



Submission cover sheet

Inquiry into Legislation on proposed firearms reform

Submission number: 042

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Date authorised for publication: 11 March 2026

6 March 2026

Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Submission – Inquiry into Legislation on proposed firearms reform 2026

I appreciate the opportunity to provide a submission to the Committee regarding the Firearms (Public Safety) Amendment Bill 2026. This submission focuses primarily on the proposed introduction of quantitative limits on firearm ownership in the ACT. I intend to demonstrate that:

- There is no evidence that the introduction of caps will reduce firearm crime, theft or misuse and improve public safety;
- The introduction of caps is almost certain to have unintended flow on affects that will hinder effective compliance activities and reduce public safety;
- The introduction of caps is not compatible with human rights legislation in the ACT; and
- It will result in fracturing of the National Firearms Agreement among jurisdictions before an agreed evidence based policy response can be developed.

Given the significance of the proposed reforms, it is important that any changes to this framework are supported by clear evidence demonstrating that they address identifiable risks and that the measures adopted are both necessary and proportionate. This submission reviews available data and policy precedents to assess whether quantitative limits meet that standard.

I thank the Committee for considering this submission and for the opportunity to contribute to the review of this important legislation.

Yours sincerely,

The Purpose of Firearms Legislation

While it may seem obvious, the stated purpose of the Firearms Act 1996 is to “provide for the regulation, control and registration of firearms”. The following excerpt, taken from the Act, outlines the underlying principles and objectives to achieve this.

Part 2 Important concepts

5 Principles and objects of Act

- (1) The underlying principles of this Act are—
 - (a) to confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety; and
 - (b) to improve public safety—
 - (i) by imposing strict controls on the possession and use of firearms; and
 - (ii) by promoting the safe and responsible storage and use of firearms; and
 - (c) to facilitate a national approach to the control of firearms.

It is important to note that the Firearms Act is not intended to:

- Provide a “wholly risk free environment” as this “would be contrary to the purpose of the Firearms Act, which is to enable the purchase and storage of firearms”¹
- Be used a vehicle to restrict or limit firearm ownership and usage based on reasons aside from public safety, including ideological, moral or psychological objections to firearms or their use for certain genuine reasons such as hunting

Public safety is quite rightly achieved through a combination of strict controls and appropriate training and education. The ACT Civil and Administrative Tribunal (ACAT) when considering public safety in the context of firearms law applied the following reasoning:

“(there is a) need to distinguish between direct and immediate risks to public safety, and indirect and remote threats. Decisions in this context should generally be made on the basis of the former, not the latter. An indirect or remote risk does not provide a basis, or facts, which would lead a reasonable person to the same result. Again, if indirect or remote threats are determinative, few if any permits would be granted.”²

Any significant changes to regulations or legislation, such as ownership caps or limits, must have an evidentiary basis. Proposed changes that are precautionary, deal with remote risks, not supported by existing evidence or ideological in nature are difficult to claim as being in the public interest. Risks must be real and demonstrable.

¹ Q v REGISTRAR OF FIREARMS (Administrative Review) [2015] ACAT 84 (8 December 2015)

² Q v REGISTRAR OF FIREARMS (Administrative Review) [2015] ACAT 84 (8 December 2015)

What is the National Firearms Agreement?

First developed in 1996, and updated in 2017, the National Firearms Agreement (NFA) is the foundation of Australia's approach to firearm regulation at the Commonwealth, state and territory level³. It specifies eleven agreed genuine reasons for firearms owners to be licenced and the process for licensees to acquire firearms.

It outlines the requirements that a licensee must demonstrate to be issued with a permit to acquire each and every firearm. This includes stating the genuine reason for the acquisition and for Category B (centrefire rifles) and H (handguns) firearms that there is a genuine need for that specific firearm that can't be met by existing firearms held by the licensee.

When applied properly, this is an increasingly high bar to justify which explains why, in spite of there historically being no caps, Australia has an average ownership of under five firearms per licensee. This principle is the cornerstone of Australia's gun laws. It puts a significant onus on licensees to prove their need for every single firearm.

The inherent assumption of this test is that there is nothing explicit or even implied in the NFA that a licensee must be extended the privilege to own even one firearm absent of such justification. This means that despite claims to the contrary, firearm ownership is not unlimited. The NFA's approach means that the de-facto limit is zero firearms. There is no assumption or obligation that a licensee is entitled to own any firearms.

Where is the Evidence?

The primary justification for the introduction of caps is "to improve public safety by introducing quantitative limits on the possession and use of firearms"⁴. The ACT Police Minister claims, "These new laws address identified risks in uncapped firearm ownership"⁵.

It makes the seemingly rational assumption that the fewer firearms there are in the community, the less firearm crime, misuse and theft there will be. It also assumes that ownership caps will have the effect of reducing the overall number of firearms in the community or, at the very least, limit further increases in overall numbers.

By logical extension this assumes there is a direct correlation between an increase in lawfully owned firearms within society and an increase in firearm crime and misuse. It also assumes that caps will result in a meaningful reduction in overall firearm numbers. Both of these propositions will be explored with available evidence for Australia and the ACT from 1996 when the NFA ushered in the foundation for current firearms regulation in Australia.

³ <https://www.homeaffairs.gov.au/criminal-justice/files/national-firearms-agreement.pdf>

⁴ FIREARMS (PUBLIC SAFETY) AMENDMENT BILL 2026 - EXPLANATORY STATEMENT and HUMAN RIGHTS COMPATIBILITY STATEMENT (Human Rights Act 2004, s 37)

⁵ https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/marisa-paterson-mla-media-releases/2026/act-to-strengthen-firearm-laws-with-new-limits,-tighter-controls-and-modern-safeguards

How Many Legal Firearms Are There Currently in Australia?

The following figures are sourced from one of the most recent and comprehensive analysis reports of contemporary lawfully owned firearm numbers in Australia as of 2024.⁶

Table 1: Scorecard summary 2024

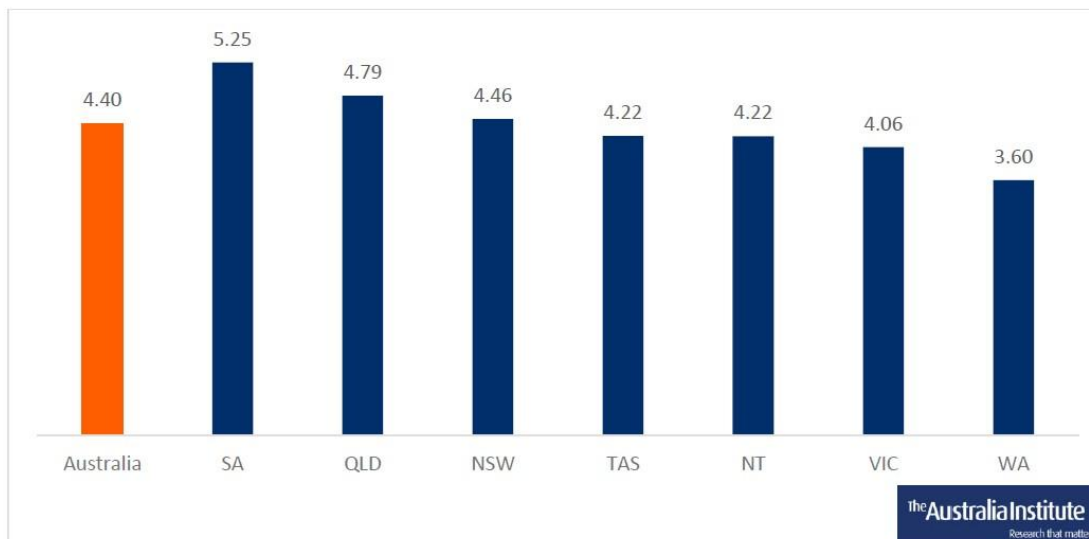
	Aus	NSW	Qld	Vic	SA	WA	Tas	NT	ACT ¹
STATISTICS									
Guns	4,078,746	1,125,553	1,076,140	960,693	325,896	307,078	156,626	73,752	69,868
Licences	943,274	252,531	224,833	236,609	62,177	85,338	37,128	17,495	30,617
Guns per capita	0.15	0.13	0.19	0.13	0.17	0.10	0.27	0.29	0.15
Increase/decrease in number of guns?	Yes ²	Increase	Increase	Increase	Increase	Decrease	Unknown	Increase	Unknown
Increase/decrease in guns per capita	Yes	Increase	Increase	Decrease	Decrease	Decrease	Unknown	Increase	Unknown
POLICY CRITERIA									
Data transparency	-	✓	✗	✗	✗	✗	✗	✗	✗
Consultation standards	-	✓	✗	✓	✗	✓	✗	✗	✗
Firearm limits	-	✗	✗	✗	✗	✓	✗	✗	✗
Ban on under-18 firearm use	-	✗	✗	✗	✗	✗	✗	✗	✗
3D printed firearms	-	✓	✗	✗	✗ ³	✗	✓	✗	✗
Unlicensed shooting	-	✗	✗	✗	✗	✗	✗	✗	✗

¹ Data for the ACT is estimated by applying national per capita figures, because the ACT does not publish its own data.

² Increase/decrease in number of guns and increase/decrease in guns per capita for Australia as a whole was calculated by comparing the 2024 figures to the most recent published total figures before 2024, which are from 2020.

³ South Australia is currently drafting legislation banning 3D printed blueprints: Government of South Australia (nd) <https://www.premier.sa.gov.au/media-releases/news-archive/tough-penalties-for-possessing-3d-printed-firearm-blueprints-under-proposed-laws>

Figure 6: Average number of firearms per licence in each state/territory, 2024



Source: NSW Police, Victoria Police, Queensland Police, Tasmania Police, Northern Territory Police, WA Police, Fire & Emergency Services. Excluding ACT due to lack of data.

⁶ The Australia Institute - Gun control in Australia: An update on firearms data and policies 2025

It is important to note that the figures for the ACT in the first table were estimated as none were provided by ACT Policing in response to an FOI request. More contemporary reporting has the ACT figures as of January 2026 as roughly 22,000 firearms held by about 7000 licensees⁷. These figures were first publicised as far back as September 2025⁸. This is significantly less than the nearly 70 thousand firearms and 30 thousand licensees claimed by The Australia Institute.

The most up to date national figures available from the Department of Home Affairs as of January 2026⁹ are shown below along with the relevant statistics:

	Aus	NSW	Qld	Vic	SA	WA	Tas	NT	ACT
Firearms	4113735	1158654	1143895	974279	329580	272453	156339	55678	22857
Licences	929741	260946	231732	243851	61498	73166	36965	14268	7315
Per Capita	0.15	0.13	0.20	0.14	0.17	0.09	0.27	0.21	0.05
Per Licensee	4.4	4.4	4.9	4.0	5.4	3.7	4.2	3.9	3.1

Working on a population figure of 484,000¹⁰, per capita lawful firearm ownership for the ACT is .05 (well below the .15 claimed by The Australia Institute). This number is roughly half that of the next lowest state, WA, where there has been a significant buyback in place since 2024. It a third of the Australian average per capita of 0.15.

It demonstrates the ACT is not at the national average for per capita ownership or greater than NSW, Vic and WA as claimed by The Australian Institute in January 2025. Furthermore, the average number of firearms per licensee in the ACT is 3.1, again well below the next lowest state WA at 3.7. Per capita and per licensee figures for the ACT are the lowest of any state or territory by a statistically significant margin. This is despite the ACT having no quantitative limits on firearm ownership.

What About Longer Term Ownership Trends?

Long term ownership trends are even harder to accurately assess due to the variability in jurisdictional data and the lack of a National Firearms Register. The following graph from The Australia Institute is broadly accepted to be the most accurate reflection of lawful ownership numbers since 1996 (with caveats shown).

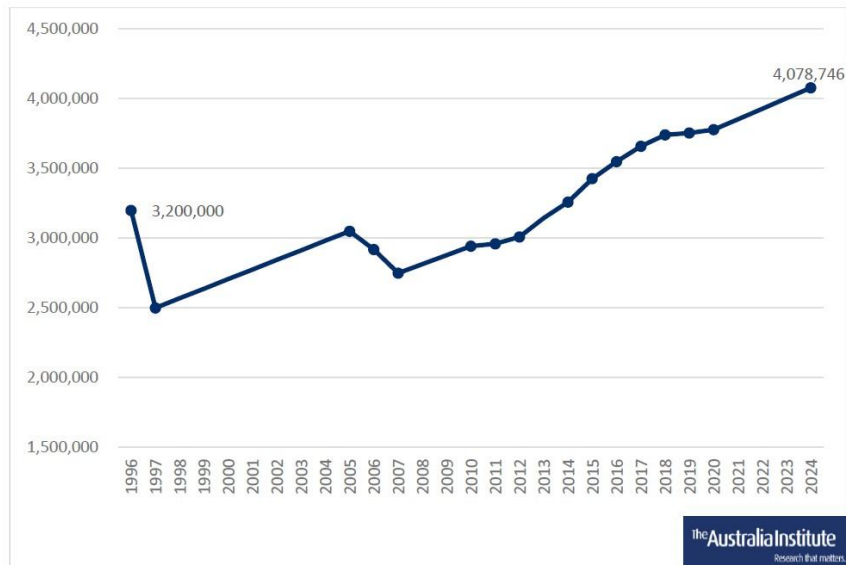
⁷ <https://www.abc.net.au/news/2026-02-02/proposed-new-act-laws-to-limit-number-of-guns/106292942>

⁸ <https://www.abc.net.au/news/2025-09-07/act-firearms-registry-mostly-paper-based-police-say-need-digital/105744732>

⁹ <https://minister.homeaffairs.gov.au/TonyBurke/Pages/record-number-of-firearms-in-australia-show-need-for-gun-reform-laws.aspx>

¹⁰ <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>

Figure 1: Privately owned firearms, 1996–2024



Source: GunPolicy.org (2020) *Australia — Gun Facts, Figures and the Law* for 1996–2020 data; NSW Police force, Victoria Police, Queensland Police, SA Police, Tasmania Police, Northern Territory Police, WA Police, Fire & Emergency Services for 2024 data. ACT data is estimated using national averages.

Note that the figures for 1996–2017 include both licit and illicit firearms, but the figure for 2024 only includes registered, licit firearms.

What it does show is that in line with most other similar analysis, there has been a rise in the overall number of firearms in Australia after the initial reduction achieved in 1996 when the Howard Government led a national gun buyback scheme. Considering that the figures above included illicit firearms up until 2017, the rise in lawful firearm ownership is even greater and could be as many as one million more since 2012.

What we don't know is more nuanced data. Such as the median number of firearms per licence type and how many licensees fall outside the proposed five and 10 limit. Even NSW that publishes the most comprehensive and up to date statistics for firearm ownership does not make this publicly available.

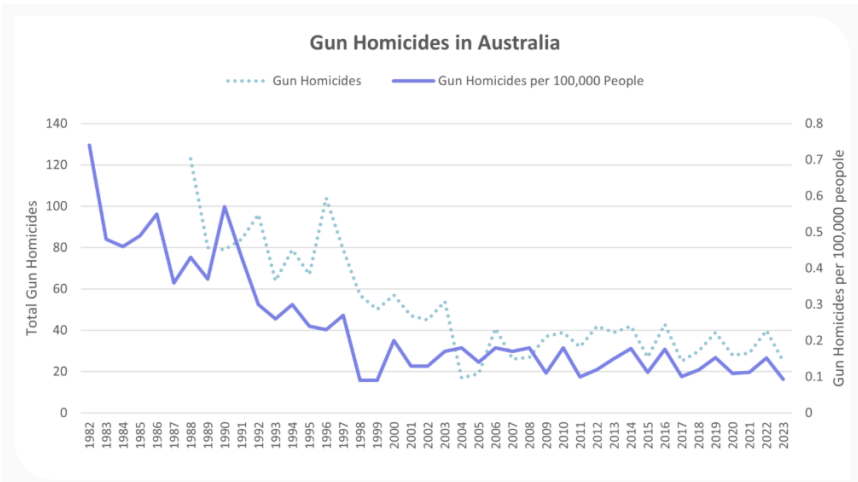
What is the Actual Level of Firearm Crime and Misuse?

This is where the connection between lawful firearm numbers in Australia and public safety must be quantified to justify caps. There must be a demonstrable and causal link between lawful firearm numbers and firearm crime and misuse.

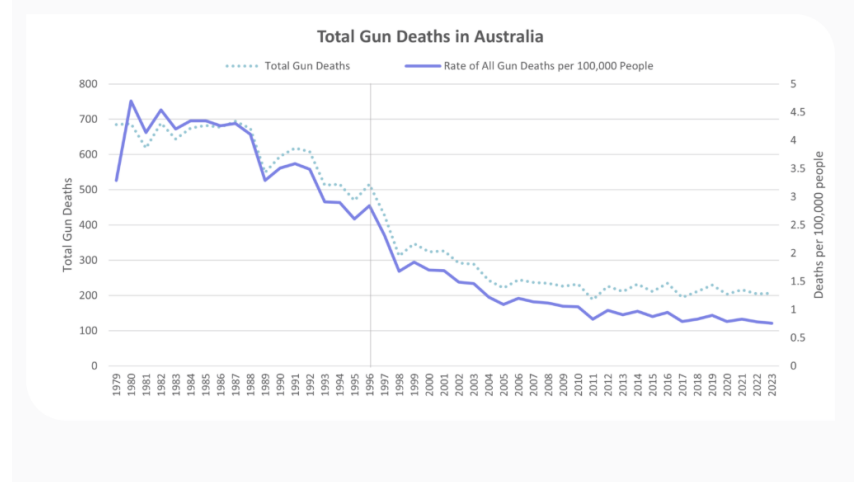
Australian statistics on various crimes and harms involving firearms are reported inconsistently across the country and often don't make the distinction between the use by licenced or unlicensed persons or if they were using legally obtained firearms or illegally obtained.

However, the following three graphs from the Gun Safety Alliance collated from Australian Bureau of Statistics data show the overall trends in firearms deaths, homicides and suicides across Australia from the early 1980s to 2023.¹¹

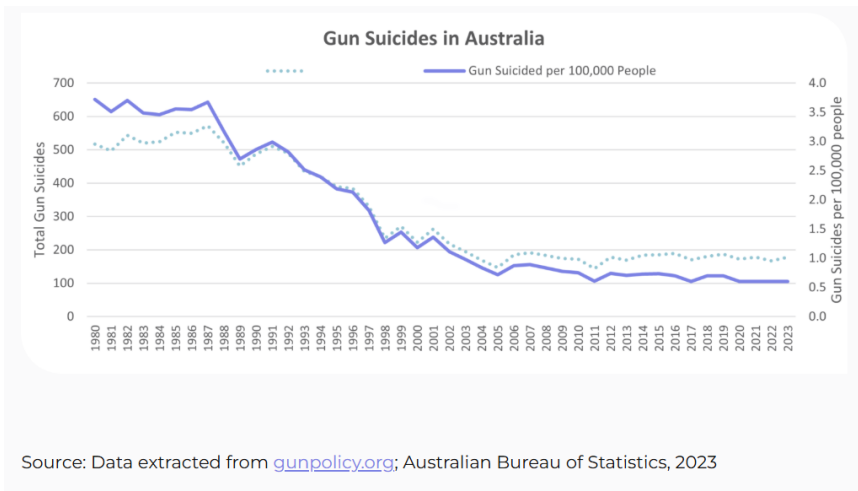
¹¹ <https://www.gunsafetyalliance.org.au/the-stats/>



Source: Data extracted from gunpolicy.org; Australian Bureau of Statistics, 2023



Source: Data extracted from gunpolicy.org; Australian Bureau of Statistics, 2023



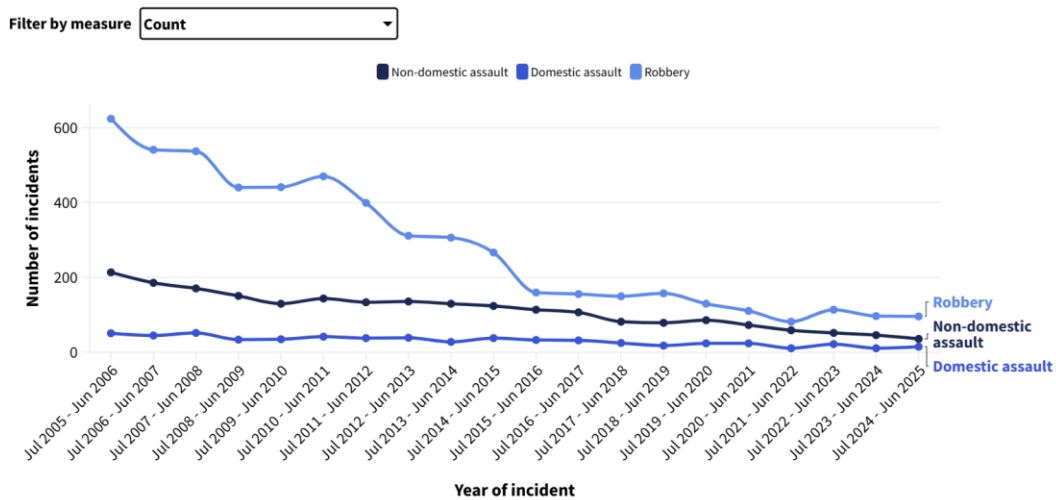
Source: Data extracted from gunpolicy.org; Australian Bureau of Statistics, 2023

The most important thing to note is the general downward trend in firearm deaths, with a noticeable drop in the years after 1996 and the tightening of gun laws across the country. When compared to the number of lawful firearms owned from 1996 to 2024 in the earlier graph, there is in fact an inverse correlation to firearm deaths. That is as lawful firearm numbers increased, firearm deaths continued to decrease.

Statistics for general firearm crime and robbery data also show the same downward trend. The following data from NSW¹² illustrates this best and usefully provides a consistent 20 year snapshot from 2005 to 2025.

Chart 1b. Assault and robbery incidents involving a firearm

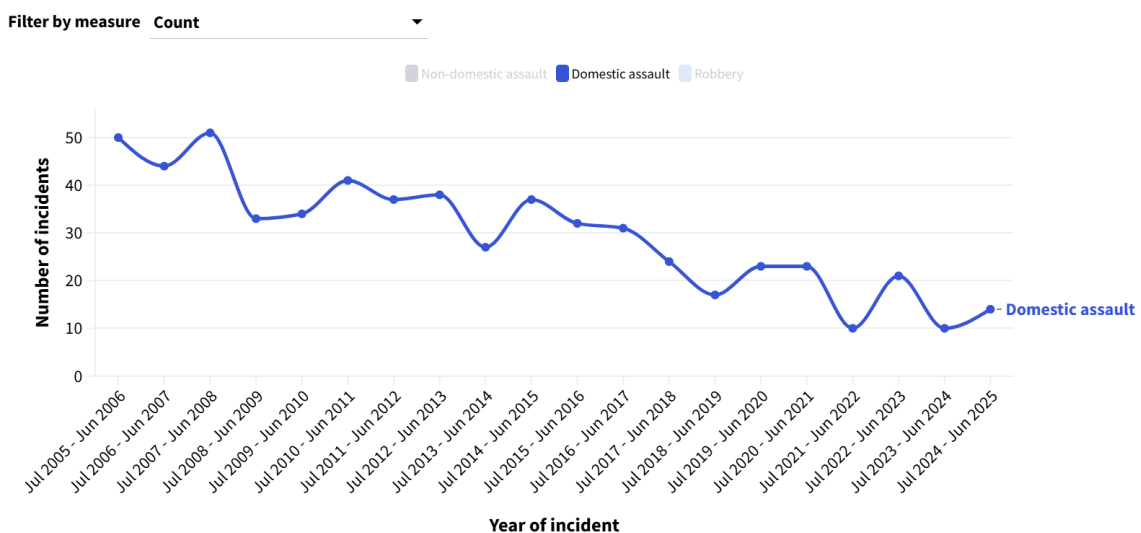
July 2005 to June 2025



Source: [Firearm and knife violence data file](#)

Chart 1b. Assault and robbery incidents involving a firearm

July 2005 to June 2025



Source: [Firearm and knife violence data file](#)

¹² <https://bocsar.nsw.gov.au/topic-areas/weapons.html>

When domestic assault is considered on its own, the downward trend becomes even more obvious. A cursory glance at almost every similar statistic from every state, where available, paints a similar picture. Overall firearm crime and misuse across Australia is decreasing.

While the above statistics don't distinguish between lawful or illicit firearms, early studies showed that somewhere around 90% of homicides involved unlicensed individuals using illicit firearms¹³. This means that over the last 20 years the number of homicides involving lawful firearm owners across Australia has been on average around four per year. Accidental deaths track at roughly the same level, at low single digits per year¹⁴. Percentages for robberies and other crimes are not as widely known, but media reporting of these incidents suggest that vast majority are not committed by licenced firearm owners.

Therefore, it is simply not possible to make a case based on the available evidence that there is any causal link between the number of lawful firearms in Australia and an increased risk to public safety. While there is some debate about causation when it comes to the impact of the NFA on the decreasing rate of firearm crime¹⁵, one thing that is not contestable is that an increase in lawful firearms numbers, particularly the roughly 33% rise in the past decade, has not resulted in more firearm crimes or accidental deaths.

By any objective measure the risk to public safety from lawful firearm owners is exceedingly low and decreasing in spite of firearm numbers increasing. While it is not wholly risk free, this is not the standard by which the law, and ACAT in particular, has determined that public safety should be assessed.

As tragic as each case is, single digit incidents on average per annum for several crime types, including homicide, from a cohort of over one million licenced firearm holders across Australia would meet the standard risk definition of extremely rare. That is one that would occur only in exceptional circumstances.

Objections to the number of lawful firearms in the community and the call for caps appear to be based more on the ideological objection to the existence of firearms rather than genuine and demonstrable public safety grounds.

What About the ACT?

Finding reliable and consistent ACT firearms crime statistics is almost impossible. The official monthly and quarterly crime statistic for the ACT found at <https://police.act.gov.au/crime-statistics> do not contain any firearm related crime data. Data in annual reports combines firearms with all other weapons. Some research publications have ACT specific data sourced mostly through FOI requests. Other selective statistics are drip fed through the media. The ACT is also a relatively small jurisdiction making meaningful analysis or identifying trends very difficult.

¹³ <https://www.aic.gov.au/sites/default/files/2020-05/tandi151.pdf>

¹⁴

https://www.phaa.net.au/common/Uploaded%20files/SIG%20documents/Injury%20Prevention%20SIG/PPS%202023/09-02_-_Injury_-_Firearms_Injury.pdf

¹⁵ <https://www.rand.org/research/gun-policy/analysis/essays/1996-national-firearms-agreement.html>

The other significant factor is that firearm crime in the ACT is at such low levels, typically single digits annually (or often less) for most things. The following is analysis of what can be gleaned from recent reporting.

Murder, Other Incidents and Domestic Violence for the ACT

Analysis of Australian Institute of Criminology reporting for the years 2015 to 2025 shows there were 30 murders in the ACT. Of these only one is reported to have involved a firearm and that was by unlicensed individuals using a stolen rifle¹⁶. A comprehensive internet search was unable to identify the last murder committed in the ACT by a licenced firearm owner using a licenced firearm. This indicates the risk of being killed by a licenced shooter in the ACT is so remote as to be negligible such that a reasonable person would not consider it a significant public safety concern.

There are no publicly available statistics on firearm crime in general for the ACT. The Chief Police Officer did note in a January 2026 press conference that “over the past 12 months there had been an increase in firearm incidents, with the majority involving illegal or unlicensed guns”¹⁷, that only “some” had involved firearms stolen from registered gun owners and “It’s mostly unlicensed firearm holders that are causing issues with firearms”¹⁸. Given there is an onus on the ACT Government to provide evidence to justify their claim of real, and not remote, risks from legally owned firearms they have failed to do this.

Domestic and family violence is a particular complex and insidious crime where the mere presence of firearms is enough to cause significant trauma to victims. Unfortunately, as for other types of crime, there is very little in the way of statistics to demonstrate the rate of the use of firearms by perpetrators. The biennial ACT Domestic and Family Violence Review doesn’t provide any statistics or even commentary on the prevalence of the use of firearms in domestic violence incidents.

Given that even one firearm is too many in a family violence situation, caps appear to be an ineffective tool to prevent harm in these environments. Instead, other mechanisms are likely to be more effective, including provisions introduced in 2025 for removal of firearms from those subject to protection orders and the recently proposed Firearms Prohibition Orders. These are both pre-emptive and targeted at high-risk individuals. The FPOs acknowledge that the majority of firearms used in family violence incidents are illicit and give police mechanisms to search and locate any firearms a person may hold before they can be used.

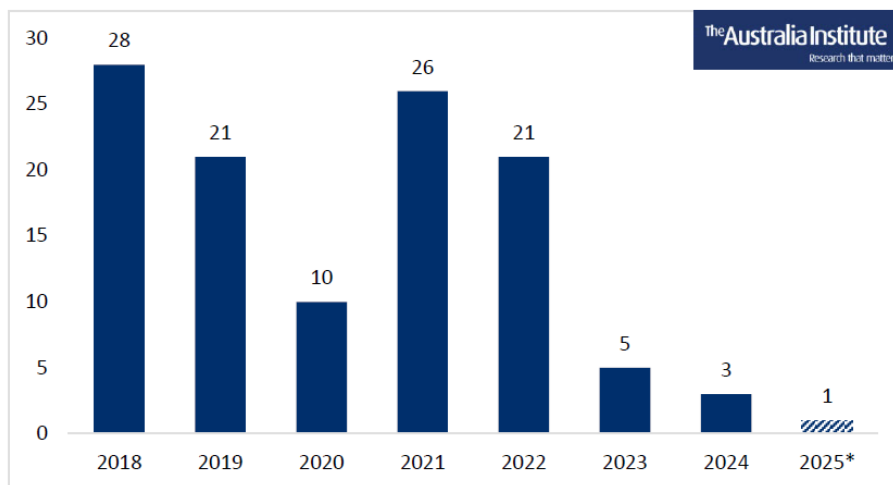
¹⁶ <https://www.abc.net.au/news/2025-03-19/glenn-walewicz-police-investigator-speaks-for-the-first-time/105067952>

¹⁷ <https://www.abc.net.au/news/2026-02-02/proposed-new-act-laws-to-limit-number-of-guns/106292942>

¹⁸ <https://region.com.au/act-set-to-introduce-gun-ownership-caps-criminalise-3d-printed-firearm-blueprints/938414/>

ACT Theft data

Figure 15: Firearm theft in the ACT 2018–2025



Source: Freedom of Information request to the Australian Federal Police

*Note: 2025 only includes thefts from January to 13 June.

As shown in Figure 15, at least 115 firearms have been stolen in the Australian Capital Territory since 2018. The 2025 figure only represents the year up to 13 June. It is difficult to interpret trends from the limited volume of available data.

The movement of firearms from lawful owners to what is known as the grey market through theft is an area of significant concern to the ACT Government and police based on public reporting. One thing that stands out in the above graph is the comparatively small number of firearms stolen in the ACT, particularly in more recent years¹⁹. When compared to the 400-500 illicit firearms seized on average each year by ACT policing²⁰ and the many hundreds handed in as part of an ongoing amnesty²¹ the numbers from theft of legal firearms are several orders of magnitude smaller.

This seems at odds with the claim by the ACT Government in the Human Rights Compatibility Statement for the Bill that the proposed caps will reduce the risk of “large numbers of firearms being diverted to through theft”. No credible criminal intelligence or other material was presented to suggest theft numbers are likely to rise significantly in the near future.

While every firearm stolen should of course be of concern, it is simply not possible to expect no firearms to be stolen, and such a small number represents a negligible contribution to the existing pool of illicit firearms. Given there are over 22,000 lawful firearms in the ACT, the theft events are remote or rare at best. In addition, the ACT Government has provided no analysis of

¹⁹ <https://australiainstitute.org.au/wp-content/uploads/2025/10/P1893-Firearm-theft-in-Australia-Web.pdf>

²⁰ <https://www.abc.net.au/news/2025-09-07/act-firearms-registry-mostly-paper-based-police-say-need-digital/105744732>

²¹ <https://police.act.gov.au/news/2024-media-releases/february/131-illegal-and-unregistered-firearms-destroyed-by-act-policing>

the circumstances for each theft to understand the root cause of the problem. This crucial analysis is needed to provide a direct and relevant justification for the introduction of caps as a measure to prevent theft. It also should explain how other mitigation and compliance options could not achieve the same, or better, result than the proposed caps.

In particular, the introduction of a quantitative limit will do nothing to provide a more secure environment for firearm storage. Appropriately enforced storage requirements commensurate with the type and numbers of firearms held will. Unlike many other jurisdictions, there is no mandatory requirement in the ACT for a new licence holder to have their storage inspected for compliance before they acquire their first firearm.

Storage requirements were strengthened in 2018 but there may be room for improvement. There is no indication of whether risk or intelligence led compliance checks are performed by ACT Police on firearm storage, how often or what the collective results are. Many firearm owners often have additional measures such as higher rated safes, cameras and motion sensors. Have any of these contributed to failed theft attempts that aren't reflected in the statistics and offer ways that storage standards could be improved?

There is nothing in the Explanatory Statement for the Bill that addresses any of these elements or provides a justification for the claim that caps will reduce the number of lawful firearms in the community and have a measurable impact on the reduction of firearm thefts in the ACT.

How Did Western Australia Arrived at Their Limits?

In 2024 Western Australia was the first jurisdiction in Australia to introduce quantitative limits for firearms ownership. This was set at five for recreational hunters and 10 for most other licensees including sporting shooters. When explaining why the ACT chose to follow WA the ACT Chief Police Officer stated "WA did extensive consultation and policy work to arrive at the figure of five firearms. We have put to the [Legislative] Assembly five" and "the limit of five was based on extensive research by WA"²².

The imperative for any changes to the Firearms Act 1996 should be measures based on public safety criteria with an evidentiary foundation. Given the ACT has effectively adopted, and in doing so endorsed, WA's approach it is important to examine in detail exactly how they arrived at their cap numbers and the causal links to public safety.

In introducing the Bill into the WA Parliament in February 2024, the WA Minister for Police stated "The need for reform is driven by the recommendations from the Law Reform Commission of Western Australia's (WA LRC) 2016 report"²³. He stated that limits were being introduced "to reduce the number of firearms in the community" and "reduce the stockpiling of firearms" which are "expected to increase public safety".

Looking more closely at the 2016 WA LRC report²⁴ on which the new legislation was justified, it specifically addressed the question of "Should there be an upper limit on the number of

²² <https://www.abc.net.au/news/2026-02-02/proposed-new-act-laws-to-limit-number-of-guns/106292942>

²³

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/8f7e4a4253ae6d5e48258acf0014dbdf/\\$FILE/A41+S1+20240221+p241b-246a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/8f7e4a4253ae6d5e48258acf0014dbdf/$FILE/A41+S1+20240221+p241b-246a.pdf)

²⁴ <https://www.wa.gov.au/system/files/2021-02/LRC-Project-105-Discussion-Paper.pdf>

firearms a single firearm licence holder may possess”. The Commission took submissions from multiple stakeholders on this issue, including the WA Police who stated:

“WA Police currently rely upon genuine reason and justification when considering licence applications but would support consideration being given to the scaled limitation on the number of firearms a single firearm licence holder can register based upon legislated restrictions, but the genuine reason test should remain as the primary factor taken into consideration. However, it may be difficult to establish a definitive number of firearms that may be licensed when taking into consideration their varied uses e.g. recreational hunting, primary producers - type of vermin, humane killing and general farm work, members of shooting clubs participating in competitions and the different requirements of these disciplines.”²⁵

Rather than provide a ringing endorsement for the introduction of caps, even the WA Police only provided tentative support at best for even considering scaled limits with no real evidence being provided as to how it would improve public safety. They also quite rightly stated it would be difficult to establish appropriate limits given the huge number of variables involved. WA Police were however quite unequivocal that the genuine reason test should remain the primary factor for decision making.

The WA Law Reform Commission was more direct and in its final recommendations on limits stated:

“The Commission is satisfied that there are sufficient safeguards built into the genuine reason (including reasonable justification) and genuine need tests to prevent the unjustified stockpiling of firearms and recommends that there be no upper limit on firearms numbers” and while it “recognises the risk of having many firearms in a single location when it comes to the potential theft of firearms. This risk is dealt with under the storage recommendations at Section 16.7”

When addressing the issue of limits, the WA Police Minister in 2024 stated that the WA Police conducted a survey of the general population where 72% of respondents were supportive of a firearm limit of five or fewer²⁶. While this is likely to be accurate and reflects recent polls in the ACT, public opinion is not the same as hard evidence that provides a causal link between quantitative limits and improved public safety. He also rather incredibly admitted that “we anticipate that that part of the law will not take a huge number of firearms out of the community” which begs the question of how effective it will be to achieve what is already a questionable outcome?

During the same sitting, Government MLA Mark Folkard on the issue of limits said, “I think five guns is fair enough” and that “fewer guns in the community means less gun-related crime”. His last claim in particular is not supported by three decades of evidence where there is no direct correlation between the number of lawfully owned firearms in the community and firearm crime.

²⁵

[https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4113384ca2a6b8b69d7f58b848258b7b00138ca3/\\$file/tp-3384.pdf](https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4113384ca2a6b8b69d7f58b848258b7b00138ca3/$file/tp-3384.pdf)

²⁶

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/78948c6858a7a68f48258ae400225f25/\\$FILE/A41+S1+20240313+p763c-774a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/78948c6858a7a68f48258ae400225f25/$FILE/A41+S1+20240313+p763c-774a.pdf)

When asked directly by the WA Opposition how the limits of five and 10 were derived, the WA Police minister stated:

“The way that number was arrived at is that the vast majority—95 per cent or something—of licensed firearm owners in Western Australia have five or fewer firearms. Imposing a limit of five firearms on vermin shooters will not really impact the vast majority of them, in the same way that imposing a limit of 10 on primary producers will not really impact most of them because most do not have anywhere near that number. As I indicated, imposing a limit of 10 on competition shooters to match primary producers will not really impact most of them either, because most of them do not have that number.”

So instead of using any scientific method, the final figures for quantitative limits were based on nothing more than statistical averages of the then current firearm ownership in WA, with an arbitrary line drawn so as not to inconvenience or affect the majority of shooters. It doesn't provide any justification for the differentiation between recreational hunters, competition shooters and primary producers and their respective cap entitlements.

The WA Government's main rebuttal to opponents of hard limits is that “If someone says that there should not be, they are advocating for people to have an unlimited number of firearms”. This a fallacious claim as it is clear under the NFA there is a limit of zero firearms unless a registrar is satisfied a licence holder has provided a genuine reason and need for every firearm they wish to acquire.

Common to these statements from the WA Government justifying the introduction of limits is very ambiguous qualifying wording such as expected, think and anticipate. There is no evidence any analysis, let alone rigorous, was undertaken by the WA Government to establish that limits would address direct and immediate threats to public safety. Policy objectives based on public opinion and administrative simplicity were the main imperatives rather than an evidentiary link to demonstrable public safety outcomes.

The Unintended Effects of Caps

It is assumed that caps will have the desired impact of lowering overall firearm numbers. In any complex regulatory environment, there are often second and third order effects when new measures are introduced. This may mean that the intended outcome, in this case lower firearm numbers, will not be achieved. The following are just some of the more likely unintended consequences of introducing quantitative limits on firearm ownership. Many of these are being realised, notably in NSW, but also in states that have indicated they will not be introducing caps.

It Disproportionately Affects the Most Experienced and Responsible Shooters – The people most likely to fall foul of the proposed caps are long term hunters and target shooters. People with an unblemished record of firearms ownership over many decades. The presidents of clubs. The ones who conduct safety courses. Those who have a good feel for who is a genuine shooter. The very ones that the police will rely on to promote the safe and responsible storage and use of firearms as required by the Act. It is disingenuous on the one hand to significantly curtail their privilege to fully participate as shooters and hunters with no evidentiary basis while at the same time relying on that same diversity of experience to improve public safety.

Hunter will just become Sport Shooters – With a limit of 10 for sports shooters, many people who are currently only licenced for recreational hunting are likely to start sport shooting so they can either keep or acquire more firearms than the proposed limit of five. As there are many competitive disciplines that have a hunter class, this is an easy transition that can be made with firearms suitable for both disciplines.

Shared Caps – NSW has seen a significant increase in applications for firearm licences by family members of current shooters. This is so families can keep existing firearms that are above the impending caps. Provided each of these applicants is a fit and proper person and is willing to meet the ongoing requirements of holding that licence, these licences must be granted. This could turn a 10 limit into 20 or 30 for a family depending upon their size and will not help to achieve the stated goal of reducing the number of firearms in the community.

Psychological Reactance²⁷ – When someone’s perceived freedom is threatened, people experience a motivational state called psychological reactance, which pushes them to restore that freedom. A firearm owner who has less firearms than a newly introduced cap allows is more likely to subconsciously respond to that perceived loss of choice by purchasing more firearms than they otherwise would have. NSW has already seen a 133% increase in requests to purchase additional firearms by existing licence holders in the first month of their new firearm laws. This is in spite of their online portal being closed for much of that period. The ACT is likely to see a similar increase.

Economic Realities – Shooters living in more remote areas who are at risk of losing their local gun store due to a downturn in business are likely to spend more on firearms, ammunition and accessories. This is to try and ensure the ongoing financial viability of these businesses and to avoid having to travel potentially hundreds of kilometres for items like ammunition that are hard to transport.

The Streisand Effect²⁸ - This describes a situation where an attempt to hide, remove, or censor information results in the unintended consequence of increasing public awareness of the information. By drawing attention to firearm ownership, the government has made shooting an attractive past time for those that may have not considered it before. This will result in more licenced shooters and more firearms. Commentary on social media and from ACT firearm owners suggests there is an increased interest from new shooters to become licenced.

Fragmented Storage – Currently if a person has more than 10 firearms they are subject to stricter storage requirements than those who hold less than that. If a couple who are both currently licenced and have 20 firearms collectively decide to keep these under the proposed Bill, they will then have 10 firearms each. As neither is allowed to have access to the other’s firearms they will need to revise their storage arrangements. However, as each now has only 10 firearms their individual storage standard is lower and potentially increases the risk of theft. While the response might be to treat the firearms in a household collectively, this would be problematic as each of them must be treated as an individual according to human rights legislation. The state isn’t simply able to treat them collectively for more onerous storage requirements and as individuals for firearm caps.

Compliance Workload – The influx of new shooters and additional permits to acquire will create a significant addition regulation and compliance workload. This is before additional

²⁷ [https://en.wikipedia.org/wiki/Reactance_\(psychology\)](https://en.wikipedia.org/wiki/Reactance_(psychology))

²⁸ https://en.wikipedia.org/wiki/Streisand_effect

capabilities and resources are brought online to cope with the demand. While this may appear to just have the impact of pushing out waiting times, it is likely to result in a lot more inadvertent mistakes being made. It also makes it very hard to train new staff and test and design new systems and processes, resulting in staff burnout and high turnover.

Caps or Genuine Need? – Caps pit two different regulatory philosophies against each other. One where you are entitled to nothing unless you can prove a genuine need and another that says you are in effect entitled to something up to a limit. While in law the two can work together, in practice the introduction of caps is likely to result in a tick and flick approach by regulators. Five guns will be good, six will be bad. It also potentially makes appeals easier if a person is under their cap and a proposed acquisition is refused.

There is also the provision for going above the cap for certain licensees prescribed by regulation. This will presumably be based on genuine need which begs the questions how will it be different to the current test? Either a licensee has a genuine need or they don't. Collectively this creates a fairly complex set of conditions that administratively will be hard to keep consistent and more open to being contested in the courts and ACAT.

Advanced Analytics Becomes Harder – Best practice elsewhere in government is to utilise predictive analytics and AI to help manage very large regulatory caseloads. These work best when trained on a long term and consistent set of data that accurately represents the true behavioural intent of the cohort being managed. By forcing a large number of lawful users to game the system to either get a higher limit or spread their firearms across multiple users, it becomes almost impossible to know what good looks like compared to bad.

Once this pattern of behaviour is changed and you lose the very consistent and pristine dataset that the ACT has enviably built up, it is lost forever. Meaningful predictive and discovery analytics to find high risk behaviours become effectively impossible to implement resulting in an ongoing reliance on largely manual processes. Other areas of enforcement in the ACT are moving to use AI so it would make sense to lay the foundation for this to be done properly in the critical area of firearm regulation.

What About Human Rights Compatibility?

The Human Rights Compatibility Statement for the proposed bill presented by Minister Paterson claims it not a Significant Bill and not likely to have significant engagement of human rights. This avoids the need for a more comprehensive human rights compatibility assessment.

The Government's own public reporting of those who are likely to be immediately affected are 1400 firearm licensees who have more than five firearms and 400 who have more than 10²⁹. These people are law abiding firearm owners who are likely to be deprived of property with some of their firearms subject to compulsory buyback. The remaining 5200 licensees will have their opportunity to partake in their chosen shooting disciplines restricted. By any objective measure this is a significant number of Canberrans who will be affected so it is inconceivable that the bill can be described as not significantly affecting their human rights.

²⁹ <https://www.abc.net.au/news/2026-02-02/proposed-new-act-laws-to-limit-number-of-guns/106292942>

The way in which cap numbers were decided is arbitrary, based on policy imperatives and the distinctions between different types of firearm owners for limits is not based on any objective measure of need. At a bare minimum this raise concerns under Section 8 that ensures people have a right to be treated equally before the law without distinction of any kind and Section 12 that offers protection from arbitrary measures that interfere with their right to their private pursuits within the family and home.

Legitimate Objective

In his first public statement on the issue of revised firearm laws, ACT Chief Minister Andrew Barr stated via Facebook on 20 December 2025 that “we will seek to harmonise ACT legislation with NSW as much as possible”. The ACT Human Rights Commission (HRC) has advised on multiple occasions that seeking to align legislation with another jurisdiction is not a legitimate purpose³⁰.

The Human Rights Compatibility Statement for the Bill lists public safety as a legitimate objective and this is clearly both legitimate and consistent with the purpose of the Firearms Act. However, as the HRC states in the submission referenced above, there must be clear evidence that “the legislative response in question is targeted at actual and demonstrable threats” and that “the burden of demonstrating effectiveness properly rests with the Government”.

Rationale and Proportionate Response

The HRC is quite clear on the standard that must be met for a legislative response to the legitimate objective to be considered compatible with human rights:

“For a measure to be rationally connected to its objective requires the measure to be effective in achieving the objective being sought. It is not sufficient to put forward a legitimate objective if in fact the measure limiting the right will not make a real difference in achieving that aim. In other words, the objective might be legitimate but unless the proposed measure will actually go some way towards achieving that objective, the limitation of the right is likely to be impermissible for the purposes of s 28 of the HR Act.”³¹

The ACT Government correctly points out in their Human Rights Compatibility Statement for the Bill that the rights limited are likely to be those described in Section 12 of the HRA, in that caps will impact individuals to freely manage property within their private possession. They claim that they meet this rationality threshold by stating that:

“There is a direct rational connection between the imposition of stringent requirements on the management of highly regulated property, such as firearms, and the legitimate purpose of promoting public safety. By limiting the quantity and type of firearms an individual is authorised to possess or use, the Bill reduces the risk of dangerous firearms being misused or large numbers of firearms being diverted through theft from licenced owners to illicit markets.”

As outlined earlier in this submission, there is considerable empirical evidence to show that there is no direct correlation between the number of lawfully owned firearms in Australia and firearm crime and misuse of all types. Misuse of lawful firearms in the ACT by appropriately

³⁰ ACT HRC advice on Crimes (Anti-Consorting) Amendment Bill 2019 (PMB) and Crimes (Criminal Organisation Control) Amendment Bill 2017 (PMB),

³¹ HRC advice to Jeremy Hansen on Crimes (Anti-Consorting) Amendment Bill 2019 (PMB)

licenced firearm owners is almost non-existent. The data used for this analysis comes from government and what could be termed anti-gun sources. None of it is from firearms groups or industries with a vested interest.

Based on public statements, there is no suggestion that the ACT Government or ACT Police has performed their own independent research and analysis to demonstrate this claimed link between quantitative limits on lawful firearm ownership and a decrease in crime. Theft levels of legal firearms in the ACT in recent years are in the single digits or the low two digits before this. They have not provided any credible evidence or intelligence that this will change, and large numbers of firearms will be diverted to the grey market through theft and this could be prevented by the introduction of caps.

Pointing out that some firearm crime or theft exists is not enough, particularly when at the same time the ACT CPO is saying that the majority of the problem is with illicit firearms and unlicenced individuals. Both of which will not be directly affected by the imposition of caps. Instead, we are to lead to believe that Western Australia conducted research to demonstrate a rational connection between firearm caps and crime levels.

However, when that was examined more closely, there was no rational connection to be found. The WA Law Reform Commission report that is purported to be the basis for the 2024 WA firearms laws considered caps and did not recommend them. Furthermore, when considering the potential for lawful firearms to be stolen, which is the biggest concern in the ACT, the WA LRC recommended addressing this through improved storage and not limits.

In presenting their Bill, WA MLAs used words like anticipate and think. These are not the sort of words that give confidence a measure will be effective. They are reactive and precautionary at best. The research to come up with the numbers for caps was nothing more than an exercise using a calculator to divide the number of firearm holders in each cohort with the number of firearms they held to come up with an average. All the while quoting crime statistics in isolation as though one would somehow link to the other. This is hardly scientific and reeks more of political expediency.

The WA Police in a submission to that WA LRC report expressed their strong preference for the existing genuine reason and genuine need tests and were lukewarm at best in even considering caps. This is also consistent with the findings of the previously mentioned ACAT determination when they considered the same issues in 2015.

No persuasive evidence has been presented by the ACT Police to demonstrate that a quantitative limit would improve public safety outcomes. ACT citizens quite rightly should not be denied their property because they fall on the wrong side of the decimal point of a once off crude calculation performed two years ago in a geographically and demographically different jurisdiction several thousand kilometres away.

Equality Before the Law

Section 8 of the HRA deals with equality before the law. This includes the right of a person to enjoy their human rights, or in this case the right to enjoy the conditional and regulated privilege of firearm ownership, without distinction of any kind. In setting specific limits, the Bill differentiates between individuals based on their genuine reason for owning a firearm as follows:

- Collectors have an unlimited cap

- Those with a “relevant genuine reason” are allowed no more than 10, this being:
 - animal welfare
 - business or employment
 - occupational requirements relating to rural purpose
 - primary production
 - sport/target shooting
 - vertebrate pest control
- In any other case not more than five

What the Bill fails to make clear by the way it is drafted is that there is only one genuine reason in the ACT that falls into the “other case” category, that being recreational hunting and vermin control. In its explanatory statement, the government claims for “relevant genuine reasons” that “this exception recognises the legitimate vocational or occupational requirements for additional numbers of firearms to continue their employment and fulfil essential community roles”.

It lacks a valid justification as to how these numerical limits, copied verbatim from WA, align with the genuine firearms needs of each cohort. Instead, value based subjective wording such as relevant and legitimate are used to justify exemptions to the five firearm limit imposed on recreational hunters, rather than more objective terms like necessary or required.

While it is unclear the reasons for this, several of the groups who are the most vocal supporters of introducing firearm caps are also opposed to recreational hunting on ethical and moral grounds. This raises the possibility that the distinctions between certain cohorts, and individuals within them, is being done for moral and not practical or public safety reasons.

Recreational hunters are by inference classified as not as relevant or not as legitimate. From a compliance perspective this introduces confusion rather than clarity. This distinction makes no sense from a public safety perspective. A recreational hunter who possesses 10 firearms is no greater an inherent theft or public safety risk than a target shooter with the same number of firearms.

The 10 firearm limit is also not absolute. There is provision in the Bill under Section 52A(1)(e) “for a licensee prescribed by regulation” to have a number of firearms greater than 10. In the WA situation this was anticipated to be used for competition shooters³². There was no such provision for hunters. It is not known in the ACT how this additional genuine reason will work and how it is different to the existing genuine reason test. Either a reason is genuine or it isn’t.

Exploring this concept of genuine need for hunters further, a recreational hunter who wishes to hunt in NSW State Forests is required by the NSW Department of Primary Industries (DPI) to complete a course and become licenced. The course provides the following list of recommended minimum calibres and gauges³³.

³²

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/a34114afa08ab97b48258ae5002d3785/\\$FILE/A41+S1+20240314+p919b-939a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/a34114afa08ab97b48258ae5002d3785/$FILE/A41+S1+20240314+p919b-939a.pdf)

³³ <https://www.hunter-ed.com/newsouthwales/>

Selecting the correct rifle and ammunition combination for the game animals you are hunting will ensure they are harvested quickly and humanely.

The table recommends the minimum calibre, cartridge and projectile weight for each game species.

Species	Recommended Rifle Calibre	Recommended Shotgun Ammunition
Hog deer, Fallow deer, Chital deer, Feral goat and Feral pig	.243 Winchester 80 grain projectile	12 gauge single-rifled slug
Rusa deer, Red deer, Wapiti and Sambar deer	.270 Winchester 130 grain projectile	12 gauge single-rifled slug
Wild dog	.222 Remington 50 grain projectile	Load of 000
Fox and feral cat	.22 Rifle 40 grain projectile	Load of BB
Hare	.22 Rifle 40 grain projectile	No. 3
Rabbit	.22 Rifle 32 grain projectile	No. 3
Duck and pheasant		12 gauge No. 3
Quail		No. 10

To take just the species listed here at normal distances in daytime conditions in a state forest would require the use of at least five different calibres or gauges. If different species found on private land are considered, along with other factors such as terrain and night conditions the number of firearms required could easily reach 10 or more.

The NSW DPI course is at pains to point out that hunters are liable for criminal prosecution for animal cruelty offences if their choice of firearm and calibre contributes to the unnecessary suffering of an animal. So this choice is not just about convenience for the hunter but to ensure they meet their legal obligations under animal welfare legislation.

While it could be argued that this limitation is being placed on what is a discretionary activity, there is still an obligation for the government to demonstrate under Section 28 of the HRA that there is not a “less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve”.

It also raises the valid question of why a target shooter can have 10 firearms for 10 different disciplines when a recreational hunter can't have 10 different firearms for 10 different hunting scenarios? Both are engaged in recreational activities and it could be argued that the recreational hunter has a more valid public benefit justification as they are removing invasive species that harm local wildlife and agriculture.

Other Human Rights Concerns

The scenario described earlier for unintended effects where other family members can become licenced shooters to avoid a person losing firearms they hold above a cap raises several human rights concerns. Firstly, as each person must be treated as an individual according to the law,

provided any new licensee is a fit and proper person and meets other licencing requirements, they will be entitled to be granted a firearms licence.

This discriminates against people who do not have a traditional family structure in that they will be unable to avail themselves of such an arrangement and lose their personal property as a result. Of even more concern is families where children are licenced target shooters. As they are unable to be registered owners of a firearm, a parent is required to have the firearms the children use on their licence. For a single parent family with several children who also shoot this may no longer be possible whereas it may be in a two parent household with only one child.

There are also potential second order effects of the way in which the five or 10 firearm limit will be applied. The ACT is the only Australian jurisdiction to have a concept of a "registered owner" and "registered user". A registered owner is the person recorded in the register as the owner of the firearm. A registered user is an individual recorded in the register as a user of the firearm. It is not permissible for a person who is not listed as an owner or a user of a firearm to use it, even if they have a valid firearm licence for that category of firearm.

The ACT Government has quite clearly stated that these new laws will "restrict the number of firearms individuals can own". This is factually incorrect and obfuscates the real impact on licence holders' property rights as the cap applies collectively to firearms where a person is a registered owner AND a registered user. This was not an issue when there were no proposed caps, but it could now see a person potentially deprived of all of their firearms if they simply wish to be registered to use another person's firearms.

The existing genuine reason test does not rely on arbitrary limits that likely breach the interference provisions of Section 12 of the HRA. Instead, a firearms owner will reach a natural limit based on their individual circumstances and genuine needs. The legitimate purpose of public safety is achieved by ensuring they are a fit and proper person and the imposition of increasingly stringent storage requirements the more firearms they own. If there are legitimate concerns about owners with a very high number of firearms, it is possible to identify who they are for an audit of both their storage and firearms for compliance, thus only affecting them as individuals.

What Does this Mean for Quantitative Limits?

What happened at Bondi was tragic and a failure in compliance and regulation, not legislation. The NSW firearms registry failed to apply the fit and proper person test in granting a licence and the genuine reason/needs test when granting permission for the shooter to acquire three very similar firearms on the same day. Caps would not have prevented what happened at Bondi.

They are a crude and blunt instrument driven by ideology and not science. They will most likely have no meaningful impact on overall lawful firearm numbers and will conflict with and undermine the fundamental genuine reason and genuine need principles of the National Firearms Agreement that have served Australia well for 30 years. Several other jurisdictions, including Qld, Tas and the NT have categorically ruled out introducing quantitative limits.

Caps confuse an unrealistic and populist ideological outcome with the method by which it can be achieved. Risk rules are hard coded into legislation. They draw a line in the sand and effectively say that the ACT is willing to accept at least 35,000 privately owned firearms if each of the roughly 7000 licensees use their full cap entitlement. If each of them chooses to

undertake sport shooting that rises to 70,000 firearms. Both numbers are well in excess of the 22,000 we currently have.

There is no empirical evidence to prove a direct correlation between lawful firearm numbers and firearm crime and misuse, let alone a causal link. The facts indicate the opposite is true, with crime and misuse rates decreasing as lawful firearm numbers have increased. More lawful firearms does not result in more firearm crime.

Firearm crime in the ACT involving lawfully owned firearms falls well below the threshold for even the lowest risk rating commonly used, rare. These threats are at best indirect and remote and can be better managed by other means. The ACT Government has failed in its burden of proof that introducing caps will improve public safety.

The proliferation argument regarding caps and the theft risk has already been explored extensively by ACAT and found to be baseless. Appropriate and scaled security is far more important than the number of firearms held. The WA Law Reform Commission came to the same conclusion in 2016. These are both quasi-judicial bodies that took an objective view of the issue, the same as you would expect a reasonable person to do.

Hard limits do not appreciate the complexities found in regulatory environments where things are sometimes counterintuitive and lead to unintended consequences. The now intractable problem Australia is facing with illicit tobacco is the best example of this. Continued fiddling with tobacco excises made it financially viable for organised crime to take what is now a permanent foothold in the illicit tobacco market. NSW is already seeing several unintended consequences of their new firearm caps with licence and permit applications surging³⁴.

There are also numerous human rights concerns with caps. There is no evidence they are a rational and proportionate response to the legitimate objective of public safety. They are driven by political theatre and not public safety. The limits chosen are an arbitrary line decided for administrative simplicity. They are based on a completely different jurisdiction to the ACT with no comparable human rights protections. Caps are guaranteed to deny over a thousand Canberrans the right to their personal property without demonstrating this limitation is reasonable and justifiable.

The distinction between recreational hunters and other types of firearm owners is not based on genuine need or risk. Instead, it appears to be ideological or ethical. The proposed caps do not respect the rights of individuals to be treated equally before the law without distinction of any kind. They will disproportionately affect people in single person households who are unable to spread their current firearm holdings among relatives.

I urge the Committee to recommend that the proposed Bill be amended to remove quantitative limits and that the ACT Government and policing focus their efforts elsewhere to improve firearm safety. As the ACT moves to a digital registry there is a unique opportunity to work with all stakeholders to develop an effective intelligence and risk led compliance regime. One that is light touch and administratively simple for low-risk entities and transactions while focussing limit human resources on genuine areas of high risk and concern.

³⁴ <https://www.news.com.au/national/nsw-act/gun-licence-applications-in-nsw-up-7000-per-cent-in-some-categories/news-story/ff655a9c3d2c83747a06a62eee29a1a4>