Legislative Council

Hansard

Thursday 29 October 2026

The President, **Mr Farrell**, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt]

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

[12.40 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to make a contribution on the Firearms Amendment (Strengthening Firearm Security) Bill 2026. I have very much appreciated the opportunity to listen to the contributions of other members so far and will continue to listen to any yet to come. It's clear that this is a significant piece of legislative reform and members have been diligent in grappling with the range of views and concerns and issues raised with us by community stakeholders from all sides of this issue.

I know we are all mindful here of the fact that this will be a difficult and distressing topic for many who have a personal experience or connection to a firearm-related heartbreak. Whether that is the many Tasmanians impacted by the Port Arthur tragedy or other losses experienced in families throughout our state. Of course, it also includes those who are currently living with the threat of violence from firearms as an aspect of family violence, coercion and control, and so often, those living with that threat are women and children. I acknowledge that that's the context in which this may be difficult for people either here in this place or who are engaging with this debate online or later measures.

So, mindful of those sensitivities, I will start by saying that I'm concerned that the bill, as it stands now, is a missed opportunity, although it does have many things of merit. But, it's a worrying and significant missed opportunity, despite some key positive features. I welcome that there were further positive adjustments made in the other place and passed there, and I'll mention some of those as we go. Let me also say at the outset that, as a broad principle, I do not regard access to, or ownership of, firearms to be a presumptive right or entitlement of any kind. It is, in my view, at most a privilege and it does not outweigh the primacy of public safety when I give consideration to matters relating to firearms and their regulation.

As others have referenced, following the Bondi atrocity of 14 December 2025, National Cabinet agreed to an updated 2026 National Firearms Agreement on 26 August this year and, along with other national jurisdictions, Tasmania is bringing in amending legislation to reflect elements of that national agreement that was made in August. At the outset, the principles and intent of the National Firearms Agreement will serve as a key benchmark and criteria to my consideration of this bill and of any amendments we may debate at a later stage in relation to the bill. I note the opening statement of the Firearms Agreement includes the following, and I quote:

> The Agreement affirms that firearm possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.

That is a significant statement. It is a clear and upfront statement that reinforces my personal view that the ownership and use of firearms is a privilege. It's conditional on public safety, and that should be a sound foundation upon which to build solid and meaningful reform with public safety front and centre, especially considering the context in our state, with Tasmania continuing to hold a disproportionate number of firearms per capita compared to the rest of Australia and a corresponding, concerningly high, rate of firearm theft.

As this is played out this year with the new national agreement coming subsequent to the Bondi tragedy, we've unfortunately also seen positioning begin early. By February this year, in some sense, the fix was in on some elements of what I think are reforms that merit inclusion. On the 26th of February, a full six months before the Premier signed the national agreement document at the end of August, a joint media release by the Premier and minister Ellis stated:

> There will be no caps imposed on individual firearm owners.

A critical element during the public discourse that had been just dismissed out of hand via a pre-emptive media release from the Premier and the minister. That deliberate and dismissive positioning by government is even further disturbing in light of what we now know, which is that on the 6th of February, 20 days prior to the government media release, the minister had received a direct letter from the Tasmanian Police Commissioner reiterating her:

> Support for the national firearms reform agenda, including a proposed firearms cap.

This position presented by the Police Commissioner was informed by and based upon the principle underpinning the National Firearms Agreement: that public safety must take precedence over the privilege of firearms ownership.

In contrast to dismissing such measures out of hand, the public health and safety lens is core to informing my assessment of this bill, along with the provisions of the National Firearm Agreement. It serves as my core criteria when considering any amendments which may be moved during this Chamber's debate.

I'm sure all members have received numerous emails from firearm owners, whether they be recreational shooters, members of sporting and shooting clubs, professional shooters or those working in our primary industries. I do acknowledge that we have received a great deal of correspondence in that vein, and they have put their cases clearly, providing written submissions and advocacy and also personal briefings. That's a great deal of effort that has been put in, and I do acknowledge people articulating and advocating for their positions.

However, equally important in consideration here is the lived experience and expertise of those advocating for a stronger public health approach to these reforms. I think it's very telling to note that many of the community, the legal and the health professional stakeholders who either made submissions to the draft consultation bill or to members of this place in the lead up to the debate on the tabled bill emphasised, for example, the need for caps on the number of firearms owned.

Another significant perspective, I think, which must be taken into consideration during this debate is that put forward by the Commissioner of Tasmania Police. As we have heard, the commissioner placed her positions very clearly before the minister via correspondence dated the 6th of February this year. However, it's worth also noting subsequent statements, including the written feedback provided to the consultation draft bill in August this year from the

Commissioner. In correspondence dated the 6th of August and in response to the consultation version of the bill we're considering today, the commissioner clearly does not resile from her earlier stated position and emphasises:

> As you are aware, I have publicly expressed my support for further reforms than what is currently proposed, including the introduction of limits to the number of firearms that a person may own, aligned with national reform discussions and legislation that has been passed in Western Australia and New South Wales.
>
> Reducing the total number of firearms in the community while continuing to permit the lawful use of firearms by people who can demonstrate a genuine reason and need will enhance officer and community safety.

This is an important, clear and unequivocal statement articulating the fundamental criteria of public interest and public safety as the key determinant. Now, I may not agree with all other policy statements put forward by the department of Tasmania Police or the commissioner specifically, however, I do think and I do listen to them when we are discussing factors which may increase or conversely harm the safety of police officers. The introduction of caps by virtue of reducing and limiting the number of guns within the community has clearly been identified as a very real consideration for the safety of our police officers. So often we hear much of the danger our police officers face or put themselves before in the line of duty. I know many of us attend annual memorial services for those who have paid the ultimate price in the line of duty. And of course, while not all those causes will be linked to firearms, it is notable that some are. This is not an insignificant consideration here.

Reducing this very real and present threat to those going about their job on a daily basis should be a prime consideration, I contend, along with serious consideration of the broader public safety. Again, I refer to the 6th of August document of the Police Commissioner:

> One of the key policy positions arising from the national reform discussions post-Bondi is the introduction of a limit on the number of firearms that a person may own.

As I stated earlier, one of my key criteria informing examination and consideration of this bill is the degree to which it's compatible in word, in spirit, and intent with that revised National Firearms Agreement. Clearly, the commissioner's view was that the implementation of a cap on the number of firearms which someone can own is consistent with that agreement. The correspondence from the commissioner goes on to state the intent of caps is:

> to address the concentration of large numbers of firearms within a comparatively small proportion of licence-holders.

The range of people affected by decisions we make in this place is a significant consideration and it's a responsibility that we bear when we are giving consideration to legislation as it goes through. I acknowledge that. While it is extremely useful to consider the point made so succinctly by the commissioner that the proposed caps will actually impact directly a comparatively small proportion of firearm licence holders - not even the total number of firearm owners, but a slightly smaller subgroup of those licence holders - as not every Tasmanian with a firearm licence holds more than one firearm or multiple to the point of exceeding the proposed capped number, we are talking about a limited prescribed group.

It's also worth pointing out that of course the other cohort of Tasmanians affected by the decision to introduce a cap or not is the entire remainder of the Tasmanian population, whether police officers on duty or family members or other members of the community. Our decision here today to introduce or not a cap on the number of firearms any one individual can own will also present major ramifications for the broader community. The public health lens tells us that, and as pointed out by the police commissioner's correspondence:

> the link between reducing firearms in the community and reduction of harm is well evidenced.

We have also heard from a range of other stakeholders providing their perspectives on a public health lens-informed approach here, including briefings we had from Gun Reform Australia and I want to recognise Gun Reform Australia for the advocacy over many decades on this matter and particularly here locally, Roland Browne and his leadership in that group. Also, we had briefings from Medics for Gun Reform. Dr Phil Pullinger provided briefings for us and follow-up information, along with a very compelling briefing presentation and follow-up information from Dr Michael Carr-Gregg AO.

I think it's particularly interesting to hear more nuanced reflection on a public health lens-approach to this issue. I did find it quite informative to contemplate the follow-up notes sent through to us from Dr Michael Carr-Gregg in September following the online briefing provided by him. I'm going to quote a couple of paragraphs out of his correspondence to us, which I think are important perspectives on the fact that a public health lens is about preventative action, it's about reducing risk, it's about addressing things at a population level, and it's often misconstrued or mischaracterised by people criticising the measures that are proposed under that approach. I'm just going to quote a couple of paragraphs from Dr Carr-Gregg's correspondence:

> The government's argument, faithfully echoed by the gun lobby, is that a cap would not have stopped Port Arthur or Bondi or the next one because the perpetrators did not own more than 10 guns. This is the oldest trick in the book, pick the one intervention, demand that it alone would have prevented the worst case, and when it wouldn't have, declare it useless. No one who works in public health thinks like that.
>
> Seatbelts don't stop every road death. Pool fences don't stop every drowning. We put them in anyway because they shift the odds across the whole population and because the cost of being wrong is measured in children. Walter can tell you their names.
>
> Here is what a cap actually does. It reduces the size of the arsenal that can be stolen from a house. It limits the stockpile available to someone whose licence is later revoked, or whose mental state deteriorates, or whose family is trying to keep him alive through a bad winter. It puts a modest, sensible ceiling on private accumulation of lethal force and it tells the community what the Parliament thinks the reasonable limit is.
>
> That is not an attack on farmers or sports shooters.

I'm going to end the quote there, Mr President. I found that quite compelling. It's a good explanation and we should never expect anyone measure to have prevented, as Dr Carr-Gregg said, the worst case. It is a matrix and this was explained to us in the briefings. Public health

approach is a matrix of measures aimed to reduce risk and aimed to bring down the outcomes that we do not want to be seen in our community. The public health approach works; we know that from the other areas of policy where we implement such an approach.

We also heard from the AMA about the importance of a preventative health and public health approach and that's the stakeholder group which I also think should have a compelling voice in this space because they are certainly on the front line of the impact of the harm and lethality of firearms. They know that reducing risk is the main game and to quote from the AMA correspondence to us:

> Preventative health is often associated with reducing chronic disease, but its purpose is broader, to identify foreseeable risks and intervene before they result in illness, injury, or death.
>
> Firearms regulation is a clear example of this principle in practice. Where access to a highly lethal means can be reasonably limited during periods of acute distress, family violence or other heightened risk, the law has an important opportunity to prevent otherwise avoidable harm.

End of quote. And further, the AMA submission said:

> The bill provides an important opportunity to translate Tasmania's commitment to preventative health into practical action. Preventing suicide, reducing the risk and consequence of domestic and family violence, and limiting availability of firearms for theft or diversion are not secondary considerations. They are central public health and community safety objectives.

Mr President, I think this is crucial and we have to remember that caps are being proposed here, and I hope we have a chance to consider them in relation to this bill via amendment. Caps are being considered here with still the availability of where warranted people to be putting forward to exceed those caps when they can make the case that that's necessary. I know that there's can be a lot of bother about the sense of restriction that some people feel is going to be put on them with the introduction of caps. But when it comes down to it, if there is a genuine reason that they need to exceed the caps, there's an avenue provided for that to be sort.

I think it's entirely reasonable to set what this parliament thinks is a reasonable cap and for the impetus then to be on people to make a case for exceeding those caps rather than a baseline assumption that people can have as many guns as they like and we would have to in some other way find ways to restrict and bring down what could then end up being a huge body of firearms available out in the community which then are at risk of theft, of course. It doesn't really matter how much we might praise lawful gun owners and legally held guns. They are, of course, just a theft away from becoming illegally

[Break]

[3.01 p.m.]

Ms WEBB (Nelson) - Mr President, before the break, I believe I was speaking about the fact that legally held firearms are all well and good, but they are also just a theft away from becoming illegally held firearms, so we have to be very mindful that the complete suite of measures that we propose are going to lessen risk across the whole community, even if that does impinge on, or affect people who regard themselves as people who are legally owning firearms and responsibly managing and keeping them.

I want to say that this is especially important in family violence situations. We've heard from stakeholders who support people, especially women and children, who are being impacted by family violence situations, coercion and control situations, that these situations can involve legally owned and stored firearms, but are still part of a pattern of behaviour, so we need to take into account all of these matters. I don't believe that we can mitigate the community-wide risk of firearms and their lethality and the injury they cause by targeting people who are not law abiding or are illegally in possession of firearms or utilising firearms in criminal ways. I think we have to think about it from that public health perspective. We know that measures like a cap on the number of guns that can be owned, with reasonable exceptions, means that the number of guns that are there to potentially end up in the wrong hands at the wrong moment is lessened, which is the outcome we want. We also know that the number of legal guns in the general community matters as a quantum because every additional gun in a household increases the availability of lethal force in that household. Large collections of firearms are harder to store correctly, to account for correctly, and to manage correctly and legally. Family violence provisions, especially the additional ones we're putting in this bill, which are very laudable, but they will work best if we are also moderating the number of firearms in general that are available in the community and present in the community. Every stolen gun has the capacity for harm and a gun stolen from a legal owner becomes an illegal firearm, so we need to be thoughtful about the quantum of legal firearms, not just addressing the illegal end of things.

Others have gone into detail on the statistics of gun ownership and firearm theft in our state. I don't think I'm going to go into detail in those areas because I think they've been well covered by others, but I am going to note here, that we know there is a high rate of firearm theft in this state, and we know that few of them really are recovered. Therefore, legally owned firearms are a pipeline for illegal firearms, eventually, when they are stolen. This is absolutely a consideration, in my mind, that should be taken into account, particularly when we're contemplating the matter of caps.

It was interesting, too; I found the communications from the AMA to us in their submission. What was interesting on this point about not necessarily getting lost in detail over the proposition of caps and not necessarily quibbling over details such as what might be the right number of guns to set as a cap for ownership. The AMA submission points to the need to hold the concept of preventative health policy at the core of this proposition, rather than get getting lost in quibbling over numbers.

They said:

> Our submission acknowledges that there is no single clearly established optimal numerical limit. However, preventative health policy frequently requires proportionate action in the face of foreseeable risk. The absence of a universally agreed number should not prevent parliament from adopting a reasonable precautionary limit supported by review and evaluation.

I would also add there: especially when there are reasonable exemptions available, so that this is not an absolute cap in that sense when a case can be made for the requirement for more by the identified groups who may need that. That's available under I believe what is proposed to be put forward as an amendment here. I have heard the rationale provided by the Labor Party for where they have landed with their proposed amendments around caps, and I believe personally that that's a sound rationale and a good starting point.

Another common theme amongst stakeholders who advocate for the strengthening of this

bill by including firearm ownership caps is the need to also have those appropriate exemptions that I've mentioned already. I absolutely would state on the record my support for appropriate exemptions. Those, of course, as we've many others have identified, are for primary producers, for legitimate competitive shooting activities, for collectors and firearm dealers.

The privilege of gun ownership, especially ownership of a large number of firearms, in my view does warrant a requirement to demonstrate specific and credible necessity and purpose for that large number, rather than a default that any number is allowable until it becomes problematic and, perhaps, we then see an impact in our community.

There are a couple of other points I will make. There's lots of detail in this bill and certainly my contribution isn't going to all elements of the bill. Many of them I support. One I want to point to, though, that I am not in support of regards the element that introduces mandatory sentencing right near the end of the bill. It's not going to surprise anyone here in this place that I am consistent in my view on this, and I do not support mandatory sentencing, in principle.

It is completely discredited as an approach by all evidence from all legal experts. In fact, it risks adverse outcomes, and as clearly expressed, and I'm going to put it on the record here, from the Law Society in its submission to the consultation bill, they said this:

> The Society reiterates its opposition to mandatory sentencing provisions. The comments of the Tasmanian Sentencing Advisory Council's 2016 final report on mandatory sentencing for serious sex offences against children remains apposite.
>
> - Mandatory minimum sentences provide an incomplete guidance system to the court;
> - Mandatory minimum sentences may lead to unrealistic expectations in the community that changes to sentencing policy will deter potential offenders when there is no evidence to suggest that increased penalty levels act as a deterrent;
> - Mandatory minimum sentences may reduce the incentive to enter a plea of guilty;
> - Mandatory minimum sentences reduced transparency and consistency as discretion is transferred from judges who are the appropriate persons to impose sentences to prosecutors; and,
> - Mandatory minimum sentences will result in significant financial costs.

I absolutely note that, on this topic, it's quite common for people to construct strawman arguments about it and suggest that if somehow, we are against mandatory minimum sentencing, that means we're against accountability and consequences entirely, and of course, that's not the case. It's out of respect for the separation of powers between the courts and the parliament; that it's not the parliament's role to set mandatory minimums. It's up to the court and the judicial officers in their discretion to apply the sentencing provisions that are in bills and in legislation. It's a nonsense to suggest that it's mandatory minimums or apparently a free-for-all lack of accountability. I reject that out of out of hand.

It is quite strange, I think, in this bill, the way that this suggestion for mandatory sentencing has been put forward. It does appear to then build back in a bunch of situations in which discretion can be applied without any particular rationale, I think, for why not just leave

it as the normal and workable situation where there is judicial discretion to apply sentencing rules in each and every individual case as is warranted? It seems quite bizarre.

Certainly, even with the equivocation that's there in the bill, applying mandatory sentences and then also not-a-bit applying them, I still will not be supporting that aspect of the bill, categorically.

There are numerous positive aspects, of course, to this bill. I won't be covering all of them, but I'll just note a couple that I particularly am pleased to see. The National Firearms Register, of course, is a wonderful step forward. It will address the concerns that have been there about limitations in information-sharing across jurisdictions, which have been a real barrier and problem. It's a very positive development to be bringing forward and it's excellent to see progress made on that.

Also positive, I think, in the bill, and also I think in amendments made in the other place, strengthening around a range of matters to do with access to firearms and the fit and proper person test, the circumstances in which the commissioner may not grant a licence, and especially the putting into this much stronger recognition of family violence as a grounds for exclusion and for restricting access to firearms. That's all incredibly positive to see in the bill and will make Tasmanians safer. It's really positive.

To conclude, the bill in its current format places me in a dilemma. As the Police Commissioner's correspondence of that 6 August said, and I quote -

> The Bill represents an important step in modernising Tasmania's firearms regulatory framework and implementing agreed national reforms.

I agree. Clearly there are some constructive components of the bill and I support them.

Also, those statements provided to members from Roland Brown of Gun Control Australia, and he said this -

> Gun Control Australia generally supports the Firearms Amendment Strengthening Firearm Security Bill 2026 and also the amendments made to it in the lower House which included deletion of the provision allowing the minister to create a new category of genuine reason for holding a firearm licence. And also, the deletion of the grandfathering provisions that allowed the new recategorisation laws to come into effect whenever convenient to the licence holder with no time limit. We also support the rejection by the lower House of the provision to introduce silencers/sound suppresses.

I agree. I was also pleased to see all those positive adjustments made in the other place. I also welcome amendments secured, particularly the assertion of a new objective, the act, stating public health and public safety are the primary considerations for the regulation, registration and control of firearms within Tasmania. That's a really important fundamental to have right at the outset of the piece of legislation.

However, I do not consider the matter of regulated caps upon firearm ownership to be a mere added extra; for me, it is an absolutely clear missing piece in this bill. I think, when we're applying a public health lens, it's clear that legislative caps are in fact an important component of any meaningful gun law reform matrix. I'm aware that there are proposed amendments. We've all discussed that to some degree or other in our contributions. We're aware of the

proposed amendments on the matter of caps, and should the bill progress through to the committee stage, which I would support it to do, I look forward to the debate that we may have around those matters. Until then, I'll just leave my position on the bill in reserve for what we see come out the other end of potentially that committee stage.

As a final word in my contribution, I note the correspondence we received from the Alannah & Madeline Foundation just recently, which highlighted a quote. Again, I think I'm going to be alongside some other colleagues here, probably surprised to find myself quoting something from John Howard but the Alannah & Madeline Foundation pointed us to this. The foundation highlighted a quote from a 1996 speech by the then prime minister, John Howard, in Sale, Victoria, and in the speech, he acknowledged the challenge of making difficult decisions which involve balancing competing interests. The then prime minister, John Howard, said this in that speech:

> There come occasions for any government to take decisions which can only be effectively implemented in the interests of the overall national good. If they involve some disproportionate inconvenience and some disproportionate deprivation for one section of the community, I'm sorry about that but there is no other way that we can achieve the objectives and it is always, my friends, it is always the responsibility of a government to weigh up the gains and to set them against the losses.

So, with that, Mr President, I'll conclude my contribution on the bill and look forward to hearing further.