

10 March 2020

Legislative Assembly of the Northern Territory
13th Assembly
Legislation Scrutiny Committee

Email: LSC@nt.gov.au

Dear Legislation Scrutiny Committee

Re: Inquiry – Firearms Legislation Amendment Bill 2020

On 26 February 2020, you invited the Department of Tourism, Sport and Culture (the Department) to make a submission to your inquiry on the Firearms Legislation Amendment Bill 2020 (the Bill), by close of business 11 March 2020.

The National Firearms Agreement 2017 (of which the Northern Territory of Australia is party to) constitutes a national approach to the regulation of firearms. The Agreement affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.

The Agreement sets out minimum requirements in relation to the regulation of firearms. Nothing in the Agreement prevents jurisdictions from adopting additional, including more restrictive, regulations. Section 9 of the Agreement sets the genuine reasons and need for acquiring, possessing or using a firearm.

With respect to category D firearms, these are only listed for use by primary producers, where the licensing authority is satisfied that there is a genuine need for the use of a Category D firearm for the purposes of controlling vertebrate pest animals in the course of primary production activities. Jurisdictions may require individuals to meet additional requirements (for example, safety training and marksmanship) to

qualify for Category D acquisition, possession or use, or to establish certain facts (for example, lack of other pest control options) in order to demonstrate need.

SUFFICIENT REGARD TO THE RIGHTS AND LIBERTIES OF INDIVIDUALS

The Bill proposes to include Category D firearms range licence (30BB) for the purpose of training and recreational shooting as a genuine reason. This is inconsistent with the minimum requirements agreed to in the National Firearms Agreement.

With respect to approving the premises and range for a category D firearms range (30BB(3)), the Bill cites that it must be in accordance with section 49(2) of the *Firearms Act 1997*. The Department is of the opinion that this is restrictive and should be broadened to include all the provisions of section 49 so the Commissioner of Police can consider the matters as set out in section 49 in order to inform his or her approval or refusal of a premises to be used by firearms clubs and for shooting activities.

The Department does not permit the use of category D firearms in any park or reserve under its care, control and management. The Department also manages four hunting reserves in the Northern Territory where category D firearms are not permitted for use. The Bill has a new provision in Part 3, Regulation 18A(1)(f)(iii), setting the conditions that a range must be located in a place sufficiently safe and remote that shots fired at the range cannot endanger any park or sanctuary declared under the *Territory Parks and Wildlife Conservation Act 1976* (TPWCA).

While the Department acknowledges that the intent of the Bill is for use of category D firearms within an approved range only (18A(1)(a)), not every park and reserve managed by the Department is declared under the TPWCA and is managed under other administrative arrangements. This could potentially impact on park visitor safety if a range was to be built near a park or reserve that wasn't declared under the TPWCA.

The Department is of the opinion that the 18A(1)(a), could be broadened (or a definition inserted) to include parks and reserves that are also managed, and not necessarily just declared under the TPWCA.

The Department considers the insertion of a minimum distance in kilometers in section 18A(f), a sound inclusion to reduce the likelihood of an incident, accident or fatality from this category of firearm in public areas.

Section 18A(b) of the Bill has a condition that a category D firearm must not be used by persons under 16 years of age. Given the size and power of category D firearms, consideration should be given to raising the age to 18 in line with section 33(a) of the National Firearms Agreement. The Department acknowledges this provision is intended for a licence applicant, not necessarily a customer to a firearms range.

The Department would want to consider the views of Department of Attorney General and Justice and NT Police, particularly with respect to the Bill having appropriate safety provisions for Territorians; and that the proposed category D range licence has links to section 10 of the *Firearms Act 1997* with respect to general restrictions and fit and proper person provisions.

Thank you for the opportunity to provide a submission on the Firearms Legislation Amendment Bill 2020.

Regards



Simonne Shepherd
Chief Executive Officer