



# Submission cover sheet

## Inquiry into Legislation on proposed firearms reform

Submission number: 053

Submitter: Name Withheld

Date authorised for publication: 13 April 2026

# **Inquiry into Legislation on Proposed Firearms Reform.**

## **Firearms (Public Safety) Amendment Bill 2026.**

### **General Comment**

This Bill is unnecessary as it seeks to address the criminal misuse of a firearm, that is already more than adequately addressed by the existing Firearms Act 1996. It will introduce added complexity to an already complex Firearms Act 1996 and has specific and fundamental legislative problems.

Law abiding firearms owners are collectively being held accountable and punished instead of those directly responsible for the criminal misuse of a firearm at Bondi. The proposed legislation will not have the claimed positive effect on “public safety” as it does not redress the systemic failures by those who were actually responsible.

Despite the police having sufficient legislative powers, justification and intelligence to prevent the Bondi attack from ever taking place, they chose not to act. Inexplicably, in spite of there being clear evidence of terrorist links, the NSW Police Commissioner chose to grant the perpetrator a Firearms licence. Compounding these failures, the Bondi police station is in close proximity to the location of the mass shooting and yet the NSW police failed to act in a timely manner.

### **Specific Problems with the Proposed Bill**

#### **Illustration of a Current Legislative Problem Caused by Constant Amendment, changes to definitions and Interpretation**

The proposed legislation is couched in terms of “public safety” but it does not address the core issue actually involved – the failure of police to act in the public interest and enforce existing laws. It only serves to increase the complexity of an already complex Firearms Act and risks making criminals out of every day law abiding people. To illustrate this point, Section 23A for the Firearms Act 1996 was added in 2016 to make it a requirement for “imitation firearms” to have a Prohibited Weapon and Article Permit for possession. Under Section 23A (3)(a), an imitation firearm:

“means something that, regardless of its colour, weight or composition or the presence or absence of any moveable parts, substantially duplicates in appearance a firearm but is not a firearm”

A dummy rubber training pistol (see appendix A) is considered by the Firearms Registrar (see appendix B for their confirmation) to be an imitation firearm and, for the purposes of the Act, applies “ in the same way as it applies to a firearm” (Section 23A(1)). That is, the requirement for storage and transportation as if it were a pistol. As it is treated as if it is a firearm under the Act, the same penalties thereby apply.

In contrast, Section 23A(4)(a) of the Firearms Act 1996, specifically excludes “something that is produced and identified as a children's toy”. A Nerf Pistol (see Appendix C) is available from BigW (<https://www.bigw.com.au/product/nerf-fortnite-dual-pack-includes-2-fortnite-blasters-6-nerf-elite-darts-toy-gun/p/9901242423>) and is classified as a “children’s toy” but is readily identifiable as a pistol (in this case, it replicates a 1911 style pistol).

Many martial artists use rubber training weapons such as the pistol pictured in Appendix A to practice disarms. I am unaware of any public awareness campaigns specifically focused on “imitation” firearms such as these and can find no reference to them on the internet other than: <https://www.facebook.com/ACTPolicing/posts/gel-blasters-and-imitation-or-replica-firearms-are-illegal-in-the-act-and-police/462914056029920/> (see Appendix D). The facebook post only mentions “imitation” in passing but has a picture of replica firearms (gel blasters). However, dummy rubber training pistols are readily available for purchase online from Australian retailers without any warning of potential State and Territory restrictions.

## **Criminalising Existing Ownership**

How many martial artists are unaware that their dummy rubber training pistol, which is obviously identifiable as a rubber training device, is considered by the Firearm Registrar to be an “imitation” firearm and, thereby, subject to the Firearms Act 1996? Unknowingly, these people risk serious criminal charges, for not having a Prohibited Weapons and Article Permit, whilst a more accurate representation of a 1911 style Nerf pistol is considered to be a child’s toy. In this manner, the incessant revisions to the Firearms Act 1996 has given rise to this nonsensical situation.

## **Arbitrary Limits Without Justification or Understanding of the Shooting Sports**

The proposed legislation arbitrarily seeks to restrict the number of firearms owned by a licence holder to a maximum of 10 by re-categorisation and, thereby, prohibition through restriction, without any justification or real understanding of the shooting sports. A firearm is just a tool that is fit for a specific purpose similar to any other tool. For example, it would be inappropriate to use a sledge hammer to drive in a tack nail. As such, a single shot 10m competition .177 calibre air rifle has little, if any, practical use outside of the indoor air rifle competition range. In this manner, each shooting discipline competition requires a particular type and calibre of firearm to compete. Similarly, it would be inhumane for a hunter to kill a pest species with an inappropriate calibre. A person that regularly participates in the shooting sports and/or hunts can quickly require a multitude of firearms to compete in all the disparate competitions and/or for the control of pest species. If the proposed Bill is enacted, some existing licence holders will not be able to participate in all the competitions required by their various disciplines and may cause unnecessary suffering to animals, through the use of inappropriate calibres.

## **Prohibition Through Reclassification**

The proposed Bill seeks to amend the existing firearm classification regime (Schedule) by reclassifying firearms and, thereby, prohibiting their use by Category A and B Firearm licence holders – firearms that have been available to licence holders without restriction for a long time. Moreover, historically valuable firearms that are reclassified will have to be destroyed as their owners will no longer be able to maintain them on their existing licence, or to obtain the Category of licence required. Possession limits will also preclude the requisite Category licence holders from preserving these historically significant firearms on their licence.

The approach taken does not consider that the technical mechanism by which a round is delivered into a chamber is largely irrelevant – what it is more important is that the person pulling the trigger be safe and responsible in the use of that firearm. Prohibition through reclassification will not prevent the criminal misuse of a firearm.

Continued amendment of the Firearms Act 1996 has resulted in a level of complexity that has already lead to nonsensical outcomes (an “imitation” pistol, requiring a Prohibited Weapon and Article Permit, and yet a more accurate 1911 style Nerf pistol is considered to be a child’s toy, free

from any such restrictions). In this manner, a Firearm Licence holder may find themselves to be in breach of the proposed legislation on a technicality, despite the provision of transitory legislation, based on how the legislation is interpreted by the Firearms Registrar. The Firearm Licence holder will be prosecuted in spite of them having that particular firearm on their licence for a considerable duration without any issue or previous objection. As such, the proposed legislation is unnecessary, will have unintended consequences, adds unnecessary complexity, will cause the destruction of historically significant firearms, may cause unnecessary suffering of pest species and should be rejected.

## **Forced Disposal of Private Property**

More concerning is that licenced firearms owners, currently in possession of reclassified firearms or having more than 10 firearms, will be compelled to dispose of those firearms to comply with the new provisions. Section 51(xxxi) of the Constitution and common law rights protects private property from interference by the Commonwealth and, by virtue, the States and Territories from the forced acquisition or disposal of that property, without adequate compensation “on just terms”. How is “adequate” compensation determined on “just terms” if it doesn’t include the impact to a person’s mental health, the money they have invested in associated equipment, enjoyment of their sport and to their way of life? The compensation will need to be more than the intrinsic “market value” and the total cost would be prohibitive. This high cost comes without any demonstrable public benefit.

## **Broad Definition of Blueprint and Digital Blueprint**

The proposed section 228A makes it an offence to have a digital blueprint which is defined by section 228A (6) (a) as “any type of digital or electronic reproduction of a technical drawing” and this includes “(b) possession of a document in which the blueprint is recorded”. By definition, that would include ANY commercially published enthusiast’s book (or pdf file) that has a picture of the factory blueprints or dimensioned technical drawings within.

Section 228A (6)(a), “possession’ also includes:

“ (i) held in a computer or data storage device that is in the possession of another person (whether the computer or data storage device is in the ACT or elsewhere); or

(ii) held on a remote computer or remote data storage device that is accessible from a computer or data storage device (whether the remote computer or remote data storage device is in the ACT or elsewhere).

Example—remote data storage device  
a cloud storage system”

In this digitally connected world, ANY person that connects to the internet meets this definition of possession as they are able to connect to a server containing a “digital blueprint” whether by intention or otherwise. Section 228A does not limit possession to a person having sole access to that data.

## **No Definition of Control**

Subsection (c) is also problematic as “control” is not defined in the Firearms Act 1996 (as it is in the (Commonwealth) Corporations Act 2001), the current Bill, is not used consistently in the Firearms

Act 1996 and does not align with the dictionary definition of the term. To illustrate this point, section 10 (c) of the Firearms Act 1996 provides an example of possession involving control:

“Example—possession

Simon buys a firearm illegally. He hands it to Penny to look after it for him while he appears in court. Simon still has the care, control or management of the firearm and so has possession of the firearm. Penny holds the firearm and also has possession of the firearm”.

While it is only an example, it illustrates the problem. Simon “still has the care, control or management of the firearm” and yet “Penny...has possession of the firearm”. The online Cambridge dictionary defines “control” as “to order, limit or rule something, or someone’s actions or behaviour”. How can Simon still be considered to have “control” when he is no longer in possession of the firearm and cannot compel Penny to act in a particular manner. Penny has her own autonomy and can make her own decisions. Any reasonable person would understand that Penny clearly has, not only possession, but also control of the firearm. Simon acceded control when he gave the firearm to Penny. The obvious question that arises from the example, if Simon is considered to have control of the firearm under the Act, is he to be held responsible if Penny commit a crime with that firearm?

Given that “control” is not defined at all in the Firearms Act 1996, has such broad scope and is not used consistently with the understood dictionary definition of the term, how is it to be interpreted in relation to the internet? If a person logs on to a board or website that contains “digital blueprints” but doesn’t attempt to access them, are they still considered to be in “control” by virtue of having login credentials?

Section 228A reflects the haste in which it was written and does not have consistent paragraphs and sub-paragraphs. Paragraph (6) has duplicate sub-paragraph lettering - (a), (b) and (c) under the definitions of “digital blueprint” and “possession”. It has such a broad scope and application that it will have unintended consequences as it even seeks to criminalise many existing library holdings relating to firearms. Given the problems highlighted with section 228A, it should be rejected in its entirety as it is unsound.

## **Closing Statement**

The Firearms (Public Safety) Amendment Bill 2026 does not do what it sets out to achieve. That is, to positively enhance “public safety”. It cannot impact public safety as it does not address the the root cause of the criminal misuse of a firearm that took place, nor does it add anything to the existing legislative framework in any meaningful way. In fact, there is already in place the necessary legislative framework to have prevented the event, if it had been enforced.

The Bill seeks to add further complexity to an already complex Firearms Act 1996 without justification, has fundamental flaws, unintended consequences and should be rejected in its entirety.

**Appendix A**



## Appendix B

-----Original Message-----

From: (Name redacted) On Behalf Of ACTFirearmsRegistry  
Sent: Wednesday, 4 March 2026 5:04 PM  
To: (Name redacted)  
Cc: (Name redacted)  
Subject: RE: Rubber Dummy Training Pistol [SEC=OFFICIAL]

OFFICIAL

Good afternoon, (Name redacted).

The photo you have provided of the training weapon would meet the definition of an imitation firearm and subsequently would require a permit to possess.

Please reach out if you have any additional questions.

Kind regards

(Name Redacted)  
SERGEANT  
DEPUTY REGISTRAR  
FIREARMS REGISTRY  
AUSTRALIAN FEDERAL POLICE

-----Original Message-----

From: (Name redacted)  
Sent: Monday, 2 March 2026 8:59 PM  
To: ACTFirearmsRegistry <[ACTFirearmsRegistry@afp.gov.au](mailto:ACTFirearmsRegistry@afp.gov.au)>  
Subject: Rubber Dummy Training Pistol

Dear Registrar

I am seeking clarification in the treatment of dummy rubber or plastic training pistols (see attached picture) as to whether or not they are classified as imitation firearms under the Firearms Act 1996. The Firearms Act defines an imitation firearm fairly broadly as:

"(a) means something that, regardless of its colour, weight or composition or the presence or absence of any moveable parts, substantially duplicates in appearance a firearm but is not a firearm; and (b) includes something that the registrar declares to be an imitation firearm under section 31".

As "substantially duplicates in appearance" is a subjective term, it could include a dummy rubber training pistol such as this one, as it is the shape as a particular firearm . I am unable to find any declaration that specifically states that these dummy rubber or plastic training pistols are classed by the registrar as an imitation firearm. Nor have I been able to find an easily accessible listing of declarations made by the registrar. If such a listing exists, could you please include a link or indicate where it can be found?

Could you also please advise whether the Firearms Registrar considers dummy rubber or plastic training pistol such as this to be an imitation firearm?

Thanking you in advance.

(Name redacted)

Appendix C



## Appendix D

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### ACT Policing

20 December 2022.

Gel blasters and imitation or replica firearms are illegal in the ACT and police are working hard to get these items off our streets.

They are designed to look like real firearms and are hard to differentiate.

ACT Policing has seized a number of gel blasters and replica firearms this year which were used for crime, including pointing them at victims to cause fear and intimidation.

As part of the National Firearms Amnesty, all illegal firearms can be surrendered to ACT Policing without fear of penalty.

If you have a gel blaster or replica firearm, you are urged to surrender it to police immediately. Anyone found in possession of them may face severe penalties, including possible imprisonment.

Please surrender them to the ACT Policing Exhibit Management Centre at 86 Vicars Street, Mitchell, during business hours only.

