

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.2 AGD Operating Expenses - National Security and Criminal Justice

Question No. AE17/121

Senator McKenzie asked the following question at the hearing on 28 February 2017:

1. What were the reasons behind conducting the National Firearms Agreement Review?
2. Please outline what assessment of the recommendations from the Martin Place Siege review contributed to the review of the National Firearms Agreement?
3. What public consultation was conducted?
4. What form did this consultation take?
5. Is the AG department satisfied that there is no conflict between state jurisdictions implementation of the NFA 1996 and the NFA 2017?
6. How many meeting were held to discuss the review of the National Firearm Agreement?
 - a) Who attended each meeting?
 - b) Where were they held?
 - c) Who provided the secretariat support for each meeting?
 - d) Provide copy of Minutes for each meeting
7. Outline the consultation undertaken to complete the review of the National Firearm Agreement
8. How many meetings were held with Gun Control Australia, or their membership?
9. How many meetings with shooters? Their representative bodies? The shooting industry? The sporting shooters representing elite athletes?
10. For each meeting please provide the following details:
 - a) format of the meeting (ie was it a formally constituted group, a working party, an informal meeting between the department, a meeting with the Minister or his advisors, etc)
 - b) Provide meeting minutes
 - c) where were the meetings held
 - d) who else attended the meetings
11. What level of consultation did State governments conduct prior to completing the review of the National Firearm Agreement?
 - a) How do you know?
 - b) if AGs don't know, why not? What steps did the Commonwealth undertake to assure itself that appropriate consultation processes had been undertake by signatories?
 - c) Please provide details of consultation undertaken
12. Are you confident that the Howard gun laws have not been weakened? Why?
13. Are you confident that the Howard Gun laws have not been tightened? Why?
14. Please provide details on the difference in enactment and flow on administrative processes in each jurisdiction of the 1996 NFA
15. How will these differing interpretations of the 1996 NFA be impacted by the addition of the preamble in the new NFA? Particularly clause 2 of the preamble?
16. How will conflicts in each jurisdiction between the new NFA and existing firearm regulation be reconciled?
 - a) How do you know?
17. If a State refuses to change their existing Firearm legislation, administrative arrangements and regulation to reflect the new NFA what is the status of the National Firearms Agreement?

18. Is there a timeframe for States to ensure their firearm regulatory framework aligns with the new NFA?

The answer to the honourable senator's question is as follows:

1. Recommendation 6 of the Martin Place Siege Joint Commonwealth-NSW Review was that 'the Commonwealth, States and Territories should simplify the regulation of the legal firearms market through an update of the technical elements of the National Firearms Agreement.'
2. The Commonwealth and NSW governments announced that they accepted the recommendations of the Martin Place Siege Joint Commonwealth-NSW Review in full on 22 February 2015.
3. The department undertook consultations with the firearms community (including industry and peak bodies) and community safety organisations (including gun-control and public health advocates). The Minister for Justice and Minister Assisting the Minister for Counter-Terrorism also convened a Firearms Industry Reference Group. Groups invited to participate in those consultations were expected to represent the views of their members. The department also took into consideration the views of members of the public who wrote to Ministers or other Members of Parliament.
4. Consultation took the form of meetings and submissions from targeted stakeholders.
5. The updated National Firearms Agreement is a consensus document agreed by the Commonwealth and all states and territories. It is up to the states and territories to determine how they will regulate firearms in accordance with the updated Agreement. Similarly, it was up to the states and territories to determine how they regulated firearms in accordance with the 1996 National Firearms Agreement.
6. There were seven meetings of the Firearms and Weapons Policy Working Group (or sub-groups) primarily dedicated to the National Firearms Agreement. The Minister for Justice and Minister Assisting the Minister for Counter-Terrorism has convened six meetings of the Firearms Industry Reference Group.
 - a. Attendees of the various Firearms and Weapons Policy Working Group meetings included state and territory police and justice agencies, members of the firearms community and community safety organisations. Members of the Firearms Industry Reference Group are:
 - Field and Game Australia
 - Firearm Safety Foundation Victoria
 - National Firearm Dealers Association
 - Shooting Australia
 - Sporting Shooters Association of Australia
 - Shooting Industry Foundation of Australia
 - Robert Schwarz (independent expert)
 - b. Meetings were held in Canberra, Brisbane, Melbourne and Sydney.
 - c. Secretariat support was provided by the Attorney-General's Department.
 - d. The minutes are not able to be provided as they are records of private meetings.
7. See 3, 4 and 6.
8. Gun Control Australia did not attend any meetings on the National Firearms Agreement.
9. See 6.
10. See 6.
11. Consultation by state and territory governments is a matter for them.
12. Yes. The updated National Firearms Agreement largely mirrors the 1996 National Firearms Agreement, the 2002 National Handgun Agreement and previous ministerial decisions.
13. See 12.

14. The regulation of firearms by the states and territories is a matter for them.
15. The regulation of firearms by the states and territories is a matter for them.
16. The regulation of firearms by the states and territories is a matter for them.
17. The National Firearms Agreement is not a legally binding document.
18. The regulation of firearms by the states and territories is a matter for them.