



Submission cover sheet

Inquiry into Legislation on proposed firearms reform

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Submission

Introduction

This submission is a response to the invitation given by the Standing Committee on Legal Affairs.

However, I have been unable to discern what the purpose of the inquiry is – I have not found the Terms of Reference helpful.

What is the ‘consultation’ intended to achieve?

I hope that you will forgive my scepticism that there is genuine consultation being offered. The ACT, and increasingly governments generally, are conducting consultation as a ‘box-ticking’ exercise so that they can avoid criticism ‘Of course we consulted.’

I have seen or heard nothing to suggest that the government, supported by the whole of the Assembly, has not already decided all the important matters relating to so-called ‘firearms reform’.

Is the government seriously considering doing anything different to NSW? If so, tell us. And tell us what is open to being influenced by consultation. I fear and expect nothing.

For these reasons I won’t invest a significant amount of effort in making this submission. I just don’t believe that any submissions will make the slightest difference to the outcome.

And I would add that I know I am not alone in my general scepticism about consultation by the government – there is ample evidence in other contexts (Light rail? Aquatic facilities? Bruce Stadium?) that it is warranted (I read the Canberra Times).

The fact that citizens are so sceptical about government processes is not healthy for our democracy.

So I will be brief.

About Me

I am in my late sixties and have lived in Canberra since my teens.

I have been a firearms owner since the late seventies, so coming up for half a century.

I grew up in country NSW and have always been around firearms. I went to a country boarding school where we were allowed to keep our guns (and ammunition!) in the dormitory. Shooting was an important extracurricular activity run by the senior students. The school had an armoury where the school’s rifles were kept (and the Year 12s had the keys!). We would check out the rifles, sling them over our shoulders and walk through the streets to the range – a bunch of kids with high-powered rifles walking the streets! Nothing was thought of it.

I bought my first rifle when I was 16. In the school holidays I travelled to Sydney by myself on the train, bought my rifle, and travelled back home again with the rifle in a box propped up against the window next to me. Perfectly normal.

When I first came to Canberra you could go to Kmart in Woden where they had a gun department. You could walk in and buy guns and ammunition. No formalities or licences.

There were no firearms licences.

Please forgive my nostalgia. There were different times. And not a better world or more dangerous times. Canberra was not a lawless or dangerous place.

Over the years I have collected a modest number of firearms (as people with special interests typically do) and, based on all the evidence, are likely to have to surrender most of them (and I don't regard payment for them as being fair – most have unusual features and are not replaceable – there seems to be a view that 'what are you complaining about? You'll be paid'. Tell that to anyone else with a special interest).

Over the years I have been involved in the shooting sports as both a competitor and administrator. I have travelled Australia to attend shooting competitions.

I am also a keen hunter.

My family owns a rural property in NSW. Like all rural landowners in NSW, we are under a legal obligation to control feral animals (and there are many – esp. pigs, goats and deer). I and my family try hard to control them and we do this by shooting – we are ethically-opposed to poisoning and trapping and we also feel an obligation to our neighbours.

In addition, I am now semi-retired and am able to travel frequently to the property and throughout Australia hunting and I feel I make a valuable contribution to other landowners who struggle to manage feral animals on their properties when they have a full-time 'day job'.

My adult son also now holds a firearms licence and has inherited my interest and responsibility – we enjoy sharing times together in the bush (and I think this is healthy for us both – much better than spending time on social media or gaming, and it keeps us healthy both physically and mentally).

However, I try to manage my son's expectations about the future. I have long said that I expect to live to see a time when there is no private ownership of firearms. Or he certainly will. And probably sooner rather than later (all it may take is one more serious 'incident', and this is not to belittle what happened at Bondi – of course it was terrible. But also, of course, the perpetrators should never have had a firearms licence and could and should have been denied under the NSW legislation as it then was).

So, once again, licenced firearms owners and responsible citizens are the 'soft target' when governments fail, as they did in NSW and federally (and as will no doubt all be exposed from the Royal Commission). Of course, it is great politics and goes down well in the cities (where 95% of the population lives and only see and experience the bush as they drive through it or fly over it).

The Facts

I'm sure I don't need to explain the facts about firearms ownership. No doubt the Committee will receive submissions from people and organisations that are much better resourced and informed than me. And presumably the Committee will make its own enquiries.

But the bottom line is, entirely supported by research and facts (and even by casual observation), that licenced firearms owners are not a danger to the community. The facts are completely clear. And that there is no correlation between the rate and number of firearms legally-owned and the rate of firearms deaths. In fact the rate of firearms deaths has been steadily declining for a long time despite an increase in ownership.

But the Committee will find this out for itself, along with other pertinent facts.

I challenge the Committee to find any evidence to support a conclusion that the intended 'reforms' are necessary or will achieve the intended objectives. It is populist window-dressing and everyone knows it.

The response of Premier Minns was almost childish – in settling on a maximum of four firearms, one less than WA, he was saying 'mine's bigger than yours' and so he could claim to have the toughest gun laws. It really was pathetic politics at its worst, compounded by the rushing through of the legislation with no debate or consultation. And then, of course, there is the protracted implementation process which makes a mockery of the so-called critical urgency.

So I do commend the ACT government and the Assembly for not rushing to change in the same way, and value the opportunity to make a submission. But this doesn't in any way reduce my scepticism about the process.

Role of Government

Following the Bondi attack Premier Minns said that the primary responsibility of government was 'public safety'. I disagree.

I say that the primary responsibility of a government in a western democracy is the protection of citizens' rights and freedoms. Public safety and freedoms are clearly not entirely compatible.

We see the public safety card (and its close relation, 'public health' as we saw in COVID) played by governments whenever they want to introduce new restrictions on freedoms (and I note the name of the Bill – say no more!).

We have the obvious model of where this ultimately leads, namely China, although you could pick any other authoritarian regime. I am quite familiar with China and its almost perfect 'public safety'. But it comes at enormous cost to personal freedoms – there are none. I fear this is where we are also headed (surveillance? Facial recognition? Etc., etc.).

The public safety argument is used to trump and justify anything, and to shout down any opposition or criticism (and wedge oppositions in parliaments).

There is human rights legislation for a reason. It is possibly our only protection against the public safety argument and increased restrictions on rights and freedoms. But does it actually work as intended? I fear not and with the subject of the enquiry being an example. More on this below.

Police Powers

I understand that the proposed changes involve increasing police powers. While not commenting on the specifics of the proposal I make the observation that any increase in such powers should be considered with the utmost caution. Key consideration should be if and how existing powers are inadequate, and if the proposed changes are and can be strictly limited to achieving the intended objectives and can be subject to transparency.

I urge this caution because history tells us two things. Firstly, that eventually the police will ask for more still more powers (always in the interests of public safety), and secondly, that every new power given will eventually be abused.

Of course, police and governments (and certain interest groups) play the ‘public safety’ card I have mentioned above – anything and everything is justified in the name of public safety.

A good example of what I argue is the introduction of tasers.

I well remember when they were first introduced and what was said about them (including the public safety line). I predicted they would be abused.

It was said that they were to be used very sparingly and only as an alternative to lethal force. It is clear how this has evolved over time into use as a general and ‘go to’ compliance tool despite the known risks and dangers, and there have been notorious examples of abuse, involving the deaths of vulnerable people. ‘Public safety’?

And, of course, in NSW the police already had sufficient powers that may have prevented Bondi, or at least reduced the severity, and they failed to exercise them. Yet they now want more powers.

I urge the Committee to think very carefully about increased police powers.

Given my scepticism about the process, I expect that whatever the police ask for will be given. In which case I urge the Committee to consider what controls might be implemented and how there will be public transparency in the use of the powers – public visibility such as we now get from the use of body-worn cameras is exceptionally useful in moderating police abuse of powers.

Lastly, and as I have mentioned, I have some knowledge of life in China, the lack of individual freedoms and oppressive surveillance and controls there, and the extraordinary powers that police have. We must resist the constant drift in that direction, in the interests of ‘public safety’, and only grant more powers to police in the most compelling of circumstances, not just ‘for the asking’ and always (genuinely and thoroughly) testing the ‘public safety’ case.

Human Rights

I see that the Explanatory Memorandum addresses the issue of Human Rights in the context of the ACT Act.

For the reason I give in my introduction, I won’t attempt to analyse the arguments in detail – I doubt anyone is interested. The case is made, nothing to discuss.

However, I will argue that the (I think quite tortuous) set of arguments explaining why nothing about the proposed changes is inconsistent with human rights illustrate my point about the public safety argument. Consider the ‘right to life’ argument – given all the evidence and facts, the legal and responsible ownership of firearms is not a threat to life. This is simply a fact.

The argument is nothing more than an unsupported assertion.

As soon as public safety is invoked, it justifies anything, even accepting inconsistencies with human rights and personal rights and freedoms. It shuts down the argument completely – there is nothing to debate, consider or discuss. Just proceed ‘full steam ahead’. Human rights and personal rights are simply dispensed with almost out of hand. A formulaic argument is applied (and that can and will be used over and over again in the future as a template).

No human right is safe from the public safety (or its twin, the public health) card.

This is a slippery slope in only one direction.

We will inevitably see before along some other intended restriction on freedoms justified on grounds of public safety.

You can have perfect public safety or personal rights and freedoms. You can't have both.

And, of course, the same argument applies to 'public health' which is really no different to public safety, and consider what happened with COVID – it makes the case perfectly (as does China, for example).

I urge the Committee not to accept without the most careful scrutiny and analysis the arguments presented by the government on why there is no issue affecting human rights.

Conclusion and Suggestions

I strongly doubt that any work of the Committee will result in any change to what has already been decided – I repeat that I am unsure about what the purpose of the enquiry is.

However, I offer two suggestions on how the impact on what are a demonstrably responsible cohort of ACT citizens might at least be minimised:

- 'grandfather' the current ownership of more than the prescribed maximum number of firearms – allow those who own more to keep them until they die or decide to dispose of them, and require that any in excess of the minimum may only be disposed of by legal sale or surrender. This would be fair, or at least more fair than seizure (even if with compensation). I believe this would be supported by the community as reasonable
- Secondly, allow a generous amount of time to move to the new arrangements so that firearm owners are able to make alternative arrangements that they judge are in their best interests, and allow and encourage the Firearms Registry to assist, support and advise owners on the transition and their efforts to achieve a 'least hard' and as fair as possible outcome. Clearly there is no critical urgency in making the changes given the relatively 'relaxed' approach our government, along with other jurisdictions (including, incredibly, NSW), is taking to implementing the changes. Also clearly the government and the police and other authorities consider that there is no imminent threat to the community from licensed firearms owners.

I hope that this brief submission assists the Committee, and despite my scepticism and misgivings (and fears) I commend the Committee for undertaking this consultative process.

By email: