



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

**Legislation Scrutiny Committee**

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**Inquiry into the Firearms  
Legislation Amendment Bill 2020**

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**May 2020**



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## Chair's Preface

This report details the Committee's examination of the Firearms Legislation Amendment Bill 2020, which was introduced by the Member for Goyder, the Hon Kezia Purick MLA. The primary purpose of the Bill is to create a new type of firearms licence that would permit the possession and use of .50 calibre firearms for training and recreational shooting at an approved firearms range.

The Committee received three submissions to its inquiry. The NT Firearms Council supported the Bill, while the Department of Tourism, Sport and Culture and the NT Police Force considered that the Bill was inconsistent with the *National Firearms Agreement*, and lacked sufficient safeguards to create an appropriate regulatory framework for using .50 calibre firearms for recreational shooting. The NT Police Force expressed the view that to address the significant drafting deficiencies, the Bill would need to be rewritten in its entirety.

The Committee acknowledges that the question of the Bill's compliance with the *National Firearms Agreement* is a complex issue and that the classification and regulation of firearms is, in part, a matter of government policy. As such, the Committee did not draw a conclusion on how the Bill interacts with the *National Firearms Agreement*. The Committee did, however, conclude that the Bill as currently drafted is not fit for purpose and is of the view that any rewrite would need to be developed in consultation with the NT Police Force and other relevant authorities. The Committee has therefore recommended that the Assembly not pass the Bill.

On behalf of the Committee, I would like to thank the organisations that made submissions to this inquiry and the Member for Goyder for providing responses to the issues raised in submissions. I also thank my fellow Committee Members for their bipartisan support in the examination of this Bill.



**Tony Sievers MLA**

**Chair**

## Committee Members

	<b>Mr Tony Sievers</b> Member for Brennan	
	<b>Party:</b>	Territory Labor
	<b>Committee Membership</b>	
	Standing:	House, Public Accounts
	Sessional:	Legislation Scrutiny Committee
	Chair:	Legislation Scrutiny Committee
	<b>Ms Sandra Nelson MLA</b> Member for Katherine	
	<b>Party:</b>	Territory Labor
	Parliamentary Position	Acting Deputy Speaker
	<b>Committee Membership</b>	
	Sessional:	Legislation Scrutiny
	Deputy Chair:	Legislation Scrutiny
	<b>Mr Joel Bowden MLA</b> Member for Johnston	
	<b>Party:</b>	Territory Labor
	<b>Committee Membership</b>	
	Sessional:	Legislation Scrutiny
	<b>Mrs Lia Finocchiaro MLA</b> Member for Spillett	
	<b>Party:</b>	Country Liberals
	Parliamentary Position:	Leader of the Opposition
	<b>Committee Membership</b>	
	Standing:	Privileges
	Sessional:	Legislation Scrutiny
	<b>Mrs Robyn Lambley MLA</b> Member for Araluen	
	<b>Party:</b>	Territory Alliance
	Parliamentary Position:	Acting Deputy Speaker
	<b>Committee Membership</b>	
	Standing:	Standing Orders and Members' Interests
	Sessional:	Legislation Scrutiny
<b>Note:</b> Pursuant to Standing Order 181, on Tuesday 10 March Member for Karama, Ms Ngaree Ah Kit was discharged from the Committee and replaced by Member for Johnston, Mr Joel Bowden.		

## **Committee Secretariat**

Committee Secretary:	Julia Knight
Committee Secretary:	Jennifer Buckley
Senior Research Officer:	Elise Dyer
Administration/Research Officer:	Melissa Campaniello
Administration Assistant:	Kim Cowcher
Contact Details:	GPO Box 3721 DARWIN NT 0801
	Tel: +61 08 8946 1485
	Email: <a href="mailto:LSC@nt.gov.au">LSC@nt.gov.au</a>

## **Acknowledgements**

The Committee acknowledges the organisations that provided written submissions to this inquiry and the Member for Goyder for responding to the issues raised in submissions.

## Terms of Reference

### Sessional Order 13

#### *Establishment of Legislation Scrutiny Committee*

- (1) Standing Order 178 is suspended.
- (2) The Assembly appoints a Legislation Scrutiny Committee.
- (3) The ordinary membership of the scrutiny committee will comprise three Government Members, one Opposition Member nominated to the Speaker in writing by the respective Whip and one non-party aligned Member to be appointed by motion.

The Committee's membership will be supplemented by alternate members who may be nominated to participate at meetings and undertake a role on the committee in the place of ordinary committee members. The nomination of alternate committee members will be in writing by the ordinary member to the committee chair.

Alternate Committee members must be from the same category of Members of the Assembly as the ordinary member nominating them such as the same political party or a non-party aligned Member.

- (4) The functions of the scrutiny committee shall be to inquire and report on:
  - (a) any matter referred to it:
    - (i) by the Assembly;
    - (ii) by a Minister; or
    - (iii) on its own motion.
  - (b) any bill referred to it by the Assembly;
  - (c) in relation to any bill referred by the Assembly:
    - (i) whether the Assembly should pass the bill;
    - (ii) whether the Assembly should amend the bill;
    - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
      - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
      - (B) is consistent with principles of natural justice; and
      - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
      - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and

- (E) confers powers to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
  - (F) provides appropriate protection against self-incrimination; and
  - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
  - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
  - (I) provides for the compulsory acquisition of property only with fair compensation; and
  - (J) has sufficient regard to Aboriginal tradition; and
  - (K) is unambiguous and drafted in a sufficiently clear and precise way.
- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether the bill:
- (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
  - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
  - (C) authorises the amendment of an Act only by another Act.
- (5) The Committee will elect a Government Member as Chair.
- (6) The Committee will provide an annual report on its activities to the Assembly.

Adopted 27 November 2019

## **Recommendations**

### **Recommendation 1**

The Committee recommends that the Legislative Assembly not pass the Firearms Legislation Amendment Bill 2020.

# 1 Introduction

## Introduction of the Bill

1.1 The Firearms Legislation Amendment Bill 2020 (the Bill) was introduced into the Legislative Assembly by the Member for Goyder, the Hon Kezia Purick MLA, on 19 February 2020. The Assembly subsequently referred the Bill to the Legislation Scrutiny Committee for inquiry and report by 5 May 2020.<sup>1</sup>

## Conduct of the Inquiry

1.2 On 20 February 2020 the Committee called for submissions by 11 March 2020. The call for submissions was advertised via the Legislative Assembly website, Facebook, Twitter and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. As noted in Appendix 1, the Committee received three submissions to its inquiry.

## Outcome of Committee's Consideration

1.3 Sessional Order 13(4)(c) requires that the Committee after examining the Bill determine:

- (i) whether the Assembly should pass the bill;
- (ii) whether the Assembly should amend the bill;
- (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
- (iv) whether the bill has sufficient regard to the institution of Parliament.

1.4 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should not pass the Bill.

### Recommendation 1

**The Committee recommends that the Legislative Assembly not pass the Firearms Legislation Amendment Bill 2020.**

## Report Structure

1.5 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as outlined in the explanatory speech.

1.6 Chapter 3 considers the main issues raised in evidence received.

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<sup>1</sup> Hon Kezia Purick MLA, Member for Goyder, *Draft Daily Hansard*, 19 February 2020, pp. 36-39, <https://www.territorystories.nt.gov.au/jspui/handle/10070/756095>.

## 2 Overview of the Bill

### Purpose of the Bill

2.1 The purpose of the Bill is to create a regulatory framework to enable the establishment of a business to operate an approved shooting range that permits the use of category D firearms for training and recreational shooting. The Bill seeks to create a new type of firearms licence, a category D firearms range licence, and stipulates the application requirements, the record keeping obligations of the licence holder and the licence conditions.<sup>2</sup>

2.2 As stated in the explanatory speech, the Bill:

is about allowing the use of .50 calibre rifles for recreational, sporting and training purposes on a privately and appropriately licensed firearms range, which the legislation does not currently allow. As the legislation currently stands, recreational and sporting .50 calibre activities cannot be accomplished either under the legislation or regulation.<sup>3</sup>

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<sup>2</sup> Explanatory Statement, *Firearms Legislation Amendment Bill 2020*, (Serial 121), p. 1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

<sup>3</sup> Hon Kezia Purick MLA, Member for Goyder, *Draft Daily Hansard*, 19 February 2020, pp. 36-39, <https://www.territorystories.nt.gov.au/jspui/handle/10070/756095>.

### 3 Examination of the Bill

#### Introduction

- 3.1 Of the submissions received, only the NT Firearms Council supported the Bill as drafted. The Department of Tourism, Sport and Culture (DTSC) considered that the creation of new type of licence allowing the possession and use of category D firearms for training and recreational shooting is inconsistent with the National Firearms Agreement (the Agreement) and recommended a number of amendments if the Bill were to be passed by the Assembly.
- 3.2 The NT Police Force (NTPF) stated that they strongly opposed the Bill on three grounds:
- The Bill undermines the Government's commitment to the National Firearms Agreement;
  - There are insufficient safeguards within the Bill; and
  - There are technical issues with the Bill.<sup>4</sup>
- 3.3 The NTPF identified a significant number of amendments that would be required for the Bill to achieve its intended purpose and to create an appropriate regulatory framework. While the NTPF did not support the Bill and considered that it would not be possible to provide sufficient safeguards to allow unlicensed persons access to .50 calibre firearms for recreational purposes, they concluded that:
- if the proposal is nevertheless supported by Government, the NTPF submits that the Bill should not be accepted in its current state and due to its significant drafting deficiencies would need to be rewritten in its entirety. Any rewrite should be developed in consultation with the NTPF to ensure that people with sufficient expertise in the administration of the Act are able to advise on the legislative requirements for such a Bill.<sup>5</sup>
- 3.4 As noted previously, the Committee has recommended that the Bill not be passed by the Assembly as it concurs with the NTPF that it would need to be entirely redrafted in consultation with the NTPF to create an appropriate regulatory framework for permitting the use of .50 calibre firearms for recreational shooting. Nevertheless, the main issues raised in submissions and the Member for Goyder's subsequent responses to such are outlined below and may prove useful in the event that the Bill is redrafted and re-introduced to the Assembly in the future.

#### National Firearms Agreement and Category D Firearms

- 3.5 The Northern Territory is party to the Agreement which sets out minimum requirements in relation to the regulation of firearms. The NTPF stated:
- The Bill proposes to create a new category of firearm licences allowing the use of category D firearms for recreation purposes, namely the discharge of such firearms on approved ranges, termed a 'firearms range licence'. This is

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<sup>4</sup> NTPF, Submission No. 3, p. 2.

<sup>5</sup> NTPF, Submission No. 3, p. 11.

fundamentally inconsistent with the National Firearms Agreement ('the Agreement') and nationwide agreed standards of firearms regulation.

Category D firearms are the most restricted category of firearm available and there are stringent controls on their purchase and possession. This category of firearm, in addition to .50 calibre firearms, includes self-loading centre fire rifles and self-loading shotguns. These weapons have a high rate of fire that present significant risk to community safety, warranting their strict control. This has been evidenced by the use of this category of firearms in mass casualty events in Australia and throughout the world. .50 calibre firearms are anti-material weapons, primarily used for military purposes, which have no practical application or justification for civilian use.

The Agreement was a part of the national response to firearm related law reform following mass shooter incidents, including Port Arthur in 1996, after recognising the risk category D firearms (amongst others) could pose to the community. The Agreement committed all States and Territories to a firearms registration scheme and licensing of persons in order to legally possess and use firearms. The Agreement outlined the minimum requirements in relation to firearm regulation and was recommitted to by the Council of Australian Governments, including the Northern Territory (NT) Government in February of 2017.<sup>6</sup>

### 3.6 The NTPF further stated:

The purpose of the Bill is to allow recreational and training businesses to use and possess .50 calibre firearms. The proposed amendment under 30BA authorises the possession of any category D firearms other than firearms less than 70cm in length and inoperable machine guns. Section 30BB(2) further clarifies that s30BA will permit the possession and use of .50 Calibre firearms. There is no further limitation to the scope of category D firearms permitted under s30BA. Whilst the intent of this legislation is to allow .50 calibre firearms to be utilised for recreational purposes at ranges, the Bill would in effect allow all Category D firearms to be used for this purpose, including self-loading centrefire rifles and self-loading shotguns.

The NTPF submits that if this proposal is to be passed, the Bill should be amended to only apply to .50 calibre firearms. There is no justification nor reason for having the Bill apply to all types of category D firearms.<sup>7</sup>

3.7 The Member for Goyder stated she had no issue with the proposed licence type only permitting the use of .50 calibre firearms as opposed to all category D firearms. However, she did not accept that the Bill is inconsistent with the Agreement and questioned how Victoria, NSW and WA allow the use of .50 calibre firearms.<sup>8</sup> During the explanatory speech, the Member for Goyder referred to the Ella Valla Pastoral Station which has a 2.7km shooting range where people can shoot .50 calibre firearms.<sup>9</sup>

3.8 The Committee understands that .50 calibre firearms are classified as category B firearms in the Agreement and in the respective legislation in Victoria, NSW and WA, whereas in the NT .50 calibre firearms are classified as category D firearms. The Agreement 'sets out minimum requirements in relation to the regulation of firearms. Nothing in this Agreement prevents jurisdictions from adopting additional – including

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<sup>6</sup> NTPF, Submission No. 3, p. 2.

<sup>7</sup> NTPF, Submission No. 3, p. 4.

<sup>8</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, pp. 1-2, <https://parliament.nt.gov.au/committees/LSC/121-2020>

<sup>9</sup> Hon Kezia Purick MLA, Member for Goyder, *Draft Daily Hansard*, 19 February 2020, pp. 36-39, <https://www.territorystories.nt.gov.au/jspui/handle/10070/756095>.

more restrictive – regulations.<sup>10</sup> As such, jurisdictions are permitted to upgrade the classifications of different types of firearms to implement more restrictive controls.

- 3.9 The Agreement and the *Firearms Act 1997* require applicants to demonstrate a 'genuine reason' for possessing and using firearms. Genuine reasons for acquiring, possessing or using a firearms are set out in clauses 13 to 23 of the Agreement and clause 15 stipulates that only category A and B firearms can be used for recreational purposes.<sup>11</sup>
- 3.10 Section 11 of the Act sets out the genuine reasons for a firearms licence. The genuine reasons applicable to category B firearms are much more extensive than category D firearms which are limited by regulation 13 of the Firearms Regulations 1997. The Agreement, Act and Regulations all stipulate that in addition to the genuine reason requirement, an applicant must demonstrate a 'genuine need' to possess and use category D firearms. The Agreement includes a genuine need requirement for category B firearms; however, this is absent from the Act and Regulations.
- 3.11 Proposed regulation 13A places restrictions on granting a category D firearms range licence by requiring the Commissioner to be satisfied that the proposed premises are capable of being used safely and that the applicant has a 'reasonable expectation of successfully operating' the range. The NTPF stated:

The Bill ignores the implications of regulation 13 and simply seeks to insert regulation 13A. Proposed section 30BB(6) states that carrying out a business of operating a category D firearm range for the purpose of training and recreational shooting is to be a genuine reason for the possession and use of category D firearms. This conflicts with the limitation on the grant of a licence under regulation 13.

Regardless of whether an applicant can satisfy the Commissioner of the matters outlined in regulation 13A, the NTPF submits that an applicant would be unable to satisfy the genuine reason or genuine need tests under regulation 13 empowered by section 11 of the Act. The NTPF further submits that any amendment seeking to include recreational use as a genuine reason for the possession of category D firearms is wholly inconsistent with the Act and would erode legitimate safety regulations currently encompassed in the Act.<sup>12</sup>

- 3.12 The NTPF further stated:

there is no genuine need for anyone to possess and use a category D firearm for recreational purposes. The NTPF submits that it is irresponsible and damaging to the NT's firearms regulatory framework to equate 'fun' with a genuine need to possess the most restricted category of weapons. At present, this category are only licensed to individuals in exceptionally limited circumstances where there is a genuine need.<sup>13</sup>

- 3.13 In response to this comment, the Member for Goyder stated:

The Bill is written to allow for a new genuine need and that is to engage in the shooting of a .50 calibre rifle for recreational/sporting purposes. The use of the word "fun" was not used and gives an incorrect impression. The sport of long

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<sup>10</sup> Council of Australian Governments, *National Firearms Agreement*, February 2017, p. 2, <https://www.abf.gov.au/prohibited-goods-subsite/files/2017-national-firearms-agreement.pdf>.

<sup>11</sup> Council of Australian Governments, *National Firearms Agreement*, February 2017, pp. 3-6, <https://www.abf.gov.au/prohibited-goods-subsite/files/2017-national-firearms-agreement.pdf>.

<sup>12</sup> NTPF, Submission No. 3, p. 5.

<sup>13</sup> NTPF, Submission No. 3, p. 3.

range firearms is an international activity and is well recognized around the world and in Australia with Australia being home to the world junior champion. This sport is not for everyone and those who do participate take the activity very seriously from a safety perspective plus commitment to do well.<sup>14</sup>

- 3.14 If .50 calibre firearms were reclassified in the NT to category B, the absence of a 'genuine need' requirement within NT legislation would make these firearms widely accessible to the public and they could be used for sports shooting and recreational shooting or hunting. Given the power of .50 calibre firearms, the use of these firearms for recreational shooting or hunting poses significant danger to the public and requires strict regulation and appropriate safeguards to be in place. Other jurisdictions have provisions enabling them to limit category B purchases to require a genuine reason for each firearm or to limit genuine reasons to use specific types of firearms. The NT legislation does not contain such provisions, therefore the NT Police do not have the power to control the number of firearms attached to a category A or B licence or how the licence holder uses them.

### **Committee's Comments**

- 3.15 The Committee acknowledges that the question of whether the Bill is inconsistent with the Agreement is a complex issue given that the NT has opted to classify .50 calibre firearms as category D firearms. This classification of .50 calibre firearms is a matter of government policy and the Committee has not drawn a conclusion about whether the Bill is inconsistent with the Agreement.
- 3.16 It is evident to the Committee that .50 calibre firearms must be strictly and appropriately regulated for the safety of not only the people that possess and use such firearms but also the general public. The Committee recognises that while .50 calibre firearms could be reclassified to category B, this would require extensive consultation with appropriate authorities to determine how these firearms could be safely and appropriately regulated and would require amendments to both the Act and Regulations.

## **Regulatory Framework**

- 3.17 As part of its examination of the Bill, the Committee reviewed the Act to inform its understanding of the regulatory frameworks in place for existing types of firearms licences. Substantial changes were made to the Act in 2007 with the introduction of paintball operator licences. The Committee reviewed the Firearms Amendment (Paintball) Bill 2007 to gain an insight into the breadth of amendments that were necessary to create a new type of firearms licence. The Committee noted that the requirements and restrictions associated with a paintball operator licence are significantly more comprehensive than those proposed by the Bill for a category D firearms range licence, and is concerned there is a lack of clarity as to how the

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<sup>14</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p. 1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

proposed licence type and the business of running a category D firearms range would operate in practice.

3.18 The Committee's concerns were echoed by the NTPF in their submission:

The NTPF is very concerned with the lack of sufficient safeguards implemented in this Bill. The NTPF draws comparisons with this Bill and the Firearms Amendment (Paintball) Bill 2007 ('Paintball Bill'). The Paintball Bill was significantly more detailed than the Bill currently before the Scrutiny Committee. The NTPF is concerned that the proposed Bill is significantly briefer than the Paintball Bill, especially considering that the Paintball Bill was dealing with a significantly less dangerous weapon than the firearms encompassed by the Bill currently before the Scrutiny Committee. The Paintball Bill was considered holistically within the current operational context of the Act, and integrated within the regulatory framework in a manner in which the current Bill fails to do.<sup>15</sup>

3.19 The NTPF further noted:

there are many technical issues with the Bill. The Bill is not drafted to be consistent with the provisions of the Act... Provisions relating to licences, permits, registration and offences are woven throughout the Act. Any Bill seeking to introduce a new form of licence needs to address a variety of provisions to ensure that the proposal achieves its purpose and that there are not unintended consequences as is the case with this Bill.<sup>16</sup>

A number of the more concerning issues identified with the Bill are outlined in the sections below.

### ***Operator and Employee Licences***

3.20 Proposed section 9(8A) requires that an application for a category D firearms range licence must include the name of the 'person who will be primarily responsible for the control and management of the business (the representative)' as well as the 'prospective employees and contractors of the business'. Proposed subsection 30BB(1) also contains a reference to a representative. The wording of these sections suggests that the intention is for a category D firearms range licence to be held by a body corporate but the Bill does not explicitly stipulate that a licence can only be held by a body corporate. The NTPF stated:

The proposed licence should require a body corporate licence. This is consistent with section 10(7) of the Act which prohibits an individual from being granted a firearms dealer licence, firearms museum licence, firearms club licence, firearms corporate licence or paintball operator licence. The NTPF submits that the proposed category D firearm range licence logically should be subject to the same restriction...

It is also appropriate that section 10A should apply to category D firearm range licences. This provision mandates that the Commissioner may refuse to grant a firearms corporate licence, firearms museum licence or a firearms club licence if the representative does not hold a licence or if the Commissioner is not satisfied that the representative would be granted a licence under section 10 if the representative were to apply for one. The NTPF submits that this type of safeguarding is necessary to ensure that representatives for these types of

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<sup>15</sup> NTPF, Submission No. 3, p. 4.

<sup>16</sup> NTPF, Submission No. 3, p. 10.

licences are the sorts of people who would otherwise be eligible for a firearms licence.<sup>17</sup>

- 3.21 The Committee notes restricting the proposed licence type to a body corporate would require amendments to the Act including, but not limited to, sections 3, 10, 10A and 91A.
- 3.22 Employees of a paintball operator licence holder and a corporate firearms licence holder must be licensed and are required to undertake an approved safety course. The NTPF stated that employees of a business operating a category D firearms range should be required to hold an individual licence and outlined different options of how the Act could be amended to insert provisions to facilitate this. The NTPF also recommended amendments to ensure that conditions equivalent to those applying to paintball operator licences and permits in regulation 39D apply to the proposed licence type.
- 3.23 The NTPF recommended that amendments should be made to require category D firearms licence applicants to specify the name and address of each person who is a close associate of the applicant and particulars of the nature of the person's association with the applicant. The submission further stated:
- The NTPF find it shocking that this level of safeguarding is applicable to paintball operators but there is no proposal for an equivalent requirement for operators of category D firearm ranges...
- The NTPF is concerned that category D firearm ranges are being proposed with less restrictions than other licences under the Act, despite them being the most dangerous category of firearms.<sup>18</sup>
- 3.24 The Member for Goyder accepted that the NTPF's recommendations on licensing requirements, restrictions and conditions for the body corporate, representative and employees of a category D firearms range business.<sup>19</sup>

### **Age Restriction**

- 3.25 Proposed regulation 18A(1)(b) inserts a licence condition that a category D firearm cannot be used by a person under the age of 16 at a category D firearms range. Both the DTSC and NTPF consider that the age restriction is too low, with the latter stating:
- it is wholly inappropriate that the proposed 'firearms range licence' would allow children as young as 16 years of age to use category D firearms. If the proposal were to proceed the Bill should be amended to only allow persons over the age of 18 to use these firearms.<sup>20</sup>

The Member for Goyder accepted the recommendation that the age restriction be raised to 18 years of age.<sup>21</sup>

<sup>17</sup> NTPF, Submission No. 3, pp. 5-6.

<sup>18</sup> NTPF, Submission No. 3, p. 7.

<sup>19</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p.1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

<sup>20</sup> NTPF, Submission No. 3, p. 4.

<sup>21</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p.1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

### **Approved Premises**

- 3.26 Proposed subsection 30BB(3) stipulates that ‘the premises and range for a category D firearms range must be approved under section 49(2).’ Section 49 of the Act provides for the approval of premises used by firearms clubs and for shooting activities while section 49A provides for the approval of premises used for paintball ranges. Apart from the requirements of section 49A, additional conditions for paintball operators are set out in regulation 39D; for example, a prohibition on altering an approved paintball range without written approval of the Commissioner. The NTPF considered that provisions equivalent to those in regulation 39D should apply to category D firearms range licences.<sup>22</sup>
- 3.27 The DTSC stated that the proposed subsection 30BB(3) is too restrictive and it should be broadened to require the Commissioner to consider all matters in section 49 to inform their approval or refusal of the premises.<sup>23</sup> The NTPF stated:
- if the Bill were to proceed a specific provision should be inserted regulating the approval of category D firearm ranges including requirements that all necessary approvals are obtained, that the premises are suitable for the intended use, and that the use of firearms on the premises will not constitute a danger to persons on the premises or to the public in the vicinity of the premises.
- The NTPF notes that ranges are approved in relation to specific calibres of firearms. The NTPF again submits that if this proposal is to be supported, the Bill should be limited to the .50 calibre firearms that the Bill intended to permit.<sup>24</sup>
- 3.28 The Member for Goyder accepted the recommendations made by the DTSC and NTPF in respect of approved premises.<sup>25</sup>

### **Location of Approved Firearms Range**

- 3.29 A condition of a category D firearms range licence under proposed regulation 18A(1)(f)(iii) is that the 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). The DTSC advised that not every park and sanctuary managed by the DTSC is declared under the TPWCA and these are managed under different administrative arrangements which could potentially impact on park visitor safety if a range was built near a park or reserve that wasn’t declared under the TPWCA. The DTSC noted that it does not permit the use of category D firearms in any park, reserve or hunting reserve under its care, control and management.<sup>26</sup>
- 3.30 The DTSC recommended that proposed regulation 18A(1)(a) could be broadened, or a definition inserted, to include parks and reserves not managed under the TPWCA. The DTSC also recommended that a minimum kilometre distance should

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<sup>22</sup> NTPF, Submission No. 3, p. 9.

<sup>23</sup> DTSC, Submission No. 2, p. 3

<sup>24</sup> NTPF, Submission No. 3, p. 7.

<sup>25</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p.1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

<sup>26</sup> DTSC, Submission No. 2, p. 3

be inserted into proposed regulation 18A(1)(f) to reduce the likelihood of an incident, accident or fatality.<sup>27</sup>

- 3.31 The Member for Goyder advised that she supported the recommendation made by the DTSC regarding the location of approved category D firearms ranges.<sup>28</sup>

### **Offence Provisions**

- 3.32 The NTPF raised concerns that the Bill does not appropriately amend existing offence provisions within the Act and identified a number of offence provisions that would need to be amended to deter against misuse. The amendments to offence provisions identified in the NTPF submission have not been detailed in this report; however, the NTPF stated:

Despite increasing access to category D firearms, the Bill fails to implement any relevant offence provisions to better safeguard against inappropriate usage. The NTPF submits that the Scrutiny Committee should be concerned about weakening longstanding limitations on the use and possession of category D firearms without sufficient deterrence against misuse. The NTPF submits that it is insufficient to rely on pre-existing offence penalties under the Act. The NTPF submits that specific offences are required to ensure compliance and to deter inappropriate use of category D firearms.

The NTPF again notes that the Paintball Bill implemented a raft of paintball specific offences. This was necessary because the Paintball Bill was allowing for the use of a category C firearm for recreation. The NTPF is again concerned that the current Bill fails to include any offence despite seeking to allow recreational use of significantly more dangerous firearms.<sup>29</sup>

- 3.33 The Member for Goyder accepted the NTPF recommendation to amend numerous offence provisions to promote regulatory compliance and deter inappropriate use of firearms.<sup>30</sup>

### **Records and Reporting Requirements**

- 3.34 Proposed section 30BC prescribes the 'records to be kept by a category D firearms range operator licence'. The term 'operator' has been used in this section's heading but is not used in any other references to the proposed licence type.
- 3.35 Proposed subsection 30BC(1)(a) requires records to be kept including the 'name and address of all present and past employees and contractors of the holder of the licence' while proposed subsection 30BC(4)(a) only requires the 'name and address of each person who was an employee of the holder of the licence during the year' to be contained within the requisite annual report. It is unclear why contractors have not been included in the annual reporting requirements or whether this is a drafting oversight.

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<sup>27</sup> DTSC, Submission No. 2, p. 3

<sup>28</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p.1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

<sup>29</sup> NTPF, Submission No. 3, p. 8.

<sup>30</sup> Hon Kezia Purick MLA, Member for Goyder, *Responses to Issues Raised in Submissions*, 14 April 2020, p.1, <https://parliament.nt.gov.au/committees/LSC/121-2020>

3.36 The licence application requirements prescribed in proposed section 9(8A) require the applicant to specify the name and addresses of 'prospective employees and contractors of the business' whereas the record keeping requirements refer to employees and contractors of the 'holder of the licence'. There is some ambiguity in the interpretation of the terminology used in proposed section 30BC as the 'holder of the licence' may run multiple businesses or a firearms range may just be one component of a business; for example, if it was operated as part of a pastoral estate as is the case at the Ella Valla Pastoral Station in WA. Therefore the licence holder may have employees and contractors that are not involved in the operation of a firearms range business who presumably would not need to be detailed in the requisite records and annual reports.

### **Committee's Comments**

3.37 As outlined in the preceding sections, a number of particularly concerning issues were identified with the Bill as currently drafted. Having considered the evidence, the Committee is of the view that to address the significant drafting deficiencies and create an effective and appropriate framework to regulate the use of .50 calibre firearms for recreational use, the Bill would need to be entirely redrafted in consultation with the NTPF and other appropriate authorities.

3.38 The Committee concurs with the NTPF's concluding comments that:

Category D firearms require the most stringent regulation due to the risks they pose to community safety. They are the most restricted category of firearms and particular caution must be exercised when proposing legislative reform which would weaken the current regulatory framework relating to their control. The current Bill is insufficient to provide the level of regulation and the safeguards necessary to allow unlicensed and un-vetted persons access to category D firearms.<sup>31</sup>

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<sup>31</sup> NTPF, Submission No. 3, p. 11

## Appendix 1: Submissions Received

### Submissions Received

1. NT Firearms Council
2. Department of Tourism, Sport and Culture
3. Northern Territory Police Force

### Note

Copies of submissions and the Member for Goyder's response to issues raised in submissions are available at: <https://parliament.nt.gov.au/committees/LSC/121-2020>

## Bibliography

Council of Australian Governments, *National Firearms Agreement*, February 2017, <https://www.abf.gov.au/prohibited-goods-subsite/files/2017-national-firearms-agreement.pdf>.

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Hon Kezia Purick MLA, Member for Goyder, *Draft Daily Hansard*, 19 February 2020, pp. 36-39, <https://www.territorystories.nt.gov.au/jspui/handle/10070/756095>.

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Statement of Compatibility with Human Rights, *Firearms Legislation Amendment Bill 2020*, (Serial 121), <https://parliament.nt.gov.au/committees/LSC/121-2020>

# Dissenting Report by Mrs Finocchiaro

## Dissenting report to the Legislation Scrutiny Committee

### *Firearms Legislation Amendment Bill 2020*

The CLP Opposition fully supports the rights of Territorians to responsibly possess and use firearms for a genuine reason under the *Firearms Act 1997*, including for sport and recreation.

As the NT Firearms Council stated in its submission, the Firearms Legislation Amendment Bill 2020 would 'enhance the amenity of licensed Northern Territory shooters'.

Noting the legitimate concerns raised by the Northern Territory Police and the Northern Territory Department of Tourism, Sport and Culture and agree that the Bill should be amended to address the concerns raised and then passed.



Lia Finocchiaro  
Leader of the Opposition

1 May 2020