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21 March 2026

The Secretary

Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
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By email: LSC@nt.gov.au

Dear Secretary

Submission on the Firearms Amendment Bill 2026

I make this submission in response to the Legislative Scrutiny Committee's call for submissions on the *Firearms Amendment Bill 2026*. The Committee is to consider whether the Assembly should pass the Bill, whether it should amend the Bill, and whether the Bill has sufficient regard to the rights and liberties of individuals and to the institution of Parliament.

I have reviewed the Bill and the accompanying Explanatory Statement. My view is that the Bill only partly fulfills the explanatory notes as stated, but not cleanly enough to justify passage without large amendment. Some clauses close genuine enforcement gaps and should proceed. Other clauses are drafted far too loosely, reward administrative delay, widen discretionary control, and create real ambiguity that can be misused, misinterpreted, and misappropriated in ways that increase lawfare, weaken practical accountability, and create avoidable burdens for licence holders, employers, dealers, insurers, investigators, prosecutors, and, after a firearms incident, victims and their families.

My position is therefore straightforward -

The Assembly should amend the Bill before passing it.

My General position

The Bill is not a sham. Although parts of it are shambolic. It does contain some real measures aimed at tightening firearms control, updating records, dealing with newer methods of illicit manufacture, and modernising parts of the licensing scheme. The proposed offence for possession of digital blueprints for the manufacture of firearms, the expansion of offences relating to destroying or rendering firearms inoperable, the added notification requirements for destruction, disposal, defacing and damage, and the transitional offence to clean up legacy records all broadly align with the Explanatory Statement's claimed purposes. Those provisions are really more about closing gaps than weakening standards.

The problem lies in the other half of the Bill. Several amendments give the Commissioner broader mid-stream control over licences and permits, lengthen

some licence periods, and most importantly allow a licence to remain “in force” after expiry while a same-type application remains undetermined. That package may appear administratively convenient. In practice, it has when introduced into the security act, risked turning registry delay into statutory ambiguity.

Clauses that genuinely improve accountability and broadly fulfill the explanatory notes

The strongest parts of the Bill are the ones directed at real loopholes.

The proposed new offence for possession of digital blueprints for the manufacture of firearms plainly responds to a modern problem. It criminalises intentional production, sale, distribution or possession of a digital blueprint for firearm manufacture, with exemptions for law enforcement, criminal proceedings, and licensed or permitted manufacturing based on the blueprint. That is a real enforcement measure, not mere symbolism. I can agree on that.

Likewise, the amendments to section 68 and section 90, together with new section 125, go in the right direction. They tighten control over destroying firearms, rendering them inoperable, and failing to notify the Commissioner of destruction, disposal, defacing or damage. Those changes improve record integrity. Better records do not merely help the registry. They help police response, tracing, seizure decisions, and later prosecution. On these points the Bill does broadly fulfill the explanatory notes, but that does not mean it should proceed.

The amendments allowing interstate licence holders to purchase and possess ammunition in the Territory where they hold a corresponding licence or permit also broadly fit the explanatory notes. They are aimed at practical cross-border use, particularly for lawful shooting activities. That is sensible in principle, though it still needs clear verification guidance for dealers. (It needs amendments)

Commissioner power to vary, revoke, or add licence and permit conditions

Clauses affected - Clauses 6, 8 and 18.

What the Proposed Bill does -

The Bill gives the Commissioner power to revoke or vary conditions already imposed on a licence or permit, and to add further conditions during the life of the licence or permit. The Explanatory Statement presents this as simply setting out that power. It also makes those decisions reviewable by NTCAT.

My Concern -

This does fulfill the explanatory note at face value. The difficulty is that it does more than tidy administration. It allows the rules of the game to be changed while the game is being played.

That can be justified where genuine safety issues arise. But without tighter statutory criteria it also creates room for uncertainty, overreach and downstream dispute. A licence holder may satisfy every condition on the day the licence is granted, only to find that new conditions are later imposed that affect their business operations, employment eligibility, storage obligations, security contracts, or client deliverables. A review right after the decision is better than nothing, but review after the damage is done is weaker than clear limits at the front end. A review in NTCAT, a provably long winded administrative burden that pretends its court, but isn't, and has delegates often with no legal acumen, just appointments, and that have a very clear history of making decisions in conflict

with acts and legislation, and I should again mention can not set a precedent because they are not a court, is by no means fair or justice. It is arbitrary and dangerous.

My Recommendation -

These clauses should be amended to require that any added, varied or revoked condition be tied to defined statutory grounds such as:

- public safety risk;
- demonstrated compliance failure;
- integrity concerns;
- material change of circumstance; or
- operational necessity supported by reasons.

The Commissioner should also be required to give written reasons and a commencement date for any new condition, except in urgent risk cases. NTCAT should have nothing to do with any reviews, do better, they have proven they can't.

Clause 7: longer licence periods and the “continued in force” provision

Clause affected - Clause 7.

What the Proposed Bill does -

Clause 7 extends firearms corporate licences and firearms employee licences to 10 years and inserts new subsections allowing a licence to continue in force beyond expiry if, before expiry, the licensee lodges an application for a new licence of the same type and that application has not yet been granted or refused. The licence then expires upon grant or refusal, unless earlier revoked.

Does it fulfill the explanatory note?

Yes, but only in the most narrowest technical sense. It does exactly what the note says it does: it preserves continuity where the bureaucracy has not finished the application.

The real problem is the following -

This clause is the most serious weakness in the Bill.

Current NT Police firearms guidance still says there is “no renewal system in the NT,” that every application is a new application, and that any re-issue application should be lodged at least 6 weeks before the licence expiration date. That is current official guidance, not stale folklore.

At the same time, current NT Police material also states that from 1 January 2026 the Firearms Policy and Recording Unit will only process licence or permit applications after the National Firearms Register self-check has been completed for all firearms owned, with all NT licence holders asked to complete that self-check by 17 April 2026. In other words, the administration has added another front-end processing gate.

So the Bill now tries to solve delay by a deeming provision, while the administration still publicly tells applicants there is no renewal system and has layered additional prerequisites into the application pipeline. That is not coherent drafting. That is a legal patch over an administrative problem.

Why this creates lawfare and uncertainty -

A licence can be “in force” under NT law while looking expired on its face to everyone else.

That creates real and foreseeable disputes in:

- employment and contractor compliance;
- corporate security engagements;
- client warranties and procurement terms;
- insurer disclosure and indemnity disputes;
- audits and site-access approvals;
- interstate counterpart dealings; and
- Commonwealth or national contracting environments that ask for proof of a current licence rather than a legal argument about deeming.

I do not say this clause plainly breaches Commonwealth law on its face. That would be too strong. The problem is different. The clause creates a mismatch between NT statutory continuity and the external compliance language used in contracts, tenders, policies, insurance instruments and audit systems. That is where litigation grows.

A contractor can present an expired licence card and say it remains alive by operation of subsection (4). A principal, insurer, Commonwealth entity, or client may refuse to accept that without further proof. That dispute should never have been created in the first place. You just created this headache in the Security Industry, and we are not bloody happy about it. Now you propose it with firearms... Just NO! do better!

Why administrative delay is not a good excuse -

The ACIC says the National Police Checking Service aims to process 95% of police checks within 10 business days, with about 70% completed in real time and about 30% referred for manual assessment where a potential match is found. That does not mean every firearms application should be granted in ten days. It does mean that long registry drift cannot simply be dressed up as unavoidable modern complexity.

Bureaucratic delay, whether caused by staffing shortages, industrial friction, bad process design, or simple ineptitude, is not a sound basis for statutory ambiguity. If the practical problem is SAFE NT or registry delay, the answer is to fix the administration, impose real HARD deadlines, and raise standards. The answer is not to reward backlog by allowing an expired licence to float indefinitely in a legal grey zone.

It Creates real Public-safety consequences -

The clause also weakens practical scrutiny. Extending employee and corporate licences to 10 years reduces the frequency of full reapplication scrutiny. Letting expired licences continue in force during undetermined applications further softens the discipline of renewal. A system that was meant to test ongoing fitness can quietly become a system that tolerates pending status for months while people continue operating. That may help the registry. It does not help public safety.

My Recommendation -

Clause 7 should be amended so that:

- a pending application does not automatically continue a licence by

default;

- instead, the Commissioner must issue a written temporary continuation notice or extension certificate;
- the notice must state the exact end date, conditions, and the fact that it applies only for the purposes of the *Firearms Act*;
- the Act should impose a hard outer limit, such as 60 days, unless extended by written reasons;
- there should be statutory processing timeframes for complete applications; and
- refusal to recognise or certify continuation should be a reviewable decision. But not from NTCAT, they are a dogs breakfast, no one with any care of public safety would place any decision in their hands. Check AustLII for some real doozies.

That would preserve continuity where genuinely needed without dumping uncertainty onto third parties.

Firearms Advisory Council changes

Clause affected - Clause 9.

What the Proposed Bill does -

The Bill changes the composition of the Firearms Advisory Council so that up to four executive members of the Northern Territory Firearms Council Incorporated may be nominated, up to two police officers may be nominated by the Commissioner, the Minister may appoint up to four other persons in consultation with the NT Firearms Council Incorporated and the Commissioner, and the Chairperson is appointed by the Minister. The Explanatory Statement says the exclusion of police and NT Firearms Council members from some appointments is intended to ensure balance and independence.

My Concern -

This clause partly fulfills that note, but not decisively. It creates some structural diversity, but it also centralises significant influence in the Minister's hands through the chair and discretionary appointments. In practice, the Council could still become either captured by representative interests or steered by ministerial preference.

If the stated goal is balance and independence, then the appointment criteria should be more visible than simple consultation. Independence does not arise merely because one bloc is formally excluded from one class of appointment.

My Recommendation -

The Bill should require -

- published appointment criteria;
- written conflict-of-interest declarations for all members;
- publication of the skills basis for appointments; and
- reasons where the Minister appoints the Chairperson.

Digital blueprints offence

Clause affected - Clause 10 / new section 61B.

What the Proposed Bill does -

The Bill creates a 14-year offence for intentionally producing, selling, distributing or possessing a digital blueprint for the manufacture of a firearm or part of a firearm on a 3D printer or electronic milling machine. Strict liability applies to the character of the thing as a digital blueprint. Possession is defined broadly and includes control over a blueprint held in a device possessed by another person, whether in or outside the Territory.

My Concern -

This is a real enforcement clause and should not be stripped out. But its breadth invites technical litigation if not better confined. "Digital blueprint" is defined very broadly as any type of digital reproduction of a technical drawing of the design of an object. "Part of a firearm" is also expandable by regulation. Combined with broad constructive possession, that gives room for disputes about whether a file is really caught, whether the person truly controlled it, and whether the file was sufficiently connected to illicit manufacture.

That does not mean the offence is wrong. It means the clause may generate expensive arguments around the edge while serious traffickers argue over CAD semantics.

My Recommendation -

The clause should be amended to clarify that the blueprint must be designed primarily or substantially for the manufacture of a firearm or prescribed firearm part, and the Act should include a tighter definition or illustrative examples. That would help prosecutors focus on real offenders rather than technical grey cases. Clarity matters, don't be vague.

Interstate ammunition provisions

Clauses affected - Clauses 12, 13 and 15.

What the Bill does -

The Bill allows interstate licence and permit holders with corresponding categories to purchase and possess ammunition in the Territory, and broadens section 92 beyond "approved shooting competition" language to firearms-related activities at premises approved for shooting activities.

My Concern -

The aim is practical and largely sound. The risk is operational rather than philosophical. Dealers and staff will need clear guidance on what counts as a "corresponding licence" or "corresponding permit" across jurisdictions, particularly where interstate categories, endorsements or documentary formats differ. Without that, compliance burden shifts from the regulator to the front counter.

Recent raids on several dealers in the NT found that most of the reported failures/breaches were due to a lack of clarity on legislative requirements not intention, so why not clear that up.

My Recommendation -

The Commissioner should be required to publish a current verification guide for dealers and ammunition sellers identifying corresponding interstate categories and acceptable documentary proof.

Notification amendments and transitional offence

Clauses affected - Clauses 14 and 17.

What the Bill does -

The Bill expands notification obligations to include destruction, disposal, damage and defacing, and creates a transitional offence to compel legacy notification of previously unnotified destruction, damage, defacement, disposal or rendering inoperable. The Explanatory Statement says this is necessary to update police systems and allow future enforcement of the new statutory requirements.

My Concern -

These amendments are among the strongest in the Bill. Better records support better enforcement, and better enforcement supports public safety. My only reservation is that the transition provision should be accompanied by a clear public education period so the change is used to clean records rather than to catch unaware holders on technicalities.

My Recommendation -

That these parts of the Bill proceed, but require a published amnesty-style education campaign before enforcement emphasis begins.

Will the Bill, as drafted, increase lawfare, reduce accountability, or burden victims of crime?

In part, yes.

Not every clause does that. Some clauses increase accountability. But the Bill as a package contains enough ambiguity and enough administrative accommodation to create real problems.

The clearest example is the continuation clause. If a firearms incident later occurs, and the person involved held a licence that was expired on its face but said to be “continued in force” by a pending same-type application, that creates collateral litigation over status, compliance, employment authority, site access, insurer obligations, and record validity. Those disputes do not help victims. They distract from the underlying conduct and make prosecutions and civil consequences messier than they need to be.

The same point applies to mid-stream licence conditions and broad blueprint drafting. Bad drafting does not merely trouble lawyers. It hands lawyers more to argue about.

Victims of crime are burdened when the system invites side-arguments instead of clear proof. A firearm regulatory system should be tight, readable, and easy to evidence. Where it is vague, delay-tolerant, or document-poor, the burden of that weakness is eventually paid by police, prosecutors, courts, victims, insurers, employers and contractors. And where ever possible avoid NTCAT.

10. Conclusion

The *Firearms Amendment Bill 2026* should not be rejected in full. It contains real reforms that close genuine loopholes, particularly in relation to digital manufacture, destruction, inoperability, disposal and record integrity. On those points, it broadly fulfills its explanatory notes.

But the Bill should **NOT** be passed in its current form. The most serious defects are:

- the broad and legally untidy licence continuation provision in clause 7;
 - the reduction in practical scrutiny created by longer licence periods without matching revalidation discipline;
 - the open-ended power to vary or add licence and permit conditions during their term;
 - the partly political structure of the revised Firearms Advisory Council;
- and
- the need for tighter drafting around digital blueprints and interstate ammunition verification.

The most important reform principle here is simple -

administrative delay should be fixed administratively, not converted into legal uncertainty by statute.

For those reasons, I respectfully submit that the Assembly should amend the Bill before passing it.

Thank you for considering this submission.

Kind Regards,

Sam Wilks

HS, ADIP GOV, CIVSM, CIVTAE CIVRE

"Safety and Security for your assets"

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