

About 6 pm, Friday 9, November 2013 I received a phone call from the Attorney General's Department to ensure that I was informed of the decision to end the Commonwealth Firearms Advisory Council. While the contact was appreciated by me, it was late in coming due to having have read in the morning's newspapers that the CFAC had been abolished, with no warning, discussions or until receiving the call, no courtesies.

During the call, I was informed that the Minister was travelling and that the AG's department was taken by surprise at the announcement of the decision as they were not expecting the resulting speed of the release of the information.

The Government obviously has the authority to dissolve the Council but common decency would indicate that it was done in a very poor manner.

A follow up email arrived about 7 pm and in part stated:

*I would like to take this opportunity to thank you and your members for the valuable contribution you have made to the development of firearms policy and your assistance in the preparation of regulatory reform. It has been extremely valuable having such a body of knowledge readily available to inform the Government of technical considerations and the latest developments in this area.*

*I note, in particular, your consistent and highly valued contributions to the latest round of amendments to the Customs (Prohibited Imports) Regulations 1956.*

Our Chair, Pete Steadman and others had been making inquiries as to what the future held for the Council and on 25 October we were informed by the AG's department that:

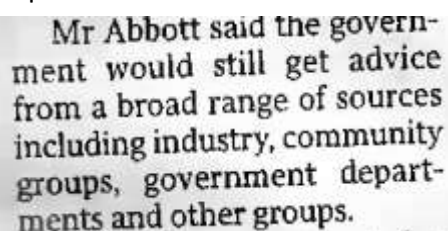
*Unfortunately, we are not in a position to provide any clear direction at this point, but considered it prudent to advise the Council formally of the current situation.*

*As you may be aware, Customs and Border Protection has shifted to the new Immigration and Border Protection portfolio. Responsibility for firearms importation and related issues are currently shared between the Minister for Justice and the Minister for Immigration and Border Protection.*

*The Attorney-General's Department (AGD) is currently seeking clarification from the Government on lines of responsibility for CFAC and its role.*

*We appreciate your patience during this period, and until AGD can offer more information.*

For the Prime Minister to state that this move will reduce bureaucracy is outrageous. We were not bureaucrats we were unpaid consultants. From what I understand our travel expenses totalled around \$20,000 which is a paltry sum and it was bureaucrats that elongated a process that could have been completed in half the time. The Prime Minister can get advice from government departments but it will not be informed, pragmatic advice from end users that have to interface with



Mr Abbott said the government would still get advice from a broad range of sources including industry, community groups, government departments and other groups.

our complex regulations. It is a pity that a group that was set up by John Howard has been told to get lost by a protégé of his.

The fact is that there is endemic bureaucratic ignorance of firearm technology and the impact of firearm regulations on

stakeholders; consequently public servants / government is incapable of making a valid judgement about the practicalities of enforcement or compliance with of a surprising number of regulations.

groups being abandoned have "outlived their original purpose" and it was part of his pledge to cut bureaucracy.

We had only just worked our way through a back log of issues and were only beginning to start on the more difficult ones or additional issues that the Council would identify.

I can understand why some are inclined to categorise the CFAC as "window dressing". This feeling manifested itself as a concern early on and was a worry which was held by most if not all of the advisors from the users group. The resulting question then became what we should or could do about it. We had a choice to participate or not, but if anyone thinks a greater good could have been achieved by boycotting the council they are naïve and / or pessimistic.

I agreed with other councillors that engaging with the process was a better option than not participating. An unresponsive nature of the minister's office and a tedious process became quite frustrating at times and a genuine distraction from my regular employment and family life. LAFOs should understand that we steadfastly provided wide ranging, factual and frank advice about the consequences of the regulations and many problematic wordings.

Participating in the council had some unexpected benefits which included: learning about the corporate mindset of Customs, the behaviour characteristics of public servants and an insight into the strategies government can employ to influence the consultative process. The AGs Department persistently emphasised consistency between Federal and State regulation when justifying a position, but when inconsistencies were highlighted the AGs department was often reticent in acknowledging the implications.

The most contentious item was the suggestion by the AG Department that the banning of the importation of .50 calibre firearms etc. was prudent. Assertions about the realities of imposing feel good bans on this calibre were provided. It was clear to me that the main justification to ban the round was mostly emotionally based in nomenclature i.e. Browning Machine Gun. The Council did not recommend banning importation of the calibre.

When thinking back on our discussions it is amazing to realise that agreement amongst the councillors was extremely high. The fact that Customs, the Federal Police expert and civilian representatives rarely disagreed about issues highlights the paranoid and invalid criticisms of the council by gun control organisations.

Customs core desire was to be provided with clarity in the wording of regulations, so that grey areas were eliminated. Everyone agreed that composing unambiguous controls was a desirable outcome but ambiguity kept reappearing at every stage of the process i.e. every time the Department rewrote the recommendations and provided them for the next stage or meeting.

Customs provided explanations and examples that made it clear there is a very small minority of legal firearm owners who are determined to test the limits of existing regulations for reasons that would never occur to most of us. For example, the importation of paper weights which are actually handgun frames that only require drilling some holes to transform the paper weight into a functional component and ultimately a complete handgun when combined with other components. A

template for marking out the centres of the holes was readily available to the importers. Just as gun ban zealots reach wrong conclusions due to limited knowledge we should also be open to the concept that we may not know all the issues surrounding the administration of firearm regulation, either.

Due to my work on the council and connecting some other dots I have come to the conclusion that our biggest threat is executive police (Firearms Policy Working Group and Ministerial Council on Police and Emergency Management - Police (MCPEMP)). Secondly, The Liberal Party, who have a historic investment and which they doggedly exploit the slightest opportunity to attract accolades from the likes of the ABC, The Sydney Morning Herald, the Coalition for Gun Control and the National Parks Association. At the lower end of this hierarchy is The Labor Party and Greens Coalition. I have no doubt that some will want to argue about this assessment, but I base it on the amount of influence they wield along with their historical behaviour.

We all know there would be no need for a Fishers and Shooters Party if government dealt with the issues surrounding the legal ownership of firearms in a cost effective, consistent and rational manner instead of relying on populism.

Widespread police corruption long ago faded from the front pages of our newspapers and is currently replaced with admiration for the police because of the challenging environment they operate in and the critical need for a professional, effective police force. In short, any firearm organisations that chose to criticise the motivation of police will be met with suspicion and even more likely derision from the media. I believe the police know this and are emboldened as a consequence, think Ammunition Bill, rumours of calibre restrictions et al. If the police assert a new regulation is needed, who will effectively disagree? It certainly will not be legal firearm owners since it has become fashionable to regard us as latent criminals by the likes of Premier O'Farrell and his freedom loving associates.

My hypothesis is that opportunistic police and politicians view firearm regulation as a bottomless well that can be drawn from whenever the need arises to pad one's curriculum vitae or generate positive media reports about fighting firearm crime. More regulation translates into more personnel, bigger budgets and of course more promotions and higher salaries to covet. It is even possible that these traits are subconscious.

The quintessential example of this was when CFAC communicated with FPWG for concurrence that banning importation of moderators for most users was unsupported by fact i.e. window dressing. Needless to say, they adhered to the status quo which may be due to hoplophobia, ignorance, ideology or the desire to avoid negative impacts on their career. The supercilious reply indicated that perhaps all of the above influenced their stance because it is undeniable to objective individuals that the United Kingdom and New Zealand regard moderator use as socially responsible. By contrast, our iconic crime fighters seem to exercise an unwavering, partisan desire to delude state and federal government into assessing moderators as a threat to public safety. The Australian position on moderators is a clear example of how of our National Fire arm Agreement has been influenced by bigotry, bias, mass hysteria and zealotry.

See: [http://www.ssaa.org.au/capital-news/2010/2010-11-01\\_the-attorney-generals-department-and-firearms-policy-unit.html](http://www.ssaa.org.au/capital-news/2010/2010-11-01_the-attorney-generals-department-and-firearms-policy-unit.html)

Achievements of the council included lessening the test for professional pest controllers from full time to part time, altering the wording so that new or emerging companies could involve themselves in firearm research and development and a relaxation of stocking numbers for dealers. We frequently and repeatedly had to remind, restate, correct, question, persuade and explain wording that surprisingly morphed or reverted to earlier wording after being summarised by the AGs department. This strategy was trotted out at every stage including the Exposure Draft forcing CFAC to once again state their (**abbreviated for brevity**) recommendations on:

*Item 5, Exposure Draft (Subregulation 4F(4) of the Regulations, definition of 'adjustable stock') Length of pull* The proposed definition referred to a stock that may be 'adjusted to reduce the length of pull by more than 120mm'. Originally, the discussion about what constituted an adjustable stock was along the lines of the length of 'stock adjustment' while objecting to reference about the length of pull due to associated ambiguities.

*Adjustment 'without the use of a tool'* That the definition of 'adjustable stock' be amended to read: adjustable stock means a stock that may be adjusted, without the use of a tool, by more than 120 mm with the observation that a remaining question of about how this was to be measured.

*Item 7, Exposure Draft (Subregulation 4F(4) of the Regulations, definition of 'firearm part')* comment about Item 7 inserting a new definition of 'firearm part'. Paragraph (h) of the definition refers to a 'cylinder'. This is understood to mean a revolving cylinder. The regulations should explicitly exclude air pistol and air rifle gas cylinders.

*Item 8, Exposure Draft (Subregulation 4F(4) of the Regulations, definition of 'folding stock')* The proposed definition of 'folding stock' requires the stock to be reasonable to fire in its folded position. However, if the folding stock were not reasonable to fire in the folded position, it would appear it could be imported because it would no longer be a firearm accessory. The omission of paragraph (b) would alleviate this problem.

*Item 11, Exposure Draft (Amendment to Item 2 in Part 1 of Schedule 6 of the Regulations, 'substantial' annual turnover)* Proposed subitem 2.2(i) introduces a new specified purposes test. Subparagraph (iii) refers to the importer having to show they have a 'substantial annual turnover'. It is not clear what constitutes a 'substantial' turnover? One has to be highly suspicious of wording such as 'substantial'. Additionally, how could a new business initially document a 'substantial' turnover? A less restrictive descriptor is required.

*Item 12, Exposure Draft (Amendment to subitem 3.2 in Part 1 of Schedule 6 of the Regulations, volunteer pest controllers)* At the CFAC meeting held on 8 May 2013, an amendment was proposed to the specified person test to include those who take part in pest control activities on a voluntary basis.

*Item 17, Exposure Draft (Subitem 6.2 in Part 1 of Schedule 6 of the Regulations, category C and D dealer stock)* It is recommended that paragraph (b) of item 6.2 in Part 1 of Schedule 6 of the Regulations—category C articles for demonstration or testing purposes—be omitted as subsection (a) is sufficient.

*Item 31, Exposure Draft (Column 2, item 9 in Part 2 of Schedule 6 of the Regulations, aesthetic controls regarding handguns) Item 9 is concerned with handguns. Paragraph (b) excludes from this item a handgun which looks like a handgun that has automatic firing capability. CFAC is opposed to any controls placed on firearms on aesthetics grounds. A firearm should be either automatic or not automatic.*

*Item 40, Exposure Draft (Column 2, item 14A in Part 2 of Schedule 6 of the Regulations, paintball markers) CFAC objects to the classification of paintball markers as a firearm and of any controls placed upon them as they are not capable of firing ammunition that is used in firearms.*

*Item 71, Exposure Draft (Subitem 5.9 in Part 3 of Schedule 6 of the Regulations) Subitem 5.9(b) refers to a person who applies for a 'certificate' where the person holds more than 10 category H (dealer stock) articles. This is contrary to the stated purpose of the amendments to remove reference to stock limits. It is recommended that paragraph (b) be amended to remove unnecessary reference to stock limits.*

*Other comments:*

*The following additional comments about the Regulations are included.*

*Column 2, item 19 in Part 2 of Schedule 6 of the Regulations – frangible ammunition  
Item 19 refers to inter alia frangible ammunition. CFAC has previously recommended that restrictions placed on the importation of frangible ammunition be removed. This type of ammunition is much safer to use in indoor shooting ranges. Police and military routinely use frangible ammunition for training because of the reduced ricochet risk. Civilians and security guards are not afforded the same 'workplace health and safety' benefits.*

*Column 2, item 19 in Part 2 of Schedule 6 of the Regulations – handgun ammunition  
Paragraph (b) of item 19 places controls on ammunition 'advertised' as defeating soft body armour or opaque or glazed bullet resistant material. CFAC recommends that the reference to 'advertised' be deleted.*

*Subitems 1.1 and 1.1A in Part 4 of Schedule 6 of the Regulations – certified sports shooter and certified international sports shooter The existing legislation and proposed amendments are too restrictive in the definitions of 'certified sports shooter' and 'certified international sports shooter' in that they apply only to membership with, or events conducted by, the Australian Clay Target Association (ACTA).*

*At various CFAC meetings, members have raised the matter of the meaning of 'certified sports shooter' and, by implication, 'certified international sports shooter'. Both definitions refer only to the ACTA. CFAC agrees that the definitions need to be expanded or made non-exclusive to include other bodies that govern clay target shooting internationally, conduct major national titles and host or send members to international events. This has particular bearing on the possession and use of category C firearms in competition by physically handicapped shooters.*

I have provided the above to partially illustrate how much work and perseverance went into ensuring the wording of regulations accurately reflected the real world.

One big positive result was when the AGs department decided that it would be appropriate to deem firearm parts which can be used in both single fire and semi-automatic guns as satisfying a lower classification when the importer is licenced for a lower category, instead of automatically deeming the parts applicable to more tightly controlled firearms. Due to the regulations dealing with customs many LAFOs may not directly notice the changes. However, dealers, small scale importers and those who want to start developing or researching firearm technology should.

Of course, we achieved less than we hoped to but some improvements have resulted which is a rare event. In addition, we did not approach the work with the mindset that the Council would be axed. The fact that amended regulations were actually passed into law should lead to an objective assessment that labelling the initiative and the work of the Council as window dressing is overly harsh.

So, I would like to suggest that forum contributors consider what they and their respective organisations intend to do about the Prime Minister's bizarre decision to allegedly cut red tape and reduce bureaucracy by dissolving CFAC.

I have a couple. Hint, they do not include trying to promulgate our sport by charging club fees that will ensure a break even balance sheet on June 30 every year. They do not include fostering the belief that self-selected volunteers will continue to effectively fight against well organised forces who oppose everything we do. They do not include relying upon one large organisation to look out for everyone. Think : Proactivity + Optimism + Money+ Persistence

Visual hint: <http://www.youtube.com/watch?v=a5wABioHZyw> modified for the Down Under Context