



Combined Firearms Council of Victoria

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Office of the Commissioner for Better Regulation
GPO Box 4379
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Remaking of Firearms Regulations 2008

Dear Commissioner,

I refer to the remaking of the above regulations, which will expire early next year (and potentially related changes to heads of power in the *Firearms Act 1996*).

The Combined Firearms Council of Victoria represents six of Victoria's major shooting organisations, and has real concerns about the process by which the Department of Justice and Regulation (DOJR) is engaging in regarding the preparation of new draft regulations, authorising provisions, and accompanying impact assessments.

The *Victorian Guide to Regulation* contains useful information for policy makers in ensuring compliance with the requirements of the *Subordinate Legislation Act 1994*.

The concern we have is that DOJR, and the relevant regulator (Victoria Police), have been evasive over their intent towards the new regulations. We know through four FOI requests, that they have been meeting to discuss the RIS process sometime prior to October 2015, without engaging the shooting community which is the relevant community of interest.

While we cannot get access to the relevant documents, we know through correspondence received from the FOI Commissioner that:

- Victoria Police provided 5 pages of firearm law reform proposals to the minister;
- DOJR prepared 7 pages of information (presumably based on Victoria Police's advice) for Cabinet, relating to the authorising provisions of the *Firearms Act 1996* in the context of regulatory change.

The key issue is that neither DOJR nor Victoria Police has engaged in any meaningful consultation, with any stakeholder or umbrella organisation despite those representations being significant.

They have avoided involving the Firearms Consultative Committee (which was set up for the purpose of collaborative policy discussions including under confidentiality agreements) and have refused (under FOI protections) to release of any information on what 'problems' they see with firearm regulation, what they are proposing, any evidence that they have considered options or cost-benefits analysis.

Our argument is that the exchange of information between the two agencies goes beyond the "working documents" protection the used in denying access under FOI laws, and into the realm of active policy development.

This runs contrary to the advice on page 13 of the Guide which states:

*Consultation **with stakeholders** is essential in helping to identify harms or risks to the community; test the effectiveness of existing regulations (including opportunities to reduce regulatory burdens or other improvements); identify possible options; and collect relevant evidence and data.*

It runs contrary to the sequencing shown in the diagram on page 14 which shows that consultation with stakeholders needs to occur early on – well before the scope of the impact assessment is done.

It runs contrary to the associated Toolkit which states:

*As RISs are final consultation documents, consultation should occur prior to the advertisement of RISs. Such consultation may take the form of **focus groups and briefing sessions with key stakeholders before deciding that a regulatory proposal is the most appropriate response to an issue. It is important that peak industry bodies are notified during the development of regulatory proposals. Issues papers can be used as a preliminary vehicle for communication***

None of these sensible and helpful steps have been undertaken.

Page 3 of the Guide makes it clear your office looks for evidence to ensure that impact assessments (whether for legislation or regulation) present a credible, transparent and evidence-based analysis for public consultation and decision-making.

We respectfully submit that you form the view that the impact assessment(s) you will be presented do not have industry input, are not transparent, and are not based on any evidence available from within the shooting community.

Going forward, we are of the view the existing regulations should be extended by 12 months (which can be done under the provisions of the SLA) while a new process is undertaken. This needs to involve focus groups and briefing sessions, as suggested in the Toolkit. Given the history of this matter, we believe any new process should be undertaken by an independent third party to ensure integrity in the process.

I look forward to your response.

Yours sincerely



for Bill Paterson
President

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