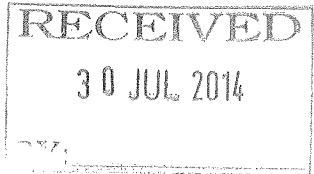




# FIREARMS REVIEW COMMITTEE



Chairman: *Bob Hamdorf*

Secretary: *Julie Beck*

Telephone: 08 - 73223407

The Hon Jay Weatherill  
PREMIER  
GPO Box 2343  
ADELAIDE SA 5001

Received:	31/7/14
Physical ID	PREMI4003932
File No	PREMI4/0049
Action Officer	M. Pol. - Direct.
Draft Due	
Previous Corres.	

**REF: Your 08/07/2014 letter regarding your recent decision to reform Government Boards and Committees**

I note the issues that you have raised in your letter and take this opportunity to raise a number of matters that the Committee consider to be of considerable importance which, when considered as a whole, places the Firearms Review Committee (FRC) apart from many of the other Boards and Committees.

The Firearms Act 1977, PART 2, DIVISION 2 established the FRC replacing the Firearms Consultative Committee (FCC) that was established by the earlier Act and arose through negotiations from the Firearms Community.

- The FRC is constituted by Six Members appointed by the Governor
- a Legal Practitioner of at least seven years standing;
- a person Nominated by the Commissioner of Police;
- a person who has, in the opinion of the Governor, wide experience in the use and control of firearms;
- a Medical Practitioner;
- a person who carries on the business of primary production and uses a firearm or firearms for the purpose of that business;
- a person who has experience in the administration of, or in participating in, a competitive discipline in which shooters compete at the Olympic Games or the Commonwealth Games.

It is evident that the Parliament was of the view that such a collection of expertise as detailed above was necessary to deal with the matters that are presented at the FRC and that people who are aggrieved by the Registrars decision should have access to a simplified review process

The members of the FRC are a unique group of people who are well placed with many years of the specific experience, knowledge and skills to address the diverse and critical issues that are confronted at each meeting. It would be a pity to lose such expertise in the decision making process associated with Firearm ownership and the issue of Firearms Licences. A loss of the FRC function could potentially produce a serious safety risk to the Community of South Australia and possibly in other States.

My experience as Presiding Member has made me very conscious of the acceptance and appreciation of the aggrieved people for the opportunity of having their say. At another level I have been thankful for the collective expertise within the Committee when dealing with the range of matters that present at every hearing.

The FRC is, in its role, an Administrative Tribunal where the intrinsic aspect of its legislated role is to ensure natural justice through its independent consideration of decisions of the Registrar of Firearms and/or his Delegate. As such there is a requirement for a level of separation from the Registrar and Government.

The sole function of the FRC is to operate as a committee of review of decisions of the Registrar of Firearms and his Delegate. Thus the Firearms Act 1977 (as amended) provides that a person aggrieved by the decision of the Registrar or his Delegate may seek a review from the Firearms Review Committee or subsequently, if that fails, by way of an Appeal to the District Court.

The absence of legal technicalities and jargon and informal procedures that provide aggrieved people with "no nonsense" direct access to review of the Registrars/Delegate's decisions. People seeking a Review have over time, been accompanied by Senior Counsel and Solicitors but mostly appear on their own.

The FRC provides an inexpensive forum for people to challenge the Registrar's decisions both from the perspective of the aggrieved and from that of the Government that provides for a budget of only \$10,000 per year that covers the annual operating costs.

Within the context of the above point each member receives a modest attendance fee that covers the 4hour meeting time. However, in the week before hearings each member receives a bundle of files to read and absorb. These Files can be quite complex and range in size from 20+ pages to quite large 400+pages. Given the importance of the Committee's deliberations and the outcomes over time I believe that the Government and the general community have received good value against the cost.

For the period 2009 to 2013 there were 178 matters before the FRC. Of these 102 were **Affirmed** and 42 **Remitted** back to the Registrar for further consideration. Of the affirmed only a handful have chosen to take their issues to the District Court.

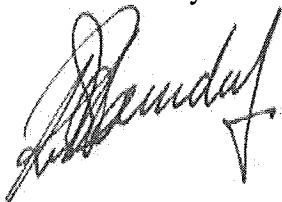
In the absence of the FRC the alternative option for people is to appeal to the District Court which could involve considerably more cost to the individual and considerably more to the community by way of valuable court time, Judges, associate, court reporter, court officers and the involvement of the Crown Solicitor to act on the Registrar's behalf.

The Committee and I understand the direction that the Government is moving to reform Government Boards and Committees however the Firearms Review Committee Members are of the view that the Committee and its genesis and role are unique and have played an important role in the safety of the community of South Australia. A role that requires considerable experience and knowledge that is not readily available from within the general Community. There is no doubt that there is a need for people who are aggrieved by decisions of the Registrar of Firearms or his Delegate to seek the view of others on the soundness of these decisions which can see expensive firearms being confiscated, firearm licences denied, firearms licences suspended and cancelled and firearms businesses close and/or licences cancelled. On another level there are people in our community who are irresponsible, others who have Medical and Psychiatric issues that cause them to be a danger to family, other members of the community and themselves. In all of these instances there is an absolute requirement for knowledgeable and experienced people to review decisions in a fair and unbiased way and a platform/place where they can seek a review by appropriately experienced and knowledgeable people.

I have been advised that if the FRC structure was to be changed or removed there would be considerable concern expressed by the Firearms fraternity.

I ask that serious consideration be given to retaining the Firearms Review Committee in its present form. As there are many requests for review in the hands of the Firearms Branch and, consequently the need to set hearing dates for the Committee. An early response to this letter would be appreciated.

Yours faithfully



Presiding Member  
Firearms Review Committee

24/07/2014

PREM14D03932



Hon Jay Weatherill MP  
Premier of South Australia

Mr Bob Hamdorf  
Chairman  
Firearms Review Committee  
GPO Box 1539  
ADELAIDE SA 5001

Dear Mr Hamdorf

Thank you for your letter of 24 July 2014 to the Premier of South Australia, the Hon Jay Weatherill MP, about the Boards and Committees reform.

Your letter has been sent to the Minister for Police, the Hon Tony Piccolo MP, as he has been asked to provide advice to Cabinet on the future of your board or committee.

Should you have any queries about your letter, please contact the Minister's office on telephone 8463 6641.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jay Weatherill', written over a horizontal line.

**Premier's Correspondence Unit  
Office of the Premier**

31 July 2014

*cc: Office of the Hon Tony Piccolo MP, Minister for Police*