



Minister for Police, Fire and Emergency Services and Minister for Corrective Services

Ref No: 16202 P1 LE
Your Ref: 10.4 Petitions

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Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to Petition No. 2339-14 lodged with the Legislative Assembly on 26 March 2015. The principal petitioner is Mr Ronald Owen of Aruluén, Queensland and the petition questions the necessity for a Permit to Acquire (PTA) system under the provisions of the *Weapons Act 1990* (The Act).

I requested the Queensland Police Service (QPS) Weapons Licensing provide advice on this matter. I am advised the requirement to have a PTA generally for each transaction involving a firearm is mandated in Queensland legislation as a result of the 1996 National Firearms Agreement (NFA). Resolution 7(a) states “that a separate permit be required for the acquisition of every firearm”.

Since that time there have been regular meetings between State Police Ministers and the Commonwealth Attorney-General on the provisions of this agreement and there has not been any indication that any jurisdiction wishes to change or amend this aspect of the legislation. The PTA application process has been successful in limiting the numbers of firearms in the community to those that are considered necessary for licensed shooters to engage in their chosen sport, hobby or occupation.

The principles and objects of the Act, as detailed in Section 3 and 4, provide in part that weapon possession is subordinate to the need to ensure public and individual safety, and that public and individual safety is improved by imposing strict controls on the possession of weapons. The objects of the Act are achieved for firearms, in part, by establishing an integrated licensing and registration scheme for all firearms and providing strict requirements that must be satisfied for the acquisition and sale of firearms.

The Act contains sections that specify the need for a PTA in the case of any normal transaction involving the purchase or acquisition of a firearm (Division 3 Sections 38 through to 48).

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Section 35(1)(c) of the Act provides for an exemption under circumstances where there exists another lawful authority, justification or excuse. The Authorised Officer, QPS Weapons Licensing, has instituted a policy of a like for like or warranty replacement of firearms at licensed firearms dealers in Queensland.

The like for like policy is only permitted under strictly enforced circumstances where a licensed dealer could replace a firearm with another one of the same category, action and calibre without the necessity for a PTA. This was only possible in circumstances where the replacement firearm did not increase the holdings of firearms of the license holder or change the original justification for possessing such a firearm. The policy assisted licensed shooters in replacing firearms that had reached the end of their service life.

Declarations have also been made under the provisions of Section 168B of the Act (Amnesty Declaration), to allow firearms dealers to receive surrendered firearms during the period of the amnesty. This is considered necessary to ensure the maximum number of unlicensed firearms possible are surrendered and not diverted to the grey or black market.

The details that must be included on the application for a PTA are necessary to ensure the Commissioner's Firearms Register is maintained according to law under Section 49 of the Act. One of the more important considerations is the declaration on the application of the genuine need for this firearm and why this need cannot be satisfied in some other way or with a firearm already in possession of the licensee.

Further, the process of applying for a PTA includes a review by the Authorised Officer, QPS Weapons Licensing of the current status of the applicant's licence to ensure that the weapon is able to be possessed under the categories and conditions of a licence issued. Each application, other than Category A, is also checked to ensure that the applicant has a need to possess the weapon (Section 39(2)(c) of the Act) and that the need cannot be satisfied in another way (Section 40(2) of the Act). On occasion the type of firearm requested under a PTA and the reasons given can determine the suitability of the weapon for the stated need. For example, higher calibre firearms that exceed the safe use requirements of approved ranges in Queensland would not be suitable.

A check of the current fit and proper status of a licensee is undertaken, to establish whether there are any incidents or charges which may affect their ability to hold a licence in Queensland or interstate. However, these checks cannot be performed by a dealer at the point of sale. They can still be performed under the like for like swap or warranty replacement policies upon advice to the Authorised Officer that a transaction has occurred.

The PTA process itself has been streamlined in recent years by the use of online technology. Applicants may now make application via an internet based system for both a licence and a PTA. This has been very successful and has demonstrated an 88% uptake in applications for PTA since the implementation of the system.

Applications, other than for the first PTA, which requires a mandated 28 day waiting period before issue (Section 56 of the *Weapons Regulation 1996*), are being processed within a week when received electronically. This means there is a very small time delay for licensed persons obtaining the necessary approvals.

The purpose of this section 35(1)(c) is not to replace the accepted and legislated PTA system but to acknowledge weapons may be lawfully acquired through other mechanisms when supported under law.

The petition suggests this subsection could be used to allow dealers to generally conduct transactions involving firearms without the need for a PTA. I am advised that this is an incorrect interpretation of the legislation and provides for weapons which may come into possession of persons under another lawful mechanism. Sections 38 through to 48 of the Act describe in detail the necessity for a PTA and the mandated checks that must be carried out prior to the issue of a PTA.

If Mr Owen or any of the other petitioners have any further inquiries, Inspector Craig Rolls, Manager, QPS Weapons Licensing is available on telephone (07) 3015 7771.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Jo Ann Miller'.

The Hon. Jo-Ann Miller MP
**Minister for Police, Fire and Emergency Services and
Minister for Corrective Services**