



# Submission cover sheet

## Inquiry into Legislation on proposed firearms reform

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## **Inquiry into the Firearms (Public Safety) Amendment Bill 2026** **Standing Committee on Legal Affairs, ACT Legislative Assembly**

Please find following my submission to the Inquiry into the Firearms (Public Safety) Amendment Bill 2026. The submission guide recommends covering some or all the inquiries terms of reference however the document at [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0005/3022466/Terms-of-reference.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0005/3022466/Terms-of-reference.pdf) seems to be lacking any information in relation to what the actual terms of reference are. To this end I will then concentrate on the explanatory statement and presented bill as referenced at [https://legislation.act.gov.au/b/db\\_73940/](https://legislation.act.gov.au/b/db_73940/)

### **Explanatory statement**

([https://legislation.act.gov.au/DownloadFile/es/db\\_73950/current/PDF/db\\_73950.PDF](https://legislation.act.gov.au/DownloadFile/es/db_73950/current/PDF/db_73950.PDF))

Opening paragraph.

- First point of contention is the justification that the bill is not a Significant Bill. I would argue against this assertion as it will have a significant impact on the ACT's law-abiding firearms fraternity who are being unfairly targeted, vilified and punished for something they (and law-abiding firearms own community in general across Australia) had nothing to do with, no control over and the introduction of these new laws does nothing to address and will likely have no effect on future tragedies should they occur.

Overview of the Bill

- Introduction of quantitative limits on the possession and use of firearms. What evidence if any is there to support this statement? If this were true surely, we should be reducing the number of cars on the road which by definition would lead to a reduction to car theft, accidents and general crime associated with motor vehicles for the betterment of the ACT community and would have a far greater impact than the reduction of firearms in the community.
- In regard to the limitations on the number of firearms that a person may possess under the proposed Bill, there were several statements by Dr Marisa Paterson (Minister for Police, Fire and Emergency Services) and repeated by ACT Chief Police Officer Scott Lee stating that the number of 5 firearms was adopted in WA was a result of WA doing "extensive consultation and policy work to arrive at the figure of five firearms." This is misleading at best and WA is hardly a leading light when it comes to firearms reform and enforcing the law. To this end I've included some examples at the notes section at the end of the document.
- Restricting access to high-capacity and rapid-fire weapons. This is misleading and inaccurate as capacity limits had already been introduced some time ago (such as 10 round magazine restrictions) and as far as rapid-fire firearms are concerned, these are only as fast as the firearm operator can operate them and the firearms themselves are not rapid fire e.g. semi-automatic, self-loading, etc and must be reloaded each time by the operator.
- Limit the number of firearms that can be possessed and used. The statement that this has been formulated in accordance to the National Firearms Agreement (presumably the latest 2017 version) is misleading at best as there is no such limitation. Of note, at paragraph 31 of the National Firearms Agreement (2017), "Jurisdictions agree to store registrations on a system which is able to share information with the national information-sharing hub." This is

conspicuously absent in the ACT and a number of other jurisdictions given it was a requirement some 8 years ago and had been agreed upon by all parties.

- Recategorize the type of firearms that can be possessed and used. An example of the type of firearm no longer available to the general or competitive firearms owner is that of the straight pull .22 calibre rifle as used by the Australian Biathlon representative at the recent Winter Olympics. Exactly what danger is presented to the ACT community by this type of firearm is not obvious and goes some way to showing how illogical some of the aspects of this legislation is.
- Prohibit belt-fed firearms. This highlights the further nonsense that is this bill. Belt-fed firearms have never been an option or available to the civilian firearms owner and is the domain of fully automatic firearms which are restricted to military use.
- Consultation with the firearms sector appears to be in name only as the legislation seems to largely replicate that of NSW.

#### Consistency With Human Rights

- This seems to be largely a number of pages of wordy irrelevant specious waffle with the aim of somehow justifying the introduction of the new laws. The statement that “The limitations on human rights in the Bill are proportionate and justified in the circumstances because they are the least restrictive means available to achieve the purpose of promoting the safety of the community while balancing the interests and genuine needs of licenced firearms users.” holds no basis in fact or has any supporting evidence that the laws will have any impact on the safety of the ACT community in exchange for the reduction in activities and access currently available to the law abiding ACT firearm owners.

#### Rational connection between the limitation and the purpose (s 28(d))

- There appears to be no quantitative evidence to support the claim that “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.” other than media interviews and statements which if course are rarely subject to review or fact checking.

There is also discussion across a number of paragraphs about “digital blueprints” and the ability to manufacture firearms or parts thereof which I will address when I get to the legislation which is lacking in both definition, application and subject matter expertise.

#### Section 22 – Rights in criminal proceedings

##### Nature of the rights and the limitation (s 28(a) and (c))

- There are concerns that the presumption of innocence is being waived by this legislation. There is no doubt that this mechanism could be easily and readily misused by a vexatious party, law enforcement or other entity in attempting to obtain either leverage over or a conviction on an otherwise law-abiding individual, be they a firearms owner or otherwise who was completely unaware of the “digital blueprint” in their possession such as in their email SPAM folder. This seems to be an extremely dangerous precedent that would have little or no community support.
- Moreover, how would someone “adduce evidence” to use the wording of the document that they deleted a “digital blueprint” once that they discovered its existence? This is not a

process that the average person would be familiar with and do their actions in documenting the process need to be of forensic grade for submission and defence in a court of law?

#### CLAUSE NOTES

##### Clause 2 Commencement

- This is a curiosity and is it normal practice for the passage of a bill? Does this mean that no matter how poorly written a bill is or what opposition there is to it that if it is not “taken off the books” so to speak that it automatically becomes law at the specified time? This seems to be a mechanism ripe for abuse and flies in the face of what I would have thought is the normal democratic processes for introducing legislation would be requiring majority ACT Legislative Assembly support.

I’ll leave any further commentary of the Bill to the document itself as the clauses following the above all seem to relate to repeating what will appear in the Bill.

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

[https://legislation.act.gov.au/DownloadFile/b/db\\_73940/current/PDF/db\\_73940.PDF](https://legislation.act.gov.au/DownloadFile/b/db_73940/current/PDF/db_73940.PDF)

##### 2 Commencement

- Section 3. As per previous observation, what is the purpose of having this Act automatically commence is they have not passed the usual legislative checks and balances? Seems contrary to what would be considered a normal democratic process where it would require majority support of the ACT Legislative assembly for the Bill to be passed.

##### 4 New section 52A

- 52A (1) - I completely and utterly reject the notion that limiting the number of firearms that a law-abiding firearms owner may hold being limited to 5 or 10 if they can establish a genuine need. This number has no basis in fact or evidence that it will make the community safer or would have prevented an incident such as the Bondi tragedy. If this was the case there would be wide community support for the reduction of motor vehicle ownership (also a privilege) and that would reduce crowding on the roads, the need for additional road infrastructure, pollution, crime in that there would be less cars to steal and of course reduce the needless and tragic loss of life via car accidents. Can’t see that happening any time soon.
- Dr Marisa Paterson, Minister for Police, Fire and Emergency Services (and repeated by ACT Chief Police Officer Scott Lee) stated the number of 5 firearms that was adopted in WA was a result of WA doing "extensive consultation and policy work to arrive at the figure of five firearms." This is at best misleading as anyone who has followed the WA firearms laws debacle would know. The was minimal consultation with any affected parties and the number of 5 firearms was an entirely arbitrary and artificial construct in order to meet the numbers to justify their firearm reduction ideology under the auspicious of public safety, as was 4 for NSW to appear "tougher" and who continued the non-consultation trend, with Premier Minns even publicly declaring that was his intention. Tellingly at a news conference held outside NSW Parliament Premier Minns was accompanied by the Minister for Police and Counter-Terrorism and also more importantly Stephen Bendle from the anti-gun organisation Australian Gun Safety Alliance so it would appear that that statement was also misleading.

## 12 New Section 228A

- 228A – The definition of a digital blueprint is incredibly vague and requires further qualification. In the Explanatory Statement for the bill under Proportionality (s 28(a) and (c)) on page 7 it describes the offence as “The offence would only prohibit the possession of digital blueprints capable of being used in combination with a programmable computer device to create a firearm or part. It is not envisaged that it would apply to physical or electronic representations of firearms or other things possessed for reasons of artistic, scientific, or general interest. For example, it is not envisaged that the offence would apply to an exploded diagram of a firearm in a book or journal article.” This needs to be replicated in the legislation. Firearms as a whole along with accessories are frequently provided with dimensions and material data in a digital form from the manufacturer as an owner’s manual or in order for firearm owners to determine their suitability for their use, however they are not in a form that would allow their manufacture and this should be noted in the legislation. The way the bill is written at present would make it an offence to possess any kind of digital or electronic reproduction of a technical drawing regardless of its ability to be turned into something that would be used to manufacture the same via a 3D printer or computer-controlled machinery.
- 228A (1) (b) – Given there has been no update in the definition of a firearm part, the presumption is that it’s not an offence to possess digital blueprints for the 3D printing of firearm accessories such as firearm recoil pad spacers, bipod mounts, case deflectors, telescopic sight sun shades, etc all of which are accessories and do not and can not be used to create a functional firearm.
- 228A (1) (c) – There is no such thing as an electronic milling machine. A more accurate example would be a Computer Numerical Control (CNC) Milling Machine
- 228A (4) – This section and those following take away the presumption of innocence sets a dangerous precedent and put the onus on the defendant to provide they are not in conflict with the legislation. This seems to be sloppy legislation with the view to automatically incriminate the defendant as highlighted in Section 22 – Rights in criminal proceedings of the Explanatory Statement document. Further justification is provided under the heading of “Rational connection between limitation and the purpose (s 28(d))” in the Explanatory Statement attempt to show that the presumption of innocence needs to be overridden otherwise it limits the “extent to which the offence can be effectively prosecuted”. Speaks volumes as to the quality of the legislation and its intent.

## 14 Prohibited firearms Schedule 1, new item 25.

- No such thing as belt fed firearms in the civilian context and is nonsensical given machine guns which are the only firearms that use a belt feeding mechanism to my knowledge are already on the schedule. Fully automatic belt fed firearms are the domain of the military and not available to the general public. Items 1, 5 and 6 of the schedule would seem to already cover this.

15 Licence categories and authority conferred - Schedule 3, item 1, column 3, paragraphs (a) to (d) and other following changes to Schedule 3

- As per my earlier objection to firearm ownership limits I also don't support the recategorization of straight pull and associated firearms. The straight pull action in particular are almost identical to bolt action forearm other than the requirement to lift the bolt handle to rotate the bolt prior to cycling the action and I fail to see how this type of firearm is of any greater danger to public safety than the typical bolt action that has been around for hundreds of years. This is presumably a copy and paste of the NSW legislation in relation to the use of this firearm type in the Bondi tragedy. The speed at which this style of firearms can be operated is largely due to the skill of the operator and not some inherent function of the firearm such as semi-automatic firearms which are restricted anyway. Straight pull and associated firearm action types are widely used in competitive firearm target shooting events including by our Australian Olympic biathlon representatives and recreational hunting activities. These have been available to the law-abiding firearms owners in the ACT for a considerable length of time with no documented increased danger to public safety and thus difficult to justify their recategorization on that basis.

## 21 Dictionary, new definitions

- Again, why the need to explicitly call out belt-fed firearms when by association any firearm type that is likely to use this mechanism is already prohibited or only available in military applications. If this is some sort of belt and braces approach to limit future introduction of this type of mechanism should laser death rays, Star Trek phasers and other fantasy/science fiction weapons also be included as prohibited weapons?

## Summary and other observations

This legislation and that of the NSW Government is been marketed as a response to the Bondi tragedy under the auspicious of public safety where it is becoming increasing obvious that it was a number of failures at various levels of government that permitted this tragedy to come to fruition. A number of questions are outstanding including:

- How was it that one of the terrorists was permitted to obtain a firearms licence
- Did the NSW firearms registry make any reference to the ASIO terrorist watch list in their determination to grant the father of the terrorist pair a firearms license
- Why did it take 3 years to grant said licence
- Why did NSW Police either ignore or not take into consideration the Jewish communities own internal security unit's concerns and request for an additional Police presence at their Hanukkah celebration given the high concentration of Jewish attendees making it an antisemitism target of opportunity. I'm firmly of the opinion that if there was a highly visible police presence that the tragedy would not have occurred at it would have made the planned action of the terrorists unviable
- Why not wait until the various inquiries and commissions have been completed to establish the root cause and issues that led to this tragedy and then update the firearm legislation as and when required rather than the currently flawed knee jerk approach which for all intents

and purposes is a cynical vote buying activity which is not working out as well as expected for the parties concerned

Much has been made of the 25% increase in the number of firearms in the community since 1996, however what is conveniently not mentioned is that the Australian population has increased by 40% and thus the firearm ownership per capita has decreased significantly over the intervening period. Firearms related homicide was decreasing prior to the 1996 introduction of the new firearm laws and has been continuing that trend in the intervening period.

There has also been a similar focus on the increased ownership of firearms in urban environments however that is largely due to the increased urbanisation of the Australian population which data from the ABS amongst others noted an increase from 85% in the early 1990's to approximately 90% in recent times, so no hidden agenda's there and is a statistical reflection of where people choose to live for economic and lifestyle reasons. Where do these people use their firearms, typically at a local range or they leave the urban area and head for the bush, rural properties, etc where they can safely and lawfully enjoy their chosen pastime.

No amount of laws in relation to firearms, antisemitism, islamophobia, etc is going to stem the ever increasing tide of hate that have been growing like a cancer in the Australian community for the last couple of decades including associated crimes such as cyber bullying where school children are taking their own lives, domestic violence where men, women and children are being assaulted and murdered in their home by people they trust and random acts of senseless violence that seem to be occurring on a regular basis. Australian society was better than this and something needs to be done to reset the community 'norms' and the almost complacent attitudes to this sort of activity. I don't have any answers, however I suspect a lot of this starts in the home and is ingrained in children in their formative years and continues to fester as they grow older with little to no consequence for their behaviour until a major crime is committed and victims unfortunately either have their lives changed irrevocably or tragically their lives are lost.

It's has also been informative to observe the actions of anti-gun groups such as the Greens following the introduction of the new firearm legislation, particularly in NSW. They seem more than happy with the curbing of the law-abiding ownership of firearms which equates to their vehement anti-gun ideology whilst in the next breath shrilling with outrage the curbing of hate speech and their ability to call to "Globalise the intifada" and "death to Jews" without consequence which seem to common catch cries at pro-Palestinian protests. Once again, speaks volumes for some parts of the community, their agendas and tolerance for other members of the Australian community. In Sydney and no doubt other areas Jewish businesses are shutting their doors, Jewish schools now have security guards, etc as they justifiably no longer feel safe and is a ringing indictment of the state of the Australian community. It also reflects extremely poorly on governments at all levels to provide a safe and free environment for all, regardless of their religious beliefs, ethnicity, etc.

Also let's not forget that it was Hamas, a listed terrorist organisation started this latest fracas on October 7, 2024 where they attacked and massacred some 1200 Israelis including music fans at the Nova Music Festival among other venues along with kidnapping in excess of 250 others and taking them back to Gaza. To no surprise to anyone Israel's response as has been in the past was brutal, however they have been made out to be the party at fault particularly by mainstream media which has helped fan antisemitic flames both in Australia and across the world. To think that Israel would somehow acquiesce and bow to Hamas demands for a prisoner exchange as a result of the exercise was naive at best and resulted in the needless deaths of ten of thousands of Palestinians as a consequence of this exercise. There were clearly no winners on either side.

In closing, it is immediately obvious that the terrorist's have won. A terrorist act is defined in the Criminal Code Act 1995 as an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (3); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
  - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
  - (ii) intimidating the public or a section of the public.

Elements of the definition of terrorist act

(2) Action falls within this subsection if it:

- (a) causes serious harm that is physical harm to a person; or
- (b) causes serious damage to property; or
- (c) causes a person's death; or
- (d) endangers a person's life, other than the life of the person taking the action; or
- (e) creates a serious risk to the health or safety of the public or a section of the public; or
- (f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:
  - (i) an information system; or
  - (ii) a telecommunications system; or
  - (iii) a financial system; or
  - (iv) a system used for the delivery of essential government services; or
  - (v) a system used for, or by, an essential public utility; or
  - (vi) a system used for, or by, a transport system.

Typically this is an asymmetric action where the action of a few (in this case 2 terrorists) have an impact on many which here is the Jewish community who were targeted, the law abiding firearm owning community who have been unjustly targeted, marginalised and vilified in arguably the pursuit of cheap votes under the guise of taking action and public safety and lastly the Australian community in general who are going to pay for the privilege. No good has come from the Bondi tragedy for anyone and this legislation is a continuation of that theme.

Notes.

In regard to the actions of WA Police and the WA Government in relation to firearm laws, here's a number of examples where they have either overstepped their mark or failed to do their job, resulting in the deaths of a number of people with echoes of the NSW Police lack of action in relation to the Bondi tragedy.

- WA Police sent text messages to thousands of law abiding firearms owners claiming the Firearms ACT 2024 was now law and that it would impact their firearm ownership. This was

followed by a retraction that it wasn't the case. This caused considerable concern and angst in the firearm community as a result. <https://thewest.com.au/politics/state-politics/ignore-last-message-wa-police-forced-into-embarrassing-correction-over-sms-warning-to-gun-owners--c-15142085>

- WA Police as part of a media campaign (some have labelled it as a stunt) in March 2022 issued what was supposedly deidentified maps to show where firearms were stored in a Perth suburb. Problem was that with a bit of technical nous, the information could be used to identify the actual locations. The Police and WA government denied this, however a subsequent FOI request revealed that it was the case. The WA Police they have to reduce the amount of firearms in the community to prevent them from falling into criminal hands, yet they then give criminal enterprises a free kick in the process and supply the information to all and sundry. <https://www.watoday.com.au/politics/western-australia/tempting-information-gun-map-pr-stunt-could-have-increased-firearms-offences-20240202-p5f233.html>
- In echoes of the Bondi tragedy and police inaction in regard to a request for additional security, there was a domestic violence incident where a family member made a number of representations to the Police fearing for their safety and lives, however the inquiry into the double murder suicide found that it went through eight sets of Police hands all of whom did nothing and as a direct result, a number of people lost their lives. This once again speaks volumes for the actions of the WA Police force. <https://www.abc.net.au/news/2025-01-31/floreat-murders-internal-police-inquiry/104875596>

Finally, compensation in regards to the buy back in WA is non-negotiable and there would be no compensation for ammunition or accessories surrendered with the firearms. This amounts to compulsory acquisition with no compensation and will leave firearm owners potentially out of pocket to the tune of thousands of dollars as things like telescopic sights, reloading equipment, firearms transport cases, safes if no longer required, etc that will not be covered. This will no doubt be subject to legal action. It is anticipated the that National Firearms Buyback will be fairer and more equitable, however that may be a dangerous assumption. <https://www.abc.net.au/news/2023-10-16/wa-proposed-new-gun-laws-details-revealed/102979810>