



# Submission cover sheet

## Inquiry into Legislation on proposed firearms reform

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**ACT  
Standing Committee  
on Legal Affairs**

**Inquiry into Legislation on proposed  
firearms reform**

**Firearms (Firearm Prohibition Orders)  
Amendment Bill 2026**

Submission from  
The Alannah & Madeline Foundation  
&  
The Australian Gun Safety Alliance  
March 2026

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**Table of Contents**

Executive summary.....	3
The Alannah & Madeline Foundation.....	4
The Australian Gun Safety Alliance.....	4
Comments .....	5
Summary.....	7
Australian Gun Safety Alliance Members.....	8



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### Executive summary

The Alannah & Madeline Foundation (the Foundation), together with the Australian Gun Safety Alliance (AGSA), supports the ACT Government introducing the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 and the opportunity of providing these comments to the Inquiry.

The ACT is the last jurisdiction to implement a Firearms Prohibition Order (FPO) regime. Other jurisdictions have found such regimes to be important tools in appropriately managing access to firearms.

We have made some comments on the proposed Bill and encourage the Government to align the Bill more strongly with other jurisdictions for clarity, efficiency, and impact.



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### **The Alannah & Madeline Foundation**

The safety of children and young people is why we are here. Our child-rights framework informs everything we do.

It drives our mission to see all jurisdictions compliant with the Australian National Firearms Agreement through the Australian Gun Safety Alliance (AGSA).

It sees us advocate for the rights of children and young people to be upheld online and offline, including by governments and digital platforms, and for optimal safety standards to be built into all digital spaces and devices.

And it means advocating for children to be formally recognised as victims of crime.

We believe the needs of children should always be part of government policy and that all government decision-making should consider the best interests of the child, first and always.

We believe that the voices of children and young people should be actively sought out and prioritised whenever decisions are being made that affect them. It is their right. And our ongoing mission to make it happen.

A letter of support from our Founder, Walter Mikac AM, is included with this submission. Walter has experienced firearm violence at its worst and has been a passionate advocate for firearm safety since supporting Prime Minister Howard with the gun reforms in 1996.

### **The Australian Gun Safety Alliance**

The Australian Gun Safety Alliance (AGSA) is a broad coalition of voices representing the interests of the community in ensuring that we maintain vigilance on issues of gun safety.

AGSA members are from the public health, medical, hospital, first responder, union, and children's services sectors along with faith organisations and those involved with preventing family violence. All members are shown on the AGSA website.

AGSA is not politically aligned and receives no corporate or individual donations. It is funded by modest philanthropic donations and in-kind services by members.

AGSA understands that the majority of gun owners in Australia are law abiding, responsible people who are not criminals. However, we believe that all governments must do everything in their power to avoid a slide towards an American culture of gun entitlement. They should also uphold their public commitment to the National Firearms Agreement. Finally, governments have a responsibility to all their constituents when it comes to the management of firearms - not just those with a self-interest in the firearm industry.

We are strong advocates for the preamble of the National Firearms Agreement which states clearly that the use and possession of a firearm is a privilege and that the overriding need to ensure public safety should dictate the regulation of firearms.

The convenience or commercial interests of firearm owners, manufacturers, importers, and retailers should never take precedent over community safety.

## Comments

*An FPO is a court order which prohibits the person subject to the order from acquiring, possessing, or using a firearm or firearm-related item and attending premises where firearms or firearm-related items may be located.*

*New Part 12A of the Act establishes the FPO scheme. The key functions of the proposed FPO scheme include:*

*a. an FPO may only be made in relation to an adult.*

It is our understanding that some other jurisdictions have had the need to impose FPO's on children under 18. Given that people under the age of 18 in ACT can legally use and possess a firearm, we suggest the Government consult with other jurisdictions and reconsider whether there needs to be an exception that accommodates the need for police in the ACT to request an FPO on someone under 18 years.

*b. a Magistrate, on application by the Chief Police Officer (CPO) after consideration of matters in any Ministerial guideline, may make an FPO if satisfied that it is in the public interest to make the order and the making of the order is reasonable and justifiable in all the circumstances.*

It is our understanding that in most jurisdictions the Police Commissioner, or Chief Police Officer, can authorise FPO's. In some jurisdictions these are short-term and can only be extended by a Magistrate. This has been done to enable police to act quickly and avoid the disposal or relocation of firearms.

We encourage the Government to consider this option that would facilitate the confiscation of firearms from people that the CPO considers should be subject to an FPO. This might help prevent the destruction or diversion of firearms while waiting for court proceedings.

*c. in considering whether to make an FPO, the court is required to consider a list of factors, including the person's criminal history, their behaviour, their circumstances (including cultural and social needs), the limits the order would have on the human rights of the respondent and any person affected by the order, and the extensive police search powers which would be available for the duration of the FPO;*

We understand the Government's human rights obligations. However, we remind the Government that according to the *Firearms Act 1996* the use and possession of firearms is a privilege that is conditional upon public safety. We also urge the Government to remember their obligations, as set out in the United Nations Convention on the Rights of the Child, to ensure to the maximum extent possible and survival and development of every child. We urge the Government to ensure the rights of the community to be safe from firearm violence are not subordinate when considering the human rights of people subject to FPO's.

*d. before making an FPO, the Magistrate must be satisfied that the person has unlawfully acquired, possessed, or used (or unlawfully attempted to acquire, possess, or use) a firearm or firearm-related item.*

We would have assumed that there were wider range of contributing factors that would trigger an FPO such as criminal history, associations, and other behavioural or demonstrated ideation.

Commented [JM1]: Should we provide one or two examples of what these should be?

*e. the court may make a short interim FPO on a higher threshold than a final order, requiring the court to be satisfied of additional criteria, including that the order must be urgently made to reduce a significant risk of serious harm to another person.*

*f. a final FPO remains in force for a period of three years unless revoked earlier.*

It is our understanding that most jurisdictions have at least a five-year period for an FPO if not ten years. We urge the Government to consider a greater level of consistency with other jurisdictions on this matter.

- g. the police can make an application to the court to determine whether information proposed to be provided in support of the application is security sensitive information.*
- h. the respondent may apply to the court for leave to apply for a review of an FPO, including on the grounds that the order limits the human rights of the person in any way that is not reasonable and justifiable.*
- i. either party may apply to the Supreme Court for an appeal against a decision made in FPO proceedings.*
- j. any licence, permit or authorisation held by the person is cancelled when a final FPO takes effect.*

We assume that any licence permit or authorisation held by the person is suspended until the final FPO processes completed.

- k. a number of offences apply to a person who is subject to an FPO including acquiring, possessing or using a firearm or firearm-related item; failing to surrender a firearm or firearm-related item; entering and remaining at a prohibited premises (including premises where a firearm is stored, sold, repaired, or manufactured, shooting clubs, and premises prescribed by regulation); and failing to notify a change in address or other premises;*
- l. the police may undertake a search of a person subject to an FPO, a vehicle occupied by the person or under the person's control, the person's residence, or a storage facility owned, leased, or occupied by the person, and may seize firearms and firearm-related items. Before exercising powers of search and seizure, the officer must be satisfied that the use of the power is reasonably required for the purpose of ensuring compliance with the FPO (that is, to ensure that the person is not in possession of a firearm or firearm-related item). In determining whether the search is reasonably required, the officer must take into consideration several factors, including whether the officer has credible information suggesting the person has acquired, possesses or is using a firearm or firearm-related item, the impact on other people likely to be present during the search, the impact on privacy, and the number, frequency and recency of any previous searches;*
- m. a police officer must make a written record of the reasons for determining that the exercise of search powers was reasonably required and include in the record the particular matters that the police officer had taken into account.*
- n. the CPO must report annually to the Minister for Police, Fire and Emergency Services (MPES) and the ACT Ombudsman in relation to the number of FPOs made and powers exercised under the framework; and*
- o. the MPES must review the FPO scheme after it has been in operation for three years, with a report to be presented to the Legislative Assembly.*

These are all reasonable clauses.



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## Summary

In closing, we reiterate our strong support for the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 and acknowledge the ACT Government's commitment to strengthening public safety.

As outlined throughout this submission, we believe there remain opportunities to further align the Bill with good-practice approaches in other jurisdictions to enhance clarity, consistency, and effectiveness.

Our recommendations focus on ensuring that community safety, particularly the safety and wellbeing of children and young people, remains paramount in all decision-making related to firearm access and regulation. These considerations are consistent with the principles articulated in the National Firearms Agreement and with the obligations owed to children under the United Nations Convention on the Rights of the Child.

We view the proposed framework as a solid foundation and consider the Bill's provisions reasonable and appropriate in advancing public safety objectives. We would welcome the opportunity to engage further with the Committee on any of the issues raised and to contribute to a robust, evidence-based approach to firearm harm prevention in the ACT.

We would be glad to discuss any of these matters further with the Inquiry.



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Australian Gun Safety Alliance Members

