

Firearms Legislative Reform Project

Proposed Firearms Reform

. Penalty system based on firearms class:

- Means higher penalties potentially applied to “higher risk firearms”

Firearms classification has discrepancies:

. Although providing a “regulated prohibition scheme” the reality is that the licensee is penalised and regulated, rather than focusing on behaviour with firearms.

Proposed Regulatory Model

- Behavioural-based penalty system;
- Rationalised and simplified firearms classification;
- Reformed Purposes of Use (POU);
- Justification based licensing, possession and use;
- Improved flexibility;
- Clear separation between administration and enforcement;
- Policy driven, with legislative framework..

Penalty System

. Tiers firearms offending into 3 levels:

- Administrative (applicable to licensees) caution able, expiable, or dealt with summarily.
- Criminal (applicable to non licensees) indictable.
- Aggravated (firearms use in crime of violence). Major indictable, applicable to anyone.

Penalty system benefits

- Rationalises lawful possession and use of firearms, de-criminalising administrative breaches;
- Significantly increases penalties for unlawful possession and use of firearms;
- Provides guidance to courts in hearing and sentencing;
- Refocuses on the unlawful possession and use of firearms.

Proposed Firearms Classifications

. A class

- Air and gas powered firearms.

B class

- Breech loading single shot; bolt action; black powder muzzle loading long arms.

C class

- Manually operated 'repeating' action firearms, excepting bolt actions (i.e. pump action and lever action).

D class

- Semi automatics firearms

H class

- Handguns (no change, determined by definition)

N class (non-firearm class)

- Power tools and similar.
- Only becomes a firearm if used in commission of an offence (i.e. nail guns used as firearms).
- No licence / registration required.

Z class

- Replaces 'prescribed firearms'
- Military type firearms, fully automatic firearms
- Any firearm or firearm like device not falling under the other classes.
- Will also include certain firearms fittings and accessories, such as silencers or 'active' laser sighting systems.
- Intended for items requiring a higher level of probity or security.

Benefits of reclassification

- Simplifies system: as penalty system is behaviour based, the classification is no longer relevant to the offending.
- Justification based system increases the reasons why people can have firearms.
- Removes discrepancies in classifications.
- Little to no clash with interstate classifications, APMC resolutions provided for under justification system.

Proposed licensing reforms (1)

- Individual licences (for individuals)
- Non individual licences (for companies, clubs etc)

Nine purposes of use (POU)

- Applicable to both licence types
- Each with specific justifications, but providing for further requirements at Registrar's discretion.

Proposed Licensing Reforms (2)

- Reporting by exception for clubs/companies for notifications
- Licence period of no more than 5 years for all classes at registrars discretion
- Each POU will have specific justifications legislated, as well as discretionary ones set by the registrar.
- Each licensee required to maintain an issued log book- this increases self-accountability decreasing the need for police oversight.