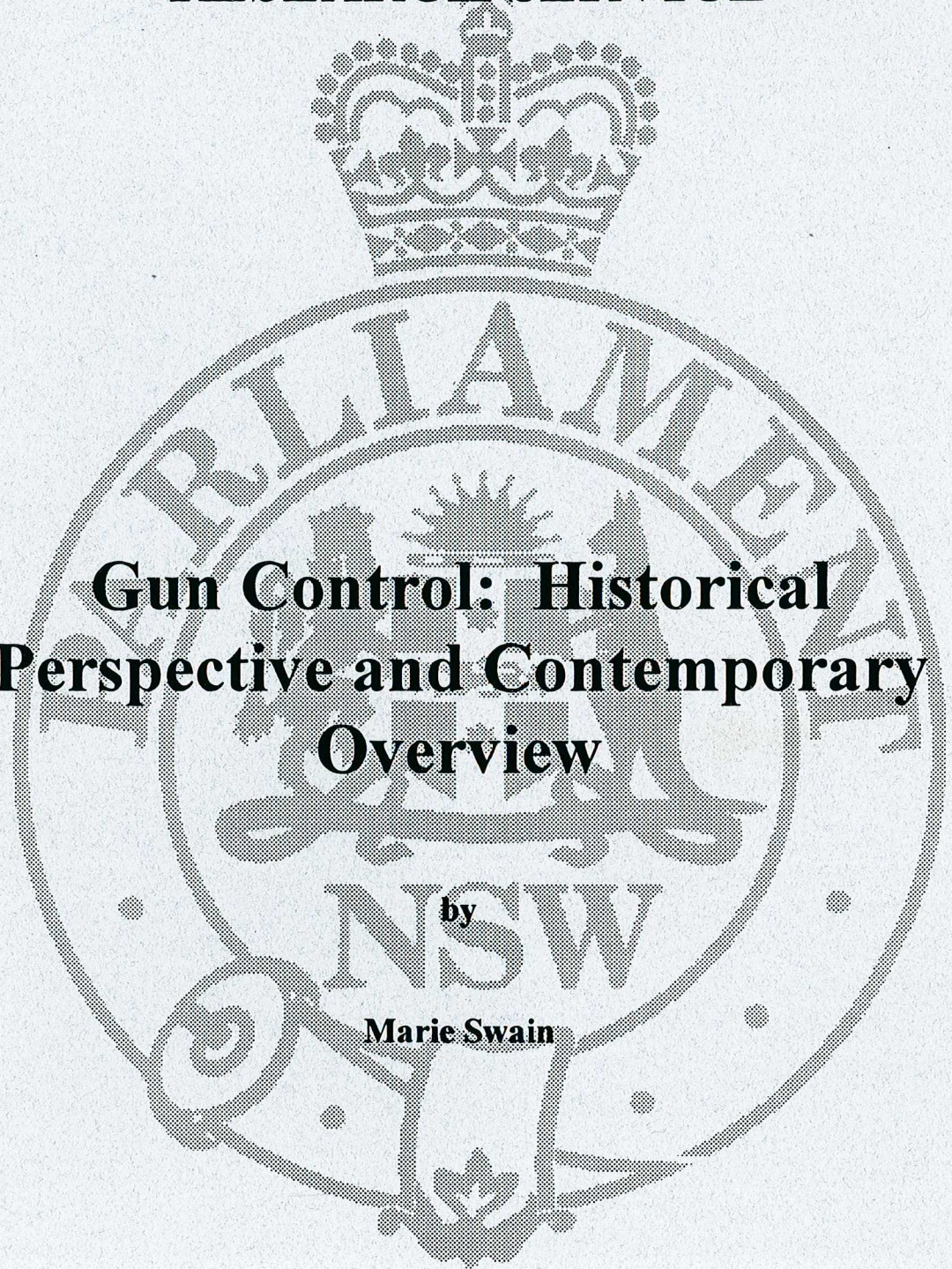


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**Gun Control: Historical
Perspective and Contemporary
Overview**

by

Marie Swain

Briefing Paper No 11/96

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Marie Swain

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May 1996

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EXECUTIVE SUMMARY

The question of gun control has always been controversial, with strong positions being adopted by those on both sides of the debate **(pp23-40)**. In the wake of the shootings in Port Arthur on 28 April 1996, a decision has been taken to introduce tough, national, uniform firearms legislation. The historical progression towards this step is outlined **(pp3-23)**. It would appear that the events at Port Arthur have acted as a catalyst, with a large degree of public support for reform being evidenced. These proposals for reform revolve around two main strategies: reducing the number of firearms in the community **(pp28-33)** and putting in place more stringent licensing procedures **(pp34-37)**. The situation in comparable overseas jurisdictions and resulting conclusions are outlined **(pp41-47)**.

1 INTRODUCTION

The issue of gun control is one that has been a source of continuous controversy in New South Wales politics. Most recently, in February 1996, the Hon Alan Corbett MLC, gave notice of his intention to introduce a Private Member's Bill to tighten gun control in New South Wales:¹

There is no doubt ... that the vast majority of people in this State, and across Australia, want to restrict the access and use of firearms by those who don't have a legitimate and rational reason for owning and using them.²

Included in his proposed Bill was the requirement to register all firearms. Although there was support for this proposal from several quarters - the NSW Police Association; the Coalition for Gun Control, the NSW Women's Refuge Movement and a number of politicians, there was less support from the major parties and opposition from the Shooters' Party.³ After the shooting of two police officers at Crescent Head in July

¹ This is not the first attempt to tighten firearms legislation in recent years. Other examples are: following the Strathfield Plaza massacre, the Hon Rev F Nile MLC, gave Notice of Motion for the Restriction of Firearms Bill, which would 'prohibit the production, sale, ownership, and/or possession of any semi-automatic, self-loading military style firearm in New South Wales, except for certain approved licensed persons, such as police officers, farmers and members of Registered Rifle Clubs, who are over 18 years of age, and who have completed an approved firearms safety training course and satisfactorily completed a basic psychiatric examination by an approved registered psychologist.'; the Hon R Jones MLC gave Notice of Motion for the Prohibited Weapons (Gun Prohibition) Amendment Bill which would 'amend the *Prohibited Weapons Act 1989* so as to prohibit the possession of any firearm by any person; to exempt from this prohibition any person authorised to possess firearms by reason of occupational necessity, or any member of a registered gun club having access to firearms only on the premises of such club.' On 12 September 1991, the Hon R Jones MLC, gave Notice of Motion for the Firearms Amendment Bill which would 'prohibit the sale or purchase of firearms otherwise than through a licensed dealer, to introduce a system of registration for all firearms, to make further provision for the safe keeping of firearms, and to limit the term of firearm licences and permits to a maximum of 12 months.' On 29 November 1994, Hon C Moore MP, gave Notice of Motion to bring in the Firearms (Referendum) Bill which would enact provisions for the safe storage and registration of firearms; and to provide for the holding of a referendum on whether those provisions should be brought into effect.'

² 'Gun Register push fails to win Carr over', *Sydney Morning Herald*, 27 February 1996.

³ In the article cited above, Michael Sharp writes that: 'the Premier, Mr Carr, said that it [registration] would not work and that there were better non-punitive alternatives, such as gun-amnesties, which had the support of recreational shooters. The Opposition Leader, Mr Collins, said 'any proposed changes to gun laws would require extensive and thorough debate in the party room after examining the fine print of the legislation. It would then require further debate in the Parliament.' and that Mr John Tingle of the Shooters' Party, dismissed the bill as a 'pathetic piece of publicity-seeking nonsense'.

1995, a 12 month weapons' amnesty had been declared by the Premier and the Minister for Police, following consultation with the Hon J Tingle of the Shooters' Party, as a way of reducing the number and types of guns in the community.

Since February, tragedies such as the shooting of schoolchildren and their teacher in Dunblane, Scotland; the shooting of a woman outside the Family Law Court at Parramatta; and the massacre of 35 people at Port Arthur, have intensified the gun control debate. (Similar reactions and calls for change followed other firearms massacres which have occurred in Australia in recent times.) It is now being seen as a truly national issue. In response to the killings in Tasmania, Prime Minister John Howard came out in support of tough new uniform measures and a special meeting of Police Ministers from all States and Territories was arranged for, and held on, 10 May 1996, to canvass how these could be achieved. Following this meeting, it would appear that for the first time, a uniform approach seems likely. In essence the major resolutions adopted are:⁴

- ▶ a ban on automatic and semi-automatic weapons - with highly limited exemption for low-powered semi-automatic .22 rifles for farmers;
- ▶ effective nationwide registration of all firearms - to be implemented as soon as possible;
- ▶ genuine reason for owning, possessing, or using a firearm;
- ▶ minimum licence requirements to be specified in national uniform laws;
- ▶ compulsory safety training for all licence holders;
- ▶ grounds for licence refusal or cancellation and seizure;
- ▶ permit to purchase for each firearm;
- ▶ minimum standards for the security and storage of firearms to be specified in national uniform laws;
- ▶ recording of sales and strict control of sales and advertising; and
- ▶ control of mail order sales.

Given the amount of material on gun control which has been presented in the media following the Port Arthur killings, this Briefing Paper aims only to synthesise the key issues underlying the debate as at 10 May 1996. It does not, however, purport to provide any definitive answers, nor does it make any recommendations or form

⁴ 'Howard victory on gun bans', *The Weekend Australian*, 11-12 May 1996.

conclusions on any of the matters raised.

It should be pointed out that firearms are not inherently evil,⁵ nor are they singularly responsible for the woes of modern society. Injury and death can be caused by fists, knives, and other weapons apart from firearms, even by objects not designed to achieve this end, such as cars. It is the apparent ease with which guns can maim and kill that is usually cited as the differentiating factor.

In the first section of the Paper, the debate on gun control in Australia is presented in its historical context. Proposals for reform put forward by the various stakeholders with an interest in this area, and the arguments used to support or counter these suggestions, are outlined in section two. (No attempt to evaluate the competing claims, or choose between them is made.) The last section presents details on firearms control in other jurisdictions in Australia and overseas.

In order to appreciate many of the arguments put in relation to gun control, it is useful in the first instance to define some of the key terms. While a number of the terms are commonly understood, others are not. This information is provided as **Appendix A**.

(In this Paper the terms 'firearms', 'guns' and 'weapons' are used interchangeably, unless otherwise specified.)

2 HISTORICAL CONTEXT⁶

While gun massacres have occurred in Australia throughout our history, beginning with the shooting of Aborigines in the early years of white settlement, since 1987 they have started to become more common. However, instances of gun abuse are not limited to indiscriminate massacres such as those which took place at Strathfield Plaza or Port Arthur. In many incidents of domestic violence guns are used against the wife/partner/children/parents and/or siblings, usually by the husband/partner/son or brother.⁷ Illustration of this was again provided, as recently as 8 May 1996, less than

⁵ Philip Brown says in 'Gun Control and Homicide: The Shooters' Perspective', that 'for the last four centuries or more, firearms have played an important part in self-defence, the provision of food, and recreation for millions of people'. *Homicide: Patterns, Prevention and Control*, Proceedings of a Conference held 12-14 May 1992, (eds) Strang H and Gerull S, Australian Institute of Criminology, 1993, pp217-227 at 217.

⁶ Some of the historical detail in this section taken from Crook J and Harding A, *Gun Massacres in Australia*, 2nd Edition, Gun Control Australia, 1994.

⁷ 1987 SA, Winkie, John Pangallo killed his wife and 2 brothers in law; 1988 Vic, Patterson Lakes, Mayer Kaldas killed his wife and 2 children; 1989 Tas, Evandale, Wayne Johnson killed his parents and brother; 1990 WA, Girrawheen, Don Clemensha killed his ex wife and 2 of their children, then killed himself; 1990 Qld, Wynnum, Michael Woods killed his 2 children and then shot himself; 1991 Qld, Camp Hill, Peter Forrest murdered his former de

two weeks after the incident at Port Arthur, when a woman was fatally shot in suburban Sydney by her husband, who then turned the gun on himself. Guns are also a frequent method of suicide in Australia, particularly amongst young males in rural areas. According to Dr Woollard, the Vice-President of the Australian Medical Association, 'more than 80% of 522 firearm deaths in 1994 were suicides, and a large number of those involved young people'.⁸

Timeline

This timeline chronicles the development of firearms legislation in New South Wales; the major gun tragedies of recent time in this country; and the main inquiries into firearms abuse in Australia.⁹

1914 *NSW Gun Licence Bill 1914*. The object of this 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'. It 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.

15 Sept 1920 The first NSW Select Committee on the Possession of Firearms was appointed by the Legislative Council 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. In its one and a half page Final Report, the Committee 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; persons permitted to possess a weapon make provision for its storage; and, that owners who voluntarily surrendered their pistols be repaid.

Following the release of the Select Committee Report, the *Gun Licence Act 1920* was introduced to provide for the licensing of

facto, her father and his daughter, he then committed suicide.

⁸ 'Gun control is a major public health issue we must face up to', *Australian Medicine*, 15 April 1996, p9.

⁹ Details on the historical background to the NSW firearms legislation is taken from the NSW Parliament, Joint Select Committee upon Gun Law Reform, *Report* (J Longley MP Chairman), NSW Parliament, 1991, pp27-31. This document is referred to hereafter as the Joint Select Committee Report 1991.

all shooters and the registering of all firearms. Applicants had to have a police officer verify that they were over 16 years of age; and met the 'fit and proper person' requirement. The licence was valid for one year and required for using, carrying or possessing a firearm or to purchase a firearm from a firearms dealer, who was also required to have a licence. The licence fee was waived if the firearms were to be used solely for destroying noxious animals. A certificate of registration for each firearm was issued, for a fee, by a clerk of petty session. Under the Act, police were provided with wide powers of enforcement.

1927

The view was taken that in requiring the registration of all firearms and the licensing of all shooters, the *Gun Licence Act 1920*, had 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 was the previous Act difficult to administer but it was apparently unpopular with certain sections in the community - the 'man on the land' who used firearms for destroying vermin and those who used firearms for bona fide and legal sporting purposes. The *Pistol Licence Act 1927* re-enacted the provisions of the repealed Act of 1920 with regard to registration and licencing but applied them only to pistols.

1936

The *Firearms Act 1936* was introduced. Its principal aim was to ensure greater public safety, and it continued to regulate and restrict concealable weapons (pistols), but the Act introduced certain other measures with public safety primarily in mind. These included 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 to create an offence for the discharging of firearms or air guns on private property without the consent of the owner. Provision was made, however, for children under 14 to be supervised by adults while using firearms so that they could receive 'the proper instruction in the use of firearms'. It also tightened the definition of what constituted a prohibited 'pistol' to encompass weapons that had been altered to make them concealable.

1946

The *Firearms Act 1946* was introduced following the end of World War II in response to the increased number and sophistication of weapons available. Amendments were also made to the *Crimes Act 1900* to create a number of new offences and

to increase the penalties for others.

1973

The *Firearms and Dangerous Weapons Act 1973*, which repealed the *Pistol Licence Act 1927*; certain provisions of the *Police Offences Act 1901* and the *Crimes Act 1900* in relation to firearms, was introduced. It re-enacted those provisions relating to the regulation and registration of pistols and provided for the licensing of shooters who were over 18 (for the first time since the 1927 repeal of the *Gun Licence Act 1920*), to enable a check of all persons carrying rifles or shotguns. The Act created a range of licences: a shooter's licence; a pistol licence; an antique pistol collector's licence; a blank-fire pistol licence and a pistol dealers licence. These licence classes still exist today. Some of the features of this legislation were: it made a shooter's licence necessary for carrying or using a firearm in a public place. But a licence was not required if the person was the occupier or guest on private property; dealers were required to be licensed and to maintain records of firearm transactions for police inspection; applicants for a shooter's licence needed to satisfy police that (i) they were of good character and repute; (ii) met the 'fit and proper person' test; (iii) could be trusted to have a firearm; and (iv) could use and carry a firearm without danger to public safety.

According to the NSW Parliament's Joint Select Committee Report 1991, consideration was given to the complete registration of all firearms, but the Government of the day concluded that the magnitude of the task in terms of time and expense, precluded its implementation.

Sept 1984

NSW - Milperra - 7 people were fatally gunned down and many others were injured in what was termed the 'Father's Day massacre' which took place between two feuding bikie gangs.

21 Feb 1985

The *Firearms and Dangerous Weapons (Amendment) Act 1985* was introduced in response to the Milperra 'bikie' massacre. Registration of all firearms was included, and those parts of the Act relating to shooter's licences came into effect on 1 July 1986.

Major changes introduced by this 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 10-18 were introduced to allow a minor to use a firearm while in the company of an adult; and
- ▶ a 'good reason' requirement was introduced into the application for a shooter's licence with the proviso that 'a rural property owner, a member of an approved gun club, or a person engaged in a lawful business involving the use of firearms' was deemed to have 'good reason'.

According to the Joint Select Committee Report 1991, registration was not introduced in 1986 pending enhancements to the Police Department computer system to permit such information to be entered, and it was later deferred to 1988 apparently to allow for the necessary forms and procedures to be developed and put in place.¹⁰

23 Jan 1987

NSW - West Pymble - Four teenage women (three of them sisters) murdered in their home by a 'friend', Richard Maddrell. Maddrell had been rejected by one of the women, with whom he was reportedly infatuated. He was the licensed owner of the six shot pump action shotgun, used in the incident.

9-16 June 1987

Top End - Four men and one woman murdered by Joseph Schwab, in remote areas of Western Australia and the Northern Territory, with guns (a semi-auto high power military type rifle; a high power hunting rifle; a low power rifle and a shotgun) purchased in Brisbane, where gun controls were less strict. Schwab had been a member of a gun club and had worked as an armed guard.

9 Aug 1987

Victoria - Hoddle Street - Four men and three women were murdered and 19 people were injured when Julian Knight shot at people walking or driving along the street in an inner suburb of Melbourne. He was licensed to have the guns he used, which were: a military style assault rifle fitted with a detachable 20 round magazine; a pump action shotgun with a six cartridge magazine.

¹⁰ Joint Select Committee Report 1991, p31.

'Hunting' was given as the reason for wanting a gun in the application for a licence.

- 10 Oct 1987** NSW - Canley Vale - three women and two men (all from one family) murdered by John Tran in their home. Tran was reported to be obsessed with one of the women, who had rejected him. He was a licensed shooter. The weapon used was an ex-US army rifle, which had had part of the barrel sawn off.
- 8 Dec 1987** Victoria - Queen St - Five women and three men, employees of Australia Post, were murdered by Frank Vitkovic in a Melbourne office block. Vitkovic had a shooter's licence and the gun, an ex-US army rifle was registered (however it had been modified and had part of the barrel sawn off). As with Julian Knight, 'hunting' was given as the reason for wanting a gun in his licence application. There was no evidence that Vitkovic had ever been involved in either recreational target shooting or hunting.
- 22 Dec 1987** The Gun Summit, proposed by Premier Cain of Victoria following the Hoddle St and Queen St massacres to discuss ways to limit the spread of weapons and reduce gun ownership, was attended by the Prime Minister and most State Premiers including the Premier of NSW. This meeting identified a number of issues for the Australian Police Ministers' Council (APMC) to examine in order to develop a national approach to gun laws.
- Although the Summit failed to reach a consensus on a national gun control strategy, it was agreed that a Commonwealth/State Committee - the National Committee on Violence (NCV) - would be established with 'a broad ranging mandate to study the state of violence in the nation; to examine the causes of this violence; and to propose ways of combatting this pervasive problem in the future'.¹¹
- 1 Jan 1988** A series of amendments to the *Firearms and Dangerous Weapons Act 1973* were introduced by the Unsworth government through regulations. The effects of these changes were:¹²

¹¹ Chappell D, then Director of the Australian Institute of Criminology, 'A National Gun Control Strategy: The Recommendations of the National Committee on Violence', *Criminology Australia*, Jan/Feb 1992, pp5-9.

¹² The following information is taken from the Joint Select Committee Report, 1991, pp32-41.

-
- ▶ a firearms amnesty was brought in for a period of 2 months (1 January 1988 to 29 February 1988) during which time any weapons, including self-loading rifles could be surrendered at any police station;
 - ▶ all self-loading rifles were prohibited unless a Ministerial permit was held. Non-compliance with this provision carried a maximum penalty of ten years imprisonment. Possession of these firearms was legal for the purposes of their surrender during the amnesty. Owners were given 'fair compensation' in exchange for their weapons. This was determined by the Commissioner of Police following a recommendation from a valuation committee. The owner was given a receipt and a cheque was subsequently posted.
 - ▶ all new shooters licences and renewals were made valid for one year only and cost \$25 annually. A 28 day 'cooling-off' period, between application and grant of licence, applied to all shooters licences.
 - ▶ Stricter requirements to determine whether a shooter's licence would be granted were introduced:
 - (i) for all new shooter's applications and renewals from 1 January 1998, two written references had to be provided, from people not related to them, who had known them for at least 12 months. Existing licences remained valid until the date of expiry when the new requirements would apply;
 - (ii) provided that the applicant could meet the character test, licences were issued for the following purposes:

Occupational - applicants needed to be able to demonstrate that they required firearms for employment/income earning purposes - that they were engaged in primary production; professional shooters; security industry employees; or in other sundry occupations which may require a firearm such as fishing.

Sporting - licences were issued to members of sporting organisations approved by the Commissioner of Police: pistol clubs; target shooting clubs; hunting clubs; other

firearms clubs; athletics clubs (blank-fire pistols); sailing clubs etc which use blank-fire pistols; school sporting organisations which have a bona fide reason for requiring firearms and any other bona fide club.

Collecting - licences were issued to enable people to collect firearms of some historical, cultural or personal interest provided that the firearm was not used, and the person satisfied the safekeeping requirements.

Vermin Control - if a letter from a rural landholder (or manager) was produced giving permission for the person to shoot on the property. Details had to be provided on the nature of the property, the type of vermin to be shot, and that shooting was an effective means of vermin control on this property. If the licence was granted for this purpose, the shooter was only licensed for vermin control. On renewal, proof that the licence had been used for vermin control in last 12 months had to be given - with verification by the landholder or manager.

Different forms of documentary evidence were necessary to establish the various needs for a licence and stringent checking procedures were put in place. If applicants did not fall within these categories, they needed to provide detailed information as to the reason and potential use to which the firearms may be put, before a licence would issue. In most instances a compelling case would need to be put.

These new requirements were communicated to all existing licence holders in a letter from the Commissioner of Police.

- ▶ in relation to secure storage, all firearms had to be secured in a locked cabinet when not being carried or used. Failure to comply with this provision carried a maximum penalty of \$1000; and
- ▶ interstate shooters had to obtain either a NSW shooter's licence or approval from the Commissioner of Police.

1 March 1988

A number of amendments to the *Firearms and Dangerous Weapons Act 1973* contained in the Regulation gazetted on 19

February 1988, commenced. These included the introduction of a scheme for the registration of all firearms, which would operate in conjunction with annual licence renewal and the introduction of a 'permit to purchase', in order to buy a firearm.

18 March 1988

The APMC agreed to an 8 point plan for the reform of gun law in all States and Territories. These measures were:

- ▶ A ban on all automatic and semi-automatic firearms;
- ▶ Strict licensing of each person to possess a firearm;
- ▶ Requirement to obtain a permit to purchase each firearm;
- ▶ Registration of all firearms;
- ▶ Restrictions on the sale of ammunition;
- ▶ Restrictions on the availability of manuals relating to the construction of weapons;
- ▶ Compensation and amnesty for surrender of firearms; and
- ▶ Restrictions on the purchase of weapons through the mail.

In the words of the Joint Select Committee Report 1991, 'it would appear that action taken by Governments across Australia to implement the above points has not been comprehensive'.¹³

19 March 1988

The NSW State Election was lost by the Unsworth government. The tough stance taken on gun laws was seen by many - those involved in the election campaign on both sides of politics, as well as those in the gun lobby - as a major contributing factor to this loss.¹⁴ This is evidenced by comments such as those made in a

¹³ Joint Select Committee Report 1991, p38.

¹⁴ In his article 'Gun laws: too prickly for any party - the Crescent Head killings', Nathan Vass wrote 'many non-metropolitan voters treated the 1988 election like a referendum on tougher gun laws. As a result Labor's primary vote in 27 country seats fell from more than 40% to 29.6%, the party's worst ever result in the bush. Just one Labor MP survived in the country ... Labor MP s were wiped out in five rural seats, Bathurst, Cessnock, Burrinjuck, Monaro and Albury, while the guns issue was thought to have had a lesser impact in defeats in Newcastle and Penrith', *Sydney Morning Herald*, 11 July 1995.

post-election seminar involving key players in the campaign.¹⁵ For example: 'By the end of 1987 we were fairly confident about the country - with the exception of two dark clouds looming on the horizon - gun laws and the Eden forestry decision. Both of them lost us votes later down the track ... the gun laws really killed us ... Our research shows the gun issue really scuttled our campaign'¹⁶ and 'When Labor's gun policy was announced I said 'This is a ripper -we're away' I knew how deeply felt those issues are'¹⁷ and 'Gun ownership in Sydney is extraordinarily high. The gun lobby were well aware of this and took advantage of it'.¹⁸

This view of the role gun laws played in the 1988 ALP loss is not universally held. In an article in 1991, Rebecca Peters and Dr Sandra Egger wrote:

It is often asserted that the Unsworth Government lost the NSW State election in 1988 because of its stand on guns. There is no empirical evidence on the public record to support this assertion. Public opinion polls demonstrated overwhelming public support for ... a strong stand on guns. But this was not enough to overcome the many other issues running against the Government - Darling Harbour, time for a change, perceived corruption, perceived inability to deal with law and order, 'early release' schemes, the Jackson and Farquhar convictions, perceived mismanagement of government finances, the monorail, to name a few.¹⁹

¹⁵ *The 1988 NSW election campaign: by the people who ran it*, Australian Graduate School of Management, 1989.

¹⁶ Shane Easson, *ibid*, p49.

¹⁷ Gary Sturgess, *ibid*, p50.

¹⁸ Greg Daniel, *ibid*.

¹⁹ 'National gun laws fall short of the mark' in *Legal Service Bulletin*, Vol 16 No 6, December 1991, pp265-269 at 267. More recently the Hon A Symonds MLC is reported as saying that 'it was a myth that the NSW ALP lost the 1988 election on the issue of gun control', 'Labor MP attacks ALP on guns', *Sydney Morning Herald*, 23 March 1996 and Milton Cockburn writing in the *Sydney Morning Herald* on 30 April 1996 said: 'guns were just one issue of the perceived anti-country bias of that government - a government that was inexorably headed for defeat as the large swings against it in the city (where guns were not an issue) demonstrated'.

(Further detail on the role of the gun laws in 1988 is provided at pages 23-24).

1 Dec 1988

Amendments to the firearms laws made by the former Labor government were introduced by the Minister for Police and Emergency Services in the following bills - *Firearms Bill*, *Prohibited Weapons Bill*, and the *Crimes (Firearms) Amendment Bill*. The major effects 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 the penalty for possession of a long arm without a shooter's licence was increased to \$5000 and/or imprisonment for 5 years);
 - ▶ registration of firearms 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 the revocation action.
 - ▶ the *Prohibited Weapons Act 1989* prohibited 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 to be prohibited. Possession of such weapons and articles would be possible in certain circumstances if a Ministerial permit was obtained.
-

This legislation, which had been the subject of extensive consultation with peak organisations representing shooters had general support prior to its introduction, was passed with support of the Opposition, the Call to Australia group, Independent members. Only the Australian Democrats dissented.²⁰

- 16 Oct 1988** The NCV, chaired by Professor Duncan Chappell then of the Australian Institute of Criminology (AIC) was established.
- Feb 1990** Findings of the NCV published 'Violence: Directions for Australia' (NCV 1990). The Executive Summary and Recommendations are attached at **Appendix B**.
- 8 April 1990** NSW - Burleigh Heads - one woman was killed and six people were injured when Rodney Dale shot at random for almost an hour into a crowded street and at cars travelling on the Gold Coast Highway. Two or three weeks before the killing, Dale purchased a pump action shotgun and a military-style high-powered semi-automatic rifle.
- 1 July 1990** The *Firearms Act 1989* (except the part relating to the Firearms Safety Awareness Course)²¹ and the *Crimes (Firearms) Amendment Act* commenced.
- 30 Aug 1990** NSW- Surry Hills - Three men and two women were murdered when Paul Evers shot at fellow residents of the Sydney Housing Commission complex at Surry Hills. He had purchased the shot gun about five months before the murders for 'self defence'.
- 12 Aug 1991** NSW - Strathfield Plaza - Wade Frankum - no recorded convictions, stabbed one person to death, shot dead six more, wounded several others and then shot himself dead at the Strathfield Plaza shopping centre. Frankum had no criminal record or known psychiatric problems. He purchased his Chinese ex-army military assault rifle in January 1990 and claimed in his shooters licence application that he wanted it for pig shooting (at that time in NSW a genuine reason for gun ownership was not required). On the day of the killing Frankum had a knife and the assault rifle and about 100 rounds of ammunition in military style

²⁰ Joint Select Committee Report 1991, p39. *NSWPD*, 22 February 1989, pp4989 -4990; and 28 February 1989, pp5265-5269; and 5283-5290.

²¹ This Part commenced on 1 July 1991.

magazines.

12 Sept 1991

Parliament established the Joint Select Committee Upon Gun Law Reform to formulate a non-partisan approach to gun law reform. Following the Strathfield Plaza shootings, it had been agreed that the issue of gun control would be discussed at a special meeting of the APMC (scheduled for 21 October 1991) and at the Special Premiers' Conference (scheduled for 21-22 November 1991). This gave the Parliamentary Joint Select Committee only a very limited period of time in which to make its Report. In summarized form, the Committee's terms of reference were to:

- ▶ recommend to Parliament ways in which the current system of licensing shooters could be improved;
- ▶ recommend whether the Commonwealth's ban on the importation of non-exempt self-loading centre-fire rifles should be extended to encompass all self-loading centre-fire rifles;
- ▶ recommend as to the nature and method of enforcement of national bans on the sale, purchase or resale of those self-loading centre-fire rifles of the kind banned from importation into Australia;
- ▶ recommend action by which the Commonwealth, State and Territory Governments could deal with prohibited firearms now in the community; and
- ▶ recommend any other action necessary to re-inforce responsible gun ownership and use on a national basis.

Before reporting to both Houses of Parliament in mid-October 1991, the Parliamentary Joint Select Committee had considered 257 submissions, examined 25 witnesses, discussed a wide range of issues relating to gun law reform and inspected the Forensics Ballistics Unit, Physical Evidence Section of the NSW Police Service, the NSW Gun Club at Terrey Hills and the NSW Firearms Safety Awareness Council Ltd premises.²²

²² 'Mental Illness and Firearms Misuse', Discussion Paper put out by the Cabinet Office and the NSW Police Service in 1993, p4.

- 15 Oct 1991** Report of the Joint Select Committee Upon Gun Law Reform handed down. The Recommendations are attached at **Appendix C**.
- 21-23 Oct 1991** At the special meeting of the Australian Police Ministers' Council adopted on 23 October 1991 a set of resolutions to be used by each jurisdiction as a basis to reform gun laws across Australia. These were:²³
- ▶ a ban on the sale of all military and military-style semi-automatic firearms, except for 'government and government approved' purposes;
 - ▶ a special licence required for possession of other centre-fire semi-automatic and self-loading shotguns, for example, the more expensive weapons made for hunting. A 'stringent' (but totally undefined) test of 'need' was agreed to;
 - ▶ a ban on sale of self-loading weapons with detachable magazines holding more than five rounds;
 - ▶ licensing for other classes of long guns based on a 'genuine reason' to own;
 - ▶ national character checks on licence applications;
 - ▶ licence based on 'appropriate qualifications and training';
 - ▶ licences to last six years, except for the lowest class of licence in Queensland and Tasmania, which will still be issued for life;
 - ▶ a 28 day 'cooling-off' period between application and licence;
 - ▶ that guns and ammunition must be stored separately and securely;
 - ▶ compulsory confiscation of guns on domestic violence call-outs or breach of licence conditions.

²³ Egger Dr S, and Peters R, 'Firearms Law Reform: The Limitations of a National Approach', *Homicide: Patterns, Prevention and Control*, op.cit, pp197-204 at 202.

It should be noted that gun registration was not agreed to and that there were no proposals to prevent gun ownership in urban areas.

Nov 1991

The resolutions of the APMC were endorsed by the meeting of Premiers and Chief Ministers held in Adelaide on 21-22 November 1991 (this meeting replaced the scheduled meeting of the Special Premiers' Conference). In a communique issued after this meeting the following measures were outlined:²⁴

The Premiers and Chief Ministers decided that the recommendations of the Police ministers would be implemented and that all necessary legislative and administrative changes would be put in place by 1 July 1992.

In particular they agreed to the following measures:

- ▶ to confirm the existing prohibitions on the importation and possession of automatic firearms and hand guns;
- ▶ to prohibit, subject to carefully defined exemptions, the sales of military-style semi-automatic firearms and non-military self-loading firearms;
- ▶ consistent minimum licensing procedures;
- ▶ to place restrictions on the sale of ammunition as a means of limiting unlicensed shooting;
- ▶ to require the secure storage of firearms;
- ▶ the introduction of obligations on both sellers and purchasers to ensure that the purchaser is appropriately licensed;
- ▶ relevant legislation in all jurisdictions to set out in circumstances in which licenses are to be cancelled and all relevant firearms seized;
- ▶ all jurisdictions to participate in amnesty arrangements to promote the surrender of firearms; and

²⁴

Extract from the communique issued following the 21/22 November 1991 Special Premiers' Conference held in Adelaide cited in an article by Duncan Chappell, op cit, pp5-9.

- ▶ where a protection order is made against a violent offender, all firearms and other dangerous weapons in the possession of that person are to be confiscated automatically during the currency of the order.

Aug 1991

The Commonwealth banned importation of military-style automatic and semi-automatic weapons and military-style centre-fire self-loaders; non-military style centre-fire self-loaders may be imported, but are restricted to a magazine with a maximum of five rounds; and there is no restriction on the importation of rim-fire self-loaders for hunting and recreational shooting. The Commonwealth is able to control the import of firearms under the *Customs (Prohibited Imports) Regulations* - this power is used in a manner complementary to the controls established in each jurisdiction. All automatic arms are prohibited imports under the *Customs Act*.

March 1992

The Minister for Police and Emergency Services introduced into Parliament legislation based on many of the Joint Select Committee's recommendations and the resolutions adopted by the APMC in October 1991 and endorsed at the meeting of Premiers and Chief Ministers in November 1991. The *Firearms Legislation (Amendment) Act 1992*, amended the *Firearms Act 1989*, the *Prohibited Weapons Act 1989*, and the *Crimes Act 1900*, but did not include any amendments based on the Joint Select Committee Report 1991, which dealt with mental illness and firearms misuse. It was considered that, before any legislation was contemplated on mental illness and firearm misuse, the issue needed further examination and the matter was referred to the Cabinet Office and the Police Department for further investigation.²⁵

April 1992

The Federal government closed down the Australian Automatic Arms Factory, in Kempton Tasmania, the sole manufacturer of automatic weapons in Australia and paid compensation of \$1.986 million.

1 May 1992

The *Firearms Legislation (Amendment) Act 1992* came into force.

27 Oct 1992

NSW - Terrigal - Three women (including the killer's former de facto and her sister) and three men (including his own son and the

²⁵

'Mental Illness and Firearms Misuse', op cit, p8.

former de facto's father) were murdered and one man injured when Malcolm Baker shot people in the NSW Central Coast towns of Terrigal, Bateau Bay and Wyong. Baker had split up with his de facto six weeks earlier and was subject to a restraining order and had already been forced by police to surrender several of his guns. He had however retained a pump action shotgun, which was used in this massacre.

- 28-30 March 1993** Qld - Hanging Rock - four men and a girl were killed when three men went on a killing spree in rural areas of Eastern Australia. One of the killers subsequently killed himself.
- Oct 1993** The Discussion Paper by the NSW Police Service and the Cabinet Office, 'Mental Illness and Firearms Misuse' was released. It examined the recommendations made by the Parliamentary Joint Select Committee on this matter. In essence it supported the introduction of 'a voluntary reporting scheme, which would permit people to report to police, with indemnity, those likely to be dangerous to themselves and/or others if they had access to firearms.' Comments from a wide range of health and community organisations were sought and a three month period for public submissions was provided. Only a small number of public responses were received and further departmental consultation was to take place prior to a submission being made to the Minister for Police and Emergency Services outlining alternative strategies.²⁶
- 10 Nov 1994** The establishment of the Firearms Consultative Committee was announced. This body, which would include amongst its numbers, representatives from the shooting organisations and the anti-gun lobby as well as the former State Coroner Mr Kevin Waller, was to provide advice to the government on gun control issues. The first task it was assigned was to investigate the voluntary reporting scheme, which would involve doctors and other health professionals informing police about gun licence-holders considered unfit to own firearms.²⁷
- 9 July 1995** NSW - Crescent Head - 2 police officers attending a domestic dispute were killed by John McGowan, who then killed himself.

²⁶ *Privacy Law and Policy Reporter*, Vol 1 No 5, July 1994, pp95-96 at 96.

²⁷ 'Doctors may tip-off gun use', *Sydney Morning Herald*, 11 November 1994.

The Ruger Mini 14 .223 Calibre Rifle had been legally bought by McGowan some years before his shooter's licence lapsed.

Nov 1995

At the most recent meeting of the APMC (this group has met more than 20 times since the NCV recommendations were handed down) prior to the Port Arthur incident, the Commonwealth representative, Senator Duncan Kerr, then Minister for Justice, was hopeful of agreement on issues such as controlling mail order sales; making firearms safety training a prerequisite for receiving a licence, appropriate security and storage, and necessary controls on reselling. But the Tasmanian and Queensland representatives said they needed more time to consult affected interests. (The NSW Minister for Police was not at this meeting.) It was ultimately agreed that a special further meeting would be held in February 1996, devoted solely to these proposals. Following the announcement of the March Federal election, that meeting was postponed till July. With the events in Port Arthur, this meeting was brought forward to 10 May 1996.

26 Feb 1996

Independent Member of the Legislative Council, the Hon Alan Corbett MLC, gave notice of his intention to introduce a Private Member's Bill to tighten up gun control in NSW. He foreshadowed that this Bill would address issues such as: registration of all firearms; proof of a legitimate reason to own a firearm; a limitation on the number of firearms to be owned; all gun sales to be conducted through a licensed dealer; increased penalties for the use of firearms in criminal activities; real incentives for people to hand in firearms; and a requirement for research into gun owners and the use of guns in domestic violence.²⁸

13 March 1996

Scotland - Dunblane - 16 primary school children and their teacher were shot dead and 12 other children wounded before Thomas Hamilton, a licensed shooter, killed himself, with one of the four handguns he was carrying.

21 March 1996

NSW - Parramatta - Jean Lennon shot outside the Family Law Court, by her estranged husband, Hoss Majdalawi, who used an illegal pistol.

²⁸ Media Release, Hon A Corbett, MLC, 'Gun Control in NSW: Private Member's Bill', 26 February 1996.

- 28 April 1996** Tasmania - Port Arthur - 35 people killed and 18 wounded (allegedly) by Martin Bryant, who was armed with an Armalite AR-15 semi-automatic rifle and an SKS-46 Chinese assault rifle. He was not a licensed shooter and did not have a record of gun ownership.
- 2 May 1996** The *Commonwealth Powers (Firearms) Bill 1996* was introduced into the NSW Legislative Assembly and second read. At present the Federal Government does not have power to pass legislation to regulate many aspects concerning firearms. If passed, this Bill would give the Federal Government the necessary power to enact such legislation for NSW. According to the Premier:

If all Australian jurisdictions were to join with NSW in making a similar reference of power to the Commonwealth, the Commonwealth could enact an Australia-wide standard to control guns embodying, in that national legislation, all that the Prime Minister ... has said is desirable.²⁹

This legislation could be repealed however if other States were not prepared to act in concert or if the measures put forward at the gun summit, arranged by Mr Howard, were not sufficiently stringent.

4 PROPOSALS FOR REFORM

As illustrated by the previous section, the question of tighter gun control is not a new phenomenon. It is an issue which has been raised, examined and reported on numerous times to date, often following circumstances similar to those which recently transpired in Tasmania. And although the call for change has not been universal, there are certain indications that a large degree of popular support exists. Milton Cockburn cites the following as evidence of this:

Recent samplings of public opinion have shown overwhelming support for tightening gun controls ... A Herald-AGB McNair Poll in July 1995 found 82% of NSW voters supported laws that would make it more difficult to buy guns in NSW. 14% said they would oppose such laws and 4% said they had no opinion or did not know ... Preliminary results of a State-

²⁹ NSWPD, (Proof), Hon B Carr MP, 2 May 1996, p34.

wide survey of 16,000 urban and rural residents commissioned by the Department of Health and released in April 1996 found 92% of urban residents and 83% of rural residents supported annual registration of guns ... In September 1995, at the local government elections, 93% of residents in the North Sydney Council area voted 'yes' to a referendum question 'Should there be tighter gun control legislation in NSW, including a gun register?'³⁰

In light of these findings, Cockburn then poses the question of why little action has been taken and why fear of the gun lobby continues. He concludes that 'it is because of the ongoing belief that the gun lobby influenced the outcome of the 1988 State election'.³¹ As discussed earlier, differing views are held as to the impact of the gun lobby on the result in 1988. Whatever the role of the gun lobby may have been at that time, support for shooters' representatives in the various elections which have been held since then, are as follows:

At the 1995 NSW election, the Shooters' Party polled 95,943 votes (2.84%) and had to rely on the preferences of a range of other single-issue parties to gain a quota.³² Mr John Tingle was ultimately elected as the party's representative in the Legislative Council. At the 1993 Federal election the Shooters' Party polled 63,691 Senate votes in NSW - less than 0.02% of the formal vote. In 1996 it polled 75,032 Senate votes in NSW and 39,692 in the three other States where it also contested the Senate.³³

Relevant tables on the Shooters' Party vote by electorate, taken from Antony Green's forthcoming publication for the New South Wales Parliamentary Library Research Service, *NSW Legislative Council Election Results 1995*, are attached at **Appendix D**.

In a national survey of 1400 people conducted after the events at Port Arthur,³⁴ 83% said semi-automatic and automatic weapons should be totally banned; 92% supported the introduction of a national gun register; 80% were in favour of national gun laws; 92%

³⁰ 'Political Cowardice stems from myth of Unsworth defeat', *Sydney Morning Herald*, 30 April 1996.

³¹ *Ibid.*

³² Statistics for the other minor parties in the Legislative Council at the 1995 State Election are: Better Future for Our Children - 43,225 votes (1.28%); No Aircraft Noise - 45,105 votes (1.33%); Call To Australia - 101,556 votes (3.01%); Australian Democrats - 108,312 (3.21%) and the Greens - 126,591 (3.75%).

³³ 'Political Cowardice stems from myth of Unsworth defeat', *ibid.*

³⁴ 1400 adults in all States in both city and country were interviewed between 3-5 May by Newspoll interviewers. 'Huge majority of voters supports bans: Newspoll', *The Australian*, 7 May 1996.

said a person should have to prove a legitimate reason to own a gun; and 60% said stricter laws would be effective in preventing mass shootings.

It has been suggested by some, however, that despite the apparent indication of large popular support, a national referendum on the tighter gun control measures should be held to ensure democratic principles are maintained.

The 'gun lobby'

Before outlining the broad arguments underlying the gun control debate, an examination of what is meant by 'the gun lobby' may prove useful. According to Crook³⁵ the gun owning community in Australia can be divided into four broad categories: (i) gun moderates; (ii) gun activists; (iii) gun extremists; and (iv) gun ultras. In Crook's view, the majority of gun owners in Australia probably belong to Categories 1 and 2.

He posits that **gun moderates** are not so upset by strict gun laws; and they are likely to feel that it is wise for gun owners to accept stringent gun controls so that gun ownership is not put under threat by governments. The Shooters' Party identifies itself with this sector of the gun community. In a letter dated 7 May 1996, which appeared recently in the *Sydney Morning Herald*, the Hon John Tingle MLC wrote:

... I was elected to Parliament to represent the licensed shooters of this State, who do comply with firearms laws. I have criticised the Tasmanian gun laws as a national disgrace. I do not believe civilians need a fully automatic firearm; and I do not support military firearms in the civilian population. The slogan 'Guns don't kill, People do', is one adopted by another shooting organisation, less moderate than ourselves, and with which we have no contact. I have rejected that expression as ludicrous and offensive.

Gun activists accept that there must be some restrictions on gun ownership, but are concerned to see unnecessary regulation does not creep in. **Gun extremists** generally feel that it is necessary to obey the government's gun laws but share the sort of views held by the National Rifle Association, a very powerful lobby-group in the United States. They believe that Australians have a right to own guns, that guns should be available for self-defence, and that this applies to any type of gun including handguns and military-style rifles and shotguns. Crook puts the Sporting Shooters Association of Australia into this category. **Gun ultras** are the extremists who hold that there should be no controls, or almost no controls, on gun ownership and that any government seeking such controls is totalitarian and hence should be opposed. Examples of adherents of this group according to Crook are: the Australian Right to Bear Arms Association and the

³⁵ *Under the Gun: High Noon For Australian Gun Laws*, Gun Control Australia Inc, 1994, pp102-103.

publishers of Lock, Stock and Barrel Magazine.³⁶

The differences between those belonging to the Australian gun-community have been highlighted by the response to the proposed reforms outlined on 10 May 1996.³⁷ Interestingly, a joint statement on the proposals was issued by representatives of a number of groups from across the gun lobby spectrum.³⁸

Those opposed to tighter gun control measures argue that attention should be paid to the larger social problems of violence in the community and why incidents such as Port Arthur occur: portrayal of violence in the media;³⁹ the effect of violent video games and films;⁴⁰ and issues surrounding mental health.⁴¹ They also state that law abiding gun

³⁶ Crook J, *Under the Gun: High Noon For Australian Gun Laws*, op cit, p103.

³⁷ The President of the Sporting Shooters Association of Australia, Ted Drane, has promised to use all his influence to keep any 'knee-jerk' reactions becoming law' whereas 'the Chair of the NSW Rifle Association, John Roberts, welcomes the idea of federal gun laws. "We would prefer federal law because it is uniform and is easily capable of being enforced by us in the clubs ... to own a firearm you must have a credible use for it, and you must be regulated in some manner. We reckon federal law prescribing a good or sufficient use for possession is the right way to go', *Time*, 13 May 1996, p29.

³⁸ The groups named in the statement were the Shooters Party, the Sporting Shooters Association of Australia (NSW); the NSW Amateur Pistol Association; the Greek Hunting and Fishing clubs; the Clay Target Association; the Military Rifle Clubs Association; the Australian Sporting Clays; Safari Club International; the Field and Game Association of NSW and the Illawarra Shooting Association. 'Shooters will defy new laws, MP warns', *The Weekend Australian*, 11-12 May 1996.

³⁹ There has been a degree of speculation about the precipitative effect that the media coverage of the massacre at Dunblane may have had on events in Tasmania - 'Scotland killings might have been the catalyst', *Sydney Morning Herald*, 30 April 1996. Similar views were expressed in 1987 at the time of the Queen St massacre when a relatively short space of time had elapsed between it and the earlier Hoddle St massacre.

⁴⁰ 'Cabinet backs crackdown on guns, films', and 'Screen violence faces tough controls', 'We need a new television culture', *The Australian*, 7 May 1996. For more information on the portrayal of violence in the media, please see the Parliamentary Library's Background Paper, 'Censorship: A Review of Contemporary Issues' by Gareth Griffith, 1996/1.

⁴¹ This is illustrated by such comments as that attributed to Ted Drane, President of the Sporting Shooters Association of Australia :

What we had here was a mental case walking down the street killing people with a gun he was never allowed to own in the first place. How would gun registration have prevented that ? Instead, we need to find out where and how he obtained this weapon, crack down on the black market in firearms, look at mental health issues in this country and we need to look at what there is about this society that creates people that want to do things like this. *Time*, 13 May 1996, p28.

owners are not the problem and should not be punished for acts for which they are not responsible. Moreover, they argue, that those who break the existing laws, will not comply any better with new requirements. Making registration of all weapons necessary and banning some weapons, will not have the desired result - otherwise law abiding citizens will not register their firearms and an even larger black market in firearms will eventuate, and it would create an unnecessary, expensive bureaucracy.⁴²

Such sentiments are not new, as evidenced by the following comments made in an article appearing in *Time* in 1988:

... Shooters see the new laws as an infringement of civil rights, an assault on private property and a heavy handed attempt to make law abiding citizens scapegoats for official incapacity to control the madman and the criminal ... it is seen as another example of country being disenfranchised and neglected by the city ...⁴³

However, recognising that firearms are sometimes misused, those opposed to tighter gun control have put forward alternative measures to address the problem. Some of these are: to increase penalties for offences carried out whilst armed⁴⁴ and to introduce more stringent requirements in relation to do domestic violence.⁴⁵

Specific strategies for reform

According to the National Committee on Violence, there are two broad components to a gun control strategy: the first is to reduce the number of weapons contained in Australia's firearms arsenal, and the second is to introduce stringent and uniform procedures for the licensing and control of shooters and for the security of their weapons.⁴⁶

⁴² 'Shooters threaten to revolt', *The Weekend Australian*, 11-12 May 1996.

⁴³ Karen Kissane, 'Scattergunning', *Time*, 22 February 1988.

⁴⁴ Criminals who use guns would be gaoled for at least 20 years under a law proposed by the Hon J Tingle MLC. If the firearm was discharged during the crime, the sentence would rise to 25 years. 'Tingle plans tough gun law', *Sydney Morning Herald*, 8 January 1996.

⁴⁵ Under current laws, gun owners who are the subject of an apprehended violence order have their licences revoked for ten years, and their guns are meant to be seized. According to the Co-ordinator of the Domestic Violence Advocacy Service, without a registration system, it is impossible to know how many guns that person has and if they all have been seized. 'Violation of civil rights, claims shooters' group', *Sydney Morning Herald*, 11 May 1996.

⁴⁶ Chappell D, 'A National Gun Control Strategy: The Recommendations of the National Committee on Violence', op cit.

REDUCTION OF FIREARMS

(i) *Registration*

To be able to monitor the amount of firearms in the community it is necessary to have detailed information about the nature and size of the firearms held, which makes the introduction of an extensive national computerised registration system necessary.

Other arguments commonly given to support the introduction of a comprehensive registration scheme are:⁴⁷ (i) it will enable police officers to ascertain the type and number of firearms a person may possess and this will assist them when approaching persons and premises in the course of duty; (ii) it will result in a reduction in the number of firearms in the community; (iii) it will ultimately result in a reduction of firearm accidents and deaths; (iv) it will assist in criminal investigations generally; and (v) it will assist in the return of stolen weapons.

One of the main arguments used by those opposed to registration is that registration of a car, a boat or a dog is not comparable to registration of a gun, because ownership of the first mentioned items is a privilege whereas ownership of a gun is a right.⁴⁸ The argument is based on the English Bill of Rights 1688, which although it still has general application in Australia, is of more historical interest than contemporary relevance on this particular point. For a detailed examination of this issue, please see the Parliamentary Library's *Briefing Paper*, 'The Right to Bear Arms in New South Wales?', by Gareth Griffith, No 10/96.

The Federal Attorney-General, Mr Daryl Williams QC, has recently re-inforced this view and rejects the argument that the measures foreshadowed will interfere with the rights of Australians to own firearms:

Gun ownership is not a right. Rather, it should be seen as a conditional privilege reserved for those with a genuine reason and subject to appropriate controls... Citizens are subject to regulation with respect to other, less inherently dangerous activities, such as driving motor vehicles. In order to be permitted to drive a car, persons must satisfy certain requirements, including licence tests and periodic registration of the

⁴⁷ This information is taken from the Joint Select Committee Report 1991, pp134-135.

⁴⁸ In an electronic version of '10 myths of Gun Control' a brochure put out by the National Rifle Association in America, available on the Internet (<http://www.nra.org/>), the following comment is made:

'Gun control' proponents tout automobile registration and licensing as model schemes for firearm ownership. Yet driving an automobile on city or state roads is a privilege and, as such, can be regulated, while the individual right to possess firearms is constitutionally protected from infringement.

vehicle. Moreover, persons are not allowed to drive any vehicle on roads simply because they want to. It would be ludicrous to suggest that persons have a right to drive Formula One cars simply because of their performance. I believe that the same arguments apply equally, if not more so, to arguments suggesting that the Government should not interfere with the so-called rights of gun-owners.⁴⁹

The interpretation that paragraph seven of the Bill of Rights 1688 does not grant a 'right' as such, is not universally shared.⁵⁰ The President of the Firearm Owners Association of Australia Inc, Mr Owen Dare has written:

This association [the Firearm Owners Association of Australia Inc] is fundamentally opposed to the licensing and/or registration of law abiding firearm owners and believes that such systems are in breach of the rights guaranteed by the Bill of Rights 1688 and Magna Carta, which clearly provide for the possession and use of arms for our defence.⁵¹

The Vice-President of the Queensland based Firearms Owners Association, Mr Ian McNiven, is reported as saying that 'he kept a gun because he believed it was his "fundamental right in law", claiming it was guaranteed under the 1688 English Bill of Rights.'⁵² and the President of the Sporting Shooters Association of Australia, commenting on the ban of semi-automatics, is reported in *The Weekend Australian* as having said that the ban was 'an invasion of law-abiding citizens' rights. This amounts to one of the greatest infringements on the liberties of individuals in Australia' history.⁵³

Another concern voiced by those opposed to registration is that it is a prelude to confiscation. The argument goes that if there is a central list of who owns what weapons, it is conceivable that if tighter measures were brought in (for example, that no guns should be kept in urban and suburban homes) the police would have the necessary information to be able to go to each gun owner and demand the weapons be handed over. An illustration of this concern, was recently voiced by Mr Ted Drane, the President of the Sporting Shooters Association:

⁴⁹ 'Ownership not a right', *Sydney Morning Herald*, 11 May 1996.

⁵⁰ In the 1995 NSW Election Shooters Party policy of firearms states that it 'asserts the right of the law abiding citizen to own and use firearms for any lawful purpose without having to prove specific need'.

⁵¹ 'The right to bear arms', Healey K (ed), *Issues for the Nineties: Gun Control*, Vol 51, Spinney Press, 1996.

⁵² 'Hardliners warn National Party of voter backlash', *Sydney Morning Herald*, 8 May 1996.

⁵³ 'Shooters will defy new laws, MP warns', *The Weekend Australian*, 11-12 May 1996.

... We had that happen in Victoria already ... registration was introduced in 1982 and then six years later gun owners received letters saying they had 28 days to turn in their self loading rifles. There was no compensation offered, just an order to surrender them.⁵⁴

Another example sometimes given is the mass government confiscation of weapons which occurred when the Soviet Union ordered the Lithuanians to turn in their arms in 1990.⁵⁵

Other arguments against registration are:⁵⁶ (i) it is costly and administratively inefficient given the number of firearms which would have to be registered - the fact that New Zealand abandoned its registration system in 1983 after a quarter of a century is often cited as an illustration of this point; (ii) many citizens will not register their firearms which will result in the registration system becoming ineffectual, resulting in otherwise law abiding citizens becoming criminals; (iii) it will not reduce the number of firearms in the community; (iv) it will not assist the police when approaching the premises of a firearms licence holder because there is always the possibility that the person may have an unregistered firearm; or that there is someone else on the premises who has a firearm and mere knowledge of the registration number of the firearm provides no particular assistance; (v) criminals will not register firearms, and the registration numbers will be filed off stolen firearms 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; (vi) it will not prevent events such as Port Arthur from occurring, and one has to look no further than the fact that Victoria had had a registration system in place for some time when the Hoddle St and Queen St shootings took place in 1987.

The question of introducing a registration system was examined by the NSW Joint Select Committee upon Gun Law Reform in 1991, but no conclusion as to its usefulness was reached:

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

⁵⁴ *Time*, 13 May 1996, p29.

⁵⁵ Kleck G, *Point Blank: Guns and Violence in America*, Aldine de Gruyter, 1991, p335.

⁵⁶ Information taken from the Joint Select Committee Report 1991, pp135-136. The limitations of registration systems are also discussed by Colin Greenwood in *Firearms Control: A Study of Armed Crime and Firearms Control in England and Wales*, Routledge & Kegan Paul, 1972 and J David Fine in *Firearms Laws in Australia*, CCH Australia, 1985.

national basis.⁵⁷

(ii) *Permit to purchase*

A permit to purchase is necessary if a comprehensive registration system is introduced. This document is obtained from the police by a prospective firearms purchaser and returned to the police by the gun dealer after the weapon has been bought. In this way, the police are able to keep track of who owns what firearms. While there is a degree of administrative follow up necessary, computerised systems can facilitate this process.

(iii) *Amnesties and buy back schemes*

If certain firearms are to be banned then prior to enforcement action being taken for their possession, amnesties and buy back schemes may be a means of encouraging people to hand over such weapons. On the other hand, buy back schemes are 'expensive, tend to elicit cheap weapons, and weapons which are seldom used. Buy back schemes could not be expected to recover all weapons in targeted categories'.⁵⁸

Firearms amnesties have been declared in the past⁵⁹ and a 12-month amnesty was announced in September 1995.⁶⁰ This amnesty is still in place and according to the Minister for Police:

Almost 4000 guns, knives, prohibited weapons and other illegal items were surrendered to, or confiscated by, police in the first six months of the NSW Government's statewide guns and knives amnesty.⁶¹

Given that significant amounts of money may have been spent on purchasing firearms

⁵⁷ NSW Joint Select Committee Report 1991, pp136-137.

⁵⁸ Chappell, D, 'Firearms and violence in Australia', *Trends and Issues in Crime and Criminal Justice*, No 10, Australian Institute of Criminology, 1988.

⁵⁹ According to Greg Bearup, in ten weeks in 1988, 18,680 firearms were handed into police stations around the State, making it the most successful gun amnesty to date. 'Amnesty reaping an ugly harvest', *Sydney Morning Herald*, 3 January 1996.

⁶⁰ Media Release, Hon B Carr, 'Firearms plan announced by Premier', 21 September 1995. This measure had been taken after consultation with interested parties, including John Tingle of the Shooters Party.

⁶¹ Media Release, Hon P Whelan, MP, 'Amnesty yields almost 4,000 guns, knives and illegal items', 19 February 1996.

which when bought were legal,⁶² the need to offer 'fair' compensation has been raised as an issue.

(iv) *Restriction of firearms*

▶ **Banning weapons**

While many of those wishing to see a limit to firearms in our society would prefer all guns to be banned, or for a limit on the number a person can own to be set, this is neither realistic, nor, it could be argued, desirable (one only has to look to the experience of prohibition on alcohol to see the effect of banning a commodity once commonly available). However a lesser position is often put, namely the banning of certain types of weapons, particularly military-style weapons and semi-automatics. This is another area where opinions are divided, between shooters and anti-gun proponents alike.

Some argue that as these firearms are designed to fulfil a specific need in particular situations (usually that of the battle field, where stopping to re-load may result in death), they have no general application for most citizens in every day life, especially those who live in urban and suburban areas. Others maintain that semi-automatics should continue to be available but limited to those with a demonstrable need, such as those on the land who need these firearms to control feral animals.⁶³

This view is not entirely shared by rural landowners and professional shooters. One view is that it should only take a professional one bullet to destroy an animal and that firing a number of shots is inhumane, too costly, and a trait commonly displayed by city-dwellers, for whom shooting has a different dimension.⁶⁴ Others involved in vermin control say that for some animals such as feral pigs, shooters would be in danger if they

⁶² Varying sums have been mentioned in the media from \$200 million to \$500,000 million and higher. 'Gun lobbyists have suggested the proposed buy back scheme could cost up to \$1 billion with some rare guns worth between \$10,000 and \$15,000 alone', 'Shooters plan mass campaign to fight ban', *The Australian*, 13 May 1996.

⁶³ A call for an exemption for those who use such weapons for sport-related purposes has also been made.

⁶⁴ Greg Carlsson, a professional shooter for the past 22 years, said that 'any more than single bullet would be inhumane, unprofessional and a breach of the wildlife harvesters' code of practice ... what we find here in the western areas is that the basic people who own semi-automatic firearms come from the city and are more interested in blowing away anything that moves than sometimes things that don't move', 'Single-shot Greg takes aim at semi-automatics lobby', *The Weekend-Australian*, 11-12 May 1996. Rex Lillyman, a farmer for 50 years said 'I don't know any farmer who can afford to pump 20 to 30 rounds off at a single squeeze of the trigger', 'No need for semi-automatics, say farmers', *Sydney Morning Herald*, 8 May 1996.

only had one shot and that shot missed⁶⁵ and in situations where shooters go up in helicopters to cull feral animals such as water buffalo in the Northern Territory, weapons other than semi-automatics are less successful.

▶ Preventing mail order sales of weapons

At present weapons not available for purchase in one State can be obtained legally in another State where such restrictions do not apply, and brought back to the original State. It has been suggested that this practice should be ended. The Commonwealth Parliament has the power under the Constitution to take such action.⁶⁶

▶ Restricting or monitoring ammunition

It has been suggested that firearms would be rendered less dangerous, if the availability of ammunition was more strictly controlled and the storage of ammunition with firearms was absolutely prohibited. Although the fact that Switzerland has one of the highest levels of gun ownership, (because of compulsory national service) is quite commonly known, the fact that access to ammunition is strictly regulated, is not. Information recently appearing in the *Sydney Morning Herald* states that: ammunition is not stored at home and that when citizens are training with their guns, all bullets are counted out and must be accounted for, by returning unused bullets and spent cartridges.⁶⁷ Other possibilities are: for records of ammunition sales to be kept by gun dealers, who would also note the owner and registration details of the particular firearm or to impose a limit on the ammunition sold.

It has been said that there are a number of practical difficulties with implementing and enforcing some of these strategies. Moreover as shooters are able to manufacture their own ammunition, it would be difficult to monitor how much ammunition any particular shooter had, unless detailed records were kept of the individual components sold.⁶⁸

⁶⁵ Lachlan Ross, a sheep grazer from western New South Wales, said in an article in *Time*, that semi-automatic weapons are 'useful in the bush, mostly for the control of feral pigs. In dry seasons the pigs can reduce our lambings from 90% in a normal year down to, say, 25%. If you had one of those semi-automatics with you and came across a mob of a dozen pigs, you could really get into them'. 13 May 1996, p29.

⁶⁶ Section 51(v) gives the Commonwealth parliament power with respect to 'postal, telegraphic, telephonic and other like services'.

⁶⁷ 'Furphies and damned statistics', *Sydney Morning Herald*, 13 May 1996.

⁶⁸ David Fine wrote in the *Australian & New Zealand Journal of Criminology* in 1985 that 'if there is benefit in limiting access to ammunition why not extend it to acquisition of components from which ammunition can be assembled - a hand loader may produce a quantity of high quality .38 special revolver ammunition from components costing \$52.50 which would cost \$360 to purchase factory assembled ... go to a gun shop, acquire appropriate tools for the calibre of ammunition, powder, bullets, empty cartridges and

Concern has also been expressed that such measures could lead to an even larger firearms 'black market'.

TOUGHER LICENSING PROCEDURES

A common expression in the gun control debate is 'guns don't kill, people do'. Putting in place tougher licensing procedures addresses 'the people' part of the equation. Apart from encouraging more shooters to be licensed,⁶⁹ important elements put forward by those advocating more gun control include:⁷⁰

- ▶ tighter screening, which would require applicants for a firearms licence to show 'good cause' and a 'genuine need' for the particular weapon. It has been suggested that merely stating 'hunting' should not be included in these categories;
- ▶ ensuring prospective firearms users complete appropriate firearms training, covering both safety awareness and actual handling of the weapons. Proficiency in these areas should then be tested as a pre-requisite to obtaining a licence;
- ▶ licences should be renewed on a more frequent basis with a new photo being issued on each occasion (similar to requirements for a driving licence);
- ▶ compliance with strict storage requirements should be a condition of the licence; and
- ▶ more provision for licences to be cancelled. At present section 39 of the *Firearms Act 1989* gives the Commissioner of Police the power 'to make an order prohibiting from having possession of or using any person who (in the opinion of the Commissioner) is not fit, in the public interest, to be permitted to have possession of a firearm'. It has been suggested that this power be broadened and specified grounds listed for which licences can be refused or cancelled.
- ▶ membership of an approved shooting organisation should be a pre-requisite to

primers. With a minimum of mechanical ability, he or she ought to make quite enough serviceable ammunition within a couple of hours of returning home', 'Issues in Firearms Control: A Critique of the 1985 NSW legislation', December 1985, pp257-271 at 263.

⁶⁹ According to recent figures, 'there has been a marked increase in the number of gun owners seeking licences since the Government announced it would waive the fees. During November 1995, the number of Class 1 shooters licences issued was 63% higher than the previous November. Class 2 shooters licences also increased by 23%.' 'More shooters licences issued', *Police News*, April 1996, p53.

⁷⁰ Crook J, *Under the Gun: High Noon for Australian Gun Laws*, op cit, p50.

gun ownership. This idea was raised by Chappell in 1992.⁷¹

Such membership would require the regular attendance of the shooter at the club and compliance with the safety and training regulations set by the club according to agreed and uniform criteria. A failure to meet these standards would lead to an automatic forfeiture of the licence ... further if a club believed that one of its members was displaying disturbed patterns of behaviour it could initiate a review, through the licensing authorities of a 'show cause' application why the licensed shooter should not have his/her weapons removed ... provision would be made for an appeal mechanism ... all clubs would themselves be subject to monitoring by the regulatory body nominated by each jurisdiction to administer the uniform gun control laws, which would probably be law enforcement agencies.

(It should be pointed out, however, that Thomas Hamilton, the perpetrator of the Dunblane shootings, was a member of a number of gun clubs.)⁷²

Prohibited persons register

It is often asserted that incidents like Port Arthur would not occur if criminals or mentally ill people were prevented from owning firearms, and that there should be a prohibited persons register which would enable firearms registry staff to know to whom they should or should not issue a firearms licence. Such a register would, it is argued, prevent the majority of law-abiding gun owners from being punished for the wrongs committed by the few.

The usefulness of such a register has been questioned. Some of these concerns relate to matters of privacy and civil liberties; others to the basic premise that only criminals and those with a mental illness commit firearms abuse. There does not appear to be any data which back up these claims and as stated by Dr Rod Milton, a senior forensic psychiatrist,

... of all the multiple killers in Australia only two ... have been diagnosed as having a mental illness. In both these cases, that diagnosis was in doubt, with some psychiatrists arguing that they were sane. The other killers, and overseas mass murders ... fit a pattern. It is an emotional pattern, rather than a behavioural or physical one ... But really, the people who do this are not all that different from the rest of us. ... The real difference is that they feel free to express their emotions in physical ways

⁷¹ Chappell D, 'A National Gun Control Strategy: The Recommendations of the National Committee on Violence', op cit.

⁷² *The Guardian Weekly*, 24 March 1996, p10.

that people didn't use before.⁷³

According to a report in the *Sydney Morning Herald*, recent findings by a New Zealand researcher, Philip Alpers, in fact show that licensed shooters are more likely to end up committing murder than mentally ill people.⁷⁴

The introduction of a prohibited persons register is seen as a measure which would further stigmatise those with a mental illness, without preventing incidents such as Port Arthur from occurring. It may be that more general personality testing as part of the application for a firearms licence would reveal more useful information about a person's suitability to own and use a firearm.⁷⁵ Such testing is done on all applicants for a firearms licence in Japan,⁷⁶ and on police officers in England who apply to join the firearms division.

Voluntary reporting

A related suggestion which has been made is the provision for voluntary reporting by doctors and other health professionals. As outlined above, the idea of voluntary reporting was mooted in late 1994. Under the suggested scheme, doctors and other health professionals, but not members of the public, would be granted civil and criminal indemnity to inform about gun licence-holders considered unfit to own a gun. A number of problems with the scheme were listed, including breach of doctor/patient confidentiality and the fact that it was not a guaranteed predictor of a propensity for firearms abuse in the future. Implementation of such a scheme has gained currency following the events in Port Arthur although it appears that certain reservations are still held by the medical profession. The Secretary of the Royal College of Australian and New Zealand Psychiatrists, Dr Michael Epstein, is quoted as saying that:

psychiatrists are already required by their code of ethics to accept the obligation occasionally to pass names of patients to authorities ... if they believe the person would pose a significant risk to themselves or others ... and that while he understood the intention of the Government's mandatory reporting 'clearly, what we are talking about is competing

⁷³ *The Bulletin*, 14 May 1996, p16.

⁷⁴ Alpers carried out a six year pilot study, and in the 11 multiple shootings between 1987 and 1993 in Australia and New Zealand, 84% of the 70 victims were shot by licensed gun owners. 86% of the deaths were by a person with no previous history of violent crime or mental illness. 'Massacre make mentally ill an easy target', *Sydney Morning Herald*, 2 May 1996.

⁷⁵ Mandatory psychiatric testing by a registered psychologist of all applicants for a gun licence was proposed in August 1991 by the Hon Rev Nile MLC.

⁷⁶ Kopel D, *The Samurai, The Mountie and the Cowboy: Should America adopt the gun controls of other democracies ?*, Prometheus Books, 1992, p21.

ethical positions'.⁷⁷

It would appear that such mandatory reporting is only in place in South Australia at this time.⁷⁸

Costs and benefits associated with gun control

Franklin Zimring, an American author who has written extensively on gun control, has identified some of the costs and benefits associated with various strategies. These are shown in the Table below.

Strategies for Gun Control⁷⁹

Strategy	Cost and Inconvenience	Effect on legitimate uses of guns	Potential number of lives saved	Problems
<p>To stop firearms being put to dangerous uses:</p> <p>To achieve this introduce extra punishment for crimes committed with guns and laws that regulate the proper use of guns</p>	Minor	Minor	Few	This strategy is a weak threat, and there is no logistical barrier to prevent gun misuse

⁷⁷ 'Doctors enlisted in gun plan', *Sydney Morning Herald*, 8 May 1996.

⁷⁸ In the Table attached at **Appendix E**, it says South Australia has 'mandatory reporting (with indemnity) if the doctor believes a patient is unsuitable for gun ownership'.

⁷⁹ 'Firearms, Violence and Public Policy', *Scientific American*, November 1991, pp48-54.

Strategy	Cost and Inconvenience	Effect on legitimate uses of guns	Potential number of lives saved	Problems
<p>To stop firearms being used by dangerous users:</p> <p>Introduce laws that prohibit convicted felons from buying guns</p> <p>Introduce gun licences for those who are not convicted felons and gun registration</p>	<p>Minor</p> <p>Some</p>	<p>Minor</p> <p>Some</p>	<p>Few</p> <p>Some</p>	<p>This strategy is ineffective against those willing to lie about their criminal record</p> <p>Difficult to monitor tens of millions of guns</p>
<p>Reduce supply of firearms</p> <p>Place restrictions on ownership of exotic firearms</p> <p>Place restrictions on ownership of handguns</p>	<p>Minor</p> <p>Major</p>	<p>Minor</p> <p>Major</p>	<p>Some</p> <p>Many</p>	<p>Little control over guns obtained illegally</p> <p>Costly, interferes with legitimate uses, little control over guns obtained illegally</p>

UNIFORMITY ACROSS THE COUNTRY

The point has been made by a number of politicians and commentators alike that national uniform laws are necessary to ensure that strict measures put in place by one jurisdiction cannot be undermined by more lax provisions in another. National uniformity is also necessary to prevent weapons, banned in one State or Territory, from being purchased in another State or Territory, and brought back to the original jurisdiction. This discrepancy is referred to as having been a major factor in the Top End killings in 1987.

There are others who argue that because the type of game, density of population and shooting conditions vary from State to State, national uniform legislation is not suitable. For adherents of this view, each State should continue to have its own Firearms Act but there should be as much consistency as possible between those Acts, and that each State should recognise a firearms licence issued by another State, similar to the situation which applies to a driver's licence.⁸⁰

As stated earlier the power to regulate firearms was not allocated to the Commonwealth under the Commonwealth Constitution, but left to the individual States. Uniform national laws could be achieved, however, either by the States ceding their power to make legislation on this matter, to the Commonwealth, as provided for in section 51(xxxvii) of the Commonwealth Constitution or by all jurisdictions agreeing to common measures and adopting 'mirror' legislation.

Ceding Power to the Commonwealth

Under section 51 (xxxvii) the Commonwealth is given power to legislate in respect of 'matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law.' While this step would certainly be a means to achieving a uniform approach, the power has been used infrequently and certain questions concerning its operation have been raised. Particularly whether a reference is revocable, that is, once a State has legislated to cede its powers to the Commonwealth, is it able to take back its control over the subject matter at some future date ?

This approach was reflected in the recent *Commonwealth Powers (Firearms) Bill 1996*, introduced by the Premier on 2 May 1996 and passed by the Legislative Assembly. This Bill deals with the referral of power to the Commonwealth relating to firearms including aspects such as registration; possession; use storage; purchase; acquisition; sale; transfer; disposal; manufacture; assembly; and repair or alteration - Clause 3(1). However the reference is not to affect the general criminal law of NSW or the State law relating to apprehended violence orders - Clause 3(2). Clause 4 provides for the termination of the

⁸⁰ Philip Brown, 'Gun Control and Homicide: The Shooters' Perspective', op cit, p220.

reference.

Template legislation

The template approach requires all participating jurisdictions to enter into a formal agreement which sets out the terms of the scheme. One jurisdiction enacts the substantive legislation and promulgates the regulations. All the other jurisdictions then pass enacting legislation, which adopts by reference the terms of the originator's legislation, as in force from time to time. This approach has been used in relation to corporations law and more recently in relation to consumer credit legislation.⁸¹

5 OTHER JURISDICTIONS

(i) Australia

Much has been made of the differences which exist between the various State and Territory laws regulating firearms. Some have been quite correctly described as more stringent than others. A number of major differences are outlined below. A more detailed comparison is provided at **Appendix E**.

- ▶ a licence for rifles and shotguns is issued for one year in Western Australia; two years in the ACT; for three years in Queensland and South Australia; for three years or six years in Victoria and the Northern Territory; for life in NSW, with a new photo being required every five years; and for life in Tasmania with a new photo being required every 10 years.
- ▶ a permit to purchase is required for all firearms in South Australia and Western Australia and the serial number of the weapon needs to be provided; a permit is required basically for all firearms in Victoria; in the Northern Territory for handguns and certain semi-automatics; for handguns only in New South Wales and Queensland; and no permit is required in the ACT or Tasmania.
- ▶ semi-automatic centre-fire rifles with a capacity of more than 5 rounds require a prohibited firearms permit in NSW; the Registrar's authority in Victoria; proof of reason required in South Australia and the Northern Territory; centre-fire weapons with a capacity of more than 8 rounds are banned in Western Australia; There are no general restrictions on these weapons in the ACT but military-style centre-fire weapons are banned; there are no restrictions on semi-automatics in Queensland or Tasmania.

⁸¹ More detailed information on the template legislation approach can be found in the Parliamentary Library's Briefing Paper, 'The Uniform Consumer Credit Code', No 25/94 by Marie Swain.

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- ▶ registration for all firearms exists in five Australian jurisdictions: in Western Australia and the Northern Territory since 1931; in South Australia since 1958; in Victoria since 1987 and the ACT since 1991. New South Wales, Queensland and Tasmania require registration of handguns only.
 - ▶ storage of ammunition to be in a locked receptacle, separate from gun in Victoria; separate from weapons in New South Wales; South Australia and Tasmania; in a locked place but may be stored with guns in Queensland; 'all reasonable precautions' to ensure safekeeping to be taken in Western Australia; and there are no storage requirements in the ACT and the Northern Territory.

(ii) Overseas

An examination of gun control measures in other democratic countries shows the Australian position to be somewhere in the middle, with the United States at one end of the spectrum and countries such as Japan, Great Britain, Canada and New Zealand at the other.

Japan

'No one shall possess a firearm or firearms or a sword or swords' is the basic rule of weapons possession in Japan, where gun control is the most stringent in the democratic world, gun ownership is minuscule, and gun crime is virtually non-existent.⁸²

These statements seem to be borne out by the following details, given in a recent newspaper article:⁸³

- ▶ Japan has 125 million people - so far in 1996 there have been 3 gun deaths (one was a police officer who killed himself with his own pistol. In 1995, there were 34 gun deaths. There has not been a single year this decade, where the gun toll has reached 40;
- ▶ Japan's gun deaths each year number fewer than the gun killings than in the United States each day and there have been more Japanese citizens killed by firearms overseas this year than in their own country.
- ▶ Australia's population is about 14% of Japan's. By contrast the number of guns in Australia is estimated to be about 1000% higher;

⁸² Kopel D, op cit, p20. Chapter 1 provides an in-depth discussion on gun ownership issues in Japan.

⁸³ 'Here's proof - tough gun laws cut death toll', *Daily Telegraph*, 3 May 1996.

- ▶ the Japanese have decided that to live in a safe society means the loss of some personal rights, possession of guns among them.;
- ▶ while not impossible, it is difficult to get a gun in Japan. It is estimated that there are currently 425,000 private rifles and shotguns throughout the nation, a figure that is falling. Many are air rifles. Semi-automatic, high powered rifles are banned outright. Pistols are an absolute taboo. Apart from the police, there are 49 handguns in Japan, all of them owned by expert marksmen and kept under tight security at shooting ranges, never to be taken home by owners;
- ▶ there is a minimum three year sentence for anyone found in possession of a loaded weapon;
- ▶ people wanting a gun licence have to go through a series of tough exams every three years;
- ▶ in 1994 the laws were tightened further: anyone who fires a gun in a public place is now subject to a maximum sentence of life in jail; the maximum sentence for carrying a loaded firearm is 15 years;
- ▶ by passing laws that make gun ownership too much trouble to bother with, Japan has almost certainly helped avoid massacres such as Port Arthur but the laws have not stopped killing altogether with about 1250 murders in 1994 - about 0.98 murders per 100,000 Japanese people; while in the United States there were 9.5 murders per 100,000 people.

Great Britain

Following the Hungerford massacre in 1987 when Michael Ryan, a licensed gun owner, armed with a handgun and a semi-automatic Kalashnikov rifle, killed 17 people before turning the weapon on himself, tougher gun control measures to deal with long arms were introduced:⁸⁴

- ▶ semi-automatic centre fire rifles which had been legally owned for nearly a century are now completely banned as are pump action rifle;
- ▶ shot guns that can hold more than 2 shells at once now require a 'firearms licence' the same as rifles and handguns;
- ▶ all shotguns must now be registered;

⁸⁴ More detailed information on the firearms control in Great Britain can be found in David Kopel's book, *The Samurai, The Mountie and The Cowboy*, Chapter 3, pp59-135.

- ▶ shotgun sales between private parties must be reported to the police, and buyers of shot shells must produce a 'shotgun certificate';
- ▶ applicants for a shotgun certificate must obtain a 'countersignature' by a person who has known the applicant for two years and is 'a member of Parliament, a Justice of the Peace, a minister of religion, a doctor, a lawyer, an established civil servant, a bank officer or person of similar standing'; and
- ▶ an applicant for a shotgun certificate must demonstrate to the police that he or she has good reason for wanting a gun. Self defence is not considered a good reason.

Since 1989 the first year the new laws were in effect, the number of shotgun certificates has declined by 17%, reversing an annual 2% growth rate. There has also been a decline in firearms certificates. However in the wake of the shootings at Dunblane there have been calls for 'even tougher laws' and an inquiry into the effectiveness of existing gun controls has been established.

The point was made in the *Guardian Weekly* that:

The fact that only 1% of people who apply for firearms certificates are rejected is likely to be used in the growing call for a tightening of the law on the issuing of licences. Although police currently need to be satisfied that gun licence applicants are not 'of intemperate habits or unsound mind' and applications must be countersigned by a British resident, of professional standing in the community (such as a Justice of the Peace etc) who has known the applicant for at least 2 years, people such as Hamilton,⁸⁵ continue to obtain permits. This is in contrast to the rigorous screening and psychological testing, police officers who apply to become firearms officers are subjected to.

One of those echoing the calls for a total ban on handguns is David Mellor, a former member of the government. Mr Mellor, who had been Home Office Minister at the time of the Hungerford tragedy in 1987, claims that the opportunity to ban handguns was missed when proposed amendments to the firearms legislation at that time were watered down in response to the powerful pro-gun lobby.⁸⁶

⁸⁵ Thomas Hamilton, the man responsible for the Dunblane killings, was a member of several gun clubs, owned 2 semi-automatic pistols, a .357 revolver and another handgun and his firearms certificate was in order. He was first granted a gun licence in 1977 and this had been renewed on a three year basis since then.

⁸⁶ 'Gun ban call follows school massacre', *The Guardian Weekly*, 24 March 1996.

*Canada*⁸⁷

In 1978, Bill C-15 introduced comprehensive gun control reforms providing for: new 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; and the regulation of firearm businesses.

In 1983 the Canadian Ministry of the Solicitor General published the results of a 3 year evaluation of these new firearm control measures. This evaluation found:

- ▶ 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 hand gun;
- ▶ there was a displacement of firearms by other weapons in robberies;
- ▶ accidents with firearms showed a downward trend;
- ▶ suicides with firearms declined

More recently the Parliament of Canada has enacted legislation giving Canada stricter controls on firearms and other offensive weapons. The legislation, which was passed late last year, expands offence provisions of the *Criminal Code* and creates a new *Firearms Act* to deal with matters of registration and licensing. Highlights of the legislation include:

- ▶ a requirement that all firearms and their owners be registered (previously the law only required registration of handguns and some military firearms);
- ▶ tougher controls in importation and exportation;
- ▶ prospective prohibition of some types of non-recreational handguns; and
- ▶ stiffer mandatory minimum sentences for using firearms to commit criminal offences.

⁸⁷ Much of the information in this section is taken from 'Firearms and violence in Australia' *Trends and Issues*, No 10, Australian Institute of Criminology, February 1988. Kopel deals with the Canadian position in Chapter 4 of his book.

Support for strict legislation in Canada arises, in part, from public reaction and lobbying efforts following an incident in which an assailant, Marc Lepine, armed with a semi-automatic rifle killed fourteen young female engineering students and injured another thirteen people before committing suicide at the University of Montreal on 6 December 1989.⁸⁸

New Zealand

The main features of the New Zealand *Arms Act 1983* are:⁸⁹

- ▶ all firearm owners are licensed;
- ▶ before obtaining a first licence, it is necessary to attend a course on firearms law and safety practices and to pass a written test;
- ▶ the police thoroughly check the applicant as to character, record etc and are required to refuse the licence if the applicant does not appear to be a fit and proper person to have a firearm (a right of appeal to a court is provided);
- ▶ there is no restriction on the number of firearms a person can own;
- ▶ firearms are no longer individually registered, except for pistols and restricted firearms;
- ▶ a licence is issued for life (but the police and the courts have wide powers to cancel licences);
- ▶ an adult can have an air gun without licence, but a junior must be licensed;
- ▶ there is provision for specially authorised persons with proper secure premises to collect restricted firearms; and
- ▶ if a firearm is declared restricted, the owner may sell it to a person specially authorised to collect such firearms, but if the owner elects not to do this, the owner may surrender the firearm to the state which must pay market value for it, and the owner has the right of appeal if not satisfied with the amount offered.

⁸⁸ *Bulletin of Legal Developments*, No 24, 11 December 1995, p280.

⁸⁹ Philip Brown, 'Gun Control and Homicide: The Shooters' Perspective', op cit, pp220-221. New Zealand is discussed in Chapter 6 of Kopel's book.

Brown states in his article 'Gun Control and Homicide: The Shooters' Perspective' that:

Although certain aspects of the New Zealand legislation could be improved upon, the New Zealand *Arms Act's* approach to the matter is excellent and it could be regarded as a model for other legislation to follow. It is to be expected that any firearm owner, especially one familiar with the New Zealand *Arms Act*, would strongly oppose anything that departs from the spirit of that *Arms Act*.⁹⁰

According to Philip Alpers, a firearms expert:

Australia's plan for comprehensive new gun laws has left New Zealand 'out on a limb' ... where once Tasmania had the most lax gun laws among all similar Commonwealth nations, New Zealand has now dropped to last place after Australia, Canada and Great Britain.⁹¹

CONCLUSION

While it has to be acknowledged that the explanation for incidents such as Port Arthur goes beyond the simple issue of gun availability, 'from the comparative data available, it seems that countries which minimise access to firearms have fewer gun related violent incidents than those where guns are more accessible'.⁹² Figures such as the following appear to support this proposition:

- ▶ In America, there are between 130 and 200 million guns in private ownership, more than one for every two people. With a population 14 times the population of Australia, America has a gun death rate 49 times that of Australia.⁹³
- ▶ In Britain, which has stricter gun laws than Australia, in 1995 there were only 70 gun-related deaths among a population of 57 million. In contrast, in Australia, with a population of 18 million, there were 522 gun-related deaths.⁹⁴

The Port Arthur shootings, coming after a number of other gun massacres; a number of investigations and reports into gun control issues and a number of meetings of

⁹⁰ Brown, op cit, p221.

⁹¹ 'New Zealand now gun lovers haven says expert', *AAP*, 11 May 1996.

⁹² Dann S and Wilson P, 'Gun Ownership and Violence in Australia: Strategies for Reduction', *Current Issues in Criminal Justice*, Vol 5 No 1, 1993, pp42-53 at 52.

⁹³ Ibid.

⁹⁴ Editorial, 'Historic Pact on Gun Reform', *The Weekend Australian*, 11-12 May 1996.

politicians, seem likely to lead to the introduction of more stringent uniform national laws. This will help achieve the dual objectives of reducing firearms in the general community and ensuring that those who do have weapons are tightly screened.

The significance of the decision taken by our elected representatives at the meeting held on 10 May 1996, can best be summed up in the words of the Prime Minister, Mr John Howard, who said:

This represents an enormous shift in the culture of this country towards the possession, the use and the ownership of guns. It is an historic agreement. It means that this country, through its governments, has decided not to go down the American path.⁹⁵

The actual realisation of such national uniform laws will depend not only on the ongoing support and resolve of all the State and Territory governments in the face of any action by the gun lobby,⁹⁶ but also on the extent to which the support of the general community, galvanised after the tragedy at Port Arthur, remains.

⁹⁵ 'Howard victory on gun bans', *The Weekend Australian*, 11-12 May 1996.

⁹⁶ Mr Roy Smith, Executive Officer of the NSW branch of the Sporting Shooters Association, is reported as saying:

that the association was considering legal challenges to the ban on semi-automatic and automatic weapons through three possible channels. These included a protracted challenge through the courts disputing the settlement prices for up to 500,000 guns to be confiscated; disputing the lack of equal opportunity that would allow people living in the country to have guns while people in the city could not, or appealing to the United Nations Convention on Human Rights against the confiscation of private property by the Government ... Mr Smith ... said some gun shop owners were planning a class action against the Government, claiming the decision would bankrupt them. 'Well take to streets, say sporting shooters', *Sydney Morning Herald*, 13 May 1996.

APPENDIX A

Key Terms

KEY TERMS ¹

In order to appreciate many of the arguments put in relation to gun control, it is considered useful to define some of the key terms. While many of the following terms are commonly understood, others are not.

(In this Paper the terms 'firearms', 'guns' and 'weapons' are used interchangeably, unless otherwise specified.)

- Antique pistol -** in the NSW *Firearms Act 1989* this means 'a pistol manufactured before 1900 that is not capable of discharging breech-loaded cartridges; or for which ... ammunition is not commercially available'.
- Automatic -** describes a firearm 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. (Machine guns and other fully automatic weapons are examples of this design).
- Blank-fire pistol -** see starter's pistol.
- Bolt action -** a firearm in which the breech closure is (i) in line with the bore at all times, (ii) is manually loaded, unloaded and cocked, and (iii) 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.
- Breech -** the part of a firearm immediately behind the barrel.
- Broken -** a firearm (usually a shotgun) rendered inoperable by having its action in an open position.
- Cartridge -** a single unit of ammunition, a cylinder, 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.
- Centre-fire -** (i) any cartridge that has its primer central to the axis in the head of the case (ii) Firearms designed to fire such cartridges, which may include, for example, single shot, repeater and self-loading rifles.
- Firearm -** in the NSW *Firearms Act 1989* means 'a gun or any other weapon, that can propel anything wholly or partly by means of an explosive; or a blank fire firearm or an air gun, but does not

¹ These definitions are taken from a number of sources: the Joint Select Committee Report 1991, pp20-22; J David Fine, *Firearms Laws in Australia*, CCH, 1985, pp145-146; and the relevant NSW legislation.

include an antique pistol or anything declared ... not to be a firearm'.

- Hand gun -** a firearm designed to be held and fired with one hand.
- 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.
- Long arm/
Long gun -** a firearm designed to be fired from the shoulder, with the use of two hands. See Rifle.
- Modern firearm -** a firearm not defined as an antique, under the laws of the relevant State or Territory.
- 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**.
- 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**.
- 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).
- Repeater -** any firearm capable of firing more than one shot. By utilising a magazine, it does not require reloading with each cartridge.
- Revolver -** a hand gun with a cylinder containing several chambers, the cylinder revolves as the trigger is pulled, to bring successive chambers into line with the barrel.
- Rifle -** a firearm whose bore is grooved in a spiral pattern; designed for the firing of a solid bullet and designed to be fired from the shoulder. Also known as a **long arm** or **long gun**.
- Rim-fire -** (i) cartridges designed to be fired when struck by a weapon's firing pin upon the rim around the rear of the cartridge, inside of which is distributed a priming powder; (ii) firearms designed to fire such cartridges.

- 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.
- Shotgun -** a smooth bore, shoulder firearm designed to fire shot-shells containing numerous pellets or sometimes a single projectile.
- Single shot -** describes 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.
- Spare barrel -** a hand gun barrel designed to be easily fitted to and removed from the weapon, for purposes of changing the weapon's calibre or length. Also referred to in some statutes as a 'conversion unit'.
- Starter's pistol -** a device similar in appearance to a pistol, but only capable of firing cartridges that do not contain a projectile.
- Target pistol -** a pistol or revolver of such standards and design as to meet the requirements for use in a type of competition sanctioned by the Amateur Pistol Shooting Union of Australia, the Union Internationale de Tir, or a similar organisation.
- Prohibited weapon -** any item which appears on Schedule 1 to the *Prohibited Weapons Act 1989*. Although there are many provisions relating to firearms in this Schedule, a number of other weapons are also included. Some of the firearms specified are: machine guns, military style self-loading centre-fire rifles, self-loading shotguns or centre-fire rifles fitted with a magazine capable of holding more than 5 rounds of ammunition, and certain specified models such as the AK (Kalashnikov).

Although 'prohibited' has a specific meaning in the firearms legislation, confusion sometimes occurs in common parlance as people use the term 'prohibited' to mean 'banned'. Under section 5 of the *Prohibited Weapons Act 1989* it is possible to own a 'prohibited weapon' if 'authorised to do so by a permit or the regulations'. 'Prohibited' in this context is closer in meaning to 'restricted' than 'banned'.

APPENDIX B

Executive Summary and Recommendations from
Violence: Directions for Australia,

Australian Institute of Criminology, 1990, pp.XXI-XLVIII

EXECUTIVE SUMMARY

The National Committee on Violence was established as the result of a joint agreement between the Prime Minister, the State Premiers and the Chief Minister of the Northern Territory at a meeting held in December 1987.

The Committee's establishment was announced by the Federal Minister for Justice, Senator Michael Tate, in October 1988. The Committee's Terms of Reference required it to examine the following issues:

- the contemporary state of violent crime in Australia;
- related social, economic, psychological and environmental aspects;
- gender issues in violence;
- the impact of the mass media on the incidence of violence;
- the effects of drugs and alcohol on violent behaviour;
- attitudes to violence amongst children and adolescents;
- the vulnerability to violence of particular groups;
- the development of strategies to prevent violence;
- the need for support and assistance for victims of violence; and
- the need for special measures in the treatment of violent offenders.

The secretariat for the Committee was located within the Australian Institute of Criminology, the centre of Federal, State and Territorial cooperation in the area of criminological and criminal justice research.

In order to fulfil its extensive Terms of Reference, the Committee was allocated a budget jointly funded by the Federal, State and the Northern Territory Governments, totalling \$183,000. With these funds alone, and with barely a year in which to report, it embarked on a series of community consultations throughout the country, from the State capitals to remote settlements of Central Australia. Written submissions were invited and specific information was solicited from a number of agencies.

The Committee also undertook an extensive publications program on various aspects of violence in Australia.

In its pamphlet series **Violence Today**, the following titles appeared:

- No. 1. *Violence, Crime and Australian Society*
- No. 2. *Domestic Violence*
- No. 3. *Violence Against Children*
- No. 4. *Violence in Sport*
- No. 5. *Violence and Public Contact Workers*
- No. 6. *Violence on Television*
- No. 7. *Violence, Disputes and their Resolution*
- No. 8. *Racist Violence*
- No. 9. *Political Violence*

In its series of monographs, particular issues relating to violence were discussed in more extensive detail:

Monograph No. 1. *Violence in Australia*, which raises some key issues and summarises facts about violence in contemporary Australian society.

Monograph No. 2. *Victims of Violence*, which describes the vulnerability to violence of particular groups, and the need for support and assistance for victims.

Monograph No. 3. *Society's Response to the Violent Offender*, which discusses the need for special measures in the treatment of violent offenders, and reviews the basic issues which must be considered by authorities on behalf of society in response to an act of violence.

In addition, the Committee funded a four-day National Conference on Violence, attended by over 150 people, including nearly sixty speakers of national and international standing. This meeting provided an opportunity for detailed discussion of the subject of violence and associated topics, and gave the Committee timely access to current research on violence in Australia.

In giving detailed consideration to its Terms of Reference, the Committee decided that the issues to be addressed in its final report fell into three broad categories. First of all it would be necessary to identify as far as possible the state of violence in Australia, that is, to summarise all the available information on the subject and, from these disparate sources, make an assessment of the incidence and prevalence of violence in Australia. Secondly, the Committee decided to review available research, both Australian and overseas material, relating to the causes of violence. Thirdly, the Committee would make recommendations concerning the prevention and control of violence.

Part One of the Report, *The State of Violence in Australia* reveals that data on the incidence and prevalence of violence in Australia is far from adequate. This is most unfortunate, for at least four reasons. First, it makes the rational development of policies for the prevention and control of violence exceedingly difficult, if not impossible. Second, it fails to provide a basis for the most efficient and effective allocation of the limited and costly resources of the criminal justice system. Third, it denies individual citizens the requisite knowledge to engage in crime prevention activities, where appropriate. And finally, in light of the fact that the risk of becoming a victim of violence is not shared equally by all Australians, it fails to reassure those whose fear of violence may not be warranted.

Based on the fragmentary information available to it, the Committee made the following observations:

Australia is a less violent place today than it was during the period from its establishment as a penal colony until Federation. However, it is more violent than it was before the second World War.

The rate of homicide in Australia is relatively low by international standards, and has shown no significant change over the past twenty years.

The rates of various types of non-fatal violence, that is assault, sexual assault, and robbery, have increased sharply since the early 1970s.

The rate of non-fatal assault appears high by the standards of western industrial societies.

Rates of violent crime are not evenly distributed across Australia. For example, they tend to be higher in large cities than in country areas. They are also uneven across jurisdictions: the level of violence in the Northern Territory is substantially higher than elsewhere, while the rate of violent offending appears to be actually declining in Tasmania.

Violent offenders in Australia are overwhelmingly male, primarily between the ages of 18 and 30, and predominantly from blue-collar backgrounds.

Despite perceptions to the contrary, violent offending by juveniles is relatively uncommon. Gang violence is not a major problem in most jurisdictions.

Most homicides and assaults are committed by persons known to the victim. Random attacks by strangers, although deeply disturbing when they do occur, are relatively rare.

Infants up to one-year-old are the age group at greatest risk of homicide. The overwhelming majority of child victims are killed by their parents or other relatives.

Victims of violence most commonly tend to fall into two broad categories: men who become engaged in altercations with other men; and women and children who suffer at the hands of men with whom they have been living.

Men, especially those who are young, single and unemployed, are at far greater risk of becoming victims of all forms of violence than are women, except for the categories of sexual assault and domestic violence.

The majority of victims of violence, like perpetrators, come from relatively disadvantaged backgrounds. Homicide risk, in particular, varies inversely with occupational status.

Aboriginal Australians face a much greater risk of becoming the victims of violence than do members of the general Australian population possibly up to ten times greater in the case of homicide.

Violence motivated by prejudice on the basis of race, ethnicity, disability, religion or sexual preference exists in Australia but there is insufficient data to assess its prevalence accurately.

Political violence, whether in the form of terrorism, assassination, riots or civil disorder, is extremely rare in contemporary Australia.

Alcohol plays a major role in violence in Australia.

The public concern about violence on public transport is not supported by available official statistics, which indicate that reported assaults are relatively rare. However, unreported violence, harassment or threat may seriously influence passengers' perception of their safety.

A considerable number of violent crimes never come to police attention; foremost in this "dark figure" are the majority of sexual assaults and incidents of domestic violence.

Firearms are used in approximately 40 per cent of homicides but in a negligible proportion of non-fatal assaults (sexual or otherwise). They are used in a significant proportion of commercial robberies.

The costs of violence are enormous but largely unquantified. It has been estimated, for instance, that the average homicide costs the community about one million dollars, that the total costs of assault alone approach \$300 million per year, that the cost of imprisoning violent offenders is \$200 million annually and that Governments award in excess of \$20 million per year as criminal injuries compensation.

Part Two of the Report, Explaining Violence, reviews available literature on causes of violence. Violent behaviour defies simplistic explanation, and generally results from a variety of factors interacting with one another. The following are the more significant factors which enhance the risk of violence. We list them in descending order of relative importance of each.

Child development and the influence of family

- **Families constitute the training ground for aggression. It is within the family that aggressive behaviours are first learned; to the extent that families fail to instil non-violent values in their children, those children will be more likely to develop a repertoire of violent behaviours as they negotiate life in society at large.**
- **There are correlations between aggression in children and certain characteristics in their parents, notably maternal rejection and parental use of physical punishment and threat.**
- **Abusive parents themselves tend to have been abused or neglected as children, but only one-third to one-fifth of abused or neglected individuals will maltreat their own children.**

Cultural factors

Norms of behaviour

- **In general, the orientation of a culture, or the shared beliefs within a sub-culture help define the limits of tolerable behaviour. To the extent**

that a society values violence, attaches prestige to violent conduct, or defines violence as normal or legitimate or functional behaviour, the values of individuals within that society will develop accordingly.

- The use of violence to achieve ends perceived as legitimate is a principle deeply embedded in Australian culture. Violence on the sporting field, in the home and in schools is tolerated by many Australians.

Economic inequality

- Violence is more common in those societies characterised by widespread poverty and inequality. Worldwide, those countries with high income inequality have the highest homicide rates.
- In Australia, both victims of violence and violent offenders are drawn from the most disadvantaged socioeconomic groups.

Cultural disintegration

- The loosening of social prohibitions against violence may flow from feelings of alienation on the part of marginal members of society. This is particularly the case with a number of Australia's youth and with a large segment of the Aboriginal population.

Setting

- The physical characteristics of a location and the kind of activity occurring there can communicate that violence is more or less acceptable. A dilapidated environment has the potential to invite violence; a clean, modern setting can inhibit aggressive behaviour.

Gender

- Attitudes of gender inequality are deeply embedded in Australian culture, and both rape and domestic assault can be viewed as violent expressions of this cultural norm.

Personality factors

- The best predictor of future aggression is past aggressive behaviour — aggressive children tend to grow into aggressive adults.
- Two personality traits often associated with violent behaviour are lack of empathy or regard for the feelings of others, and impulsiveness, or the inability to defer gratification.
- Hostile impulses in people with unusually strong internal controls — those referred to as the overcontrolled personality — can result in extreme violence.

Substance abuse

- The suggestion that "drugs cause violence" is an oversimplification. The effect of a drug on an individual's behaviour is the product of a range of drug and non-drug factors which include the pharmacological

properties of the substance in question, the individual's neurological foundation, personality and temperament, his or her expectations of the drug's effects, and the social setting in which the individual is located.

- Drug use and violent behaviour may result from a common cause — the inability to control one's impulses. Beyond this, drug use may compound the impairment of impulse control in an otherwise aggressive person.
- Alcohol — a close association exists between alcohol and violence, but the relationship is complex. It is probably less a result of alcohol's pharmacological properties, but rather more a product of co-existing psychological, social and cultural factors.
- Illicit drugs — except in the case of PCP (angel dust), and to a lesser extent amphetamines, violence is rarely associated with the pharmacological effects of illicit drugs. Of course, violence is frequently associated with the trafficking and distribution of these substances.

Biological factors

- Violent behaviour does not appear to be an inherited characteristic.
- Adverse peri-natal experiences may indirectly result in violent behaviour.
- Autonomic nervous system dysfunction may lead to psychopathic behaviour.
- Hormones, particularly testosterone, may play a part in violent behaviour.
- Men are at least ten times more likely than women to be charged with violent offences, which indicates a real sex-based difference in behaviour, whether due to actual gender or to behavioural expectations arising from gender.
- Violence tends to be perpetrated most commonly by those aged between 15 and 30.

Mental illness

- Some forms of mental illness, notably paranoid schizophrenia, may occasionally result in violent acts, although prediction of violence in the mentally ill is regarded as extremely difficult.

Media influences

- Television viewing may be associated with subsequent aggression in some viewers. Research indicates that the relationship is bi-directional, that is violence viewing gives rise to aggression and aggression engenders violence viewing.
- Video and film viewing may have the same effects as television viewing.

Peers and schooling

- **The company of delinquent or aggressive peers may influence individuals to become aggressive.**

Although our understanding of violence has improved substantially in recent years, knowledge remains incomplete. The following pages provide a brief and by no means exhaustive overview of the mosaic of this knowledge.

Essentially, it is the Committee's view that the experiences of childhood and the influence of the family are paramount in determining whether or not an individual becomes violent in his or her behaviour. We acknowledge that biological and personality factors may predispose individuals to violence, but strong evidence suggests that in almost every case a loving and secure environment can overcome such predispositions. Likewise, although alcohol, the media, peers and school may all exert their influence, what children observe and learn in their homes — what they come to recognise as norms of behaviour — will largely determine their reaction to these influences.

Of course, each child lives within a larger culture where factors such as economic and gender inequality may be realities they have to cope with on an individual basis as adults, and which may be sources of disillusion and frustration. Nevertheless, what is learned in the process of socialisation within the family can be both protection and a source of strength in coming to terms with or even altering these realities.

Strategies for the prevention of violence in Australia will be the subject of Part Three of this Report. Many of the initiatives which the Committee recommends lie in the area of assistance to families, where, we believe, the greatest difference can be made, by engendering non-violent values in children and by helping to ensure that they are brought up in an atmosphere free from violence. Many of the recommendations made in the final section of this Report therefore relate to measures such as education and support in parenting, which are designed to assist families. Other initiatives are linked to attitude changes, and involve the large issues of gender role, unemployment and value change.

The Committee recognises that any intervention focussed on children is self-evidently a long term proposition. At the same time it believes that there are many other initiatives which can be taken in the short term to reduce the level of violence in the community and which would not cost the earth, whilst making a significant practical impact. A number of recommendations have therefore been made in areas such as the control of alcohol, violence in the sporting arena, both by spectators and players, the control of firearms and the policies of police and others in the criminal justice system.

The Committee believes that a serious attempt to reduce the level of violence in our community requires attention to both long-term and short-term issues. The challenge is to find the most efficient and effective policies

which will bring about the control and prevention of violent behaviour, whatever its cause.

The Committee recognises that not all of the above risk factors are amenable to change through public policy. Nevertheless, available information on the incidence, prevalence and causes of violence provides a direction for Governments and for individual Australians to work to reduce violence in our society.

Policy Directions

- Adoption of a national strategy for the promotion of non-violent attitudes

The degree to which many Australians condone violence is one of the fundamental impediments to achieving a non-violent society. The Committee considers that a strategy should be launched to promote non-violent attitudes, beginning with a national media campaign and incorporating the Committee's recommendations in relation to education and recognition of the needs of victims.

- The reduction of factors which aggravate the risk and extent of violence
The Committee has identified several factors which, while not directly causing violence, aggravate its incidence and severity. In order to reduce violence, the committee has identified a number of measures aimed at mitigating the effects of such factors, including parenting education and family support, measures to reduce alcohol consumption, and policies to better regulate the ownership of firearms.
- Improvement in the availability of accurate information about the extent and nature of violence so as to provide a proper basis for decision - making, and for the reduction in fear of violence.

Information about violence is inadequate. This is a general problem but is most evident in relation to violence within the family. The Committee has made a number of recommendations aimed at increasing the availability of accurate information in order to inform policy making, to encourage those crime prevention measures which may be appropriate, and to reassure those members of the public whose fear may be unwarranted.

Not all of the Committee's recommendations are of equal import. As a matter of principle, the Committee felt that priority should be given to those programs which, in addition to their efficiency and effectiveness in the prevention and control of violence, will produce other economic and social benefits. Conversely, policies or programs to combat violence which would constrain freedom or curtail liberty should not do so gratuitously. They should be framed as narrowly as possible, and should be subject to strict scrutiny with regard to their anticipated effectiveness and efficiency.

The Committee is strongly of the view that programs and policies for the prevention and control of violence be subject to rigorous, independent evaluation. Provision for this evaluation should be incorporated in the design and budget of the program in question. Good intentions, warm feelings, and trendy ideas, laudable though they may be, are simply not a sufficient basis for the expenditure of public funds. Measures which are heralded as successful in one jurisdiction, whether in Australia or overseas, should not be blindly embraced without careful provision for their evaluation and their eventual dismantling in the event of unsatisfactory performance. Australia simply cannot afford to waste money on ineffective ventures.

Implementation

The Committee considers the implementation of its recommendations to be a matter of the utmost importance. It was decided that the best way to facilitate implementation was to structure the Report's conclusions and recommendations according to the areas of portfolio responsibility, that is, by type of government department. Because responsibility for the prevention and control of violence does not lie exclusively with Governments, the structure also includes relevant non-governmental organisations. In this way, the pathways to implementation and the most appropriate agencies to undertake such implementation are clearly marked.

By presenting its conclusions and recommendations according to this framework of agency responsibility, the Committee in no way absolves individuals from their responsibilities for the prevention and control of violence. First and foremost, the Committee is strongly of the view that individual Australians are responsible for their own actions. Acts of criminal violence are, by definition, acts of choice. It is recognised that the cultures in which many Australians live and the pressures to which they are subjected may be conducive to violence; but no violent act is inevitable or foreordained. All Australians have a responsibility to act in a non-violent manner.

The Committee recognises that not all of its recommendations are amenable to implementation by a single responsible agency, and that many will require liaison and co-operation by two or more bodies. Effective and efficient prevention and control of violence requires careful co-ordination, lest limited resources be wasted through overlapping and duplicated efforts, and important needs remain unmet.

The Committee is acutely aware of the complexity of government organisation, both within and between levels of the Australian federal system. This recognition has conditioned the specificity of our recommendations. Where particular action lies squarely within the purview of a particular agency, such as the importance of improved police training relating to criminal assault in the home, we do not hesitate to fix responsibility. Beyond this, the Committee has been cautious about prescribing policies in intimate detail.

The Committee is of the view that in many critical areas the paramount responsibility for the welfare of Australians lies with the Federal Government. Some policies, for example, the control of firearms, require a national response in order to be effective. However, the Committee concedes that in other areas, what appears to operate effectively and efficiently in Queensland may not necessarily do so in Tasmania. One of the virtues of Australian federalism is that it lends itself to experimentation and modification to suit the needs and political culture of individual jurisdictions. We encourage rigorous, controlled evaluation of those programs which are introduced, the wide dissemination of the results of those evaluations, and the full implementation of effective programs.

The Committee considers that all Governments should designate an implementation body to oversee implementation of the recommendations made in this Report. The responsibilities of these bodies would include co-ordination of effort on the part of those agencies within their jurisdiction jointly involved in the implementation of a given recommendation.

Co-ordination between these bodies could be facilitated by an annual meeting convened in the first instance by the current Chair of the National Committee on Violence. A national secretariat should be situated at the Australian Institute of Criminology, which has served as the secretariat for this Committee, and which exists as a unique repository of expertise in the area. Such a body could also provide consultation and contract services relating to evaluation, which is essential to ensure efficiency and effectiveness in the prevention and control of violence, a theme which is highlighted throughout this Report.

The Committee acknowledges that some policies for violence reduction may entail significant financial or social cost. At the same time it believes that there are many initiatives which can be taken, particularly in the area of assistance to families, which would make a significant practical impact and which would be very cost-effective. Particular attention is also paid to the subject of gun control, given the importance of this topic in the establishment of the Committee, and a number of detailed recommendations are made on this subject.

General Recommendations

Recommendation 1. The Federal, State and Territory Governments should each nominate a body to co-ordinate implementation of the recommendations of the Report. These bodies should report annually to the Prime Minister, Premier or Chief Minister.

Recommendation 2. The Chair of the National Committee on Violence should convene a meeting of representatives of the bodies nominated by Federal, State and Territory Governments twelve months from the date of issue of the Final Report and report on the outcome of this meeting to the

Prime Minister. Thereafter, Federal, State and Territory representatives should meet annually to review progress on implementation of the Committee's recommendations, to identify areas where national activity needs to be pursued and to report to the Governments concerned.

Recommendation 3. A national secretariat should be established within the Australian Institute of Criminology to coordinate these activities.

Recommendation 4. Programs and policies for the prevention and control of violence should be subject to rigorous, independent evaluation and provision for such evaluation should be incorporated in the design and budget of the program in question.

Specific Agency Responsibilities

Health and Welfare

Recommendation 5. The Federal Government should undertake a national multi-media public awareness campaign conveying the message that violence is not acceptable. Campaigns directed at target audiences should be designed and pilot tested prior to full implementation.

Recommendation 6. The Federal Government should further increase the excise differential so that low alcohol beer is significantly cheaper to the consumer compared with high alcohol beer.

Recommendation 7. Health warnings should be required on all alcoholic beverage containers.

Recommendation 8. Electronic advertising of alcoholic beverages should be prohibited.

Recommendation 9. Education for parenthood, including what constitutes normal child behavioural development, should be incorporated in hospitals as part of classes associated with childbirth. The program should be continued in community health centres. Support services for all parents should be available after the birth of a child. Parents should be given detailed information about post-natal support services available to them locally.

Recommendation 10. All health authorities should co-operate in reviewing the available literature and devising a proposal for a pilot peri-natal screening and intervention program for child abuse risk. Such a pilot study should be structured so that it can be rigorously evaluated. If it is found to be successful, then such programs should be introduced in all maternity and general hospitals.

Recommendation 11. Effective parent management training programs should be initiated to control aggressive behaviour in children.

Recommendation 12. Where hospital policies and procedures for identifying and treating victims of violence do not exist they should be instituted. All

such policies and procedures for identifying and treating victims of violence, especially those involving the provision of emergency care, should be subject to periodic evaluation, based in part on consumer surveys and retrospective interviews of previous patients.

Recommendation 13. Governments should take steps to achieve better co-ordination and communication between organisations in public, private and non-profit sectors, which provide services to victims of violence.

Recommendation 14. Institutions which provide education and training for health and welfare professionals should offer training in the recognition, treatment (including counselling and support services) and management of victims of violence, especially domestic assault, sexual assault and child abuse. Issues relating to gender inequity, and its implications in relation to violence, should be included in this training. This should include provision for continuous in-service training.

Recommendation 15. All health service providers should develop specific procedures for the identification and treatment of victims of violence, especially domestic violence, sexual assault and child abuse.

Recommendation 16. Service provision to domestic violence and sexual assault victims should address the diversity of needs for people from non-English speaking backgrounds, Aborigines and people with disabilities.

Recommendation 17. Funding by Federal, State and Territorial Governments for direct service providers and community education programs relating to domestic violence, sexual assault and child abuse should be increased.

Recommendation 18. The recent development of preventative programs, such as counselling for violent men, is commendable. These programs should be encouraged by Federal, State and Territory authorities, subject to systematic controlled evaluation.

Recommendation 19. Stress identification and management should become an integral part of health promotion programs.

Recommendation 20. The Federal Government should sign and ratify the United Nations Convention on the Rights of the Child as a signal of its commitment to the well-being of Australian children.

Recommendation 21. A national campaign for the prevention of child abuse should be conducted.

Recommendation 22. A national research centre on child abuse should be established by the Federal Government.

Recommendation 23. Governments should ensure that safeguards exist to protect institutionalised persons who have an intellectual disability from abuse by staff or fellow patients.

Recommendation 24. Governments should ensure that adequate support services are available for people with an intellectual disability who are living in the community, including those living in hostel and boarding house accommodation, and for their carers.

Recommendation 25. Governments should assess the impact of de-institutionalisation of the mentally ill and should improve community support where appropriate in order to reduce the risk of their becoming victims or perpetrators of violence.

Recommendation 26. Governments should provide effective, adequately resourced 24-hour mobile crisis intervention services and should introduce them as soon as possible where they do not already exist.

The Committee commends the recent review of Residents Rights in Nursing Homes and Hostels (Ronalds 1989) and endorses its direction as the most appropriate strategy for ensuring the security and well-being of aged persons resident in institutions.

Recommendation 27. Additional respite child care should be funded by the Federal Government and be made available to all low income families.

Recommendation 28. Each State and Territory should establish a 008 hotline for parents to call for support and advice in dealing with children.

Recommendation 29. Agencies dealing with child abuse should undertake systematic evaluations of their child abuse intervention programs.

Recommendation 30. The Federal Government should maintain its income support programs for the most disadvantaged members of Australian society.

Education

Recommendation 31. Education authorities should include conflict resolution strategies as an integral part of school and other education curricula, and should evaluate their effectiveness.

Recommendation 32. Teacher training institutions should incorporate materials relating to non-violent conflict resolution, including an analysis of the gender basis of patterns of violence and violent behaviour, in their curricula.

Recommendation 33. Corporal punishment in all schools, public and private, should be prohibited by law.

Recommendation 34. Educational authorities should develop constructive, non-violent means of social control to replace corporal punishment.

Recommendation 35. Programs should be introduced into school curricula for instruction in human relationships, including proper gender roles and parenting responsibilities and child development.

Recommendation 36. Education authorities should produce materials to assist parents in developing non-violent means of discipline.

Recommendation 37. Parent effectiveness programs should be developed in conjunction with organisations dealing with young children and their parents to promote non-aggressive strategies for both parents and children.

Recommendation 38. Training in the recognition of child abuse should be an integral part of the teacher training curriculum. To this end, education authorities should utilise the expertise of those who provide services to abused children and their families.

Recommendation 39. All school students should be provided with information about what constitutes abuse, the importance of telling someone when abuse occurs, and appropriate individuals in whom they might confide.

Recommendation 40. School students should have access to courses in self-protection which discuss issues of male and female socialisation and which are able to be used in conjunction with other school curricula.

Recommendation 41. Recognising that preschool children are cared for and educated in a variety of settings, such as child care, kindergartens, and pre-primary programs, these agencies should emphasise areas such as enrichment programs, non-violent conflict resolution and the identification and management of behaviourally disturbed children.

Recommendation 42. Governments should develop preschool enrichment programs. Controlled evaluation should be undertaken and should embrace subsequent school performance as well as the effect of such programs on later delinquent behaviour.

Employment and Training

Recommendation 43. The Committee commends the efforts made by the Federal Government in establishing training programs for young people. In addition to continuing support for programs of this type, the Federal Department of Employment, Education and Training should establish a pilot residential program similar to the United States Job Corps Scheme targeted at particularly disadvantaged young people, and should evaluate the outcome of the program.

The Committee commends the JET (Jobs, Education and Training) and Newstart employment initiatives.

Recommendation 44. Federal, State and Territory Governments should continue to develop and refine employment training programs, and increase their accessibility to young women as an important contribution to the reduction of violence against women.

Housing

Recommendation 45. Governments should take steps to ensure that no victim of criminal assault in the home is denied alternative shelter.

Recommendation 46. Victims of domestic violence should be given priority in the allocation of emergency and low-cost accommodation.

The National Committee on Violence commends the Human Rights and Equal Opportunity Commission report entitled "Our Homeless Children". The Committee's views are broadly consistent with the recommendations of this report.

Recommendation 47. The Committee commends the progress which has been made in the provision of housing for Aboriginal people, but recommends that to control violence and to restore pride, management and maintenance of housing should be made the responsibility of Aboriginal people. Adequate funding and resources should be provided.

Recommendation 48. Public housing authorities should include considerations relating to the reduction and prevention of violence in the design of public housing.

Public Transport

Recommendation 49. Transport authorities should exercise care in the design and maintenance of their facilities, with a view toward crime prevention. They should also include and publicise a clearly stated violence prevention strategy in their State and Territory transport plans.

Sport and Recreation

The Committee commends the efforts of the Australian Sport and Recreation Ministers' Council to establish a national community education program.

Recommendation 50. Sporting authorities should refer cases of criminal assault on the playing field to law enforcement agencies for prosecution.

Aboriginal Affairs

Recommendation 51. As violence in Aboriginal communities is closely linked to their demoralised state, loss of culture and other related problems, steps should be taken to restore the pride of all Australians in the extraordinary richness of Aboriginal social and cultural traditions. Specifically, educational authorities should include the study of Aboriginal history and culture in school curricula, to promote a greater appreciation and understanding of these traditions.

Recommendation 52. To help alleviate violence in Aboriginal communities, alcohol and substance abuse education and rehabilitation programs currently being undertaken should be evaluated and, where appropriate, be introduced in those additional communities requiring them. Such programs should be coordinated more effectively and given appropriate government

support. More emphasis needs to be given to such programs in urban areas and should include provision of better recreational facilities.

Recommendation 53. Imaginative programs such as the Community Development Employment Program should be expanded to other communities as appropriate.

The Committee commends the Federal Government's national Health Strategy for Aboriginals, particularly its violence prevention aspects, and supports its commitment to the collection of national uniform health statistics.

Criminal Law, Evidence and Procedure

FIREARMS CONTROL

Recommendation 54. All Governments should take appropriate action to minimise death and injury arising from the accidental or intentional use of firearms by:

Recommendation 54.1. The enactment of uniform legislation throughout Australia to regulate the acquisition and possession of firearms.

Recommendation 54.2. The introduction, through the Australian Police Ministers Council, of uniform guidelines for all Australian police forces in the enforcement of firearms legislation.

Recommendation 54.3. 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.

The Committee recommends the following specific strategies:

Recommendation 55. The Federal Government should undertake the following action:

Recommendation 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.

Recommendation 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.

Recommendation 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:

Recommendation 57.1. Prohibition of all automatic long arms and certain types of ammunition.

Recommendation 57.2. Restriction of semi-automatic long arms to individuals with a specific need.

Recommendation 57.3. Restriction of sales of ammunition by licensed gun shops only, to licensed individuals only, for personal use of a specific firearm.

Recommendation 57.4. Registration: all firearms should be registered in a computerised national firearms registry.

Recommendation 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.

Recommendation 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.

Recommendation 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.

Recommendation 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.

Recommendation 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 firearm in the commission of a crime should be regarded as an aggravating circumstance by sentencing authorities.

ADDITIONAL ISSUES

Recommendation 59. The Committee strongly condemns the use of physical violence in disciplining children. The long-term aim should be to abolish such practices. In the interim, this objective is best achieved by education, as already referred to in the context of parent education.

Recommendation 60. Subject to the inclusion of appropriate safeguards against abuse by either the Crown or the defence, victim impact statements should be introduced in all jurisdictions. They should be closely monitored.

Recommendation 61. All Governments should formally embrace the principles of justice and fair treatment for victims as set out in the Declaration of the United Nations General Assembly.

Recommendation 62. The introduction of portability of restraint orders across jurisdictions should be treated as a priority by the Standing Committee of the Attorneys-General.

Recommendation 63. Uniform domestic violence legislation should be developed. Such legislation should include the following essential features:

Recommendation 63.1. powers for police to enter and remain on premises to deal with domestic violence incidents and breaches of restraint orders, and to arrange assistance for injured parties;

Recommendation 63.2. a broadened definition of spouse to include partners from de facto and past relationships as well as traditional Aboriginal relationships;

Recommendation 63.3. provision for applications for restraint orders by police officers as well as by the victim;

Recommendation 63.4. power for the court to make a restraint order removing or limiting the defendant's access to the family home, whether or not the defendant has a legal or equitable interest in the premises;

Recommendation 63.5. parties to the proceedings should be able to apply to the court for a variation or revocation of an order;

Recommendation 63.6. the admission of hearsay evidence at the discretion of judicial authority;

Recommendation 63.7. the issuing of restraint orders on the balance of probabilities;

Recommendation 63.8. breaches of orders to be regulatory offences;

Recommendation 63.9. the ability for police to apply for restraint orders over the phone outside normal court hours;

Recommendation 63.10. the protection of police officers from civil liabilities and costs in normal circumstances; and

Recommendation 63.11. the authority to take offenders into custody where there is a reasonable belief that unless the person is removed, the spouse or a child of the house is in danger of suffering personal injury.

Police

Recommendation 64. Domestic violence should be targeted for police skills training with police instructed how to recognise domestic violence as criminal behaviour, to detect behavioural warning signs and to take appropriate action.

Recommendation 65. Where there is sufficient evidence of criminal assault in the home, police should lay charges.

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.

Recommendation 67. Police policy in relation to criminal assault in the home should be publicised widely, both within the force and to the public at large.

Recommendation 68. New police initiatives for the prevention and control of domestic violence should be subject to rigorous evaluation.

Recommendation 69. Police training should incorporate information on non-punitive options for dealing with youth to encourage sensitivity to the negative results of overpolicing.

Recommendation 70. All jurisdictions should adopt formal guidelines for the questioning of youth by police.

Recommendation 71. All police-community liaison programs should be evaluated.

Recommendation 72. In association with other agencies such as transport, public housing, and local government authorities, Australian police departments should develop fear reduction programs, targeting those groups in the community who express the highest levels of insecurity, and experimenting with alternative patrol techniques, public information campaigns, and other fear reduction strategies.

Recommendation 73. Fear reduction programs should be subject to rigorous independent evaluation to assess their efficiency and effectiveness.

Recommendation 74. Video recording of interviews by police should be introduced in all Australian jurisdictions.

Recommendation 75. Police training programs should include curricula on victim assistance as a routine component of all courses, from the initial recruit stage to specialist investigatory courses.

Recommendation 76. Formal mechanisms should be put in place to facilitate easy and effective referral by police of victims to appropriate support agencies.

Recommendation 77. Police training should continue to educate recruits about cultural conflicts, especially within Aboriginal society, and continue to increase the skills and scope of the police aide scheme.

Recommendation 78. Traditional Aboriginal input into police education should be increased so as to improve knowledge and understanding of the Aboriginal lifestyle.

Recommendation 79. Every effort should be made in every jurisdiction to encourage and support suitably qualified Aboriginals to become fully qualified police officers.

Recommendation 80. The Aboriginal police aide scheme, as it operates in the Northern Territory and South Australia, should be introduced in other parts of Australia where similar law enforcement circumstances exist.

Recommendation 81. Consideration should be given to the introduction of the warden scheme in Aboriginal communities, where appropriate. As well, ongoing evaluation of the Aboriginal Communities Act 1979 (WA) and similar legislation in the Northern Territory should be carried out to ensure the warden system operates effectively and is supported fully by Governments.

Recommendation 82. Police and others in the criminal justice system directly involved with victims of child abuse should receive training in normal child development, in issues relating to disabled children and in special forensic issues.

Recommendation 83. Urgent attention should be given to improving procedures in investigating allegations of the sexual abuse of children. This should entail closer liaison between police and other workers concerning interviews with the alleged victim, and the provision of training in interviewing techniques. Consideration should be given to the use of video recording techniques.

The Committee commends the South Australian insights regarding measures to reduce the risk of assaults against police, and is pleased to note that conflict resolution skills and tactics of protective behaviour are now accorded priority in the training of Australian police officers.

Recommendation 84. Counselling and psychological services should be available and accessible to all police officers.

Recommendation 85.

All Governments should recognise and support:

Recommendation 85.1. Uniform laws throughout Australia regarding the use of firearms and other lethal force by police. These laws should reflect the principle that lethal force should only be used as a last resort, involving self defence or the defence of others.

Recommendation 85.2. The provision of adequate resources (including funding) to ensure police receive adequate training in the use of firearms and non-lethal weapons. This training should also include non-violent restraint and conflict resolution strategies.

Recommendation 85.3. A requirement that wherever practical, a Coroner personally attends the scene of any fatality involving the use of lethal force by police.

Recommendation 85.4. The provision of funding for the development and deployment of non-lethal incapacitating weapons for use in appropriate situations, bearing in mind the desirability of eventually excluding the use of all weapons capable of causing death or serious injury to persons. The development and deployment of non-lethal weapons should be carefully evaluated, to ensure they minimise the risk of injury to bystanders, suspects, and police.

Recommendation 86. All police administrators should:

Recommendation 86.1. Adopt and implement rules and regulations strictly limiting the use of force and firearms. These should emphasise the principle that the use of force and firearms by law enforcement personnel should be proportionate to the legitimate objectives to be achieved, and commensurate with due respect for human rights. In addition, wherever the use of force or firearms is unavoidable, law enforcement personnel should in all cases minimise damage, respect and preserve human life and ensure that assistance and medical aid is rendered to any injured or affected persons at the earliest possible moment.

Recommendation 86.2. Develop and implement a code of conduct for law enforcement personnel which specifies that personnel may use force only when strictly necessary and to the extent required for the performance of their duty.

Recommendation 86.3. Keep the ethical issues associated with the use of force and firearms continuously under review.

Recommendation 86.4. Adopt a nationally agreed set of guidelines outlining standard operational procedures for police to be deployed in situations assessed as high risk.

Recommendation 86.5. Conduct research on the desirability of psychological screening and on-going assessment of members and prospective members of police special weapons and operational groups.

Recommendation 86.6. Develop national minimum standards relating to the validation and accreditation of firearms training and use of other weapons, including non-lethal weapons.

Recommendation 86.7. Ensure, following incidents where a person has died or been seriously injured through the use of force by police, that there is a thorough investigation of the incident by police independent of those involved in the incident.

Recommendation 86.8. Take appropriate action where arbitrary or abusive use of force or firearms by law enforcement personnel has occurred.

Recommendation 86.9. Ensure that all police involved in major critical incidents, which include the use of lethal force by police, or where the police have themselves been subjected to or engaged in a violent encounter, be subjected to critical incident stress debriefing.

Recommendation 87. In the event that police abuse their powers, issues relating to the liability of the Crown are complex. These issues should be reviewed by Federal, State and Territory Law Reform Commissions.

Courts

Recommendation 88. Where they have not already done so, State and Territory Governments should establish counselling and support services for victims and witnesses along the lines of those provided by the Victoria Court Information Network.

Recommendation 89. Jurisdictions should undertake pilot testing of their respective law reform proposals involving the testimony of child witnesses. These should include video-links, screens, and other modifications to the courtroom environment, to reduce the stress and trauma experienced by the child witness, and to enhance the accuracy and reliability of a child witness' testimony.

Recommendation 90. The Australian Institute of Judicial Administration should provide for the continuing education of judicial officers in matters relating to victims of violence generally, and victims of domestic violence, sexual assault and child abuse in particular.

Recommendation 91. Governments should provide alternative dispute settlement services as widely as possible.

Recommendation 92. All correctional agencies should continue to develop programs for the rehabilitation of offenders, and should subject these programs to rigorous evaluation. Those programs which show promise should be refined and introduced elsewhere; those which do not should be abandoned.

Recommendation 93. Correctional authorities should provide more support for ex-prisoners subsequent to their release from custody.

Miscellaneous Regulatory Authorities

CONSUMER AFFAIRS AGENCIES

Recommendation 94. The Committee applauds the steps taken by the Federal Minister for Consumer Affairs in banning "victim toys" under the Trade Practices Act, and by the Western Australian Minister for Consumer Affairs in following suit under State legislation. Other Australian States and Territories should follow their lead.

AUSTRALIAN BROADCASTING TRIBUNAL

Recommendation 95. The Australian Broadcasting Tribunal should consider requiring more detailed classification and program description to enable television viewers to exercise informed choice of programs, and to enable those responsible for children to exercise responsibility for children's viewing practices.

The Committee endorses Federal, State and Territory initiatives which protect children from consuming and participating in the production of erotic materials, violent or otherwise.

LIQUOR LICENSING AUTHORITIES

Recommendation 96. All liquor licensing authorities should act flexibly and in close consultation with Aboriginal communities, and should consider the potential social consequences of their decisions in order to minimise the adverse impact of alcohol.

Recommendation 97. Conformity with server intervention programs should be a condition of liquor licence renewal.

Recommendation 98. Liquor licensing authorities should promulgate guidelines for the recruitment, training and conduct of bouncers as an integral part of server intervention programs.

Recommendation 99. Liquor licences for sporting venues should include requirements for server intervention to discourage excessive consumption of alcoholic beverages.

Information and Research Agencies

Recommendation 100. The Australian Bureau of Statistics should conduct National Crime Surveys regularly on a biennial basis.

Recommendation 101. The Australian Bureau of Statistics should devote special efforts to identifying the incidence and prevalence of violence against specific minority groups in Australia.

Recommendation 102. The National Injury Surveillance and Prevention Project should be established on a permanent basis.

Recommendation 103. A national homicide monitoring system should be established within the Australian Institute of Criminology.

Recommendation 104. Federal, State and Territory Governments should increase their contributions to the Criminology Research Council.

Local Governments

Recommendation 105. Local governments should consider the implications for public safety of those planning decisions with which they are involved. In particular, they should be mindful of the principles of crime prevention through environmental design.

Recommendation 106. Town planners should incorporate security measures in design and when considering planning proposals.

Recommendation 107. Federal, State and Territory Governments should assist councils in providing services to families under stress.

Recommendation 108. Local governments should develop programs which provide a variety of high standard alcohol-free recreation and entertainment activities, planned in consultation with the intended users, where young people can express themselves freely in a safe place, removed from those who are likely to be irritated by displays of exuberance and energy.

Recommendation 109. A national conference of local governments should be convened to enable local government officials from around Australia to share their insights on crime prevention.

Private Enterprise

EMPLOYERS GENERALLY

Recommendation 110. Employers should provide a range of counselling and support services to assist employees with personal problems. These should include stress management, drug and alcohol rehabilitation, and domestic violence counselling.

Recommendation 111. Governments should offer payroll tax reductions to employers who pay their employees by bank credits.

MEDIA ORGANISATIONS

Recommendation 112. The media generally, and the television industry in particular, should demonstrate a commitment to programming which promotes pro-social conduct and non-violent values.

Recommendation 113. Media organisations should develop a code of conduct aimed at reducing gratuitous intrusions upon victims' and alleged offenders' privacy and dignity; avoiding glorification of violence; and avoiding portrayals which may encourage the commission of similar offences.

Recommendation 114. Media coverage of sporting events should avoid the gratuitous re-play of violent incidents.

Recommendation 115. Media commentators on sporting events should avoid glorification of violence and should forcefully condemn violence when it occurs, and should shame the perpetrators of violence.

Recommendation 116. Media advertising of sporting events should avoid metaphors of violence and should emphasise themes of fair play.

OWNERS OF LICENSED PREMISES

Recommendation 117. State and Territory Governments should prepare codes of conduct for the operation of licensed premises, enforceable under fair trading legislation. These codes should be flexible enough to deal with circumstances applying to particular communities, including Aboriginal areas. They should also include segments on server intervention and bouncer employment.

Recommendation 118. Negligence in the recruitment, training, and supervision of security personnel which results in injury to the public should render the proprietor of licensed premises liable for civil damages.

TOY MANUFACTURERS AND RETAILERS

Recommendation 119. Toy retailers should embrace a code of practice and display a sign indicating that the store does not sell toys relating to violence and war.

Recommendation 120. An independent body should be established in consultation with the toy industry, governmental consumer affairs agencies, and the consumer movement for the identification and promotion of pro-social toys. It should develop an endorsement scheme whereby such toys are clearly identifiable to prospective purchasers.

Other Non-Government Organisations

RELIGIOUS ORGANISATIONS

Recommendation 121. Religious organisations should continue to foster non-violent values by encouraging the peaceful resolution of conflict and by denouncing violence when and where it occurs.

Recommendation 122. Religious organisations should review training curricula for members to ensure that counselling which they may provide is consistent with current professional practice relating to child abuse and domestic violence.

SPORTING ORGANISATIONS

Recommendation 123. Sporting organisations should assist in the prosecution of players who commit criminal assault on the playing field. This should include referring matters to the police for prosecution, and assisting the Crown in the collection of evidence.

Recommendation 124. Regardless of whether or not the criminal process may be invoked, sporting authorities should impose harsh penalties upon individual players for violent play.

Recommendation 125. Sporting organisations should disqualify players found guilty of misconduct from eligibility for awards for individual achievement.

Recommendation 126. Sporting organisations should revise their rules to penalise clubs which do not control improper behaviour by players. Such penalties should include loss of premiership and match points.

Recommendation 127. Sporting organisations should increase penalties for foul play by penalising individuals more heavily than in the past.

Recommendation 128. Sporting organisations should ensure that the terms of playing contracts do not provide any buffer or indemnification against penalties for foul play.

Recommendation 129. Coaches and officials should reserve the most severe and public reprimands for players who engage in violence.

Recommendation 130. Younger players, and their parents, should be taught good sportsmanship. Provision should be made for penalties against the team when parents of young players engage in disrespectful conduct as spectators.

Recommendation 131. Sporting organisations should devote attention and resources to those aspects of stadium and facility design and maintenance, such as fixed seating and proper upkeep, which are likely to discourage violence by spectators.

Recommendation 132. Sporting organisations should discourage irresponsible consumption of alcoholic beverages by spectators, through such means as restriction on bringing alcohol into sporting venues, beverage pricing policies, and the use of light plastic or paper containers.

Professions

MEDICAL PROFESSION

Recommendation 133. Professional medical organisations and colleges should assist their members in the diagnosis and referral of victims of violence, especially victims of sexual assault, domestic violence and child abuse.

Recommendation 134. Medical education, undergraduate, postgraduate and continuing, should include components dealing with all aspects of violence. There should be special emphasis on the care of victims, the prevention of violent behaviour, and the treatment of violent persons.

Recommendation 135. The medical profession, its professional organisations and colleges, should pursue the problems of violence in the community as a major public health issue.

LEGAL PROFESSION

Recommendation 136. Members of the legal profession should, through in-service training or by means of continuing education, develop greater sensitivity to the needs of victims generally, and should routinely accord victims courtesy and respect.

ARCHITECTS AND PLANNERS

Recommendation 137. Members of the architectural and planning professions should, through their initial professional training and in continuing education programs, develop greater awareness of the principles of crime prevention through environmental design.

Other Groups

TRADE UNIONS

Recommendation 138. Where employers provide insufficient training and protection for their public contact workers, trade unions should call this to their attention.

The Committee commends initiatives such as the Aunties and Uncles organisation in Sydney and Big Brothers and Big Sisters in Melbourne.

The Committee is confident that implementation of the above recommendations can make a difference, and would transform Australia into a less violent place than it is today.

At the same time, the Committee recognises that implementation of the above recommendations would entail greater expense than Governments may wish to incur.

Given the enormous financial burdens which current levels of violence impose on contemporary Australia, and which are canvassed in Part One of the Report, Australian Governments are faced with a stark choice — either to pay now, and make Australian society less violent; or to pay later, and suffer the costs amounting to hundreds of millions of dollars per year, and, in addition, cause Australians to endure the pronounced deterioration in the quality of life which the aftermath of violence imposes on our society.

Minority Recommendations

W.E. Lucas

P.E. Quinn

D. Chappell

1. We endorse the 1983 statement on boxing of the World Medical Association, in which it recommends that boxing be banned. We further endorse the Association's recommendations for action until the goal of banning is achieved.
2. We recommend that in view of the lapse of time since the statement of the World Medical Association the appropriate bodies, medical and sporting, review the situation in Australia regarding the control of boxing and its elimination as a sport.

Minority Recommendations

P.E. Quinn

The Impact of the Mass Media on the Incidence of Violence

1. That the Federal Government establish an office of Public Media Advocate to:
 - (a) represent the views and aspirations of ordinary viewers, especially parents and children, in hearings before bodies such as the Australian Broadcasting Tribunal which have the responsibility of determining media standards; and
 - (b) initiate prosecutions of particular breaches of standards.
2. That the Federal Government step up its surveillance and prosecution of the illegal importation of violent and pornographic film and video material.
3. That film and video classifications be changed to adopt more responsible attitudes, as an attempt to reflect more closely the widely held view of ordinary Australians that there is too much violence and pornography available on both television and videos.
4. That the prevailing standards which prohibit the showing of material unsuitable for children be changed so that:
 - (a) they more closely reflect the wishes of parents;
 - (b) they are varied during daylight saving;
 - (c) they take into account the known viewing patterns of children of primary school age;
 - (d) in cases of doubt, the paramount consideration be the welfare and interests of the child.
5. That the Federal and Australian Capital Territory authorities take the necessary steps to ensure that offensive video and film material is not freely available in the Australian Capital Territory.

APPENDIX C

Recommendations from the NSW Parliamentary Joint Select Committee
upon Gun Law Reform, *Report*, 1991, pp.8-19

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.

- 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.

- 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

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.

APPENDIX D

Shooters' Party vote by Electorate tables from Antony Green's forthcoming publication for the NSW Parliamentary Library Research Service,
NSW Legislative Council Election Results 1995

1995 NSW Legislative Council Election: Shooters Party Vote by Electorate
Table 1: Electorate Results Listed in Alphabetic Order

Electorate	Votes	%	Electorate	Votes	%
Albury	1656	4.85	Maroubra	446	1.38
Ashfield	319	1.02	Marrickville	244	0.75
Auburn	600	1.84	Miranda	572	1.67
Badgerys Creek	1290	3.34	Monaro	1106	3.21
Ballina	548	1.46	Moorebank	892	2.45
Bankstown	828	2.47	Mount Druitt	895	2.55
Barwon	2414	7.40	Murray	1239	3.96
Bathurst	1297	3.69	Murrumbidgee	1601	4.82
Baulkham Hills	604	1.73	Murwillumbah	608	1.74
Bega	1282	3.53	Myall Lakes	1715	4.94
Blacktown	704	2.11	Newcastle	518	1.65
Bligh	191	0.57	North Shore	173	0.53
Blue Mountains	971	2.72	Northcott	390	1.13
Broken Hill	2712	8.89	Northern Tablelands	2787	<u>8.31</u>
Bulli	892	2.50	Orange	1349	3.93
Burrinjuck	1426	4.18	Oxley	1434	4.30
Cabramatta	487	1.38	Parramatta	504	1.53
Camden	1224	2.90	Peats	645	1.84
Campbelltown	671	1.97	Penrith	872	2.58
Canterbury	463	1.42	Pittwater	557	1.60
<u>Cessnock</u>	<u>3642</u>	<u>10.85</u>	Port Jackson	188	0.58
Charlestown	792	2.41	Port Macquarie	1732	4.83
Clarence	1507	4.42	Port Stephens	1247	3.39
Coffs Harbour	1162	3.24	Riverstone	852	2.32
Coogee	277	0.83	Rockdale	463	1.46
Cronulla	504	1.53	Smithfield	587	1.63
Davidson	443	1.32	South Coast	1189	3.51
Drummoyne	333	1.00	Southern Highlands	1245	3.55
Dubbo	2758	8.07	St Marys	1140	3.60
East Hills	699	2.12	Strathfield	335	1.05
Eastwood	350	1.04	Sutherland	727	1.91
Ermington	476	1.46	Swansea	900	2.53
Fairfield	560	1.74	Tamworth	3622	<u>11.16</u>
Georges River	565	1.71	The Entrance	533	1.51
Gladesville	354	1.06	The Hills	461	1.22
Gordon	268	0.80	Upper Hunter	3696	<u>10.72</u>
Gosford	456	1.26	Vaucluse	247	0.76
Granville	634	1.95	Wagga Wagga	1704	4.90
Hawkesbury	1490	4.06	Wakehurst	444	1.32
Heffron	449	1.38	Wallsend	908	2.61
Hurstville	430	1.33	Waratah	1245	3.91
Illawarra	1623	4.80	Willoughby	251	0.75
Keira	1124	3.43	Wollongong	811	2.59
Kiama	1445	3.84	Wyong	806	2.28
Kogarah	458	1.41			
Ku-Ring-Gai	544	1.54	State-wide Total	95943	2.84
Lachlan	1839	5.48			
Lake Macquarie	1083	3.15			
Lakemba	520	1.62			
Lane Cove	270	0.79			
Lismore	832	2.53			
Liverpool	733	2.09			
Londonderry	1093	3.04			
Maitland	1435	3.91			
Manly	336	0.99			

1995 NSW Legislative Council Election: Shooters Party Vote by Electorate
Table 2: Electorate Results Listed in Percentage Vote Order

Electorate	Votes	%	Electorate	Votes	%
North Shore	173	0.53	Bulli	892	2.50
Bligh	191	0.57	Lismore	832	2.53
Port Jackson	188	0.58	Swansea	900	2.53
Marrickville	244	0.75	Mount Druitt	895	2.55
Willoughby	251	0.75	Penrith	872	2.58
Vaucluse	247	0.76	Wollongong	811	2.59
Lane Cove	270	0.79	Wallsend	908	2.61
Gordon	268	0.80	Blue Mountains	971	2.72
Coogee	277	0.83	Camden	1224	2.90
Manly	336	0.99	Londonderry	1093	3.04
Drummoyne	333	1.00	Lake Macquarie	1083	3.15
Ashfield	319	1.02	Monaro	1106	3.21
Eastwood	350	1.04	Coffs Harbour	1162	3.24
Strathfield	335	1.05	Badgerys Creek	1290	3.34
Gladesville	354	1.06	Port Stephens	1247	3.39
Northcott	390	1.13	Keira	1124	3.43
The Hills	461	1.22	South Coast	1189	3.51
Gosford	456	1.26	Bega	1282	3.53
Davidson	443	1.32	Southern Highlands	1245	3.55
Wakehurst	444	1.32	St Marys	1140	3.60
Hurstville	430	1.33	Bathurst	1297	3.69
Maroubra	446	1.38	Kiama	1445	3.84
Heffron	449	1.38	Waratah	1245	3.91
Cabramatta	487	1.38	Maitland	1435	3.91
Kogarah	458	1.41	Orange	1349	3.93
Canterbury	463	1.42	Murray	1239	3.96
Rockdale	463	1.46	Hawkesbury	1490	4.06
Ermington	476	1.46	Burrinjuck	1426	4.18
Ballina	548	1.46	Oxley	1434	4.30
The Entrance	533	1.51	Clarence	1507	4.42
Cronulla	504	1.53	Illawarra	1623	4.80
Parramatta	504	1.53	Murrumbidgee	1601	4.82
Ku-Ring-Gai	544	1.54	Port Macquarie	1732	4.83
Pittwater	557	1.60	Albury	1656	4.85
Lakemba	520	1.62	Wagga Wagga	1704	4.90
Smithfield	587	1.63	Myall Lakes	1715	4.94
Newcastle	518	1.65	Lachlan	1839	5.48
Miranda	572	1.67	Barwon	2414	7.40
Georges River	565	1.71	Dubbo	2758	8.07
Baulkham Hills	604	1.73	Northern Tablelands	2787	8.31
Fairfield	560	1.74	Broken Hill	2712	8.89
Murwillumbah	608	1.74	Upper Hunter	3696	10.72
Auburn	600	1.84	Cessnock	3642	10.85
Peats	645	1.84	Tamworth	3622	11.16
Sutherland	727	1.91			
Granville	634	1.95	State-wide Total	95943	2.84
Campbelltown	671	1.97			
Liverpool	733	2.09			
Blacktown	704	2.11			
East Hills	699	2.12			
Wyong	806	2.28			
Riverstone	852	2.32			
Charlestown	792	2.41			
Moorebank	892	2.45			
Bankstown	828	2.47			

APPENDIX E

Comparative firearms legislation details taken from insert prepared by Rebecca Peters in *Injury Issues Monitor*. No. 8, published by the National Injury Surveillance Unit of The Australian Institute fo Health and Welfare, February 1996.

AUSTRALIAN FIREARM LAWS AT A GLANCE

Legislation is a key part of the community debate on preventing firearm deaths and injuries. In Australia the regulation of firearms is constitutionally the responsibility of the States and Territories, with the Commonwealth Government's powers being limited mainly to regulating gun imports. Thus there are eight different regulatory schemes in operation, varying widely in the extent to which they manage firearms. For example, some weapons are banned in some jurisdictions but readily available in others. In order to inform community discussion on this topic, the National Injury Surveillance Unit commissioned this overview of legislation by Rebecca Peters, a lawyer with expertise in relevant legislation. The table sets out the legal requirements and restrictions applicable to ordinary private firearm owners; it does not cover the special circumstances of professional security guards, business licensees, gun dealers, shooting clubs or firing ranges. The table cannot convey all the detail of the legislation; it is designed to enable major issues and differences between jurisdictions to be identified. At the time of compilation (January 1996) reviews of firearms laws were under way in several jurisdictions. For further information about the law in your State or Territory, contact the police firearm section on the numbers listed in the last row of the table or Rebecca Peters directly at PO Box 167, Camperdown NSW 2050.

	NEW SOUTH WALES	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	AUSTRALIAN CAPITAL TERRITORY	NORTHERN TERRITORY
Types of firearms regulated by statute	All guns, airguns, parts, replicas; except pre-1900 pistols which do not take rimfire or centrefire cartridges	All firearms, replicas, imitation pistols, airguns; except antiques	All guns, antiques; except replicas, ammunition, parts	All guns, airguns; except individual parts, imitations, antiques and 'obsolete firearms'	All guns, airguns, parts, antiques; except replicas. Licence is tied to ownership of specific guns, ie licence is cancelled if no guns are owned	All guns, airguns, parts, replicas, imitations; except pre-1900 antiques for which ammunition is not available	All guns, airguns, parts, replicas; except antiques	All guns, airguns, some parts; except antiques or permanently deactivated
LICENSING REQUIREMENTS								
Licence categories	Class 1 - ♦, ♣ (rimfire up to 15 rounds capacity) Class 2 - ♠ (shotguns and non-military centrefire rifles up to 5 rounds) Pistol licence and permit ♦ Prohibited firearm permit ♠ (military-style or >5 rounds capacity)	Shooters licence ♦, ♣ (shotguns and rimfire rifles) Pistol licence ♦ (separate licence for each pistol, and licence is cancelled if no pistol is owned) Collector's pistol licence ♦ Registrar's authority as well as shooter's licence required for ♠ (centrefire rifles and for shotguns with detachable magazine >5).	Schedule 1 ♣ Schedule 2 ♦ Schedule 3 ♦, ♣	Class A, B, D ♦ Class E, F, G ♣ Class C ♦	One class of licence endorsed for specific firearms. Separate curio licence for antiques	Gun licence covers all firearms Pistol permit ♦ Fully automatic permit ♠	Dangerous weapons licence ♦, ♣, ♠ Restricted weapons licence for replicas	Class A, B ♦ ♣ (centrefire up to 5 rounds) Class C ♦ Class D ♠ (centrefire >5 rounds, rimfire >25 rounds)
Licence waiting period	28 days on 1st licence, 5 days on renewal	4 weeks on 1st shooter's licence	28 days	1 month before 1st purchase	None	21 days	28 days before 1st purchase	28 days on first licence
Photo Licence	Yes	♦, ♣	No	No	No	Yes	No	Yes

KEY TO SYMBOLS: ♦ Rifles and shotguns; ♣ Semiautomatic rifles and shotguns; ♠ Handguns, including pistols; ♠ Automatic weapons, including machine guns

	NEW SOUTH WALES	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	AUSTRALIAN CAPITAL TERRITORY	NORTHERN TERRITORY
LICENSING REQUIREMENTS								
Duration	◆ life, with new photo each 5 years ◆ 5 years	◆, ◆ 3 or 6 years ◆ 1 year ◆ Collectors for life	◆, ◆ 3 years ◆, ◆ 15 years	◆, ◆ 3 years ◆ 1 year	1 year	Life, with new photo each 10 years	2 years	3 years or 6 years ◆ 1 year or 3 years ◆ 1 year (centrefire >5 rounds, rimfire >25 rounds)
Testing / Instruction	Half-day course (no practical handling) by accredited instructors, 20-question multiple choice test based on video and booklet from police or clubs	◆, ◆ Video and oral instruction from accredited instructors based on booklet from police; multiple-choice questionnaire ◆ Club members trained within club	◆ 15-question multiple choice test based on booklet from police ◆ Club training + endorsement	For club use: club training + endorsement For hunting, collecting: 2 x 2 hour theory, 1 x 2 hour practical at TAFE ◆ additional 2 x 2 hour at TAFE	10-question multiple choice questionnaire	Video instruction (no practical handling) by private instructors. 40-question test based on booklet from police	◆, ◆ 3-4 hour theory course taught by private instructors or clubs. No practical handling ◆ Club training + endorsement	10-question, multiple choice test on 1st application, based on booklet from police. No practical handling ◆ Club training + endorsement
Minimum Age	18 generally; ◆, ◆ 10 Junior permit with licensed adult supervision	18 generally; ◆, ◆ (except centrefire rifles) 12 Junior permit	17 generally; 13 on farm; 11 Junior club permit	18 generally; 16 airguns; 15 on farm With licenced adult supervision: 14 all guns, 10 airguns	18 generally ◆, ◆ 16 with parental permission. Children of any age can use guns under licensed adult supervision	18 generally; 16 on farm; 12 under supervision	18 full licence; no minimum age for club use	◆ 16 ◆, ◆ 18

KEY TO SYMBOLS: ◆ Rifles and shotguns; ◆ Handguns, including pistols; ◆ Automatic weapons, including machine guns

	NEW SOUTH WALES	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	AUSTRALIAN CAPITAL TERRITORY	NORTHERN TERRITORY
POSSIBLE GROUNDS FOR LICENCE REFUSAL / CANCELLATION								
General Reasons	Not of good character/repute; convictions for drugs/violence; contravene firearm law; cannot be trusted with firearm; no longer genuine reason; way of living/domestic circumstances; not in public interest; lying on application; not notifying change of address; any other reason	Conviction for indictable offence; lack of good reason; unsafe storage; false statement on application; borrowing/lending licence ◆ 9 Not of good character; irresponsible in handling, care or use; otherwise unsuitable. ◆ Breach of licence condition; unfit to be trusted	Not fit and proper; drug / violence convictions; other criminal record; previous gun misuse or mishandling; licence obtained through fraud or deception. ◆ 11 No longer good reason	Not fit and proper (including criminal record); convictions involving gun; contravening firearm law	Not desirable in the public interest; not fit to hold licence; conviction for offences involving unlawful use / possession of guns or ammunition; not good reason; changed circumstances; gun is unsafe; licence obtained by deception; breach of licence condition	Not fit and proper; criminal convictions, especially for violence; no longer qualified; false statement on application; unsafe storage; fail to provide new photo ◆ Failure to attend club	Not fit and proper; imprisoned or on bond in past 8 years; no longer approved reasons; gun illegally modified	Not fit and proper (including propensity to drug / alcohol use); convictions for violence or firearm offences; false statement on application ◆ 11 No longer good reason
Domestic Violence (DV)	Mandatory refusal / cancellation for DV or restraining order in past 10 years	Licence may be revoked by intervention order; past history of DV taken into account in new applications	Mandatory refusal / cancellation if current restraining order; previous DV relevant to 'fit and proper'	Mandatory refusal / cancellation if current restraining order	Current restraining order and past convictions for violence are relevant to 'fit and proper'	Current restraining order relevant to 'fit and proper'	Mandatory refusal if current restraining order; order within past 8 years is relevant to 'fit and proper'	Refusal / cancellation if current restraining order. Past orders are relevant to 'fit and proper'
Consequences if restraining order issued by a court	Police required to seize all guns. Mandatory licence suspension on interim order; cancellation and 10 year disqualification if order confirmed	Magistrate may order licence revocation and forfeiture of firearms. Police must seize guns if they believe there are grounds for an order	Court suspends or cancels licence and guns must be surrendered. Licensees can apply for exemption if weapons never used in violence and suspension would deprive licensee of livelihood	Mandatory forfeiture or seizure of guns. Mandatory licence suspension on interim order; cancellation if order confirmed	May be grounds for seizure of guns. Police also write asking gun owner to show cause why their licence should not be cancelled	On order where violence involved, court generally suspends licence and orders that guns be handed in. With other orders police ask licensee to show cause why it shouldn't be cancelled. Power to seize guns if police believe situation is dangerous	Automatic licence cancellation unless court satisfied it shouldn't be. On interim order, court may order suspension. In either case court may order seizure of guns	Cancellation unless court orders otherwise; guns may be forfeited
Mental of physical condition	Suicide attempts, intemperate habits, unsound mind	◆ Intemperate habits, unsound mind	Person's mental state is relevant to 'fit and proper'	Physical / mental illness, disability or deficiency	No specific provision	Mental and physical condition, likelihood of self-harm	No specific provision	Suffering from physical or mental infirmity or incapacity resulting in danger to themselves, others or property
3rd party reporting of unsuitability for gun ownership	No legislative provision, but reports accepted from doctors	No legislative provision but 3rd party may report	No legislative provision	Mandatory (with indemnity) if doctor believes a patient is unsuitable for gun ownership	No legislative provision	No legislative provision, but 3rd party may complain	3rd party may complain	Medical practitioner or psychologist may report

KEY TO SYMBOLS: ◆ Rifles and shotguns; ◆ Semiautomatic rifles and shotguns;

◆ Handguns, including pistols;

◆ Automatic weapons, including machine guns

	NSW	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WA	TASMANIA	ACT	NT
FIREARM OFFENCES	<p>Give/take unlicensed possession; unlicensed purchase, sale or use; give/take possession under firearm prohibition order; unlicensed sale or possession of ammunition.</p> <p>Alter ID marks or possess gun with altered ID; unsafe storage; sell/give possession of unsafe gun; shorten gun or give/take possession of shortened gun; accept gun as pawn; lend/borrow/steal licence.</p> <p>Breach licence condition; possess under influence of drug/alcohol or give possession to person under influence; possess speargun in public place or so as to endanger another person; carry or fire gun or speargun in a manner likely to injure or endanger self or any other person or property, or with disregard for safety; carry or discharge without landowner's consent; surrender cancelled licence; false statement in application; obstruct police.</p> <p>Mailing longarms; advertising for sale without citing licence number. Parents liable for offences committed by minors</p>	<p>Unlicensed possession or purchase; sale to unlicensed person; sale or advertise not through gun dealer; possession by minor; lending to minor; unlicensed ammunition purchase; possess unregistered firearm.</p> <p>Shorten firearm; convert replica into firearm; alter ID marks; unsafe storage; lend/borrow licence.</p> <p>Breach licence conditions; carry under influence of drug/alcohol; sell or repair for person drunk; of unsound mind or prohibited; wilful injury or damage with firearm; carry loaded or discharge in town or street; carry in crime; conceal for indictable offence; carry or discharge without landowner's consent; carry on private land or shoot on Sunday; fail to notify; falsify licence; false statement in application; obstruct police.</p> <p>◆ Carry while prohibited; purchase from unauthorised seller.</p> <p>◆, I Import or make</p>	<p>Give / take unlicensed possession; unlicensed dealing; unlawful trafficking.</p> <p>Alter ID marks; unsafe storage.</p> <p>Breach licence condition; possess under influence of drug / alcohol; possess in a manner likely to injure, damage or alarm; carry exposed or loaded gun or discharge in a public place; carry or discharge without landowner's consent; obtain guns or licence by deceit; fail to notify; fail to surrender guns on licence cancellation; false statement in application.</p> <p>◆ Unsafe mailing; fail to register</p>	<p>Give / take possession without licence or for purpose not authorised by licence; sale / purchase without permit; give / take possess ammunition without licence; possess unregistered gun or gun registered to another person.</p> <p>Breach licence condition (including unsafe storage); discharge in manner likely to injure, annoy, frighten or damage property; use gun in public place or without lawful excuse; fail to notify; false statement in application; obstruct police</p>	<p>Give / take unlicensed possession; buy or sell gun or ammunition to/from licensed person.</p> <p>Alter gun or ID marks; possess gun with altered ID; unsafe storage.</p> <p>Breach licence condition; possess under influence of drug / alcohol; give to person under influence or of unsound mind; point discharge on / across a road; discharge causing fear or danger; use / carry gun without landowner's consent; obstruct police; obtain ammunition by deception</p>	<p>Give / take unlicensed possession; unlicensed purchase, sale, repair or manufacture; sell / supply ammunition to unlicensed; sell, buy, lend, borrow or alter licence.</p> <p>Alter ID marks; shorten gun; covert to automatic; unsafe storage.</p> <p>Possess under influence of drug / alcohol or give to person under influence; discharge recklessly or without regard for safety; possess or discharge loaded gun in public place; discharge without landowner's consent; carry with criminal intent; fail to notify; false statement in application; obstruct police.</p> <p>Carry gun in public place without carrying licence; take part in war games; use unauthorised range.</p> <p>◆, I Unlicensed importation; fail to register transfer.</p> <p>◆ Fail to register; use / possess unregistered</p>	<p>Unlicensed possession, manufacture or use of guns or ammunition; sell, lend or give gun to unlicensed person; unlicensed sale of ammunition.</p> <p>Alter gun or ID marks; possess altered gun or gun with altered ID; unsafe storage.</p> <p>Breach licence conditions; carry or use under the influence of drugs or alcohol; carry or use in a manner likely to cause injury, danger, fear, damage, or with disregard for safety; carry or discharge in / near a street or public place; discharge without landowner's consent; fail to notify; retain gun after licence expires; obstruct police.</p>	<p>Give / take unlicensed possession; fail to register or possess unregistered gun; fail to notify transfer to police.</p> <p>Alter gun or ID marks; unsafe storage; unsafe gun.</p> <p>Breach licence condition; possess under influence of drug / alcohol; give to person under influence or of unsound mind; point gun at a person; discharge in a manner likely to annoy, endanger or frighten; carry loaded or exposed gun in public place; discharge on road or public place; possess or discharge without landowner's consent; false statement in application; fail to notify; obstruct police</p>

KEY TO SYMBOLS: ◆ Rifles and shotguns; ▶ Semiautomatic rifles and shotguns; ◆ Handguns, including pistols; I Automatic weapons, including machine guns

	NEW SOUTH WALES	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	AUSTRALIAN CAPITAL TERRITORY	NORTHERN TERRITORY
PURCHASE AND OWNERSHIP OF FIREARMS								
Permit required to purchase each gun	◆	◆, ◆ Permit ◆ (Except collectors) Notice of selection	◆	Yes, with serial number specified	Yes, with serial number specified	No	No	◆, ◆ (centrefire >5 rounds, rimfire >25 rounds). Permit is for specific type of gun
Proof of reason required	◆, ◆, ◆ (except for rimfire up to 15 rounds capacity)	◆, ◆ (except rimfire rifles)	◆, I, I, silencers	Licence for club use: on each renewal of licence. Licence for hunting, primary production or collecting: no proof normally required. Permits to purchase: ◆ proof required for each permit; ◆, ◆ Type of gun must be suitable for purpose claimed	Proof required for each gun, taking into account those already owned	◆ Proof required if reason given is club use; none required if reason given is 'collecting'. I Collectors only	All guns. If club use was given as reason, proof of current membership required at each renewal. ◆ No proof required if reason claimed is interstate hunting	◆, ◆ (centrefire >5 rounds, rimfire >25 rounds). Proof required each time licence renewed; and before each permit to purchase is issued.
Automatic firearms	Banned except for collectors (deactivated) and for film productions	Banned except for collectors (deactivated) and for film productions	Allowed for collectors and film productions if inoperable	Banned except for film productions	Banned	Available to collectors only	Banned	Banned
Semiautomatic firearms	Centrefire up to 5 rounds require Class 2 licence; higher capacities require prohibited firearms permit	Centrefire rifles and shotguns with detachable magazine >5 rounds require Registrar's authority	No restrictions	Additional training required. Proof of reason required for shotguns >8 rounds or centrefires >5 rounds - only for collectors or members of certain club. Detachable magazines >5 rounds for shotguns or centrefire rifles are banned unless owned before Sept 1993 and police have been notified of ownership, or unless owned as collector or member of certain clubs	Centrefire weapons with detachable magazines or capacity of 8 or more rounds banned. No other special restrictions	No special restrictions	No restrictions generally, but military-style centrefire weapons are banned unless acquired before Sept 1991	Proof of reason required for centrefire >5 rounds, rimfire >25 rounds.

◆ Rifles and shotguns;

◆ Semiautomatic rifles and shotguns;

◆ Handguns, including pistols

◆ Automatic weapons, including machine guns

◆ KEY TO SYMBOLS: