

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

Program: 1.2

Question No. SBE15/097

Senator Collins asked the following question at the hearing on Tuesday 20 October:

1. Please provide information on which of the following groups are involved in the National Firearms Agreement review?
 - a. Which Departments?
 - b. Which Agencies?
 - c. Which Groups?
 - d. Which specific personnel?
2. Will the Government be taking all of the recommendations to the COAG meeting?
3. Are representatives of farmers and sports shooters being well presented in this review?
4. Is the Adler 110 lever-action Shotgun the only shotgun to be temporarily banned whilst the review is being undertaken?
5. What are the conditions of this ban?
6. How long was the temporary ban?
7. Why was this period recommended?
8. Was there any other suggestions made for this ban?
9. Why was the Adler recommended?
10. What are the threats of the Adler which raised concerns that it should be banned until the review is complete?
11. What are the Government's intentions regarding the modified version of the Adler 110 lever-action shotgun, which is reportedly being imported into Australia?
12. What is the difference between this modified version and the original?
13. Do you also have concerns regarding this weapon?
14. How similar in appearance are the eight round and five round Adler's?
15. Why did the Government pre-empt a decision about Adler while the review of the National Firearms Agreement is still currently underway?
16. Did the AFP provide any advice on the merits of pre-empting the decision on the Adler firearm?
17. Is an agreement between Senator Leyonhjelm and the Liberal Government about firearms still in effect after a change of leadership?
18. Does the AFP consider that political deals on firearms contribute to community safety?
19. Does the AFP share the concerns of Victorian Police Minister Wade Noonan who said: "I have spoken to the Acting Chief Commissioner Tim Cartwright about this matter? He has raised his concerns that this weapon — and others like it — are no longer appropriate for a category A classification. I share his concerns,"
20. What has been the advice to Government regarding the classification of lever action shotguns?

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

1. The review of the National Firearms Agreement was undertaken by the Firearms and Weapons Policy Working Group (FWPWG).

FWPWG consists of the Commonwealth Attorney-General's Department (Chair), the Australian Crime Commission, Australian Federal Police, CrimTrac, the Department of Immigration and Border Protection, ACT Policing, ACT Justice and Community Safety Directorate, Victoria Police, Victoria Department of Justice & Regulation, Tasmania Police, SA Police, WA Police, NT Police, Qld Police, NSW Police and NSW Department of Justice. The specific personnel who attend on behalf of each agency is a matter for jurisdictions.

Firearm organisations consulted were:

- Firearm Safety Foundation (Victoria)
- National Firearm Dealers Association
- Sporting Shooters' Association of Australia
- Field and Game Australia
- Shooting Industry Foundation of Australia
- Shooting Australia
- Robert Schwarz*
- NIOA
- RayTrade*
- Winchester Australia*
- National Farmers' Federation
- AgForce*
- Combined Firearms Council of Victoria*
- Australian Clay Target Association
- Antique Arms Collectors Society of Australia
- National Rifle Association of Australia*
- Pistol Australia
- Target Rifle Australia*
- Field and Game Federation of Australia
- ACT Firearms Consultative Committee

Gun-control and community safety organisations consulted were:

- Gun Control Australia
- Law Institute of Victoria
- Alannah and Madeline Foundation
- Victims of Crime Assistance League*
- Australian Crime Prevention Council*
- Enough is Enough*
- University of Sydney School of Public Health
- Public Health Association of Australia
- Crime Stoppers
- Victim Support Australia*
- Australian Women Against Violence Alliance*
- Law Council of Australia

Note: * indicates a submission was sought but not received.

The Government also established a Firearms Industry Reference Group (FIRG). The group consisted of the National Firearms Dealers Association, Sporting Shooters Association of Australia, Field and Game Australia, Shooting Australia, Shooting Industry Foundation of Australia and an independent firearms expert. The FIRG provided advice to Government and the FWPWG on the NFA technical update. Minister Keenan chaired the group and met with members in the lead up to the 5 November meeting of the Law, Crime and Community Safety Council.

2. COAG will consider the updated National Firearms Agreement in 2016.
3. See the response to question 1 for a list of organisations consulted.
4. The Customs (Prohibited Imports) Amendment (Firearms and Firearm Magazines) Regulation 2015 put in place a prohibition on the importation of all lever-action shotguns with a magazine capacity greater than five rounds. The prohibition commenced on 6 August 2015.

No other type of firearm has been temporarily prohibited from import.

5. See the response to question 4.
6. See the response to question 4. The prohibition on import for lever-action shotguns with a magazine capacity of greater than 5 rounds expires on 7 August 2016.
7. The 12-month sunset clause was introduced to allow the Government to consult with relevant stakeholders and appropriately consider the classification of lever-action shotguns as part of the National Firearms Agreement review.
8. No.
9. The prohibition on importation applies to all lever-action shotguns with a magazine capacity of greater than five rounds, not just the Adler A110. Prior to the temporary prohibition being introduced, over 7,000 lever-action shotguns with a magazine capacity greater than five rounds were due to be imported into Australia in the second half of 2015.
10. Lever-action shotguns with a magazine capacity of greater than five rounds have a significant rate of fire combined with a greater magazine capacity.
11. The temporary import prohibition applies only to lever-action shotguns with a magazine capacity greater than five rounds. In November 2015 the Law, Crime and Community Safety Council (LCCSC) referred the proposed updated National Firearms Agreement (which includes the classification of lever-action shotguns) to the National Justice and Policing Senior Officials Group (NJPSOG) for consideration by jurisdictional police commissioners and justice agency heads.
12. The difference between the modified version and the original version of the Adler A110 is the magazine capacity of the firearm. Under the temporary prohibition, lever-action shotguns with a magazine capacity greater than five cannot be imported into Australia. Lever-action

shotguns with a magazine capacity no greater than five remain classified as Category A, as per the existing NFA.

13. NJPSOG has the expertise to assess relevant considerations regarding the classification of all lever-action shotguns.
14. The eight and five round Adler shotguns are versions of the same model.
15. The Government introduced the amendments after becoming aware that 7,000 lever action shotguns with a magazine capacity greater than five were due to be imported into Australia in the second half of 2015.
16. Commonwealth, State and Territory policing agencies were consulted prior to the introduction of the temporary prohibition.
17. AGD is unable to answer this question.
18. The AFP supports law enforcement initiatives which contribute to community safety by addressing gun-related violence in Australia through prevention activities, investigation and operations support.
19. The AFP notes that since its implementation, the National Firearms Agreement has not evolved at the same pace as advancements in technologies and changes to developments of new firearms in recent years.
20. The NJPSOG will provide advice regarding a national approach to the classification of lever-action shotguns to Ministers and Attorneys-General in 2016.