 years, opposition continuously by the shooting groups—not universally, but generally—to safe and effective law reform. And it is somewhat unsurprising but disappointing to see that the Sporting Shooters' submission to this committee is saying, "No, we should not have these reforms. We should focus on the actions of criminals" which is a mantra probably that harks back to the 1970s and has been proven to be unsuccessful.

What has been shown continuously since the 1980s is that public safety is enhanced and advanced by the reduction in the number of guns in the community. Not a ban; a reduction in the number of guns and a reduction and limitation on the types of guns that can be available—in terms of banning, as we saw in 1996, semi-automatic rifles and shotguns, and, as we are seeing now, the potential ban on straight-pull rifles, for example.

We also want to see a tightening of storage requirements, again, that limits access to guns. As has been noted by Sarah Davies, these are public health measures. So, Gun Control Australia supports the bill that is before the parliament. We also endorse the comments that have been made, that have come before us, from the Australia Institute and the Alannah and Madeline Foundation. And I would like to say thank you for hearing from us today.

THE CHAIR: Thank you very much, Mr Roland. My question is to the Australia Institute. You mentioned that there are some shortcomings in the ACT legislation in relation to establishment of the firearms registry. Can you please expand on that?

Dr Grundy: The first thing that has been made clear by Australia Institute research is how record-keeping in the ACT is behind what we need in order to have a successful and effective national firearms register. When the Australia Institute was researching a report which we released at the start of 2025, we were not actually able to get a number from ACT police for how many licensed firearms there are in the territory. Since then, the Department of Home Affairs has been able to release a number, but in order to have accurate information for law enforcement, we need to have systems that can meet the requirements of the national firearms register.

This is something that the federal government has now promised will be operational by 2028 but, as Roland mentioned, the national firearms register was first discussed in 1996 in the wake of the Port Arthur massacre. It is 30 years this year, and we still do

not have it. So, of critical importance is making sure that the ACT is able to meet the requirements in order to provide data to a national firearms register to support law enforcement.

Some of the other things that we talked about in our letter accompanying our submission are, for example, unlicensed shooting—which means people being able to access a firearm without having a licence themselves. The other one is minors' access to licenses. It was part of the National Firearms Agreement not to issue licenses to minors but it continues to be the case, both in ACT and in other jurisdictions, that minors are able to access firearm licenses. In Victoria, for example, a young person cannot use a paintball gun, but they are able to get a licence to shoot a firearm. We think this is an example of inconsistencies in the laws and the ACT not being in line with the National Firearms Agreement.

MR RATTENBURY: Just on that, can I ask, from your point of view: what is the policy rationale for not allowing minors to have licences? This committee certainly received evidence about participation of juniors in sports like biathlon, sport shooting and the like. So, can you just elaborate—and perhaps others might, too—on your views on that policy rationale?

Dr Grundy: There are lots of things that we do not allow young people to do. We have limits on things like what age they can drive a car, what age they can drink alcohol, what age we expect something like military service from them. A firearm is a lethal weapon, and the idea that young people are given access to these lethal weapons is a question that I think needs to be resolved. It is something that the National Firearms Agreement considered sufficiently of concern that it was part of the 1996 National Firearms Agreement. But I will allow—

Mr Browne: Yes, can I say something there? The National Firearms Agreement makes clear that the minimum age for a gun licence was 18. Despite that, each jurisdiction introduced what was called a minor's permit. Originally, there was no minimum age in some states. So, in Western Australia, a five-year-old could go shooting. And our objection to it—that is Gun Control Australia—is that it promotes a gun culture because shooting has been a declining sport for a long period of time and the bigger companies that stand to make their profits out of the sales of guns and ammunition have focused on children, and pushing shooting as a family sport. So, we oppose it for cultural reasons. I also want to remind this committee that Australia has just banned access to social media for children under 16.

THE CHAIR: Thank you. I wanted to touch on something that you raised, Alannah and Madeline Foundation—Sarah—in your submission. In your submission you indicated that the cap does not prevent people from engaging in sporting activities or recreation or occupational farming, but what we have heard is that there are different licenses for different types of shooting activity. Given the number of submissions that emphasise the opposite of what you have suggested, can you elaborate more on why you think that the cap does not limit people's ability to engage in sporting shooting or farming?

Ms Davies: Certainly, chair. Thanks for the question. Look, we know that most people who have active firearms licenses have less than five firearms, as it is at the moment.

So, the change that a cap would bring in only would apply at the extremes anyway. So, in the ACT, only eight per cent of current licence holders have over five firearms. That is about 560 people.

In the draft bill and legislation, it is made quite clear that where there are individual circumstances—necessitous circumstances—that would require an exemption to the cap, all of those can be negotiated and discussed. So, it is not a set and forget. What the draft bill says is that where there are specific needs that require more firearms, there is a process to have that investigated and resolved. In fact, it goes into quite a lot of detail, both for primary producers and then also for sporting shooters. So, there is a process in the bill itself to allow for any of those exceptions. But, as I said, that cap, if it was implemented, would only impact 560 people in the ACT today—versus public safety.

THE CHAIR: Thank you. One more before I move on. There is the argument that the re-categorisation of firearms would lead to more people getting more firearm licences. I think there was evidence in this committee that that is already occurring in the ACT and in New South Wales as well. I just wanted to get your views on that. So, if this is a consequence of that arbitrary cap—from what the evidence suggests—how do you balance that, then, against fewer firearms in circulation?

Ms Davies: That is a really good question because none of this is straightforward and easy. If it was, we would not still be discussing this 30 years after the Port Arthur tragedy. But I think the really important issue to remember is, in the 30 years since the National Firearms Agreement, the technology around firearms design, manufacture, and production has significantly eclipsed the classification categories that we introduced almost 30 years ago. And what we need to understand is that the weapons that were used in the Bondi tragedy were high-powered, lethal and completely legal.

So, the reclassification—we believe this needs to be a constant watch. It is not something that we come back to every time there is a dreadful tragedy. It needs to be something that the classifications stay on top of the technological design and manufacture of firearms—exactly the same as 3D printing. Five or 10 years ago we were not talking about privately made weapons or 3D printing because we did not have them in circulation. Now we do.

So, we must keep the classification current according to the technology and capacity of the individual weapons. If that means that in some circumstances—primary producers in particular need to have more guns—at least then it is regulated and managed through appropriate licensing, an appropriate fit-and-proper-person test and an appropriate test of the need for the firearm. And it is done with knowledge—discrete, specific knowledge—about who has what, for what reason. Whereas, at the moment, if we do not do that, then, as I say, those Bondi weapons were completely legal.

THE CHAIR: Thank you. Mr Werner-Gibbings.

MR WERNER-GIBBINGS: I have many questions for everyone, but probably most of them will have to go on notice. For Australia Institute: in the submission, and generally, the work places a strong emphasis on public opinion research. As a committee with this inquiry, we have received many submissions from groups and individuals affected by the reforms rather than from elements of the general public,

perhaps. Do you have polling or insights on these reforms or similar ones from other jurisdictions? And if so, can you explain what the polling tells us about community attitudes to firearms reforms, particularly, ideally, in jurisdictions like the ACT?

Ms Predavec: Yes. So, when we did a report on gun control in January of 2025, we did do opinion polling. We can get the exact numbers to you on notice. From memory, it was around 80 per cent to 90 per cent of people supported generally strengthening gun control in Australia and supported specifically putting in place what we polled on at the time which was a 10-gun cap in terms of individual ownership—like WA had at that point. And I know that more recent polling than then has shown something pretty similar. But generally, around 90 per cent or overwhelming majorities of people support increased gun control in Australia.

MR WERNER-GIBBINGS: Your submission supports limiting the number of firearms an individual can own, and recommends capping the number of firearms per licence at four, in line with New South Wales legislation. How do you respond—and you touched on it previously—about the numeric limits, which have been described as arbitrary, versus rigorous assessment processes and the better options? Are they all joined up, like you cannot have one without the other, or should one be prioritised? What is the best approach with caps and more rigorous assessment?

Dr Grundy: Well, something I can tell you from having done a reasonable amount of media, following on from our reports, is that people are shocked to find out there are not caps on the number of firearms an individual can own. One thing that comes up repeatedly is that there is an individual in metropolitan Sydney—it could be Cremorne, could be Mosman; it is postcode-level data so we do not know exactly where they live—but there is one individual who has over 370 licensed firearms.

That just does not meet community expectations. The response from the general public on the whole has been surprise. There has been a sense that, to a large extent, the job was done after Port Arthur; that Australia had some of the strictest firearm laws in the world and therefore we did not have to worry about it anymore. But when people find out what the situation actually is, there is significant concern in the community.

THE CHAIR: The evidence in this committee is—aside from Bondi, which is a recent incident—that firearm licences have gone up but, correspondingly, firearm violence has been trending down. How do we marry both, then, if we are saying there are this number of guns in the community, and people have a perception that firearms are, like you said, a lethal weapon? How do you marry that data, if the regulations that we currently have are not robust enough?

Ms Davies: I can provide a comment on that. What we have seen since the Port Arthur tragedy is actually a reduction in the number of people who own firearms, but we have an increase in the number of firearms that they own. So, I think what we have seen is this great success of much tighter regulation, licensing requirements, fit-and-proper-purpose test, really understanding why people use firearms, and having an appropriate regime that then manages that. I think the big success has been a smaller number of people having firearms, and having them for particular purposes that are then well managed and well regulated.

What we have not had is an update of some of those processes, the classification and all that sort of stuff, in the last few years that we kind of just need to catch up with. So, this is where it does get complicated.

We also know that accumulation of firearms with an individual actually increases the risk and the probability and consequences of theft. The Australian Institute of Criminology study, for example, over 10 years from 2008 to 2018, showed that firearm theft over that period had increased by 15 per cent. But the number of firearms that had been stolen increased by 35 per cent, which is evidence of the risk of that accumulation. We also know that theft is the primary mechanism through which legal weapons get into the illicit market.

I think, to one of the questions before, that was some of the data and evidence—in my understanding—that the WA government looked at when they were introducing or reducing the caps. I think they found that in 2024 something like 58 per cent of all firearms thefts in WA involved multiple firearms being taken. And of that, 12 per cent were six or more guns. So, you are right, none of these things can be looked at in isolation. They all are in relation to each other. But we do desperately need an overhaul and an update overall of the National Firearms Agreement as per the national cabinet agreement in January this year.

MR RATTENBURY: Thank you. I wanted to follow up on issues of firearm theft. Ms Davies, you mention it in your submission and actually speak to TAI research, but whoever wants to answer: Do you have specific data on theft numbers for the ACT at all? I know you have had trouble getting data from the ACT, but do you have any analysis for that?

Ms Predavec: Since 2004, at least 302 guns have been stolen in the ACT. There is some uncertainty about that. I think, as you mentioned, when we tried to get this data we were told that we would only be able to get it through a freedom of information request and that this data will be extremely hard to extract and may not be possible—which I think speaks to the fact that we have not, in the ACT, had a really good eye and a really good track of how much firearm theft is a problem and what that looks like, because of quite an outdated paper-based registry. And, you know, that 302 number is in the context of over 44,000 guns stolen Australia-wide in the last two decades, which is about one every four hours.

MR RATTENBURY: Thank you. Similarly, it is always as an uncomfortable topic but I want to explore your knowledge of gun deaths in Australia, and particularly any analysis you have. Again, I know, Ms Davies, in your submission, you talk about US issues around use of firearms and suicide and the like. Do any of you have a breakdown of both—particularly at the ACT level—the use of firearms in family and domestic violence, and suicides?

Dr Grundy: That is not something our research has focused on.

Ms Davies: I do not have any ACT-specific data; I struggled to get it. But we do know nationally that about 85 per cent of all firearms deaths are self-harm. This is absolutely a public health issue, up with a number of other issues. We also know that, of that, young men are disproportionately represented in that figure.

MR RATTENBURY: And do you know, at the next level of research, are those individuals licensed or are they using somebody else's firearm?

Ms Davies: I do not know, but I can try and find out and come back to you.

MR RATTENBURY: If it is available. I just do not know if that data exists.

Dr Grundy: One thing that our research has shown is that there is a lot of information that we do not have. Sarah mentioned the ACIC data. You know, in some instances we are looking nearly a decade ago because the various government bodies and institutions have not been keeping track of this information. And in fact, the Australia Institute was the only place that could provide a number for the total number of firearms that that were licensed in Australia when Bondi happened. It was only after that that Home Affairs released their number. There is a lot more work that needs to be done here.

MR RATTENBURY: And that is because you had just done your report in September last year or something, as it happens?

Dr Grundy: Yes, we released one in January 2025.

THE CHAIR: I just have one question, if that is all right. Sarah, you focused a lot on theft and the possibility that stockpiling leads to theft, and leads to more illegal guns in the market. I want to ask whether the legislation, then, has missed the opportunity to address, say, storage issues, better controls around how you carry your firearms? Do you think that should have been the focus of the legislation?

Ms Davies: I will tell you what we think, and then I know Roland has got a lot of expertise in this area. Look, being honest, if we could do this, we would actually look to see whether, particularly in metro areas, we could no longer have home storage of firearms but that they would be stored in gun clubs and more secure locations that are properly equipped to do that. I do think that is another opportunity.

It is a bit like what you were saying before though, chair; there is so much, actually, that we should be doing. It is kind of: where do you start and what are the most critical areas to start with? But absolutely, I think that we believe that particularly metro storage of multiple weapons in homes is not an appropriate safeguard anymore and that, minimally, all storage needs to have some form of electronic tagging. But I will hand to Roland. He has got much more depth and breadth of experience on this.

Mr Browne: Thanks, Sarah. I would like to pick up on a couple of the issues that have been discussed, going back a couple of questions. I think it was Alice that talked of somebody in Cremorne in Sydney with, in the order of, a few hundred guns. There are a few licence holders in New South Wales and certainly one in Tasmania with that order of magnitude of guns. But importantly, they are neither a dealer or a collector, and that stands them apart and makes us ask, "What in the world are they doing with that number of guns?" But we do not have an answer to that question.

I would also like to point out that in my own experience, collectors have been very good in the storage and care of their firearms, perhaps for obvious reasons. I would expect

that most gun collectors have really good security and they have alarm systems.

In terms of the theft of guns, the Australian Institute of Criminology ran a very important program called Firearm Theft in Australia over, I think, about 12 years. Unfortunately, in about 2018 the funding was cut, but right at the end, in the very last report they noted the large number of guns being stolen in Australia but also noted that their information showed that the majority of stolen guns were stored in accordance with the regulations in place at the time.

At about that time in Tasmania, we had very serious problems with the theft of guns—with some instances of people just going into houses with a trolley, levering the gun safe off the wall and taking the gun safe out with, for example, 14 guns. Tasmania improved its gun storage regulations in 2018 and really brought in best-practice regulations that required anybody with 10 guns or more to have an electronic alarm or video system installed.

We would actually like to see that for all guns stored, wherever they are stored, potentially to thwart self-harm but also to prevent theft.

I would like to just come back in to say that this is where caps on the number of guns that can be stored anywhere are really important. And I want to reiterate the point that Sarah has made, that it is the stolen guns that are feeding the black market—or the grey market, however you want to describe it—in Australia. Every illegal gun starts its life off as somebody's legally held gun, and most of them are being stolen from homes. So, the imposition of caps on the number of firearms that anybody is going to have or can have will limit the number of guns that can be stolen in Australia, and that is a good thing. And, can I add, it is a good thing for the gun owners too. Even though they are opposing these caps, it is actually a good thing for them too.

THE CHAIR: On that issue of stolen guns versus imported illegal firearms, do you have any data on how they compare?

Mr Browne: I do not have the data at my fingertips at the moment, but what I can tell you is that about 12 years ago the shooting lobby came out very strongly and said the gun theft problem in Australia was because there were large numbers of guns being illegally imported into Australia. That, of course, called in the federal government's response and the federal government were emphatic that there is no broad scale or even generalised problem with illegal imports of guns. There was no evidence to support that assertion. But we certainly do have a lot of evidence of the theft of guns from homes and farms around Australia.

THE CHAIR: Thank you. And do you have any evidence or any data you can draw me to around that illegal obtaining of firearms by importation, as against stealing the firearms from legal owners? Is there any information that you could draw me to on how that compares, as well?

Mr Browne: Not at the moment. I will take it on notice and see if I can locate that information. I would like to add that the claims of illegal imports of firearms into Australia have dropped off significantly and probably disappeared.

MR WERNER-GIBBINGS: A question for Alannah and Madeline Foundation about the FPO scheme; so just a little bit of a change from the last few minutes. You have noted that the ACT is the last jurisdiction to implement an FPO scheme and you have cited the effectiveness of similar schemes elsewhere. Are there any elements of those schemes that you would like to raise with the committee that might be relevant to our considerations?

Ms Davies: Thank you. Yes. I thought maybe the committee might be interested in a couple of pieces of evidence of how they have worked in other jurisdictions. As we said, the ACT is the last one to pick this up as a process. In Victoria—earlier this year actually, so quite recently—Victoria Police seized eight firearms through an FPO that led to multiple charges during FPO kind of police checks. And since 2018, Victoria Police reckon that they have seized literally hundreds of weapons, laid thousands of charges, and actually disrupted and prevented gang violence and firearm violence as a result of the FPOs.

And similarly, their use and—as we have seen a lot in the news recently around organised crime networks and youth gangs—the effectiveness of FPOs to target known gang members, to weaken criminal networks, as sort-of focused deterrence programs. So, there is a lot of lived experience across other states and jurisdictions of the effectiveness of FPOs. So we were really delighted to see the ACT government embracing that.

I also think that you have an opportunity, being late to that, to actually learn from perhaps some of the mistakes or missteps that other states and territories have taken with them because there are—

MR WERNER-GIBBINGS: If you could expand on mistakes or missteps?

Ms Davies: There are concerns, particularly around a perhaps disproportionate impact on particular demographics—perhaps the overrepresentation of FPOs against young people, against Indigenous First Nations young people. So, you know, critics of them argue about, perhaps, police overreach sometimes. I mean, it is not a golden solution, if you like. There are concerns about perhaps over-policing and fairness.

But there is a lot of evidence around removing firearms from known high-risk individuals, from disrupting organised crime and gang activity, and enhancing protective policing and early intervention.

I am not saying there is not a shadow side to it. That needs to be carefully managed. But there is evidence that they really help with that disruption and prevention.

MR WERNER-GIBBINGS: Mr Browne, do you have anything on the FPOs or an angle from Gun Control Australia?

Mr Browne: Yes, I do and thank you very much for the question. On its own, an FPO does not achieve much, and I say it for this reason: if there are large numbers of guns on the black market, being stolen, if there is an inadequate registration system, then prohibiting an individual from having access to a gun is not going to work if that individual can just go and steal guns easily or go and purchase one on the black market.

Firearm control is a matrix of regulation across licensing, registration, storage, bans on particular types of guns. So FPOs in that matrix can be very important. Sarah has drawn attention to how the actions of police to remove firearms from somebody yield very significant dividends, and in that way I think they are very successful, but they have to be part of that broader matrix of firm but fair regulation.

THE CHAIR: Just one follow-up question, Mr Browne, and apologies if I missed this in your response. There are concerns that the FPO is a way around warrants. I just wanted to get your views on whether you share those concerns as well.

Mr Browne: Sorry, can you explain the question? What do you mean “it is a way to get around warrants”?

THE CHAIR: A way to get around warrants where a police officer assumes that a person who is subject to an FPO is undertaking illegal activities including, you know, having firearms in their possession. And the concern was that an FPO would then give them the ability to go into a premises and search for other things that are not included in the FPO. So, they could search for drugs, they could search for any other thing because they are already in the premises.

Mr Browne: Well, I am a lawyer and I have my own experience as a lawyer of police being accountable in the courts for actions that they take. So, whether they start off with a warrant searching for a gun, whether they start off with a warrant to allow them to look for drugs, or stolen property, there is always a potential for anything like that to happen. But I think a starting point is that we—and, I suggest, the committee—trust the police in the exercise of that discretion. As I said, they are accountable in court if they misuse it.

THE CHAIR: Are there any provisions that we can put in place to avoid that misuse? Are there any suggestions you have in terms of how we can strengthen the FPO scheme, so we avoid that misuse of power—as a lawyer?

Mr Browne: That is not an easy question to answer but I will be happy to give some thought to it and come back to the committee.

THE CHAIR: Thank you. On behalf of the committee, I thank you for your attendance today. If you have taken any question on notice, the committee secretary will contact you about providing a response. Once again, thank you very much for your participation. It is really useful.

Short suspension

ANDERSON, MR IAIN, ACT Ombudsman

MATHEW, DR PENELOPE, President and Human Rights Commissioner, ACT Human Rights Commission

McCOSKER, MS JANE, Human Rights Legal Adviser, ACT Human Rights Commission

THE CHAIR: We welcome witnesses from the ACT Ombudsman and the ACT Human Rights Commission. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Does anyone have an opening statement they would like to make?

Dr Mathew: I might actually start with an opening statement. We did give you a reasonably lengthy submission. I have not timed my opening statement, but I hope it will be no longer than about five minutes.

Thank you for inviting the commission to present. Our evidence solely concerns the Firearms (Firearm Prohibition Orders) Amendment Bill. We have nothing to say on the public safety amendments. As we have submitted, we do not support the firearms prohibition orders bill in its current form. Our concerns relate not to banning certain people from acquiring firearms and related items but to the extraordinary search powers that flow from a prohibitions order—in particular the absence of the usual threshold for either a reasonable suspicion or a warrant.

Our recommendation is that searches pursuant to the FPO scheme be premised on a reasonable suspicion that the person subject to the order has breached it or else a warrant is issued. We make this recommendation because of the impact on a number of rights in the Human Rights Act, particularly the right to privacy, including privacy of the home, family or correspondence, in section 12 of the Human Rights Act. The explanatory statement argues that, while human rights are indeed engaged by the FPO scheme, it is a reasonable limitation on rights to dispense with the normal requirements of reasonable suspicion or a warrant. It is notable that, when Victoria introduced its equivalent powers, the government acknowledged that the extraordinary search powers were incompatible with the Victorian Charter of Human Rights and Responsibilities, particularly the right to privacy.

The commission is concerned that the normal proportionality test for valid limitation, set out in section 28 of the Human Rights Act, has not been met. The test lays out a number of factors, including that the limitation be or use the least restrictive means to affect the purpose of the legislation. The least restrictive means, we submit, is to have the usual and higher test of a reasonable suspicion that firearms have been acquired or exercised et cetera, rather than the test in the legislation, which is that the search is reasonably required to determine whether the FPO has been breached. There is an obvious danger in the latter test that there is effectively no basis for searches other than the fact that an FPO has already been issued.

That is why there has been such an effort in the bill—and we do appreciate that—to improve on other jurisdictions' legislation with respect to other safeguards, such as the fact that the FPOs are court ordered and that there is the availability of judicial review.

But it is questionable whether those safeguards will provide adequate protection. As noted by the European Court of Human Rights, cited in our submission and also noted in the explanatory statement, without the requirement “to show a reasonable suspicion, it is likely to be difficult if not impossible to prove that the power was improperly exercised”. That is a quote from Gillan and Quinton against the UK.

There are also other factors that raise concerns that the powers are not adequately circumscribed. They concern the geographical scope of the power, the lengths of the orders and the wide discretion afforded to police. When an order is issued, searches may occur anywhere in the ACT. The orders last for three years and may be constantly renewed. In addition, while police are required to take into account certain factors, that is not the same as acting on the basis of those factors and forming a reasonable suspicion. Taking something into account is a relatively low bar and it is possible to consider the factors but go ahead with the search anyway.

With respect to the argument in the explanatory statement that police, when acting under a territory law, are public authorities for the purposes of the Human Rights Act, we concur. This legislation might well prove to provide a satisfactory test case to hold police accountable. However, the fact of the matter is that the socialisation of the Human Rights Act with the police is limited. They have been specifically exempted from the Human Rights Council’s complaint mechanism, for example, on the basis that they are a federal entity.

Finally, we note—and I see that there was some discussion of this with your previous submitters—that in other jurisdictions, in particular New South Wales and Victoria, the impact and ineffectiveness of FPOs have been raised. In brief, minorities, such as members of the Aboriginal or Torres Strait Islander communities, have been disproportionately impacted; the success rate of searches is fairly low; and drugs, rather than firearms, are quite likely to be seized.

Thank you for that opportunity to kind of crystallise the key points that we are trying to make.

THE CHAIR: Thank you very much. Anyone else?

Mr Anderson: I do not have an opening statement.

THE CHAIR: Thank you. My question is for the Ombudsman. From my reading of your submission, it appears that reporting to the Ombudsman when an FPO has been issued is a futile exercise. Is that an accurate—

Mr Anderson: Yes, that is correct. What would make more sense would be reporting to me when the enforcement powers have been exercised as opposed to simply when an FPO has been issued. We actually do not oversight the issue of FPOs; we only oversight the enforcement. So it might be that requiring the Chief Police Officer to report to me when an FPO has been issued burdens him without actually serving any useful purpose.

MR RATTENBURY: I take your point there in that the court is supervising the issue of the FPO.

Mr Anderson: Yes.

MR RATTENBURY: I think the interesting question—and it goes to Dr Mathew’s comments—is that we are interested in whether the police essentially harass somebody by inspecting them every two days, and that is where the number of occasioning enforcement would be the sort of thing you would oversee.

Mr Anderson: Absolutely. That raises the questions of: are the powers being properly exercised; are the tests laid down in the draft legislation actually being met; and are police properly documenting the reasons they had for exercising the powers? So it is the enforcement that is the real issue in terms of the exercise of coercive powers—and search and seizure are significant powers. That is the part I think that should be overseen and should be reported on.

MR RATTENBURY: Do you know if the ombudsman plays that role in other jurisdictions?

Mr Anderson: My office, as the Commonwealth Ombudsman, has oversight of 24 or so law enforcement and integrity bodies, commonwealth, state and territory, under a wide range of regimes, such as telecommunications, interceptions, surveillance devices, control operations—all sorts of regimes for the exercise of often covert as well as coercive powers. So, yes, we are quite experienced in the oversight of those powers.

MR RATTENBURY: Thank you. That is helpful to know. My actual question was: where FPOs exist in other jurisdictions, do you know what the oversight mechanisms are in those places?

Mr Anderson: I believe it would be commensurate bodies, to be honest. It is either going to be the ombudsman in those jurisdictions or sometimes it is going to be a body, like a law enforcement conduct commission.

MR RATTENBURY: Have you seen any information from those agencies about enforcement issues in other jurisdictions? Dr Mathew, you or maybe your colleague may want to jump on this as well.

Mr Anderson: Not specifically with respect to FPOs. We do pay attention to how other oversight bodies examine the oversight of similar powers to us, to see whether they look at the use of telecommunication interception powers in the same way, and that sort of thing. Different law enforcement and integrity bodies can have different levels of maturity for exercising coercive powers. Given that ACT Policing is part of the AFP, the view of my office is that the AFP is a pretty mature organisation with respect to exercising these significant coercive powers, which is not to say they cannot continue to improve as well.

MR RATTENBURY: Thank you.

THE CHAIR: Dr Mathew, we have heard evidence in this committee, especially from the previous submitters that we have to start from somewhere. I asked whether there were significant concerns that they feel would lead to a warrantless search, and the

response was, “It is not perfect. There are issues, and we have to start from somewhere.” There is this public perception, and most of the submitters have indicated, that an FPO would actually ally some of the concerns that we have around the legal use of firearms for organised crime. Where is the balance? As a society, where do we put the balance?

Dr Mathew: I would submit that we stick to the normal test of reasonable suspicion. It is the usual threshold that is used for searches. I am not confident that with the current scheme we are going to get much out of this test of police having to take into account certain factors. It seems we are avoiding the normal test for a search. On some of the evidence we have cited—and Jane will undoubtedly help me if she feels I am missing something—we have, for example, talked about various critical reports about the use of FPOs, which kind of go to effectiveness at the end of the day. Liberty Victoria cited a study showing that the hit rate, if you like, on searches was naturally higher where there was a reasonable suspicion. So police officers really had something—it is not a belief; they are not certain; they do not have the proof—that is flagging for them that, “Yes, we really think someone has a firearm that they should not have,” and will act on that suspicion, and the hit rate is higher. Whereas, with regimes that are using this test of “reasonably required” to implement the FPO scheme, it is a much lower test, and it does run the risk of being fairly meaningless.

It is very interesting that the European Court of Human Rights has commented on the fact that, in order to judicially review something without a reasonable suspicion test, it is going to be hard for people to challenge the basis of the FPO and say that the police have exercised their powers in a way that they should not. That is where we would see the balance as coming—and it is sticking to a traditional tried and true test that is known in the common law.

THE CHAIR: Mr Anderson, do you share the same concerns?

Mr Anderson: Effectively, to my point of view, that is a policy question for the Assembly. My focus has just been on what the oversight regime will be if these powers are introduced. It is envisaged that my office will play a part in the oversight of the enforcement. But, ultimately, it is a question for the Assembly as to what you want to set the safeguards at?

THE CHAIR: Ms McCosker?

Ms McCosker: I would just add, in part responding to an earlier question, that, in our submission, we have directed you to a well-known New South Wales Ombudsman report that found a lot of initial teething problems with the New South Wales scheme and definite evidence of misuse of the powers. We have also pointed you to some more recent submissions, including about other jurisdictions’ experience and effectiveness, including one from the Law Society of New South Wales just last year, which found that out of 10,000 FPO searches just nine resulted in the location of firearms or firearm accessories and attachments.

Dr Mathew: Given that, it actually raises a resourceful question for the police, I would have argued as well. That is not something that we have put in the submission, but I think it does.

MR WERNER-GIBBINGS: This is for the Human Right Commission. In your introduction, you talked about your concerns with the scheme in its current form. Is that “current form” a sort of a figure of speech? Is it your concern with the scheme full stop? I am going to interrogate the minister about the safeguards and oversights mechanisms currently in place. But is there more that you think can be done to the scheme to improve it or to tighten it that would be satisfactory or come close to satisfactory from the Human Rights Commission’s perspective, or is it sort of a categorical opposition to the scheme?

Dr Mathew: We are not opposed to the idea of having firearms prohibition orders. Take the point that was being made in the earlier session about you need something to back it up. Where we are coming in is we are not satisfied with the kind of test, if you like. It risks becoming an empty sypher and not really imposing real constraints on the police. We do not understand why it is that we cannot stick to the normal test, which is that police have a reasonable suspicion or they have a warrant. That is what we would like to focus on. Our concerns really are around the threshold for the searches and other enforcement powers. That is where we think a very simple improvement could be made.

MR WERNER-GIBBINGS: The common law test of reasonable suspicion as opposed to—

Dr Mathew: Yes.

MR RATTENBURY: We have obviously discussed this before, in some lengthy enough former role that I held. This has been worked on in government for a number of years, and there has been considerable effort to design an FPO scheme that is human rights compliant. I am interested in your recent discussions—and I am going to ask the minister and Policing when they come in later. I imagine Policing’s concerned with a reasonable suspicion test is that it undermines the efficacy of the scheme in their view. Is that the nature of the conversation or the debate you have had with them?

Dr Mathew: I think that is what ministers would say back to us, and I want to see the evidence from the police. I do not understand what it is that is holding the police back from doing their job and forming a reasonable suspicion and going ahead on that basis. Given the statistics that my colleague has just cited about the hit rate of searches—

MR RATTENBURY: Nine out of 10,000?

Dr Mathew: Yes. You do start to worry about resources, which is something that police often complain about. I am very sceptical about that argument, and there is enough evidence that is showing that there is a misapplication of the powers essentially to harass people from minorities and so on that it does raise significant concern for us as the Human Rights Commission. We just would not be doing our job if we did not raise the point again. I acknowledge that there have been significant changes made over the last couple of years, but the point about the threshold of searches and reasonable suspicion is also a point that has been consistently made by the Human Rights Commission—indeed, the minister acknowledged that on the radio this morning—and I am not sure why we cannot just make that change.

MR RATTENBURY: What reason has police given you for not wanting to have that standard? Presumably, that is what is driving the government’s positioning.

Dr Mathew: I have not really spoken to the police about this. I had an early meeting with Scott Lee, the Chief Police Officer. I do not quite know why our meetings have fallen off the agenda.

MR RATTENBURY: Give them a call and you will be able to sort it out.

Dr Mathew: Both very, very busy. At the one meeting we had this was raised, but there were a whole lot of other ideas about reform that were discussed at that meeting too.

MR RATTENBURY: I would like to go back to the evidence that Ms McCosker just provided. You said there were nine identifications of firearms in 10,000 searches, essentially. Did that data show evidence of other charges or other incidents that arose from those searches? For example, did it lead to drug charges, stolen property charges or other matters?

Dr Mathew: Not sure. Jane, was it in the New South Wales Ombudsman or was it in other studies?

Ms McCosker: The studies that we have cited that talk about other charges being laid are not that one. That is not to say categorically that it is not in that. Conscious that it was already a long submission, we were attempting to just give you a few highlights. But I would point you to the entirety of the submission.

Dr Mathew: Drugs and other paraphernalia are cited in some of the evidence we have cited in pages 9 to 12 as being picked up as a result of a search.

MR RATTENBURY: So your concern then becomes one of this process being used as a net-widening exercise?

Dr Mathew: It is quite possible that it becomes a net-widening exercise, yes.

MR RATTENBURY: Have either of you seen any improvements in recent times on issues of impact on minority groups in other jurisdictions? Certainly those early analyses out of New South Wales showed young people, young Aboriginal people and people with disabilities being particularly picked up by some of these issues. Has that changed over time with practice? Do you know?

Mr Anderson: I do not have any evidence as to whether that has changed or not. From my perspective, it is all about checking that the relevant law enforcement or other body has complied with the safeguards and then being transparent about that so that ultimately it can be pursued by other courts or by parliamentary bodies.

MR RATTENBURY: Okay; thank you.

Dr Mathew: The evidence that we have cited on page 9 is the Law Society of New South Wales is the evidence about almost 10,000 FPO searches with just nine resulting in the location of firearms. They then go on to say that it calls into question the effectiveness of FPO search powers as against their disproportionate impact, especially

on vulnerable groups. That was 2025, and they are still raising concern about a disproportionate impact on vulnerable groups based on their members', the lawyers', experiences with the FPO regime in New South Wales.

MR RATTENBURY: Thanks. I guess I was trying to explore whether, with time, had training improved and those sorts of things.

Dr Mathew: Perhaps the results cited by those particular studies are saying not necessarily.

MR RATTENBURY: All right; thank you.

THE CHAIR: I have one question, which I think is more for my benefit. Is there a reason that you have chosen not to comment on the other bill, the public safety bill?

Dr Mathew: Yes. I think it is safe to say that we are not opposed to cutting back on the number of firearms that are owned by one person and so on and do not hold grave concerns about that bill. I think there are other amendments in the pipeline flowing from the commonwealth's and national cabinet's efforts post-Bondi, where discrimination based on citizenship, having to be a citizen—

THE CHAIR: That is the question I have.

Dr Mathew: Of course, that is of concern to us. How is that a basis for distinguishing, as opposed to the nature of the person you are dealing with? Whether they are a citizen or a non-citizen would seem to be an irrelevant consideration.

THE CHAIR: The other concern that has been raised is that the discretionary nature of the registrar's powers to issue an exemption, for example, could raise issues around discrimination. That a person could be discriminated against based on their political views, for example, was something that was also raised. Do you hold concerns that the discretionary nature of the registrar's powers could lead to those human rights issues?

Dr Mathew: We may need to take that on notice at this stage.

Ms McCosker: We might need to. We have raised queries and relevant concerns about some of these issues and sought more information.

Dr Mathew: If you want to take us to take a question on notice.

THE CHAIR: That would be awesome.

Dr Mathew: We have not seen legislation yet, and that is the other thing. It is always hard to comment in the abstract. Whenever you have a discretion I think it is good to be putting boundaries around it. That is the essence of our submission on the search powers.

THE CHAIR: Your comment is that it should be less discretionary and the actual sections and provisions should be in the legislation itself so it is a bit more explicit.

Dr Mathew: Yes; but that is without seeing that second tranche of legislation. I guess we would reserve our comments until we have seen at least a draft.

THE CHAIR: So it is not that there are no issues; it is just that you have not yet—

Dr Mathew: Yes

THE CHAIR: Thank you.

MR RATTENBURY: To follow on from the chair's question, the public safety bill has been presented. Does your answer point to the fact that, from a human rights point of view, you have no human rights concerns with the public safety bill and that the questions in it are policy questions as opposed to human rights questions?

Dr Mathew: I think that was our conclusion when we looked at it.

Ms McCosker: Given the limited resources of the commission as well, the fact that we have not made a detailed submission about that bill would not mean we have no human rights concerns; it is just that we have chosen to prioritise expressing our significant concern about the FPO bill.

MR RATTENBURY: The commission will have analysed the bill as it went through the internal government processes. As it went through, did you provide any advice to government about human rights concerns?

Dr Mathew: I cannot comment on cabinet-in-confidence, Shane. Suffice to say, as commissioner, I do not hold grave concerns about that legislation.

MR RATTENBURY: That is why I was asking the question.

Dr Mathew: I think post-Bondi we need to act, and I want it to be very clear, ditto with the firearms prevention orders, that we are not against the idea of banning certain people from holding firearms. The issue is about the search powers and the ability of police to invade the privacy of individuals in our community.

MR RATTENBURY: Thanks.

MR WERNER-GIBBINGS: My question is for Mr Anderson. Your submission speaks about a seven-day notification requirement from the Chief Police officer when an FPO is ordered. Are you able to take the committee through that process and your suggested improvements to it?

Mr Anderson: Certainly. The bill proposes that the Chief Police Officer is required to notify me within seven days of the issue of an FPO. I suggest that that in itself will not serve any useful purpose and, indeed, might convey an impression that it does serve a useful purpose. Whereas, what would be preferable would be that, within seven days of the exercise of an enforcement power, I should be notified.

MR WERNER-GIBBINGS: Okay.

Mr Anderson: So just change the requirement. Still keep it seven days and still keep for a mandatory notification, but after the exercise of an enforcement power rather than after the issue of the FPO.

MR WERNER-GIBBINGS: Thank you very much. Have you identified other governance or administrative risks you see potentially arising from the bill or arising from the bill as it is currently drafted?

Mr Anderson: In terms of the drafting of the bill, no; that is the only concern I have with the drafting of the bill. There is a separate question, which I have raised in my submission, which is: if I am given an oversight role, it would be helpful if I was given resources as well. I of course do not know how many FPOs will be issued and then enforced, and so it is difficult to estimate what the workload is. But, if there is a significant workload that comes out of it—and there is always a workload, really, that comes out of these things—that will take me away from doing my other functions as ACT Ombudsman unless I get resources.

MR WERNER-GIBBINGS: Thank you very much.

MR RATTENBURY: Dr Mathew, you noted in Victoria that similar legislation was considered to be incompatible with the Human Rights Act. I do not believe the government here presented an incompatibility statement when they tabled the legislation.

Dr Mathew: No.

MR RATTENBURY: Why is there a difference, do you think? Why has it been deemed incompatible in Victoria and not in the ACT?

Dr Mathew: There might be a hope that the additional safeguards around it—being court ordered, judicial review and so on—make up for the lower, potentially non-existent, search threshold. But our view is that that does not change the equation when it comes to the threshold and that, further, there is a risk of undermining those safeguards such as judicial review because there is not a meaningful test that needs to be applied.

I also want to acknowledge that I think Queensland, which is the other human rights jurisdiction, also went the route of saying it is compatible—I am not really quite sure why—and certainly the Human Rights Commissioner did raise concerns and gave evidence in the inquiry about the risk of violation of human rights and arbitrary searches and so on occurring.

MR RATTENBURY: So Queensland brought their legislation through after their Human Rights Act?

Dr Mathew: Yes.

Ms McCosker: In Victoria, there were two bases on which they found incompatibility. One was to do with an element that is not part of the ACT's proposed scheme, which was direct application to children. The other—and we say, critical—feature of the

scheme, was the same, which were the enforcement powers and the threshold for them.

THE CHAIR: In your submission, you did comment on the record-keeping requirements of section of, I think it is, 52A(1)(a)(ii). What are your concerns around that?

Mr Anderson: It actually goes back to the question you asked the commissioner before about the discretionary nature of the power. As a matter of good administrative practice, I think it is desirable that there be good record keeping. The best way to ensure that is to put those record-keeping requirements explicitly in the legislation or in the regulations. But the reasons need to be very clear so that, if it comes to be enforced, it is absolutely clear as to what the conditions were and what the reasons were. The person who has been subjected to the conditions needs to also clearly understand what the reasoning is and why they have been subjected to those conditions.

THE CHAIR: That is useful. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. Thank you again for your participation today.

Short suspension

PATERSON, DR MARISA, Minister for Police, Fire and Emergency Services, Minister for Women, Minister for the Prevention of Domestic, Family and Sexual Violence, Minister for Corrections and Minister for Gaming Reform
BREINER, MR RICHARD, Superintendent, Firearms, ACT Policing
BUXTON, MS CLAIRE, Executive Branch Manager, LPP, Criminal Law Branch, Justice and Community Safety Directorate
CHIN, MR RICHARD, Deputy Chief Police Officer, ACT Policing
FUNNELL, MR LACHLAN, Executive General Manager, Corporate, ACT Policing
GUO, MS EMMA, Senior Team leader, Legislation and Governance, ACT Policing
LEE, MR SCOTT, Chief Police Officer, ACT Policing
NG, MR DANIEL, Deputy Director-General, Justice, Justice and Community Safety Directorate

THE CHAIR: We welcome Dr Marisa Paterson MLA, Minister for Police, Fire and Emergency Services and officials. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. We will go straight to questions.

Minister, we have heard lots of evidence around the caps under the Firearms (Public Safety) Amendment Bill, and I just wanted to get your views on how we have arrived at 10. We have heard concerns around the inconsistency between New South Wales and the ACT jurisdiction and how that could fundamentally affect the people who genuinely require firearms for different reasons—for sporting, for farming and for other reasons. Can you walk us through what evidence you used or what steps you took to come to that five cap and 10 limit?

Dr Paterson: Recognising that the intention of these bills is to improve public safety, one of the ways to do that is to introduce quantitative limits on the possession and use of firearms. So, credit where credit is due: WA have done significant work over the past few years in reforming their legislation. They have had multiple law inquiry reviews and public inquiries to reform their legislation and they had their own gun buyback. Then we had the circumstance of the Bondi attack on 14 December—which obviously, I think, changed Australia forever. There was a national cabinet meeting very promptly after the Bondi attack, where all jurisdictions agreed that there should be significant reform in Australia to improve public safety. One of the key things was around limits on the number of firearms that can be possessed or used. New South Wales moved very promptly through their parliament and reformed their legislation before Christmas, and we committed to doing the work over the summer to reforming our legislation very promptly as well.

Part of that work was to see national consistency and alignment with the National Firearms Agreement. At that time there was, I think, a national cabinet agreement that all jurisdictions were moving in the same direction. We are also an island within New South Wales, so we viewed that as an important factor in terms of aligning with New South Wales. What we felt and what the discussions were at the national level was around five firearms for an individual and 10 for exceptions. This was based on the WA evidence and the significant work that they had done in their jurisdiction and that is where they had landed. So we felt that that was the appropriate numbers to progress with in the ACT legislation.

THE CHAIR: Thank you. Was there any ACT-specific data that you referred to? As you said, we are an island. There have been concerns that the firearms cap does not address the public safety element and that, if you wanted to address the public safety element, you would be addressing the issues around storage and the issues around compliance and that this inadvertently increases the number of registered firearm owners in the ACT. Was there any ACT-specific data that you used to inform this legislation? Were there any consultations, for example, with the various groups to identify how this legislation fits into their rightful or legitimate use of firearms?

Dr Paterson: We fundamentally believe that reducing the number of firearms in the community will improve community safety. So I reject the start of your question. We do believe that there is a need to reduce the number of firearms. In Australia, there was substantial gun reform in 1996 and the buyback then and there was significant work nationally to see alignment between jurisdictions and to reduce the number of firearms and the types of firearms in the community, and we believe that we have arrived at a point nationally where there is a need to again reduce the proliferation of firearms in the Australian community.

Over the summer, we had a range of consultations. I met with various stakeholders, who you have heard from today. The directorate met with lots of people and sought lots of advice. ACT Policing had their own discussions with different stakeholders. I have a firearms advisory committee who I met with as well and they raised their concerns. I think in the very short space of time that we prepared this bill, we did everything possible to hear from those who would be most impacted by this legislation and to have those conversations. We also knew and hoped that by introducing the legislation into the Assembly that there would be a committee inquiry and there would be a chance for these stakeholder views to be aired publicly and to have this conversation as more of a territory-wide debate about this.

THE CHAIR: Thank you. I have a question around theft. Some of the evidence that the committee has received is that theft invariably increases the number of illegal firearms in the territory. What consideration was given in the bill to strengthen the safety laws around the storage of firearms and the ability for people to get firearms? What consideration was given to that in the bill?

Dr Paterson: Lots of consideration was given to that as an issue. But, in this particular tranche of legislation, that is not part of this tranche. But, as we have flagged, there will be two more tranches of firearms legislation, through the rest of this year—one before mid-year and one at the end of the year. These issues will be considered through those additional tranches of legislation. I will also hand to the Chief Police Officer to speak more about those issues.

Mr Lee: Thanks, Minister. Certainly ACT Policing supports the passage of this bill. It is certainly timely, given the tragic terrorist attack that occurred in Bondi, when you consider the fatalities and the tragic impact on victims and the community in Bondi as a result of that attack. So it is certainly timely, I think, for us as a community to consider the availability of firearms within our community.

I would add, though, that the majority of firearm holders in our community are

law-abiding citizens who absolutely do the right thing and comply with the requirements of our registry and certainly in relation to storage. This is about achieving the balance between accessibility and availability for licensed firearm holders to use firearms in our community, but also balancing that with community safety concerns, noting that the studies do reflect that the availability of firearms in our community do have a direct impact on public safety. That can manifest itself in a number of ways, including, as we know, within Australia, the theft of firearms and that, as they move into what is called the grey market, if you like, those firearms are available to organised crime, to individuals with terrorism ideologies in our community so that they are accessible.

In the ACT, since 1 July 2025 to 31 March 2026, there were 10 incidents of firearms reported stolen to ACT Policing. But, as I think the minister touched on, you need to consider this in the context of a national approach to firearm reform, noting that, once firearms are stolen in Australia, they then move across jurisdictions. We have seen that with firearms matters here in the ACT over the past 12 or 18 months, where we recovered firearms from a property here in the ACT where there was a shooting incident that we responded to and, in that premises, there were, I think, from my recollection, up to about 19 firearms that were recovered in that property that was connected to organised crime here in the ACT. It is a complex issue, but obviously this is trying to achieve that balance where we know that legally-owned firearms are stolen and moved into the illicit market and are available to criminals in our community, not only here in the ACT but also around the country.

MR RATTENBURY: Can I just clarify: Mr Lee, did you say that between July 2025 and now there were 10 incidents?

Mr Lee: Yes, 10 reports of firearms reported stolen to ACT Policing.

MR RATTENBURY: What sort of premises were those firearms stolen from?

Mr Lee: I do not know whether we have that information, Mr Rattenbury.

MR RATTENBURY: I guess what I am trying to explore is: are there issues with the storage requirements? Was there a particular pattern here? Was it rural or was it metropolitan? I am interested, from a policy point of view, to think through whether we have an issue.

Mr Lee: I might pass to the DCPO to see whether we have that data. If not, we will take it on notice and come back to the committee.

MR RATTENBURY: Thank you.

Mr Chin: That is something we will have to take on notice.

MR RATTENBURY: All right. I am also interested in the volume of weapons stolen or firearms stolen. Was it sort of one each time or multiples—those sorts of things?

Mr Lee: I can give you a breakdown of the types here, but we can clarify for you the number just to make sure it is absolutely accurate. Three of those firearms were pistols

and seven were rifles. That was the total of 10. But we will clarify that for you as well, Mr Rattenbury.

MR RATTENBURY: Thank you.

Dr Paterson: I will just pass to Mr Ng.

Mr Ng: Thanks, Minister. Madam Chair, I would like to supplement the evidence that the minister and the CPO have given about the focus of this current bill. The minister referred to the national cabinet tasking at the end of last year following the Bondi incident. The focus of that was to ask jurisdictions to urgently develop options to address and progress urgent firearms reform. Jurisdictions have taken their different paths over the last few months about what has been implemented. But one of the key focuses of the government bill that we are discussing today is the introduction of limits on firearms holdings.

To go to the issue around storage, while this bill does not necessarily deal with increases, changes or uplifts to storage requirements, you asked about the risk of theft. I might point you to page 9 of the government's submissions. One of the implications of reducing the number of firearms in the ACT vis-a-vis the introduction of caps is also to reduce the opportunity for theft as well. There is a bit of material on page 9 of the government submission if you are interested in the implications for theft.

THE CHAIR: What I was trying to get to there is that if the issue is—and I get the premise of this current legislation—that theft leads to more illegal firearms in circulation, it follows then that the most immediate response would be to tighten storage laws so you prevent that theft from occurring, and that would have a greater impact on public safety.

Dr Paterson: Theft is not the primary reason. So the primary reason is that it has been determined that the unrestricted ownership of firearms is problematic.

THE CHAIR: What I was trying to say is that the evidence that was given by some of the academics is that theft is one of the reasons why illegal firearms flood the market. That is what I was—

Dr Paterson: It is. But I want to stress that the primary reason for the legislation is that it has been recognised it is time that unrestricted access and ownership of firearms is problematic and so there is a need to cap the numbers of firearms.

THE CHAIR: Thank you.

MR WERNER-GIBBINGS: The work of the registry has been referenced fairly often today. This is the only registry in the country that licensees visit in person. Can you provide an explanation of the role of the registry and its purpose?

Dr Paterson: I will just jump in quickly. I want to thank ACT police who work at the registry. One of the really fantastic outcomes of this inquiry and this process has been around hearing from the community about their engagements with the registry and the officers there and the incredibly valued and important work that they do. I just wanted

to put that on the record.

Mr Lee: Thanks, Minister. Thanks for the question. I might pass to Superintendent Breiner, if I can, who is obviously in charge of our registry. Superintendent Breiner's position is a new position now where we have responsibility for the National Firearms Registry as well as the firearms reforms and the planning that we are currently undertaking for the gun buyback. So I will just pass to Superintendent Breiner.

Mr Breiner: The job of the registry is really to provide that administrative oversight to all firearms transactions within the ACT. If you are applying for a licence or you are applying for a permit to acquire a firearm of a certain category, that is where the subject matter expertise would come in as to whether there is a genuine reason, whether or not the storage requirements are being met—all of those things that would go with obtaining a firearms licence and then obtaining a firearm.

On top of that, as the CPO has just said, we are doing the uplift of the registry. At the moment it is a manual system, which is not ideal. Hopefully, within the next two years we will have a digital system up and running. That program is underway. The AFP, ACT Policing—so AFP national with our CIO command—and JACS are coordinating that project, and also potentially the fallout from the buyback, if that is a project that goes ahead. So, basically all things to do with firearms, come to the registry from an administrative and a project scope.

The other job that we do, which is a little bit more informal, is we are probably the forward face or the front of the ACT government in terms of dealing with firearms users, as has been mentioned, I am sure. We see them all the time; we see them every day. We are somewhat of a barometer as to how the shooting public would see potential shifts and/or changes such as the ones we are discussing today.

MR WERNER-GIBBINGS: Is the fact that the ACT registry is the only one that has in-person conversations an accident of set-up or was that designed?

Mr Breiner: I think geography plays a part. If you are in, for example, in Tuggeranong it is not so big a deal to get to Mitchell where we are located. If you are in New South Wales, getting from Wilcannia to—

MR WERNER-GIBBINGS: Bourke.

Mr Breiner: the tyranny of distance might overcome the benefit. They provide a similar form of advice, but the local station would be their point of contact.

MR WERNER-GIBBINGS: Thank you. Back to the operations of the registry, how will these changes, if passed as they stand now, affect the operations of the registry?

Mr Breiner: It will be business as usual, really, for us. We will continue to do what we do at the moment. It will be interesting to see, in terms of efficiencies or things that happen in the future for the digital system, whether there is anything that we can do in terms of efficiencies. But I have not been there long enough, as the boss has said. In three weeks, it is difficult for me to assess whether or not there would be efficiencies in moving from a manual system to the digital system that would be able to be realised—

certainly not in manpower. If there were efficiencies, I would much prefer to push them out to do things like more compliance checks.

Mr Lee: I would add that we are quite proud of the community-facing element of the registry. Even though the volume has increased over time, we have maintained that key role for the registry and the registry staff. Certainly, as the minister said, our registry staff are absolutely committed to providing that service to the community. As we move forward with the firearms reforms and the legislation is passed, we are doing some planning at the present time around their role in providing advice and guidance to the community as we transition to the caps. We have seen an increase in licence applications from partners of current firearms holders. So, again, we will need to work through that with current licensed firearm holders and firearm owners. So there will be some significant work for us to do there that we are planning for in terms of how we work with the community for the implementation of any reforms.

MR RATTENBURY: We have heard strong evidence from the shooting community, particularly, in a positive commentary on the role of the registry.

Mr Lee: Great.

MR RATTENBURY: They have certainly described it to this committee as an important protective factor—because of that personal contact. They see it as valuable in a way that other jurisdictions do not have. I do not know if you have heard that evidence, but I think it is worth reflecting that back.

I want to explore that point around an increase in applications. We did hear that from a witness earlier today who said it was honestly a bit anecdotal but that was their understanding. So I appreciate you filling it in. They said that, since December 2025, since the Bondi incident, we had seen an increase. I think you have touched on that. It seems to be that households are applying in order to have a cap, essentially maintaining perhaps their number of firearms in the household, but via multiple licence holders. Is that what you are seeing as well?

Mr Lee: It is what we are seeing. I will pass to Superintendent Breiner again. We did extract that data in the lead-up to this committee hearing, Mr Rattenbury. So we can certainly step you through that. There are a couple of implications for that, including, I think as we move forward, what that will mean for us around genuine need assessments.

MR RATTENBURY: These are the follow-up questions I was interested to explore—so thanks.

Mr Lee: There are also some implications as to what it may mean for individual households around their current storage arrangements as well, particularly for all the firearms at the moment for one firearm holder in one storage location, and then you have multiple in the premises. But I will let Superintendent Breiner expand on that.

Mr Breiner: Thank you. Certainly post-Bondi we are seeing an increase of about 50 applications a month compared to pre-Bondi—obviously a reasonably significant number. Roughly 137 to 188 per month is the average that we have. Interestingly, the

permit to acquire—so obtaining a firearm alongside those licences—are not going up at all. So it would indicate to us that we are looking at people obtaining licences for firearms that are already in circulation, that are already in the community.

MR RATTENBURY: Yes, that is certainly a suggestion. What are the policy implications of that from an enforcement monitoring point of view and the storage question?

Mr Lee: Absolutely, did you want to touch on the storage a little bit more? I know you and the team have turned your mind to that.

Mr Breiner: Yes. At the moment, with the five to 10, the storage is consistent. Over that, there is a different regime for storage under the current act—remembering that the storage is not in this tranche, as I understand it, of legislative update. The storage requirements are consistent from the previous act to this at the moment. If, for example, my wife were to obtain a firearms licence and I had 10 firearms, she would still need to have a reason, as assessed by the registry, to have access to those firearms. You cannot just obtain the firearm and obtain a licence and suddenly have those firearms acquitted to your licence. They would need to be a primary producer, a member of a sporting club or one of those other categories and they would also have to be in and have the same assessment by the registry staff under that face-to-face regime, as we discussed before.

MR RATTENBURY: But, potentially, what we will see is a situation where the number of firearms may not be reduced by as much as intended through essentially the increased number of licence holders in the territory?

Mr Lee: I think that is where we will need to do some work on the genuine need assessment. Simply having a licence issued, there will be another step into the genuine need of that licence holder as to whether they will use the firearm—if it is connected to a professional application; are they actually employed in that manner or is it simply their partner; and, as Richard said, are they a member of a sporting club; do they actually shoot, or is it simply their partner who undertakes that sport? So there will be a number of those issues that we will need to work our way through with members of the community around whether the genuine need assessment is actually met in terms of those firearms being able to be retained.

MR RATTENBURY: Thanks for that. One of the submissions we have received was from the biathlon community. I imagine you have seen this. So rather than explain it, have you been able to give any consideration to the concerns they have raised? Are there any changes the government is considering as a result of that to accommodate the issues they have raised.

Dr Paterson: Recognising the issues that they have raised, I might hand to Ms Buxton.

Ms Buxton: Thank you, Minister. At the moment, the current bill would allow sporting shooters to have 10 firearms. So they would be an exemption from the five. I think the feedback seems to be that currently—and I am no expert on biathlons—that biathlon shooters would be using a straight-pull firearm, which is now going to be categorised as a category C firearm as opposed to the current category A and B. At the moment, sport shooting is not an exemption for a category C firearm, which I understand presents

an impediment to their continuation in their sport. That is something we will need to give some further consideration to, going back of course to the overarching policy objective of just reducing the number of firearms that are in the community. I suppose that is one of the benefits of receiving their submission. That is not something we had necessarily turned our mind to when we were developing this legislation at a fairly rapid pace but certainly something that I think we are open to giving further thought to.

MR RATTENBURY: I think your comments summarised their view, which was that it is an unintended consequence that has sort of seen them caught out, and their concern around this shift to category C. As you will have seen in their submission, the weapons are not high-powered and they are now seeing an inability. They have also raised the issue of minors, because of juniors participating in the sport. We also heard evidence about whether under-18s should have access to licences or not. I think that is a policy debate to be had, but they do seem to have just been caught up in a way that I suspect was not the intent of the legislation.

Dr Paterson: We recognise that, and I think we can do some more work on that and are also interested in what the committee might recommend.

MR RATTENBURY: Thank you. Just turning back to the registry issues for a moment, are you anticipating an increase in work and are there resourcing implications as a result of these reforms? I think Mr Werner-Gibbings asked something similar, but I am just interested in your expectations of workload, particularly with the increase in licences we are seeing in the short-term. Are there more compliance issues that need to be followed through and do we have the capacity for that?

Mr Lee: We certainly expect that there will be some resource implications for the registry. We are undertaking some planning on what might be required to service that need moving forward. That is a conversation with government at the moment under the firearms reform. It is also a negotiation that is underway with the commonwealth as to what elements the commonwealth will fund to support states and territories with managing these programs moving forward.

MR RATTENBURY: Thank you. I am jumping back and forth, but I would like to go back to the biathlon issue. My notes are scrappy from today. The biathlon community also raised the fact that, because it is moving to category C, in the ACT, a junior cannot hold a category C licence but in New South Wales and Victoria they reportedly can. Is that something that has come across your radar? That is one of the issues they raised with us that has also perhaps an unintended consequence that is impacting on their community.

Ms Buxton: That is the first time I have become aware of that. Certainly we can give that some further consideration.

MR RATTENBURY: As the minister says, I am sure the committee will now deliberate on this. We are not putting a particular view today; I am just seeking to understand your understanding of the issue and how we might consider it.

Dr Paterson: We are flexible and open to looking at these very specific niche type issues.

MR RATTENBURY: Thanks.

MR WERNER-GIBBINGS: I have a question for ACT Policing. The Human Rights Commissioner spent a lot of time on querying whether or not the safeguards and the oversight mechanisms in the scheme, as it currently is, are satisfactory. She paid particular attention to the lack of a reasonable suspicion test. Can you explain how the safeguards and mechanisms, as they are, will operate to your satisfaction or even to the general public's satisfaction in this current scheme?

Mr Lee: Yes, Mr Werner-Gibbings, can I just clarify? Is that in relation to the firearm—

MR WERNER-GIBBINGS: The FPOs.

Mr Lee: Obviously, from our perspective, we are supportive of that legislation and we acknowledge there are some significant safeguards in that legislation. If I can, I will just pass to the Deputy Chief Police Officer to provide an update on those and also, if needed, I can also pass to Ms Guo as well.

Mr Chin: Certainly. I think what I would say from the outset is that the threshold, in terms of being “reasonably required”, is one that is important for us in terms of the operational efficiency of this particular legislation and gives credence to the principles of what the legislation is looking to achieve. It is meant to be proactive; it is meant to be a preventative measure that police can enact in order to keep the community safe. I would say in terms of that threshold question, that that is an important step for us. Probably the other distinction would be that, if the threshold were to be “reasonable suspicion”, we would be looking at a warrant-level of action, which really then would probably undermine the principles of moving quickly around the kinds of threats and risks we are facing here.

As far as the safeguards are concerned, I think it is not something that would be taken lightly. Firstly, the order itself would have some considerable procedures around it being obtained in the first place, and then, in terms of the actual inspection, if you like, that would need to be carefully documented in terms of the reasons for that action and the information that has been received being carefully assessed before any activity occurs. Do you have anything you would like to say in terms of the oversight, Ms Guo?

Ms Guo: Yes, certainly—in regard to the FPO safeguards, speaking more broadly, and then I can home in more specifically to the “reasonably required” threshold. A key distinction between the proposed ACT scheme in comparison to other jurisdictions is the judicial oversight that is proposed under the scheme. If you look at other jurisdictions, an FPO can be granted by a senior police officer. Under the proposed ACT scheme, there is a range of considerations that the magistrate needs to consider and also be satisfied of.

Another important element of it is that there is the ability for the FPO respondent to apply for a review of that particular order. And another important safeguard is that the CPO is actually required to apply to the court for a revocation if the CPO no longer believes it is necessary for that person to hold an FPO. And then stepping into the

requirements to engage with those powers, there is a range of requirements that police need to consider and turn their mind to before certain powers can even be exercised.

If we put it in more colloquial terms, to distinguish between “reasonably required” and “reasonable suspicion”, if enforcement powers require reasonable suspicion of wrongdoing each time, the regime is going to become more reactive and not a preventative scheme. The existing threshold to obtain a warrant is also already set as “reasonable suspicion”, as outlined by the DCPO. If we go to the threshold for suspicion, we need to turn our mind to the facts in order to consider that element; I think DCPO has got some examples that can step through that in a moment. The other component, as he has outlined earlier, is that we need to have written reasons after we have exercised those powers. We are required to report to the minister and Ombudsman annually in terms of how police have engaged with those powers: how many enforcement powers have been engaged; how many firearms have been seized. So there is a range of requirements there, and there is also another built-in mechanism for a statutory review at the three-year mark.

MR WERNER-GIBBINGS: Presumably the threshold would have been wrestled with. With a “reasonable suspicion” threshold, have you reached the conclusion that an FPO would not be workable, or would it work but be much more difficult? Would it be effectively non-functional?

Mr Chin: It would certainly make it much more difficult, I think, in terms of what the purpose of the legislation intends.

MR WERNER-GIBBINGS: So it would impinge on the purpose to the extent that it would render it—

Mr Chin: Yes, and particularly if you look around the country at our fellow jurisdictions. The principle is that for people who are extremely high risk you obtain the FPO, and then you have the provision to be able to ensure that the community is safe as far as that person’s interaction with potential firearms is concerned. Having the “reasonable suspicion” level, which is higher than the currently proposed level, would make it more difficult, certainly.

I can give an example, perhaps. It might be a bit easier thinking through a tangible example. Say there is a person that does have an FPO that has been issued already, and police receive some information, unverified information, that the person has access to firearms at their premises. With that information we could then attend that person’s home to check the compliance with the FPO. The person is already quite high risk, because the order has been issued. We believe that the compliance check is reasonable to prevent further potential firearms-based violence. You can see from that example that it is a proactive, preventative action.

To get to “reasonable suspicion” in the same sort of scenario, we would probably need much more specific and credible information that takes us to that next level. It would be more onerous. That information may not exist, even whilst we are receiving that other form of unverified information, if you like. So we would have those concerns but would not be able to act on them.

MR RATTENBURY: Can I follow that example? To use your exact example, what information would meet the “reasonable suspicion” threshold?

Mr Chin: It would probably be something more specific. It would be more specific information. I suppose it is a matter of interpretation in terms of that next level, but it would be that perhaps someone observed the person or observed firearms going into a particular premises—something at that more tangible level that takes it to that next step.

MR RATTENBURY: Whereas your example is that if someone said, “I reckon ‘such and such’ has got a gun”, or “I heard ‘such and such’ has got a gun”.

Mr Chin: Yes, exactly.

MR RATTENBURY: All right, thanks.

Mr Chin: And noting that, if we are hitting “reasonable suspicion”, we are at the point where we could potentially go to a judicial officer for a search warrant.

MR RATTENBURY: Yes.

THE CHAIR: The evidence from the Human Rights Commission is that “reasonable suspicion” is the standard and that makes the decision a bit more defensible, if for example you are hit with a claim of a warrantless search. I want to know why that has not been considered. If that is the standard, why are we deviating from the standard?

Mr Lee: I do not believe that we agree that that is the standard in terms of firearm prohibition order regimes. Certainly, I have read the Human Rights Commission’s submission—and obviously our Justice and Community Safety colleagues may want to add to this—but I think, certainly, our view is that in the context of firearm prohibition order regimes, we are implementing a mechanism that provides for an agile, prevention-focused response to minimise the harm to the community from high-risk individuals. The threshold that is proposed under the FPO regime does provide for that, noting that in the ACT, we are proposing here an FPO regime that is a court issued order, where there are some strict thresholds that need to be met for the court, which in our assessment will ensure that we are focused on high-risk, high-harm individuals. It is a much more limited and narrower application for those who are at higher risk of impacting the safety of our community. Then the thresholds for search that apply under the firearm prohibition order regime sit at a different threshold. We have certainly considered that in terms of the application of the regime.

I understand that there is a debate based on European court determinations, et cetera, around the application of suspicion versus other thresholds, but that is obviously something that our JACS colleagues may wish to add to in terms of some of the assessments for the legislation.

Mr Ng: Thanks, CPO. I will probably just add to what the CPO has mentioned on the design principles which underpin the FPO scheme. This judicial oversight, and the standard the court is required to be satisfied of, is that these broader suite of powers and search powers that are conferred on the police are actually warranted. So it will be incumbent on police, when making an application for an order, to justify to the court

that these different range of search powers are actually warranted in the circumstances.

When the deputy commissioner talks about the circumstances where there might be a lower level of evidence which suggests a search is warranted, the FPO will only be given life after a court has already determined that higher level of searching on the lower level of evidence is actually warranted because of the environmental information that the police have put on the record for the court to consider at first instance.

Dr Paterson: Also, these individuals are very high-risk individuals who likely have significant links in organised crime. We have seen in other jurisdictions the gun violence in these particular groups and cohorts, so this is a real, preventative step.

THE CHAIR: Yes. I think the concern is that there will be vexatious calls and then you have this resourcing issue where police are attending every time to a vexatious call. I think that was what the commissioner was alluding to.

Mr Lee: Ms Barry, I think, certainly, the frequency of searches and the frequency of visits is obviously explicitly articulated as a key consideration for members around the appropriateness of the search. That is a consideration that needs to be undertaken for exactly that issue so that we are not attending—

THE CHAIR: Running around, yes.

Mr Lee: premises every day because we have an FPO, and it is our view that it is necessary. That is a consideration that our people need to undertake, and it is obviously something that is subject to review.

Dr Paterson: And one of the considerations that the court will take into account is around other people residing in the house, or children. This is considered as part of a magistrate's order.

THE CHAIR: Mr Rattenbury?

MR RATTENBURY: I come back to the point you were making, Mr Lee, about the frequency of visits and the like. Is that in the legislation or is that in operational guidelines?

Mr Lee: It is something that we have considered, and it will be part of the decision framework that we have for our members. I think it is something that certainly has been part of the discussions and the consultations that have been undertaken, Mr Rattenbury. I might have to pass to Ms Guo on that issue, if it is something that, obviously, the committee wishes to consider further.

MR RATTENBURY: No, that is fine. We just need to understand where it is going to be. Because I think that is certainly one of the concerns that is out there—that someone gets a visit at 2 o'clock in the morning four nights a week and it crosses into an unreasonable zone. How that is regulated within policing I think is the kind of issue that people are concerned about.

Mr Lee: Absolutely. Did you want to add to that, Ms Guo?

Ms Guo: Building on that, the key part of this legislation is also the 12-month delayed commencement, which will enable police to establish some thorough governance and training requirements for our members to ensure that we hit the policy intent of the legislation.

I draw your attention to one of the considerations in exercising a power. Particularly, there needs to be a consideration that, if you are going to be using it between 9 pm and 6 am, “it is necessary to enter the premises at that time” and whether “it is impractical to enter the premises at another time”, and then further consideration is about other people that you may be impacting if you are to engage in that search. Police officers will definitely be turning their minds to those considerations.

MR RATTENBURY: Okay, thank you. I come to another point related to this. The Ombudsman raised an issue that he felt was perhaps a design question in the legislation around the value of the way it has been drafted, which was that, as it is currently drafted, the Ombudsman will be notified after the issuing of the FPO. His observation to this committee was that is not particularly useful and that, in fact, it is better to be notified after the exercise of enforcement powers. Is that an issue that the government has turned its mind to in the drafting of the legislation? Do you have a response to his observation?

Mr Lee: Certainly, from my perspective, my intent was that that would be a component of the annual reporting that I make to the minister but also make to the Ombudsman. Obviously, then we remain subject to the Ombudsman’s oversight and review, which does allow the Ombudsman to initiate reviews even outside of the annual reporting process.

MR RATTENBURY: Yes. I think he made the observation that he would be happy to see that one removed because it is an onus on you and useless to him. I do not know whether it is something more frequent than an annual report, particularly in the early part of the legislation. I think that is something the committee you might consider as well. Have you had those discussions with him at all, and do you have any views?

Mr Lee: I have not had those discussions with him. I am certainly happy to, and if the committee is so inclined, we could certainly consider whether there be, certainly in the initial stages of the legislation, a more frequent reporting—whether it is biannual or something similar. We could certainly consider that.

MR RATTENBURY: Yes, thanks.

Dr Paterson: And further, I guess to add to that, I will then report this to the Assembly, so it is public.

MR RATTENBURY: Thank you.

Mr Ng: Mr Rattenbury, I would just add that it would probably be no surprise that that was added as one of the key considerations—the additional oversight—to support assessment of human rights compatibility. But as you are aware, there is a range of matters through which we can achieve that, so we will certainly take the Ombudsman’s comments on board.

MR RATTENBURY: Thank you.

THE CHAIR: I have a few more questions, particularly around the re-categorisation of firearms. The evidence that was presented to us here today and in the submissions seemed to imply that the re-categorisation would lead to more people who are able to get category C licences, which are a bit more, I guess, powerful and dangerous. I wanted to know whether you had identified that potential risk and whether that has been addressed?

Ms Buxton: Thank you, Ms Barry. That is something we are aware of, but, ultimately, if a person requires a particular firearm, they still need to demonstrate their genuine need. So I think, anecdotally, we have heard that people might move to having higher calibre rifles—

THE CHAIR: Rifles, yes.

Ms Buxton: I am not sure, and perhaps one of my colleagues in ACT Policing might be able to provide some more operational insights, but, I suppose, contrary to that, we have also heard submissions that pest control, for example, needs a range of calibre rifles, which is why the 10 category can perhaps be a little bit problematic, because you need to have multiple calibres for particular animals or pests. But I think it would come down to that genuine need and the case-by-case assessment as to why that particular individual requires the particular type of firearm that they are seeking.

THE CHAIR: If I understand the evidence, it is that, if you apply for a category C licence, you still need to prove the genuine need test for every single firearm. Is that the evidence, even under the category C?

Mr Lee: Yes.

THE CHAIR: Right, okay.

Ms Buxton: Yes; as part of the Permit to Acquire scheme.

THE CHAIR: Right, okay.

Dr Paterson: Further to that, there are ongoing discussions with the commonwealth around what type of checking, and checking with commonwealth agencies and nationally as well, so there is a whole range of work that still needs to happen at a national level around the assessments for a firearms licence or for firearms.

Mr Lee: Yes. Ms Barry, I think the other point I would make is that the move from the re-categorisation of some firearms from category A and B into category C will limit the persons who can obtain a category C licence. It will limit the category of people who can access those firearms. It will only be available to primary producers, people employed or engaged in primary production, or bona fide firearms collectors. So it will limit the number of people that can access those firearms.

MR RATTENBURY: That is the intent, yes?

THE CHAIR: That is the intent.

Mr Lee: That is the intent. That is the absolute intent of the legislation given those types of firearms, particularly when we are talking about straight-pull firearms with a higher rate of fire—as with high calibre, as we have tragically seen. It is explicitly moving that category of firearms into a narrower group of people who can access those firearms.

Mr Rattenbury, I was going to also talk to that issue around the straight-pull for the biathlon group as well. We are happy to come back to it.

MR RATTENBURY: Yes, thanks.

THE CHAIR: And just for my benefit, if the intent is to reduce the number of people who would then be qualified for a category C, do you have data on how many people currently own a category C licence?

Mr Lee: We do have some of that data, Ms Barry. It is indicative only, given the nature of it, so I would probably put some caveats around it.

THE CHAIR: Yes.

Mr Lee: Given the paper-based nature of the registry, there are some caveats around the confidence we have in that data, given the nature of the data and given the nature of the registry. I can pass to Superintendent Breiner who can give you a breakdown, if you would like. We do have some of that detail with us, but I would ask you to just treat it as indicative.

THE CHAIR: Yes, so it is just an estimate—

Mr Lee: An order of magnitude, I think.

THE CHAIR: Right, okay.

Mr Breiner: If you would like, I can go through the breakdown of A, B, C, and D licences, plus H.

THE CHAIR: Yes.

Mr Breiner: For A and B as a joint licence, which most people would get, we have about 6,524. They are indicative numbers, obviously, at a point in time—so 31 March. In cat C there are only 51; cat D, there are five; and cat H, there are 907.

THE CHAIR: So A and B is 6,524.

Mr Breiner: A and B are the most common licence, obviously.

THE CHAIR: Yes, okay. But then if you move some of the A and B categories into category C aren't you just moving the number of licences?

Mr Breiner: They will not automatically. If you have a type of firearm that would push you into cat C, it may be that you are no longer able to possess that firearm, rather than, “We are going to move you into cat C”—if that clarifies it.

THE CHAIR: All right, okay.

MR RATTENBURY: Can I come back to that biathlon issue first up, please?

Mr Lee: Yes, I can. With the minister, obviously there is an ability for the registry, under regulation, to provide and have the discretion to issue some exemptions—just to add to the evidence.

MR RATTENBURY: So there is a mechanism to solve it, potentially.

Mr Lee: There is. Just to build on the evidence from the minister and JACS colleagues, there is a mechanism there: we could do that through regulation.

MR RATTENBURY: Thank you.

Mr Lee: Yes.

MR RATTENBURY: I turn to the question of the buyback process. The specific evidence we have received is members of the community being concerned about two issues. One is a distortion of market value since December 2025, when, because of expectations of buyback and surplus second-hand guns et cetera, they have seen a devaluation. The evidence we have received is that people think it should be set as market value at, essentially, December 2025. How is that being addressed in the design of the buyback?

Dr Paterson: These are really questions for the federal government. We are trying to work with them to understand what the parameters will be or what the settings will be for the buyback. We are still unclear about that, but we hope fairly promptly over the next weeks, months, we get some clarification on the parameters of what they are proposing for the buyback to at least allow us to provide some input into that.

MR RATTENBURY: Okay, thank you. I suspect it will be the same answer for the second issue that came up, which was that the accessories that go with them—so, thermal scopes and these kinds of things. We have received evidence that they are often more valuable than the weapon itself. Is it the same answer on that?

Dr Paterson: Yes.

Mr Lee: Yes, it is still a live issue that is part of the national discussion at the moment—the national negotiations.

MR RATTENBURY: Thank you. Turning then to the issue of the 3D printing capability.

Dr Paterson: Yes.

MR RATTENBURY: Again, we have received evidence, I think people are comfortable with the notion—that is the evidence we received broadly, and no-one has objected to it per se—but they have raised the issue of what they call “innocuous accessories”, and these are covers for scopes and plastic things you might print and the like. The issue was, firstly, whether the design of those would be covered by the legislation, and, secondly, the need to have, potentially, the design of the firearm as a 3D to be able to then get the dimensions right on the accessory—trying to think through those issues. In saying that has been talked about in the design of the legislation, do you have any comments on that evidence?

Dr Paterson: It has, and, I guess, I would say to that that the design of the legislation is really around community safety. One of the gaps in the legislation around producing 3D printed firearms is the blueprints for these firearms, so while this may be an unintended consequence, it may be an unintended consequence that is worth it for the objective of the bill.

MR RATTENBURY: So does that mean, just to be clear, you have thought about this, and you have decided it is an acceptable unintended consequence or is it—

Dr Paterson: Potentially. That is where we are leaning at the moment and—

MR RATTENBURY: Yes.

Dr Paterson: If the committee has other ideas or recommendations, we are interested and open to that, but at this point that is the bill we are presenting.

MR RATTENBURY: That is sort of the way you have drawn—

Dr Paterson: The trade-off, yes.

MR RATTENBURY: Okay.

Mr Lee: If I could, Mr Rattenbury, just on that issue—certainly, from a policing perspective, respectfully, we would not be supportive of the ability for a person to access a blueprint on the basis that they were looking at a small accessory to a firearm. That would make the application of the legislation extremely challenging for us in terms of the potential defences that might be available.

MR RATTENBURY: Sure.

Mr Lee: I think also, certainly from our perspective, we are supportive of the legislation in ensuring that we do not have these blueprints circulating in our community, given the increasing prevalence of 3D firearms and the ongoing enhancements to technology in terms of the viability of these firearms and what that means for us in terms of the impact on community safety.

MR RATTENBURY: Thank you. I wanted to draw out the thinking behind that one in light of the evidence we have received.

Mr Lee: Yes.

MR RATTENBURY: My last topic, at least for now, is the issue of cross-border implementation. Again, we have received evidence today, particularly from the ACT's rural landholders, and also professional shooters who operate in different jurisdictions, issues of the cross-border, including one landholder whose property literally spans the border and how this applies to them. Are you able to give us any advice on those issues and how they will navigate their way through those complexities?

Dr Paterson: Recognising that there are complexities there, I think this is part of the reasoning and the rationale for the legislation to try to align with New South Wales as much as possible. I also think this is why it is really important to have national alignment on as many of the aspects of the reform through the National Firearms Agreement as possible, because all jurisdictions except Tasmania have this cross-border issue. I might hand to police for more detail.

Mr Lee: In terms of the cross-border components, Mr Rattenbury, I think there obviously has been discussion and some debate around residency and the ability for people to move firearms between jurisdictions. Obviously, within the registry, under our firearms licences and firearms ownership, we have explicit requirements around ACT residency which our registry team ensures are complied with in terms of the ACT jurisdiction for the use of firearms within the ACT, and obviously it is the same with our New South Wales colleagues in terms of their own residency requirements. Certainly, from our perspective, we are comfortable that those complexities can be managed between us and New South Wales in terms of the ownership between the two jurisdictions.

MR RATTENBURY: Yes, so the residency you will see as, I guess, the primary test of compliance. Is that essentially your point?

Mr Lee: Yes.

Mr Breiner: Because we have a very porous border, there is a recognition on both sides of the licensing. So a New South Wales licence would enable someone to use their firearm at, say, a recognised range here in the ACT for a certain purpose. Part of the discussion, in terms of, say, our firearms registry going forward, the digital registry, would be reporting requirements on cross-border movements of those firearms to try and capture as much detail as we can. But there is recognition at the moment, and there will continue to be recognition, of licence validity between New South Wales and the ACT.

MR RATTENBURY: There is inevitably going to be some difference between us and New South Wales; we already know there is the five v four, for example. Fundamentally, residency will determine that, and then beyond that, if there are other differences, it will be upon the licence holder to know that difference and to ensure their compliance, essentially.

Mr Breiner: Correct. Wherever they live, where they are a resident, and where the firearm is stored, is paramount. They are the two bits of information that, as the registry, we would want to know.

MR RATTENBURY: Yes, thank you; that clarifies.

Ms Buxton: If I can add to that briefly. You noted the difference between the five and the four cap, but the upper cap of 10 is consistent between the ACT and New South Wales, and we also took their lead when it came to re-categorisation. So largely what we have done in the sense of re-categorisation is consistent with what New South Wales is doing in that regard. It does not solve all the problems, but there is some general sort of high-level consistency there.

MR RATTENBURY: Thank you.

THE CHAIR: I just have one really quick question. Some of the evidence we have heard today and in the submissions is that the discretionary nature of the exemptions under the firearms legislation would lead to challenges around who gets what and when, potentially creating classes of people. Has that issue been discussed? Have you considered it and is there anything more?

Mr Lee: Yes, certainly we have considered it in the context of the application of the categorisation and the potential impact on firearms licence holders and firearms owners in the ACT. Certainly, where we have requests for exemptions, I think it goes, Ms Barry, to the conversation we had before around category C firearms. Where there may be exemptions sought, they will be issues that we will consider through the registry on a case-by-case basis.

But we are not expecting that there will be a significant number of exemptions that would be granted, noting the intent of the legislation that the minister has outlined and the intent of the government around that balance with public safety and access in the ACT to firearms that move into those higher categories.

In the next tranche, we will absolutely be doing some further consideration around—at the moment, we have the suitability test. Obviously, Western Australia did some work around their fit and proper person test. We will do that here in the ACT as well—about whether there is further work we need to do to strengthen the fit and proper person test in the ACT. An element of that will also be the discussion that is occurring nationally at the moment around the use of intelligence holdings that may sit at the state and territory level, as well as with our AFP counterparts or our ASIO counterparts as well, where there is information there that is relevant to whether a person should be granted a firearms licence. We know in some of those issues at the moment within the ACT legislation and our suitability test, there are some gaps in those tests for our staff in the registry, and we think they do need to be strengthened.

THE CHAIR: One of the other things that the Ombudsman, I think, mentioned was effective record-keeping in terms of why you made a decision, so it is clear.

Mr Lee: Certainly, I acknowledge the Ombudsman's comments and that issue has been identified by the Ombudsman in a number of reviews of the AFP. I certainly acknowledge those areas where that has been identified by the Ombudsman, and we certainly take those recommendations seriously in relation to ensuring that the records that are kept are robust but also, I think, as we have outlined, capture the rationale and

the basis for a decision.

I think as Ms Guo talked about, we have got the work that we will do before the implementation of the legislation, with the training, the guidance, the governance mechanisms and the record-keeping upgrades that we will make to our systems to ensure that those records are kept and they are accessible to the Ombudsman for review and oversight.

THE CHAIR: Thank you. And one very last question—very, very last question. In your submission you mentioned the notification requirement for a change of address. I just want to explore that and why that is not the position we are taking with the FPO. Is there a reason why that is not the position we are taking with the FPO?

Mr Lee: If you like, I might pass to colleagues on that issue, if you wish, in relation to the seven-day notification. Obviously it is—

THE CHAIR: The notification period and the onus on the police rather than—

Mr Lee: That is right. Certainly, we have identified it as an area for consideration by the committee, so I might pass to my colleagues on that issue.

Ms Guo: Certainly. I can outline ACT Policing's position on it. Ultimately it is a government decision on whether that is something that they would like to adopt, but I think ACT Policing's preference would be to reduce that notification requirement to 24 hours, which would be consistent with what Victoria has, because under the proposed scheme, it would require that FPO individual to notify police within seven days of their change of residence, and then there is a requirement on police to then make an application to the court, so there may be a gap where police are unable to engage in those FPO powers where someone has potentially moved house for a seven-day period. But ultimately that is a decision for government.

THE CHAIR: And has any consideration been given to that?

Mr Ng: Certainly, we considered the length of time. I guess the other factor there is the strict liability nature of the offence as well, so that was the balance. We wanted to support the operational efficacy of the scheme but noted the consequences of breaches of strict liability offence as well.

THE CHAIR: Okay. Thank you.

Dr Paterson: Ms Barry, is the hearing ending?

THE CHAIR: Yes.

Dr Paterson: I just have two quick things. One is just to correct the record, when I said the directorate had done external consultation for the public safety bill; due to the quick nature of having to prepare the bill, there was no external consultation done on that bill.

The second point is that I want to say thank you, Mr Rattenbury, and acknowledge your contribution. This will be likely the last time we meet like this, and I want to say thank

you very much. I know we have had some times, particularly around these tables—perhaps not my finest moments! I acknowledge your service to our community and contribution, and I really wish you well on your next journey.

MR RATTENBURY: Thank you very much.

THE CHAIR: On that note, on behalf of the committee, I would like to thank our witnesses who have assisted the committee through their experience and knowledge. We also thank broadcasting and Hansard for their support. If these hearings have touched on sensitive matters for witnesses or people watching proceedings, please remember that support is available through organisations such as Lifeline and Beyond Blue.

If a member wishes to ask a question or notice, please upload it to the parliamentary portal as soon as possible and no later than five business days from today. This meeting is now adjourned. Thank you very much everyone.

The committee adjourned at 5.09 pm