



3 October 2019

Dr Jennifer Buckley
Committee Secretary
Economic Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
Darwin Northern Territory 0801

Via email: EPSC@nt.gov.au

Dear Dr Buckley

Re: Firearms Legislation Amendment Bill 2019

Thank you for the opportunity to provide the attached Submission on the proposed *Firearms Legislation Amendment Bill 2019*.

The Alannah & Madeline Foundation is supportive of all jurisdictions strengthening their firearm safety framework in the interests of public safety.

The Foundation is also eager to work with jurisdictions on improving compliance with the National Firearms Agreement.

We are founding members of the Australian Gun Safety Alliance and we have consulted some of the members on our submission.

The Foundation hopes the Committee finds this submission informative and we remain available for any further public hearing or discussion.

Further enquiries can be directed to Stephen Bendle, Advocacy Manager, stephen.bendle@amf.org.au or 0412 291 927

We wish the Committee all the best on their work on this important community safety issue.

Yours sincerely,

Lesley Podesta
Chief Executive Officer

**Submission to the Economic Policy
Scrutiny Committee Legislative
Assembly of the Northern Territory
Inquiry into the Firearms Legislation
Amendment Bill 2019**

Submitted by the Alannah & Madeline Foundation

October, 2019



**Alannah & Madeline
Foundation**

Keeping children safe from violence

About the Foundation

The Alannah & Madeline Foundation (The Foundation) was established following the tragic mass shooting at Port Arthur in 1996. The Foundation has been a passionate advocate for firearm safety ever since, especially as it relates to keeping children and young people safe from violence.

The Foundation strongly supports the National Firearms Agreement, which was first put in place following the Port Arthur tragedy. It has been updated on several occasions since then and is now known as the 2017 National Firearms Agreement (the NFA).

The Northern Territory Government is a signatory to the Agreement and supported the most recent updates.

The evidence shows that the Agreement has helped keep our community safe from firearm violence. We strongly support the harmonising of state and territory government firearm laws and regulations, one of the key features of the NFA.

The Foundation is also a founding member of the Australian Gun Safety Alliance which was formed in 2017 as a coalition of concerned individuals and like-minded organisations that publicly hold all governments to account for compliance with the National Firearms Agreement. The Alliance aims to provide balanced information in support of firearm safety and raise public awareness about this important issue of community safety.

The Alliance is made up of organisations from the medical, health, emergency services, public health, health promotion, education, children services and family violence sectors.

In forming our response to this Committee, we have sought input from many of these Alliance members. The Foundation hopes you find this submission informative and we remain available for any further public hearing or discussion.

Comments on the Firearms Legislation Amendment Bill 2019

In principle, the Foundation supports the proposed Firearm Prohibition Order (FPO) legislation. It is consistent with our support of the National Firearms Agreement which "*affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety...*".

It is also consistent with most other Australian jurisdictions that have introduced similar legislation.

We note that the Bill amends the *Firearms Act 1997* (NT) and the *Firearms Regulations 1997* (NT). Section 49E provides that the effect of a FPO is that a person subject to an order is prohibited from acquiring a firearm or firearm related item and from possessing or using any firearm or firearm related item.

Section 49K provides that all licences, permits and certificates of registration under the Act held by the person served with a firearm prohibition order are cancelled by the making of the order and that the cancellation has effect on the order being served on the person. A person served with an order must also surrender any firearm or firearm related items to the Commissioner as soon as practicable.

The Foundation also supports the increased penalties associated with a range of firearm related offences. This is entirely consistent with the Foundation's support of firearm policy that enhances community safety.

The only recommended change that the Foundation would offer is to replace the use of "silencer" in 49C(b). We feel that "sound suppressor" might be considered as an alternative.

It is our experience in other jurisdictions that the firearm community routinely refer to silencers as sound suppressors. The Foundation cannot comment from a legal point of view, but we imagine that a technical gun advocate may seek to circumvent the clause with the current term as apparently nothing will completely "silence" a firearm. It is our understanding that sound suppressors can take many forms and that that term may be more all-encompassing.

We remain fully supportive of restrictions on any silencers or sound suppression devices for recreation shooters or hunters.

Other issues

The Foundation would like to take this opportunity to raise with the Committee several issues relating to the NT *Firearms Act 1997* that seem to still be non-compliant with the National Firearms Agreement.

Although all jurisdictions signed the original National Firearms Agreement in 1996 and agreed to its most recent review in 2017, including the Northern Territory Government, no jurisdiction is fully compliant with the Agreement.

It is our understanding that there is an opportunity for the Northern Territory Government to lead the nation in firearm policy by being fully compliant with the NFA.

These include:

- **Licences and permits for minors**

In Clause 33(a) of the NFA the Agreement states: *In addition to the demonstration of genuine reason, a licence applicant must be required to be aged 18 or over.*

It seems that no minimum age is prescribed for the holder of a 'firearms club junior licence' under Section 28 of the NT *Firearms Act 1997*.

- **Permit to acquire**

Jurisdictions have agreed to a waiting period of at least 28 days to acquire a firearm.

It seems that the Northern Territory *Firearms Act 1997* does not comply with this resolution by allowing second and subsequent firearms to be exempt from the 28-day waiting period.

- **Genuine reason**

The NFA states quite clearly in Clause 10 that personal protection is not a genuine reason for acquiring, possessing or using a firearm. This is a fundamental premise of our strong legislative framework and a key pillar of community safety.

While the Northern Territory *Firearms Act 1997* lists the allowable genuine reasons, the Foundation believes that the Act could be strengthened by adding the note that personal protection is not a genuine reason.

- **Lever action shotguns**

In December 2016 COAG agreed to restrict lever-action shotguns and incorporated some changes into the 2017 National Firearms Agreement.

It is not clear that the Northern Territory Government has amended their regulatory framework to incorporate these nationally agreed principles:

- Lever action shotguns with a magazine capacity of no greater than 5 rounds should now be in Category B. This means they may continue to be available to recreational and sports shooters, primary producers and professional shooters, subject to the genuine reason and need tests.
- Lever action shotguns with a magazine capacity of greater than 5 rounds have been classified in the most restrictive category of firearm (Category D). Primary producers and professional shooters may gain access to these firearms if they can demonstrate genuine need.

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THANK YOU.



Alannah & Madeline
Foundation

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