



Submission cover sheet

Inquiry into Legislation on proposed firearms reform

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Ms Chiaka Barry MLA

Chair, Standing Committee on Legal Affairs
ACT Legislative Assembly

By email: LACommitteeLegal@parliament.act.gov.au

Dear Ms Barry

Inquiry into legislation on proposed firearms reform

I welcome the opportunity to make a submission to the Standing Committee on Legal Affairs' Inquiry into legislation on proposed firearms reform.

The ACT Ombudsman is a statutory officer established under the *Ombudsman Act 1989* (ACT). My Office provides the community with an independent and impartial avenue to resolve complaints about government administrative actions. My Office also performs a critical oversight function in monitoring ACT Policing's compliance with various legislative frameworks to ensure administrative power is exercised lawfully, fairly, and transparently.

My submission addresses both the Firearms (Public Safety) Amendment Bill 2026 (the 'Public Safety Bill') and the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 (the 'FPO Bill').

My comments on the Public Safety Bill focus on the practical administration of the proposed amendments. My comments on the FPO Bill address the new oversight function the Bill proposes to confer on the ACT Ombudsman under the proposed new Division 12A.12 (Annual Reporting and Ombudsman oversight) of the *Firearms Act 1996*.

Firearms (Public Safety) Amendment Bill 2026

The Public Safety Bill introduces a cap on the number of firearms an individual may possess, with provision for approval above the cap (section 52A). Compliance with

these limits is intended to operate as a licence condition, with offence provisions for contraventions.

Effective recordkeeping will be important in the administration of decisions made under section 52A. My Office frequently identifies instances where decision-makers provide brief or incomplete reasons to members of the public about decisions that affect them, often consisting simply of a reference to a section of an Act, which can undermine transparency, accountability, compliance and review.

For the purposes of section 52A, to ensure that clear reasons for decisions are recorded and provided in relation to the number of firearms an individual may possess, I consider either the Bill or the regulations contemplated by the proposed section 52A(1)(a)(ii) should include an explicit requirement to record the decision and the reasons and considerations underpinning the decision. Embedding this requirement in primary or delegated legislation would promote consistency in decision-making and strengthen accountability and oversight.

Firearms (Firearm Prohibition Orders) Amendment Bill 2026

The FPO Bill proposes to confer on the ACT Ombudsman a new oversight function to monitor compliance with Division 12A.12 (Annual Reporting and Ombudsman oversight) of the *Firearms Act 1996* by the Chief Police Officer and other officers when exercising powers under Division 12A.

Division 12A.10 provides police with certain enforcement powers once a firearms prohibition order (FPO) has been issued, including the power to search a person and seize items (s 183ZX) and enter a premises without a warrant (ss 183ZY and 183ZZ). Police must not exercise the power unless satisfied exercising the power is reasonably required to determine that the person has acquired, possesses or is using a firearm or firearm-related item in contravention of the FPO. The Division also:

- Includes a range of other matters police must consider prior to exercising these powers, as well as things a police officer must do at the time of, or as soon as possible after exercising the powers.
- Provides the power to apply to a magistrate for a search warrant in certain circumstances and stipulates the requirements when executing a warrant.
- Provides the power for police to seize or secure things and outlines the process for doing so.

- Includes a requirement on an officer exercising the powers in the Division to record their reasons for exercising the powers as soon as practicable after exercising the power.

Division 12A.12 provides that the Chief Police Officer must, as soon as practicable after the end of each calendar year, give a written report to the Ombudsman setting out a range of details relating to FPOs made and their use of powers under Division 12A.10.

Under section 183ZZO, the Chief Police Officer is also required to provide the Ombudsman with a copy of an FPO, together with its accompanying FPO application, within 7 days after the day the order is made.

The proposed Ombudsman oversight is only of the enforcement function: it would not extend to applications for or the making of FPOs. It will be a matter for the court when considering issuing a FPO to determine whether the requesting officer has met the relevant thresholds.

Given the Ombudsman's proposed oversight function does not extend to applications for FPOs, in my view there is no practical utility of the 7-day reporting requirement under the proposed section 183ZZO in its current form.

The issuance of a FPO will not necessarily coincide with the use of the enforcement powers. As such, merely receiving notice of an order being issued will not meaningfully assist my Office in preparing to oversight the powers provided for in Division 12A.10, but would burden the Chief Police Officer who would have to provide such notices. The requirement to provide notice to the Ombudsman following the issuance of a FPO may also give the appearance of greater oversight than is proposed to be legislated.

Conversely, 7-day notification following the use of powers in Division 12A.10 would assist my Office in exercising its functions, by providing data on trends and volume of use. However, as drafted, the FPO Bill only requires information surrounding the use of powers under Division 12A.10 to be reported by the Chief Police Officer to the ACT Ombudsman as soon as practicable after the end of each calendar year.

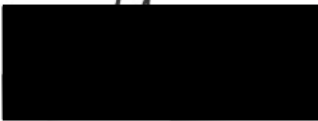
I suggest the Committee give consideration to removing the currently proposed 7-day notification of the issue of an FPO in section 183ZZO and replace it with a requirement for 7-day notification following the actual exercise of enforcement powers under

Division 12A.10. This would enable the provision of real-time data on trends and volume, which would directly support the oversight function of my Office.

The proposed new FPO function for my Office will require additional inspection activity, administrative activity and reporting. If no additional funding is provided for this new function, I will need to review and reduce the scope of how my Office fulfills its existing ACT functions in order to also meet the requirements of the proposed function.

If it would assist the Committee, I would be pleased to appear before the Committee to discuss these matters further.

Yours sincerely



Iain Anderson

ACT Ombudsman