

**Senator BILYK:** Has the Attorney-General or the government consulted with the telecommunications industry regarding compliance with the new regime?

**Ms Chard:** Yes, extensively.

**Senator BILYK:** Extensively? How was that done?

**Ms Chard:** The department has engaged through the industry implementation working group, the IWG, which is a senior implementation industry group consisting of representatives from the department and from law enforcement and national security agencies as well as the telecommunications industry. The department has also attended a wide range of industry stakeholder forums. There has been quite substantial guidance material prepared that has been distributed to industry and published on the department's website. There have been emails that have gone out from the Communications Access Coordinator to industry groups, predominantly through the Telecommunications Industry Ombudsman. And we also have been managing a hotline where we have been fielding any inquiries from industry.

**Senator BILYK:** Is that hotline staffed from nine to five?

**Ms Chard:** It is staffed during normal business hours, yes.

**Senator BILYK:** How many calls have you had to it?

**Ms Chard:** I would have to take on notice the actual number of calls.

**Senator BILYK:** While you are doing that, maybe you could just take on notice where those consultations were held—

**Ms Chard:** Sure.

**Senator BILYK:** you said public consultations and things like that were held—as well as when the industry working group met and where?

**Ms Chard:** Yes.

**Mr Moraitis:** Yes.

**Senator BILYK:** You could? Thanks. What feedback has the government received from the industry on the implementation of the new regime?

**Ms Chard:** We have had quite positive feedback from industry in our engagement with them.

**Senator BILYK:** Can you just give me a bit more feedback than that—or not?

**Ms K Jones:** Obviously, in the work of the implementation task force, they are interacting every day with multiple representatives in the industry, and generally the feedback has been that they have found the advice and the assistance to be quite instructive, helpful and focused. We have as part of those engagements, though, received some questions that have helped us in further refining the advice and the guidance that we have provided. I think it has been a process where, by interacting with individual organisations as well as working through the representative groups—the Communications Alliance and others—we have continued to improve the materials and the information that we are providing to individual organisations.

**Senator BILYK:** Just quickly, if I can, Chair, I want to—

**CHAIR:** Your time is up. We can come back to you.

**Senator BILYK:** You can come back to me. There is only one more question.

**Senator McKENZIE:** I have some questions around the review of the national firearms agreement. I understand that the department has received over 500 submissions from stakeholders with respect to the review of the NFA. Those submissions closed on 13 August. Can you tell me what stage of the process we are up to at the moment and whether you are still receiving submissions?

**Mr Anderson:** That is not correct. We asked for submissions from 31 specific stakeholder groups. We have received, I believe, 20 as at about 22 September.

**Senator McKENZIE:** Is that 20 out of the 31 you requested as of the—

**Mr Anderson:** I think it was about 20 September.

**Senator McKENZIE:** So there was no public avenue for comment around the review of the NFA?

**Mr Anderson:** We have certainly received a wide range of emails, but there was no public call for submissions as such, no.

**Senator McKENZIE:** How many emails have you received from the public on this issue?

**Mr Anderson:** I would have to take that on notice.

**Senator McKENZIE:** When you take that on notice, could you also summarise the issues raised.

**Mr Anderson:** I am not sure that that is actually going to be possible. There are quite a wide range of views in the community on email. Some of the emails are fairly pithy and not necessarily well expressed in terms of English and grammar. Some of them are quite threatening. Some of them are more comprehensively argued. To try to summarise all of that range of views would take quite a lot of resources.

**Senator McKENZIE:** Are we talking tens of emails, hundreds or thousands?

**Mr Anderson:** We are talking hundreds of emails.

**Senator McKENZIE:** So, for the hundreds of Australians who have taken time to contact the department on both sides of the NFA review argument, you are not bothering to actually consider those views?

**Mr Anderson:** We have looked at the emails to see what sorts of views were expressed.

**Senator McKENZIE:** Good.

**Mr Anderson:** Some expressed views that involved threats to my staff, so we certainly had regard to those.

**Senator McKENZIE:** No, I appreciate what you are saying, Mr Anderson, but I am sure that hundreds of the emails would not have been threatening your staff. I assume that you have read—looked at, as you say—hundreds of these emails and that you or your staff would have some rounded view of some of the issues, the top five issues, raised within those emails.

**Mr Anderson:** We could come up with the top five issues.

**Senator McKENZIE:** Could you give me the top five and the number of emails you received?

**Mr Anderson:** Certainly.

**Senator McKENZIE:** That would be fantastic, thank you. Could you just walk me through the process of the review, then.

**Ms Smith:** Essentially, after the Martin Place review, there was a recommendation relevant to the review of the national firearms agreement. As a result of that, there is a group called the Firearms and Weapons Policy Working Group, of which I am the chair. We have coordinated a number of meetings just of the group to begin with to—

**Senator McKENZIE:** Who is on that group—sorry, Ms Smith—while we are at it?

**Ms Smith:** On that group are representatives from Queensland police and New South Wales Police as well as the New South Wales police ministry. We have Victoria Police. We also have the Victorian Department of Justice and Regulation. We have Tasmania Police. We have South Australia Police. We have Western Australia Police, Northern Territory police—

**Senator McKENZIE:** Excellent! You don't want to leave them out.

**Ms Smith:** ACT police and the Australian Federal Police. We have the Australian Crime Commission. We have CrimTrac, and we have the Attorney-General's Department.

**Senator McKENZIE:** Right! A lot of justice and a lot of police officers.

**Ms Smith:** Indeed. The group met on a number of occasions to work through the Martin Place recommendations, of which there were four relating to firearms, not just to do with the national firearms agreement. We then determined that it was appropriate to consult with a broad range of people who were associated with firearms associations as well as groups who were associated with gun control lobbies or law councils and suchlike, so we have had a series of meetings with those groups to talk about the kinds of issues where they see that there would be a benefit in arguably amending the NFA for technical elements of it, not the fundamentals of the agreement, and also any concerns that have been raised by their associations. Generally, the people who have come to those consultations represent many, many thousands of members, so they are bringing quite—

**Senator McKENZIE:** Hundreds of thousands—800,000 law-abiding firearm owners.

**Ms Smith:** We had many different associations attending.

**Senator McKENZIE:** And the gun control lobby.

**Ms Smith:** Each has different representation.

**Senator McKENZIE:** Just on notice, if you could outline the meetings—not minutes or anything but just who, when and where—that would be great. Are there recommendations that you are taking to your policy working group at any point? Around the review of the NFA, are there a set of recommendations? How does that all work?

**Ms Smith:** The policy group has to report to the minister, and each of the members has to report to its ministers, and then those ministers will come together at a LCCSC meeting.

**Senator McKENZIE:** When does that occur?

**Ms Smith:** I think it is 5 November, and that is prior to any recommendations being considered by COAG.

**Ms K Jones:** Can I add that there is one further step in that process. There is a National Justice and Policing Senior Officials Group, which is the key officials mechanism that provides advice through to the Law, Crime and Community Safety Council standing committee.

**Senator McKENZIE:** I need a schematic!

**Ms K Jones:** Yes, there are a lot of acronyms here. The NJPSOG is the group that brings senior leadership of law enforcement and justice agencies together to provide the advice through to ministers, and that organisation will be consulted at a session in relation to any recommendations before they get to the ministers.

**Senator McKENZIE:** So it is from there to there to ministers to COAG?

**Ms Smith:** Correct.

**Senator McKENZIE:** When are we going to COAG?

**Ms K Jones:** At this stage it would be our expectation that it will be the first COAG meeting in 2016 for consideration of recommendations around any amendments to the national firearms agreement.

**Senator McKENZIE:** So, for any recommendations put forward to COAG, is that a unanimous position or is it a majority position of COAG before they are implemented or the NFA is changed?

**Ms K Jones:** I will have to take that on notice. I think COAG generally operates by agreement, and the Law, Crime and Community Safety Council, I think, generally does as well. But I would need to specifically take that on notice.

**Senator McKENZIE:** Yes, if you could. For the final decision on recommendations coming out of that group and that group heading off to COAG, could you take on notice whether it is by consensus or there is a deliberative sort of process. I would appreciate that. I would also like, on notice, how many staff you have working on this particular review and what level and fraction of appointment they are.

Import permits for firearms and firearm parts for Australian police and military, on my advice, are taking an average of two to three months to process. Given the increased national security footing, does the department foresee shortening these processing times to better support our law enforcement and defence forces?

**Ms Smith:** Certainly. We get quite a lot of applications for permits, not just from law enforcement and the Defence Force, and there is quite a long process involved in considering them. It is not a matter of a rubber stamp or anything like that; we have to seek advice.

**Senator McKENZIE:** Hardly, on my advice.

**Ms Smith:** As a result of the resources taken, it does take time, but certainly I have put priorities in my branch to move those through a lot quicker. I am actually being a decision maker on a number of them to assist the other decision maker that we have in the branch to try to move those quicker.

**Senator McKENZIE:** What are your aims, Ms Smith? What do you want to get it down to?

**Ms Smith:** I do not have a particular aim. I would like to get rid of any backlog we have, and I would like to be satisfied that consideration of anything is done in appropriate time to allow proper consideration.

**Senator McKENZIE:** What is the backlog at the moment?

**Ms Smith:** I would have to take that on notice.

**Senator McKENZIE:** If you could take on notice the backlog and what your goal is over what time frame, that would be great.

One of the issues we heard about in the Senate inquiry into illicit firearms was how different jurisdictions had incredibly unique and sometimes uncoordinated ways of talking with each other. So, if I wanted to go duck shooting in New South Wales, for instance, or drive over the Nullarbor with my gun in the back to go shooting in WA, I could not actually be assured that I would be a law-abiding citizen all the way. We have some jurisdictions that are using paper based systems, that are losing pieces of paper. We can have absolutely no confidence in the data we are collecting. That was one of the main recommendations out of the inquiry. Ms Jones, you are nodding your head to that. I was astonished and astounded. That NFA has been around for a while and we still do not have a system where jurisdictions are talking to each other and where we can have any confidence about firearms

ownership and transfer and the integrity of the system. Do you have any comment to make about that and about some changes you might be looking at as part of the process to fix that?

**Ms K Jones:** I have participated in several of the meetings of the working group that Ms Smith has referenced. That is certainly one of the issues that has been raised by firearms association stakeholders that have attended those meetings. Certainly, in the course of ongoing discussion in the working group, we have raised that. We have raised issues around mutual recognition of permits and licences. I would say there are no easy solutions to that. It is one of the challenges of the Federation that each jurisdiction will commit different levels of resources in particular areas. It has certainly been a subject that we have looked at quite closely.

**Senator McKENZIE:** Is there a willingness by some jurisdictions to even admit that there might be an issue, that they need to move into the 21st century with record keeping?

**Ms Smith:** It might be worth noting that there are two other recommendations relevant to this very subject.

**Senator McKENZIE:** But this is the one I am interested in.

**Ms Smith:** Yes, and that is the prioritisation of the introduction of the National Firearms Interface and also conducting an urgent audit of firearms data holding. So there is no doubt that all of the states and territories have committed to those recommendations and are working towards how—you are quite correct that they all have very different holdings and they all talk about the need to have systems that talk to each other. So it has certainly been identified by all jurisdictions as a priority, and we are working together on those two recommendations.

**Senator McKENZIE:** Do we have a time line for an outcome?

**Ms Smith:** There is a time line, and I would prefer to take that on notice to make sure I do not get it wrong, especially as other agencies are involved.

**Senator McKENZIE:** Okay. Answers to questions on notice are due by 5 December.

**Ms Smith:** That is fine.

**Senator McKENZIE:** I am wondering whether you have looked at the Canadian and New Zealand systems. They also came up a lot. Rather than registering the firearm itself, you register the person as a fit and proper person.

**Ms Smith:** My team, who have been working with me on this, have looked at international models—

**Senator McKENZIE:** Because that is one of the gaps with us—you do not necessarily have to prove you are—

**Ms Smith:** I was just going to say that, as part of our consideration of all of this, we have taken in lots of different sources of information, including looking at the New Zealand and the Canadian models. I do not have the outcomes of that consideration, because we are still considering it all.

**Senator McKENZIE:** I want to quickly go to resources that Customs is using to inspect firearms at the border and get an understanding of whether you assess the economic impact of the way Customs officers are interacting with firearms dealers and importers.

**Mr Anderson:** You would have to direct those questions to the Department of Immigration and Border Protection.

**Senator McKENZIE:** Thank you.

[20:44]

**CHAIR:** We are dealing with outcome 3.

**Senator JACINTA COLLINS:** I understand that, in my absence, Senator Bilyk was going to ask questions in relation to Messrs Chan and Sukumaran, but we were told that that would be under outcome 3, so I will deal with those questions here now. In answers to questions put on notice at the last estimates, the AGD indicated that it was never open to the Attorney to seek the extradition of Messrs Chan and Sukumaran because it did not have the necessary assurances from the AFP and from the CDPP. Is that correct?

**Ms Hawkins:** How I would put it is that it is basically an operational question for the law enforcement and the prosecution authorities to work out whether or not they are going to issue an arrest warrant for someone and whether or not they are going to prosecute them. If there is an arrest warrant and there is an undertaking to prosecute, we would then be in a position to be able to consider making an extradition request.

**Senator JACINTA COLLINS:** And without those two things, you cannot?

**Ms Hawkins:** Correct.