

REPORT
OF THE
JOINT SELECT COMMITTEE
UPON
GUN LAW REFORM

15 OCTOBER, 1991

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1. MEMBERS OF THE COMMITTEE

James Alan Longley, B.Ec., M.Ec., F.C.P.A., S.P.T.C., M.P. (Chairman)

The Honourable Peter Thomas Anderson, M.P.

Kerry Anne Chikarovski, M.P.

Peter Lachlan Cochran, M.P.

The Honourable Ronald David Dyer, Dip. Law, Dip. Crim., M.L.C.

The Honourable Jennifer Ann Gardiner, B.Bus., M.L.C.

Geoffrey Stewart Irwin, Dip. Tech., Dip. Ed., M.P.

The Honourable Dorothy May Isaksen, M.L.C.

Malcolm John Kerr, M.P.

The Honourable Elisabeth Kirkby, M.L.C.

Clover Moore, M.P.

The Honourable Stephen Bruce Mutch, M.A., LL.B., M.L.C.

The Reverend The Honourable Frederick John Nile, E.D., L.Th., M.L.C.

The Honourable John Francis Ryan, B.A. (Hons), Dip. Ed., M.L.C.

2. FOREWORD

The Joint Select Committee Upon Gun Law Reform was established at a time when people and Governments across Australia were devastated by the tragic events at Strathfield when seven people lost their lives at the hands of a gunman who had access to a military style semi-automatic rifle.

The incident was the latest in a series of massacres which had occurred in Victoria and New South Wales in recent years and galvanised Governments across Australia into accelerating their examination of firearm laws and related violence issues, which had initially been the subject of a report by the National Committee on Violence.

The establishment and operation of the Joint Select Committee was also somewhat unique in that it proceeded to deliberate on the issues on a totally non-partisan basis. It is a credit to the members of the Committee that they were able to reach consensus decisions in respect of some of the most difficult and divisive issues ever faced by a Parliamentary Committee and it is hoped that the precedent set on this occasion can be applied in respect of other issues of major community concern.

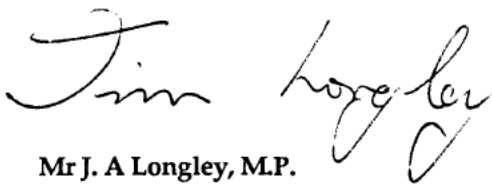
Because of the urgent need to develop recommendations for the Government to present at national forums, the Committee was given a bare four weeks in which to complete its report. During that four week period the Committee was inundated with submissions and information and discussion ranged across a wide spectrum of issues.

The Committee has attempted to provide a balanced set of recommendations aimed at achieving tangible results in reducing fear in the community from the misuse of firearms, which is the Committee's principal and overriding aim. At the same time, the Committee recognises that a reduction in the level of gun ownership in the community and a corresponding reduction in the incidence of violence, particularly domestic violence, involving firearms are, and must be, long term goals. Accordingly, the Committee's recommendations are also aimed at achieving cultural changes in the community towards the possession and use of firearms.

The Committee trusts that its contribution to debate on the question of firearm law reform will assist in achieving a safer society for all Australians.

Finally, the Committee wishes to record its sincere appreciation for the work done by the Staff of the Committee, our Advisers, Lindsay Le Compte and Neil Bridge, Secretary, Leslie Gonye and Researcher, Dean Sherringham. The input by all was of an exceptionally high standard given the extreme pressures placed on them to facilitate the work of the Committee.

We also wish to thank the staff of Hansard and other staff of the Parliament who assisted the Committee.

A handwritten signature in cursive script that reads "Jim Longley". The signature is written in black ink and is positioned above the printed name.

Mr J. A Longley, MP.
(Chairman)

3. TERMS OF REFERENCE

On Wednesday 11 September 1991, on a Notice of Motion by the Premier, the Honourable N F Greiner, MP, the Legislative Assembly resolved -

1. That a Joint Select Committee be appointed with the following terms of reference:
 - (1) To recommend to Parliament ways in which the current system of licensing shooters could be improved having regard to:
 - (a) the desirability of developing a two category shooters licence system in New South Wales as recommended by the New South Wales Commissioner of Police, Mr Tony Lauer, covering:
 - (i) Category 1 - non self-loading rifles; and
 - (ii) Category 2 - rim-fire self-loading rifles with restricted magazine capacity;
and
 - (b) the purposes, including "good reason" or "need to own" criteria, for which licences may be issued, having particular regard to primary producers, professional shooters and others with occupational needs and members of recognised shooting clubs and related organisations.
 - (2) Without limiting the generality of (1), to recommend:-
 - (a) whether the ban by the Commonwealth Government, pursuant to the Customs (Prohibited Imports) Regulations, on the importation of non-exempt self-loading centre-fire rifles should be extended to encompass all self-loading centre-fire rifles;
 - (b) as to the nature and method of enforcement of national bans on the sale, purchase or resale of those self-loading centre-fire rifles (including their Australian made

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- substitutes) of a kind as banned from importation into Australia;
- (c) action by which the Commonwealth, State and Territory Government may deal with prohibited firearms now in the community; and
 - (d) any other action necessary to reinforce responsible gun ownership and use on a national basis.
2. That the Committee shall consist of seven Members of the Legislative Assembly and seven Members of the Legislative Council.
3. Notwithstanding anything to the contrary in the Standing Orders of either House:
- (1) That Mr Longley, Mrs Chikarovski, Mr Kerr, Mr Cochran, Ms Moore, Mr Anderson and Mr Irwin be appointed to serve on such Committee as Members of the Legislative Assembly.
 - (2) The Legislative Council Members shall be:
 - (a) 3 Members supporting the Government nominated by the Leader of the Government in the Council; and
 - (b) 4 Members not supporting the Government, of which:
 - (i) 2 shall be nominated by the Leader of the Opposition in the Council;
 - (ii) 1 shall be Miss Kirkby; and
 - (iii) 1 shall be Revd Mr Nile
 - (3) The Committee shall elect as Chairman a Member of the Legislative Assembly appointed to the Committee as a supporter of the Government.

4. That at any meeting of the Committee any seven Members shall constitute a quorum, provided that the Committee shall meet as a Joint Committee at all times.
5. That the Committee have leave to sit during the sittings of any adjournment of either or both Houses; to adjourn from place to place within New South Wales; to have power to take evidence and send for persons and papers; and to report from time to time.
6. That should either or both Houses stand adjourned and the Committee agree to any report before the Houses resume sitting:
 - (1) the Committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the House;
 - (2) the documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the order of the House; and
 - (3) the documents shall be laid upon the Table of the House at its next sitting.
7. The Committee shall report to both Houses by no later than 15 October 1991."

Following agreement to this resolution in the Legislative Council on Thursday 12 September 1991, the Committee was established with the following membership:

The Honourable Peter Thomas Anderson, M.P.
Kerry Anne Chikarovski, M.P.
Peter Lachlan Cochran, M.P.
The Honourable Ronald David Dyer, Dip. Law, Dip. Crim., M.L.C.
The Honourable Jennifer Ann Gardiner, B.Bus., M.L.C.
Geoffrey Stewart Irwin, Dip. Tech., Dip. Ed., M.P.
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4. RECOMMENDATIONS

1. Domestic Violence

The Committee endorses the recommendations of the National Committee on Violence, insofar as they relate to the issue of domestic violence, and also the New South Wales Government's 'Statement of Principles' relating to domestic violence, and makes the following recommendations:

- 1.1 The following should apply upon the police being called to a domestic violence dispute:
 - 1.1.1 police should immediately ask whether there are any firearms at the premises;
 - 1.1.2 it shall be mandatory for police to confiscate all firearms found at the premises; and
 - 1.1.3 it shall be mandatory for police to suspend the firearm and/or shooters licence or permit of any person who is alleged to have threatened to commit, or committed, an offence involving domestic violence.
- 1.2 Where an Apprehended Violence Order has been made against a person the following shall apply:
 - 1.2.1 where the person is the holder of a current firearm and/or shooters licence or permit, the licence or permit shall be suspended with a view to action being taken to revoke the licence or permit; and
 - 1.2.2 the person shall be prohibited from obtaining or renewing any firearm and/or shooters licence or permit.

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- 1.3 Police be required to apply for an Apprehended Violence Order on behalf of a person who is a victim of domestic violence, except in those circumstances where the victim wishes to apply for the order or where the police consider there is 'good reason' not to apply for such an order. Where police consider there is 'good reason' not to apply for an order, the reasons are to be recorded on the occurrence pad at the nearest police station.
 - 1.4 The Commissioner of Police issue a Police Instruction to Patrol Commanders to report on a quarterly basis as to :
 - 1.4.1 the number of domestic violence call-outs applicable to that Patrol during the period;
 - 1.4.2 the number of domestic violence call-outs involving firearms; and
 - 1.4.3 information as to action taken in respect of each call-out.
 - 1.5 The Commissioner of Police issue a Police Instruction to police requesting them to be more proactive in dealing with domestic violence disputes.
 - 1.6 Police training and Police Instructions in respect of domestic violence issues be reviewed by the Commissioner of Police in conjunction with the New South Wales Domestic Violence Committee.
 - 1.7 The Commissioner of Police give special priority to the introduction within the Police Service of the proposed Police Computerised Operational Policing System (COPS).
 - 1.8 The Commissioner of Police and the New South Wales Domestic Violence Committee develop a multi-lingual community education program aimed at providing members of the community with information as to their rights and obligations regarding domestic and neighbourhood violence as well as the powers available to police in this context.

2. Mental Illness and Firearms Misuse

- 2.1 The Government should develop procedures, having regard to privacy issues, for the voluntary reporting to police by any person and, in particular, health professionals and community workers, of those people who would be likely to be dangerous to themselves and/or others if they have access, or continue to have access, to firearms.
- 2.2 The NSW Police Service introduce a formal system to follow up voluntary reports referred to in 2.1 and, following an investigation, if the person possesses firearms, police should remove the firearms pursuant to Section 35 of the Firearms Act 1989.
- 2.3 Persons acting in good faith in making voluntary reports referred to in 2.1 shall be indemnified against any action which may be brought against them.
- 2.4 The voluntary reporting scheme be promoted by a multi-lingual education program in the community and amongst associations of health professionals and other organisations to make them aware of their responsibilities.
- 2.5 As part of the voluntary reporting proposal in 2.1, action should also be taken to formulate a coordinated strategy, with equitable funding, to provide for early intervention and support to affected persons by mental health crisis teams and community workers in both urban and rural areas.

3. Licensing

3.1 The Committee endorses the proposal by the Commissioner of Police to reduce the current number of pistol licences and recommends that a shooters licence only be issued to a person who can establish a 'good reason' to possess or use the relevant category(s) of longarms. The following firearms owners shall be deemed to have good reason:

- 3.1.1 primary production
- 3.1.2 business or employment
- 3.1.3 collecting
- 3.1.4 sporting (members of approved shooting clubs)
- 3.1.5 vermin control
- 3.1.6 hunting
- 3.1.7 family heirlooms

Personal protection shall not be regarded as a good reason.

3.2 In considering applications for the various categories of firearm and/or shooters licences or permits (see 3.4), the Commissioner of Police shall satisfy himself that the good reason declared by an applicant for a particular category of licence or permit is directly relevant to the firepower necessary to meet that good reason. The Commissioner shall apply more stringent approval criteria to those categories of licences covering more powerful firearms.

3.3 The Prohibited Weapons Act 1989 be amended to provide that the Commissioner of Police, and not the Minister for Police and Emergency Services, shall be empowered to issue permits in respect of those prohibited weapons and articles listed in Schedule 1 to

the Act.

3.4 The following categories of shooters licence should apply :

3.4.1 Category 1

- air rifles
- single shot rim-fire rifles and other non centre-fire single shot rifles
- repeating rim-fire rifles
- single shot shotgun
- double barrel shotgun
- over and under shotgun

3.4.2 Category 2

- centre-fire single shot rifles
- centre-fire repeating rifles
- rim-fire self-loading rifles with a magazine capable of holding no more than 10 rounds

3.4.3 Category 3

- non military style centre-fire self-loading rifles with a magazine capable of holding no more than 5 rounds
- repeating shotguns, whether self-loading or pump action, with a magazine capable of holding no more than 5 rounds

3.4.4 Commissioner's Permit

- all firearms currently listed in Schedule 1 to the Prohibited Weapons Act 1989; and
- all firearms to be classified as Prohibited Weapons pursuant to Recommendation 5.

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- 3.5 Licences are to be renewable every five years and shall incorporate a current photograph of the licensee.
 - 3.6 Licence fees are to be calculated on a 'user-pays' basis.
 - 3.7 Applicants to provide information verifying applications on a basis similar to that required for '100 point check' of the Commonwealth Cash Transaction Reports Agency (CTRA).
 - 3.8 Where applicable, a licence applicant is to provide a driver's licence number when applying for a firearm and/or shooters licence or permit.
 - 3.9 The Government to give consideration to the difficulties raised by the Commissioner of Police in his submission to the Committee as to the procedure whereby the Commissioner satisfies himself as to the fitness of a person to hold a shooters licence (see 10.3.4).
 - 3.10 The provisions of section 25 (3) of the Act are to continue to apply.
 - 3.11 The existing provisions in the Firearms Act 1989, which empower minors between 10 years and 18 years of age to obtain a permit to shoot under the supervision of a licensed shooter are to remain except that, in addition, minors shall be required to successfully complete (at no cost) an approved firearms training and safety course prior to the issue of any permit.
 - 3.12 The Regulation under the Firearms Act 1989 be amended to provide that the exemption from the requirements of the Act, that a person be authorised by a licence or permit to possess or use a firearm, should only apply in the case of student police officers and employees of the Department of Corrective Services who use firearms for training purposes.
 - 3.13 The New South Wales Government should approach other Governments in Australia to give urgent priority to the establishment of a national Criminal Names Index.

4. Firearms Safety and Security

- 4.1 The existing Firearms Safety Awareness Course to include a requirement to undertake practical training in cleaning, field stripping, safety features, safe handling techniques and knowledge of firearm laws as essential prerequisites for issue of a licence, whether for pistols or longarms.
- 4.2 It shall be a condition precedent to the issue of a licence that, where firearms are to be located on residential premises, the licensee must provide secure locked storage for firearms and ammunition as follows :
- 4.2.1 bolt or firing mechanism to be stored separately from balance of firearm except where bolt or firing mechanism is unable to be separated from the firearm;
- 4.2.2 ammunition to be stored separately from components referred to in 4.2.1; or
- 4.2.3 to a standard of secure locked storage approved by the Commissioner of Police.
- 4.3 Standards Australia to be approached by the Commissioner of Police with a view to establishing a standard for firearm storage in residential premises.
- 4.4 Proposed storage shall be approved by police:
- 4.4.1 prior to the issue of an initial licence; or
- 4.4.2 on first renewal of a licence in respect of existing licence holders; or
- 4.4.3 police or other authorised officers may inspect storage at any time.
- 4.5 Penalty for non-compliance with storage requirements shall be mandatory seizure of firearms and disqualification of licence.

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- 4.6 The Commissioner of Police assess the feasibility of establishing non-residential storage facilities for firearms and report back to Government within 6 months.

5. Firearm Prohibition

The Committee endorses the prohibited import ban introduced by the Commonwealth Government, pursuant to the Customs (Prohibited Imports) Regulations and recommends as follows:

- 5.1 The prohibited import ban referred to above be extended to encompass all self-loading centre-fire rifles except as permitted under Category 3 or Commissioner's Permit (see recommendation 3.4).
- 5.2 Prohibition on sale, possession or use of :
- 5.2.1 all self-loading centre-fire rifles with a magazine capable of holding more than 5 rounds; and
 - 5.2.2 all repeating shotguns, whether self-loading or pump action, with a magazine capable of holding more than 5 rounds, subject to 5.3 below.
- 5.3 Prohibition in 5.2 not to apply in the following circumstances :
- 5.3.1 where sale, possession or use of a prohibited firearm is approved pursuant to a Commissioner's Permit;
 - 5.3.2 where the prohibited firearm is in the possession of a primary producer who possesses a Category 3 licence, that person may continue to possess and use the firearm, but is not empowered to sell or transfer it; or
 - 5.3.3 until expiry date of current shooters licence or 30 June 1994, whichever is the earlier.

6. Amnesty and Compensation

- 6.1 Permanent amnesty to apply in respect of all prohibited firearms handed in, except that the amnesty shall not apply where a person is found in possession of a prohibited firearm unless that person can prove that he or she was in the process of handing it in.
- 6.2 Persons who hand in firearms which have become prohibited pursuant to recommendation 5.2, may elect as follows :
- 6.2.1 to receive compensation for the firearm as assessed by a committee of experts; or
- 6.2.2 to receive a 10 year exemption from payment of licence fees in respect of any category of licence that they apply for and is issued to them.
- 6.3 Compensation should be met by New South Wales and the Commonwealth on a dollar for dollar basis.

7. Firearm Sale and Purchase

- 7.1 The sale or purchase of any firearm may only be made through a licensed firearms dealer, or a firearms club or association, approved by the Commissioner of Police for that purpose.
- 7.2 A person may only purchase a firearm, or ammunition for a firearm, which corresponds to the category of firearm which that person is licensed or permitted to possess.
- 7.3 At licence application and renewal, applicants shall be required to indicate the total number and type (s) of firearm in each licence category applicable to that person. The applicant's signature is to be witnessed by a police officer and the

application will be deemed a statutory declaration.

- 7.4 Details of firearms sold through dealers and approved firearms clubs or associations shall be forwarded to the Police Service Firearms Registry on a quarterly basis.
- 7.5 Australian manufacturers and importers of firearms are to provide details on a quarterly basis to the Police Service Firearms Registry of firearms forwarded to dealers, or to others, for sale within NSW.
- 7.6 Mail order purchase of firearms is to be prohibited.
- 7.7 It shall be an offence for a person to possess ammunition which does not match the calibre of firearm for which that person has a licence. The offence will not apply to recognised collectors of firearm ammunition.
- 7.8 Persons who are licensed to possess a firearm regarded as an heirloom shall not be entitled to purchase or possess ammunition which may be used in that firearm.
- 7.9 Importation or sale of publications which detail how to construct a firearm should be prohibited. This matter should be addressed by the Australian Police Ministers' Council (APMC).

8. Penalties

- 8.1 The penalty provisions under the Firearms Act 1989, for making false or misleading applications be amended by including, in addition to the current penalty of \$5000 or imprisonment for 2 years or both for summary conviction, a maximum penalty on conviction on indictment as follows:
- 8.1.1 imprisonment for 10 years where the false or misleading application relates to a pistol; or

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- 8.1.2 imprisonment for 5 years in respect of any other false or misleading application.
- 8.2 Where a person fails to notify the Commissioner of Police of a change of address, as required pursuant to a licence or permit, that person shall, on conviction:
- 8.2.1 be disqualified from holding a licence or permit for a period of 2 years; or
- 8.2.2 be disqualified from holding a licence or permit for the balance of the term of the person's current licence or permit,
- whichever is the longer.
- 8.3 Section 93G of the Crimes Act 1900 be amended to provide that it shall be an offence for a person to carry a firearm in a public place or in any other place in circumstances where, if it were loaded, it could be fired.
- 8.4 Section 93H of the Crimes Act 1900 be amended to provide that a person who enters any private property with a firearm, or fires that firearm on that property without the permission of the lawful owner or occupier, or without some other reasonable excuse, shall be guilty of an offence.

9. Miscellaneous

9.1 Crime Statistics

The Bureau of Crime Statistics and Research, in conjunction with other state agencies such as the Department of Corrective Services, Department of Courts Administration, Police Service, Department of Health and Community Services and NSW Domestic Violence Committee, formulate procedures to improve the collection and collation of statistical and other data relating to the use and misuse of firearms.

9.2 Future of the Joint Select Committee Upon Gun Law Reform

The Committee be reconvened, if considered appropriate by the Parliament, following consideration of gun law reform proposals at the Special Premiers' Conference to be held in November 1991.

5. GLOSSARY

5.1 Automatic

Firearm design that feeds cartridges, fires and ejects cartridge cases as long as the trigger is fully depressed and there are cartridges available in the feed system. Also called FULL AUTO and MACHINE GUN.

5.2 Bolt action

A firearm in which the breech closure is (1) in line with the bore at all times, (2) is manually loaded, unloaded and cocked, and (3) is locked in place by breech bolt lugs and engaging abutments usually in the receiver. There are two principal types of bolt actions: the turn bolt and the straight pull.

5.3 Cartridge

A single unit of ammunition consisting of the case, primer and propellant with or without one or more projectiles (that is a bullet, or a quantity of shot). Also applies to a shotshell.

5.4 Centre-fire

1. Any cartridge that has its primer central to the axis in the head of the case.
2. Firearms designed to fire such cartridges, which may include, for example, single shot, repeater and self-loading rifles.

5.5 Hand gun

A firearm designed to be held and fired with one hand.

5.6 Lever action

A design wherein the breech mechanism is cycled by an external lever generally below the receiver. Once used in rifles and shotguns, lever action rifles are still popular, but shotguns using this system are now collector's items.

5.7 Longarm (see Rifle)

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5.7 Longarm (see Rifle)

5.8 Pistol

A handgun in which the chamber is part of a barrel. Cartridges are fed into the chamber from a magazine by use of the pressure generated by the exploding gases of the previous round. In Australian law, any HANDGUN.

5.9 Pump Action

A firearm which features a movable forearm which is manually actuated in motion parallel to the barrel by the shooter. Forearm motion is transmitted to a breech bolt assembly which performs all the functions of the firing cycle assigned to it by the design. The action is prevalent in shotguns and .22 rim-fire rifles, and can also be used for centre-fire firearms. Also known as SLIDE ACTION.

5.10 Reloaded ammunition

A cartridge which has been reassembled with a new primer, powder, projectile (s) and/or other components (usually not at a munitions factory).

5.11 Repeater

Any firearm capable of firing more than one shot. By utilising a magazine, it does not require reloading with each cartridge.

5.12 Rifle

A firearm having rifling in the bore and designed to be fired from the shoulder. Also known as a LONGARM.

5.13 Rim-fire

1. A flange-headed cartridge containing the priming mixture inside the rim cavity.
2. Firearms designed to fire such cartridges.

5.14 Self-loading (Semi-automatic)

A rifle, shotgun or pistol that is loaded manually for the first round. Upon pulling the trigger the gun fires, ejects the fired case, cocks the firing mechanism and feeds the fresh round from the magazine. The trigger must be released between shots and must be activated for each round fired until the magazine is empty.

A “military style” self-loading centre-fire rifle is a rifle made for use by armies or militia and usually carries a magazine capable of holding more than 5, and up to 30, rounds of ammunition.

5.15 Shotgun

A smooth bore shoulder firearm designed to fire shot-shells containing numerous pellets or sometimes a single projectile.

5.16 Single shot

Is a firearm, either rifle, shotgun or pistol that does not have a magazine and is loaded with only one cartridge or shell. When the gun is discharged, a fire case is removed once a new cartridge or shell is placed manually in the chamber of the gun.

6. INTRODUCTION

6.1 The "Strathfield Tragedy" and Subsequent Events

On Saturday 17 August 1991, Wade John Frankum, a 33 year old man with no recorded convictions, stabbed to death one person and shot dead six other people at Strathfield Plaza shopping centre. He wounded several more people. He then shot himself dead. The incident precipitated widespread public debate in this State and, indeed, across Australia on the operation of gun laws.

The New South Wales Government responded immediately to the incident by placing a prohibition on the sale and possession (where the possession was taken on or after 19 August 1991) of all semi-automatic firearms of the type used by the gunman (the military style semi-automatic carbine, also known as the SKS or SKK rifle).

The Premier, Mr Greiner, wrote to the Prime Minister, Mr Hawke on 19 August 1991 supporting a proposal that gun controls be discussed at the Special Premiers' Conference scheduled for November 1991 and that the Australian Police Ministers Council meet on 23 October 1991 to formulate a report for the purposes of discussion at the Special Premiers' Conference meeting.

The Premier subsequently held discussions with the State Leader of the Opposition and representatives of the National Party, Australian Democrats, the Call to Australia group and the Independent Members of State Parliament, in order to develop a plan for the review of the State's gun laws on a non-partisan basis for the purpose of presenting a State position at the Australian Police Ministers Council meeting.

On 2 September 1991 the Government made further changes to the State's gun laws by suspending the issue and re-issue of shooters' licences until 1 January 1992, and by prohibiting from sale or transfer in New South Wales until 1 January 1992 all self-loading centre-fire rifles and self-loading shotguns with magazine capacity of more than five shells.

At the same time, the Government announced that it proposed to establish a Joint Select Committee of Parliament to formulate a non-partisan approach to gun law reform.

Also on 2 September 1991 the Prime Minister replied to the Premier confirming that gun controls would be discussed at the Special Premiers' Conference and that the Australian Police Ministers Council would meet on 23 October 1991 to formulate a report for the purposes of discussion at the Special Premiers' Conference meeting.

Mr Hawke also proposed that the Special Premiers' Conference should discuss the wider issue of violence in the community and that, in this regard, he had asked the Commonwealth Minister for Justice, Senator Tate, to review the Commonwealth's response to the recommendations of the 1990 report of the National Committee on Violence (NCV) entitled *Violence: Directions for Australia*. Mr Hawke suggested that all Governments should similarly review their response to the NCV's report.

The Joint Select Committee Upon Gun Law Reform was thus established in circumstances where consideration of major national issues was required within critical time constraints and in respect of which the New South Wales Government required legislative and administrative action to assist in the development of a national approach to the complex issues surrounding gun law reform.

6.2 Overview of the Committee's Operations

The Joint Select Committee held its first meeting on 13 September 1991, and elected Mr J Longley as Chairman.

At its first meeting the Committee formulated procedures for the operations of the Committee. The Committee has met subsequently on 8 occasions, including undertaking 2 inspections and visits. The average attendance at meetings has been 94%, which demonstrates a remarkable commitment by members of what is a Committee of substantial size (14 members) and in respect of the strict time frame within which the Committee was given to report.

The Committee's first step was to invite submissions. This was done by advertisements in the major newspapers circulating throughout New South Wales on the weekend of 14 and 15 September 1991. In addition, submissions were specifically sought from organisations and individuals with special knowledge of, or expertise in, firearms.

Two hundred and fifty seven submissions were received, again a remarkable result, given the extremely short period within which submissions were required to be forwarded to the Committee, and no doubt reflecting the very strong views held by members of the public on the vexed issue of firearms.

The Committee examined 25 witnesses, whose names are listed at the end of this report. While the Committee would have liked to have examined a wider range of witnesses if more time had been available, the need to report expeditiously required the Committee to limit the witnesses examined to major relevant interest groups, and experts in particular aspects of firearms and their use.

In the course of its investigations the Committee inspected the Forensic Ballistics Unit, Physical Evidence Section of the New South Wales Police Service, the New South Wales Gun Club at Terrey Hills and the New South Wales Firearms Safety Awareness Council Ltd premises, also at Terrey Hills.

As a result of the above visits the Committee viewed a large variety of firearms, and was able to see firearms being fired both at an open air firing range as well as at an indoor range. At the same time, the Committee was able to receive briefings by police firearms and ballistics experts and be taken through various firearms safety procedures.

6.3 Approach to Terms of Reference

The Committee is firmly of the view that meaningful reform in this most important area will only be achieved through the adoption by Governments across Australia of uniform firearms laws. The Committee is also of the view that the implementation of effective firearm laws will take time, and that an ordered and comprehensive approach is needed.

The Committee considers that in framing national legislation in this area Governments should regard the safety of the public in general as of paramount importance. The Committee believes very strongly in the need to reduce the fear in the community of death and violence involving firearms and considers that this can only be achieved on a long term basis through measures aimed at reducing the availability and misuse of firearms in the community.

While the Committee considers general public safety of paramount importance, it considers that any measures taken to achieve this must also include appropriate strategies aimed at reducing the general level of violence in the community, and particularly violence in the domestic context.

The Committee thus considers that Governments across Australia should work towards ensuring that only those persons with a legitimate need should be able to possess and use a firearm and, once obtained, should be required to use and store the firearm in as safe a manner as possible.

While the Committee was given terms of reference which basically provided it with an unfettered discretion in so far as the issues which it might address, the Committee has been mindful of the timeframe within which it has had to work and the need, as indicated above, to achieve national uniformity in the area. As a result, the Committee has concentrated its efforts in assessing those issues which it believes are common to all jurisdictions, although certain recommendations are made in respect of matters which may apply to New South Wales only. The Committee believes that New South Wales should now take the lead in addressing the important issues in this area both by legislative and administrative change in this State, and by promoting national change.

7. HISTORICAL BACKGROUND - NSW Firearms Legislation 1914-1986

The possession of firearms and promoting their responsible use has been a vexed question in New South Wales and, indeed, across Australia for a very long time. In order to understand the current legislative position in this State, and how it has been achieved, it is useful to consider the historical background behind the State's firearm laws.

7.1 Gun Licence Bill 1914

A Gun Licence Bill was introduced into the New South Wales Parliament in 1914. The object of the Bill was stated to be the reduction of the number of accidents resulting from the careless use of firearms and the consequent loss of life. The Bill provided for the regulation and licensing of the sale, hiring, carrying and use of firearms. However, Parliament was prorogued prior to the Bill being considered and it was not re-introduced.

7.2 The First Select Committee 1920

On 15 September 1920, the Legislative Council appointed a Select Committee on the Possession of Firearms to report on the dangers of concealed firearms and on how persons "required by their calling" to carry firearms might be authorised to do so.

The Committee heard from the then Inspector-General of Police who reported that between 1 January 1913 and 28 October 1920, 420 persons had died as a result of the criminal misuse of firearms in NSW, and a further 208 had died from the accidental discharge of firearms.

In its one-and-a half page Final Report, the Committee, moving somewhat beyond its original terms of reference, recommended that the possession of concealable firearms be prohibited; vendors (dealers) of firearms be licensed and all sales be registered; every weapon be stamped with a number by an appointed authority; firearms permits not be issued to persons under 14 years of age; persons permitted to possess a weapon make provision for its storage; and, that owners who voluntarily surrendered their pistols be repaid.

7.3 Gun Licence Act 1920

Following the release of the Select Committee's report, legislation was introduced to provide for the licensing of all shooters and the registering of all firearms. An applicant for a shooters' license was required to have a police officer verify that the applicant was over 16 years of age and was a "fit and proper person to hold a license".

The licence, lasting one year, was required for using, carrying or possessing a firearm, or for purchasing a firearm from a firearms dealer, who was also required to have a licence. No licence fee was charged in respect of persons who required firearms for the sole purpose of destroying noxious animals. A certificate of registration for each firearm was issued, for a fee, by a clerk of petty sessions. Police were provided with wide powers of enforcement under the legislation.

7.4 Pistol Licence Act 1927

Parliamentary debate at the time indicates that in requiring the registration of all firearms and the licensing of all shooters, the Gun Licence Act 1920 proved to be administratively unwieldy. It was repealed and replaced by the Pistol Licence Act 1927 which required that only concealable weapons be registered. Not only had the previous Act been difficult to administer, but apparently it was also unpopular with sections of the community. Concern was expressed in debate on the legislation at the time that the "man on the land" was overly restricted in using a firearm for destroying vermin, as were those persons wishing to use firearms for bona-fide and legal sporting purposes. The Pistol Licence Act 1927, therefore, re-enacted the provisions of the repealed Act of 1920 with regard to registration and licensing, but applied them only to pistols.

7.5 Firearms Act 1936

The principal aim of the Firearms Act 1936 was expressed as to ensure greater public safety. The Act continued to regulate and restrict concealable weapons (that is, pistols) but introduced certain other measures in relation to firearms generally, with public safety primarily in mind.

In this regard, the Act introduced measures to regulate and restrict the use of firearms and air guns by young persons; to make it an offence to knowingly supply a firearm or air gun to a person who was intoxicated or "of unsound mind"; and, created an offence for the discharging of firearms or air guns on private property without the consent of the owner. The Act made provision for children less than 14 years of age to be supervised by adults so as not to interfere with "the proper instruction of children in the use of firearms".

The Firearms Act 1936 also tightened the definition of what constituted a prohibited "pistol" so as to encompass weapons that had been altered to make them "concealable weapons".

7.6 Firearms Act 1946

Following the Second World War and the advent of more sophisticated weapons, the Firearms Act and the Crimes Act were amended in 1946 to increase the penalties for certain offences and to create a number of new offences. There was concern expressed in debate at the time at "the frequency with which firearms [were] being found" and it was therefore suggested that "the disparity between the penalties for [possession and carriage of firearms, in the "preparatory stage of an offence", for which the maximum penalty was two years imprisonment] and the penalties provided in the Crimes Act [for use of firearms, for example life imprisonment for shooting with intent to kill] was too great".

In the first instance, the penalties for many summary offences were increased, and at the same time new offences, punishable on indictment, were created under amendments to the Crimes Act.

7.7 Firearms and Dangerous Weapons Act 1973

The Firearms and Dangerous Weapons Act 1973 repealed the Pistol Licence Act 1927, and certain provisions of the Police Offences Act 1901, and the Crimes Act 1900, relating to firearms. The new legislation re-enacted those provisions relating to the regulation and registration of pistols and provided for the licensing of shooters (for the first time since the 1927 repeal of the Gun Licence Act 1920) who were over 18 years of age, to enable a check of all

persons carrying rifles or shotguns.

The Act created a range of licences:

- shooter's licences;
- pistol licences;
- antique pistol collector's licences;
- blank fire pistol licences; and,
- pistol dealer's licences.

A shooter's licence applied only to persons carrying or using a firearm in a public place. A licence was not required to possess a firearm on the property of which the person was the occupier or a guest. Dealers were required to be licensed and to maintain records of firearm transactions for police inspection.

An applicant for a shooters licence was required to satisfy police that he or she:

- was of good character and repute;
- was a fit and proper person to hold a shooters licence;
- could be trusted to have a firearm; and,
- could use and carry a firearm without danger to public safety.

At the time, the complete registration of all firearms was considered, but the Government of the day concluded that the magnitude of the task in terms of time and expense, precluded its implementation.

7.8 Firearms and Dangerous Weapons (Amendment) Act 1985

On 21 February 1985 the then Minister for Police and Emergency Services, Mr Anderson, introduced the Firearms and Dangerous Weapons (Amendment) Bill. In response to the Milperra "bikie" massacre in September 1984, the Government included registration of all firearms as part of its new Bill.

Those parts of the Firearms and Dangerous Weapons (Amendment) Act 1985 relating to shooters' licences came into effect on 1 July 1986. Major changes introduced by the Act were:

-
- a requirement that all shooters obtain a licence (previously, shooters did not have to be licensed if they possessed and used a firearm on private property);
 - a 14 day “cooling off” period between the application and issue of a licence;
 - a safety test for new applicants;
 - minors’ permits for persons aged 10 to 18 years were introduced to allow a minor to use a firearm while in the company of an adult; and,
 - a “good reason” requirement to obtain a shooter’s licence, with the proviso that a rural property owner, a member of an approved club, or a person engaged in a lawful business involving the use of firearms, was deemed to have a “good reason”.

Those parts of the Act relating to collectors licences commenced on 1 August 1986.

Registration was not introduced in 1986, pending computer enhancements. Registration was later deferred to 1988 apparently to give the Police Department time to develop forms and procedures.

8. RECENT EVENTS 1987-91

8.1 The 1987 Gun Summit

Following the "Hoddle Street Massacre" in Victoria on 9 August 1987, and the "Queen Street Massacre" (also in Victoria) on 8 December 1987, the then Premier of Victoria, Mr Cain, proposed a "gun summit" to discuss ways to limit the spread of weapons and reduce gun ownership. The "gun summit" was held on 22 December 1987, and was attended by the Prime Minister and most Premiers, including the then Premier of New South Wales.

The meeting identified a number of issues for the Australian Police Ministers Council to examine in order to develop a national approach to gun laws.

The meeting also decided to establish a Commonwealth/State committee to investigate the causes of violence in Australian society called the National Committee on Violence (the recommendations of which are discussed briefly below).

8.2 Firearms Regulations 1988

On 1 January 1988 the Unsworth Labor Government introduced a series of amendments to the Firearms and Dangerous Weapons Act 1973. The effects of those changes were:

8.2.1 *Firearms Amnesty*

An amnesty operated from 1 January 1988 to 29 February 1988 inclusive. During this period any weapons, including self loading rifles, could be surrendered at any police station.

8.2.2 *Prohibition Of Self-Loading Rifles*

All self-loading rifles were prohibited unless a Ministerial Permit was held. The maximum penalty for this offence was 10 years imprisonment.

Self-loading rifles could only be possessed for the purposes of surrendering the weapons

at a Police Station during the firearms amnesty. Persons surrendering self-loading rifles received fair compensation, only for the period of the firearms amnesty. The value of those rifles was determined by the Commissioner of Police following a recommendation from a valuation committee. Persons surrendering self-loading rifles were given a receipt for the weapon and a cheque was subsequently posted.

8.2.3 Firearms Licences

All new shooter's licences and renewals applied for were for one year only, and the annual fee for the licence was \$25. Existing fee exemptions continued to apply and three year licences were no longer issued.

A 28 day "cooling off" period applied to all shooter's licences. The Commissioner of Police advised that he would apply stricter requirements in determining whether a firearms licence would be granted.

8.2.4 Safekeeping of Firearms

All firearms were to be secured in a locked cabinet when not being carried or used. A penalty of \$1000 applied to this offence.

8.2.5 Interstate Shooters

Shooters from other States had to obtain a New South Wales shooter's licence or obtain the approval of the Commissioner of Police to shoot in New South Wales.

8.3 Police Requirements Under 1988 Regulations

The "stricter requirements" for the granting of licences, referred to in the above list, were set out in a letter sent by the Commissioner of Police to all existing licence holders. The context of the letter was essentially as follows:

8.3.1 General

All people making new applications and renewal applications since 1 January 1988,

were required to provide two written references from people who were not related to them and had known them for at least 12 months. Reference and licence application forms were available from local police stations.

Existing licences remained valid until the date of expiry, at which time the new requirements applied.

8.3.2 *New Licence Criteria*

Provided that the applicant could meet the character test, licences were issued to people falling into the following categories:

i. Occupational

People who were able to demonstrate that they require firearms for their employment were eligible to obtain a firearms licence. The following people were eligible:

- people engaged in primary production. This includes landowners, managers, employees and people engaged in primary production although not necessarily in receipt of income, e.g. the farmer's spouse or adult children
- professional shooters
- security industry employees
- other sundry occupations where the firearm is required, even if only occasionally (e.g. fishermen)
- people who are able to demonstrate that their income or part of their income is derived from or supplemented by an activity which requires the use of firearms.

ii. Sporting

People who were members of sporting organisations approved by the Commissioner of Police were eligible to obtain a firearms licence.

Organisations eligible for approval included:

- pistol clubs
- target shooting clubs
- hunting clubs

- other firearms clubs
- athletics clubs (blank fire pistols)
- sailing clubs and other sporting clubs which use blank fire pistols
- school sporting organisations which have a bona fide reason for the possession of firearms by members
- any other bona fide club whose members require firearms.

iii. Collecting

People seeking to collect firearms of some historical, cultural or personal interest were eligible to obtain a firearms licence provided that the firearms(s) were not to be used and the person satisfied the safekeeping requirements of the Commissioner of Police.

iv. Vermin Control

People wishing to shoot vermin would be eligible to obtain licences by producing a letter from a rural landholder (or manager) giving permission to shoot on the property. The landholder would have to indicate the nature of the property, the type of vermin and that shooting was an effective means of vermin control on this property.

Where the land is unleased Crown Land, permission would have to be obtained from the local office of the Department of Lands or Western Lands Commission.

Applicants would only be permitted to use the firearm for the purpose of vermin control. Upon subsequent licence renewal the applicant would have to prove that he/she had shot at vermin within the previous 12 months. A licence similar to a passport was issued which required the licensee to obtain certification from property owners, or managers that the licensee had shot at vermin

8.3.3 Documentary Evidence

Persons applying for licences would need to produce documentary evidence to support either an initial application or application for renewal as follows:

i. Occupational

An applicant would have to produce documentary evidence to demonstrate he/she was actively engaged in the occupation and/or business which would require the use of a

firearm. For example a security officer would have to produce a security licence before a shooters licence would be issued.

In the case of a primary producer, a rate notice or other documentation could be produced.

ii. Sporting

Applicants would have to provide a certificate or letter from a club stating that he/she:

- was an active member of the club;
- had been adequately trained in the safe use of firearms;
- could be trusted to safely own and to exercise personal and continuous control of a legal firearm.

iii. Vermin Control

Applicants would have to produce a letter from a rural property owner which authorised the applicant to shoot on the property, or from a local office of the Department of Lands or the Western Lands Commission, if the person wished to shoot at vermin on unleased vacant Crown land.

The property owner would have to indicate the nature of the property and the type of vermin that needed to be eradicated.

Only one written authority was required to support an application or renewal.

iv. Collectors

Genuine collectors were subject to full character checks, and like an applicant for a shooters licence were required to furnish two written references.

It was necessary for the applicant to satisfy the strict criteria indicating that they are bona fide collectors and the firearms would not be used.

Any person wishing to apply for a shooter's licence who did not come within the occupational, sporting or vermin control categories would be required to provide detailed information as to the reason and potential use to which the firearms may be put. A

compelling case would have to be made out before a licence would be issued having regard to the security and safety of the community in general.

8.4 Registration of Firearms 1988

On 1 March 1988 the then Labor Government introduced a scheme for the registration of all firearms. The scheme was to operate in conjunction with annual licence renewal.

Any person wishing to purchase a firearm was required to obtain a permit to purchase the firearm.

8.5 Australian Police Ministers' Council Eight-Point Plan 1988

At its meeting on 18 March 1988 (one day before the 1988 NSW Election) the Australian Police Ministers' Council agreed to an eight-point plan for the reform of gun laws in all States and Territories. The eight points were as follows:

1. A ban on all automatic and semi-automatic firearms.
2. Strict licensing of each person to possess a firearm.
3. Requirement to obtain a permit to purchase each firearm.
4. Registration of all firearms.
5. Restrictions on the sale of ammunition.
6. Restrictions on the availability of manuals relating to the construction of weapons.
7. Compensation and amnesty for the surrender of firearms.
8. Restrictions on the purchase of weapons through the mail.

The Committee understands that action taken by Governments across Australia to implement the above points has not been comprehensive.

8.6 New South Wales Government's Initial Response to the Eight Point Plan

The firearms laws introduced by the Labor Government were not fully supported by the Liberal/National Party Opposition and it is probably fair to say that they were strongly opposed by those members of the community who owned firearms.

The Coalition Government which came into office in March 1988 and commenced the introduction of amendments to the firearms laws made by the former Government.

8.7 Coalition Government's Legislation 1988-91 - The Current Law

On 1 December 1988 the Minister for Police and Emergency Services introduced the following Bills into Parliament:

- Firearms Bill
- Prohibited Weapons Bill
- Crimes (Firearms) Amendment Bill

The major consequences of this legislation were:

- the Firearms and Dangerous Weapons Act 1973 was repealed and replaced by a new legislative scheme;
- several serious firearms offences were transferred to the Crimes Act;
- maximum penalties for firearms offences were increased (eg possession of a longarm without a shooter's licence - \$5,000 and/or imprisonment for 5 years);
- registration could only be introduced in future by an amendment to the Act, not by Regulation;
- any person wishing to obtain a shooter's licence had to complete a Firearms Safety Awareness Course;

- lifetime licences were introduced;
- licence applications could now be returned if police believed the person was not fit and proper to have a licence; and
- licences could be suspended pending revocation action.

The legislation was subsequently passed with the support of the Opposition, the Call to Australia group, Independent members and with only the Australian Democrats dissenting. The legislation had been the subject of extensive consultation with peak organisations representing shooters whose general support had been received prior to the introduction of the legislation into Parliament.

On 1 July 1990 the Firearms Act and Regulation (except for that part relating to the Firearms Safety Awareness Course) commenced, as did the Crimes (Firearms) Amendment Act.

On 1 July 1991 that part of the Firearms Regulation relating to the Firearms Safety Awareness Course commenced. At the same time, the New South Wales Shooting Association issued a booklet, entitled "Handbook on NSW State Firearms Laws and a Guide to Firearms Safety Awareness Rules" with a foreword by the Minister for Police and Emergency Services. The booklet contained the following overview of current New South Wales firearms laws :

"There are three pieces of legislation which affect the control and use of firearms in New South Wales. These are:

8.7.1 Firearms Act 1989 and Regulation 1990

This Act provides the means for regulating the lawful possession and use of pistols, rifles, shotguns and other firearms (excluding prohibited weapons).

8.7.2 Prohibited Weapons Act 1989 and Regulation 1990

This Act prohibits the possession of certain dangerous firearms as well as other dangerous weapons and articles as described in Schedule 1 to the Act or as defined in Clause 3(1) of the Regulation or any article declared by the Regulation to be prohibited.

8.7.3 Crimes (Firearms) Amendment Act 1989

This Act transfers a number of serious firearms offences and other provisions from the

former Firearms and Dangerous Weapons Act 1973 to the Crimes Act.

The primary aim of the new legislation, as expressed by the Minister for Police and Emergency Services was to enhance the control of firearms in the community through the introduction of legislation which is tough but workable.

The separate Firearms Act and Prohibited Weapons Act identified the difference between the regulation of legitimate firearms, the need for stricter controls and the imposition of substantial penalties for weapons which are prohibited.

8.7.4 Penalties

The maximum penalties for most offences involving firearms have been substantially increased to act as a deterrent to illegal or irresponsible use of firearms within New South Wales.

8.7.5 Safety Awareness Course

All new applicants for a Shooters' Licence must complete an approved firearms safety awareness course which involves an examination on the rules and guidelines for firearms safety, as well as a firearms law knowledge test, prior to applying for a shooters' licence. The examination is a simple multiple choice test similar to that given when persons apply for a drivers' licence.

This course is conducted by the N.S.W. Firearms Safety Awareness Council Ltd and is designed to give guidance in the safe handling of firearms and ensure a basic knowledge of the laws pertaining to the use of firearms.

A fee of \$50.00 is charged for the course. This fee does not go to the Government but is divided between the local gun club or association which will conduct the course/test and the N.S.W. Firearms Safety Awareness Council Ltd. The monies collected will be used by the Council in developing and promoting shooting sports in New South Wales and at Commonwealth Games, Olympic Games and international shooting competitions.

8.7.6 "Cooling Off" Period

All applicants for shooters' licences are subject to a 28-day "cooling off" period from the

day on which the application is lodged at a police station. The Commissioner will not issue a licence until that period expires.

8.7.7 Safekeeping of Firearms

Persons who possess a firearm or a spare barrel for a firearm are required to take all reasonable precautions to ensure its safekeeping.

8.7.8 Refusal to Issue Licence

The Commissioner of Police may refuse to issue a shooter's licence where he does not believe that it would be in the public interest. Such factors will include previous criminal history and assessments by local Police of the person's character and fitness to own and/or use firearms.

8.7.9 Suspension of Licence

The Commissioner of Police also has the power to suspend a firearms licence for a period of up to 28 days if a member of the New South Wales Police Service believes that there may be grounds for revoking the licence. When a firearms licence is suspended the person concerned will be required to give the Commissioner of Police reason why the licence should not be revoked."

8.8 Report of the National Committee on Violence

As mentioned earlier, the 1987 "gun summit" agreed to establish a Commonwealth-State committee to investigate the causes of violence in Australian society.

The Committee, called the National Committee on Violence (NCV), subsequently completed its report in January 1990. The report contained 138 recommendations, though many of the recommendations contained sub-recommendations, making a total of around 170 proposals altogether. The New South Wales Government has been liaising with a working group which is monitoring the implementation of the report and has, in fact, indicated its support for a vast majority of the recommendations of which many have already been implemented.

The NCV noted that nearly 700 Australians die each year from gunshot wounds and formed

the conclusion that “the availability of firearms increases the risk of violent death, both accidental and deliberate”. The NCV took the view that “firearm ownership is a privilege, not a right” and made the following recommendations on gun control:

Recommendation 54

All Governments should take appropriate action to minimise death and injury arising from the accidental or intentional use of firearms by:

- 54.1 The enactment of uniform legislation throughout Australia to regulate the acquisition and possession of firearms.
- 54.2 The introduction, through the Australian Police Ministers Council, of uniform guidelines for all Australian police forces in the enforcement of firearms legislation.
- 54.3 The development of a national gun control strategy aimed at:
- reducing the number of firearms in Australian society
 - preventing access to those weapons by individuals who are not fit and proper persons, such as those who have been convicted of violent crime or who have demonstrated a propensity for violence.

Recommendation 55.

The Federal Government should undertake the following action:

- 55.1 Military weapons: sales of surplus military weapons should be prohibited to prevent their use in Australia. The importation of military-style weapons for use other than by law enforcement officers or defence force personnel should be prohibited. The Federal Government should provide a generic statement to specify what firearms are importable.
- 55.2 Mail order firearms: if the Federal Government has the constitutional power, the sale of mail order firearms should be prohibited. If it does not have such powers, and in the absence of uniform State and Territory licensing laws, the mail order sales of firearms should be restricted by using, for example, legislation relating to dangerous goods.

55.3 Rifle clubs established under the Defence Act should be brought under the ambit of State and Territory licensing and registration requirements.

Recommendation 56

The Federal Government should use its corporations power under the Constitution, as well as its powers to regulate trade and commerce, and imports, in furtherance of a national gun control strategy.

Recommendation 57

The State and Territory Governments should undertake the following action:

- 57.1 Prohibition of all automatic long arms and certain types of ammunition.
- 57.2 Restriction of semi-automatic long arms to individuals with a specific need.
- 57.3 Restriction of sales of ammunition by licensed gun shops only to licensed individuals only, for personal use of a specific firearm.
- 57.4 Registration: all firearms should be registered in a computerised national firearms registry.
- 57.5 Licensing ownership or possession of a firearm to be restricted to those possessing a valid licence. The prerequisites for obtaining a shooter's licence should be those in existing legislation, together with the following:
- must be over the age of 18 years;
 - limited to fit and proper persons with good reason;
 - a 28 day cooling-off period between application and grant of the licence, during which time appropriate checks can be made;
 - training, competence and safety consciousness must be demonstrated to the licensing authority;
 - hand gun licences should be restricted to authorised security personnel and members of pistol clubs, with weapons stored on the premises.

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- 57.6 Security: mandatory measures to be introduced for the safe-keeping of all weapons in an inoperable condition in secure storage, both by individuals and businesses, with appropriate penalties for non-compliance.
- 57.7 Seizure: in the event of a licensed owner giving reason to believe that he/she is no longer a fit and proper person, for example, by using the weapon in a threatening way, there should be provision for mandatory seizure of all firearms in his/her possession.
- 57.8 Restrictions on private sales: all sales of firearms, including second-hand sales, to be made through licensed gun dealers, and any change of registered owner should be notified through the proposed registration mechanisms referred to in (57.4) above.
- 57.9 Amnesties: a permanent amnesty for the surrender of unauthorised firearms should be implemented, with conditions similar to those provided in the temporary amnesties which have been introduced from time to time in various jurisdictions.

Recommendation 58

The use of a firearms in the commission of a crime should be regarded as an aggravating circumstance by sentencing authorities.

Recommendation 66

Police should have adequate powers to seize, and should in fact seize, any firearms or other weapons which may be present at the scene of an assault.

8.9 The Positive Generic Statement on Prohibited Imports 1990

At a meeting of the Australian Police Ministers Council in November 1990, the Commonwealth Minister for Justice, Senator Tate, sought the endorsement of all Police Ministers to a Commonwealth proposal to ban the import of military style semi-automatic rifles into Australia. All Ministers, except the New South Wales Minister, endorsed this

proposal.

The Positive Generic Statement was drawn up in response to item 1 on the APMC's eight-point plan and the NCV report (see above). The aim of the Statement was to ban from importation into Australia all firearms not on a list, in particular, military-style self-loading centre-fire rifles. The Statement **approved** the importation of :

“self-loading centre-fire rifles and self-loading or pump action repeating shotguns fitted with a detachable magazine with a maximum capacity of five rounds of ammunition, or a fixed integral magazine”

but prohibited from importation any

“rifle or shotgun that is fitted with a readily detachable or folding stock whether by design or modification, or a self-loading centre-fire rifle or carbine that has been issued or used by a military authority or militia or substantially duplicates those weapons by design, function and/or appearance”.

The Commonwealth introduced an amendment to the Customs (Prohibited Imports) Regulations in December 1990 to give effect to Senator Tate's proposal.

The NSW Minister for Police and Emergency Services, Mr Pickering did not support the terms of the Generic Statement as it applied to self-loading centre-fire rifles.

The Committee noted that Mr Pickering's objection to the prohibition on “military style” self-loading centre-fire rifles was based on the following:

- the prohibition on importation of military style self-loading centre-fire rifles would not prevent the importation of any other style of self-loading centre-fire rifle;
- the prohibition would not prevent the manufacture of self-loading centre-fire rifles in Australia.

9. OVERVIEW OF GUN OWNERSHIP AND USE

9.1 Overview of Research

The overseas research which has been brought to the attention of the Committee included Ziming's study of Chicago Police Crime statistics in the late 1960's entitled "Is gun control likely to reduce violent killings?", Lester's study of firearm death rates in European countries called "Crime as Opportunity" and Cook's study of gun related crimes in the United States in the 1970's called "The influence of gun availability on violent crime patterns". Whilst they may differ in methodology and content these studies made a number of common conclusions. They indicated that:

- whilst attack with a gun is the least most common form of crime against the person, it is the most likely to result in the death of the victim;
- guns are of concern because they are frequently associated with the most serious forms of criminal behaviour;
- the overwhelming number of homicides and assaults with firearms occur in domestic situations, and where the victim knows the perpetrator;
- certain crime rates, particularly murder and armed robbery, are related to the availability of guns;
- the consumption of alcohol is a frequent accessory to the commission of gun related crimes.

9.2 Overview of Australian Jurisdictions

9.2.1 *Gun Ownership*

From Figures 1 and 2 below, it can be seen that almost 80% of all Australian households are free of firearms. The breakdown of gun ownership according to regions, furthermore, illustrates that there is a distinct difference in the rates of gun

ownership between Australian households in the capital cities and elsewhere (non-metropolitan areas) in each of the respective States. The proportion of households with guns is appreciably greater in the non-metropolitan regions of Australia compared with the capital cities.

With regard to NSW, it would appear that in this State there is a smaller proportion of households with guns than in any other State. Of the capital cities, Sydney has the lowest proportion of households with guns in Australia with a rate of about 6%, compared with almost 15% in Melbourne.

A survey of gun ownership by the Australian Institute of Criminology indicated that a gun can be found in 20% of Australian households. This places Australia in a mid range rate of gun ownership. The Australian rate is well below that of the United States of America where as many as 48% of households have a gun, and also lower than the rates of ownership in countries such as Finland (25%), Canada (30%). However, the Australian rate is higher than gun ownership rates in Great Britain (5%) and New Zealand.

9.2.2 *Licensed Shooters*

It would appear from Table 1 below that, apart from Queensland and Tasmania which currently license only pistol shooters, New South Wales has the lowest rate of licensed shooters per head of population. The rates in both Western Australia and South Australia are almost double that found in NSW, whilst the Victorian rate of licensed shooters per head is about one and a half times the rate in this State. (Comparison of the rate of registered firearms between the States is more difficult due to the variations across the various jurisdictions).

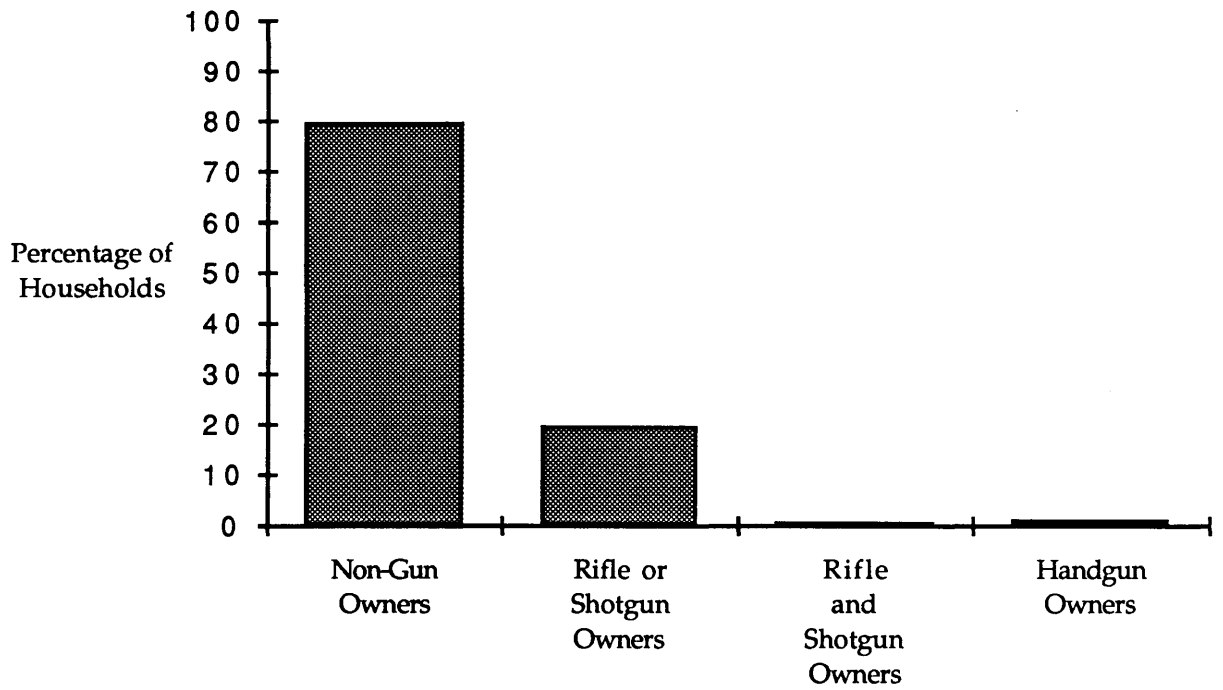
9.2.3 *Homicide*

From the 1989 figures of the rate of gun murders in each of the States in Figure 3, Western Australia, followed closely by South Australia, showed the lowest gun murder rates. Of the remaining States, the NSW gun murder rate was next lowest, whilst Queensland, Victoria, Tasmania and the Northern Territory (the latter two having small samples and liable to yearly variation) had higher rates than the figure in NSW.

9.2.4 *Suicide*

The comparison of gun suicides in each of the States in 1989 in Figure 3 indicates that Western Australia, Victoria and New South Wales had the lowest rates per head of population, with Tasmania and the Northern Territory showing the highest gun suicide rates.

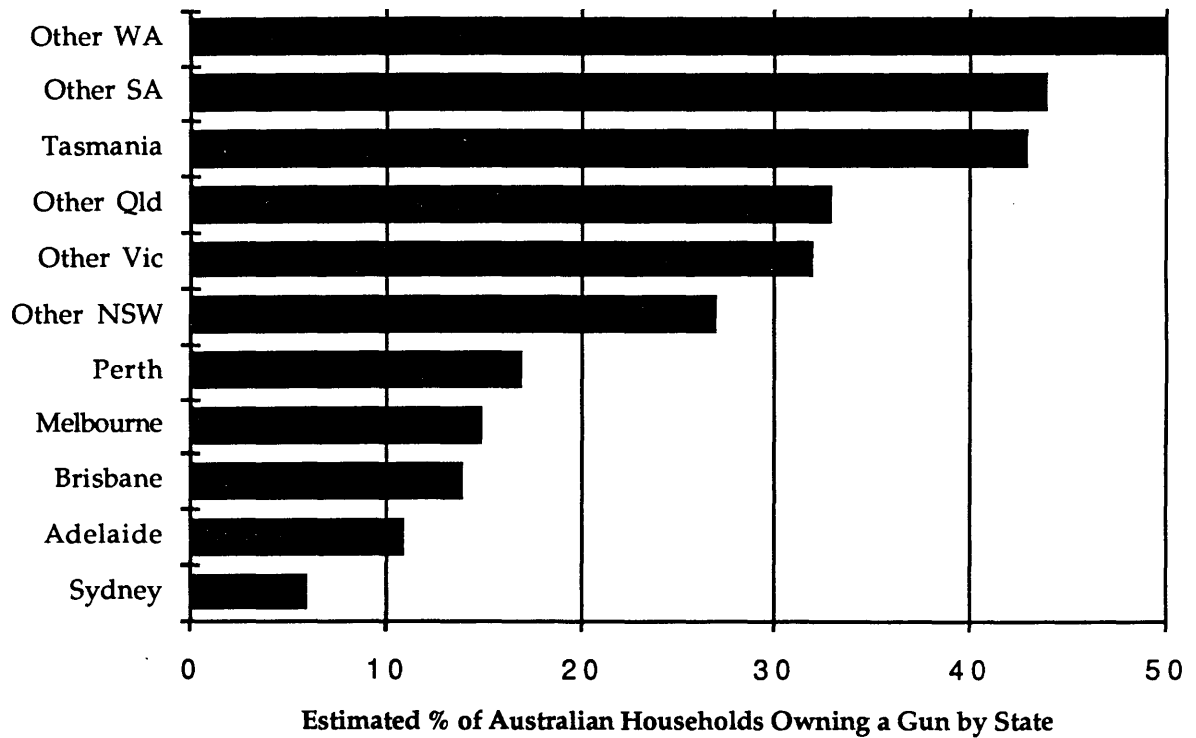
Figure 1 : EXTENT OF GUN OWNERSHIP IN AUSTRALIA



Note : Figures quoted are estimates, with a confidence range of 95%.

Source : International Crime Survey (1989) quoted in AIC (1991)

Figure 2 : ESTIMATED GUN OWNERSHIP IN AUSTRALIA



Note : 'Other' refers to households outside the metropolitan area of each state.

Source : International Crime Survey (1989) quoted in AIC (1991)

Table 1 : Licensed Shooters and Registered Weapons per 100 Adults in Australian States and Territories

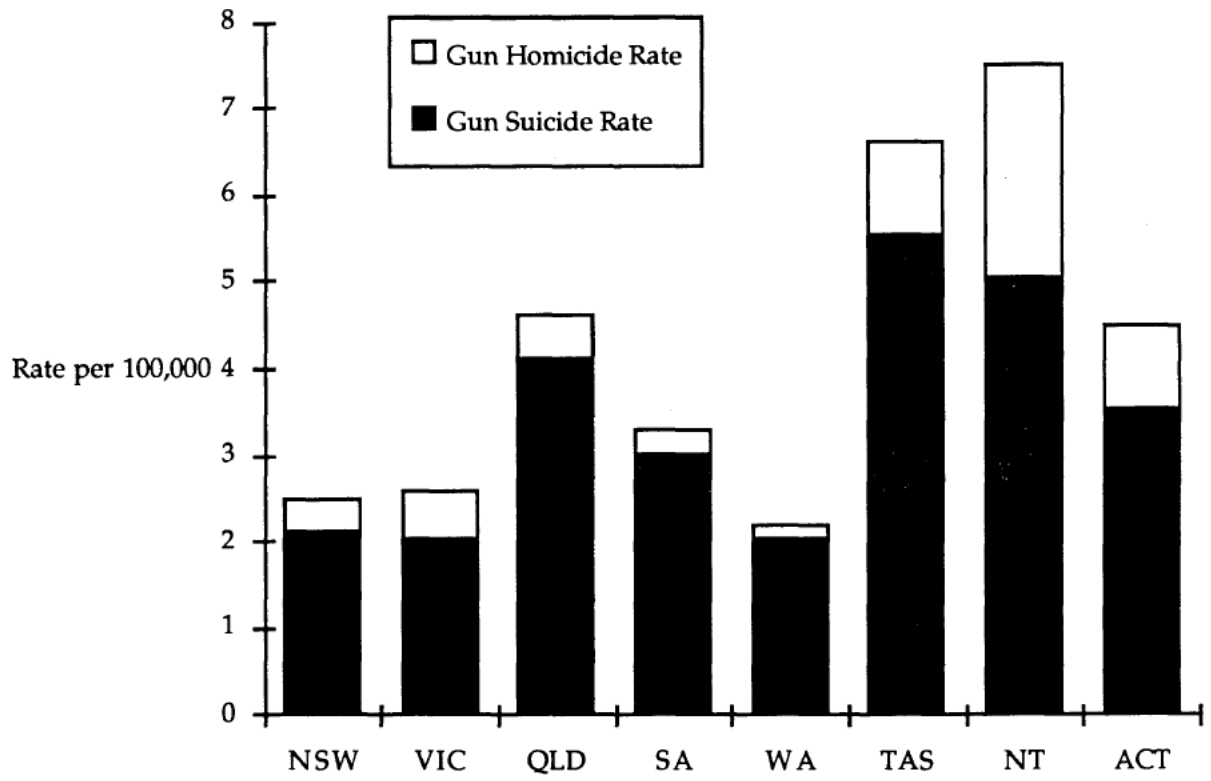
State/Territory	Licensed Shooters	Licensed Firearms
NSW	5.5	1.5 ¹
VICTORIA	8.0	21.0
QUEENSLAND	2.0 ²	1.5 ¹
WESTERN AUSTRALIA	9.0	25.0
SOUTH AUSTRALIA	10.5	31.0
TASMANIA	1.0 ²	2.5 ¹
NORTHERN TERRITORY	17.0	34.0
ACT	5.5	13.0

¹ Only Pistols are Registered in this Jurisdiction

² Only Pistol Shooters Require a Licence in this Jurisdiction

Source : AIC (1991)

Figure 3 : GUN AND SUICIDE RATES IN AUSTRALIA 1989



Source : AIC (1991)

9.3 New South Wales

The Committee examined various statistical publications of the New South Wales Bureau of Crime Statistics and Research in an effort to assess whether any trends have developed in recent times relating to the use of firearms.

9.3.1 *Gun and Knife Attacks*

In 1982 the Bureau prepared a report relating to gun and knife attacks in an attempt to predict some of the probable consequences of stricter gun control using the best available statistical information.

The report makes a number of findings, based on homicide data available in 1972, including:

- It would appear a reasonable assumption that the absence of firearms would result in a great many more knife attacks and a substantially greater number of attacks involving punching and kicking. This appears to be borne out by recent crime trends (see Table)
- Not all gun attacks have the appearance of being clearly calculated attempts to kill someone. This is especially borne out by the tendency not to use the multiple shot capacity of the weapon and by the location of gun shot wounds. In the study undertaken by the Bureau "there has simply been no evidence that attacks in earnest are much more common with guns than with knives".
- In the circumstances, it is difficult to avoid the conclusion that the then (1972) 2.7 times greater fatality rate in gun attacks reflects the deadliness of the weapon and not just the destructive intent of the user. Furthermore, since a substantial proportion of homicides in New South Wales occur in situations of emotional conflict, the unavailability (or relative inaccessibility) of guns could be expected to diminish the number of homicides.
- Even where a gun is used in a fatal assault, the destructive intent of the attacker is not always as clear as the choice of weapon would seem to imply. For example,

only one in three (35.7 per cent) of the victims of fatal gun attacks in New South Wales (compared with 30 per cent in Chicago) were wounded by more than one shot. A single shot weapon was used in five of the twenty-eight fatal gun shot cases in New South Wales and the multiple shot capacity of the remaining weapons is known to have been exhausted in only one case. However, it should be noted that the evidence on this point was unclear in six cases.

9.3.2 Homicide

In 1986, the Bureau published "Homicide - The Social Reality" by Alison Wallace. This report details the results of Wallace's analysis of homicides reported to police in New South Wales between 1968 and 1981.

In 1987 the Bureau updated the report by Wallace to include the years 1982 to 1986.

Briefly, the study collected information about all offences initially classified as murder, conspiracy to murder, manslaughter and infanticide. Manslaughter was excluded from the homicide category for the purposes of the study on the basis that deaths in this manner are events in which there was no element of inter-personal contact or friction and generally resulted from train, car or air accidents.

The study included all homicides which were recorded in the New South Wales police homicide files between 1968 and 1986. The new data collected from the period 1982 and 1986 was integrated with files of Wallace's 1968 - 1981 data to allow trend analysis of the full nineteen year period.

The major findings from Wallace's report appear below.

- *Most homicide victims are killed by members of their families (43%), by friends or acquaintances (20%) and a minority are killed by strangers (18%).*

Amongst 'family killings' the largest group was spouse killings - most of these were husbands killing their wives. Females were much more likely to have been killed by a member of their own family than were men.

- *Domestic violence was an important factor in many homicides.*

Almost one quarter of homicides were spouse killings, and there was evidence of previous domestic violence in around half of these killings. Where women killed their husbands the level of previous violence was even higher (70%). More than half of the women who killed husbands acted in response to an immediate threat or attack.

Including cases where people were killed while intervening in domestic disputes, almost one third of homicides were related to marital conflict.

One third of husbands who killed wives were separated from them at the time. In an additional 13 % of cases, they were in the process of separation.

- *Guns were the most frequently used weapon.*

Guns were used more often than any other weapon (34.7%) (although this was not the case in the last three years when homicides involving knives have been higher). The rate of gun homicides was 60 per cent higher in rural areas than urban areas. The use of guns varied with the type of homicide. It was twice as high in cases where murder was coupled with suicide.

- *Family killings were higher in rural areas.*

Overall the rate of homicide in urban and rural areas was the same. The rate of family killings however, was significantly higher in rural areas. Family killings in rural areas were much more likely to involve guns.

- *Homicide occurs at a lesser rate than suicide.*

The rate of homicide (2.2 per 100,000 population) is less than that of other violent deaths. The rate of fatal traffic accidents (29.4) is eleven times greater, suicide (10.0) is five times greater, and the death rate due to industrial accidents (5.0) is twice as high.

-
- *Homicide offenders are not typically mentally ill, nor do they have criminal records for serious violent offences.*

The incidence of mental illness among homicide offenders is not higher than in the population in general, according to the evidence examined by the study. Few of the offenders had a criminal record involving a serious violent offence (6.5%). Research shows that homicide offenders are less likely to re-offend than are other violent offenders.

- *Most children were killed by family members (85%).*

Many of these killings occurred in the context of murder-suicides (1/3). Relatively few children were killed by strangers (4.7%). The greatest majority of the children killed were aged five years or less. Females were responsible for 55 % of the child killings and males for 45 %. Children were killed in a variety of circumstances but the biggest group was battered children (36.6%).

- *One in seven homicides involved suicide (or the attempt).*

The incident of murder-suicide was greater amongst the higher socio-economic groups. Of professional or managerial offenders, 21% were suicidal, compared with 12% of the skilled offenders and 6% of the unskilled.

The majority of murder-suicides were committed within the family (78%). The predominant type was that of men killing spouses or partners. Men who committed murder-suicide frequently killed their wives and also their children. Women were more likely to kill only their children.

- *Homicides outside the family.*

Most of these (76.5%) involved interpersonal conflicts occurring around hotels and clubs, between neighbours or in disputes between lovers and rivals. A minority involved homicides committed in the course of other crimes such as robbery or sexual assault, or in the attempt to avoid arrest.

- *The rate of homicide over the last sixty years.*

There has been no dramatic increase in the N.S.W. homicide rate over recent decades. By comparison the homicide rate in the United States almost doubled between 1960 and 1980.

- *Gender Differences*

Unlike other aspects of homicide, the figures show that there is little difference in the types of weapons used to kill both sexes. That is, both male and female victims were more likely to be killed by a gun than any other single means (males, 35.5 %; females, 35.1%). Slightly more females were bashed or strangled than males than females were knifed to death (males, 21.5%; females, 19.5 %). Other differences between the sexes were equally small.

Sex differences are more pronounced when the weapon used or the method employed to kill is assessed. Almost one third (31.3%) of male suspects used a gun compared to one in five female suspects (20.5%). Men were also more likely than women to bash or strangle their victims (males, 27.6 %; females, 19.4 %). Although 18.7 % of male suspects utilised a knife in the homicide, this was the weapon of choice of 26.9 % of female suspects.

9.3.3 Coroners Statistics for the Years 1988-90 (see Table 2)

Within this area an examination was undertaken of deaths in the following categories - homicides, suicides, domestic accidents, sporting and recreational accidents and other general accidents where deaths occurred and firearms were involved.

Table 2: NSW CORONERS STATISTICS 1988-90

	1988		1989		1990	
All Coronial Cases	No.	%	No.	%	No.	%
• Shooting	161	2.6	143	2.5	131	2.2
• Hanging	151	2.4	146	2.5	172	2.8
• Drowning	136	2.2	170	2.9	159	2.6
Homicides						
• Shooting	33	28.9	18	19.1	20	16.8
• Stabbing	24	21.1	19	20.2	27	22.7
• Assault	28	24.6	33	35.1	39	32.8
Suicides						
• Shooting	120	18	117	19.6	105	16.7
• Hanging	147	22	135	22.6	157	24.9
• Gassing	113	16.9	128	21.4	122	19.4
Domestic Accidents						
• Shooting	1	0.7	1	0.8	1	0.7
• Hanging	1	0.7	1	0.8	2	1.5
• Drowning	27	17.9	23	17.8	28	20.6
Sporting and Recreational						
• Shooting	3	3.5	1	0.9	1	0.9
• Drowning	57	67.1	74	65.5	69	61.1
Other Accidents						
• Shooting	5	1.2	3	2.2	1	0.7
• Killed by train	19	4.6	25	18.7	28	20.6

In all categories (except domestic accidents where there was no change) deaths involving firearms have fallen. For example, the number of homicides involving firearms fell from 33 in 1988 to 20 in 1990. The number of suicides involving firearms fell from 120 in 1988 to 105 in 1990. Overall, deaths involving firearms fell from 161 in 1988 to 131 in 1990.

At the same time, homicides involving knives increased slightly from 24 in 1988 to 27 in 1990 while homicides as a result of assault increased from 28 in 1988 to 39 in 1990.

Accurate statistics for previous years are not available because they have not been collected on a Statewide basis in the past. Although the figures show falls in the use of guns and a rise in the use of knives, the figures still need to be treated with caution as one incident (eg a Strathfield tragedy) can skew the statistics while other incidents (eg a series of knife murders), may also affect other statistics or perceived trends. In real terms, the level of deaths has not changed greatly across the board for many years.

9.3.4 *Armed Hold-Up Statistics for the Years 1982-83 to 1989-90 (see Table 3)*

The Bureau prepared statistics on the number of armed hold-up offences recorded between 1982 and 1990. The figures indicate that the number of armed hold-ups where a firearm was involved fell from 1733 in the 1982-83 year to 832 in the 1989-90 year. While this seems to be a substantial fall, close examination of the figures indicates that those for 1982-83 appear to be an aberration when compared with the figures since that time, which average a fairly consistent rate.

At the same time, the armed hold-up rate where a weapon other than a firearm was used increased from 641 to 1276 over the same period.

It is understood that the decrease in armed hold-ups involving firearms may be a direct result of more effective security undertaken by financial institutions.

Also, it cannot be said that bank robbers have turned to other types of armed robbery. The increase in this area is more likely to be related to the increase in drug abuse.

9.3.5 *Assault Statistics for the Years 1982-83 to 1989-90 (see Table 3)*

The substantial increase in the armed hold-up rate where a weapon other than a firearm was used led to an examination of the number of recorded assaults.

The statistics for serious assaults indicate an increase from 1664 in 1982-83 to 4769 in 1989-90 while the recorded incidence for all other assaults increased from 6401 in 1982-83 to 21132 in 1989-90.

While at first glance the statistics appear to demonstrate a substantial increase in this area, it is now known that the figures are unreliable for at least two reasons:

1. The community has been encouraged to report assaults and has taken this up.
2. The most recent Australian Bureau of Statistics national household survey indicates that the incidence of assault has fallen slightly in recent years.

The above demonstrates to some degree the danger of relying on statistics in all circumstances.

OFFENCE TRENDS, NSW, 1982/83 – 1989/90

RATE OF RECORDED OFFENCES PER 100,000 POPULATION

<i>Offence type</i>	<i>82/83</i>	<i>83/84</i>	<i>84/85</i>	<i>85/86</i>	<i>86/87</i>	<i>87/88</i>	<i>88/89</i>	<i>89/90</i>
Robbery – no weapon	37.6	37.4	36.0	30.1	37.3	38.7	41.6	44.2
Armed hold-up								
Robbery with a firearm	32.5	22.1	20.3	15.5	16.4	17.8	16.5	14.4
Robbery with a weapon not firearm	12.0	9.8	12.5	15.4	16.7	19.5	19.7	22.0
Total	44.6	31.9	32.8	30.9	33.1	37.2	36.2	36.4
Demand money/extortion								
Demand money with menaces	6.8	5.0	4.7	5.0	4.0	4.0	4.4	5.4
Extortion/blackmail	0.1	0.2	0.3	0.1	0.0	0.1	0.1	0.1
Total	6.8	5.2	5.0	5.1	4.0	4.1	4.5	5.4
Assault – serious	31.2	34.6	38.1	51.6	67.5	74.2	81.3	82.3
Assault – other	120.1	151.3	166.8	202.6	246.6	292.6	348.2	364.5
Murder – actual	1.8	1.7	2.0	1.8	1.8	1.8	1.5	1.5
Murder – attempt	0.9	1.3	0.9	2.4	1.8	1.6	1.7	1.1
Other homicide offences								
Murder accessory/conspiracy	0.1	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Manslaughter (not motoring)	0.5	0.2	0.3	0.2	0.2	0.4	0.6	0.2
Manslaughter (motoring)	0.2	0.2	0.4	1.0	0.9	0.8	0.7	0.3
Total	0.7	0.5	0.7	1.3	1.3	1.3	1.4	0.6

9.3.6 *Accidental Shootings*

In 1975 the Bureau, together with the Police Department's Ballistics Unit, produced a report of statistics relating to accidental shootings. No other reports of this nature have been able to be located in the time available for research.

The report indicates that between July 1973 and June 1974 a total of 136 firearm accidents were reported to the Police. In almost every case (96 per cent) the person handling the gun was a male and in three cases out of every five (58.9 per cent) he was less than twenty years of age. One case in every five involved a child who was less than fifteen years.

The age distribution of those injured in firearm accidents closely resembled the age pattern of the shooters. Six out of ten were under 20 years and one in four was less than 15 years old. Seven of the victims were under 10 years of age. All but 10 were males.

Apart from the fact that the shooters were in the company of people of the same age at the time of the accidents, the similarity of the two age distributions is attributable to one other major factor. In more than two cases out of five (42.6%) the shooters fell victims to their own weapons - they shot themselves.

At the time the report was compiled, the Bureau noted that it did not have reliable information about the ages of those who own or use guns in Australia.

In any event, the Bureau noted that age may be a less important factor in the occurrence of accidents than the individual's experience of handling guns. In this respect, the Bureau found that in three cases out of ten (29.4%) the shooter was said to have had less than a year's experience in the use of weapons. For seven people the acquaintance with firearms was measured in terms of just a few weeks.

As the report notes, the data available related to one year only and this limits the ability to draw reliable conclusions about age and experience which might otherwise be drawn.

However, the report does provide useful information from a demographic viewpoint For

example, shooters living in "country" areas (5.78 accidents per 100,000 population) and Newcastle (5.47/100,000) were more than five times as likely as those resident in Sydney (1.06/100,000) to be responsible for firearm casualties, (Wollongong had an accident rate of 3.1 per 100,000 population). These differences in rates probably reflect the distribution of firearms throughout the State.

In terms of the types of weapons involved, the report indicates that the self-loading or automatic rifle was responsible for more firearm fatalities during the survey period than any other type of firearm, seven out of ten (69.1%) of the weapons involved in accidental shootings were rifles and two-thirds of the weapons were of .22 calibre.

The report indicates that the investigating police nominated what they considered to be the main "cause" of the accidents. The report indicates that these can be reduced to two categories:

1. accidents attributable to the lack of skill and experience of the shooter
2. accidents which might befall even experienced shooters.

The report concludes that three out of every four accidents could be attributed to the inexperience or lack of basic gun knowledge of the shooter with the proportion being even higher (82%) if persons had kept the safety catch on until ready to fire.

9.4 Discussion of Research

Despite the research referred to earlier, it does not automatically follow that high levels of gun ownership result in similarly high levels of homicide or suicide. As illustrated in Figure 4 for example, gun ownership in Switzerland is very high (29%) due to the requirements of national defence, but it has a gun homicide rate much lower than Australia, even though its rate of gun homicide is almost equivalent to that of Australia. Nevertheless, the level of gun ownership is likely to be an important contributing factor. It is apparent that in countries where gun ownership is high, there is a trend towards a higher level of gun homicide.

This trend has some support from Australian statistics. In those States where gun ownership

is higher there tends to be a higher level of gun suicide (see Figure 5). There is however, some difficulty in the comparison of figures across Australian States, because not all States register all weapons or require all shooters to be licensed, as the accompanying tables show. Consequently a full range of statistics is not available.

9.5 Conclusion

The Committee considers that the above evidence demonstrates quite clearly that the inherent deadliness of firearms, coupled with circumstances where they are easily accessible, must lead to a higher incidence of death and injury occurring where firearms are more readily available.

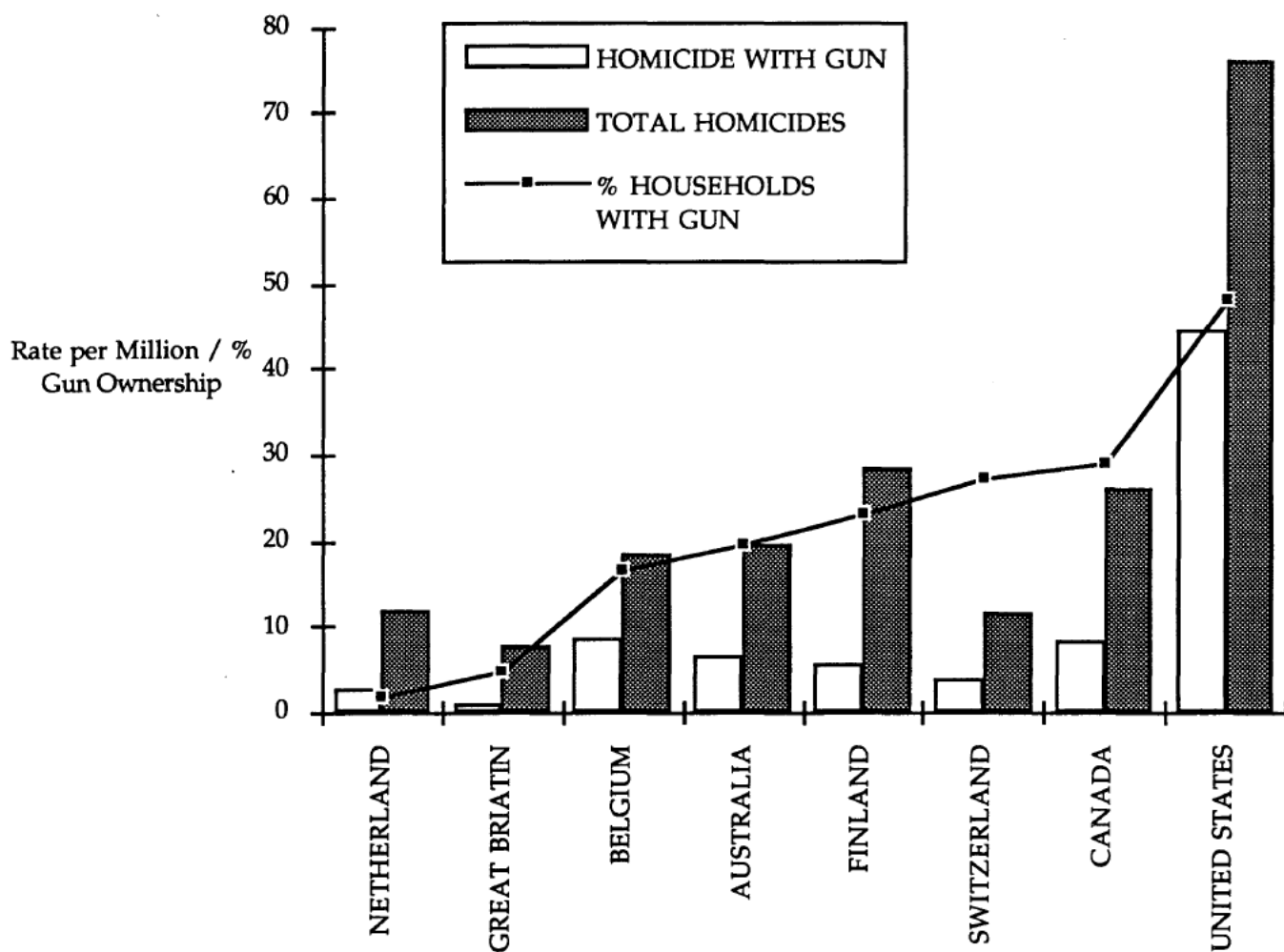
The Committee fully endorses the terms of recommendation 54 in the report of the National Committee on Violence, namely:

Recommendation 54

All Governments should take appropriate action to minimise death and injury arising from the accidental or intentional use of firearms by:

- 54.1 The enactment of uniform legislation throughout Australia to regulate the acquisition and possession of firearms.
- 54.2 The introduction, through the Australian Police Ministers Council, of uniform guidelines for all Australian police forces in the enforcement of firearms legislation.
- 54.3 The development of a national gun control strategy aimed at:
 - reducing the number of firearms in Australian society
 - preventing access to those weapons by individuals who are not fit and proper persons, such as those who have been convicted of violent crime or who have demonstrated a propensity for violence.

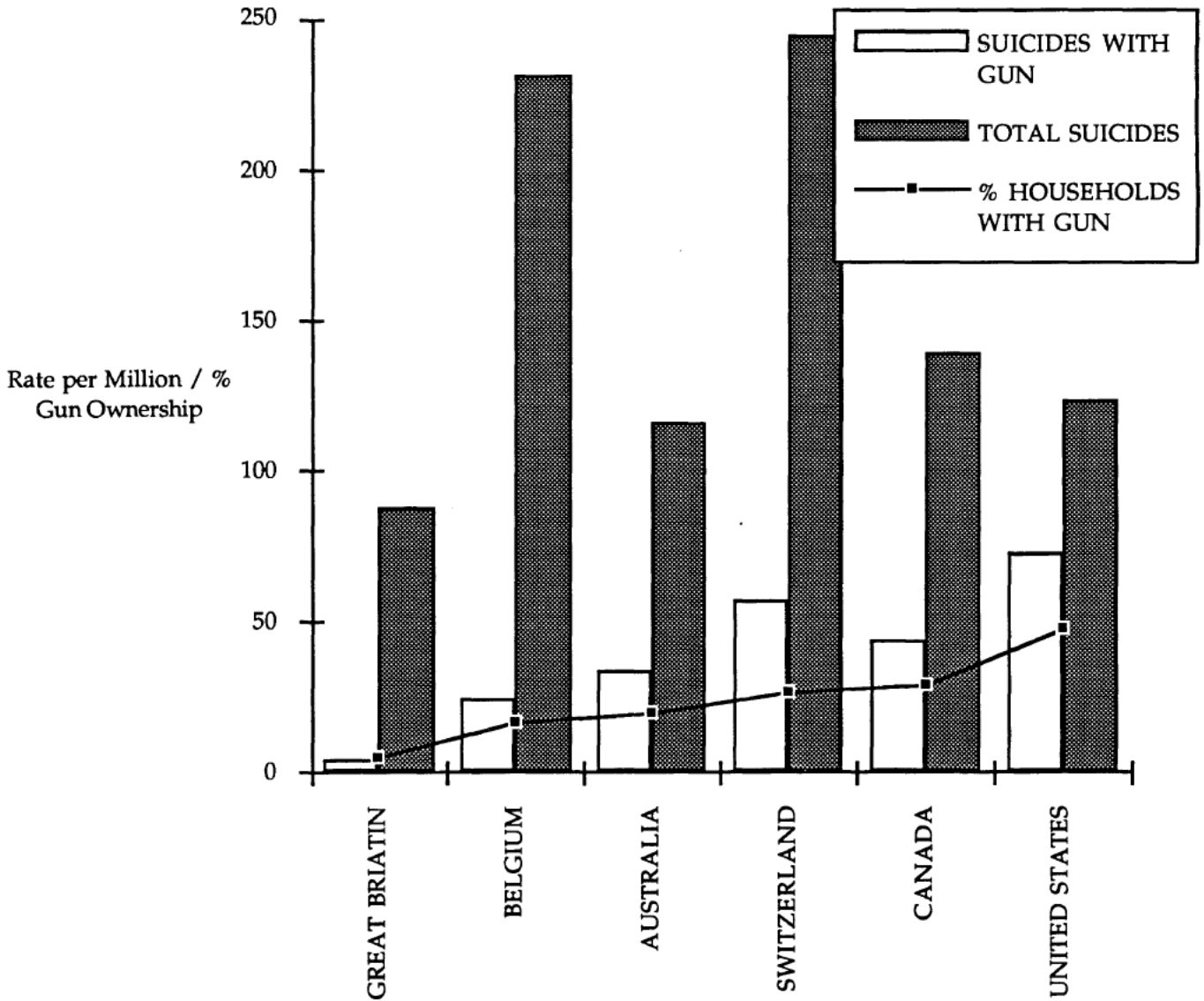
Figure 4 : INTERNATIONAL COMPARISON OF GUN OWNERSHIP AND HOMICIDE RATES 1989



Source : Killias (1990) "Gun Ownership, Homicide and Suicide : An International Perspective". Reserach note presented at the 12th International Meeting of Forensic Sciences, Adelaide 1990.

Data source is the International Crime Survey (1989).

Figure 5 : INTERNATIONAL COMPARISON OF GUN OWNERSHIP AND SUICIDE RATES 1989



Source : Killias (1990) "Gun Ownership, Homicide and Suicide : An International Perspective". Reserach note presented at the 12th International Meeting of Forensic Sciences, Adelaide 1990.

Data source is the International Crime Survey (1989).

10. FINDINGS

10.1 Domestic Violence

10.1.1 Overview

As indicated earlier in the report, the Committee has limited its examination of issues to what it regards as the principal reforms required to achieve nationally uniform firearms laws.

For the above reason, and also because it is not strictly linked to the Committee's terms of reference, the Committee has not attempted to address the wider issue of violence in the community although some submissions made to the Committee, and evidence given before it, did seek to address such issues as the extent and availability of violent and pornographic videos and literature, and the effect of alcohol and related matters which are argued as having either a causative or facilitating effect on the level of violence in the community.

The Committee is aware that the above issues have been addressed in other forums such as the report of the National Committee on Violence, which the Committee understands may be considered at the November 1991 Special Premiers' Conference. In light of this, and because of the time limitations faced by the Committee, the Committee has not examined these wider and important issues.

While the Committee has decided not to address the wider underlying issues behind violence in the community, the National Committee on Violence (NCV) made one recommendation which particularly relates to the work of the Committee.

Recommendation 66 in the NCV report envisages that the Police should automatically seize any firearms present at the scene of a domestic violence assault.

The above recommendation was endorsed by the Ministerial Council on the Status of Women at its conference in Melbourne on 27 September 1991. The Ministerial Council also agreed that the following issues should be addressed by Governments:

-
- mandatory confiscation by police of licensed and unlicensed firearms at the time of service of domestic violence protection orders;
 - mandatory suspension of firearm and/or shooters licence upon the issue of a protection order;
 - prohibition against renewal of firearms and/or shooters licences to respondents of protection orders or other violent offenders.
 - there should be mandatory seizure of firearms when Police attend a domestic violence call.

10.1.2 Position in New South Wales

New South Wales has been at the forefront of legislative action to assist the victims of domestic violence. The Crimes Act 1900 was amended in 1987 and again in 1989 to include a special Part dealing with the making of orders to restrain domestic violence.

Section 562B of the Crimes Act empowers a Court to make an apprehended violence order if it is satisfied on the balance of probabilities that a person has reasonable grounds to fear and in fact fears:

- the commission by another person of personal violence against the person; or,
- the engagement of another person in conduct amounting to harassment or molestation of the person, being conduct that, in the opinion of the court, is sufficient to warrant the making of the order.

Conduct may amount to harassment or molestation of a person even though it does not involve actual or threatened violence to the person or it consists only of actual or threatened damage to property belonging to, in the possession of, or used by, the person.

An application for a domestic violence order may only be made by a person for whose protection the order would be made or by a member of the police force and the order may

impose such prohibitions or restrictions on the behaviour of the defendant as appear necessary or desirable to the court, including a requirement that the defendant dispose of firearms in the defendant's possession and that the defendant surrender any firearm licence or permit to the Commissioner of Police.

In addition, Section 35 of the Firearms Act 1989 empowers the police to suspend a firearm licence after service of a notice on a person stating the reasons for the suspension and requesting the person to provide reasons why the licence should not be revoked. The Committee was advised that there have been approximately 200 licence suspensions since the legislation commenced and in evidence before the Committee the Commissioner of Police indicated that he was hopeful that the Police would be able to improve their work in this area.

In evidence before the Committee, Ms J Woodruff, Chairperson of the New South Wales Domestic Violence Committee, indicated to the effect that the response of the NSW Police Service in the area of domestic violence had been most encouraging, although she stated that, in her opinion, there were still some difficulties being experienced including:

- Police do not appear to seek information about firearms from persons involved in domestic violence matters.
- Police have only infrequently taken action following breaches of apprehended violence orders.
- Police have been reluctant to take out apprehended violence orders on behalf of women.

Ms Woodruff also supported the mandatory seizure of firearms by police when attending a domestic violence call.

Ms Woodruff advised the Committee that, while accurate statistics were not available, a significant proportion of police "call-outs" related to domestic violence and at least 15% of these involved the use of a firearm in an actual, threatening or intimidating manner. Ms Woodruff also advised the Committee that many women were unaware of their rights regarding domestic violence or were unable, because of physical or emotional pressure from the offender, to take the necessary action to deal with the problem.

In response to questions asked by the Committee in evidence before it, the NSW Commissioner of Police said that the police should continue to exercise a discretion, when confronted with a domestic violence situation, on the basis that the officer should be able to have the flexibility to always act in the interests of the victim.

It seems that the Commissioner was concerned that seizure of an offender's firearm may inflame the situation in some circumstances, although he conceded that the removal of the firearm could also be likely to cause less risk to a domestic violence victim in the event of a serious attack.

The Commissioner also advised the Committee of the difficult position in which Police were placed when dealing with new or transient residents in their patrols in that they are currently unable to compile adequate case histories involving domestic violence, except in those cases where apprehended violence orders are made. However, the Commissioner indicated that action was in train to rectify this problem through the introduction of a new Computerised Operational Policing System (COPS) which would enable Police to gain speedy access to necessary information.

In April 1991 the NSW Government released a "Statement of Principles" relating to domestic violence, a summary of which is as follows:

- women and children have a right to live safely and free of fear within their own homes;
- domestic violence is a range of abusive behaviours, perpetrated by one partner upon the other to gain and maintain control;
- domestic violence damages the well-being and future life chances of women and children;
- domestic violence occurs across all cultural and socio-economic groups;
- domestic violence is a phenomenon based in and perpetuated by existing societal conditions and social relations which reflect gender inequality and promote male power;

-
- domestic violence is perpetrated by men in an overwhelming majority of cases (95% of reported cases);
 - acts of domestic violence and its consequences are the sole responsibility of the perpetrator;
 - domestic assault is a crime;
 - the safety and ongoing protection of women and children who have experienced or are experiencing domestic violence are paramount considerations in any response;
 - essential to any response are early identification, appropriate intervention and long-term solutions to provide for the well-being and life chances of women and children who have experienced domestic violence;
 - language and cultural needs of women of non-English speaking background and Aboriginal women must be considered in any response;
 - education and programs to promote gender equality are required to redress community apathy towards and tolerance of domestic violence;
 - any response to domestic violence requires a consistent planned approach across all sectors of the community and at all levels of Government;
 - all services which respond to domestic violence will adopt policies, procedures, programs and training in accordance with the above principles.

The Committee fully endorses the principles set out in the Statement and regards the safety of women and children involved in domestic violence disputes as being of paramount importance, particularly where firearms are involved. The Committee considers that the police should take a more positive approach to domestic violence and that action be taken to ensure the early seizure of firearms available for, or used in, domestic violence disputes.

10.1.3 Recommendations - Domestic Violence

The Committee endorses the recommendations of the National Committee on Violence, insofar as they relate to the issue of domestic violence, and also the New South Wales Government's 'Statement of Principles' relating to domestic violence, and makes the following recommendations:

1. The following should apply upon the police being called to a domestic violence dispute:
 - 1.1 police should immediately ask whether there are any firearms at the premises;
 - 1.2 it shall be mandatory for police to confiscate all firearms found at the premises; and
 - 1.3 it shall be mandatory for police to suspend the firearm and/or shooters licence or permit of any person who is alleged to have threatened to commit, or committed, an offence involving domestic violence.
2. Where an Apprehended Violence Order has been made against a person the following shall apply:
 - 2.1 where the person is the holder of a current firearm and/or shooters licence or permit, the licence or permit shall be suspended with a view to action being taken to revoke the licence or permit; and
 - 2.2 the person shall be prohibited from obtaining or renewing any firearm and/or shooters licence or permit.
3. Police be required to apply for an Apprehended Violence Order on behalf of a person who is a victim of domestic violence, except in those circumstances where the victim wishes to apply for the order or where the police consider there is 'good reason' not to apply for such an order. Where police consider there is 'good reason' not to apply for an

order, the reasons are to be recorded on the occurrence pad at the nearest police station.

4. The Commissioner of Police issue a Police Instruction to Patrol Commanders to report on a quarterly basis as to :
 - 4.1 the number of domestic violence call-outs applicable to that Patrol during the period;
 - 4.2 the number of domestic violence call-outs involving firearms; and
 - 4.3 information as to action taken in respect of each call-out.
5. The Commissioner of Police issue a Police Instruction to police requesting them to be more proactive in dealing with domestic violence disputes.
6. Police training and Police Instructions in respect of domestic violence issues be reviewed by the Commissioner of Police in conjunction with the New South Wales Domestic Violence Committee.
7. The Commissioner of Police give special priority to the introduction within the Police Service of the proposed Police Computerised Operational Policing System (COPS).
8. The Commissioner of Police and the New South Wales Domestic Violence Committee develop a multi-lingual community education program aimed at providing members of the community with information as to their rights and obligations regarding domestic and neighbourhood violence as well as the powers available to police in this context.

10.2 Mental Illness and Firearm Misuse

10.2.1 Background

Some submissions made to the Committee suggested that there are links between mental disorders and the misuse of firearms. The Sporting Shooters Association of Australia (SSAA) referred to the fact that recent massacres involving firearms in both Victoria and NSW (Hoddle Street and Queen Street in Victoria and Surry Hills and Strathfield in NSW) were perpetrated by persons who, upon investigation, had been found to have suffered some form of mental disorder.

The Committee was aware that the SSAA had been reported in the media as advocating the need for applicants for shooters licences to undergo psychiatric testing before the licence could be issued.

In evidence before the Committee Mr E Drane, President of the SSAA indicated that people who had a psychiatric problem should either be prevented from gaining a shooters licence or have their licence taken from them.

The Committee accepts that many people are concerned at the link between mental illness and firearms misuse and understands the concern of legitimate shooters that they are being penalised for the wrongdoing of a very small minority of people in the community. However, the evidence available to the Committee discloses that the misuse of firearms is not limited to criminals and some of those suffering from mental illness. Indeed, as indicated in the material published by the NSW Bureau of Crime Statistics and Research (see above) "homicide offenders are not typically mentally ill, nor do they have criminal records for serious violent offences".

10.2.3 National Committee on Violence

The National Committee on Violence (NCV) examined the relationship between mental illness and violence in its 1990 report (p. 74). The Committee noted the comments by the NCV

that the concepts of mental illness and violence have frequently been linked in the public imagination and that this may be partly due to media publicity given to particularly heinous crimes of violence committed from time to time by deranged offenders, and partly due to a tendency to the ascription of madness as the only feasible explanation for some specifically horrific acts.

The NCV noted that, as a result of the above, it is a commonly held view that by virtue of being mentally ill a person is more likely to engage in violent behaviour.

However, the literature available to the NCV seems to indicate that, while it is generally agreed that a disorder/violence relationship probably exists for some forms of serious mental disorder, such as schizophrenia and certain mood disorders, it is important to realise that the vast majority of schizophrenics are not violent at all.

The NCV also found that psychiatrists, while frequently called upon to make judgements on the future dangerousness of the mentally ill, have a relatively low success rate in predicting violent behaviour.

The NCV noted that it is important to bear in mind, as Collins (1988) observes, that whilst the mental illness/violence relationship may sometimes be significant in a statistical sense, it is not by itself a powerful explanatory factor, and in any event is rare. The NCV noted, in addition, that several researchers and all the submissions it received on the subject emphasised the dangers of fostering and maintaining public attitudes and policies towards the mentally ill that are discriminatory and stigmatising.

The findings of the NCV were essentially confirmed in evidence given before the Committee by Dr N B Andrews, Chairman of the New South Wales Branch of the Royal Australian and New Zealand College of Psychiatrists. In commenting on the mental state of persons involved in shootings Dr Andrews indicated that the average person who shoots another is just that, the average person and that while people may be under great emotional strain, or even intoxicated, they are very rarely mentally ill.

If, as appears the case with perpetrators of the massacres in this State and Victoria, there is some scope for early action to be taken which might save the lives of innocent people, the

Committee considers that efforts should be made to address this possibility.

The Committee noted from evidence given by the health professionals who appeared before it that, subject to consideration of issues like privacy and the doctor/patient relationship, there may be some scope for those who come into contact with persons suffering from particular mental states to notify police on a confidential basis that those persons may be dangerous if given access to a firearm.

The Committee is aware of existing procedures for obtaining drivers licences which require an applicant to disclose the nature of any physical disability which may hinder their ability to maintain proper control over a motor vehicle and, as a result, the applicant may be required to obtain a satisfactory medical report before obtaining a licence.

It was also brought to the Committee's attention, by way of example, that section 22 of the Children (Care and Protection) Act 1987 requires any person, including health professionals, to advise the Director-General of the Department of Health where that person forms the belief on reasonable grounds that a child under 16 years has been abused sexually or otherwise.

The above are not uncommon examples of legislative provisions which are aimed at protecting vulnerable people, either from others or from themselves.

The Committee believes that there may be scope for a voluntary regime similar to that in the Children (Care and Protection) Act to be developed in order to address the issue of those mentally ill people who are properly regarded as dangerous not being able to gain access to firearms.

10.2.4 Recommendations - Mental Illness and Firearms Misuse

1. The Government should develop procedures, having regard to privacy issues, for the voluntary reporting to police by any person and, in particular, health professionals and community workers, of those people who would be likely to be dangerous to themselves and/or others if they have access, or continue to have access, to firearms.
2. The NSW Police Service introduce a formal system to follow up voluntary reports referred to in 2.1 and, following an investigation, if the person possesses firearms, police should remove the firearms pursuant to Section 35 of the Firearms Act 1989.
3. Persons acting in good faith in making voluntary reports referred to in 1 above, shall be indemnified against any action which may be brought against them.
4. The voluntary reporting scheme be promoted by a multi-lingual education program in the community and amongst associations of health professionals and other organisations to make them aware of their responsibilities.
5. As part of the voluntary reporting proposal in 1 above, action should also be taken to formulate a coordinated strategy, with equitable funding, to provide for early intervention and support to affected persons by mental health crisis teams and community workers in both urban and rural areas.

10.3 Licensing

An important link with the issue of prohibitions for certain firearms is the question as to whether a person must establish a "good reason" why he or she should possess a firearm.

10.3.1 NSW Legislation

The Firearms Act 1989, especially section 25, and Regulation, which came into effect on 1.1.91 and 1.7.91, vest considerable authority and responsibility in the office of the Commissioner of Police.

Section 25(1)(b) of the Firearms Act 1989 requires that a licence must not be issued to a person who has been convicted of a prescribed offence in NSW or elsewhere, while Section 25(2)(a) of the Act requires that a licence must not be issued unless the Commissioner of Police is satisfied that the applicant is of good character and repute and can be trusted to have possession of firearms without danger to the public safety or to the peace. This sub-section is essentially the same as section 22(5) of the now repealed Firearms and Dangerous Weapons Act 1973.

Section 25(3) states that a licence must not be issued if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of :

- (a) the applicant's way of living or domestic circumstances; or
- (b) any previous attempt by the applicant to commit suicide or cause a self-inflicted injury;
or
- (c) the applicant's intemperate habits or being of unsound mind.

Section 25(4) of the Act provides that the Commissioner of Police must not issue a licence that authorises possession and use of a pistol unless the Commissioner is satisfied that the applicant for the licence has good reason for possessing and using the pistol, while Section 25(6) states that the Commissioner of Police may refuse to issue a licence if the Commissioner considers that issue of the licence would be contrary to the public interest.

10.3.2 *Current Licence Issuing Practice in NSW*

The following is an extract from the submission to the Committee by the Commissioner of Police.

- *CNI*
In determining a person's criminal history Police conduct a computer check of the Central Names Index (CNI) which relates to NSW only.
- *Good Character and Repute*
The current practice in NSW in assessing whether a person is of good character and repute is by relying on local Police knowledge. In this regard Police would be aware of domestic violence orders which may be in place or occurrence pad entries where the applicant has previously come under notice.
- *Possession of Firearms Without Danger to the Public Safety or to the Peace*
When considering a person's application for a shooters' licence in this respect Police are able to make similar checks as above. In the main personal checks of domestic circumstances and the facilities for the safe keeping of firearms are not made.
- *Pistol Licences*
Applicants for Target Pistol Licences are required to provide certification from a registered pistol club that the person is a member of that club. Pistols are inspected annually by club officials and certification provided to Police in implementing the existing legislation.

Applicants for business/personal pistol licences are required to demonstrate 'good reason' for and the need to own a pistol. Pistols and security for their safe keeping are inspected annually by Police except for business licences for more than 10 pistols where self inspection applies, eg. security companies.

10.3.3 Current Licence Issuing Difficulties - Commissioner of Police

The Commissioner of Police advised the Committee of the following difficulties being experienced by Police:

- At the present time it is possible to establish whether an applicant has been convicted of a prescribed offence in NSW only.
- A National CNI (Criminal Names Index) system will be required before similar checks can be conducted throughout Australia. This project has been identified as a high priority by the National Exchange of Police Information (NEPI) Co-ordinating Group but no additional funding has been provided for this task.
- Currently the only manner in which the Commissioner indicates he could be reasonably satisfied that a person has not committed a prescribed offence in Australia is through the use of the national fingerprinting system. The Commissioner also indicates that he has no practical way of checking criminal histories from overseas.
- The Commissioner considers that he is currently unable to satisfy himself as to a persons good character and repute and as to whether the person is a danger to the public safety or to the peace.

10.3.4 Proposals Concerning Licensing - Commissioner of Police

The Commissioner proposed the following changes to licensing legislation and procedures:

- Require similar ID criteria for applicants as applies to opening a bank account, ie, the 100 points system.

The Committee supports this proposal.

- Develop a National CNI system which is linked to the Fingerprints system under the auspices of the National Exchange of Police Information (NEPI). Such a system would

take approximately 2 years to develop and implement and would need to be approved and funded by the Australian Police Ministers Council (APMC).

The Committee supports a national CNI being developed as a matter of urgency.

- Delete the requirement for checking overseas criminal histories as this is impossible to comply with.

The Committee considers that there will be occasions when the Commissioner would wish to seek this information. The Commissioner accepted this in evidence before the Committee. The Committee considers that this is a matter which should be considered by the Government.

- Amend Section 25(1) and (2) so as to remove obligations placed on the Commissioner of Police which he is unable to fulfil, either because the information required is not accessible or because it is impossible for the Commissioner to be satisfied to the degree required by the legislation.
- delete from Section 25(1)(b) the words "or elsewhere" and the words "and whether or not the offence is an offence under New South Wales law"
- delete from Section 25(1)(c) the words "or elsewhere"
- amend Section 25(2)(a) to read "the Commissioner of Police has no reasonable cause to believe that the applicant is not of good character and repute."

The Committee considers that this issue requires in depth consideration and because of time constraints it is not a matter which can be properly dealt with by the Committee at this time. The Committee suggests that it be dealt with separately by the Government.

- Require applicants to provide Police with 3 references from a list of prescribed people and which are to be verified by telephone. This requirement would operate similarly to existing passport requirements.

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- Introduce stricter licence criteria to require applicants to demonstrate 'good reason' for and the need to own a firearm.
 - "Good reason" criteria currently apply in New South Wales to applicants for pistol licences. However, Section 25 (4) of the Firearms Act 1989 states that the Commissioner of Police must not issue a licence that authorises possession and use of a pistol unless the Commissioner is satisfied that the applicant for the licence has good reason for possessing and using the pistol.

"Good reason" is not defined in the Act, but Division 3 of Part 4 of the Firearms Regulation 1989 sets out requirements which applicants for pistol licences must meet. For example, clause 49(i) of the Firearms Regulation states that the Commissioner is not to issue a target pistol licence to a person who is not a member of an approved pistol club.

"Good reason" criteria currently do not apply in New South Wales to applicants for shooters licences. However, s. 25 (2) of the Firearms Act 1989 states that a licence must not be issued unless :

- the Commissioner of Police is satisfied that the applicant is of good character and repute and can be trusted to have possession of firearms without danger to the public safety or to the peace.
- if required by the regulations, the applicant has completed, to the satisfaction of the Commissioner of Police, training and testing in accordance with the regulations.

The Committee supports the introduction of good reason criteria. The various alternatives in this respect are set out below.

10.3.5 "Good Reason" Licence Criteria of Unsworth Government 1988

As detailed earlier in the report, strict requirements for the granting of firearms licences were set out in a letter sent by the former Commissioner of Police, Mr Avery, to all existing licence holders.

Under the then licensing criteria, and provided that the applicant met the character test, licences were issued to people who required the use of firearms and whose use fell into the following categories:

- Occupational
- Sporting
- Collecting
- Vermin control

In all cases, documentary evidence was needed to prove the grounds of the applicant's eligibility. These are briefly outlined below:

- *Occupational*
Applicants to produce documentary evidence that demonstrates he/she is actively engaged in an occupation/business requiring the use of a firearm.
- *Sporting*
Applicants to provide a certificate or letter from a club stating he/she is an active member of the club, has been adequately trained in the safe use of firearms and can be trusted to safely own and exercise a personal and continual control of a legal firearm.
- *Vermin Control*
Applicants to produce a letter from a rural property owner authorising the applicant to shoot on the property, or from a local office of the Department of Lands or the Western Lands Commission if the person wishes to shoot on unleased, vacant Crown Land. In addition, the property owner must indicate the nature of the property and the type of vermin that needs to be eradicated.

- *Collectors*

Collectors were to be subject to full character checks and required to provide two written references. The applicant was required to satisfy strict criteria that he/she was a *bona fide* collector and would not use the firearm.

Finally, anyone wishing to apply for a shooters licence who did not fit the above categories was required to provide detailed information as to the reason for their application and potential use of the firearm. A compelling case was required to be made before the licence was to be issued.

10.3.6 Victoria

“Good reason” criteria apply in Victoria to applicants for shooters licences. Section 22 AA (2) of the Firearms Act 1958 details the following criteria an applicant must satisfy:

- must not be under 18 years of age
- has a good reason to possess a firearm
- has successfully completed a course on firearms safety approved by the Firearms Consultative Committee and has a good knowledge of firearms laws
- is of good character
- will ensure that firearms and ammunition are securely stored when not in use
- has not made a false statement in the application
- is not otherwise unsuitable to possess a firearm.

“Good reason” is not defined in the Firearms Act but the Registrar of the Firearms Registry has issued a policy document which states that “good reason”:

“can include sporting purposes, hunting, collecting, family heirlooms, primary production purposes or in the course of employment. In these instances the member should ensure a detailed account is given to indicate one or more of the above, ie hunting purposes, but where applicable describe where the firearm is to be used and under what circumstances. Personal protection is not acceptable” .

10.3.7 Queensland

“Good reason” criteria do not apply in Queensland to applicants for shooter’s licences.

Section 22 (1) of the Weapons Act 1990 provides that a licence may be issued to a natural person only if that person :

- has attained the age of 17 years, or, where a provision of the Act specifies another age, that age
- has an adequate knowledge of safety practices relating to the use and maintenance of the types of weapons to which the licence related
- is not disqualified under this Act from holding the licence
- in the opinion of an authorised officer, is a fit and proper person to hold a licence.

10.3.8 Western Australia

“Good reason” criteria apply in Western Australia to applicants for firearms licences.

Section 11 of the Firearms Act 1973 states that the Commissioner of Police shall not grant a permit or issue a licence under the Act to a person if in his opinion:

- it is not desirable in the public interest
- that person is unfit to hold a licence
- that person does not have a good reason for acquiring or possessing the firearm or ammunition to which the application relates.

For the purposes of the section, where the Commissioner is satisfied that a person:

- is a financial member of an approved club or other approved organisation providing facilities for and giving instruction in the use of the firearm to which the application relates, who participates or will participate regularly in the activities of that club or organisation; or

-
- reasonably requires that firearm for the purpose of destroying vermin on land used by him for agriculture, that person shall be taken to have a good reason for acquiring or possessing a firearm or ammunition of a kind suitable to the circumstances.

The Committee does not know whether the Western Australian police have developed administrative guidelines setting out other circumstances, apart from those in s.11, which would give rise to "good reason".

10.3.9 South Australia

"Good reason" criteria are to apply in South Australia to applicants for all firearms licences from 1.1.92 when the Firearms (Amendment) Act 1988 comes into force. However, the phrase "good reason" is not used. Under this legislation, a person will only be able to purchase a firearm of a particular class if he has the appropriate justification and purpose of use on his licence.

Section 12 (1) of the Firearms (Amendment) Act 1988 provides that an application for a firearms licence :

- must contain the prescribed information
- must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar
- must be accompanied by the prescribed fee.

The regulations to be made under this Act have not yet been finalised. Accordingly, it is not possible at this stage to know what information, certificates, declarations, references, etc. must be provided to the Registrar in order to establish justification to purchase a firearm.

10.3.10 Tasmania

Tasmania does not at this time have a licensing system for longarms.

10.3.11 Australian Capital Territory

“Good reason” criteria apply in the Australian Capital Territory to all applicants seeking to possess a dangerous weapon. However, the phrase “good reason” is not used. Instead, the relevant legislation refers to “approved reason”.

Section 5 of the Weapons Act 1991 in so far as is presently relevant sets out the approved reasons, as follows:

- member of an approved club;
- member of the A.C.T. Antique and Historical Arms Association Incorporated or is a person whom the Registrar is satisfied:
 - (i) is a collector of dangerous weapons as curiosities or ornaments;
 - (ii) keeps in his or her possession, as a memento, a dangerous weapon that is inoperable; or
 - (iii) keeps with a licensed dealer, as a memento, a dangerous weapon that is operable;
- either receives or delivers large sums of money
- is the owner or occupier of a rural property, or is a relative of that person, and the weapon will be used in connection with farming or grazing activities on the property
- is employed by that person and is required by the owner or occupier to possess a dangerous weapon for the purposes of that employment
- is employed by a corporate licensee and is required by that employer to possess a dangerous weapon for purposes of that employment
- is the owner or occupier of a shooting gallery

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- is, or is employed by, a licensed dealer and is required by him or her to possess a dangerous weapon for the purposes of that employment
 - in the case of a self-loading centre-fire rifle of a military type :
 - is a member of an approved club; and
 - participates in competitions in the use of such a weapon held by or in association with that club
 - in the case of a dangerous weapon other than a pistol grip weapon or a self-loading centre fire rifle of a military type :
 - is a recreational shooter or hunter in the Territory and has the written consent of a lessee, occupier or other appropriate person; or
 - is a recreational shooter or hunter in a State or another Territory;
 - in the case of a dangerous weapon that is a pistol grip weapon :
 - is a member of an approved club; and
 - participates in competitions in the use of such a weapon conducted by or in association with that club.
 - is entitled to immunity under the Diplomatic Privileges and Immunities Act 1967 of the Commonwealth, or to immunity under the Consular Privileges and Immunities Act 1972 of the Commonwealth or under regulations made for the purpose of section 9 of that Act, and has the written approval of the chief of Protocol of the Commonwealth Department of Foreign Affairs and Trade to possess the weapon; or
 - is a prescribed person or a person included in a prescribed class of persons.

10.3.12 Northern Territory

“Good reason” criteria do apply in the Northern Territory both to pistols and to semi-automatic firearms. Section 50(2) of the Northern Territory Firearms Act as amended in 1984, states that in considering applications for a shooters licence the Commissioner shall not grant a licence to an applicant unless he is satisfied that the applicant :

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- is a fit and proper person to possess, carry and discharge firearms;;
 - has an adequate understanding of the laws in force in the Territory relating to firearms
 - has adequate training and experience in the discharging and safe handling of firearms and ammunition
 - if the application relates to a firearms class C or D - has a sufficient reason to possess, carry and discharge a firearm class C or D, as the case may be.

A class C firearm is a pistol, and a firearm class D means a firearm which is less than 70cm long and is capable of being concealed on or about a person, or is an anti-personal weapon (which includes self-loading or semi-automatic firearms).

“Sufficient reason” is considered to mean that the applicant requires the firearm for a specific purpose, and without the use of which his property or person would be placed in jeopardy, or in order to perform his/her occupation. “Sufficient reason” also includes an applicant who is a member of an approved pistol club and who is recommended by that club as a suitable person to hold a shooter’s licence (s.50(3)).

It can be seen from the foregoing that there is no consistency of approach across Australia to the “good reason” issue.

The Committee gave careful consideration to the situation in other jurisdictions and to the proposals put forward and by the NSW Commissioner of Police and finally concluded that a system based on similar lines to that which operates in Victoria is the most appropriate for NSW to adopt. The Committee is also of the view that penalties relating to licensing should be strengthened.

10.3.13 Proposed NSW Licence Categories - Commissioner of Police

In his submission to the Committee, the NSW Commissioner of Police proposed a two category shooters' licence system as follows:

- *Category 1*
Single shot longarms (this means single shot rifles of whatever capacity eg. 22 calibre up to 7.62mm or 30.06 calibre single shot centre-fire rifles and single shot shotguns would be available in this category).
- *Category 2*
Rimfire self-loading rifles eg .22 calibre with maximum 5 round magazine, repeating rifles and double barrel or over and under shotguns

Under the Commissioner's scheme, recreational hunters would be restricted to Category 1 firearms, provided they could produce written authority to shoot on a property, while Category 2 would be restricted to primary producers and professional hunters on an occupational needs basis and members of approved sporting clubs.

It is the Committee's view that the Commissioner's two category system may result in some shooters gaining access to firearms which are more powerful than they need. For example, under the Commissioner's proposed category 1, recreational shooters would gain access to very high powered single shot centre-fire rifles. The Committee considers that these could be as deadly as repeating rim-fire rifles which would fall under the Commissioner's second category.

The Committee also noted that the Commissioner did not address the question of self-loading centre-fire rifles in his submission. The Committee considers that there would be circumstances where these rifles should be permitted eg international sporting competitors, primary producers and professional hunters etc.

The Committee has developed a three category licence system which it considers will provide the Commissioner of Police with greater flexibility when considering applications for shooters licences.

The first category contains single shot rifles of the non centre-fire variety, repeating rim-fire rifles and single, double barrel or over and under shotguns.

The second category contains centre-fire rifles and self-loading rim-fire rifles.

The third category contains self-loading centre-fire rifles with maximum 5 round magazine capacity and repeating shotguns also with maximum 5 round magazine capacity. This third category is more restrictive than the Commonwealth's current import prohibition ban on centre-fire rifles and it should be noted that it would not include the so-called military style self-loading centre-fire rifles.

A further "category" known as the Commissioner's Permit is to be introduced in lieu of Ministerial Permits. This will deal with prohibited weapons and is explained in detail below at 10.3.15 and 10.5.

10.3.14 Use of Firearms by Government Employees

Clause 95 of the Regulation under the Firearms Act provides for Government employees to be exempted from the requirement in section 5 of the Act to obtain a licence or permit to use a firearm.

Schedule 6 to the Regulation lists the Government agencies whose employees are exempt from the licensing/permit requirements and specifies the purposes for which firearms may be used.

The agencies include:

- Department of Agriculture and Fisheries
- Department of Industrial Relations and Employment
- Department of School Education
- Forestry Commission of New South Wales
- National Parks and Wildlife Service
- Pastures Protection Boards
- Police Department (police service recruit trainees)

- Water Board
- Zoological Parks Board

The Committee accepts that the relevant Government employees may well be more conversant with the safe use of firearms than many other shooters. However, the Committee is of the view that, as these persons will be required to possess and use firearms on an ongoing basis, they should, in the main, be treated no differently to any other person who requires access to firearms in the course of their employment and thus be required to satisfy the licensing requirements under the Act.

While the Committee considers that Government employees should generally be required to comply with licensing requirements, it does not see the need for this to apply to Police and Corrective Services trainees as these employees are operating under the strictest guidelines and supervision, and are subject to stringent assessment..

10.3.15 Ministerial Permits

The Firearms Act 1989 contains a legislative scheme for the issue of licences and permits for the sale, possession and use of firearms and ammunition and vests responsibility for this in the Commissioner of Police.

At the same time, the Prohibited Weapons Act 1989 contains a legislative scheme for the issue of permits to possess or use prohibited weapons or articles and vests responsibility for the issue of permits in the Minister administering the Act, in this case the Minister for Police and Emergency Services.

While the power to issue a permit resides with the Minister, in practice he or she would seek the advice of the Commissioner of Police before making a decision. Once the Minister issues the permit, the Police are given responsibility for ensuring that the person complies with the terms and conditions of the permit. The process is essentially an operational issue which turns on the particular circumstances of each case and does not involve major policy considerations.

In the circumstances, the Committee is of the view that it would be more appropriate for the Commissioner of Police to be empowered to issue a permit to possess or use a prohibited weapon in lieu of the Minister as basic responsibility for the process rests with the Police and the Commissioner would be better placed to consider the applications and any conditions or restrictions which might apply to it.

10.3.16 Recommendations - Licensing

1. The Committee endorses the proposal by the Commissioner of Police to reduce the current number of pistol licences and recommends that a shooters licence only be issued to a person who can establish a 'good reason' to possess or use the relevant category(s) of longarms. The following firearms owners shall be deemed to have good reason:
 - 1.1 primary production
 - 1.2 business or employment
 - 1.3 collecting
 - 1.4 sporting (members of approved shooting clubs)
 - 1.5 vermin control
 - 1.6 hunting
 - 1.7 family heirlooms

Personal protection shall not be regarded as a good reason.

2. In considering applications for the various categories of firearm and/or shooters licences or permits (see 4 below), the Commissioner of Police shall satisfy himself that the good reason declared by an applicant for a particular category of licence or permit is directly relevant to the firepower necessary to meet that good reason. The Commissioner shall apply more stringent approval criteria to those categories of licences covering more powerful firearms.
3. The Prohibited Weapons Act 1989 be amended to provide that the Commissioner of Police, and not the Minister for Police and Emergency Services, shall be empowered to issue permits in respect of those prohibited weapons and articles listed in Schedule 1 to the Act.

4. The following categories of shooters licence should apply :

4.1 Category 1

- air rifles
- single shot rim-fire rifles and other non centre-fire single shot rifles
- repeating rim-fire rifles
- single shot shotgun
- double barrel shotgun
- over and under shotgun

4.2 Category 2

- centre-fire single shot rifles
- centre-fire repeating rifles
- rim-fire self-loading rifles with a magazine capable of holding no more than 10 rounds

4.3 Category 3

- non military style centre-fire self-loading rifles with a magazine capable of holding no more than 5 rounds
- repeating shotguns, whether self-loading or pump action, with a magazine capable of holding no more than 5 rounds

4.4 Commissioner's Permit

- all firearms currently listed in Schedule 1 to the Prohibited Weapons Act 1989; and
- all firearms to be classified as Prohibited Weapons pursuant to the Recommendation 2 on Firearm Prohibition.

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5. Licences are to be renewable every five years and shall incorporate a current photograph of the licensee.
 6. Licence fees are to be calculated on a 'user-pays' basis.
 7. Applicants to provide information verifying applications on a basis similar to that required for '100 point check' of the Commonwealth Cash Transaction Reports Agency (CTRA).
 8. Where applicable, a licence applicant is to provide a driver's licence number when applying for a firearm and/or shooters licence or permit.
 9. The Government to give consideration to the difficulties raised by the Commissioner of Police in his submission to the Committee as to the procedure whereby the Commissioner satisfies himself as to the fitness of a person to hold a shooters licence (see 10.3.4 above).
 10. The provisions of section 25 (3) of the Act are to continue to apply.
 11. The existing provisions in the Firearms Act 1989, which empower minors between 10 years and 18 years of age to obtain a permit to shoot under the supervision of a licensed shooter are to remain except that, in addition, minors shall be required to successfully complete (at no cost) an approved firearms training and safety course prior to the issue of any permit.
 12. The Regulation under the Firearms Act 1989 be amended to provide that the exemption from the requirements of the Act, that a person be authorised by a licence or permit to possess or use a firearm, should only apply in the case of student police officers and employees of the Department of Corrective Services who use firearms for training purposes.
 13. Penalties
 - 13.1 The penalty provisions under the Firearms Act 1989, for making false or

misleading applications be amended by including, in addition to the current penalty of \$5000 or imprisonment for 2 years or both for summary conviction, a maximum penalty on conviction on indictment as follows:

13.1.1 imprisonment for 10 years where the false or misleading application relates to a pistol; or

13.1.2 imprisonment for 5 years in respect of any other false or misleading application.

13.2 Where a person fails to notify the Commissioner of Police of a change of address, as required pursuant to a licence or permit, that person shall, on conviction:

13.2.1 be disqualified from holding a licence or permit for a period of 2 years; or

13.2.2 be disqualified from holding a licence or permit for the balance of the term of the person's current licence or permit,

whichever is the longer.

13.3 Section 93G of the Crimes Act 1900 be amended to provide that it shall be an offence for a person to carry a firearm in a public place or in any other place in circumstances where, if it were loaded, it could be fired.

13.4 Section 93H of the Crimes Act 1900 be amended to provide that a person who enters any private property with a firearm, or fires that firearm on that property without the permission of the lawful owner or occupier, or without some other reasonable excuse, shall be guilty of an offence.

14. National Criminal Names Index (CNI)

The New South Wales Government should approach other Governments in Australia to give urgent priority to the establishment of a national Criminal Names Index.

10.4 Firearm Safety and Security

The committee regards the issue of firearm safety as a critical component of any strategy to protect individuals from misuse of firearms. However, in recent years Governments throughout Australia seem to have abandoned the notion of uniform reporting in this area.

In NSW, the most recent co-ordinated report on accidents involving firearms dates back to a document published by the Bureau of Crime Statistics and Research in 1975.

10.4.1 Report of Bureau of Crime Statistics and Research

In 1975 the Bureau, together with the Police Department's Ballistics Unit, produced a report of statistics relating to accidental shootings. Although a summary of the Bureau's findings is detailed earlier in the report, it is worth reproducing that summary here.

The report indicates that between July 1973 and June 1974 a total of 136 firearm accidents were reported to the Police. In almost every case (96 %) the person handling the gun was a male and in three cases out of every five involved a child who was less than fifteen years.

The age distribution of those injured in firearm accidents closely resembled the age pattern of the shooters. Six out of ten were under 20 years and one in four was less than 15 years old. Seven of the victims were under 10 years of age. All but 10 were males.

Apart from the fact that the shooters were in the company of people of the same age at the time of the accidents, the similarity of the two age distributions is attributable to one other major factor. In more than two cases out of five (42.6 %) the shooters fell victims to their own weapons - they shot themselves.

At the time the report was compiled, the Bureau noted that it did not have reliable information about the ages of those who own or use guns in Australia.

In any event, the Bureau noted at the time that age may be a less important factor in the

occurrence of accidents than the individual's experience of handling guns. In this respect, the Bureau found that in three cases out of ten (29.4 %) the shooter was said to have had less than a year's experience in the use of weapons. For seven people the acquaintance with firearms was measured in terms of just a few weeks.

As the report noted, the data available related to one year only and this limits the ability to draw reliable conclusions about age and experience which might otherwise be drawn.

However, the report does provide useful information from a demographic viewpoint, e.g. shooters living in "country" areas (5.78 accidents per 100,000 population) and Newcastle (5.47/100,000 were more than five times as likely as those resident in Sydney (1.06/100,000) to be responsible for firearm casualties, (Wollongong had an accident rate of 3.1 per 100,000 population). These differences in rates probably reflect the distribution of firearms throughout the State.

In terms of the types of weapons involved, the report indicates that the self-loading or semi-automatic rifle was responsible for more firearm fatalities during the survey period than any other type of firearm, seven out of ten (69.1%) of the weapons involved in accidental shootings were rifles and two-thirds of the weapons were of .22 calibre.

The report indicates that the investigating police nominated what they considered to be the main "cause" of the accidents. The report indicates that these can be reduced to two categories:

- accidents attributed to the lack of skill and experience of the shooter,
- accidents which might befall even experienced shooters.

The report concludes that three out of every four accidents could be attributed to the inexperience or lack of basic gun knowledge of the shooter with the proportion being even higher (82 %) if persons had kept the safety catch on until ready to fire.

10.4.2 Other Jurisdictions

The only other coordinated work in the area of accidents involving firearms in Australia appears to be contained in Harding's book entitled "Firearms and Violence in Australian Life" (1981) and, once again, the statistics analysed are 15 to 20 years old.

Harding refers to work he had undertaken in respect of firearms accidents in South Australia between 1973-1977 and provides comparisons with that data and data obtained from other States.

Harding found that in the period under review 1973-77 there were 141 firearms accidents in South Australia resulting in casualty. In terms of fatal casualties, Harding found that the highest rate was in Western Australia (1973-74) - 16.7% followed by South Australia - 16.3% and NSW (1973-74) - 13.5%.

According to Harding, the age distribution of shooters involved in accidents showed a similar pattern across the States with young people being over-represented. Harding indicates that shooters below the age of twenty were involved in 55.1% of firearms casualty accidents in South Australia, and 54.7% in Western Australia.

Given that the under twenty age group does not represent a high proportion of gun owners and, as Harding concludes, immature inexperienced shooters were involved in more accidents than mature inexperienced shooters, the conclusion may be drawn that inadequate tuition in the use of firearms is a major problem which is exacerbated by young people being easily able to gain access to a firearm.

10.4.3 Firearms Safety Courses

A survey of firearms legislation across Australia indicates that only NSW and Victoria have approved firearms safety procedures. The position in all jurisdictions is set out below in the Table : Comparison of Firearms Safety Courses in Australian Jurisdictions.

Through submissions to the Committee, and in evidence given before it, it became clear that

even though NSW had introduced safety awareness procedures, which includes a video on the do's and don'ts of handling firearms, there is still room for improvement.

The Committee was advised that the current safety course, which is based on the Victorian course, does not contain tuition in certain practical areas such as the proper holding of a firearm, cleaning procedures etc. Accordingly, it would be possible for a person to obtain a firearm licence and purchase a firearm without ever having handled one.

The Committee thus supports the comments in the submission provided by the Commissioner of Police, that shooters be required to undertake practical training in cleaning, field stripping, safety features and safe handling techniques as essential prerequisites for licence issue, whether for pistols or longarms.

Table 4: Comparison of Firearms Safety Courses in Australian Jurisdictions

State	Testing	Approved Course	Proposed Course	Type of Course
NSW	YES	YES	-	Approved course; certification on successful completion; certification required to apply for shooters' licence.
VIC	YES	YES	-	Approved one-day safety course required.
ACT	NO	NO	YES	No approved course. Need to show have had adequate training and experience. New Bill proposes course.
SA	YES	NO	YES	Multiple - choice; 10 questions; complete at police station.
TAS	NO	NO	YES	No approved course or testing required. New Bill proposes a course.
WA	YES	NO	NO	Written test; complete at police station.
NT	YES	NO	NO	Written test of 10 questions.
QLD	YES	NO	NO	Multiple - choice; 15 questions; completed with application.

10.4.4 Safekeeping of Firearms

A key component of appropriate firearm safety, and a major factor in terms of domestic violence involving firearms, is the question of security requirements for storage of firearms.

The Committee is in no doubt that appropriate arrangements for the secure storage of firearms will reduce the following:

- firearm accidents involving children and inexperienced shooters.
- thefts of firearms
- death or injury occasioned by domestic violence.

A number of alternatives concerning safekeeping of firearms were put to the Committee, either through submissions or, through sworn evidence. Many submissions suggested that no firearms be stored in homes. Some of the suggestions are listed as follows:

- all firearms should be stored at gun clubs
- all firearms should be deposited at armouries
- firearms should be stored at police stations
- firearms may be stored in houses, provided that the bolt, firing mechanism or some other part which would render the firearm inoperable is stored at another place
- firearms may be stored in homes, provided that the bolt or firing mechanism ammunition and balance of the firearm are stored separately in locked cabinets.
- other secure home storage arrangements could be made, particularly where a firearm cannot be "broken down".

10.4.5 Firearm Safety and Security - Options

People making submissions to the Committee indicated that there were a number of difficulties with the various options under consideration by the Committee. The difficulties are listed below in respect of each option.

- *1. Storage at Gun Clubs*

Firstly, the Committee found that gun club membership accounted for a very small proportion (perhaps 10%) of shooters in Australia.

Secondly, the vast majority of gun clubs either have no premises or the premises that they do have would cost many thousands of dollars to make secure. For example, the Sporting Shooters Association of Australia has no premises yet approximately 50,000 members.

Thirdly, while there is a concentration of gun clubs in major cities, rural shooters may have to travel hundreds of kilometres to the nearest club, even if it did have secure premises.

Fourthly, gun clubs are usually in very quiet, inaccessible areas. The Police Commissioner expressed serious concern at the possibility of robberies in this context.

- *2. Storage at Armouries*

It was put to the Committee by a number of persons that firearms should be stored in armouries operated by private enterprise. However, this option also presents some difficulties.

Firstly, there are presently no such facilities in operation and the proposal was not supported by the Commissioner of Police because of the risk of theft.

Secondly, it would not be feasible for rural shooters to be involved, although there may be scope for this facility in urban areas, if it were approved.

Thirdly, different legal requirements for different areas of the State may lead to ineffective and inefficient laws which are to be avoided if at all possible, particularly insofar as firearms are concerned.

- *3. Storage at Police Stations*

This option was accepted by the Police Association which indicated that its members would be prepared to manage the system (the President of the Police Association

indicated that police would come in on their days off to work the system with costs being recovered on a user pays basis).

However there are some difficulties with the proposal.

Firstly, it was not supported by the Commissioner of Police.

Secondly, there would have to be major capital works undertaken in order to ensure adequate security at each police station.

Thirdly, unmanned police stations would be prime targets for theft.

Fourthly, many rural firearm owners would be required to travel vast distances to retrieve their firearms. Other difficulties in this respect include accessibility outside business hours and arrangements for return of firearms.

Organisations representing shooters did not accept options 1, 2 or 3 listed above, principally because of concerns about loss of expensive firearms and the administrative difficulties involved in implementation.

- *4. Separation of Firearms from Bolt or Firing Mechanism*

This option presents similar administrative and other difficulties to those referred to in respect of options 1 and 2. This option also was not considered appropriate by the Commissioner of Police.

- *5. Home Storage*

This option was regarded as acceptable to the organisations representing shooters as well as to the Commissioner of Police. However, it is not without its difficulties.

Fine (1988) indicates that in most Australian jurisdictions today there appear to be only nominal obligations cast upon firearms owners to assume the safekeeping of their firearms.

The proof of one's ability to provide secure storage for firearms is not, according to Fine,

regarded as a condition precedent to the issuance of a firearms licence, except in NSW where owners of handguns are required by the police to obtain a steel safe which is to be securely bolted to the structure of the home where two or more handguns are owned.

Fine contends that safekeeping standards must be consistent, specific and clear, while recognising that similar levels of security may well be met by different firearm owners through equally effective means. Mr E Drane, President of the Sporting Shooters' Association of Australia supported Fine's contention.

Fine makes the following recommendations regarding home security:

- “1. As a precondition to the issuance of a new firearms licence, the Authority inspect the place at which firearms are to be stored when not in use, to assure that adequate facilities exist to assure their safe keeping.
2. Upon being informed of a firearms owner's change of address, the licensing Authority similarly should inspect the owner's new home. If adequate provision for safe keeping is not found at the new location, the owner should be obliged to deposit his firearms with a licensed dealer within 48 hours.
3. Firearms Regulatory Authorities, following consultation with State Firearms Consultative Committees, should promulgate practical minimum standards and practices required for the safe keeping of all privately owned firearms.
4. The minimum safe keeping standard for all privately owned hand guns be the provision of a steel pistol safe bolted to the structure of the building.
5. Should a firearms owner so wish, he may provide safe keeping through other physical security devices than those specifically approved. The owner shall have the burden of persuading the Firearms Consultative Committee that he can afford a level of security not less than that offered by the relevant approved practices.
6. The minimum standard of safe keeping for a rifle or shotgun ordinarily should be

the storage of it within a closet or a built-in wardrobe, having stout walls, a solid door, a dead bolt lock or keyed "entry set" of door knobs, and hinge pins on the door which cannot be removed as a means of gaining entry. Firearms Consultative Committees also should evaluate other security devices which firearms owners may choose to use and which afford a similar or greater level of safe keeping for long guns; and the Committees should publish and make available lists of such approved devices.

In Fine's view, civilian employees, not sworn police could visit shooters' homes to inspect pistol safes and gun closets.

The Commissioner of Police indicated that the current regulations are interpreted by the Police Service as requiring a special cabinet in the home to store the firearm and a secure place for the ammunition and bolt and that this was an appropriate standard of safe keeping.

However, the Commissioner also indicated that the police have never sought to enter homes to ensure that the lockable facility exists because, it seems, this would place an undue burden on police resources.

10.4.6 Firearm Safety and Security - Discussion of Options

The Committee views the question of firearm safety and access to firearms as a critical factor in reducing accidents and in reducing the incidence of domestic violence.

The Committee accepts the difficulties surrounding storage of firearms away from residential premises. However, the Committee considers that the option should not be discarded and that it be further investigated by the Commissioner of Police.

As a minimum requirement, the Committee considers that the provision of storage of firearms on residential premises should be approved before a licence is issued and that there should be penalties for those people who do not follow the procedures for safe storage.

10.4.7 Recommendations - Firearm Safety and Security

1. The existing Firearms Safety Awareness Course to include a requirement to undertake practical training in cleaning, field stripping, safety features, safe handling techniques and knowledge of firearm laws as essential prerequisites for issue of a licence, whether for pistols or longarms.
2. It shall be a condition precedent to the issue of a licence that, where firearms are to be located on residential premises, the licensee must provide secure locked storage for firearms and ammunition as follows :
 - 2.1 bolt or firing mechanism to be stored separately from balance of firearm except where bolt or firing mechanism is unable to be separated from the firearm;
 - 2.2 ammunition to be stored separately from components referred to in 2.1 above;
or
 - 2.3 to a standard of secure locked storage approved by the Commissioner of Police.
3. Standards Australia to be approached by the Commissioner of Police with a view to establishing a standard for firearm storage in residential premises.
4. Proposed storage shall be approved by police:
 - 4.1 prior to the issue of an initial licence; or
 - 4.2 on first renewal of a licence in respect of existing licence holders; or
 - 4.3 police or other authorised officers may inspect storage at any time.
5. Penalty for non-compliance with storage requirements shall be mandatory seizure of

firearms and disqualification of licence.

6. The Commissioner of Police assess the feasibility of establishing non-residential storage facilities for firearms and report back to Government within 6 months.

10.5 Firearm Prohibition

Paragraph 1(2)(a) of the Committee's terms of reference require it to consider whether the current Commonwealth prohibition on the importation of what might be described as "military style" self-loading centre-fire rifles should be extended to include all self-loading centre-fire rifles.

As indicated earlier, the Commonwealth's Generic Statement does not prevent the importation of non-military style self-loading centre-fire rifles, nor self-loading, pump-action or repeating shotguns unless, in the situation of shotguns, they have a magazine capacity of more than five rounds.

It is also noted that the Generic Statement, which was subsequently formalised in the Customs Regulations, does not prevent the manufacture in Australia of the above firearms, nor the possession, sale or resale of those types of firearms which are currently in the country.

The whole issue is further complicated by recommendations or positions adopted in other forums and other jurisdictions, as set out earlier in respect of the Australian Police Ministers Council and the report of the National Committee on Violence. To complicate matters even further, the Committee is aware that a number of jurisdictions have their firearms legislation under review at the present time.

10.5.1 Visit to Police Service Ballistics Unit

The Committee resolved to visit the NSW Police Services Ballistics Unit in order to see at first hand the type and style of weapons it would be dealing with in this report and also to gain some appreciation of the fine-power of particular firearms.

Reproduced below is a table which sets out the firearms demonstrated for the Committee, their muzzle velocity and kinetic energy generated by them.

Table 5 : Range Demonstration, Sydney Police Centre, 20 September 1991

WEAPON DESCRIPTION	MUZZLE VELOCITY	BULLET WT.	ENERGY
.22 Cal.s/s Rifle	1300 ft/sec.	40 grains	150 ft/lbs.
.22 Cal.rep. Rifle	1300 ft/sec.	40 grains	150 ft/lbs.
.22 Cal.rep. Rifle	1300 ft/sec.	40 grains	150 ft/lbs.
.22 Cal.s/l Rifle	1300 ft/sec.	40 grains	150 ft/lbs.
.22 Cal.Auto Rifle *	1300 ft/sec.	40 grains	150 ft/lbs.
.22 Mag Cal Rep.Rifle	2000 ft/sec.	40 grains	350 ft/lbs.
.222 Rem Cal Rep.Rifle	3000 ft/sec.	55 grains	1140ft/lbs.
.223 Cal s/l Colt *	3250 ft/sec.	55 grains	1300ft/lbs.
5.56mm (Armalite)			
.223 Cal s/l Mini 14 Rifle 5.56mm	3250 ft/sec.	55 grains	1300ft/lbs.
.30M1 Carbine Cal s/l Carbine	2600 ft/sec.	110 grains	950 ft/lbs.
.303 British Cal. Rpt Rifle	2500 ft/sec.	180 grains	2400ft/lbs.
7.62mm X 39mm s/l ** SKS Carbine	2500 ft/sec.	122 grains	1700ft/lbs.
7.62mm X 39mm s/l ** SKK Carbine	2500 ft/sec.	122 grains	1700ft/lbs.
7.62mm X 51mm * S.L.R. Rifle (308 cal)	2600 ft/sec.	146 grains	2500ft/lbs.
7.62mm X 51mm s/l M14 Rifle	2600 ft/sec	146 grains	2500ft/lbs.
30.06 cal s/l Garand	3000 ft/sec.	150 grains	3000ft/lbs.
12 gauge Rep. Shotgun **	1200 ft/sec.	1 oz	1600ft/lbs.
12 gauge s/l Shotgun **	1200 ft/sec.	1 oz	1600ft/lbs.
9mm Uzi sub machine gun *	1140 ft/sec.	115grains	330 ft/lbs.
.44 Magnum Cal. 6-chamber * Smith & Weston revolver	1470 ft/sec.	240 grains	1275 ft/lbs.

Note : s/s Single-shot s/l Self-Loading (semi-automatic)
 rep Repeater * Prohibited Weapon
 ** Banned from Import

10.5.2 Submissions to the Committee on Use of Firearms

Having witnessed the firing of a number of firearms in a controlled range situation, the Committee then examined submissions made to it and heard evidence from persons as to the particular uses of various firearms in order to assist it in its deliberations on the question of firearm prohibitions.

In its submission to the Committee the NSW Farmers Association submitted that heavy calibre self-loading centre-fire rifles are necessary for the quick and humane destruction over longer ranges of injured animals including farm stock as well as feral pigs, dogs, and other vermin such as goats and for the humane culling of kangaroos, where approved.

The New South Wales Shooting Association, the New South Wales Rifle Association and the Sporting Shooters' Association of Australia were opposed to a blanket ban on all self-loading longarms (rifles and particular types of shotguns). Their submissions indicated that some types of self-loading longarms are required for major national and international competitions, including Commonwealth and Olympic Games. The Associations' submissions concluded that any prohibition on self-loading longarms must be considered on an individual case basis.

The point was also made to the Committee that a person who possessed a high powered single shot rifle could, in circumstances such as sniper shooting, be as dangerous as a person with a semi-automatic weapon. This proposition was accepted by the Police Association in evidence before the Committee.

Mr Drane, National President of the Sporting Shooters Association of Australia sought to distinguish the "military style" semi-automatic firearms, which could be purchased for approximately \$150, from the sporting style which could cost from \$2,000 to \$6,000.

It must be said that the organisations representing shooters presented reasoned arguments to the Committee and were persuasive in demonstrating what they regarded as the legitimate rights of their members whom the Committee acknowledges are essentially law-abiding citizens with particular professional, sporting or recreational interests.

On the other hand, the Committee received submissions from a number of other groups who

argued equally persuasively for significant prohibitions being placed on the use of firearms, the dangers of which were acknowledged above. Some of the views expressed are detailed below.

In its submission to the Committee, the N.S.W. Council of Churches indicated that it strongly supported the prohibition from sale or ownership of all semi-automatic firearms. The Council submitted that the only groups in the community who needed to possess firearms are the Police, the military and security personnel.

The submission by the NSW Labor Council supported the prohibition from sale or possession of "military style" self-loading rifles and that where licences were issued for highpowered semi-automatic rifles they should be issued subject to the strictest criteria which should be regularly reviewed, both on a requirement basis and a competency basis.

The President of the Police Association, Mr A L Day indicated that the Police Federation of Australia and New Zealand, at its annual conference from 9 to 13 September 1991, added to its existing gun control policy "a call for the prohibition of the possession, sale and importation of automatic or semi-automatic firearms, except for government instrumentalities."

In a separate individual submission to the Committee Mr Day indicated that:

- all semi-automatic firearms should be prohibited from metropolitan areas and all areas declared to be cities.
- semi-automatic firearms could be used by rural property owners to rid their properties of vermin as well as by professional and recreational shooters for the same purpose.
- target shooters should not be able to use semi-automatics.

The New South Wales Domestic Violence Committee was totally opposed to the use of semi-automatic rifles while the Bank Employee's Section of the Finance Sector Union of Australia also opposed the use of centre-fire semi-automatic rifles.

Mr Crook, representing "Gun Control Australia", a nationwide organisation in favour of

stricter gun laws, stated in evidence before the Committee that he was not sure that it is necessary to remove semi-automatic rim-fire rifles, and that there might be a case for exceptions for self-loading rim-fire rifles.

When questioned as to the categories of shooters who might be permitted to use these types of rifles he answered positively in connection with primary producers and professional shooters.

The NSW Commissioner of Police, Mr A Lauer provided a submission to the Committee and attended to give evidence before it. The Commissioner expressed the view that self-loading longarms (rifles and shotguns), and particularly self-loading centre-fire rifles, have a much greater capacity to kill than single-shot longarms. He also indicated that shortened self-loading and pump-action shotguns(which are illegal) are favoured weapons in armed hold-ups.

When questioned on his views by the Committee the Commissioner indicated that there should be a prohibition on the use of all self-loading centre-fire rifles. It would seem also from his written submission that he would extend this to include all self-loading, and pump-action or repeating shotguns.

10.5.3 Position in Other Australian Jurisdictions

Having considered submissions and evidence on the use of firearms, the Committee then considered the position in other Australian jurisdictions and found as follows:

- *Queensland*
New legislation allows the holder of a shooter's licence to possess semi automatic/self loading rifles.
- *South Australia*
No current restriction on holders of shooter's licences to possess semi-automatic/self-loading rifles. The legislation is being amended to require persons having self-loading rifles to justify the need to possess a self-loading rifle, e.g. a primary producer.

- *Tasmania*
New firearms Bill will allow holders of shooter's licences to possess self-loading rifles. However, recent media reports indicate a proposal is being considered the effect of which will be to ban the ownership of semi-automatic firearms by anyone other than collectors and active gun-club members.
- *Victoria*
Licences to possess semi-automatic/self-loading rifles are only issued to persons who can show good reason, e.g. deer hunters, primary producers, members of rifle clubs. Applicants are required to have had a shooter's licence for at least three years.
- *Western Australia*
Centre-fire semi-automatic weapons totally prohibited. Licensed shooters required to provide good reason to possess a firearm. Holders of shooter's licences permitted to possess .22 calibre semi-automatic (rimfire) rifles.
- *Australian Capital Territory*
Currently, possession of semi-automatic/self-loading rifles is permitted. As of 3 October, 1991, persons wishing to possess such weapons are required to justify the need to possess a self-loading rifle.
- *Northern Territory*
Ban on centre-fire semi-automatic/self-loading rifles which are capable of holding a magazine with a capacity in excess of five rounds. A .22 calibre semi-automatic rifle (rimfire) permitted provided magazine capacity not in excess of 25 rounds (in each case may be issued for "special purposes", e.g. buffalo problem).

10.5.4 Position in Overseas Jurisdictions

- *Canada*
In a speech when introducing a new firearms Bill in June 1991, the Canadian Minister of Justice had this to say:

" The third element of the proposed limits on firepower is the limitation of magazine capacities.

These limits will be enacted by using orders in council to declare magazines that exceed them to be prohibited weapons, using a new statutory authority created by bill C-17.

Firepower is only a major problem for centre-fire semi-automatic guns. Rimfire guns have much less powerful ammunition, and non-semi-automatics cannot be fired as rapidly.

These limits are as I have stated at second reading:

- 5 shots, for all centrefire semi-automatic rifles and shotguns,
- 10 shots for all handguns,
- no limits for all rimfire (i.e. .22 calibre) rifles.

Bill C-17 will allow those who can establish that they are legitimate competition shooters to own larger magazines, but this possession will be subject to very strict controls."

Nay (1990) undertook a study of firearms regulations in various foreign countries, one of which - Japan provides interesting analogies for current purposes.

- *Japan*

The current legislation operating in Japan is the Law Controlling the Possession of Firearms and Swords of 1958.

The aim of the Law is to provide control measures necessary for the prevention of danger and injury arising from the possession of firearms, swords, etc.

The possession of firearms is strictly limited to:

- public officials who are required to possess firearms in the line of performing their

official duties (members of the police and defence forces, prison guards, and other law enforcement officers);

- public officials who are engaged in the testing and study of firearms;
- legally licensed hunters;
- target shooters;
- athletes who compete in national or international games;
- licensed dealers;
- manufacturers, or exporters who possess firearms to carry on business;
- antique gun collectors; and
- those who are designated as legal custodians of firearms by Cabinet order.

Permission must be obtained to possess the following:

- hunting guns to be used for the shooting of game, or hunting or air guns to be used in target shooting or for the extermination of harmful birds and animals;
- firearms necessary for lifesaving, butchery, fishery, and industrial construction;
- firearms necessary for testing or research;
- pistols to be used in international athletic games upon the recommendation of a person designated by Cabinet order; and
- firearms to be used for signalling by an umpire in international or national athletic games upon the recommendation of a person designated by Cabinet order.

10.5.5 Firearm Prohibition - Discussion

The Committee gave very careful consideration to the submissions made to it with respect to the prohibition of firearms. The Committee is of the view that self-loading centre-fire rifles represent a very real danger to the community unless used with extreme care and for specific purposes only.

The Committee considers that the proliferation of these types of firearms should be curtailed as far as possible and endorses the current prohibition on the importation of military style self-loading centre-fire rifles.

The Committee also considers that the current prohibition should be extended to cover all self-loading centre-fire rifles except in respect of those permitted under the proposed Category 3 licence referred to earlier, or pursuant to a Commissioner's Permit.

The effect of the Committee's proposal in this respect will result in a large number of rifles ultimately being regarded as prohibited weapons unless the shooter can establish a particular need for the firearm.

With this in mind, the Committee has taken the view that any action to prohibit firearms should not operate in such a way so as to retrospectively make a large number of law abiding citizens the possessors of illegal firearms. Accordingly, the Committee proposes that the prohibition operate prospectively in order to permit an orderly reduction of these types of firearms in the community.

10.5.6 Recommendations - Firearm Prohibition

The Committee endorses the prohibited import ban introduced by the Commonwealth Government, pursuant to the Customs (Prohibited Imports) Regulations and recommends as follows:

1. The prohibited import ban referred to above be extended to encompass all self-loading centre-fire rifles except as permitted under Category 3 or Commissioner's Permit (see recommendation 4 on Licencing).
2. Prohibition on sale, possession or use of :
 - 2.1 all self-loading centre-fire rifles with a magazine capable of holding more than 5 rounds; and
 - 2.2 all repeating shotguns, whether self-loading or pump action, with a magazine capable of holding more than 5 rounds, subject to 3. below.
3. Prohibition in 2 not to apply in the following circumstances :
 - 3.1 where sale, possession or use of a prohibited firearm is approved pursuant to a Commissioner's Permit;
 - 3.2 where the prohibited firearm is in the possession of a primary producer who possesses a Category 3 licence, that person may continue to possess and use the firearm, but is not empowered to sell or transfer it; or
 - 3.3 until expiry date of current shooters licence or 30 June 1994, whichever is the earlier.

10.6 Amnesty and Compensation

Following its decisions made in connection with prohibitions on sale, possession and use of particular weapons, the Committee gave consideration to the question of an amnesty period in which the public may hand in prohibited firearms and whether compensation should be paid in respect of those firearms handed in.

10.6.1 Amnesties

Amnesties are held frequently in respect of a number of issues, e.g. illegal immigrants and the current firearm amnesty which commenced on 3 October 1991.

The Committee noted that the NCV recommended (Rec 57.9) that a permanent amnesty be introduced for the surrender of unauthorised firearms with conditions similar to those provided in temporary amnesties which have been introduced from time to time in various jurisdictions.

By themselves, amnesties regarding prohibited firearms are of dubious value as it is likely that only a limited number of unwanted firearms will be handed in at any one time. For example, the amnesty held by the Government in July 1990, where no compensation was paid, resulted in fewer than 2, 000 firearms being handed in.

10.6.2 Compensation

When coupled with appropriate penalties and adequate compensation, amnesties are much more likely to be effective. For example, the amnesty and compensation introduced at the time of the 1988 firearms laws resulted in approximately 11,000 firearms being handed in at a cost to the State of \$2.016m.

However, when compared with the number of prohibited firearms which were covered by the 1988 amnesty (likely to be over 100 000 self-loading rifles) it can be seen that even the prospect of compensation may not have a major impact, with many prohibited firearms likely to be retained and secreted away by their owners notwithstanding strong penalties.

The effectiveness of amnesties and compensation really depends on the nature of the particular prohibition which is put in place.

A permanent amnesty coupled with compensation may ultimately result in a greater number of firearms being handed in as shooters will be more likely over time to hand in their firearms to the Government, particularly if they were prohibited from transferring it to someone else.

10.6.3 Recommendations - Amnesty and Compensation

1. Permanent amnesty to apply in respect of all prohibited firearms handed in, except that the amnesty shall not apply where a person is found in possession of a prohibited firearm unless that person can prove that he or she was in the process of handing it in.
2. Persons who hand in firearms which have become prohibited pursuant to recommendation 2 on Firearm Prohibition, may elect as follows :
 - 2.1 to receive compensation for the firearm as assessed by a committee of experts; or
 - 2.2 to receive a 10 year exemption from payment of licence fees in respect of any category of licence that they apply for and is issued to them.
3. Compensation should be met by New South Wales and the Commonwealth on a dollar for dollar basis.

10.7 Firearm Sale and Purchase

10.7.1 Overview - Australian Jurisdictions

Registration of firearms has been the subject of debate for a long period of time, as evidenced by commentary on legislative proposals in NSW over the last 60 years.

There are as many supporters of registration as there are non-supporters and the debate surrounding the question is polarised.

Registration in Australia (see Table 6) is currently in place in 5 jurisdictions (WA, SA, N.T., Vic, ACT) with NSW, Queensland and Tasmania the only states not currently requiring registration of all firearms. However, it is noted that at the March 1988 Australian Police Ministers Council meeting, NSW was the only State still opposing registration of all firearms.

Much of the evidence on both sides of the argument is anecdotal and the Committee has had great difficulty in trying to establish the veracity of the arguments, both in favour of registration and against it. Set out below is a compilation of the evidence available to the Committee on the subject.

Table 6: Comparison of Australian Jurisdictions - Registration of Firearms

State	Firearms Registered	Start of Registration	Relevant Legislation	New Legislation	Documents	Length of Rego/Licence	Inspection	No. Registered Firearms
WA	ALL Firearms	1931	Firearms Act 1973	NO	Registered on Licence	1 Year	On Purchase Only	
SA	ALL Firearms	1958	Firearms Act 1977	YES (1.1.92)	Certificate for each registered firearm; Licence	One-off; 3 years (Shooters) (Pistols)	On Purchase Only	340,000
TAS	Handguns ONLY	1932	Firearms Act 1932	YES (1.3.92)	Certificate to buy; Permit to Carry	3 Year Rego; 1 Year Carry (Pistols)	Dealers & Collectors	8,500 (Pistols)
QLD	Handguns ONLY	1978	Firearms and Offensive Weapons Act 1979	YES (not all proclaimed)	Licence to buy; Rego on Licence; One gun/licence	2 Year (Pistols)	Dealers & Collectors	20,000 (not incl dealers & collectors (Pistols)
ACT	ALL Firearms	Oct 1991	Weapons Act 1991	Under Review	Rego on Licence	2 Year		
VIC	ALL Firearms	1987	Firearms Act 1958 (Amdt) 1987	No	Permit to Buy Licence	Lifetime Rego 3 or 6 Year licence 1 Year (Pistol)	One-off	
NT	ALL Firearms		Firearms Act 1979 (Amdt) 1984	Under Review	Proof of ownership at time of registration; registration certificates.	3 Year Licence	On registration	
NSW	Handguns ONLY	1927	Firearms Act 1989	Under Review	Permit to purchase; licence (lifetime)	1 Year (Pistols)	Annual	70,000 (Pistols)

10.7.2 Victoria

The committee was provided with a copy of a report prepared in 1987 by the then Victorian Registrar of Firearms following the expiration of a three year implementation period for that State's firearm registration system.

The report details a number of administrative problems with the system put in place in that State which may well have been, or be able to be, resolved by more efficient processes and technology.

However, notwithstanding the technical difficulties encountered, the Registrar, a Chief Inspector of Police, had this to say about registration of firearms:

"It seems just to be an elaborate system of arithmetic with no tangible aim. Probably, and with the best of intentions, it may have been thought, that if it were known what firearms each individual in Victoria owned, some form of control may be exercised and those who were guilty of criminal misuse could be readily identified. This is a fallacy, and has proven not to be the case".

The Registrar found, from an examination of registration applications, that each licensed shooter on average holds approximately 2.8 firearms. The Registrar was able to postulate, based on the average number of licensed shooters, that in 1987 there was "an absolute minimum" of around 740,000 longarms in Victoria.

Based on the above assumptions, which were compared with the number of firearms actually registered over the three year period, the Registrar formed the view that only 58.7% of firearms held by the community were actually registered, which left somewhere in the order of 300,000 longarms being held by the community on an unregistered basis.

The Registrar concluded that firearms registration is costly, ineffective, achieves little and does not repress or control the criminal misuse or irresponsible use of firearms.

The Registrar suggested that if the people of Victoria or the Government required registration to continue in an effective way, so as to control and contain firearms ownership, the people and

the Government should:

- “(a) Re-assess their aims and objectives, and make a conscious decision as to whether the registration process will meet those aims: if not seek alternatives;
- (b) If the answer is affirmative, repressive laws would have to be enacted on the “show cause” basis, or a labour intensive system adopted which would rely heavily upon Police time and resources to make registration more effective, and to provide some degree of accuracy”.

Finally, the Registrar recommended the abolition of firearms registration and that a far reaching, effective and proper system of education be introduced, as a pre-requisite to the obtaining of a shooter’s licence. The Registrar also recommended that such action be taken in conjunction with penalties for those who breach the law with such penalties being heavily increased.

10.7.3 NSW Commissioner of Police

The NSW Commissioner of Police, Mr A Lauer, made both a formal submission to, and gave evidence before, the Committee.

The Commissioner was supportive of a national system of registration of all firearms, but conceded that there were negative consequences such as:

- cost of implementation
- difficulties in ensuring that the system were effective (Mr Lauer proposed annual renewal of licences and registration in order to assist in data capture).

To assist the Committee in its deliberations, the Commissioner provided details as to the operation of the existing registration scheme involving handguns. It was indicated that there were currently 70,000 handguns registered in NSW of which approximately 42,000 were held by dealers. These firearms were owned by 11,000 licensed persons.

As to the position with longarms, the Commissioner advised that there are 230,000 shooters licences and the best estimate of the number of longarms in the NSW community is one million.

The administrative difficulties inherent in the licensing of persons to possess firearms, and the registration of those firearms, is exemplified by evidence from the Commissioner as follows:

“Recently, when the firearm registry sent to all licensed shooters in New South Wales a copy of the booklet dealing with the new gun laws, based on a three year renewal period generally, 20% were returned to the Police Service ‘address unknown’ ”.

When questioned on the effectiveness of the registration systems operating in other areas of Australia, the Commissioner indicated there was a suggestion that they are not as effective as they could be and that the flaw in the registration system is said to be the length of the renewal period.

The Commissioner also provided the Committee with some estimates as to the cost of implementation in NSW of a new system of registration in the first year as follows:

Items	\$,000
Computer enhancement	50
Data capture (50 staff)	1,500
Equipment accommodation	400
Cost at patrol level (15 staff)	620
TOTAL COST	\$2.5m

Recurrent costs are estimated at \$480,000 per annum. However, the costings do not include the cost of locating and prosecuting those persons who refuse to register firearms, which could be substantial.

One aspect of the Commissioner’s proposals regarding registration presents some concern to the

Committee. The Commissioner did not envisage that police would attend at a person's residence to check whether all firearms had been registered, but that checks would be made when police had occasion to visit a person's premises for some other purpose eg a domestic violence call.

The Police proposal contemplates that firearm owners will register all of their firearms, not just one or, possibly, two. This may result in the very problem which appears to exist in other registration systems ie. corruption of the data through non-compliance with statutory requirements.

However, it must also be recognised that the introduction of registration could not be expected to operate perfectly in the short term. It could be expected to take some years before the system could be regarded as possessing any reasonable degree of accuracy regarding existing firearms, while there should be greater accuracy regarding newly purchased firearms with details being forwarded by dealers to the police.

10.7.4 National Committee on Violence (NCV)

The Committee noted that recommendation 57.4 contained in the report of the National Committee on Violence recommends that all firearms should be registered in a computerised national firearms registry.

The Committee also notes that the NCV was "in wholehearted agreement" with the two Commissioners of Police who were members of the NCV, that a national system of firearms licensing and registration will assist the police in the prevention and control of firearm violence. The extent of that assistance is not disclosed in the NCV report.

In evidence given before the Committee, Professor Duncan Chappell, Chairperson of the National Committee on Violence and Head of the Australian Institute of Criminology, stated that registration is a factor in a number of aspects of regulation and control of firearms, but is not designed as such to lead to a reduction in gun ownership.

10.7.5 Overseas Jurisdictions

The Committee was able to gain an insight into this issue as it applies elsewhere through submissions made to the Committee, through evidence given by persons at public hearings and through research undertaken on behalf of the Committee which included publications of leading Australian and overseas authorities in the area.

- *New Zealand*

In his 1988 text, Fine refers to an internal police study undertaken by Inspector A.G. McCallum of the New Zealand Police, which Fine indicates led that country's police officials to recommend legislation which resulted in the repeal of longarm registration in New Zealand.

It seems, as quoted by Fine, it was found that under New Zealand conditions:

“There is no evidence to suggest there is any relationship between the registration of firearms and their control. Education will reduce misuse more than registration”.

Fine indicates that McCallum also concluded:

“It is unlikely that firearm registration controls firearm use in domestic violence The question whether firearm registration deters offenders from using firearms in the commission of crime remains unanswered but it is unlikely”.

- *United Kingdom*

Fine (1988) refers also to a study undertaken some time ago (1972) by an Inspector Greenwood when attached to the Institute of Criminology at Cambridge University.

Fine indicates that many decades after the introduction of long gun (longarm) registration in England, Greenwood, who apparently conducted an exhaustive study of the effects and benefits of long gun registration in Britain, could find no proof that its long gun registration program had been of real assistance to any police force in apprehending even one criminal.

It seems, according to Fine, that Greenwood found that the only benefit of registration was that it made it easier to return stolen arms to their registered owners.

- *Canada*

A number of persons and organisations who made submissions to the Committee, or gave evidence before it, placed significant reliance in support of their arguments for registration of all firearms on a document prepared by the Australian Institute of Criminology (AIC) entitled (Trends and Issues No. 10 - Firearms and Violence in Australia) and which refers to comprehensive firearm legislation introduced in Canada in 1978. The AIC document states that the Canadian legislation included:

- national licensing and screening procedures;
- registration of firearms;
- prohibition orders on certain types of gun ownership and possession;
- increased penalties for firearm offences;
- the promotion of safe firearm handling and storage measures;
- the regulation of firearm business.

The AIC paper refers also to a report prepared in 1983 by the Canadian Ministry of the Solicitor-General which contained the results of a three year evaluation of the new legislation. The AIC paper indicated that the evaluation included the following findings :

- the proportion of violent crimes committed with firearms declined in the post legislation period.
- where firearms were used in violent crimes there was an increasing trend for the firearm to be a handgun.
- there was a displacement of firearms by other weapons in robberies.
- accidents involving firearms showed a downward trend.
- suicides with firearms declined.

The AIC paper notes from the Canadian data that the total homicide rate showed a slightly declining trend, with homicides by other than firearms remaining fairly constant. The AIC concluded from the data that "it would appear that the total

homicide rate declined because homicides by shooting declined”.

The Committee is not convinced that it is appropriate to place particular reliance on the Canadian experience to justify the need for registration of all firearms. In coming to this view, the Committee has noted that the registration of firearms in Canada was but one component of a number of major legislative changes introduced contemporaneously, many of which may well have had a much more significant effect on the decline in the incidence of death or injury as a result of firearm misuse in Canada than the mere fact that firearms were required to be registered.

Research was undertaken on behalf of the Committee in order to ascertain in more detail the position in Canada. Snow's Annotated Criminal Code (Toronto, 1990) sets out the legislative scheme operating in Canada and which is summarised below.

Under the Canadian scheme, two categories of weapons are specifically defined:

- *Prohibited weapons*
These include gun silencers, certain types of knives, automatic guns, and sawn-off shotguns.

- *Restricted weapons*
These include pistols, centre-fire semi-automatic rifles and any other weapon declared to be a restricted weapon. It should be noted that shotguns or rifles used for hunting or sporting purposes are not regarded as restricted weapons.

Prohibited weapons cannot be acquired, while restricted weapons may be acquired, but must be registered. Registration includes the provision of serial numbers. Thus, firearms approved for sporting or recreational purposes are not required to be registered.

However, the Committee noted that in June 1991, the Canadian Minister for Justice introduced legislation to amend the Criminal Code concerning firearms to, amongst other things, permit some military or paramilitary rifles (determined on an individual basis) to be classified with prohibited or restricted weapon status.

This would appear to suggest that the Canadians are concerned at the use of what might well be analogous to the military style centre-fire semi-automatics which have been prohibited from importation into Australia. The new proposals may thus result in a constriction of the types of firearms recreational and sporting shooters in Canada may use without their being required to register them.

10.7.6 Academic Research

It is not clear to the Committee how the NCV came to unequivocally accept the views of the two Commissioners of Police regarding registration, given the fact that the NCV had access to the works of leading authorities in this area such as Fine (1988), Wright (1988), Zimring and Hawkins (1987) and Harding (1981) because none of these "leading authorities" indicate conclusively that registration of firearms will have any significant benefit on the level of crime in which firearms are involved.

For example, Fine (1988) says:

"There appears to be no evidence whatsoever that the cost of administering any type of registration scheme might achieve any commensurate reduction in the criminal misuse of firearms, or any increase whatsoever in the frequency with which criminals are apprehended by police".

Fine goes on to say:

"A. Long gun registration, in those Australian jurisdictions in which it has been introduced in recent years, does not appear to be achieving a meaningful reduction in the number of firearms held (often without proper safe keeping facilities) by private persons who have no real use for or strong attachment to these firearms. Registration thus does not appear to be a strategy particularly well calculated to reduce the availability of firearms to criminals, through a diminution in the number of firearms likely to be lost through burglary.

B. Not only has the introduction of long gun registration failed to be of positive

“symbolic effect” by reinforcing in shooters’ minds the seriousness with which the community views firearms ownership and use; rather, it generally has had a strong negative “symbolic effect” upon firearms owners”.

Fine also says:

“If firearms registration was of significant assistance to police anywhere in Australia in their criminal duties, then the author would have expected at least some of the many police whom he interviewed nationwide to support it enthusiastically for this reason. None did”.

Zimring and Hawkins (1987) detail some of the issues raised when registration of firearms is threatened.

They indicate that for reasons that are partly obscure, registration is one of the most feared of all types of gun control laws, and the one that gun owners find hardest to understand perhaps - as they indicate, because of some anxiety about “Big Brother” keeping information about details of personal life.

Zimring and Hawkins go on to state that the best argument against gun registration is its cost, but that the debate centres on the “purpose” of registration. They conclude that:

“all in all, it is difficult to estimate how much additional prevention a licensing system obtains by requiring registration, but it seems perverse not to require registration of some kind in any system that seeks to prevent gun violence by barring certain groups from gun ownership.”

The Committee notes that barring certain groups from gun ownership could also be achieved through a licensing system which incorporates appropriate “needs criteria”.

Fine (1985) held the view that:

“if it can be demonstrated (not merely asserted) that a firearms registration scheme offers significant assistance to police investigations into violent crimes, it is a pressing

argument in favour of registration. Additionally, there appears real merit in the suggestion that an effective firearms registration system might allow police to prevent domestic violence, by assuring the removal of registered firearms when they respond to certain calls for assistance at a home where firearms are known to be stored”.

Harding (1981) indicates that:

“it is essential that a modern society should, at any given moment, be able to ascertain how many firearms there are, of what type, and who owns them. This is because of their inherent capacity for misuse in a manner which can produce serious consequences”.

However, Harding (1981) goes on to say when referring to the creation of a national firearms register:

“This is not a recommendation that one would make lightly; the privacy implications of any national system of personal information storage (particularly, if it is computer based, as this would have to be) are far too disturbing. So this recommendation is dependant upon the creation of a workable system of effective safeguards with regard to personal data storage banks generally. Once this is achieved, a national firearms register should be compiled”.

10.7.7 Arguments In Favour Of Registration

A number of persons and organisations made submissions to the Committee relating to the registration of firearms. Organisations such as the Labor Council of New South Wales, the Police Association of New South Wales, the Finance Sector Union of Australia (Bank Employees’ Section), the New South Wales Domestic Violence Committee and the NSW Council of Churches all supported the registration of all firearms, not just pistols as at present. Many other individual submissions also supported registration.

The main arguments in favour of registration appear to be as follows:

- It will enable police officers to ascertain the type and number of firearms a person may

possess which will assist police when approaching persons and premises in the course of their duty.

- It will result in a reduction in the number of firearms in the community.
- It will ultimately result in a reduction of firearm accidents and deaths
- It will assist in criminal investigations generally
- It will assist in the return of stolen weapons.

10.7.8 Arguments Against Registration

As could be expected, there were also a number of submissions which urged the Committee not to support any expansion in the registration system. (Pistols are already registered in New South Wales). The principal submissions in this respect were made by shooting organisations such as the Sporting Shooters' Association of Australia and the New South Wales Shooting Association, amongst others.

The main arguments against registration appear to be as follows:

- It is costly and administratively inefficient given the number of firearms which would have to be registered.
- Many citizens will not register their firearms which will result in the registration system becoming a nonsense.
- It will not reduce the number of firearms in the community.
- It will not assist the police when approaching the premises of a firearms licence holder because:
 - the police must always assume that the person in the premises may have an

unregistered firearm;

- the police cannot assume that there is no other person in the premises who possesses a firearm;
 - mere knowledge of the registration number of the firearm provides no particular assistance.
- Criminals will not register firearms which they obtain, will steal registered firearms and will file off registration numbers to avoid detection. Therefore, registration will only be relevant to law-abiding citizens, who will be required to meet its cost for little real advantage to anyone.

As indicated earlier, many of the submissions to the Committee made by major organisations in favour of registration referred to the "Trends and Issues" paper prepared by the AIC, and the report of the National Committee on Violence, to support their position.

The Committee suspects that many of those arguing in favour of registration of all firearms were not aware of the position in Canada at the time that the AIC published its works in the area - ie. registration in Canada applies, essentially, only to handguns and those self-loading centre-fire rifles, which are not regarded as being relevant for hunting or sporting purposes.

In evidence before the Committee it was also apparent that the Police Association representatives appeared to be more concerned with the firepower of a weapon than, perhaps, the number of weapons a person may possess.

10.7.8 Summary

The submissions made to the Committee on the issue of registration, evidence given before the Committee and research undertaken on the Committee's behalf, do not lead to a particularly clear conclusion.

Unfortunately, the Committee did not have the benefit of objective assessment of the

operation of registration systems in other jurisdictions, or the advantage of a full cost-benefit analysis of registration on a State or national basis.

10.7.9 Alternative to Registration

The Committee considers that there is a need to provide law enforcement agencies with some detail as to the type and number of firearms in the community.

The Committee considers that this can be achieved through other means than registration. In this respect, the Committee noted that firearms dealers already maintain lists of firearms which they sell and the Committee considers that this existing regime may be adapted to achieve the desired result.

10.7.10 Mail Order Firearms

- *National Position*

At its meeting on 18 March 1988, the Australian Police Ministers Council resolved to:

“note the problems associated with placing restrictions on the transfer of firearms by mail and requested that the Commonwealth examine the issue further and report back to Council”.

The Committee understands that the Commonwealth has not reported back to the Police Ministers Council on this issue. The issue of mail order firearms was raised again by the National Committee on Violence. Recommendation 55.2 of the NCV's report was as follows:

“Mail order firearms: If the Federal Government has the constitutional power, the sale of mail order firearms should be prohibited. If it does not have such powers, and in the absence of uniform State and Territory licensing laws, the mail

order sales of firearms should be restricted by using, for example, legislation relating to dangerous goods”.

In its response to the NCV's report, the Commonwealth Government made the following comment in respect of Recommendation 55.2:

“Mail Order firearms entering Australia are subject to the Customs (Prohibited Imports) Regulations. Within Australia, however, there is no general prohibition on sending firearms through the mail. Compliance with relevant controls is a matter for the sender and recipient in light of the laws of the jurisdiction in which they reside.

Any proposed amendments to the Australian Postal Corporation Act to restrict the carriage of firearms through the mail would require “end user certificates” to be issued by State authorities before Australia Post would dispatch firearms. In order to successfully implement this legislation the full co-operation of all jurisdictions would be required. In April 1989 the Commonwealth wrote to the States to seek their views on such a scheme, and although some jurisdictions were in favour of it, others opposed it on both Constitutional and practical grounds.

- *NSW Position*

In NSW it is currently illegal to forward handguns through the mail and it is also illegal to request a person to forward a handgun by mail to an address in NSW.

However, it is virtually impossible for NSW Police to ensure that the law is enforced as it is difficult to assess the nature and content of parcels coming from interstate.

There is scope for insisting that firearms be forwarded on a secure basis.

So far as New South Wales is concerned, the NSW Police Minister, Mr Pickering, replied to the Commonwealth's letter on 27 June 1989 stating that he had “no objection to the principle of end user certificates; however, the details of its type and application may be subject to some discussion”.

10.7.10 Firearm Construction Manuals

At its meeting on 18 March 1988, the Australia Police Ministers Council resolved to:

“support the imposition of restrictions on the availability of manuals relating to the construction of weapons and request each jurisdiction to take whatever action is considered necessary. However, this does not include publications dealing with assembly of firearms, parts of maintenance and operating instructions which are necessary for the proper and safe use of firearms”.

The danger presented by these publications that some of them detail the technical requirements of construction of some prohibited weapons.

The Committee understands that most firearms manuals are imported and, accordingly, the Commonwealth Customs Act, could be utilised in order to prohibit or restrict the entry of these publications into the country.

Consideration would need to be given at State level to including them as classified publications and thus prohibited from sale within each State.

10.7.11 Recommendations - Firearm Sale and Purchase

1. The sale or purchase of any firearm may only be made through a licensed firearms dealer, or a firearms club or association, approved by the Commissioner of Police for that purpose.
2. A person may only purchase a firearm, or ammunition for a firearm, which corresponds to the category of firearm which that person is licensed or permitted to possess.
3. At licence application and renewal, applicants shall be required to indicate the total number and type (s) of firearm in each licence category applicable to that person. The applicant's signature is to be witnessed by a police officer and the application will be deemed a statutory declaration.
4. Details of firearms sold through dealers and approved firearms clubs or associations shall be forwarded to the Police Service Firearms Registry on a quarterly basis.
5. Australian manufacturers and importers of firearms are to provide details on a quarterly basis to the Police Service Firearms Registry of firearms forwarded to dealers, or to others, for sale within NSW.
6. Mail order purchase of firearms is to be prohibited.
7. It shall be an offence for a person to possess ammunition which does not match the calibre of firearm for which that person has a licence. The offence will not apply to recognised collectors of firearm ammunition.
8. Persons who are licensed to possess a firearm regarded as an heirloom shall not be entitled to purchase or possess ammunition which may be used in that firearm.
9. Importation or sale of publications which detail how to construct a firearm should be prohibited. This matter should be addressed by the Australian Police Ministers' Council (APMC).

10.8 Miscellaneous

10.8.1 Crime Statistics

Research conducted by the Committee demonstrates that there is a lack of relevant data in connection with the use or misuse of firearms in Australia. While there are statistics of a broad nature available in relation to such areas as homicide and suicide involving firearms, these statistics do not provide the level of detail necessary for Governments to discern trends in firearms use to assist in the development of appropriate policies.

Information is particularly lacking in the area of domestic violence and the Committee considers that the Government should review the relevant data collection processes.

10.8.2 Future of the Joint Select Committee Upon Gun Law Reform

Depending upon the results of the Australian Police Ministers' Council meeting and the Special Premiers' Conference, there may be a need for further work to be undertaken by the Government in the area of gun law reform.

10.8.3 Recommendations - Miscellaneous

1. *Crime Statistics*

The Bureau of Crime Statistics and Research, in conjunction with other state agencies such as the Department of Corrective Services, Department of Courts Administration, Police Service, Department of Health and Community Services and NSW Domestic Violence Committee, formulate procedures to improve the collection and collation of statistical and other data relating to the use and misuse of firearms.

2. *Future of the Joint Select Committee Upon Gun Law Reform*

The Committee to be reconvened, if considered appropriate by the Parliament, following consideration of gun law reform proposals at the Special Premiers' Conference to be held in November 1991.

11. REFERENCES

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12. APPENDIX**12.1 List of Witnesses**

Mr Paul Andrews, General Manager of NSW Firearms Safety Awareness Council.

Dr William Andrews, Chairman NSW Branch, Royal Australian and New
College of Psychiatrists.

Mr Neil Bridge, Director of Policy and Program, Police.

Professor Duncan Chappell, Director, Australian Institute of Criminology.

Mr Alexander Comino, Vice President, NSW Shooting Association.

Mr John Crook, President Gun Control Australia.

Mr Anthony Day, President, Police Association of NSW.

Mr Geoffrey Derrick , Assistant Secretary, Finance Sector Union, Bank Employees
Section - NSW Branch

Mr Edward Drone, President, Sporting Shooters' Association of Australia.

Mr Paul Duffy, Secretary, NSW Shooting Association.

Dr Michael Eagleton, Hon. Treasurer, Australian Medical Association -
NSW Branch

Mr Michael Easson, Secretary, NSW Labor Council.

Mr Graham Fell, Executive Officer, NSW Farmers Association.

Mr Anthony Gould, Principal Manager of the Police Firearms Registry.

Mr Geoffrey Green, Legal Secretary, Police Association of NSW.

Dr Jo Herlihy, Violence Monitoring Unit, Australian Institute of Criminology.

Mr Anthony Humphrey, Vice President, Australian Association for Suicide Prevention.

Mr David Kenny, President, NSW Shooting Association.

Mr Anthony Lauer, Commissioner of Police.

Mr Robert Mitton, Senior Vice President (Legislation), Sporting Shooters' Association of Australia

Mr Howard Moxham, Executive Officer, NSW Farmers Association.

Mr Lloyd Taylor, Secretary-Administration, Police Association of NSW.

Mr Darryl Warren, Barrister-at-Law.

Mr John Wilson, President, NSW Council of Churches.

Ms Jane Woodruff, Director, NSW Women's Co-Ordination Unit and Chairperson, Domestic Violence Committee.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Thursday, 12 September, 1991

At 1:30 pm, Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Irwin
Mr Kerr
Mr Longley
Ms Moore

Legislative Council

The Hon R D Dyer
The Hon J A Gardiner
The Hon D M Isaksen
The Hon Elisabeth Kirkby
The Hon S B Mutch
The Rev the Hon F J Nile
The Hon J F Ryan

Mr Lindsay Le Compte, the Project Officer to the Committee, was also in attendance.

An apology was received from Mr Cochran.

The Clerk to the Committee, in the absence of the Clerk of the Legislative Assembly, opened the meeting and read the following:

Entry no. 5, Votes and Proceedings of the Legislative Assembly, 11 September, 1991, message to the Legislative Council -

"MR PRESIDENT

The Legislative Assembly has this day agreed to the following resolution—

1 That a Joint Select Committee be appointed with the following terms of reference:

(1) To recommend to Parliament ways in which the current system of licensing shooters could be improved having regard to:

(a) the desirability of developing a two category shooters licence system in New South Wales as recommended by the New South Wales Commissioner of Police, Mr Tony Lauer, covering:

- (i) Category 1—non self-loading rifles; and
- (ii) Category 2—rim-fire self-loading rifles with restricted magazine capacity; and

(b) the purposes, including "good reason" or "need to own" criteria, for which licences may be issued, having particular regard to primary producers, professional shooters and others with occupational needs and members of recognised shooting clubs and related organisations.

(2) Without limiting the generality of (1), to recommend—

(a) whether the ban by the Commonwealth Government, pursuant to the Customs (Prohibited Imports) Regulations, on the importation of non-exempt self-loading centre-fire rifles should be extended to encompass all self-loading centre-fire rifles;

(b) as to the nature and method of enforcement of national bans on the sale, purchase or resale of those self-loading centre-fire rifles (including their Australian made substitutes) of a kind as banned from importation into Australia;

(c) action by which the Commonwealth, State and Territory Governments may deal with prohibited firearms now in the community; and

(d) any other action necessary to reinforce responsible gun ownership and use on a national basis.

2 That the Committee shall consist of seven members of the Legislative Assembly and seven members of the Legislative Council.

3 Notwithstanding anything to the contrary in the Standing Orders of either House:

(1) That Mr Anderson, Mrs Chikarovski, Mr Cochran, Mr Irwin, Mr Kerr, Mr Longley and Ms Moore be appointed to serve on such Committee as members of the Legislative Assembly.

(2) The Legislative Council members shall be:

(a) 3 members supporting the Government nominated by the Leader of the Government in the Council; and

(b) 4 members not supporting the Government, of which:

(i) 2 shall be nominated by the Leader of the Opposition in the Council;

(ii) 1 shall be Miss Kirkby; and

(iii) 1 shall be Rev. Mr Nile.

(3) The Committee shall elect as Chairman a member of the Legislative Assembly appointed to the Committee as a supporter of the Government.

4 That at any meeting of the Committee any seven members shall constitute a quorum, provided that the Committee shall meet as a Joint Committee at all times.

5 That the Committee have leave to sit during the sittings or any adjournment of either or both Houses; to adjourn from place to place within New South Wales; to have power to take evidence and send for persons and papers; and to report from time to time.

6 That should either or both Houses stand adjourned and the Committee agree to any report before the Houses resume sitting:

(1) the Committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the House;

(2) the documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the order of the House; and

(3) the documents shall be laid upon the Table of the House at its next sitting.

7 The Committee shall report to both Houses by no later than 15 October 1991.

And requests that the Legislative Council inform the Legislative Assembly of the names of the Members of the Legislative Council appointed to serve on such Committee and appoint a time and place for the first meeting of the Committee.

K.R. ROZZOLI
Speaker

Legislative Assembly
11 September 1991"

Entry no. 11, Minutes of the Proceedings of the Legislative Council, 12 September, 1991, return message to the Legislative Assembly --

"Mr SPEAKER

The Legislative Council desires to acquaint the Legislative Assembly that it has this day agreed to the following resolution:

(1) That this House agrees to the resolution contained in the Legislative Assembly's Message of 11 September 1991, relating to the appointment of a Joint Select Committee to recommend to Parliament ways in which the current system of licensing shooters could be improved.

(2) That today, Thursday, 12 September 1991 at 1.30 p.m. in room 812-813 be the time and place for the first meeting.

The Legislative Council also wishes to acquaint the Legislative Assembly that the following Members have been nominated to serve on the Committee:

(a) Government Members: Miss Gardiner, Mr Mutch and Mr Ryan

(b) Opposition Members: Mr Dyer and Mrs Isaksen.

M. F. WILLIS
President

Legislative Council
12 September 1991"

Election of Chairman

Resolved, on motion of Mr Ryan, seconded by Mr Mutch:

"That Mr Longley be elected Chairman of the Committee".

Procedural Resolutions

Resolved, on motion (in globo) of Mr Anderson, seconded by Rev Nile:

- "1. That arrangements for the calling of witnesses and visits of inspection be left in the hands of the Chairman and the Clerk to the Committee.
2. That, unless otherwise ordered, parties appearing before the Committee shall not be represented by any member of the legal profession.

3. That, unless otherwise ordered, when the Committee is examining witnesses, the press and public (including witnesses after examination) be admitted to the sitting of the Committee.
4. That persons having special knowledge of the matters under consideration by the Committee may be invited to assist the Committee.
5. That press statements on behalf of the Committee be made only by the Chairman after approval in principle by the Committee or after consultation with Committee members.
6. That, unless otherwise ordered, access to transcripts of evidence taken by the Committee be determined by the Chairman and not otherwise made available to any person, body or organisation: provided that witnesses previously examined shall be given a copy of their evidence; and that any evidence taken in camera or treated as confidential shall be checked by the witness in the presence of the Clerk to the Committee or an Officer of that Committee.
7. That the Chairman and the Clerk to the Committee be empowered to negotiate with the Presiding Officers through the Clerk of the Legislative Assembly for the provision of funds to meet expenses in connection with travel, accommodation, advertising, operating and approved incidental expenses of the Committee.
8. That the Clerk be empowered to advertise and/or write to interested parties requesting written submissions.
9. That upon the calling of a division or quorum in either House during a meeting of the Committee, the proceedings of the Committee shall be suspended until the Committee again has a quorum.
10. That the Chairman and the Clerk make arrangements for visits of inspection by the Committee as a whole and that individual members wishing to depart from these arrangements be required to make their own arrangements."

Staffing

The Chairman introduced the Clerk to the Committee and one of the Project Officers to Committee members.

Advertisement Calling for Submissions

A draft advertisement calling for submissions was circulated and endorsed by the Committee.

Committee Timetable

The Committee noted the reporting requirement of Tuesday, 15 October, 1991 within the terms of reference.

The Committee deliberated and agreed to a timetable for action.

Background Material

A folder of background material was circulated to the Committee,

The Committee deliberated on the need for further background matter.

General Business

- (1) The Committee discussed inviting various organisations to make submissions and/or appear as witnesses.
- (2) The Chairman closed the meeting with remarks concerning the operation of the Committee.

The Committee adjourned at 2:31 p.m., until Friday 20 September, 1991, at 10:30 a.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Friday, 20 September, 1991

At 10.30 a.m., Sydney Police Centre

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, and Mr Neil Bridge, the Technical Advisor to the Committee, were also in attendance.

Apologies were received from Reverend Nile and Messrs Dyer, Kerr and Mutch.

Briefing

The meeting was opened by Chief Inspector Harry Delaforce Head of the Physical Evidence Section of the New South Wales Police.

The Committee was then briefed by Detective Senior Sergeant David Ransome of the Forensic and Ballistic Unit and Senior Sergeant Mark Lupton of Weapons Training.

The Committee then viewed a video entitled "Firearm Safety: No Second Chance" produced for the Victorian Police.

Inspection and Demonstration

The Committee then inspected a number of legal and illegal firearms. The inspection was then followed by a range demonstration of these weapons.

Minutes

The Minutes of the meeting held on 12 September, 1991, as circulated were confirmed.

Press Clippings

The Committee requested the Clerk to obtain relevant press clippings from the Parliamentary Library for circulation.

Correspondence

The Committee noted the correspondence forwarded by the Deputy Premier, Minister for Public Works and Minister for Roads.

Evidence

The Committee confirmed the schedule of witnesses for evidence.

The Committee adjourned at 1.01 p.m., until Monday 23 September, 1991, at 2.15 p.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Monday, 23 September, 1991

At 2.15 pm, Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Hon S.B. Mutch
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, was also in attendance.

The press and public were admitted.

By direction of the Chairman the Clerk read the Committee terms of reference and Legislative Assembly Standing Order No. 362 relating to the examination of witnesses.

Mr Anthony Laurence Day, President, Mr Geoffrey Richard Green, Legal Secretary, and Mr Lloyd William Taylor, Secretary-Administration, of the Police Association of New South Wales, sworn and examined.

Evidence concluded the witnesses withdrew.

Mr John Charles Wilson, President of the New South Wales Council of Churches, sworn and examined.

Evidence concluded the witness withdrew.

Mr Michael Bernard Easson, Secretary of the New South Wales Labor Council, sworn and examined.

Evidence concluded the witness withdrew.

Mr Geoffrey William Derrick, Assistant Secretary, Finance Sector Union of Australia, Bank Employees Section - New South Wales Branch, affirmed and examined.

Evidence concluded the witness withdrew.

Dr Michael Kevin Eagleton, Honorary Treasurer, Australian Medical Association - New South Wales Branch, sworn and examined.

Evidence concluded the witness withdrew.

The Committee adjourned at 5.00 p.m., until Tuesday, 24 September, 1991, at 9.30 a.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Tuesday, 24 September, 1991

At 9.30 a.m., Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Hon S.B. Mutch
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, was also in attendance.

The press and public were admitted.

By direction of the Chairman the Clerk read the Committee terms of reference and Legislative Assembly Standing Order No. 362 relating to the examination of witnesses.

Ms Jane Catherine Woodruff, Director of the New South Wales Women's Co-ordination Unit and Chairperson of the Domestic Violence Committee, affirmed and examined.

Evidence concluded the witness withdrew.

Dr William Bruce Andrews, Chairman New South Wales Branch, Royal Australian and New Zealand College of Psychiatrists, sworn and examined.

Evidence concluded the witness withdrew.

Mr Anthony Grant Humphrey, Vice President of the Australasian Association for Suicide Prevention, affirmed and examined.

Evidence concluded the witness withdrew.

Mr Howard Gavin Moxham and Mr Graham Ross Fell, Executive Officers, New South Wales Farmers Association, sworn and examined.

Evidence concluded the witnesses withdrew.

Mr David Kenny, President, Alexander Comino, Vice-President, Mr Paul Brian Duffy, Secretary, of the New South Wales Shooting Association, Paul Sutherland Andrews, General Manager, New South Wales Firearms Safety Awareness Council and Mr Darryl Leslie Warren, Barrister-at-Law, sworn and examined.

Evidence concluded the witnesses withdrew.

The Committee adjourned at 12.39 p.m., until Friday, 27 September, 1991, at 9.30 a.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Friday, 27 September, 1991

At 9.30 a.m., Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Hon S.B. Mutch
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, and Mr Bridge, the Technical Advisor to the Committee, were also in attendance.

Minutes

The Minutes of the meetings held on 20, 23 and 24 September, 1991, as circulated were confirmed.

Arrangements for Monday, 30 September, 1991

The Committee agreed to the schedule of witnesses for Monday, 30 September, 1991, viz:

9.00 a.m.	Mr John Crook (Gun Control Australia)
9.30 a.m.	Sporting Shooters' Association
10.00 a.m.	Professor Duncan Chappell Dr Jo Herlihy (Australian Institute of Criminology)

11.00 a.m.	Mr A.R. Lauer (Commissioner of Police)
2.00 p.m. to 4.00 p.m.	Discussions, inspections and shooting demonstrations at the New South Wales Gun Club, Terrey Hills, together with the demonstration of a gun anti-theft and locking device.

Police Day of Remembrance

It being 10.00 a.m. -

Resolved, on motion of Mr Anderson, seconded by Mr Ryan:
"That this Committee notes the National Day of Remembrance for Police Killed on Duty".

Correspondence

The Committee noted for appropriate reply the following correspondence:

- (i) Eva Cox of the New South Wales Council for Civil Liberties, dated 17 September, 1991; advising that the Council will be unable to make a submission to the Committee.
- (ii) R. Bartl, dated 19 September, 1991; requesting an in camera hearing.
- (iii) Concord, Burwood and District Peace and Environment Group, dated 20 September, 1991; requesting a copy of the Committee report.
- (iv) Barry Wilson of the Australian Bankers' Association, dated 24 September, 1991; requesting an extension of time to make a submission.
- (v) Votergrams forwarded by Mr S.T. Neilly, M.P.
- (vi) Correspondence from the Honourable the Speaker referencing Mr Michael Kay who made submission No. 15.
- (vii) Correspondence forwarded from Mr A.J. Cruickshank, M.P.

Submissions

A list of submissions, received up to the afternoon of Thursday, 26 September, 1991, was circulated.

Transcript Corrections

The Committee was informed to advise the Clerk of any corrections to errors in the transcripts.

Distribution of Draft Report

Arrangements were made for the forwarding of the draft report to Members.

Issues for the Report

An issues paper was circulated. The Committee then deliberated over the various issues for inclusion in the report.

The Committee adjourned at 1.50 p.m., until Monday 30 September, 1991, at 9.00 a.m.



PARLIAMENT OF NEW SOUTH WALES
PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Monday, 30 September, 1991

At 9.00 a.m., Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Hon S.B. Mutch
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, was also in attendance.

The press and public were admitted.

By direction of the Chairman the Clerk read the Committee terms of reference and Legislative Assembly Standing Order No. 362 relating to the examination of witnesses.

Mr John Bruce Crook, President of Gun Control Australia, sworn and examined.

Evidence concluded the witness withdrew.

Mr Edward Joseph Drane, President and Mr Robert Mitton, Senior Vice-President (Legislation) of the Sporting Shooters' Association of Australia, sworn and examined.

Evidence concluded the witnesses withdrew.

Professor Duncan Chappell, Director and Dr Jo Herlichy, Violence Monitoring Unit of the Australian Institute of Criminology, affirmed and examined.

Evidence concluded the witnesses withdrew.

Mr Anthony Raymond Lauer, Commissioner, Mr Anthony Michael Gould, Principal Manager of the Firearms Registry and Mr Neil Bridge, Director of Policy and Programs, of the New South Wales Police, sworn and examined.

Evidence concluded the witnesses withdrew.

The Chairman left the Chair at 1.10 p.m. and the Committee reassembled at 2.15 p.m. at the New South Wales Gun Club premises, Terrey Hills—

The Committee inspected a display of various sporting firearms.

The Committee then inspected a gun anti-theft and safety lock.

The Committee inspected the offices of the New South Wales Firearms Safety Awareness Council Ltd.

The Committee observed a demonstration of clay pigeon and skeet shooting.

Discussions, inspections and demonstrations concluded the Chairman, on behalf of the Committee, thanked the New South Wales Gun Club for their co-operation and hospitality.

The Committee adjourned at 4.05 p.m., until Thursday, 10 October, 1991, at 9.30 a.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Thursday, 10 October, 1991

At 9:30 a.m., Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, and Mr Bridge, the Technical Advisor to the Committee, were also in attendance.

An apology was received from Mr Mutch.

Minutes

The Minutes of the meetings held on 27 and 30 September, 1991, as circulated were confirmed.

Submissions

Submissions S.233 to S.243 were made available to Committee members.

Correspondence

The Committee noted for appropriate reply the following correspondence:

- (i) David Butcher, Executive Director of the R.S.P.C.A., dated 25 September, 1991; expressing interest in making a submission.
- (ii) Christopher Brown (representing Upton Industries), dated 30 September, 1991; letter of thanks.
- (iii) John Crook (Gun Control Australia), dated 1 October, 1991; critique of Fine's "Gun Laws - Proposals for Reform".

(iv) Material forwarded by -

- (a) Mr Adrian Cruickshank, M.P.
- (b) Mr John Hatton, M.P.
- (c) Mr Bruce Jeffery, M.P.
- (d) Mr John Murray, M.P.
- (e) The Hon. W. T. J. Murray, M.P.

Consideration of the Draft Report and Recommendations

A copy of the Draft Report, having been transmitted to each member of the Committee, was accepted by the Committee as having been read.

The Committee proceeded to consider the Draft Report.

It being 10.00 a.m. Mr Kerr left the meeting to attend a meeting of the Joint Committee on the Office of the Ombudsman.

The Draft Report, as amended, agreed to.

The Committee then proceeded to consider Recommendations.

The Committee adjourned 11.03 p.m., until Friday, 11 October, 1991, at 9.30 a.m.



PARLIAMENT OF NEW SOUTH WALES

PROCEEDINGS OF THE JOINT SELECT COMMITTEE UPON GUN LAW REFORM

Friday, 11 October, 1991

At 9:30 a.m., Parliament House, Sydney.

MEMBERS PRESENT

Legislative Assembly

The Hon P.T. Anderson
Mrs Chikarovski
Mr Cochran
Mr Irwin
Mr Kerr
Mr Longley (Chairman)
Ms Moore

Legislative Council

The Hon R.D. Dyer
The Hon J.A. Gardiner
The Hon D.M. Isaksen
The Hon Elisabeth Kirkby
The Rev the Hon F.J. Nile
The Hon J.F. Ryan

Mr Le Compte, the Project Officer to the Committee, and Mr Bridge, the Technical Advisor to the Committee, were also in attendance.

An apology was received from Mr Mutch.

Further Consideration of Draft Report and Recommendations

Consideration of Recommendations was resumed.

The Recommendations, as amended, agreed to.

Resolved, on motion of Mrs Chikarovski, seconded by Rev Nile:

"That the Draft Report and Recommendations, as amended and agreed to, be the Report and Recommendations of the Committee."

Minutes

The Minutes of the meeting held on 10 October, 1991, as circulated were confirmed.

Submissions

Submissions S.244 to S.251 were made available to Committee members.

Press Conference

The Chairman advised that a press conference is to be held at 3.30 p.m. on Tuesday, 15 October, 1991.

Sessional Order

The Clerk advised the Committee of the new Legislative Assembly sessional order concerning Committee Reports.

The Committee deliberated.

The Committee adjourned 6.33 p.m., sine die.