

INDUSTRY BRIEFING ON PROPOSED FIREARMS LEGISLATION

Why the Recall of Parliament Must Be Used to Scrutinise Government Failure

The recall of Parliament must not be allowed to become a vehicle for rushing through knee-jerk legislation designed to provide political cover and distraction from the Minns Government's own failures.

This terrorist attack is the subject of an ongoing investigation. The Premier has repeatedly declined to answer key questions on the basis that those investigations are not yet complete. It is therefore entirely inconsistent for the Government to claim that the facts are not yet known, while simultaneously recalling Parliament to change laws within days of the event.

If Parliament is recalled before investigations are concluded, its purpose must be scrutiny, not legislative deflection.

Passing rushed firearms laws at this stage would allow the Premier to evade the most serious questions that remain unanswered, including how a firearms licence was approved, who approved it, what information was considered, and why existing legal safeguards were not applied. Once new laws are passed, the Government will inevitably claim it has "acted", shifting attention away from decisions already made under its watch.

The recall must therefore be used as a cross-examination of the Government's handling of this matter, not as a shield against accountability. Parliament exists to test decisions, expose failures and demand answers, particularly where public safety is concerned. Anything less would be a failure of Parliament itself.

The Premier must guarantee parliament has a full debate on any proposed reforms.

Firearms Licensing Failure

The central failure in this case was not NSW firearms laws. It was the decision to issue a firearms licence to a known terror associate that never should have been approved.

NSW already has some of the strictest firearms licensing laws in the western world. For 30 years, police have been legally required to refuse a firearms licence to anyone who is not a fit and proper person. This test is mandatory, applies to all applicants, and is reassessed at every licence renewal, with licences reviewed at least every five years. The law also allows police to refuse, suspend or revoke a licence where close associations raise legitimate concerns about risk, even if the licence holder has not personally committed an offence.

Those powers exist specifically to prevent high-risk individuals and their close associates from accessing firearms. If properly applied, they should have prevented a firearms licence being issued in this case.

Terrorist Sajid Akram first sought a firearms licence in 2015. A second application was lodged in 2020. That application remained unapproved for approximately three years and was ultimately granted in 2023 under the Minns Labor government.

This licence was issued despite the applicant being an immediate family member of a person on a "Known entity management list" for extremist links both sharing the same home address.

Sajid Akram failed to secure a firearms licence under two successive Liberal-National police ministers yet was approved under the Minns Labor government. After years of delay, the Minns Government signed off on a licence that the previous government did not issue within months of coming into power.

Instead of explaining that decision, the government is rushing Parliament to impose new restrictions on lawful firearms owners before an investigation into their failures can be examined.

Questions to ask

- Akram's licence was granted just a month before the October 7, 2023, attacks in Israel, did the licence get reviewed after Oct 7 in response to intelligence around increased terrorist threat levels and the licence holder's close associate being on a "known entity management list"?
- Naveed Akram was on ASIO's "known entity management list" and shared a residence with licence holder Sajid Akram at the time Sajid acquired his first firearm. Why was this close association not flagged within police or intelligence systems? After a delay of three years, it could not have been standard procedure to approve the licence quickly, so it must have required intervention from the Commissioner's or Police Minister's office, so who authorised the final approval of this licence in 2023 after Sajid Akram's son was investigated by ASIO?
- Why was there a three-year delay between Akram applying for the licence and it being granted when the standard process is more commonly 3 months?
- What additional checks were conducted between 2020 and 2023 before the licence was issued?
- Was the applicant's immediate family background considered as part of the fit and proper person test?
- If it was considered, why was the licence approved?
- If it was not considered, why not?
- What changed between the previous governments not issuing this licence and the Minns government approving it?
- Why is the government changing gun laws instead of explaining this licensing decision?
- Were the government or any elected members of the government or their staff lobbied by the applicant or any representatives of the applicant to quickly approve the licence?

- If lobbying occurred, was it related to any political party fund raisers or donations or by entities that had provided funding either directly or indirectly to the election campaign of the Minns government?
- Did the candidate for the electorate the applicant resided have any association with the applicant?
- Was the licensee a member of the Labor party?

Intelligence and Information Failure

If information about extremist links existed and was not used, that is a failure of process.

If that information was not available to licensing authorities, that is a failure of intelligence sharing.

Either way, it is a Minns government failure.

Questions to ask

- Was NSW Police aware of extremist investigations involving an immediate family member (close associate) of the licence holder?
- Was that information available to firearms licensing officers?
- If it was available, why did it not trigger refusal?
- If it was not available, why was it not shared?
- How will these new reforms actually prevent this from happening again?
- Why are none of the proposed reforms addressing intelligence and information sharing failures?
- Licensing officers appear to have held up the licence application for 3 years. What interference from others forced the final approval and what changes in process are proposed to stop that happening again?

Cost of Firearm Limits and Buyback

There are approximately 1.14 million registered firearms in NSW. Over half will be impacted.

The proposed firearm limits could force the surrender of 500,000 or more legally owned firearms in NSW. At current market prices, including accessories such as scopes, magazines, safes and ammunition, reloading equipment and spare parts that become unusable once the firearm is surrendered, consumer compensation is estimated at greater than \$2 Billion dollars. Consistent with 1996 State compensation arrangements for buy back from dealers including loss of business compensation the figure is likely to exceed \$3 Billion.

In 1996 the Federal government raised a tax on every working person in Australia through the Federal Medicare levy to re-imburse State Governments expenditure on the buyback.

Questions to ask

- Is the NSW government planning a direct tax on NSW residents to pay for the buyback or is the Federal Government going to apply a tax?

- If no new tax is proposed how much will the public expenditure increase the deficit of the State or Federal budget? And what other services will be cut to compensate?
- How many firearms does the government expect will need to be surrendered under these limits?
- What is the estimated total cost of compensating owners at market value including all ancillaries associated with the banned guns?
- Has Treasury signed off on this cost?
- Why has no cost estimate been released before recalling Parliament?

Business Compensation and Job Losses

NSW has more than 550 licensed firearms dealers employing people across the state, many in regional areas. Firearm limits will make a significant number of these businesses commercially unviable.

In John Howard's 1996 law reforms, governments recognised this and offered compensation and business buy-outs. It is assumed the current buy back will trigger the same provisions.

Questions that must be answered:

- What level of loss of business compensation will be offered to licensed firearms dealers and how quickly will emergency support be put in place?
- Will business buy-outs be offered on similar terms, as 1996?
- How many businesses does the government expect to close?
- How many jobs will be lost, particularly in regional NSW?
- What support will be provided to affected workers and communities?
- Has the government prepared a legislative impact statement and assessment for provision to the parliament?

Market Distortion and Interstate Sell-Off

Under Western Australia's recent botched compensation arrangements, thousands of guns flooded to the East Coast of Australia. This was the result of poor planning by the Western Australian government but also symptomatic of a government acting alone instead of implementing a national approach to gun laws.

Questions that must be answered

- If NSW acts alone on this initiative, what safeguards exist to prevent firearms being sold interstate rather than surrendered?
- How does that outcome improve public safety?
- Why is the government repeating mistakes seen in Western Australia?

Public Safety Reality

Premier Minns' main response to this extremist antisemitism attack is to impose limits on firearm numbers. That approach completely misses the point. Setting caps on how many guns a terrorist could use is absurd, and reducing the number of firearms allowed on a licence does nothing to keep weapons out of terrorist hands. The real failure is that a firearms licence was issued to someone who never should have been licensed in the first place.

Questions that must be answered

- Which part of these reforms would have prevented this licence being issued?
- How do firearm limits prevent radicalisation or terrorism?
- Why is the government acting before investigations are complete?
- Is this legislation about public safety, or political cover?

Who Is Actually Punished

These reforms will punish NSW's 259,000 law-abiding firearms owners and more than 550 licensed dealers, while doing nothing to address extremism, terrorism or antisemitism.

These laws will not make the community safer. They are a deflection and a distraction from government failures in licensing, intelligence and oversight.

Final question

- Why should the 259,000 peaceful and lawful firearm licence holders and 550 licensed firearms dealers of NSW pay for a failure of government decision-making and improper enforcement of existing law?

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