

Legislation Scrutiny Committee
Parliament House
1 Mitchell Street
Darwin, NT 0800

21 March 2026

Dear Sir/Madam

Legislation Scrutiny Committee submission
in relation to the Firearms Amendment Bill 2026

I write to you as an Independent member of the Firearms Advisory Council (FAC) appointed by the Police Minister under Section 55 of the *NT Firearms Act 1997*, a role I have fulfilled for a little over 6 years.

I am a former NT Police Officer with over 38 years of service and worked extensively within the Police Firearms Policy & Records Unit during my service.

In May 2025, as an independent member of the FAC, I put forward a proposal to make a recommendation to the Minister under Section 56(1)(d) to amend Section 13 and 34 of the Act to allow the Commissioner of Police the power to amend the conditions on a current licence or permit whilst it was in force.

This proposal not only contained *Natural Justice* provisions in that a person should have the ability to appeal any changes made by the Commissioner, but also included *Procedural Fairness* and *Justification* provisions to ensure that changes were both required and warranted, and in circumstance where the change was solely for administrative purposes, the licence holder was afforded the opportunity to make a submission to the Commissioner should they not believe the change was warranted. The original submission is included with this letter.

The proposal was discussed and the membership of the Firearms Advisory Council supported the proposal subject to Natural Justice, Procedural Fairness and Justification requirements being included in any subsequent amendments.

These requirements where:

That the Commissioner can amend a licence in force;

- 1. On application by the holder of the licence, amend the genuine reason(s), firearms categories or conditions of their licence, or***
- 2. In circumstances where a change to the Act or Regulations requires the licence be amended for it to remain compliant with the changes to the Act or Regulations, or***
- 3. In circumstances where the Commissioner has reasonable grounds to believe that the licence needs to be amended to ensure public safety.***

And further;

- 4. In circumstances where the Commissioner needs to amend the licence to allow the effective administration of the licence, in accordance with the principles of the Act or Regulations, where:***
- ***The Commissioner advises the holder of the licence of the proposed change and its purpose, and***
 - ***Allows the holder of the licence 14 days to make a submission on the change, taken from the day that the notice of change is given, and***
 - ***The Commissioner takes into account the holders submission before making a determination to either change the licence, or not proceed with the proposed change.***
- ***That the new section provides that where a decision is made to amended a licence under part 3 or 4 of these provisions, that the holder, if aggrieved, has the ability to appeal the decision through the provisions of Section 50.***

At a subsequent meeting of the Council, the members of the FAC were advised that the Recommendation had the support of both the Minister and the Commissioner, and that amendments reflecting the recommendations made under Section 56(1)(d) of the Act would be drafted in due course.

We are now aware that the amendments proposed in Item 6 and 8 of the *Firearms Amendment Bill 2026* have not included any of the *Procedural Fairness or Justification* safeguards which formed the basis of the support by the Firearms Advisory Council to the amendment of Section 13 and 34 of the Act.

Drafted amendments in the *Firearms Amendment Bill 2026*

Item 6 - Section 13 amended (General conditions of licence)

After section 13(2)

insert

The Commissioner may:

1. (a) revoke or vary a condition of a licence imposed under subsection (2)(b);
or
2. (b) during the period of a licence, specify further conditions under subsection (2)(b) to which the licence is subject.

Item 8 - Section 34 amended (General provisions relating to permits)

After section 34(1)

insert

The Commissioner may:

- (a) revoke or vary a condition of a permit imposed under subsection (1)(b); or
- (b) during the period of a permit, specify further conditions under subsection (1)(b) to which the permit is subject.

The Firearms Advisory Council as a statutory advisory council is the peak representative body that represents all firearm licence holders in the Northern Territory. The FAC was not made aware of the omission of the *Procedural Fairness* and *Justification* requirements which formed an integral part of our submission to the Minister of Police to amend these two sections of the Act. There has been no engagement or consultation by either Government or the Police Commissioner on the changes which is an evident failure by both the Government and Commissioner to adequately engage with the stakeholders affected by these changes.

Aside from our ability to engage now through the Legislation Scrutiny Committee, it brings into question the commitment of Government to pay due regards to recommendations made through the Firearms Advisory Council despite it being one of their legislative functions.

As the original proposer of the recommendation to amend Section 13 and 34, I am now unwilling to support the changes detailed in Items 6 and 8 of the *Firearms Amendment Bill 2026* because of the omission of the proposed safeguards. Whilst I can't speak for others, it is more than likely that other FAC members will form a similar view that the proposed changes are a serious breach of trust by the Government and Commissioner by removing fundamental safeguards from the original recommendation.

I submit:

That Item 6 and 8 of the *Firearms Amendment Bill 2026* be amended to include the safeguards from the original Recommendation made to the Minister of Police under Section 56(1)(d) of the Act,

or

That item 6 and 8 be omitted from the *Firearms Amendment Bill 2026* to allow appropriate and meaningful engagement through the Firearms Advisory Council before further amendment to Sections 13 and 34 are considered.

Yours faithfully



Phil Duffield
Independent FAC Member



**MOTION TO FIREARMS ADVISORY COUNCIL
OUT OF SESSION RECOMMENDATION**

Under the provisions of Section 56(1)(d) of the *NT Firearms Act*, the following recommendation is made to the Police Minister to amend Section 10 and Section 13 of the *Firearms Act*, or alternately to create a new section which provides the Commissioner the ability to amend a licence after it has been granted and whilst it is still in force.

Motion:

That Section 10 and Section 13 be amended, or new section drafted which provides the ability for the Commissioner to amend a licence and/or its conditions after it has been issued.

That the amendment includes the following procedural fairness and natural justice provisions.

That the Commissioner can amend a licence in force;

- 4. On application by the holder of the licence, amend the genuine reason(s), firearms categories or conditions of their licence, or***
- 5. In circumstances where a change to the Act or Regulations requires the licence be amended for it to remain compliant with the changes to the Act or Regulations, or***
- 6. In circumstances where the Commissioner has reasonable grounds to believe that the licence needs to be amended to ensure public safety.***

And further;

- 4. In circumstances where the Commissioner needs to amend the licence to allow the effective administration of the licence, in accordance with the principles of the Act or Regulations, where:***
 - The Commissioner advises the holder of the licence of the proposed change and its purpose, and***
 - Allows the holder of the licence 14 days to make a submission on the change, taken from the day that the notice of change is given, and***
 - The Commissioner takes into account the holders submission before making a determination to either change the licence, or not proceed with the proposed change.***
- That the new section provides that where a decision is made to amend a licence under part 3 or 4 of these provisions, that the holder,***

if aggrieved, has the ability to appeal the decision through the provisions of Section 50.

(NB This would also require an addition to Schedule 7)

Rationale:

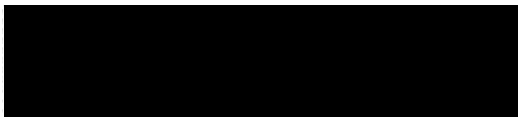
Recent legal advice sought by the Firearms Policy & Records Unit has identified that the Commissioner lacks the legislative ability to amend a licence once it has been issued. Any changes can only be addressed through a licence being revoked or surrendered by the holder and then rectified through a fresh application for a new licence.

This is far from desirable and inability for the Commissioner to amend a licence after it has been issued and whilst still in force should be addressed as a matter of urgency.

This would provide significant benefits for the Commissioner in managing existing licences and allow licence holders the seek an amendment to an existing licence without the need to lodge a full new application. In these circumstances, it would reduce the workload for the Firearms Registry, and benefits licence holders by removing the impost and cost of having applying for a further licence.

Such a change would not lessen public safety expectations but in fact would provide better licensing outcomes for both the Commissioner and the licence holder.

I put forward this Motion to the FAC for consideration.



Phil Duffield
FAC Member