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Minister for Justice
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MC17-003136

Ms Jan Linsley
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Dear Ms Linsley

Thank you for your correspondence of Friday 24 March 2017 to the Attorney-General, Senator the Hon George Brandis QC, regarding the National Firearms Agreement. I am responding as I have portfolio responsibility for firearm matters.

As we discussed at our meeting on Monday 27 February 2017, the updated National Firearms Agreement represents the consensus position of the Commonwealth and the states and territories. It is up to the states and territories to determine whether, and how, they will regulate firearms in accordance with the updated Agreement. I note that the Queensland government was involved in the development of the updated Agreement both at the officials and Ministerial levels.

If you have concerns with how the updated Agreement will be reflected in state and territory legislation, you should raise this with the relevant state and territory ministers.

I have addressed your specific concerns relating to identified changes in the updated Agreement in the attached document.

Thank you again for writing on this matter.

Yours sincerely

Michael Keenan

Encl: Response to specific concerns relating to the updated National Firearms Agreement.

Attachment – Response to specific concerns relating to the updated National Firearms Agreement

1. The compensation clause in the 1996 Agreement was necessary as a significant number of firearms were being regulated for the first time and a buyback scheme was therefore considered appropriate at the time. As the updated Agreement only increases the classification of lever action shotguns, a compensation clause was not considered necessary on this occasion. It will be up to the states and territories to make arrangements for those individuals who may no longer be able to possess a lever action shotgun.
2. With regards to the use of ‘must’, this was chosen as a standard term to remove variations across the 1996 Agreement, the 2002 National Handgun Agreement and other ministerial decisions. The use of the word ‘must’ does not make the Agreement as a whole (or any part of it) legally binding and it remains up to the states and territories to determine how they will regulate firearms in accordance with the updated Agreement.
 - a) The 28-day waiting period for a permit to acquire is from paragraph 7 of the 1996 Agreement. This included a requirement that all jurisdictions establish a 28-day waiting period prior to the issuing of all firearm permits.
 - b) The requirement to legislate for the sale of ammunition is from paragraph 9(c) of the 1996 Agreement. The addition of the word ‘will’ does not change the effect of the provision.
 - c) The requirement to list a licence number reflects existing practice.
 - d) The storage requirements in paragraph 44 of the updated Agreement are from paragraph 8 of the 1996 Agreement. With respect to the use of the word ‘must’ see above in response to question 2 generally.
 - e) Paragraph 45 is new, and reflects the greater security risk posed by larger numbers of firearms. Paragraphs 46-69 reflect a June 2004 Australasian Police Ministers Council meeting decision.
 - f) The training requirements in paragraph 35 of the updated Agreement are from paragraph 5(a) of the 1996 Agreement. With respect to the use of the word ‘must’ see above in response to question 2 generally.
 - g) Confirmation of storage requirements for handguns by clubs in paragraph 36(a)(iii)(1) is from paragraph 12 of the 2002 National Handgun Agreement. With respect to the use of the word ‘must’ see above in response to question 2 generally.
 - h) Requirements on clubs with regards to members in paragraphs 36(a)(iv) and 36(a)(v) of the updated Agreement are from paragraphs 10 and 21 of the 2002 National Handgun Agreement respectively.
 - i) There is nothing in the Agreement that restricts the ability to be a member of more than one club.
 - j) See h.
 - k) Reporting by clubs on concerns with members in paragraph 38(e)(iv)(1) is from paragraph 15 of the 2002 National Handgun Agreement.

3. No lever action shotguns have been banned. Under the updated Agreement, lever action shotguns with a magazine capacity of no greater than five rounds or fewer are Category B firearms and those with a magazine capacity of greater than five rounds are Category D firearms.
4. Category C and D firearms can be used by occupational categories of licence holders who have been licensed for a specified purpose, including additional occupational needs such as vertebrate pest control and other limited purposes as authorised by legislation or Ministerial discretion (see paragraph 6(c) of the updated Agreement).
5. The requirement that licences be issued for a maximum of five years is from paragraph 4(b) of the 1996 Agreement. It is up to the states and territories to determine how they will regulate firearms in accordance with the updated Agreement.
6. Paragraph 57(d) is a copy of paragraph 10(a) of the 1996 Agreement.
7. Category C and D firearms can be used by occupational categories of licence holders who have been licensed for a specified purpose, including additional occupational needs and other limited purposes as authorised by legislation or Ministerial discretion (see paragraph 6(c)(v) of the updated Agreement).

Should a security employee believe an occupational requirement exists for the possession and use of a Category C or D firearm, the request would be considered at a state or territory level according to respective legislative frameworks (including provisions for the application of Ministerial discretion).

8. There was never an intention for the updated Agreement to place further restrictions on the use of handguns. The term 'other accredited events' was taken from the 2002 National Handgun Agreement and means world championship level matches currently approved by state and territory firearms registries. However, the language in the Agreement as first released may have resulted in that impression, and hence a minor amendment has been made to avoid that confusion. Paragraph 7 has been amended to refer to paragraph 14(b)(i) (rather than 14(c)).

This makes it clear that handguns can be imported, possessed and used for 'other accredited events' so long as they meet the standards in 14(b)(i) – which states and territories already apply.

Neither the 1996 Agreement nor the 2002 National Handgun Agreement provided for the use of handguns by primary producers.

9. Provisions with respect to collectors are from paragraph 4(d) of the 1996 Agreement. As noted in response to point 2, the use of the term 'must' was chosen as a standard term for consistency and it is up to the states and territories to determine whether, and how, they will regulate firearms in accordance with the updated Agreement.
10. The 1996 Agreement did not include training as a genuine reason to possess a Category C firearm. As noted in response to point 7, Category C and D firearms can be used by occupational categories of licence holders who have been licensed for a specified purpose, including additional occupational needs and other limited purposes as authorised by legislation or Ministerial discretion (see paragraph 6(c)(v) of the updated Agreement).

Should a firearms trainer believe an occupational requirement exists for the possession and use of a Category C or D firearm, the request would be considered at a state or territory level according to respective legislative frameworks (including provisions for the application of Ministerial discretion).

11. This is from paragraph 1(b) of the 1996 Agreement. See also the response to point 8.

12. This is a combination of paragraphs 3(b) and 3(c) of the 1996 Agreement.

13. See point 12.

14. The words 'break action' have been removed as they are superfluous when describing rifle/shotgun combinations. Three barrel centrefire combination long arms (drillings) or 4-barrel centrefire combination long arms (vierlings) are Category B firearms under the updated Agreement. It is up to the states and territories to determine whether, and how, they will regulate firearms in accordance with the updated Agreement.

15. The term 'firearm' is defined by the states and territories with respect to the use and possession of firearms and the Commonwealth with respect to the import and export of firearms.

16. This is from paragraph 4(3) of the 1996 Agreement.

17. Controls based on appearance are from paragraph 4(e) of the 1996 Agreement.