

Ayscough.DanielleM[OSC]

From: Guild.AdamP[OSC]
Sent: Tuesday, 10 October 2017 15:38
To: Ayscough.DanielleM[OSC]
Cc: Lingwood.MarkS[OSC]
Subject: FW: Ammunition
Attachments: MBN Ammunition Restrictions.doc; Att 1 MBN Letter to Min Cripps.doc; Att 2 MBN News Article.pdf; Policy Scoping Paper for Min - Small Arms Ammunition.doc

Dan, will have to go through this also and see what is relevant for the ammunition MBN

Talk to you tomorrow re this

Thanks

From: Brown.AnthonyR[PP]
Sent: Tuesday, 10 October 2017 2:21 PM
To: Guild.AdamP[OSC] <Guild.AdamP@police.qld.gov.au>
Subject: Ammunition

Hi Adam,

At yesterday's pre-cab meeting the Minister mentioned ammunition sales and controls and a proposal to move responsibility for same from DNR to QPS. I think D/C Martin asked you to do some follow up.

Both the Legislation Branch and Policy Branch did some work around ammunition controls back in 2012-2013. At the time it was in relation to new NSW laws to designed to curb a spate drive-by shootings in Sydney by limiting the purchase of ammunition to the type of weapon for which the purchaser is licensed, and requiring NSW dealers to record the details of all ammunition sales and purchases.

The attached MBN, prepared by Inspector Simon James (formerly of Leg Branch), and Policy Scoping Paper (prepared by me) might be a little dated now but may be of some insight and use to.

Cheers
Tony



Anthony Brown

Principal Strategy Officer
Legislation, Policy and Performance
Queensland Police Service

☎ (07) 3364 6724 / Sch4p4(6)

📍 Level 7 Police HQ | GPO Box 1440 | Brisbane | Qld | 4001

QPS MINISTERIAL SUBMISSION

SUBJECT: AMENDMENTS TO THE EXPLOSIVES REGULATION TO RESTRICT THE PURCHASE AND SALE OF AMMUNITION

PURPOSE:

1. The propose of this Ministerial submission is to:
 - seek the Minister's approval to undertake consultation with the Department of Natural Resources and Mining (NRM) to identify options to address the sale of ammunition in Queensland; and
 - approve and sign the attached letter to the Minister for NRM.

BACKGROUND:

2. The New South Wales (NSW) Parliament recently passed the *Firearms Amendment (Ammunition Control) Bill 2012* (NSW). Consequently, it is now a requirement in NSW for dealers to record all sales of ammunition and to ensure that purchasers are registered to possess a category of firearm that takes the ammunition purchased. Some media reports suggest the efficacy of those amendments has been frustrated by comparatively lax restrictions in Queensland (Attachment 1).
3. The possession and sale of ammunition in Queensland is governed by the *Explosives Act 1999* (the Explosives Act) and the *Explosives Regulation 2003* (the Explosives Regulation). Currently, it is lawful for a dealer to sell ammunition to a person who has a firearms licence or is otherwise authorised to possess a firearm under the *Weapons Act 1990* (the Weapons Act). No restrictions are placed on the type of ammunition a person is entitled to purchase.
4. Interstate licence holders can possess firearms in Queensland for the purpose of participating in competitive, recreational or occupational shooting. They can also purchase any type of ammunition in Queensland without restriction.

ISSUES:

5. The Act and subordinate legislation controlling the sale of ammunition in Queensland is the portfolio responsibility of the Minister for NRM. Any reform to the Explosives Act or Regulations would require the responsible Minister's approval. A letter has been drafted to the Minister for NRM requesting assistance in identifying options to reform the sale of ammunition in Queensland (Attachment 2).
6. The QPS identified a number of possible options to address this issue, including:
 - amending the Explosives Regulation to reflect changes recently made in NSW;
 - amending the Explosives Regulation to restrict the purchase of ammunition to a person licensed to possess a category of firearm capable of taking the ammunition; or
 - amending the Explosives Regulation to prohibit interstate licence holders from purchasing ammunition in Queensland.
7. Initial analysis undertaken by the QPS has identified the following issues that will require consideration in reforming the arrangements for the sale of ammunition in Queensland:
 - a model similar to the one operating in NSW would potentially require Weapons Licensing Branch (WLB) to reissue every licensee with a "Weapons List" on security paper and has potential cost, resource and timing implications;
 - section 35(6)(c) of the Weapons Act allows a person to acquire another person's firearm for up to three months, provided that they are licensed to possess the category of firearm acquired (eg. sharing of firearms during a recreational or occupational shooting). Amendments analogous to those introduced in NSW would result in these persons no longer being able to purchase ammunition for a weapon that they are otherwise lawfully entitled to possess and use;

Continuation of QPS Ministerial Submission

SUBJECT: AMENDMENTS TO THE EXPLOSIVES REGULATION TO RESTRICT THE PURCHASE AND SALE OF AMMUNITION

- section 54 of the Weapons Act allows an agent, employee or family member of a primary producer to possess a firearm for the purpose of carrying out primary production without a license. If the purchase of firearm ammunition is restricted to people licensed to possess a particular category of firearm only, an employee of a primary producer will be unable to purchase ammunition for a firearm that they are lawfully authorised to use; and
- the interchangeable nature of ammunition may erode the efficacy of any amendments aimed at restricting purchase to persons licensed to possess a category of firearm that takes the relevant ammunition. For example, there are category B rifles and pistols capable of taking the same 9mm, .357, .44, .45, .38 and .22 calibre ammunition.

RECOMMENDATIONS:

8. It is recommended that the Minister:
 - note the contents of this Ministerial Submission;
 - approve further consultation with the Department of NRM with a view to progressing amendments to the Explosives Regulation to enhance restrictions on the sale of ammunition in Queensland; and
 - approve and sign the attached letter to the Minister for NRM.

**BRUCE MOY
EXECUTIVE DIRECTOR
OFFICE OF THE COMMISSIONER**

Contact Officer:
Inspector Simon James
Legislation Development Unit
Office of the Commissioner
Telephone 3015 5055
2 July 2012

Our Ref:

QPS Ref:

The Honourable Andrew Cripps MP
Minister for Natural Resources and Mines
PO Box 15216
City East Q. 4002

Dear Minister

Recent amendments made by the Parliament of New South Wales to the *Firearms Act 1996* (NSW) to restrict the sale of small arms ammunition has raised concerns about the legislation which regulates the sale of ammunition in Queensland.

Media reports suggest that the effectiveness of the New South Wales legislation is being frustrated as similar restrictions on ammunition sales do not apply in Queensland (copy attached).

I have asked the Queensland Police Service (QPS) to examine possible policy responses to this issue.

As you are aware, the regulation and sale of ammunition in Queensland is through the *Explosives Act 1999* and associated subordinate legislation which falls within your area of portfolio responsibility. Accordingly, I am writing to seek your assistance in resolving this issue and I would be grateful if you could nominate a contact officer from your Department to assist in this process.

The QPS contact officer in this matter is Inspector Simon James, Legislation Development Unit, Office of the Commissioner. Inspector James can be contacted on telephone 3015 5505 or Email: James.SimonC@police.qld.gov.au

Yours sincerely

Jack Dempsey MP
**Minister for Police
and Community Safety**

Action officer:

MINISTERIAL BRIEFING NOTE / ~~DISCUSSION~~ / APPROVAL

SUBJECT: THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

PURPOSE:

1. This briefing note has been prepared for the advice of the Minister regarding the current status of ammunition regulation and recent request by the Department of Natural Resources and Mines to transfer responsibility of administering the regulation and supply of ammunition to the Queensland Police Service.

BACKGROUND:

2. Ammunition possession and use in Queensland was originally regulated by the *Weapons Act 1990*.
3. Following the Port Arthur massacre and the implementation of the 1996 National Firearms Agreement (NFA), ammunition regulation and supply was removed from the *Weapons Act 1990* and administered by the Explosives Inspectorate, Department of Natural Resources and Mines in accordance with the *Explosives Act 1999* (the Act) and its subordinate legislation.
4. This ensured a consistent approach to regulating ammunition in accordance with other explosives.
5. Ammunition is defined in the Act as including bombs, grenades, rockets, mines, projectiles and other similar devices and all types of cartridges (including blanks) used in firearms.
6. The Act and subordinate legislation controlling the sale of ammunition in Queensland is the portfolio responsibility of the Minister for Natural Resources and Mines.
7. Section 34 of the Act limits the possession of ammunition and propellant powders to persons who hold an authority under the Act. An authority is extended to persons licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm.
8. Ammunition may only be sold by persons who are:
 - ~~licensed firearm dealers under the Weapons Act 1990;~~
 - ~~licensed to collect ammunition;~~
 - ~~prescribed ammunition collectors; or~~
 - ~~licensed under the Act to sell.~~
9. The Act stipulates that small arms ammunition may only be sold by authorised sellers to:
 - ~~a~~ A person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;
 - ~~a~~ A prescribed ammunition collector;
 - ~~A~~ another authorised seller;
 - ~~A~~ a person licensed to collect ammunition
10. A person who sells small arms ammunition or propellant powders has obligations to ensure:
 - ~~the explosive is properly packaged and labelled;~~
 - ~~the explosive is in a safe condition for transport and use;~~

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- The explosive is sold before the expiry of the manufacturer's recommended shelf life;
- The explosive will function as designed;
- Any employee having access to the explosives is an adult;
- The explosive is only sold to authorised persons (some check on the person's authority is required); and
- A record is kept of the sales of propellant powders (not ammunition) including date name of purchaser, amount of explosive sold and purchaser's authority to purchase.

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11. In March 2017, the NFA was updated and agreed to by all states and territories.
12. Section 54 of the NFA 2017 outlines that states and territories will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licenced and impose limits on the quantity of ammunition that may be purchased in a given period. Section 54 is a restatement of Section 9(c) of the 1996 NFA which has not been implemented to date.
13. Currently in Qld the purchase of ammunition is not restricted to the category of weapon a licence holder possesses.

ISSUES:

14. Restricting the sale of ammunition to only those firearms registered to a licence has several inherent difficulties. Persons seeking to possess firearms must first obtain a licence before they acquire any firearms to the licence. Section 35(6)(c) of the *Weapons Act 1990* allows a person to acquire another person's firearm for up to three months, provided that they are licensed to possess the category of firearm acquired, such as sharing of firearms during a recreational or occupational shooting. Amendments analogous to those suggested would result in these persons no longer being able to purchase ammunition for a weapon that they are otherwise lawfully entitled to possess and use.
15. Section 54 of the *Weapons Act* allows an agent, employee or family member of a primary producer to possess a firearm for the purpose of carrying out primary production without a license. If the purchase of firearm ammunition is restricted to people licensed to possess a particular category of firearm only, an employee of a primary producer will be unable to purchase ammunition for a firearm that they are lawfully authorised to use.
16. The interchangeable nature of ammunition may erode the efficacy of any amendments aimed at restricting purchase to persons licensed to possess a category of firearm that takes the relevant ammunition. For example, there are category B rifles and pistols capable of taking the same 9mm, .357, .44, .45, .38 and .22 calibre ammunition.
17. There is no evidence that the added regulatory burden on dealers or firearms users and the administration cost to government, will be matched by either enhanced public safety or reduced criminal activity.
18. Additionally due to the tyranny of distance, economic circumstances and weather extremes in outback Queensland a primary producer or feral animal controller may only make a trip to buy ammunition once or twice a year – imposing a limit on the amount of ammunition which does not take into account these contingencies could result in negative publicity.
19. The subject of ammunition regulation has been tabled at recent forums conducted by the Firearms and Weapons Policy Working Group (FWPWG) and the issue has been given low priority, noting the potentially significant resource costs involved with implementing the

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proposal compared with limited benefits to public safety. The FWPWG was established in 2001 and consists of police and government representatives from all Australian jurisdictions. The FWPWG aims to support development of nationally consistent policy responses to firearms-related issues affecting all jurisdictions. The Inspector, Weapons Licensing, is a member of the FWPWG. The FWPWG has concluded that no significant risks have been identified if this opportunity is not implemented.

20. As jurisdictions have previously resolved to implement consistent firearm legislation through instruments such as the NFA, it is appropriate for Queensland to monitor the ongoing work of the FWPWG in relation to ammunition controls. Any proposed legislative response to ammunition regulation in Queensland should have regard to the firearms policy activities of the FWPWG in consultation with the Minister's Firearms Advisory Forum.
21. Members of the Minister's Firearms Advisory Forum have raised concerns in relation to imposing limits on the quantity of ammunition that may be purchased and to date, Weapons Licensing has not identified any concerns with the current system of ammunition regulation.
22. The Department of Natural Resources and Mines has suggested that the Queensland Police Service should be responsible for the regulation and supply of ammunition in Queensland. The NFA does not stipulate that this responsibility should rest with a police service. The Weapons Licensing Branch is not aware of any issues currently being experienced by the Department of Natural Resources and Mines in relation to administering the regulation and supply of ammunition that would warrant this Department relinquishing its authority.
23. Accepting responsibility for the regulation of ammunition would have a major impact on the Queensland Police Service. A significant financial investment would be required to upgrade the Commissioner's Weapons Register in order to accurately deal with ammunition. This would have a flow on impact potentially requiring Weapons Licensing to reissue every licensee with a Weapons List on security paper which has further cost, resource and timing implications.
24. Further impacts for the Queensland Police Service would be in relation to the resources available to implement such a change. The current staffing model of the Weapons Licensing Branch would need to be reviewed in order to accommodate the extra encumbrance of work that would be created by accepting responsibility for administering the regulation and supply of ammunition.

RECOMMENDATION:

25. That the Minister notes the content of this briefing note.
26. ~~Monitor the work of the FWPWG which is currently analysing legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls.~~

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MIKE J CONDON
ASSISTANT COMMISSIONER
OPERATIONS SUPPORT COMMAND

Contact Officer:
Inspector Adam Guild
Weapons Licensing
Telephone: (07) 3015 7771
Date: 12 October 2017

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DOC Ref: 17/

File Ref:

MINISTERIAL BRIEFING NOTE / ~~ADVISORY~~ / APPROVAL

SUBJECT: THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

PURPOSE:

1. This briefing note has been prepared for the advice of the Minister regarding the current status of ammunition regulation and recent request by the Department of Natural Resources and Mines to transfer responsibility of administering the regulation and supply of ammunition to the Queensland Police Service.

BACKGROUND:

2. Ammunition possession and use in Queensland was originally regulated by the *Weapons Act 1990*.
3. Following the Port Arthur massacre and the implementation of the 1996 National Firearms Agreement (NFA), ammunition regulation and supply was removed from the *Weapons Act 1990* and administered by the Explosives Inspectorate, Department of Natural Resources and Mines in accordance with the *Explosives Act 1999* (the Act) and its subordinate legislation.
4. This ensured a consistent approach to regulating ammunition in accordance with other explosives.
5. Ammunition is defined in the Act as including bombs, grenades, rockets, mines, projectiles and other similar devices and all types of cartridges (including blanks) used in firearms.
6. The Act and subordinate legislation controlling the sale of ammunition in Queensland is the portfolio responsibility of the Minister for Natural Resources and Mines.
7. Section 34 of the Act limits the possession of ammunition and propellant powders to persons who hold an authority under the Act. An authority is extended to persons licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm.
8. Ammunition may only be sold by persons who are:
 - ~~L~~icensed firearm dealers under the *Weapons Act 1990*;
 - ~~L~~icensed to collect ammunition;
 - ~~P~~rescribed ammunition collectors; or
 - ~~l~~icensed under the Act to sell.
9. The Act stipulates that small arms ammunition may only be sold by authorised sellers to:
 - ~~a~~ p—A person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;
 - ~~a~~ A-prescribed ammunition collector;
 - ~~A~~ another authorised seller;
 - ~~A~~ a person licensed to collect ammunition
10. A person who sells small arms ammunition or propellant powders has obligations to ensure:
 - ~~T~~he explosive is properly packaged and labelled;
 - ~~T~~he explosive is in a safe condition for transport and use;

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- The explosive is sold before the expiry of the manufacturer's recommended shelf life;
- The explosive will function as designed;
- Any employee having access to the explosives is an adult;
- The explosive is only sold to authorised persons (some check on the person's authority is required); and
- A record is kept of the sales of propellant powders (not ammunition) including date name of purchaser, amount of explosive sold and purchaser's authority to purchase.

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11. In March 2017, the NFA was updated and agreed to by all states and territories.
12. Section 54 of the NFA 2017 outlines that states and territories will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licenced and impose limits on the quantity of ammunition that may be purchased in a given period. Section 54 is a restatement of Section 9(c) of the 1996 NFA which has not been implemented to date.
13. Currently in Qld the purchase of ammunition is not restricted to the category of weapon a licence holder possesses.

ISSUES:

14. Restricting the sale of ammunition to only those firearms registered to a licence has several inherent difficulties. Persons seeking to possess firearms must first obtain a licence before they acquire any firearms to the licence. Section 35(6)(c) of the *Weapons Act 1990* allows a person to acquire another person's firearm for up to three months, provided that they are licensed to possess the category of firearm acquired, such as sharing of firearms during a recreational or occupational shooting. Amendments analogous to those suggested would result in these persons no longer being able to purchase ammunition for a weapon that they are otherwise lawfully entitled to possess and use.
15. Section 54 of the *Weapons Act* allows an agent, employee or family member of a primary producer to possess a firearm for the purpose of carrying out primary production without a license. If the purchase of firearm ammunition is restricted to people licensed to possess a particular category of firearm only, an employee of a primary producer will be unable to purchase ammunition for a firearm that they are lawfully authorised to use.
16. The interchangeable nature of ammunition may erode the efficacy of any amendments aimed at restricting purchase to persons licensed to possess a category of firearm that takes the relevant ammunition. For example, there are category B rifles and pistols capable of taking the same 9mm, .357, .44, .45, .38 and .22 calibre ammunition.
17. There is no evidence that the added regulatory burden on dealers or firearms users and the administration cost to government, will be matched by either enhanced public safety or reduced criminal activity.
18. Additionally due to the tyranny of distance, economic circumstances and weather extremes in outback Queensland a primary producer or feral animal controller may only make a trip to buy ammunition once or twice a year – imposing a limit on the amount of ammunition which does not take into account these contingencies could result in negative publicity.
19. The subject of ammunition regulation has been tabled at recent forums conducted by the Firearms and Weapons Policy Working Group (FWPWG) and the issue has been given low priority, noting the potentially significant resource costs involved with implementing the

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proposal compared with limited benefits to public safety. The FWPWG was established in 2001 and consists of police and government representatives from all Australian jurisdictions. The FWPWG aims to support development of nationally consistent policy responses to firearms-related issues affecting all jurisdictions. The Inspector, Weapons Licensing, is a member of the FWPWG. The FWPWG has concluded that no significant risks have been identified if this opportunity is not implemented.

20. As jurisdictions have previously resolved to implement consistent firearm legislation through instruments such as the NFA, it is appropriate for Queensland to monitor the ongoing work of the FWPWG in relation to ammunition controls. Any proposed legislative response to ammunition regulation in Queensland should have regard to the firearms policy activities of the FWPWG in consultation with the Minister's Firearms Advisory Forum.
21. Members of the Minister's Firearms Advisory Forum have raised concerns in relation to imposing limits on the quantity of ammunition that may be purchased and to date, Weapons Licensing has not identified any concerns with the current system of ammunition regulation.
22. The Department of Natural Resources and Mines has suggested that the Queensland Police Service should be responsible for the regulation and supply of ammunition in Queensland. The NFA does not stipulate that this responsibility should rest with a police service. The Weapons Licensing Branch is not aware of any issues currently being experienced by the Department of Natural Resources and Mines in relation to administering the regulation and supply of ammunition that would warrant this Department relinquishing its authority.
23. Accepting responsibility for the regulation of ammunition would have a major impact on the Queensland Police Service. A significant financial investment would be required to upgrade the Commissioner's Weapons Register in order to accurately deal with ammunition. This would have a flow on impact potentially requiring Weapons Licensing to reissue every licensee with a Weapons List on security paper which has further cost, resource and timing implications.
24. Further impacts for the Queensland Police Service would be in relation to the resources available to implement such a change. The current staffing model of the Weapons Licensing Branch would need to be reviewed in order to accommodate the extra encumbrance of work that would be created by accepting responsibility for administering the regulation and supply of ammunition.

RECOMMENDATION:

25. That the Minister notes the content of this briefing note.
26. Monitor the work of the FWPWG which is currently analysing legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls

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MIKE J CONDON
ASSISTANT COMMISSIONER
OPERATIONS SUPPORT COMMAND

Contact Officer:
Inspector Adam Guild
Weapons Licensing
Telephone: (07) 3015 7771
Date: 12 October 2017

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QUEENSLAND POLICE SERVICE

DOC Ref: 17/
File Ref:

Requested by: QPS Ministerial Liaison Officer

MINISTER FOR POLICE, FIRE AND EMERGENCY SERVICES and
MINISTER FOR CORRECTIVE SERVICES

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MINISTER'S DUE DATE	MINISTER'S APPROVAL REQUIRED BY	

SUBJECT:

THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

RECOMMENDATION:

That the Minister notes the content of this briefing note.

<p>NOTED / SUPPORTED</p> <p>R W GEE ACTING DEPUTY COMMISSIONER (SPECIALIST OPERATIONS) <i>R W Gee</i> <i>Deputy Commissioner, Specialist Operations</i> <i>1 / 17</i></p>	<p>NOTED / APPROVED / NOT APPROVED</p> <p>The Honourable Mark Ryan MP Minister for Police, Fire and Emergency Services and Minister for Corrective Services 1 / 17</p>
<p>NOTED / SUPPORTED</p> <p><i>Ian Stewart</i> <i>Commissioner</i> <i>1 / 17</i></p>	<p>MINISTER'S COMMENTS:</p>
<p>COMMENTS:</p>	

QUEENSLAND POLICE SERVICE

DOC Ref: 17/

Requested by: QPS Ministerial Liaison Officer

File Ref:

MINISTER FOR POLICE, FIRE AND EMERGENCY SERVICES and
MINISTER FOR CORRECTIVE SERVICES

- Submission for Approval
- Information for Minister's Speech
- Locality Brief
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- Joint Media Release
- Function Checklist

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SUBJECT:

THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

RECOMMENDATION:

That the Minister notes the content of this briefing note.

<p>NOTED / SUPPORTED</p> <p>R W GEE ACTING DEPUTY COMMISSIONER (SPECIALIST OPERATIONS) <i>R.W.Gee</i> <i>Deputy Commissioner, Specialist Operations</i> <i>1 / 17</i></p>	<p>NOTED / APPROVED / NOT APPROVED</p> <p>The Honourable Mark Ryan MP Minister for Police, Fire and Emergency Services and Minister for Corrective Services <i>1 / 17</i></p>
<p>NOTED / SUPPORTED</p> <p><i>Ian Stewart</i> <i>Commissioner</i> <i>1 / 17</i></p>	<p>MINISTER'S COMMENTS:</p>
<p>COMMENTS:</p>	

DOC Ref: 17/
File Ref:

Requested by: QPS Ministerial Liaison Officer

MINISTER FOR POLICE, FIRE AND EMERGENCY SERVICES and
MINISTER FOR CORRECTIVE SERVICES

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SUBJECT:

THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

RECOMMENDATION:

That the Minister notes the content of this briefing note.

<p>NOTED / SUPPORTED</p> <p><i>S W Gollschewski</i> <i>Deputy Commissioner, Specialist Operations</i> <i>1 / 17</i></p>	<p>NOTED / APPROVED / NOT APPROVED</p> <p>The Honourable Mark Ryan MP Minister for Police, Fire and Emergency Services and Minister for Corrective Services <i>1 / 17</i></p>
<p>NOTED / SUPPORTED</p> <p><i>Ian Stewart</i> <i>Commissioner</i> <i>1 / 17</i></p>	<p>MINISTER'S COMMENTS:</p>
<p>COMMENTS:</p>	

MINISTERIAL BRIEFING NOTE / APPROVAL

SUBJECT: THE REGULATION OF AMMUNITION SALES, POSSESSION AND USE IN QUEENSLAND.

PURPOSE:

1. This briefing note has been prepared for the advice of the Minister regarding the current status of ammunition regulation.

BACKGROUND:

2. Ammunition possession and use in Queensland was originally regulated by the *Weapons Act 1990*.
3. Following the Port Arthur massacre and the implementation of the 1996 National Firearms Agreement (NFA), ammunition regulation and supply was removed from the *Weapons Act 1990* and administered by the Explosives Inspectorate, Department of Natural Resources and Mines in accordance with the *Explosives Act 1999* (the Act) and its subordinate legislation.
4. This ensured a consistent approach to regulating ammunition in accordance with other explosives.
5. Ammunition is defined in the Act as including bombs, grenades, rockets, mines, projectiles and other similar devices and all types of cartridges (including blanks) used in firearms.
6. The Act and subordinate legislation controlling the sale of ammunition in Queensland is the portfolio responsibility of the Minister for Natural Resources and Mines.
7. Section 34 of the Act limits the possession of ammunition and propellant powders to persons who hold an authority under the Act. An authority is extended to persons licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm.
8. Ammunition may only be sold by persons who are:
 - Licensed firearm dealers under the *Weapons Act 1990*;
 - Licensed to collect ammunition;
 - Prescribed ammunition collectors; or
 - Licensed under the Act to sell.
9. The Act stipulates that small arms ammunition may only be sold by authorised sellers to:
 - A person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;
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- The explosive is sold before the expiry of the manufacturer's recommended shelf life
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11. In March 2017, the NFA was updated and agreed to by all states and territories.
 12. Section 54 of the NFA 2017 outlines that states and territories will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licenced and impose limits on the quantity of ammunition that may be purchased in a given period. Section 54 is a restatement of section 9(c) of the 1996 NFA which has not been implemented to date.
 13. Currently in Qld the purchase of ammunition is not restricted to the category of weapon a licence holder possesses.

ISSUES:

14. Restricting the sale of ammunition to only those firearms registered to a licence has several inherent difficulties. Persons seeking to possess firearms must first obtain a licence before they acquire any firearms to the licence. Section 35(6)(c) of the *Weapons Act 1990* allows a person to acquire another person's firearm for up to three months, provided that they are licensed to possess the category of firearm acquired, such as sharing of firearms during a recreational or occupational shooting. Amendments analogous to those suggested would result in these persons no longer being able to purchase ammunition for a weapon that they are otherwise lawfully entitled to possess and use.
15. Section 54 of the *Weapons Act* allows an agent, employee or family member of a primary producer to possess a firearm for the purpose of carrying out primary production without a license. If the purchase of firearm ammunition is restricted to people licensed to possess a particular category of firearm only, an employee of a primary producer will be unable to purchase ammunition for a firearm that they are lawfully authorised to use.
16. The interchangeable nature of ammunition may erode the efficacy of any amendments aimed at restricting purchase to persons licensed to possess a category of firearm that takes the relevant ammunition. For example, there are category B rifles and pistols capable of taking the same 9mm, .357, .44, .45, .38 and .22 calibre ammunition.
17. There is no evidence that the added regulatory burden on dealers or firearms users and the administration cost to government, will be matched by either enhanced public safety or reduced criminal activity.
18. Additionally due to the tyranny of distance, economic circumstances and weather extremes in outback Queensland a primary producer or feral animal controller may only make a trip to buy ammunition once or twice a year – imposing a limit on the amount of ammunition which does not take into account these contingencies would be disastrous for the government who implements this provision.

19. Accepting responsibility for the regulation of ammunition would have a major impact on available resources at Weapons Licensing Branch and would require a significant investment to upgrade the Commissioners Weapons Register. It would also potentially require Weapons Licensing to reissue every licensee with a Weapons List on security paper and has potential cost, resource and timing implications.
20. The subject of ammunition regulation has been tabled at recent forums conducted by the Firearms and Weapons Policy Working Group (FWPWG) and the issue has been given low priority, noting the potentially significant resource costs involved with implementing the proposal compared with limited benefits to public safety. The FWPWG was established in 2001 and consists of police and government representatives from all Australian jurisdictions. The FWPWG aims to support development of nationally consistent policy responses to firearms-related issues affecting all jurisdictions. The Inspector, Weapons Licensing is a member of the FWPWG. The FWPWG has concluded that no significant risks have been identified if this opportunity is not implemented.
21. As jurisdictions have previously resolved to implement consistent firearm legislation through instruments such as the NFA, it is appropriate for Queensland to monitor the ongoing work of the FWPWG in relation to ammunition controls. Any proposed legislative response to ammunition regulation in Queensland should have regard to the firearms policy activities of the FWPWG in consultation with the Minister's Firearms Advisory Forum.
22. Members of the Minister's Firearms Advisory Forum have raised concerns in relation to imposing limits on the quantity of ammunition that may be purchased and to date, Weapons Licensing has not identified any concerns with the current system of ammunition regulation.

RECOMMENDATION:

23. That the Minister notes the content of this briefing note.
24. Monitor the work of the FWPWG which is currently analysing legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls.

M CONDON
ASSISTANT COMMISSIONER
OPERATIONS SUPPORT COMMAND

Contact Officer:
Inspector Adam Guild
Weapons Licensing
Telephone: (07) 3015 7771
Date: 29 September 2017



Gun law stops at border

TANYA WESTTHORP
westthorp@goldcoast.com.au

TWEED authorities fear tough NSW gun laws aimed at combating illegal firearm possession will have little impact on the Tweed because Queensland regulations are not as strong.

NSW authorities are moving to stamp out the movement of illegal firearms by restricting gun licence holders to only buy ammunition for their registered gun.

But Tweed MP Geoff Provest said the laws would have "minimal impact" on the far north coast because those restrictions did not apply in Queensland.

"If I am at Tweed Heads, I could still go across the border to a Gold Coast gun shop and buy any kind of ammunition," he said.

"Because Queensland doesn't have these laws, it will mean the new legislation will have minimal impact on the Tweed."

NSW Government figures show more than 5000 firearms are licensed to about 1200 people in the northern rivers region.

But the number of illegal firearms circulating the black market is unknown.

Tweed police would not release statistics but said officers seized illegal firearms on a regular basis.

A senior Tweed officer said Queensland would have to look at its own laws for the NSW regulations to have any impact.

"If it is easy to get the ammunition on the Gold Coast then this does not solve the problem," he said.

"Queensland has to take a look at its laws if we are serious about solving gun crime in this region."

The new NSW laws were brought in



Tweed MP Geoff Provest is concerned about cross-border gun laws.

by the State Government after a spate of gun-related crimes in Sydney recently. However, the spotlight turned to the border region last week when three Tweed Heads South businesses were sprayed with bullets from a .22-calibre rifle.

Mr Provest, who is a member of the Firearms Consulting Council, admitted the problems in Sydney were a concern but said he was more bothered by outlaw motorcycle gang-related gun crimes on the Gold Coast.

"The Tweed ranks third or fourth in the state for the confiscation of illicit drugs; we are a major manufacturing hub for southeast Queensland," he said.

"The majority of that trade is linked to bikies; we have seven outlaw motorcycle gangs operating from the Tweed and with their presence comes guns."

"The real concern of mine is what's happening on the Gold Coast comes here."

"Three months ago it wasn't happening on the Gold Coast."

Latest figures from the NSW Bureau of Crime Statistics reveal gun theft is also an issue for law enforcers.

During the past three years, 1706 weapons were stolen.

NSW Firearms and Organised Crime Squad Detective Superintendent Ken Finch said theft from licensed gun owners, dealers and security companies was one of the main ways firearms were sourced illegally.

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If you have an undergraduate degree in a non-accounting field and want to move into



TITLE: Regulating the sale and purchase of small arms ammunition.

PURPOSE: To inform the Minister about new ammunition controls in New South Wales (NSW) and options, if needed, to address potential impacts in Queensland.

POLICY QUESTIONS:

- Will newly enacted NSW ammunition control laws be compromised, specifically in the Queensland-NSW border areas, by a perceived weakness in Queensland laws?
- How should Queensland respond to the NSW ammunition controls?

POLICY OPTIONS:

- Do nothing.
- Refer the issue of ammunition controls to the Ministerial Weapons Advisory Panel for consideration and advice.
- Monitor the work of the Firearms and Weapons Policy Working Group (FWPWG), which is currently analysing legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls, under the auspices of the Standing Council on Police and Emergency Management (SCPEM).
- Through the Minister for Natural Resources and Mines, request that the Department of Natural Resources, in collaboration with the Queensland Police Service, take immediate steps to review dealers' compliance with their legislative obligations under the *Explosives Act 1999* and the *Explosives Regulation 2003*, in relation to selling small arms ammunition.
- Request that the Minister for Natural Resources and Mines amend Queensland's explosives laws to tighten small arms ammunition controls.

RECOMMENDATIONS:

That the Minister:

1. Refer the issue of ammunition controls to the Ministerial Weapons Advisory Panel for consideration and advice.
2. Monitor the work of the Firearms and Weapons Policy Working Group (FWPWG), which is currently analysing legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls, under the auspices of the Standing Council on Police and Emergency Management (SCPEM).
3. Write to the Minister for Natural Resources and Mines, requesting that the Department of Natural Resources, in collaboration with the Queensland Police Service, take immediate steps to review dealers' compliance with their legislative obligations under the *Explosives Act 1999* and the *Explosives Regulation 2003*, in relation to selling small arms ammunition.
4. Write to his NSW counterpart, the Hon. Michael Gallacher MLC, Minister for Police and Emergency Services, enquiring about the anticipated commencement of NSW ammunition controls, their impact on Queensland weapons licence holders visiting NSW, and advising of existing safeguards in Queensland laws preventing unfettered access to small arms ammunition by interstate licence holders.



BACKGROUND:

Proposed NSW Ammunition Controls

On 6 June 2012, the NSW Parliament passed the *Firearms Amendment (Ammunition Control) Bill 2012* (NSW). The new laws were principally designed to curb the spate drive-by shootings in Sydney by limiting the purchase of ammunition to the type of weapon for which the purchaser is licensed, and requiring NSW dealers to record the details of all ammunition sales and purchases.

At the time, NSW Parliamentary Secretary for Police and Emergency Services, Geoff Provest MP, Member for Tweed, was quoted in a *Gold Coast Bulletin* report stating that the NSW laws would have minimal impact on the NSW far north coast because similar restrictions did not apply in Queensland. However, despite enactment of the Bill on 6 June 2012, the NSW laws are yet to take effect. The NSW Government is still finalising regulation to support the amendments and it is reported that restrictions on the sale of ammunition will now only apply to handguns and not long arms. In a *Sydney Morning Herald* report of 7 February 2013, a spokesman for the NSW Police Minister stated that the delay in making draft regulation to support the legislative amendments was 'due to logistics and red tape'.

Current Queensland laws in relation to the sale and purchase of ammunition

The possession and sale of ammunition in Queensland is governed by the *Explosives Act 1999* (the *Explosives Act*) and the *Explosives Regulation 2003* (the *Explosives Regulation*). These laws fall within the portfolio responsibilities of the Minister for Natural Resources and Mines and are administered through the Department of Natural Resources and Mines.

Under s.75 of the *Explosives Regulation*, small arms ammunition can only be sold to a prescribed ammunition collector or a person who is licensed or otherwise authorised under the *Weapons Act 1990* (the *Weapons Act*) to use a firearm. No restrictions are placed on the type of ammunition a person is entitled to purchase. For the purposes of s.75 of the *Explosives Regulation*, interstate weapons licence holders are 'otherwise authorised under the *Weapons Act* to use a firearm' by virtue of the temporary recognition provisions in s.32 of the *Weapons Act* and s.9 of the *Weapons Regulation 1996* (the *Weapons Regulation*). However, the weapons licences of interstate visitors are only recognised for the following particular purposes:

- to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land;
- to perform an occupational requirement to shoot on rural land for a rural purpose; and
- to participate in a shooting competition conducted by an approved shooting club or approved by the Commissioner.



POLICY QUESTIONS:

Will newly enacted NSW ammunition control laws be compromised, specifically in the Queensland-NSW border areas, by a perceived weakness in Queensland laws?

Until such time as the NSW ammunition controls are proclaimed and in force it is difficult to predict the extent to which the new laws may encourage NSW licence holders to enter Queensland to purchase small arms ammunition. Licensed firearms owners in NSW, as in Queensland, have already been thoroughly vetted and deemed to be fit and proper people to possess firearms. For those licence holders the only motivation to cross the border to purchase small arms ammunition would be one of convenience, not criminal intent. As the criminal element at which the NSW legislative reforms are aimed already operate outside the law, the new ammunition controls are unlikely to halt their criminal activities.

Irrespective of their motivation, there are already significant safeguards in Queensland legislation that limit the purchase of small arms ammunition by interstate licence holders. As previously stated, a Queensland dealer can only sell small arms ammunition to an interstate licence holder who is visiting Queensland for one of the following particular purposes:

- to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land; or
- to perform an occupational requirement to shoot on rural land for a rural purpose; or
- to participate in a shooting competition conducted by an approved shooting club or approved by the Commissioner.

A dealer who sells ammunition to an interstate licence holder who is not visiting Queensland for one of the above purposes does not comply with s.75 of the *Explosives Regulation* and, under s.42 of the *Explosives Act*, could face a maximum penalty for the unauthorised sale of ammunition of 200 penalty units (\$22,000) or 3 months imprisonment.

Similarly, an interstate licence holder who makes a false or misleading statement about their authority to purchase small arms ammunition in Queensland faces a maximum penalty of 50 penalty units (\$5,500) under s.80 of the *Explosives Regulation*.

Queensland laws do not restrict the type of ammunition that bona fide NSW licence holders can purchase when visiting this State. However, it is more difficult for all interstate licence holders to purchase small arms ammunition in Queensland than it is for local licence holders, because as visitors they must prove they are here for a particular purpose. This is a significant safeguard against the type unfettered access to small arms ammunition in this State that concerns Geoff Provest MP, Member for Tweed.



How should Queensland respond to the NSW ammunition controls?

The Queensland Government is not obliged to act legislatively or in any other way in response to the NSW ammunition controls. The concerns raised by Mr Provest MP about the operation of the NSW laws in border areas are considered low risk and NSW is thus far the only State to legislate this type of ammunition control. Notably, neither of NSW's other neighbouring States, South Australia and Victoria, have moved to close any perceived legislative 'loopholes' as a result of the NSW ammunition controls.

However, in a wider Queensland and national context, the legislative action taken by NSW gives pause for thought and further consideration.

Ministerial Weapons Advisory Panel

The Queensland Government has signalled further reform to weapons legislation following on from *Weapons and other Legislation Amendment Bill 2012*. In August 2012, the Minister established a Ministerial Weapons Advisory Panel to provide advice on addressing the illegal use of firearms and reducing red tape. The NSW reforms create additional compliance and red tape for both licensed dealers and licensed firearms owners/users and any moves to legislate similarly in Queensland will likely be met with strong resistance from those groups.

The efficacy of the NSW ammunition controls in combating the Sydney drive-by shootings they were designed to address or any other illegal firearm activity is also debatable. Perusal of the second reading debate in the NSW Parliament on the *Firearms Amendment (Ammunition Control) Bill 2012* offered no evidence of any detailed policy research pointing to ammunition controls as a panacea to illegal firearms activity in NSW. Additionally, it is unclear how Queensland (and other interstate) licence holders visiting NSW will be affected by the NSW ammunition controls. For these reasons it would be prudent to engage the Ministerial Weapons Advisory Panel in any review of the need for tighter ammunition controls in Queensland.

Department of Natural Resources review of Queensland's explosives laws

As previously discussed in this paper, in combination, Queensland's weapons and explosives laws already safeguard against unfettered access to small arms ammunition by interstate licence holders. However, there is uncertainty about how dealers are complying with s.75 (b) of the *Explosives Regulation*, which limits the sale of small arms ammunition to a prescribed ammunition collector or a person who is licensed or otherwise authorised under the *Weapons Act* to use a firearm. It is unclear, for example, whether dealers are sighting a person's weapons license before selling small arms ammunition and in the case of interstate license holders, whether they are verifying that the license holder is visiting Queensland for one of the following particular purposes:

- to undertake recreational shooting on rural land with permission, given before the visit, from the landowner to shoot on the land;
- to perform an occupational requirement to shoot on rural land for a rural purpose; and



- to participate in a shooting competition conducted by an approved shooting club or approved by the Commissioner.

This is potentially a weakness in the application of the Queensland laws.

In 2012, the Department of Employment, Economic Development and Innovation (DEEDI), which was then responsible for administering explosives laws, released a public consultation paper on proposed amendments to Queensland's explosives legislation. The proposed amendments were wide-ranging but did not touch on ammunition controls. As part of the departmental consultation phase the QPS provided feedback to DEEDI on the proposed amendments and did not raise ammunition controls as an area requiring attention. In late 2012, the Minister for Natural Resources and Mines took a Policy/ATP submission to Cabinet on proposed amendments to the explosives laws; however, it is understood Cabinet made no decision on the submission and the matter has been held in abeyance.

Officer level enquiries indicate that the Department of Natural Resources (DNR), which is now the responsible department, is preparing to re-submit proposed amendments to explosives laws to government for consideration. This may be an opportune time to ensure that the potential weakness in the application of s.75 of the *Explosives Regulation* is addressed. Whilst additional regulation is an option of last resort, the DNR should collaborate with the QPS about other ways of assisting dealers to comply with the law, for example, through issuing administrative guidelines, establishing an industry accord, or developing a code of practice. It would also be beneficial to engage the Ministerial Weapons Advisory Panel on this issue.

Standing Council of Police and Emergency Management (SCPEM)

On 23 November 2012, SCPEM considered a paper analysing legislative gaps and opportunities to combat firearm crime in Australia. The paper was prepared by Victoria and South Australia in consultation with the Firearms and Weapons Policy Working Group (FWPWG).

The FWPWG was established in 2001 and consists of police and government representatives from all Australian jurisdictions. The FWPWG aims to support development of nationally consistent policy responses to firearms-related issues affecting all jurisdictions. The Inspector, Weapons Licensing is a member of the FWPWG.

On the matter of '*Recording the sale of ammunition*' the November 2012 SCPEM paper noted the proposed NSW ammunition controls and that this may benefit police in obtaining intelligence on the suspect purchase of ammunition, and prevent stockpiling. However, the paper also stated that not all jurisdictions favoured the proposal, noting that the resource expenditure associated with implementing such a change would not have a significant benefit in terms of increased public safety. SCPEM subsequently resolved:

1. *to note the existing gaps in firearms legislation and agree to pursue legislative amendment where necessary to close the gaps;*
2. *to agree to task the Firearms and Weapons Policy Working Group (FWPWG) with analysing and prioritising the opportunities noted in this paper, and to*



*provide a paper to NPSOG recommending future legislative and/or policy change,
and*

3. *that the FWPWG report to SCPEM at the first meeting in 2013.*

At its most recent meeting in February 2013, the FWPWG, gave the sale of ammunition issue low priority, noting the potentially significant resource costs involved with implementing the proposal compared with limited benefits to public safety. The FWPWG has concluded that no significant risks have been identified if this opportunity is not implemented and it proposes that the issue be re-assessed after implementation of the NSW ammunition control laws.

As jurisdictions have previously resolved to implement consistent firearm legislation through instruments such as the National Firearms Agreement (1996), it is appropriate for Queensland to monitor the ongoing work of the FWPWG in relation to ammunition controls. Any proposed legislative response to ammunition controls in Queensland should have regard to the firearms policy activities currently under the auspices of SCPEM, in the context of a uniform national approach to the regulation of firearms.

SUMMARY:

- The NSW ammunition control laws are yet to commence and there is no evidence that the added regulatory burden on dealers or firearms users and the administration cost to government, will be matched by either enhanced public safety or reduced criminal activity.
- There are already sufficient provisions in Queensland weapons and explosives laws to prevent the unfettered purchase of small arms ammunition by interstate weapons licence holders, which is of concern to the Member for Tweed.
- Dealer compliance with the Queensland laws in relation to the sale of small arms ammunition needs to be reviewed and options considered for strengthening compliance if necessary.
- Analysis of legislative gaps and opportunities to combat firearm crime in Australia, including ammunition controls, is already occurring under the auspices of SCPEM to support a uniform national approach to the regulation of firearms.

BRUCE MOY
EXECUTIVE DIRECTOR
OFFICE OF THE COMMISSIONER

Contact Officer:
Tony Brown
Office of the Commissioner
Telephone: 3364 4022

Ayscough.DanielleM[OSC]

From: Cavanagh.TomT[OSC]
Sent: Tuesday, 3 October 2017 10:30
To: Lingwood.MarkS[OSC]; Ayscough.DanielleM[OSC]
Cc: Guild.AdamP[OSC]; Saunders.CherylA[OSC]
Subject: RE: 2017/7684

Prior to 1996 ammunition possession and use were regulated by the Weapons Act 1990. Following the Port Arthur massacre all references to ammunition were removed from the weapons legislation and the commencement of the 1996 National Firearms Agreement (the 1st NFA)

Ammunition legislation is now administered by the Chief Inspector of Mines along with all explosives related issues.

A person can only lawfully possess ammunition under the Explosives Act and Regulation if they hold a licence or authority under the Weapons Act 1990.

Generally this would be a weapons licence or an authority such as a visitors licence or exemption issued under the provisions of the Weapons Act or Regulation.

In March 2017 the updated national Firearms Agreement (2nd NFA) was signed off by all jurisdictions which include as section 54 of the 2nd NFA national requirements in relation to ammunition.

Historically Queensland (and other jurisdictions) have adopted the National Firearms Agreement with 'local variations' for example 2nd NFA section 40 mutual recognition of licences – Western Australia does not have mutual recognition. 2nd NFA section 16 Primary producers – the NFA does not allow category H weapons for primary producers – Queensland and other jurisdictions currently have primary producers who hold category H licences. 2nd NFA Section 14 possession and use of handguns greater than .38" but no greater than .45" – all jurisdictions except Victoria abide by the limitation to western action and metallic silhouette shooting competitions.

Section 54 of the 2nd NFA provides:

54. Jurisdictions will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licenced, and impose limits on the quantity of ammunition that may be purchased in a given period.

S54 is in similar terms to section 9(c) of the 1st NFA which has not been implemented to date.

The proposed implementation of this provision is problematic for a number of reasons;

Firstly firearms licensing in Qld is based on category of weapons and not 'those firearms the purchaser is licensed for.' Secondly a licensed person can lawfully borrow weapons of the same categories as on their licence for example a person licensed for category A weapons may own a 12 gauge shot gun for clay target shooting however they can lawfully use any weapon in category A –therefore if they want to do feral animal control with a .22 rifle (also category A) that another licensee owns they can use it, however under the terms of s54 they would not be able to purchase ammunition for that firearm.

Thirdly there are multiple instances of person licensed in Queensland who do not own a firearm. This is particularly the case where a primary producer is licensed for category C, D and H weapons and employee or family member may either not hold a licence or only hold a category A or B licence and still lawfully use the category C, D or H weapons in primary production.

When the employee or the family member goes to town to buy supplies, including ammunition they would be precluded from buying ammunition for the weapons that they are not licensed for. Generally the licensee who owns

the firearms is the primary producer who stays on the farm and a family member or employee goes to town on their behalf.

The other issue with the implementation of Section 54 is the limitation on the quantity that may be purchased.

Dependant on the reason for licensing a person may use anywhere up to 5,000 rounds in a single weekend for a competition shooter.

Additionally due to the tyranny of distance, economic circumstances and weather extremes in outback Queensland a primary producer or feral animal controller may only make a trip to buy ammunition once or twice a year – imposing a limit on the amount of ammunition which does not take into account these contingencies would be disastrous for the government who implements this provision.

From: Lingwood.MarkS[OSC]
Sent: Monday, 2 October 2017 9:39 AM
To: Cavanagh.TomT[OSC] <Cavanagh.TomT@police.qld.gov.au>; Ayscough.DanielleM[OSC] <Ayscough.DanielleM@police.qld.gov.au>
Cc: Guild.AdamP[OSC] <Guild.AdamP@police.qld.gov.au>
Subject: FW: 2017/7684

Tom,

Can you arrange some dot points to be provided to Danielle as to why we don't support this please.

Thanks



Mark Lingwood
Acting Inspector
Weapons Licencing
Specialist Services Group
Operations Support Command (OSC)
Queensland Police Service

Phone: +61 7 30157716

Mobile: +Sch4p4(6)

Email: Lingwood.MarkS@police.qld.gov.au

Address: Brisbane City Police Station, Level 5, Charlotte Street, Brisbane, Queensland 4000
Australia

Postal: GPO Box 892, Brisbane, Queensland 4001, Australia

Internet Email Online Applications

From: Lutui.MaejaR[OSC]
Sent: Friday, 29 September 2017 11:06 AM
To: Manager WL Branch <ADM-D-ManagerWLB@prds.qldpol>
Cc: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@prds.qldpol>
Subject: FW: 2017/7684

Good Morning,

For Min reply by **COB Thursday 5 October 2017** please.

Kind Regards



Maeja Lutui
General Administrator
Operations Support Command (OSC)
Queensland Police Service

Phone: +61 7 3364 4476
Email: Lutui.MaejaR@police.qld.gov.au
Address: Police Headquarters, Level 7, 200 Roma Street, Brisbane, Queensland 4000
Australia
Postal: GPO Box 1440, Brisbane, Queensland 4001, Australia

From: QPS.Ministerials
Sent: Friday, 29 September 2017 11:03 AM
To: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@prds.qldpol>
Subject: 2017/7684

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SUBJECT: INCOMING - THE HON DR ANTHONY LYNHAM MP
IN RELATION TO A PRACTICAL APPROACH TO
IMPLEMENT SECTIONS OF THE 2017 NATIONAL
FIREARMS AGREEMENT RELATING TO FIREARMS
AMMUNITION. C6639. MIN REPLY

MINISTERIAL CORRESPONDENCE

REQUEST

TO: Assistant Commissioner's Office - Operations
Support Command

FOR: Ministerial Reply (template attached)

DUE DATE: 06/10/2017

NOTES:

Please advise, by responding to the **QPS.Ministerials** email group, if this request does not fall within the responsibilities of your area.

Could you please ensure that a suitable departmental officer contacts the writer regarding their concerns and includes this information in the draft response (name and position of the contacting departmental officer, date contact made, what was discussed, outcome). When your reply is returned to Ministerial Services, please ensure your email states contact has been made with the writer.

It would be appreciated if you could please quote **2017/7684** for any enquiries relating to this file or when emailing your draft response to our office.

Any enquiries should be directed to Ministerial Services on 3364 4578

Thank you for your assistance.

Regards,

Leeanne Bani
MINISTERIAL SERVICES
QUEENSLAND POLICE SERVICE
29/09/17

QPS RTI&P Unit

Ayscough.DanielleM[OSC]

From: Guild.AdamP[OSC]
Sent: Thursday, 12 October 2017 13:41
To: Hahn.RichardJ[OSC]; Manager WL Branch
Cc: Strategy and Performance Officer OSC; Supt SSG
Subject: RE: Request for MBN - Ammunition - QPS
Attachments: MBN AMMUNITION.doc

Good afternoon

Please find attached MBN in relation to Ammunition



Adam Guild
Inspector
Manager Weapons Licencing
Specialist Services Group
Operations Support Command (OSC)
Queensland Police Service

Phone: +61 7 30157770

Mobile: +Sch4p4(6)

Email: Guild.AdamP@police.qld.gov.au

Address: Brisbane City Police Station, Level 7, 46 Charlotte Street,
Brisbane, Queensland 4000 Australia

Postal: GPO Box 892, Brisbane, Queensland 4001, Australia

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From: Hahn.RichardJ[OSC]
Sent: Tuesday, 10 October 2017 5:19 PM
To: Condon.MichaelJ[OSC] <Condon.MichaelJ@police.qld.gov.au>; Supt SSG <OSC-D-SuptSSBOffice@prds.qldpol>;
Manager WL Branch <ADM-D-ManagerWLB@prds.qldpol>
Cc: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@prds.qldpol>
Subject: FW: Request for MBN - Ammunition - QPS

FYI.

Adam, can this please be provided by COB Monday 16 October?

Maeja, for bring up please.

Rgds and thanks

RJH

Richard Hahn

Inspector

Strategy and Performance

Operations Support Command

Queensland Police Service

07 3364 4709

Sch4p4(6)

hahn.richardj@police.qld.gov.au



From: Duncan.JulieA[REGOPS]

Sent: Tuesday, 10 October 2017 2:16 PM

To: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@prds.qldpol>

Subject: Request for MBN - Ammunition - QPS

Good afternoon,

Mr Martin requested an MBN as per the below communication. Inspector Adam Guild has been advised.

Forwarded for your information.

Thank you.

Regards



Julie Duncan

Inspector

Strategy and Performance

Office of the Deputy Commissioner (Regional Operations)

Queensland Police Service

Email: Duncan.JulieA@police.qld.gov.au

Ph: +61 7 3364 8115

Group email (internal QPS):

[Strategy & Performance Office Deputy Commissioner \(Regional Operations\)](mailto:Strategy & Performance Office Deputy Commissioner (Regional Operations)@prds.qldpol)

Group email (external QPS):

DeputyCommissioner.RegionalOperationsGroup@police.qld.gov.au

From: Duncan.JulieA[REGOPS]
Sent: Monday, 9 October 2017 8:43 PM
To: Guild.AdamP[OSC] <Guild.AdamP@police.qld.gov.au>
Cc: Wheeler.MarkP[COMMOFF] <Wheeler.MarkP@police.qld.gov.au>; QPS.Ministerials <QPS.Ministerials@police.qld.gov.au>
Subject: FW: Ammunition - QPS

Adam,

The Deputy has been provided the below information and has requested an MBN be prepared for the Minister.

Thank you.

Regards,

Julie Duncan
Inspector
Strategy and Performance
Office of the Deputy Commissioner (Regional Operations)
QUEENSLAND POLICE SERVICE
Work Phone: 07 3364 8115 | Mobile: Sch4p4(6)
Email: Duncan.JulieA@police.qld.gov.au
Group email: DeputyCommissioner.RegionalOperationsGroup@police.gov.au

From: Martin.PeterJ[REGOPS]
Sent: Monday, 9 October 2017 8:24:34 PM
To: Duncan.JulieA[REGOPS]
Subject: RE: Ammunition - QPS

Thanks Jules,

Can we convert this into a MBN for the information of the Minister.

Thanks Peter

Peter Martin APM
Deputy Commissioner
Regional Operations
QUEENSLAND POLICE SERVICE

From: Duncan.JulieA[REGOPS]
Sent: Monday, 9 October 2017 4:21:31 PM
To: Martin.PeterJ[REGOPS]
Cc: Strategy & Performance Office Deputy Commissioner (Regional Operations)
Subject: FW: Ammunition - QPS

Sir,

For your information.

Regards



Julie Duncan
Inspector
Strategy and Performance
Office of the Deputy Commissioner (Regional Operations)
Queensland Police Service
Email: Duncan.JulieA@police.qld.gov.au
Ph: +61 7 3364 8115

Group email (internal QPS):

[Strategy & Performance Office Deputy Commissioner \(Regional Operations\)](#)

Group email (external QPS):

DeputyCommissioner.RegionalOperationsGroup@police.qld.gov.au

From: Wheeler.MarkP[COMMOFF]

Sent: Monday, 9 October 2017 4:11 PM

To: Strategy & Performance Office Deputy Commissioner (Regional Operations) <DCSP-D-Strategy&PerformanceOfficeDepCommRegOps@prds.qldpol>

Cc: Executive Support COP <CSV-D-ExecutiveSupportCOP@prds.qldpol>

Subject: FW: Ammunition - QPS

Importance: High

Good afternoon,

Please see the below advice requested by Deputy Commissioner Martin this morning as a result of discussions in Pre-Cab.

The Minister's Chief of Staff has also been provided with this advice.

Regards.

Mark Wheeler
A/Superintendent
Chief of Staff
Commissioner's Office
Queensland Police Service
3364 6977
Sch4p4(6)

From: Guild.AdamP[OSC]

Sent: Monday, 9 October 2017 3:54 PM

To: Wheeler.MarkP[COMMOFF] <Wheeler.MarkP@police.qld.gov.au>

Cc: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@prds.qldpol>;

Supt SSG <OSC-D-SuptSSBOffice@prds.qldpol>; Lingwood.Marks[OSC] <Lingwood.Marks@police.qld.gov.au>

Subject: Ammunition - QPS

Good afternoon,

Dot points below in relation to follow up requested by Deputy Commissioner Martin in relation to ammunition.

This follows on from a request by the Department of Natural Resources and Mines for the Queensland Police Service to administer the regulation of Ammunition in Qld.

- Ammunition possession and use in Queensland was originally regulated by the Weapons Act 1990.
- The 1996 National Firearms Agreement (following Port Arthur) saw the ammunition regulation removed from the Weapons Act 1990.
- At the time it was deemed appropriate that ammunition regulation and supply would be dealt with in the Explosives Act 1999 and the Explosives Regulation 2017, both administered by Department Natural Resources and Mines.
- This enabled a consistent approach in allowing ammunition to be regulated in line with other explosives.
- In March 2017, the updated National Firearms Agreement was signed off by all states and territories.
- Section 54 of the NFA 2017 outlines that states and territories will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licenced and impose limits on the quantity of ammunition that may be purchased in a given period.
- This is similar to section 9(c) of the 1996 National Firearms Agreement which has not been implemented to date.
- In Queensland, a person can only lawfully possess ammunition under the Explosives Act and Regulation if they hold a licence or authority under the Weapons Act 1990 (i.e weapons licence, visitors licence or exemption issued by Authorised Officer).
- Licensee's under the Weapons Act may purchase small arms ammunition in Queensland.
- In Qld, the purchase of ammunition is not restricted to the category of weapon you possess i.e a person holding a Cat A/B licence can purchase ammunition for a Cat A, B, C, H and D firearm.
- A licenced person in Qld can lawfully borrow weapons of the same categories as on their licence and section 54 of the NFA would not allow this person to purchase ammunition for the weapon they had borrowed.
- Implementing limits on the quantity of ammunition that may be purchased would be problematic in Queensland given the tyranny of distance, economic circumstances and weather extremes in outback Queensland.
- There are no current plans to review the legislation in relation to administering the regulation and supply of ammunition in accordance with the Weapons Act 1990.
- Members of the Ministers Firearms Forums have already raised concerns in relation to imposing limits on the quantity of ammunition that may be purchased, discussed with them by DNRM.
- Weapons Licensing Branch have not identified any issues with the current system of regulation for ammunition.
- Through the dealers network, Weapons Licensing Branch and DNRM are notified of large purchases of ammunition that may be out of character.
- Accepting responsibility for the regulation of ammunition would have a major impact on available resources at Weapons Licensing Branch and would require a significant investment to upgrade the Commissioners weapons register.

Regards,



Adam Guild
Inspector
Manager Weapons Licencing
Specialist Services Group
Operations Support Command (OSC)
Queensland Police Service

Phone: +61 7 30157770

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Email: Guild.AdamP@police.qld.gov.au

Address: Brisbane City Police Station, Level 7, 46 Charlotte Street,
Brisbane, Queensland 4000 Australia

Postal: GPO Box 892, Brisbane, Queensland 4001, Australia

**WEAPONS
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Acquire online.
Click on the link above.

QPS RTI&P Unit

Ayscough.DanielleM[OSC]

From: Thiesfield.MickJ[OSC]
Sent: Friday, 21 April 2017 15:33
To: Strategy and Performance Officer OSC
Cc: Manager WL Branch
Subject: FW: 16538 P599
Attachments: CORRESPONDENCE FROM Sch4p4(6) Sch4p4(6) response - COS.docx

Good afternoon,

Please see the below response to Sch4p4(6) .

Regards,

Mick Thiesfield
Acting Inspector
Weapons Licensing
Operations Support Command
46 Charlotte Street, Brisbane, 4001
Ph: 3015 7771
M: Sch4p4(6)
E: Thiesfield.MickJ@police.qld.gov.au

From: Ayscough.DanielleM[OSC]
Sent: Thursday, 20 April 2017 12:14 PM
To: Thiesfield.MickJ[OSC] <Thiesfield.MickJ@police.qld.gov.au>
Subject: FW: 16538 P599

Inspector,

Draft response. Attempted to answer as best I could, however I believe this probably is an issue for Department of Natural Resources and Mines (Explosives and Inspectorate) who govern all ammo sales. Bit difficult to address it from a Weapons Licensing point of view.

Danielle

Danielle Ayscough
Sergeant
Support Officer
Weapons Licensing
Specialist Services Group
Operations Support Command
Ph: 3015 7710

From: McBride.Daneele[OSC]
Sent: Wednesday, 12 April 2017 8:14 AM
To: Manager WL Branch <ADM-D-ManagerWLB@QPS>

Cc: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@QPS>
Subject: FW: 16538 P599

Good Morning,

For COS reply by **COB Tuesday 25th** Please.

Thank you



Daneele McBride
General Administration
Operations Support Command (OSC)
Queensland Police Service

Phone: +61 7 3364 4719
Email: McBride.Daneele@police.qld.gov.au
Address: Police Headquarters, Level 7, 200 Roma Street, Brisbane, Queensland 4000
Australia
Postal: GPO Box 1440, Brisbane, Queensland 4001, Australia

From: QPS.Ministerials
Sent: Tuesday, 11 April 2017 4:01 PM
To: Strategy and Performance Officer OSC <OSC-D-CommandOffice-StrategyandPerformanceOfficerOSC@QPS>
Subject: 16538 P599

QPS RTI&P Unit

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SUBJECT: DOC17/394169 - INCOMING .Sch4p4(6) IN
RELATION TO THE IMPLEMENTATION OF THE
NATIONAL FIREARMS AGREEMENT 2017:
AMMUNITION SALES. C4515-02. COS REPLY

MINISTERIAL CORRESPONDENCE

REQUEST

TO: Assistant Commissioner's Office - Operations
Support Command

FOR: Chief of Staff Reply (template attached)

DUE DATE: 26/04/2017

NOTES:

Please advise, by responding to the **QPS.Ministerials** email group, if this request does not fall within the responsibilities of your area.

Could you please ensure that a suitable departmental officer contacts the writer regarding their concerns and includes this information in the draft response (name and position of the contacting departmental officer, date contact made, what was discussed, outcome). When your reply is returned to Ministerial Services, please ensure your email states contact has been made with the writer.

It would be appreciated if you could please quote **16538 P599** for any enquiries relating to this file or when emailing your draft response to our office.

Any enquiries should be directed to Ministerial Services on 3364 3796

Thank you for your assistance.

Regards,

Leeanne Bani
MINISTERIAL SERVICES
QUEENSLAND POLICE SERVICE
11/04/17

MINISTERIAL CORRESPONDENCE ACTION SHEET

Minister for Police, Fire and Emergency Services and Minister for Corrective Services
The Honourable Mark Ryan MP

QPS	<input checked="" type="checkbox"/>	MIN REPLY	<input type="checkbox"/>	COPY TO MINISTER	<input type="checkbox"/>
QFES	<input type="checkbox"/>	CHIEF OF STAFF REPLY	<input checked="" type="checkbox"/>	COPY TO QPS COM	<input type="checkbox"/>
QCS	<input type="checkbox"/>	PPA / SPA / PA REPLY	<input type="checkbox"/>	COPY TO QFES COM	<input type="checkbox"/>
PSBA	<input type="checkbox"/>	ACKNO LETTER	<input type="checkbox"/>	COPY TO QCS COM	<input type="checkbox"/>
I-GEM	<input type="checkbox"/>	REFERRAL LETTER	<input type="checkbox"/>	COPY TO CEO PSBA	<input type="checkbox"/>
MO	<input type="checkbox"/>	QPS REPLY	<input type="checkbox"/>	COPY TO I-GEM	<input type="checkbox"/>
		QFES REPLY	<input type="checkbox"/>	COPY TO COS	<input type="checkbox"/>
Cathie	<input type="checkbox"/>	QCS REPLY	<input type="checkbox"/>	COPY TO MEDIA	<input type="checkbox"/>
Craig	<input checked="" type="checkbox"/>	PSBA REPLY	<input type="checkbox"/>	COPY TO POLICY	<input type="checkbox"/>
Dominic	<input type="checkbox"/>	I-GEM REPLY	<input type="checkbox"/>	COPY TO _____	<input type="checkbox"/>
Ellen	<input type="checkbox"/>	COPY OF RESPONSE	<input type="checkbox"/>		
Jackie	<input type="checkbox"/>	BRIEFING NOTE	<input type="checkbox"/>		
Michelle	<input type="checkbox"/>	DOT POINT ADVICE	<input type="checkbox"/>		
_____	<input type="checkbox"/>	FILE IN MIN'S OFFICE	<input type="checkbox"/>		
_____	<input type="checkbox"/>	FILE AT DEPARTMENT	<input type="checkbox"/>		
		FOR INFO/ACTION	<input type="checkbox"/>		

KEY:
 QPS - Queensland Police Service
 QFES - Qld Fire & Emergency Services
 QCS - Qld Corrective Services
 QPS COM - Commissioner of Police
 QFES COM - Commissioner of QFES
 QCS COM - Commissioner of Corrective Services
 CEO PSBA - Chief Executive Officer, Public Safety Business Agency
 I-GEM - Inspector-General, Emergency Management
 COS - Chief of Staff
 PPA - Principal Policy Advisor
 SPA - Senior Policy Advisor
 PA - Policy Advisor
 PPQ - Possible Parliamentary Question

Date: 10 APR 2017

Admin Comments:

NFA Ammunition - [redacted]

Policy Advisor Comments (Policy Advisor must sign the action requested above):

Policy Advisor Signature:

[Signature]

Date:

10/4/17

COS Comments (Chief of Staff must sign the action requested above):

COS Signature:

Date:

Department Comments:

MINISTERIAL REFERENCE:

C4515-02

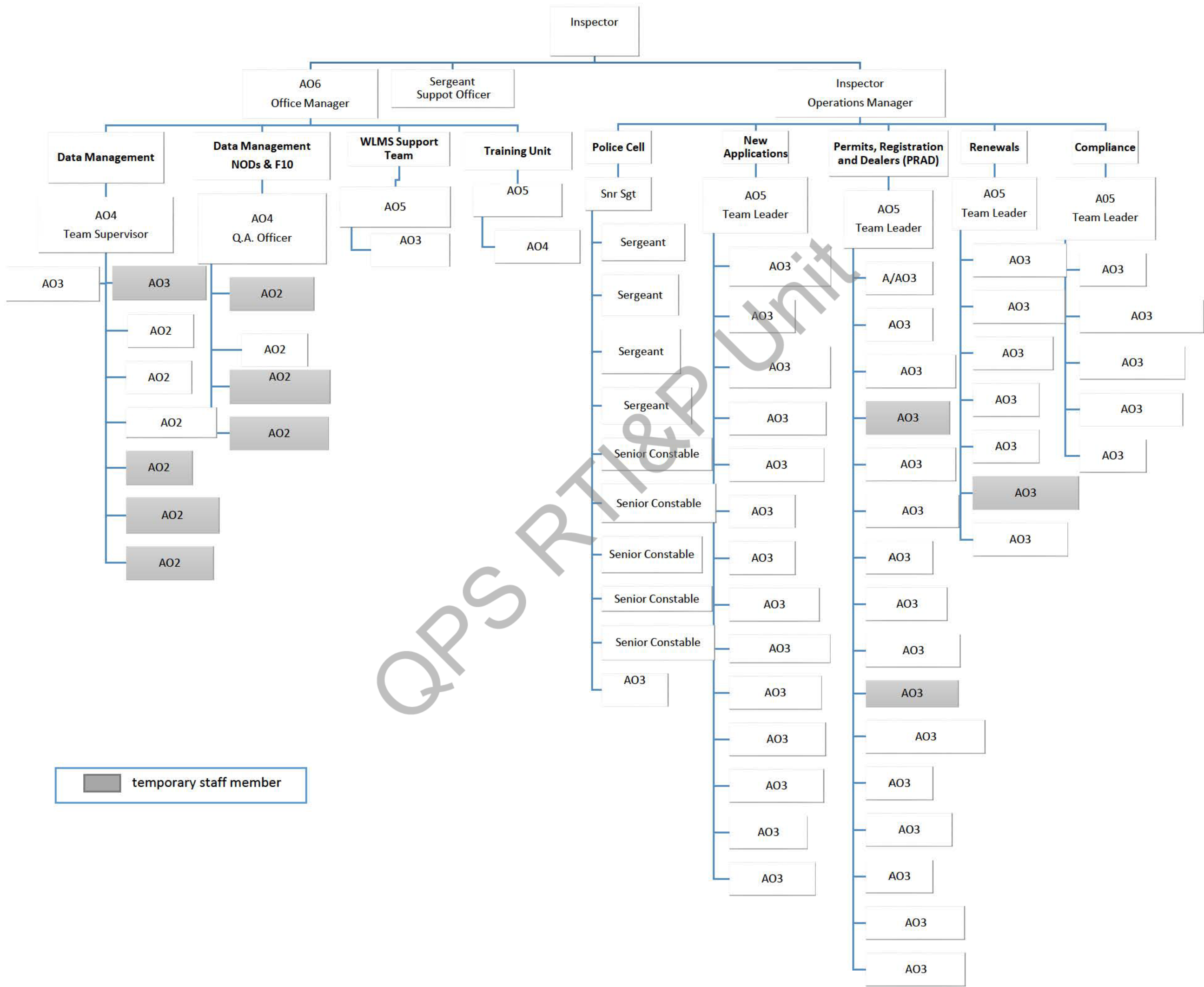
Date Sent to the Dept.:

10 APR 2017

DEPARTMENT REFERENCE:

DUE DATE:

01 MAY 2017



■ temporary staff member