

**THE PARLIAMENTARY STANDING COMMITTEE OF COMMUNITY DEVELOPMENT MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE ON FRIDAY 6 JULY 2007.**

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**INQUIRY INTO THE TRAINING REQUIREMENTS OF JUNIOR SHOOTERS**

**Mr NOEL WILSON**, PRESIDENT, TASMANIAN DEER ADVISORY COMMITTEE INC. WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Finch) - Noel, welcome. Thank you for making yourself available as we continue our inquiry into the training requirements of junior shooters and the need for a cooling-off period for the purchase of second and subsequent firearms. That is the focus of our inquiry here today. Would you care to tell us about your organisation, the Tasmanian Deer Advisory Committee, and probably give us your opinions on these two references, if they are what you are going to focus on, or if junior shooters are going to be your focus.

**Mr WILSON** - It will probably be a bit of both.

**CHAIR** - Okay, and then we will ask you questions and get a feeling of what your membership is presenting.

**Mr WILSON** - The Tasmanian Deer Advisory Committee consists of member representatives from the Tasmanian Farmers and Graziers Association, Forestry Tasmania, the Game Management Services Unit of DPIW, the Tasmanian Deer Farmers Council, Sporting Shooters Association of Australia, Sporting Shooters Association Tasmania, Australian Deer Association, Tasmanian Field and Game Association, Steppes Wildlife Trust, High Country Game Management, Connorville Hunters Association, Clyde Run Hunters Group, and Windfalls Plains Hunters Group. There are some others that are in the process of joining at the present time.

**CHAIR** - How often does that advisory committee meet?

**Mr WILSON** - We meet four times a year. I am also a delegate to the Game Management Liaison Committee for the TDAC and they meet four times a year as well.

**CHAIR** - Has this been a specific issue that you have dealt with?

**Mr WILSON** - Yes, we have an interest in it. At the present time we are trying to organise for young shooters to get access to hunting properties. We are in liaison with Tasmanian Field and Game at the present time to get together - we have been together at one stage and discussed this - and also the Australian Deer Association and the Sporting Shooters Association of Australia. We are trying to get an education program up for young hunters. My understanding is that the average age of shooters in the State at the present

time is 53; we have no young ones coming through. With the advent of 1080 poison being phased out, we see property-based wildlife management plans - a tool progressed by the TDAC and the Game Management Unit - as a means of getting young shooters to hunt the game that will be a problem once 1080 goes out.

**Mr FINCH** - To cull them?

**Mr WILSON** - Yes. I have a little more detail here with this: the program would seek support from the State Government for training support programs and corporate sponsors to offer comprehensive hunting education for young and new hunters to become valuable members of hunting groups and an asset to rural property owners. Land owners and the Game Management Unit, the TDAC and hunting organisations and groups would sponsor the program with financial support, administration and/or in kind. TAFE training staff would provide expertise in course design and assessment and we have spoken to Graeme Norris over at TAFE who does the firearms training, but this is not to be confused with firearms training. There will be a firearms training component in it, but it is more to do with the ethics and the biological make-up of the animals and all that type of thing as well.

Hunters would participate in seminars introducing them to a variety of outdoor activities and receive product donated by sponsors so we are trying to get the corporate bodies involved in it as well. Seminars would include instruction on hunting and shooting safety, responsible hunting on private property, hunter ethics and conservation, animal welfare and humane harvest of game animals, bush craft and using a GPS, outdoor photography, deer biology and management and game utilisation followed by the chance to harvest a doe under supervision. I am dealing with deer in this instance but obviously not everyone is a deer shooter, as we all understand.

Young hunters must pass a set of competencies during the 12 months of training, mentored by an experienced hunter on a property supporting the training program. That is the reason we are getting involved with the TFGA - to get access to private land for these uses, although most of the landowners have now got a property-based management plan in place. The sons and even daughters of shooters that are in those property-based management plans would be given the opportunity to be mentored, so to speak. Experienced hunters would be qualified by an assessment course to ensure professional mentoring.

Amendments to the Firearms Act 1996 to allow supervised field instruction from aged 12 will be reviewed by a parliamentary subcommittee, which I guess is what we are doing. The existence of a widely supported and comprehensive hunter education program to ensure responsible training in both safe firearm use and wildlife management could positively influence the subcommittee.

The inaugural hunter education course would begin in May 2008, so we have a date to try to get something up and going. Tasmania could greatly benefit from the major hunting organisations - SSAA, ADA Field and Game - in cooperation with land owners - TFGA, Forestry Tasmania, Gunns, DPI and TDAC, deer hunting group members - to create a comprehensive hunter education program to promote hunting with young Tasmanians.

We have been in touch with a chap by the name of Joe Hamilton and he has been involved in deer management, both here and also in America. Joe Hamilton has recently joined the Quality Deer Management Association as the director of education and outreach for the Southern United States, where he oversees the day-to-day implementation of the QDMA Research Education Advocate, Certify and Hunt program. That is what REACH means. After earning his graduate degree from UGA, Joe joined the South Carolina Department of Natural Resources in 1979 as deer research biologist. Joe worked for Ducks Unlimited in South Carolina and then served as project director for the Nature Conservancy, South Carolina Chapter.

Joe recently welcomed young hunters participating in the 2006 QDMA National Youth Hunt. Hunters and their parents participated in seminars, including instruction on quality deer management and wildlife management, hunting and shooting safety, hunter ethics and basically what I went through before. Each received equipment donated by a number of sponsors and joined volunteer guides for a doe hunt.

That is what we are basing ours on, similar to the United States style, with what they are doing over there.

**CHAIR** - Is he giving you access to his instruction manuals and training?

**Mr WILSON** - Yes. My understanding is that he will be in Australia some time early next year, I think it is. I could be corrected on that. We are hoping to bring him over to Tasmania while he is here.

**Mr BEST** - Sorry, I have the name, Mr Joe Hamilton and what was the name of that course in America?

**Mr WILSON** - He oversees the day-to-day implementation of the QDMA REACH program.

**Mr BEST** - QDMA REACH program?

**Mr WILSON** - Yes. REACH stands for Research, Educate, Advocate, Certify and Hunt program, which is a program for young hunters.

**Mr BEST** - Thank you for that. How long has that program been in operation?

**Mr WILSON** - I am not sure, but I think he is one of the guys who set it up.

**Mr BEST** - Is it in many states of the USA?

**Mr WILSON** - Yes, it says here:

'The QDMA is a national, non-profit, wildlife conservation organisation with almost 45 000 members in all 50 USA states and several foreign countries. It has 36 permanent staff and has recently opened a new warehouse and office facility in Athens. Membership of the QDMA is open to anyone interested in better deer and better deer hunting and committed to ethical hunting, sound deer management and the preservation of the deer hunting heritage.'

**Mr BEST** - So they obviously want to make it sustainable. So they have pretty good ideals, in other words don't they? By the sound of it, it is quite established too.

**Mr WILSON** - Yes. Discussions have recently been held with Joe Hamilton, wildlife biologist, QDMA founder and REACH program director and Brian Murphy, also a wildlife biologist. Brian Murphy was the TDAC project officer in Tasmania from 1993 to 1997. That was a little bit before my time, but I was a deer hunter at the time. But that was money that was received from the royalties from deer taken in the wild, when they first set up the deer farms here. Each person that got into deer farming was able to take live deer out of the wild and they paid a royalty. As far as I am aware, I think TDAC still have \$34 000 of that in an investment account and we are using that for research and development of deer in the State here.

This is probably getting away from the core issue a bit, but we had a submission put to us at the last meeting from the Game Management Unit, for a young fellow to carry out some research on ageing of deer, who is doing a doctorate through the Queensland University, but he is working at the QMSU in Launceston.

**Mr BEST** - I don't want to interfere too much with it, because obviously we are going to be a bit short on time with your submission, so I don't want to cut you off on any points that you might want to put on *Hansard*, because it is very important that you do that. Is it possible that we could have - at a later date, not today - some sort of documentation of the course that they do in America? Could you get that to us?

**Mr WILSON** - Yes, I will see how I can go with that because I sort of got thrown in here for this. John Bruce from Smithton, who is away on the mainland at the present time, keeps in contact with both Joe Hamilton and Brian Murphy. Brian Murphy is actually currently executive director of the QDMA regarding hunter education, so he is another guy that is backwards and forwards.

**Mr BEST** - I realise this is for deer, and you made that point. I guess there are two parts to this question: first, could this apply to other sorts of hunting as well?

**Mr WILSON** - Yes. It comes back to the property-based management plans. In the property-based management plans you get a group of shooters, they go to the landowner and they trade off for the hunting rights. For example, they do the fencing, they do roading, they do bridge works on the property and trade off for the hunting rights on that property. That has worked very well for both hunters and shooters.

The deer is probably the most sought after game, but the landowner says that in order to shoot the deer, they have to come and shoot other species as well.

**Mr BEST** - Right - get rid of the other problems as well.

**Mr WILSON** - Yes. Therefore they both go hand in hand, and that is what we want to introduce our young shooters to.

**CHAIR** - Noel, I am conscious of the time. I would like to move on to the cooling-off period for the purchase of firearms, but I want to invite Brett to ask any questions about that first part.

**Mr WHITELEY** - I was quite intrigued by that USA stuff. Actually, I agree with Brenton, it would be useful if we could get a hold of the documentation and have a look at that. I know it is a little bit off the side thing, Kerry, but it would be helpful.

**CHAIR** - Okay. Just to clarify the age for this training program that you are suggesting, Noel, did you say it was from 12 years of age that you would like to see these young ones take part?

**Mr WILSON** - Yes. TDAC recommends this be adopted in line with the national firearm policy for 12-year-old juniors wishing to secure minors permits.

'Hunting is part of our cultural heritage and should be highly valued as such within our community which recognises the importance of cultural heritage. To provide adequate recruitment of young hunters, TDAC recommends that supervised field instruction of junior hunters should be permitted from the age of 12 when our young people most readily adopt safe instruction.'

Then it goes on to say:

'It is illogical to allow range instruction at an early age to educate young shooters, but not permit field instruction of young hunters in not only responsible firearm use, but also the principles of wildlife management which are similarly important'.

As you probably are aware, 12-year-olds can go to the range now under supervision, but not into the field. We think that there should be importance based on both sides.

**Mr BEST** - Part of that is that they are there to shoot game, not just shoot anything they see. I am not saying these people are members of your organisation, but I have heard stories where people have said, 'We went hunting on the weekend and we couldn't see anything. There was a possum in a tree so we just shot it', which is pretty immature.

**Mr WILSON** - That is what we want to try to educate young shooters against. I guess it is like everything else, a possum has a role in life. That is what we have to instil in these young people, that you do not go out into the bush and blast away at anything. If that did happen under this, that person would be severely chastised and counselled.

**Mr BEST** - On that counselling part, do you see an obvious need for some social content within the training, like life management, a bit of respect for things?

**Mr WILSON** - Yes, that is all part of the principles of wildlife management.

**Mr BEST** - When we had the police in here they did not really have a policy because they see themselves as law-enforcement. Do you have a view about any screening that should be done for juniors?

**Mr WILSON** - You are looking at someone who is going to have an interest in hunting or something along those lines. I guess to become a member of a club there is some sort of screening and there are checks done on these people to make sure they are of good background.

**Mr BEST** - It is better to bring them in and educate them than have it so they are just out there -

**CHAIR** - Noel, what do you think about the need for a cooling-off period for the purchase of a second and subsequent firearm? Does your organisation have an opinion on that?

**Mr WILSON** - I was caught this year in a situation where I didn't have a deer rifle for the start of the deer season and I went and purchased a second-hand one and then had to wait the 28-day cooling-off period. In that period the deer season opened and I was left behind, but that is the way it was at the time. I own several other firearms and it seems stupid to me. Different ones said to me at the time, 'There's a way round it'.

**CHAIR** - How do you mean?

**Mr WILSON** - The guy you buy the firearm from can lend it to you, so if the police check then he has lent the firearm to someone who has a firearms licence.

**CHAIR** - Does that happen often?

**Mr WILSON** - It is anecdotal evidence. Rather than do people in, I would say that I know it does happen.

**CHAIR** - What do you think the issue was there? Just better planning needed on your part?

**Mr WILSON** - Yes, probably. For several years I have gone into the bush with camera rather than a firearm, and I still do. I enjoy watching deer and to me the whole idea is to stalk the animal and get as close as you can to it without it seeing you. It is quite an art. This year, because of the need to cull deer because of the drought, deer were more prevalent down on the low land, where there was irrigation and they were causing problems. So I decided to buy myself a firearm and shoot the odd one or two as required for meat.

**Mr BEST** - What would be your view of the national consistency regarding the legislation provisions of other States and Territories pertaining to training requirements and cooling-off periods? Should there be some conformity?

**Mr WILSON** - We think there should be some national conformity to it all because it does vary, as you are aware.

**Mr BEST** - What if we designed something here though that could be quite good for the State and maybe we just take the lead perhaps?

**Mr WILSON** - We do not have a problem with that and in our organisation we have done it with quality deer management and property-based management plans. We are quite open

to change, for sure. If that is for the betterment of general firearm safety or whatever, we will go along with it.

**Mr BEST** - Finally, with the deer, to my way of thinking, if you did have a structured course and given that you understand the deer population obviously much better than I do, but I know, for example, there are some out Waratah way -

**Mr WILSON** - Yes, there is.

**Mr BEST** - and you would have areas you could get to perhaps. I am just thinking that if I were a junior, to me that would be the Rolls Royce situation - to go through this training and then actually go and hunt a deer under supervision. You would really want to do the course properly, wouldn't you?

**Mr WILSON** - Yes.

**Mr BEST** - You could have some sort of incentive like that perhaps, do you think? It could be open for everyone perhaps?

**Mr WILSON** - Yes. We took a paper to the TFGA - we got shot down in flames, I might add. They picked holes in it and I said, 'That's good because by you doing that at least we know we are all going down the same path'.

**Mr BEST** - Who picked holes in it?

**Mr WILSON** - The TFGA. It was the Wildlife and Firearms Committee that we addressed.

**Mr BEST** - They kind of agreed with the idea but -

**Mr WILSON** - In the end we finished up with a couple of the TFGA members volunteering to assist us in getting this up and going.

**CHAIR** - Let me just try for a final question. Brett, do you have anything to conclude?

**Mr WHITELEY** - No, I am right up close and listening. I can hear but it is difficult.

**CHAIR** - You are okay with Noel?

**Mr WHITELEY** - I will look forward to just reading the transcript. Obviously, it is hard to think and find questions at the same time.

**CHAIR** - Okay. Noel, just in closing is there anything you would like to say?

**Mr WILSON** - I think I have just about covered everything. We are excited about getting this up and going of course but, like I said before, we have this time of May 2008, it may run over that time period because there is quite a bit involved in it, as you would actually be aware, and it is just getting everyone together to try to get it all into place. We will push forward with it as much as we can and I guess that if nothing changes we will still push forward with this but it will just have to be with the age group that comes out of this subcommittee.

**CHAIR** - Thank you very much for your time today.

**Mr WILSON** - Thank you for your time.

**CHAIR** - If you would forward that material through Charles, please, and he will disseminate it to the committee.

**Mr WILSON** - All right, thank you.

**THE WITNESS WITHDREW.**



**PROFESSOR KATE WARNER**, FACULTY OF LAW, UNIVERSITY OF TASMANIA WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Finch) - Kate, thank you for joining us today. Our apologies again about the delay in receiving your evidence. I realise you have to be away by 12 o'clock, so for the purposes of an inquiry, maybe you would care to make submission to us on the paper you have done.

**Prof. WARNER** - I hadn't seen the terms of reference.

**CHAIR** - Would like a chance to read that first?

**Prof. WARNER** - Yes, I would, thank you. You probably all realise that I did a review, I think it was for the Criminology Research Council. They wanted me to look at all the legislation in each of the States to see how much it complied with the 1996 agreement. I was then asked to do a follow-up on that about two years ago, but they did not release that report until December of last year. I have a little bit of an idea about what the national provisions are in relation to cooling-off periods and junior shooters.

In terms of your inquiry in relation to the adequacy of the provisions for junior shooters, I suppose it hard to divorce one's own feelings about firearms from what I know about the legislation. My personal view is that I think the least number of firearms we have in the community the better. I would very much be in favour of sticking to that 1996 agreement as much as possible, but I appreciate that in the community there is a lot of support for allowing junior shooters to be given the opportunity for appropriate training. In fact, I have had some very heated dinner party conversations in relation to this because I don't think children should be given the opportunity to learn to shoot. I think it is something we could easily postpone until they get to the age of 17 or so. However, I know that the existing legislation allows minor permits, but it does restrict them when they are under the age of 16 to being trained and to competitions on authorised ranges. I think that is perfectly appropriate.

I suppose my personal views are partly influenced by a number of things that have happened to me in my life. One of them was when I was an associate to the Chief Justice many years ago and we had a trial of some young people - I think their names were Holness and Banks - who had been allowed by their parents and taught how to use firearms. They had been fiddling around when their parents were out, shooting at a target in the back yard and there was a ricochet and they shot and killed the neighbour's child. It was a dramatic occurrence and quite horrible. Of course they were devastated and in a lot of ways it really wasn't their fault. I just feel that firearms are something that children could use when they are older. I do not see the necessity for training young people, although referring to my dinner party conversations when we have had heated arguments about this, I know some parents really think there is an advantage in teaching their children at a young age how to responsibly use firearms. From my point of view, I think this could be delayed until later. I would be very much in favour of not extending the provisions. I think it is quite appropriate that children only be under strict supervision and I think confining it to authorised competitions on ranges is a good idea.

**Mr WILKINSON** - Are you saying, Kate, that it would be similar to driving a car - there could be an argument raised that you should be able to drive a car under supervision

under the age of 16, the law says you can't and therefore you cannot do that, other than on private property. Is that the same type of scenario?

**Prof. WARNER** - I think a firearm is a much more lethal weapon on private premises than a motor vehicle. I have no objection to kids learning to drive on farms and driving tractors and cars. I think that is fine. They are not driving on the open road and they are not putting anybody else at risk, but with a firearm they are. I think there is a difference. Both are lethal weapons in some ways, but a car is not in the same category.

**Mr WILKINSON** - What were Holness and Banks charged with?

**Prof. WARNER** - They were charged with manslaughter and convicted. It is one of those things that stick in your mind. Also, as kids we lived on a farm and we were taught to shoot and I liked it. But I still do not think it is appropriate, in hindsight. When you think about it, I just do not think it is appropriate for children.

**Mr WILKINSON** - One the arguments, I suppose, that could be brought forward is the more efficient and competent a young person is with a weapon, such as a gun, if they then go out into the bush and go shooting at a later stage, then they are better equipped to do that when they reach a certain age. I suppose your argument against that, Kate, would be that they can still shoot on a range and in competitions?

**Prof WARNER** - Yes they can, if that is considered necessary and their parents approve. Yes, I do not really see the argument to that. I think you could learn to be competent and start learning at a later age.

**Mr WILKINSON** - Are you saying that should be for all firearms? What about a slug-gun, for instance?

**Prof WARNER** - From memory, category firearms covers all of those things. So I just think it is hard to draw the line. Slug-guns, too, can be dangerous. They can cause terrible eye injuries and whatever. I would be in favour of retaining the status quo.

**Mr WILKINSON** - I can remember, years ago, my brother coming out of the house where we lived and yelled out, 'Apaches!' and shot me in the leg with a slug-gun.

**Prof WARNER** - I know. I can remember my brother shooting me in the leg too. I think that is appalling. We just accepted it - maybe because we had parents who had fought in the World War II and learned to use firearms, and we had that feeling that it was one of the rites of passage for boys to be taught to shoot. I think times have changed since then.

**Mr WILKINSON** - Would it be fair to say that the argument goes along the lines that they are a lethal weapon, younger people are not as mature as others and, therefore, they should not be able to use these lethal weapons because of the damage that can be caused and because of their immaturity?

**Prof WARNER** - Yes, I think so. I do not think we should be encouraging the use of firearms in the community. I know people have legitimate sporting pursuits, but I think to discourage it as much as possible would be my view.

**CHAIR** - Do you have any sympathy for those people who are on the land and who need the cull animals? As we heard earlier, there can be a build-up of deer and, in other areas, a build-up of possums, kangaroos and wallabies, that can be damaging to property?

**Prof WARNER** - Yes, but I do not see that children should be involved in shooting them.

**CHAIR** - What about if young people though, would like to help dad. Girls or boys would like to help dad and go out, rather be in a training situation, go out and then, with a rifle, be able to join in and help cull the animals?

**Prof WARNER** - They may like to but I do not think they should be allowed to. I do think though, that we should be thinking of other areas - for example, violent video games that teach children to shoot, as I understand it. I do not know a lot about this. But I think that is certainly one area we should be looking at as well. I think, just to look at firearms legislation is quite a narrow view. That is probably beyond your terms of reference. But I think there are concerns about the kinds of video games that encourage children to be familiar with firearms and to think that it is fun to shoot.

**Mr WILKINSON** - Are there any studies out in relation to that, about the violent video games?

**Prof WARNER** - Not that I know of but I have not looked at in particular.

**Mr WILKINSON** - It seems to me to be a desensitisation of the person that does that, day in and day out and then gets a gun. Look what happened, only recently, with Les Cooper, the police officer?

**Prof WARNER** - Exactly, yes and there are examples in America too. I just think that the fewer firearms a community can own, the better. I would compare our community with the United States. I think it is admirable that the agreement in 1996 said that self-defence was not a justification for owning a firearm and I think that is the way to go.

**Mr BEST** - Have you seen the documentary, *Bowling for Columbine*?

**Prof WARNER** - I have not. I have always meant to watch it.

**Mr BEST** - This is my take on it and you might get something different out of it. But it is bizarre, in a sense, in that Michael Moore, in the first scene, goes and opens up a bank account and gets a free gun for opening a bank account. His conclusion was always going to be that, largely, there is no gun control in America. But what he does toward to end of the documentary, he heads up to Canada and he surprises himself because his conclusion at the end of it is that really it is the violence in America that he believes is the cause of it, not so much gun laws. But there are differing views about that.

**Prof. WARNER** - It is a combination, isn't it? I don't think you could say it's one or the other. I think it is fairly clear that the restrictions on firearms in Australia have led to a decline in gun-related crime, and also suicide and accidents. I think that seems to be reasonably well established.

**Mr BEST** - Yes. That is not the area I was really looking at or asking about, but I was just interested about that attitudinal point that he concluded in that documentary. I am just wondering, though, if we did have some sort of training - and you have given us your view about the age, and that sort of thing - whether in fact there could be some social edge to that in regards to people's views about violence, I suppose, for example, or whether you think that would be a fitting part or perhaps not. I don't know, I am just interested.

**Prof. WARNER** - I think we should think about educating and ways of discouraging violence, but I can't necessarily think that firearms training is an integral part of that. I think it is a much deeper issue.

**Mr BEST** - Right. So you wouldn't think, then, there would be some role for that sort of thing in some sort of training, then?

**Prof. WARNER** - Currently we have firearms training, maybe it should be an integral part of that, but I can't see that liberalising a position in relation to young people with firearms could help us in any way to discourage firearm violence. I suppose you wanted to ask me about the permit period, too, the cooling off period.

**CHAIR** - I will just check with Brett. Are you right?

**Mr WHITELEY** - I am listening intently. It would good if people could continue to speak up. That would help.

**CHAIR** - Yes. We will just move on to the second point, the need for cooling-off periods for the purchase of second and subsequent firearms. Kate.

**Prof. WARNER** - I can't see why there is a great urgency for somebody to not have to wait 28 days for their second firearm, I don't see any difficulty in that. I know in some jurisdictions they have allowed people to expedite the period; I know in my report, if you look it up, there are, I think, two jurisdictions where they seem to have allowed that. I don't see any great necessity. You've got your one firearm, why not require a 28-day waiting period for the second? I can't really see any justification for that. I think it just gives the commissioner the chance to check on the person again, things may have changed.

**Mr WHITELEY** - Kate, our understanding is, from previous evidence, that all that takes place, and in fact the 28 days that we are now referring to doesn't even start until well after the process that you just said would take place has taken place. That's the problem. I think there has been a little bit of confusion. What happens is all the checks are made, it goes through the relevant authorities, through the registrar, through the police, and after all that has been done, then the 28 days begins. I think that's the issue.

**Prof. WARNER** - Maybe that is just an administrative thing, because I don't think there is any reason why.

**CHAIR** - It says here in point 61B, Granting Permit: 'only after the end of 28 days following the day on which the application is lodged'.

**Mr WHITELEY** - The application can only be lodged after, as I understand it from previous evidence we were given, all these other issues of police checks and updating the files have all taken place, then the 28 days kicks in.

**CHAIR** - Yes, this is the Firearms Act.

**Mr WHITELEY** - That's right. So they are saying that if that process normally takes probably 10 to 14 days, then maybe you should be able to chew gum and walk at the same time.

**CHAIR** - But it does say here, 'following the day on which the application is lodged'.

**Prof. WARNER** - So it doesn't sound as if it is from the act; it sounds to me like an administrative problem. I can't understand it. So they can grant the application 28 days after the application is lodged.

**Mr WHITELEY** - No. That's not the evidence we got, Kerry, I think those in the room would disagree. We were told by police and the registrar that this is why this issue has been raised, that the 28 days don't start ticking until basically the application is complete.

**Mr WILKINSON** - The act speaks for itself, though, Brett, doesn't it, where it says the commissioner may grant an application for a permit only after the end of 28 days following the day on which the application is lodged.

**Mr WHITELEY** - The question is, though, whether the application is lodged in its complete form. Anyway, I am reflecting on our previous evidence.

**Mr WILKINSON** - Sure.

**Prof. WARNER** - Maybe they could have some administrative mechanism of expediting the time when the application is lodged.

**Mr WHITELEY** - I think that is a matter for others.

**Prof. WARNER** - It is, yes. I do not think it is a matter for legislative change, though.

**Mr WILKINSON** - It would be fair to say, would it not, Kate, that the only time the police would know that a person was making application for a licence was when the application was lodged and that would be the spark to start the inquiry into a person's -

**Prof. WARNER** - Yes.

**Mr WHITELEY** - That is right, and they then do their work and then after they have finished their work the 28 days begins then.

**Prof. WARNER** - That is not what the act says.

**Mr WILKINSON** - That seems to be an administrative matter, I would think.

**Prof. WARNER** - It does not seem to be what the act says and I think it would be great if you can picture administrative procedures and then still stick to the national agreement without legislative change.

**Mr WHITELEY** - Not everyone has a 28-day waiting period, Kate.

**Prof. WARNER** - I know that but that is what the national agreement required. I know some have watered that down but I would think it would be good if we stuck by the agreement and did not water it down.

**CHAIR** - Are you right with that, Brett?

**Mr WHITELEY** - I am listening.

**CHAIR** - We are probably moving to the third point, the national consistency regarding the legislative provision in other States and Territories pertaining to training requirements and cooling-off periods.

**Prof. WARNER** - Yes.

**CHAIR** - Do you have a comment on that?

**Prof. WARNER** - I think the national consistency is great and if we can stick to the national agreement that is the way that it should be done. I appreciate though that the original agreement did not say anything about minors' permits and it just assumed I think that you could not get a licence until you were 18 and so it does not actually cover that.

**CHAIR** - And there have been some variations of course down to 16 years of age where they are mentioned in those.

**Prof. WARNER** - Twelve. Here you can be trained at 12, which I do not really like the idea of but that is what we have. There is a difference, I think, 12 to 15 and 16 onwards. I think the act allows you to shoot under supervision once you are 16 and over but if you are between 12 and 16 it has to be on a range.

**Mr WHITELEY** - That is correct.

**Mr BEST** - I can understand the point you are coming from in relation to a city and that sort of thing, but it is another matter where young people are involved on farms with parents and they often help with a lot of the things there. They are dealing with livestock and animals all the time and if they cannot help with vermin control -

**Prof. WARNER** - I suppose if you are 16 you will be able to because if you are under supervision they can count that as training but I do not think it is appropriate for somebody under 16 to be shooting animals on a farm even if you are in that primary industry situation.

**Mr BEST** - Can I just ask why you hold that view - just so I know?

**Prof. WARNER** - I just think a firearm is a lethal weapon and we should wait until children are more mature to allow them to handle it in that kind of situation.

**Mr WHITELEY** - Kate, what would your response be to those with a different view who have said in years gone by until legislative requirements changed it that generations of young rural people particularly grew up under the education of their parents in relation to firearms and so on?

**Prof. WARNER** - I suppose you often think that what you did as a child is what should be appropriate now but I do not necessarily think that all people who live on rural properties think that.

**Mr WHITELEY** - I am not suggesting that.

**Prof. WARNER** - My husband was brought up on a farm and he is not in favour of children being trained in the use of firearms even though he was as a boy, so I think it just depends on your perspective. And I have to say, harking back to my really heated dinner party conversation, I nearly got a black eye one night discussing this. It just arouses such passions. One fellow completely lost his temper with me and I did say to him, 'Well, if you can lose your temper so easily I don't think you're an appropriate person to own a firearm anyway' which did not really help the dinner party.

**CHAIR** - 'I am glad you haven't brought your gun'.

*Laughter.*

**Prof. WARNER** - I do realise that people really feel strongly and passionately about this but I do not think feeling strongly and passionately about it because it was the way you were brought up is the answer and we should be rethinking this.

**CHAIR** - I am conscious of the time, Kate. There were some questions submitted by Tim Morris, who wanted to put these questions to people who gave evidence today, so I will just run through those. Do you believe that engaging in cultural practices complies with the 1996 national agreement on genuine reason provisions for an applicant to show for owning, possessing or using a firearm?

**Prof. WARNER** - I am not sure what he means by 'engaging in cultural practices'.

**Mr WHITELEY** - Farming.

**CHAIR** - Should you be able to claim, 'I should be able to have this gun because it's part of my cultural practice, it's what we do on the farm'?

**Prof. WARNER** - I would have to think about that, but I think probably it does because it allows people, if they have the consent of somebody who owns property, to shoot. I think it is covering that if you want to go hunting and you have the consent of the landowner.

**CHAIR** - It comes back to what Brett was saying before that that is what is normally done, what used to be done on the farms and on the land where the youngsters would learn to use firearms at a young age.

**Prof. WARNER** - I still do not agree that youngsters should be involved. Even though it may be a cultural practice, I do not think we should permit minors to be involved - at least under 16 anyway because I think the act allows 16 year olds to shoot.

**CHAIR** - The suggestion is that young people are doing it now and this would formalise it.

**Prof. WARNER** - No, I don't think that if young people are doing it now it is necessarily right. Public opinion may be against this but I think it is up to politicians to lead public opinion in these matters and not necessarily always follow it.

**CHAIR** - Okay. I have another question from Tim. Is there any evidence or has any research been undertaken to determine if children who know how to use a gun are more or less likely to misuse a firearm than those who do not have such knowledge?

**Prof. WARNER** - I do not know that any research has been undertaken in relation to this, but I think probably you could say that levels of maturity are often related to use of all sorts of things - motor vehicles, for example. We know that young people are much more likely to drive dangerously and take risks than older people. I think young, more immature people are more likely to take risks, but I can't say that I know of any research in relation to that. I am sure there would be psychological research in relation to the risk-taking of young people which would support that they are more likely to take risks.

**CHAIR** - Do you know of any evidence that shows that shooting animals in the field has any benefits over being trained at a shooting range in relation to receiving instruction in the safe use of a firearm?

**Prof. WARNER** - No, I am sorry, I don't know of any research.

**CHAIR** - Thank you, Tim Morris, for those questions.

As part of our terms of reference, if we have any matters incidental thereto, we have decided to leave that to a later date. Kate, would you be prepared to come and join us at that time if there are other issues that we want to explore?

**Prof. WARNER** - Yes, I would be. I am not sure that I can be a lot of help but I would think it would be worth looking at video violence and the use of shooting games in that context.

**Mr WHITELEY** - Yes.

**CHAIR** - Does that mean you are in agreement with that, Brett?

**Mr WHITELEY** - Yes. I think we get focused on some of the obvious stuff and everybody is too scared to talk about the insidious issues that are facing our kids each and every day.



**CHAIR** - Thanks very much for your time, Kate.

**THE WITNESS WITHDREW.**

**NICK STEEL** EXECUTIVE OFFICER, TASMANIAN FARMERS AND GRAZIERS ASSOCIATION, **ALAN CAMERON**, **KEN PERKINS**, **DONALD JONES** AND **GEORGE MILLS** WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Gentlemen, thanks very much for joining us here today for this reference that we have before us. Is somebody going to take the lead and make a presentation to us? Thanks very much, Don, if you wouldn't mind. I might point out that Brett Whiteley is listening in his Devonport office and he needs to go at a quarter past twelve. Brett, if there is anything pressing that you need to ask before you go, please do so.

**Mr WHITELEY** - Yes I will. Thanks, Kerry.

**Mr JONES** - In that case, feel free to interrupt at any time.

Thank you very much for the opportunity to address this committee. The Tasmanian Farmers and Graziers have been pushing this issue now for a couple of years. The joint reason behind this is that Tasmania is not quite up to other States in the wording of the 1996 regulations, also that farmers have a duty of care to make sure that staff and employees follow a procedure. Under the basic training in firearms at the moment, it is only carried out from 12 to 18 years of age and from 12 to 16, on a shooting range.

A shooting range does not cater for the needs of what would take place in a rural atmosphere. I can state that categorically because I have been involved in the shooting practices for a number of years, and involved in range safety and training. Therefore I am quite happy to answer any questions on that. In conjunction with Graham Norris from the Police department, I wrote the 1992 training manual for firearm safety. My firearm safety background includes a level 3 training certificate here in Australia, and also the United States of America where I received significant training at Fort Benning, Georgia.

Just to give you a background, I started shooting at six years of age, trained by my father on a property. Even though a lot of people frowned on it, that did occur in those days. The safety that was passed on was something you will remember for life, and it is essential for young shooters to get primary training. We find that people who are trained earlier have a better understanding of firearms and the danger and the use of them than people who, quite often, come in at 16 and 18, when they are a little bit more flamboyant.

A lot of the good shooters who are in Australia, I, myself, represented Australia -

**Mr BEST** - Sorry, a bit more flamboyant? I am just interested in that?

**Mr JONES** - Teenagers today, in all walks of life - with motor cars and things - are very flamboyant, whereas with people who are trained in firearms at a very young age, it sinks in that there is a danger there from inadequate use. That is the important thing you have to get through.

**Mr BEST** - Good point.

**Mr JONES** - The difference between firearms on a range and firearms on a farm are totally different. On a range, you have a range officer in control who says, you come to the line, you put your gun there, you load it now, you pick it up and you fire and that is a set procedure.

In a rural atmosphere where you are moving about, you are encountering farm animals, feral animals and native animals - and they all have a different part in the running of a property. You are also encountering shooting from motor vehicles, probably motor bikes, that are moving around on the farm - all those things that are in a farm environment. There is no training place for any provisions of this on today's regulations and they cannot take place until you are 16.

I sat down with National Parks and Wildlife and I sat down with the Police department, and in conjunction with both those bodies I put together a basic schedule and I do not know whether that was given to the members of the committee. This was to introduce basic things as part of the national gun control code - storage requirements, how guns work and things like that. Then we go on to talk about domestic animals that you encounter, the native animals you encounter, the hunting species that would be put together in conjunction with the wildlife department. Also, shooting with other people and obstacles and hazards that you would handle - fences, ricochets, motor bike and motor vehicle. None of that is catered for in on-range training, as specified under the 1996 Gun Control Act.

The State Government now has the campaign on the use and scaling down of 1080. Under that, firearms are basically required a lot more in the control of wallabies and possums, particularly. I am the TFGA representative on the 1080 panel of experts that review these things. It is becoming clear, from Forestry Tasmania, who are very interested in shooters' training because we have to cater for the requirements of 1080 scaling down. Under the scale-down of 1080, which they have said they would phase out over a number of years, and under the current practices that are available, shooting is the main alternative at the moment.

It is well-known that the average age of shooters is about 53 now. The need for young shooters to be trained properly and adequately at the legal age is essential to farming practices. So that is where we stand.

In putting this package together, if it is read, it is based on national standards and requirements and in fact, it is very comprehensive.

In other States, particularly Queensland, under the act a 12 year old can accompany their father in the field under supervision. Under the act, a person being accompanied, of course, is the responsibility of the firearms owner and therefore, you, as the owner of the firearm or the licensed person, are legally responsibility as well for the actions of that person.

**Mr WILKINSON** - Should it be restricted, Don, do you think, to people on farms?

**Mr JONES** - If you restrict it to people on farms then you have also got the work force employees and particularly we are talking about the local towns - I live at Kempton - and

it is the people who are coming out of those towns who are going to be the backbone of the industry. At the moment of course we are setting up, in conjunction with the 1080 thing, trials on King Island for commercial use of wallaby carcasses and one of the problems there is getting enough shooters to overcome that situation. So on the one hand if 1080 is taken out and replaced by this there is a need for more and more shooters and to be adequately trained.

**Mr WHITELEY** - Just on that, what about if permission were given for 12, 13, 14, 15 but only under supervision - because they have to nominate a supervisor, is that correct?

**Mr JONES** - The law as it is written in some other States is that they are accompanied by an appropriate licensed shooter and the licence is the main thing.

**Mr WHITELEY** - Yes, but I am just asking a question from the TFGA's perspective: if there were to be changes that would allow a younger person to be trained as appropriately as you have described, why not limit that to persons who might not live on the farm but come from the city to work on a farm but as long as they are supervised by a farmer?

**Mr JONES** - That is putting too much onus on the landowner himself. We are not talking about a 5-acre block.

**Mr WHITELEY** - I know.

**Mr JONES** - Putting the onus on the farmer to do that would be too onerous.

**Mr WHITELEY** - Who is going to supervise them?

**Mr JONES** - If you have a person who is a licensed shooter and who supervises them in the field, that shooter would know the laws and the training as such and that is the appropriate point. If you look at the other State legislation, it is in the company of a licensed shooter of the category so licensed.

**Mr WILKINSON** - Don, can I just test you there, please. In relation to that, should there be a special licence for a person to be able to supervise a young child?

**Mr JONES** - In defining that that might be a little bit difficult but -

**Mr WILKINSON** - It would be up to the police in the end like they are now with -

**Mr JONES** - I understand that and then otherwise you are saying that a person with a licence be qualified to train somebody else. That would bring in a new category of people that were trained and -

**Mr WILKINSON** - What I am looking at, if I might and I do not want to cut you off, numerous people are licensed to drive but some of those people though you would not be allowing them to supervise others to drive. If you have another category of a licensed supervisor would that be of assistance?

**Mr JONES** - I do not think that is appropriate because the shooter himself has done a basic code of practice on firearm safety and we are getting around safety. Bear in mind that if

this is adopted then the young junior has to look at these criteria and understand them - in other words, you will find that probably some of these 12- and 13-year-olds are going to adequately go through these far better than some 30- or 40-year-olds might go through because of their computer literacy and things like that.

**Mr WHITELEY** - Don, just a question on that: we asked the police and the registrar a few weeks ago whether a great portion of the people that are currently licence holders who you would categorise as then being okay to supervise were grandfathered into that position through the legislation. In other words, there could be a significant number of people that are currently licensed who have no real training, no real understanding sufficient enough to pass those good principles that many would have on to young shooters.

**Mr JONES** - Okay. That is fine and I take your point. I am one of those grandfathers, too, because I did not have to -

**Mr WHITELEY** - You are a good grandfather.

**Mr JONES** - Yes, that is right.

**Mr WHITELEY** - There are some idiots out there that got their licence by default because of the legislation and they just happened to have a gun, they applied with no real sense of -

**Mr JONES** - Under the present laws I think the idiots in the firearm industries, their days have gone and are well past. That statement, I think, doesn't fit today's society.

**Mr WHITELEY** - With great respect, I am not sure you could guarantee the committee that every -

**Mr JONES** - I couldn't guarantee everyone but I think the proof of the situation at the moment is in favour that the laws are working. If you look at the submission put forward, you would see there was a new person who was going to go through a basic training. It only came into the last part where, after they had a training, they recognised the act and all the pros and cons of it and been through this, that they could then accompany a person with a licence. It may be that these juniors, when they finish this course, would be far more proficient than the person they are going to accompany -

**Mr WHITELEY** - I agree.

**Mr JONES** - but they are not going to go out into the field without any instruction or knowledge.

**Mr WHITELEY** - The question is, as Jim was alluding to, I think -

**Mr JONES** - The point is in doing this exercise they are going to be very proficient in the law, what drugs and alcohol, what types of firearms, how they work, what the storage requirements are under the law even though they won't own a gun, what the hunting seasons are and what happens on a farm. They are going to learn that and that is the important issue. We are into training people, we are not going to just get a group of

young people and say, 'Go out into the bush with Joe Blow', who mightn't completely understand. That is not the point of the exercise.

**Mr WHITELEY** - No-one is suggesting that. What I am suggesting, though, is that we cannot be sure that every person who would be categorised as a supervisor for, say, a 13 year old -

**Mr JONES** - That is like you saying that a kid's just got a car licence and he is going to drive dad and dad does not know much but he will be okay.

**Mr WHITELEY** - Absolutely, that is exactly what I am saying. We could debate that too because I would argue that many of the young people who are being taught to drive are being taught their parents' bad habits. I want to ensure that every instructor would be as competent as the sort of people that obviously we would want to support in trying to get out there.

**Mr JONES** - The first part of it the person who would instruct these juniors right up to when they pass their test. When they pass their test then they can accompany somebody who has a licence. They will be trained to it. That is the whole idea of it.

**Mr WHITELEY** - I accept that, but I do not think you are hearing what I am saying. In the interim, up until they get their test, that is fine, but what about if somebody is under the supervision of somebody who does not hold to the good firearm use principles that no doubt that you and those alongside you do?

**Mr JONES** - You have missed the point, quite frankly. The point is until they finish their test they are not eligible to accompany a licensed person. It is like going to get a gun licence. If you don't have a gun licence and you go down tomorrow, you cannot come with me just because I have a licence; you have to pass your test first.

**Mr WHITELEY** - Yes, but what I am saying is that there were some people who were grandfathered into this, Don.

**Mr JONES** - Well, what's the difference?

**Mr WHITELEY** - They did not pass any test.

**Mr JONES** - But the kids have to do the test, not the bloody grandfathers.

**Mr WHITELEY** - But the people who are instructing them in the interim, leading up to the test -

**Mr JONES** - They will be qualified instructors.

**Mr WHITELEY** - It is hard to hear up here so I might have missed that.

**Mr JONES** - Only a qualified instructor. The kids cannot accompany anybody until they have passed the test -

**Mr WHITELEY** - I am not asking about that.

**Mr JONES** - and the people who give the test will be qualified people.

**CHAIR** - I think we have that detail on the *Hansard*. I am going to come to Brenton to ask a question. Don, if other members of your panel would like to make a submission on what they have heard, after Brenton asks a question, they can do so then.

**Mr BEST** - I think there are some similarities with driving, in a sense. We have heard from the Transport minister talking about young people and road deaths and the difficulty of having a really hardened regime where young people simply will not bother to get a licence or having something that is somewhere in between, something that fits. I just want to preface the question by putting that to you. I put the question earlier to the Law Society and their view is that liberalisation of gun laws cannot lead to less violence. I think from what I am getting from your submission - and I would be interested in your view here - is it really, though, about liberalisation or is it really about strengthening the process? I am interested in what your view would be.

**Mr JONES** - It's not liberalising the system at all because we've got adequacy now for 12-year-olds to get a minor's licence and go to a range. What we are saying is that they're trained to one side only, they are not getting the training available to them that allows them to go into a rural situation and encounter totally different things.

**Mr BEST** - Moving vehicles is one example.

**Mr JONES** - Yes - and fences, ricochets, the animals you see. There is a duty of care involved in this, and -

**Mr BEST** - So you are really about strengthening the process, aren't you, to make it safer?

**Mr JONES** - We are strengthening the whole thing, we are actually strengthening the procedure. The fact that we're going from a range to a rural atmosphere is catering for the two sides of the story. Most of the shooters in Tasmania would be shooting today in a rural atmosphere, not totally on confined ranges. So where we've got the juniors going to a range and learning to stand there and say, 'Put your gun down, pick the gun up, fire', that doesn't occur out there. What they would learn there would not necessarily carry them into the rural-based scene. That is the important thing.

**CHAIR** - Before you go on, Brenton, I just point out the Kate Warner was speaking on behalf of the Faculty of Law, not the Law Society. I just correct that for *Hansard*.

**Mr BEST** - Not Law Society, I accept that. I retract that, sorry. We heard earlier from the Deer Advisory Committee about the QDMA REACH Program. You are not familiar with that? It is an American training program that talks about wildlife conservation as well as field. It is a structured training course for young people to learn to hunt. Are you not familiar with that one?

**Mr JONES** - No, I am not. I have a background in working with Parks and Wildlife - I was on their board for 11 years and I am still working on the minister's side of that. I have spoken to Gary Davies and the police department, and we put this together. Gary Davies

is the manager of the wildlife division, National Parks, an ex-South African who has been involved in numerous training packages and things like that. I took what we put together to the Police department and I sat down with Julie Shadbolt and Tom Tully and went through this, and they said 'Brilliant'.

**Mr BEST** - I am just trying to wrap this up. Do you think, though, there could be an incentive here for young people if you had a proper structured training along the lines of what you are proposing?

**Mr JONES** - Yes.

**Mr BEST** - I am just thinking of a young person and the fact that, to my way of thinking, it would be a huge incentive if you actually at the end of it, got to go on a deer hunt, for example. Or you don't see any relevance in that?

**Mr JONES** - Quite frankly I don't see any relevance in that. There are more relatives to the farming community on the anti-1080 campaign. Deer hunting is a separate entity which a number of people engage in. We have kangaroo and possum problems throughout the community, and we need to be able to manage those. We have to look after the farming community and what its requirements are going to be into the future. That is why this package has been put in.

**Mr BEST** - What would be the incentive, then, for a young person to want to do this?

**Mr JONES** - The incentive is out there. There would be young people doing this all the time, they would be poaching, they are going with Dad on the land all over the country. I learned to shoot a single-shot rifle at six years of age. So did my father and everybody around us. I grew up in Oatlands and that was the done thing. A friend of mine was not taught and I was with him one day when he shot himself in the foot. He later became a sergeant in the police force, but he wasn't trained by his father. He was in charge of traffic for a long time.

*Laughter.*

**Mr BEST** - Mr Chairman, I only have one question to go. I am just very interested finally - not in the foot that got shot - you mentioned in 1992 you did a training manual level 2 at, I think you said Fort Benning, Georgia. I am just interested -

**Mr JONES** - I have been to Fort Benning in Georgia in the United States a couple of times. The first time with the Australian team and the second time I went back there in 1980-odd as a part of an Australian contingent joining in a training program. In 1992, in conjunction with Sergeant Paul Smith and Graeme Norris, we drew up the training manual under what was called Gun Safety Tasmania and then we have turned it over to TAFE. Graeme Norris is the current TAFE trainer there at the moment, so yes.

**Mr BEST** - So you are well versed in this area?

**Mr JONES** - Yes. In conjunction with doing this I spoke to Detective Superintendent Ian Pryor, who now has retired from the Australian Federal Police and is John Howard's adviser. We looked at the Commonwealth laws and proposals that were to be taken



down. There is a new Commonwealth proposal coming through in mediating and various standards and that is why we are looking into the basic safety code, firearms types and how they work. The idea of putting this together is taking the sections out of the Commonwealth proposals and where we deal with different parts of Tasmanian legislation we take sections out of the wildlife management here as well. In other words, it is done to the latest standards that are available to us.

**Mr WILKINSON** - Could we have a copy of those Commonwealth proposals, Don?

**Mr JONES** - The Commonwealth ones are being promulgated right at this very moment and have been seen, so they are not actually hot off the press in the next couple of months. The old firearms training standards here are just about to get the axe and new ones will come in in the next couple of months. There were so many inadequacies in it that it was not funny. It did not conform for the Parks and Wildlife side of it and things like that. There were a lot of problems in it.

**Mr WILKINSON** - It seems to me that what might occur is there is going to be uniformity across all States. Is that -

**Mr JONES** - There is going to be basic uniformity which will be taken into account here and the basic uniformity is in the basic safety code, the different firearm types, how they work and the storage requirements. They are to become a national standard and that becomes part of the draft of what you would put into any legislation.

**Mr WILKINSON** - Who would we speak with in the Commonwealth in relation to these proposals?

**Mr JONES** - Graeme Norris in TAFE at the moment told me that the new training manual would probably be available by the end of August.

**Mr PERKINS** - It is almost ready.

**Mr JONES** - The Commonwealth put out this new basic safety code and that takes into account, just as I would say, safety code, firearm types and how they work and the storage requirement. The States can alter the particular storage requirements but they are fairly uniform on what is required for different categories and things like that. It is set out in legislation and those are the sorts of things that you use in a training program.

**Mr WILKINSON** - Would it be fair to say very quickly that your argument is really based around your belief that what you are doing is strengthening the process because you say the rural environment is so different from what you class as the sterile range environment?

**Mr JONES** - I have been brought up in both of them and on the target side of it I represented Australia for 12 years in international shooting so I know that from A to Z.

**Mr WILKINSON** - And therefore you believe, as I understand it, that a person would be better trained and better equipped if the same type of training was able to be given to that person as is able to be given to that person now on a range.

**Mr JONES** - Yes, it would be more comprehensive because not only do you cover what was carried on the range but it goes further on to the requirements of what native animals you encounter. The parameters on a farm include things like getting through a fence with a firearm - I mean, nowhere in a range tuition does it say how to get through a fence.

**Mr WHITELEY** - That is right.

**Mr JONES** - If you are getting in and out of a motor vehicle - how many people have been shot over the years in pulling a loaded gun out of a car.

**CHAIR** - Don, if I could just point out that our next witness is ready to make a submission. We do have a second question that we want to ask about cooling-off periods, I am just wondering if you want to offer the floor to any of your colleagues?

**Mr WHITELEY** - Could I just interpret briefly, I have held on a bit longer. I need to go, but thank you and I will look forward to reading the *Hansard*.

**CHAIR** - Thank you very much.

**Mr PERKINS** - It is the TFGA and I am chairman of the Standing Committee and this was one of our briefs, the firearms issue and there has been a lot of work put in, particularly by Don and a couple of other members. It is an important issue to be able to train these young shooters up through duty of care. I do not want to reiterate what Don said. He has covered it very well in my view and that is what we want to do.

The point is, we are strengthening it under the duty of care and you need to replace the shooters as they are getting older and the range is totally different to the agricultural part and that is the part we are concerned with - what they do on the farms.

**CHAIR** - Not intended to do a cull, are you, with these older shooters?

**Mr CAMERON** - Obviously I have been around a long time and the things is, I have 120 shooters who shoot on my property. The young children all come out, both boys and girls. They love the bush, they like the wildlife and they are taught to shoot and shoot properly and not waste the meat because it goes home and they eat it. They are a big asset to the country people because, as we have said, 1080 is being pushed out and I am talking about big numbers of game. Many of our other properties are the same. I think that is the big thing and I hope this does not go on *Hansard*, but I will say one thing -

**CHAIR** - It will.

**Mr CAMERON** - I spent a bit of time in the hospital in the last couple of years and I would rather have a nurse treat me who had been through the hospital system than one who had been through TAFE.

**Mr MILLS** - Mr Chairman, I would like to point out, on the junior shooting situation and why it is, to us, so important. As you have heard, all of us have been trained at a young age and today, unfortunately, our children are all bombarded with the media which displays and shows violence in every area. We all do realise that, once people get to the age of 18, that they probably know everything anyway. This is why a properly

structured training program for junior shooters is vital because once you give a person responsibility, that creates maturity and in this process of training you are giving responsibility and training to a junior and usually it will be given by a person with a close association with that junior. It could be my son, my grandson or someone you know. At the age that we propose, that is when children listen and are eager to learn.

Unfortunately, the outside population is getting this mixed up with what I call media violence and this nothing of the sort. As you have heard, we have all been brought up at a young age with firearms and we do not create this nonsense scenario that is created on the media. That is what we want to get away from.

**CHAIR** - So you are suggesting that this training would be a counter to that sort of thing?

**Mr MILLS** - Absolutely and it is an age when those people are receptive to proper and careful guided instruction. Once they are 18, they know the lot, they know the world. This is the problem. That is why it is so important to train them from a young age and as has been proved in the past, people who have been involved with firearms, like myself and like the other people who are presenting today, are not twisted, odd and strange because of it. They have been brought up with the responsibility and that creates maturity.

**CHAIR** - Thank you, George. I will just move the question of the cooling-off period then, if I might.

**Mr JONES** - There was just one thing that I wanted to add, just very shortly, was that you have to recognise that firearms are a part of tools of trade of the farmer. That is the important thing.

**CHAIR** - I think we have an understanding of that. The need for a cooling-off period for the purchase of second and subsequent firearms, do you have a comment on that?

**Mr JONES** - Yes, the cooling-off period was brought in to stop the potential suicides or domestic violence and things of that nature and quite adequately and it is right in doing so. There are no qualms about that. But with a second and subsequent firearm, that scenario would not apply because if a person wanted to be involved in that situation he would not go out and buy another gun to do that.

The 28-day cooling-off period is an inconvenience to a lot of people. For instance, guns wear out and guns get updated. I do a lot of target shooting as well and I sell my firearm tomorrow and I cannot get another for 28 days, even though I am not increasing my numbers of firearms. I have just disposed of one which I want to replace with a better or a later model. So I have to wait 28 days. That is something detrimental that is not intended in the purpose or the principle of the act to do that.

If the 28-day cooling-off period were occurring, it would be reasonable to suspect that in any case it would seven days to get a licence through. So you are not going to come back to zero. By the time you apply for a licence, put it through to the department and the department does the check, approves it and sends it back to you in the mail, at least seven days has gone past.

Mr FINCH - Thank you very much, Don.

THE WITNESS WITHDREW.

**Mr ROLAND BROWNE**, CHAIR, NATIONAL COALITION FOR GUN CONTROL WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thanks very much, Roland, for coming along. Would you like to give us some of your thoughts on our inquiry?

**Mr BROWNE** - As I understand it, the inquiry relates to two broad issues. One is the level of training for young people and the other relates to the cooling-off period for the purchase of subsequent firearms.

**CHAIR** - Yes.

**Mr BROWNE** - If it suits you, I am happy to talk to that and then answer any questions.

I was last in this Parliament in 1996, just after the Port Arthur massacre. Prior to that time, every attempt at introducing strong firearm regulation into Tasmania had been opposed bitterly. Registration of firearms was opposed, cooling-off periods were opposed, prohibition on particular high-powered firearms was opposed. That is the history of it. Then we had the Port Arthur massacre and we have moved into a much more modern era across Australia. The events were obviously so dramatic that all of Australia moved and we now have a semblance of uniformity across Australia. The 1996 firearms agreement still remains a benchmark for firearm regulation in Australia. I think it is very important to remember the roots of that regulation.

It is also very important to remember that control of firearms, like any other particular tool or good in our society, involves a matrix of regulation. It is always possible to look at an incident of the regulation of something, and a car is a good analogy, and say, 'You don't need that regulation'. I am sure somebody could say that, for example, there are parts of the Midland Highway where it would be quite okay at certain times of the day or night for children to drive cars because it is relatively safe, or it might be that there are back roads that children can drive on that are safe. But we do not regulate dangerous things by looking at holes in the area of regulation or by exception. We regulate across the board, and as a result of which some people experience difficulties. There are people who could probably drive very well at a blood alcohol reading of 0.07, but we do not allow them to prove that to us; we have a cut-off of 0.05 and that's it.

Firearm regulation, in my submission to you, is no different. We have a matrix of regulation and that is because we are controlling an incident of our society that has a track record of being a threat to public health. It has been a threat to public health in a number of ways: shooters have committed suicide with their own firearms; kids on farms have committed suicide with the firearms that have been accessible on farms; people like Bryant have committed public mass shootings. Firearms in the home have represented a threat to spouses in particular. Then we get to much more common incidents of firearm misuse - bank hold-ups, pharmacy hold-ups and murders.

We are trying to deal with this plethora of ways that firearms can be misused and at the same time recognise that there are people who have legitimate uses and needs for firearms. One of your previous witnesses described them as 'tools'. I accept that. People use them for sport, for target shooting, and I accept that; people collect firearms and I

accept that as well; they are legitimate uses for firearms. However, it is not going to be an answer to the need to protect the public by just looking at one use and finding one area where you can lower the bar.

I think it is very important to have a cooling-off period for the purchase of second and subsequent weapons. It has been one of the cornerstones of the national firearms agreement. It was in place in some States prior to 1996 but we now have it across Australia in relation to the purchase of first weapons and also subsequent weapons. The shooters have been trying to have it shaved back in relation to second and subsequent weapons since about 1997. I do not know what has been put to you previously to their coming into the room today. It has been asserted publicly that the cooling-off period for the purchase of second and subsequent weapons has been abrogated in some States. Has that been put to the committee?

**Mr BEST** - Not that particular point, no. We have a list of the situations in each of the other States, which doesn't indicate any abrogation that I am aware of.

**Mr BROWNE** - So the committee understands the position then to be that the cooling-off period is applicable for second and subsequent firearms in every other State and Territory?

**Mr BEST** - Yes.

**Mr BROWNE** - Well, that is largely correct. There are in fact some States which have moved away from the mandatory 28 days for the purchase of the second and subsequent weapon but they haven't abrogated it. They still require a suitable period of time to conduct checks.

**Mr WILKINSON** - Yes. Northern Territory, 28 days for the first firearm and no waiting period for subsequent ones; Western Australia, the same; South Australia, 28-day cooling off period; Queensland, 28-day cooling off period; New South Wales, a permit. If a person wanted to update a firearm, and has sold it, he has had that licence to use a firearm and has been classed as a proper person to do that, so why should he have to wait 28 days? It's a bit like buying a car I suppose; why should there be a 28-day cooling off period for that? That is the argument.

**Mr BROWNE** - I understand that. I have a copy of a report that my group obtained last year from Professor Warner at the University of Tasmania; do you have that?

**CHAIR** - Yes.

**Mr BROWNE** - Right, the table you showed me just distils it down but misses out on a couple of points. The bottom line is that for all States that have the 28-day period and for those States or Territories that have gone for a lesser period - particularly Victoria and Western Australia - the requirement is that the police still conduct checks. The purchase of a firearm triggers the need, excuse the pun, to obtain a permit to acquire, and at that time the police start conducting their checks again.

People's mental and physical states change over time. We have long-term licences in this State and the opportunity for the police to conduct checks is a damn good thing because

it enables them to satisfy themselves that a person still has a suitable need for the firearm and the type of firearm, that they are fit mentally to the extent that police can assess that, and that they are fit physically. I do not understand why a person applying for a firearm should not be satisfied to go through a test like that. I have not heard any reason that the test is not suitable or that sort of examination process is not suitable.

**Mr BEST** - We heard from the policewoman who is in charge of the register, Kate Martin, and I questioned her quite intensely on this issue about doctors and the role of GPs. She was very confident that GPs do refer if somebody presents with an issue. GPs are pretty stringent on it and they will ask people, 'Do you have a gun licence?'. Then they refer to her and she said that she gets quite a lot of referrals. I am not sure whether that fits with what you are referring to and what your view might be on that.

**Mr BROWNE** - It does and it does not. I am talking about a policy behind the act. She is talking about how it works operationally, that in between permit-to-acquire checks or licence checks GPs do what the act allows them to do, which is to refer people to the police or at least bring matters to the attention of the police. I do not see them as being different; they tend to overlap, that is all, but the policy behind the 28-day checks has to remain. The GPs are not and should not be regarded as sufficient in the absence of the police check because people do not go to the doctor all the time. Lots of people in our society just do not need to go to doctors frequently, and that is if the GPs are going to pick up the issue anyway.

**Mr WILKINSON** - You are saying that it would be best if everybody after five years had to reapply because then you would have those checks. At the moment I can purchase a gun if I have the appropriate things behind me to do that and I may not ever want to purchase another gun in my life. I am never going to be checked on that basis -

**Mr BROWNE** - That is the problem with long-term licences.

**Mr WILKINSON** - Yes, that is right. What we are saying here is that I could purchase a gun today, but I might not like that gun. My shoulder might be playing up and it gives too much kick. So, within six months I might want to get rid of that because I want a softer gun.

**Mr BROWNE** - So if that is your position, what is the problem with the 28-day cooling-off period?

**Mr WILKINSON** - One could argue why have the 28 cooling-off period? The police have already checked me six months ago. Why should they have to go through the check again? The argument, I think, that you were making, and I do not necessarily disagree with you, is that the better way of dealing with it is if a person had to apply, like a licence, every five years or so and that is where you get your proper checks.

**Mr BROWNE** - That is where you get proper checks but people's mental state can change.

**Mr WILKINSON** - But just because you are selling a gun does not mean your mental state has changed, if what we are looking at is the checking period?

**Mr BROWNE** - Not at all. We are not just talking about the selling of guns. We are talking, probably more generally, about a decision that there is a need for yet another gun. This whole matrix of regulation in the firearms agreement is that, theoretically and probably practically, each time you buy a gun it is meant to get more difficult for you because if you have one gun for one purpose then there should higher hurdle to justify a second gun for that purpose. People can justify it, of course.

**Mr WILKINSON** - I know what you are saying there. However, the argument that was put to us was that if we have one gun and that gun is sold, for whatever reason, we do not have a gun for a period of 28 days. It is not doubling up on guns; it is just replacing what was previously owned.

**Mr BROWNE** - I understand that. My answer to that is that if you are about to sell your gun, put your application in for the new one and do not sell your gun until you have gone through the process and the 28-day period is up. I would like somebody to explain to me why somebody is in a hurry to buy a gun. If they are in a hurry to buy a gun, that is precisely the time that you want them to checked out by the police.

This discussion is predicated on what I have put forward as one justification for the 28 day cooling-off period. It is not the only justification. Another way that it works really well is an instance that I am aware of where a person who has a firearms licence comes before the court for a breach or a restraint order. The court makes an order that the person has to hand over their firearm to the police. The person does not have the licence with them. The person is in court in the afternoon and the restraint order might be made in urgent circumstances at 4.00 p.m. That person takes their licence, goes around to the gun shop and they can buy another gun because the paperwork from the court does not instantly catch up with the system that the police have to keep a track on who has a licence, who has lost their licence and all of that. With the best will in the world, even with lots of time for the police, the system can fail.

**Mr WILKINSON** - I hear what you are saying.

**Mr BROWNE** - So people could go around to the gun shop to buy another gun, keeping in mind that, if they have lost their gun as the result of restraint order or a family violence order, it is because they are recognised by a court as posing a threat to somebody. The last thing you want is for them to easily slip through the paperwork and get themselves another gun.

Those are the two reasons that the cooling-off period ought to remain. It is a public safety issue. I do not think the committee should accept, with respect, any arguments along the lines that I have sold my gun and I need to get another gun. There should not be any spontaneous purchase of firearms encouraged or permitted under this system. It is contrary to protection of public health.

If people have a situation where they urgently need a firearm, which is more likely to be a farmer, although conceivably it could be a target shooter who is about to go into a competition and their gun has been stolen, then people can borrow guns. They do not need to buy another one; they can borrow them. They will have somebody who can say, 'I know this person and I am happy to lend them my firearm for the purposes of



controlling this animal or because they going in competition tomorrow'. They might not. People might not trust -

**CHAIR** - Can you see that as a legitimate opportunity for them to be able to borrow a gun if they are licensed?

**Mr BROWNE** - People can do that under the act now, if they have the right licence. However purchasing is different because the seller is not expected to know this person and, as I said, access should not be that easy.

**Mr BEST** - When Kate Martin was here I put the question that maybe a GP would know that information, given that we talk about the fragility of situations and gun holders. I just thought it would have been something that would be commonplace, but of course, as I understand it, it really is a process the GP goes through, as opposed to knowing whether or not a patient has a gun licence. I am just wondering what your view might be on that?

**Mr BROWNE** - As a lawyer, I have had clients over the years who still have gun licences. I am thinking of one person in particular, a workers compensation case, who had a post-traumatic stress disorder as a result of a firearm incident, who has had contact with a GP I cannot tell you how many times and who still has a gun licence. I do not know what they have told the GP but GPs obviously do not have ESP and they are not going to know everything and they cannot be expected to. They cannot know what they are not told.

**CHAIR** - They only know what a patient tells them.

**Mr BROWNE** - That is right, and also there is a spectrum of GPs. Some GPs are going to be blasé and some GPs are going to be very acutely aware of the possibility of this, but they only know what they are told. I think there is probably a good number of cases where GPs are referring people to the police for investigation. However, I would be very confident that there are also a good number of cases that are not finding their way to the police because the GPs do not pick them up. It is a tremendous responsibility for a GP to have to do that. It obviously stuffs up the patient-GP relationship in that the patient just goes somewhere else.

As for children, the starting point is the obvious one - we have a much greater age for use of a motor vehicle by somebody under the age of 18. I also want to make a point that when the 1996 firearms agreement went through the States, Territories and the Commonwealth, it was crystal clear from resolution 4 that the minimum age for a gun licence was 18. It was not contemplated by any of those governments, as far as I know, or by the Commonwealth that there was going to be use of firearms by anybody in the community under the age of 18. The States and all of the Territories have not broken the letter of the agreement but they have broken the spirit of it. Every State has chosen not to allow licensing of minors but they have introduced permits for minors. As you are probably aware, in some States and Territories there is no minimum age at all for the use of firearms by children. Most have an age of 11 or 12.

I want to remind the committee that when this agreement went through one of the cornerstones of it was a statement by the Prime Minister that we were trying to get away from an American gun culture. I would like to pose a question back to the committee:

why are we wanting to train kids to use firearms at this young age? I think it is important to ask that question, bearing in mind that there should not be any use of guns by kids, that the minors permit is contrary to the National Firearms Act and that the minimum age is 18. The position in Tasmania is probably as good a compromise as exists in Australia because at least kids are confined to a range. I don't concede that it's appropriate that kids under 18 should be shooting. If the aim is for kids to be schooled in the use of firearms, in terms of firearm safety and use of the firearm, I would have thought that use on the range would have been an ideal location for people to learn. In other words, why do we want to be encouraging kids under 18 to be shooting animals all in the name of safety?

I would also like the committee to ask itself why we should start the process of watering down the laws we have, in breach of the national agreement. Those laws have been a triumph of community feeling, a triumph of the recognition of public safety over this very attitude that prevailed up until 1996, where the so-called need to have access to firearms, the need for our kids to have access to firearms, prevailed for such a long period. I remind the committee that prior to 1996 a large number of gun deaths in Australia were from children.

We still haven't solved a lot of problems with the use of firearms in our community. They have improved a lot but you only have to be out on the roads and look at the number of road signs that are shot up and damaged as an indicator of a lack of respect for property and a lack of respect for the proper use of a firearm. I doubt very much that anybody is going to assert that that sort of damage is carried out only by people who don't have firearm licences.

We still don't have, I think, a strict enough culture and respect for firearms. In any event, further watering down of the national firearms agreement for the purpose of further breaching the agreement is the wrong thing to do and it gives the wrong message to children. It gives the wrong message generally to people who are to benefit from this protection.

**Mr BEST** - I have a question on the scale of liberalisation of gun laws, I suppose, and the idea of a strengthened process. We have heard conflicting evidence and I am just interested in your view. I will go back to a couple of points that you made about signs shot up through lack of respect. There is evidence to say that we are not strict enough in culture, but we had someone from the Deer Advisory Committee who said there is quite a strict code of wildlife care, that you just don't go and shoot anything.

Just finally, do you think there is any correlation with road safety? For example, we hear from the Transport Minister that it is a fine line between getting very hard on drivers and presenting a situation where they can't access learning, having it so that there's encouragement for people to have a vehicle licence but also to respect the road.

How long is a piece of string on this? Do you have your cut-off point, do you really want to educate people on some of these things, or do you say you shouldn't be educating people about this until they're eighteen?

**Mr BROWNE** - At the moment the education is happening on ranges, and the question before you is whether it should be out in the bush. I agree with you that it's a difficult

line to draw. Lots of reasonable minds will differ about it. At the moment there is absolutely no justification to move it out further, to enable access to firearms in the bush for kids of that age. What worries me about it, having been an observer of this area and a participant, though certainly not a shooter, is the way that over the last 15 years the marketing of firearms towards children has changed dramatically. I started to see it first in the American gun magazines. Now it is becoming much more common in the Australian shooting magazines where it is being marketed as a family sport. For some people I accept that it is, but my point is that what drives a lot of this is a commercial imperative to sell firearms and ammunition and to ensure a future market. If that is what is behind this, that is an utterly unacceptable justification to do anything.

**CHAIR** - Thank you, Roland, for taking the trouble to join us today.

**THE WITNESS WITHDREW.**

**Mr ALLAN KENNY**, PRESIDENT, TASMANIAN CLAY TARGET ASSOCIATION WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Welcome, Allan, thank you for taking the time to join us. I assume you have an understanding of our inquiry?

**Mr KENNY** - I do.

**CHAIR** - The training requirements of junior shooters and the need for a cooling-off period; would you like to address those two subjects first?

**Mr KENNY** - Can I make life easy for you? I was talking to Graham Wilson in the minister's office the other day and he suggested that I come along because of my role as State president of the Tasmanian Clay Target Association. I am on the national executive of the Australian Clay Target Association and we are involved in the day-to-day operation with junior shooters and the whole issue of the 28-day cooling-off period. I did not put a submission together but there is one thing that I would like to bring to the committee's attention from another point of view. I have been involved with Redbanks Fish & Field on its commercial side, with employment opportunities for people et cetera, and of course from a sporting point of view. One of the issues I have identified is that there are a lot of parents bringing along junior people who would like to participate or in fact, for the first time, use a firearm.

**CHAIR** - The youngsters or the parents?

**Mr KENNY** - The youngsters. The parents have normally been people who have been licensed in the past and have let their licence lap but the son or daughter has got to an age - 12, 13, 14, 15, 16 or whatever - and have now showed an interest in using firearms. In that particular case it is more about hunting. Because they are not licensed any more, they find it a bit difficult to take people into the field, so somewhere like Redbanks is an ideal place to go. Unfortunately, their licensing arrangement does not provide for people to come in there who are deemed to be junior shooters because they do not have that exemption.

**CHAIR** - Where is Redbanks?

**Mr KENNY** - Down at Nugent. They provide rifle shooting and clay target shooting. My observation as an experienced shooter is that this is a wonderful opportunity to instil, very early in the piece, the safety aspects about using a firearm. That is not simply the physical part, it is the result part of well. In that environment it would have been ideal if they had exemptions for people to actually see what happens with a firearm. At least they can actually watch others shoot. But it does pacify that desire that they do have. There is no question that if their parents have been involved in hunting and shooting in the past, and there are stories about that, it creates an interest. They obviously then look at some of the results of clay shooting. We have Michael Diamond and Russell Mark who have been successful in the Olympics, so young people think, 'I wouldn't mind be an

Olympic shooter at the end of the day'. It is no different to being a top footballer. They are striving to be an athlete in a particular sport.

If we have this opportunity for juniors to be able to access that sort of environment, the field environment where they can actually use a firearm and to some degree determine whether or not they will proceed with wanting to be a licensed shooter, an athlete or otherwise, it does pacify that desire and to a degree stops them looking somewhere else. From my own family point of view, watching youngsters come through - being the shooter in the family and my wife - these young people are looking to be part of that family group, whether it goes to deer hunting for the weekend, clay target shooting or whatever.

I see that as just an integral part of making sure that we provide a safe training environment from a clay target point of view or a range point of view or in fact in the field situation. The field is the critical one where I believe it is better to bring them in early in the piece to see firearms used in a proper and safe manner. That extends to the purposes of using a firearm to cull deer, wallaby, rabbits or whatever, that they also see that side of it. It really is that traditional training format.

Brett knows my background in trade training. The longer we leave it to instil skills the more difficult it is. If you have a 12-year-old or a 14-year-old person and you are really trying to instil some very safe practises, then that is the time we need to do that. That is based on the real, traditional apprenticeship system about the early intake of knowledge and skills.

**Mr WILKINSON** - Allan, I think the argument was this. The farmers and graziers and people who have probably been brought up with shooting are saying that you are going to be better trained and better able to go out by yourself into the shooting environment if you are able, at the age of 12, with a supervised tutor, to go out and do what you have to do on a farm, let us say, than if you just go to the sterile atmosphere of a range. You are going to be better trained from a young age if you are trained in situ. That is one argument. The argument against is that the 1996 legislation endeavoured to take guns away from the community, except for exceptional circumstances. People believed that if you are giving guns to young people, then because of their immaturity that could lead to problems. They seem to be the two competing arguments, don't they?

**Mr KENNY** - Absolutely.

**Mr WILKINSON** - Do you weigh one up against the other and is it a personal opinion as to which side you come down on?

**CHAIR** - Is there a compromise?

**Mr KENNY** - There is a compromise there. I think you have captured it quite well and the real issue is young people accessing firearms and using firearms without proper supervision. You provide a system that actually instils supervision as being the issue. That then pacifies that desire, from the parents' point of view, to take their son or daughter into the field and not feel that they are breaking the law, that they are in fact doing it to a code of practice. If you do not do that then there are going to be people who will break the law and take them into the field because they feel almost that this is a

tradition they have been through. It alleviates the problem where the young person then takes a decision to acquire a firearm, which they shouldn't, to go into the field. This is more so in the way the farmers are operating now - better than ever before. For example, when I go to Beaufront, we write our names in the book so he has a very clear picture of who should be on that property at that time. If he was to come up, and we had a person that was not listed, then we have broken his rules and we would obviously get kicked off.

So not only the shooters but also the farmers are doing something well. They are making sure that we take responsibility for the people we take on. If there was provision for the junior person, that person's name would be on that record.

**Mr WILKINSON** - Should the person who is the supervisor have to get a licence, over and above what he gets to be able to shoot, in order to properly supervise a younger person? I say that because I know people who have a driver's licence but whom one wouldn't allow to supervise their kids' learning. Likewise, I know people who have guns but I would not like them teaching young kids how to shoot, even though they have a licence.

**Mr KENNY** - I do not think they need a licence. What I think they need is a form of guidelines. That is, if you are going to take the responsibility of actually being the supervising person it is no different to the electrician who takes responsibility for the apprentice. There are a set of guidelines that say what supervision means and the things that you need to instil. So you will demonstrate to them how to get through a fence with a firearm, how to unload, how to make safe, the things you do not shoot at et cetera.

From a practical point of view in the community that is as far as you can probably go but at least you have some guidelines. We have even had problems with our electrical licensing board - getting electricians to understand what the word 'supervision' means. That does not mean leaving the young guy working on a live switchboard; it means that you have set an environment that is safe. It is the same thing with the firearm; out of the car, a distance away from the car, it is now time to load, the firearm is going to be on safety, and then all the things that follow from that.

If the rules are broken and there has been an accident, at least those in judgment can look at it and say, 'Was there a document that specified their responsibility'. We have that in clay target shooting. For example, we have a set of rules so that when I take a junior onto the track for the first time, there are procedures I go through automatically to make sure I provide a safe environment. Others sit in judgment to some degree because they are all supervising as well. So that could be an answer to that issue.

**Mr WILKINSON** - But by doing so we are putting greater pressure on those people that want a licence in the first place, because they are able immediately to act as a supervisor, but to me the expertise of that person has to be greater. It is all right looking after yourself; it is looking after other people as well. That is what I am questioning at the moment.

**Mr KENNY** - One of the things I have looked at was for Redbanks to be a training environment for licenses. I would rather a person gain a licence there where we have a very typical field situation. I would ask the applicant to demonstrate to me how they are going to cross that little creek with a firearm, how they are going through that fence,

would they fire a shot across that paddock that happens to have a waterway in it - those things where you can tick off as a very practical assessment. Written format is one thing but if I put the person into a field environment and have done an assessment on 12 critical points and they have passed only three, then I know that the person has not gained sufficient knowledge to be handed a firearms licence.

So a movement towards a very practical assessment would give me some degree of confidence. If they have been assessed from that point of view, you could then put them with a junior person knowing that they have already passed that assessment.

Again I reflect back to the trades. When the person is given an A-grade electrician licence, I have a view that the assessment system has been thorough enough to give me some encouragement to allow them to supervise another person. So it does come down to the assessment.

**Mr WILKINSON** - Is the assessment too lenient now for supervision?

**Mr KENNY** - I think it could be improved. We had to start with, basically, a national benchmark; notwithstanding, I think Tasmania could move beyond that. It does not mean any more expense, it just means that we have looked at the training provider and the assessment and we have refined it to make it a better outcome. From my point of view safety in clay target shooting is one of the great attributes that we can put forward. We have not had accidents because we have very strict guidelines. It would enhance what we do as well.

**Mr BEST** - It was interesting to hear your comment about the point of supervision and doing it to a code of practice. I will preface this in the context of the Minister for Transport and the difficulties they have with young drivers, trying to enforce a fairly strong regime to prevent accidents on the road but then not being so much of a deterrent so that young people just do not bother to get a car licence. Do you think that, because of the way it is set up now, it is so tough, there probably are people who bend it a bit because there is no provision for them?

**Mr KENNY** - I think in some regional areas in particular some of these people are daunted by paperwork to a degree. We see that in a whole range of areas, including licences for driving. I think we could encourage people to come forward if the assessment and learning processes helped them to get to the application stage as well. In my view it is better to bring them into a controlled environment and then train them up. In a lot of these areas I encounter people with literacy and numeracy problems. They would react in a very negative way to filling out the paperwork for a firearms licence; they would rather run the risk. If we can help these people in a very practical way and demonstrate to them that the learning processes are not just about literacy issues, but that we will talk to you, we will demonstrate to you and we will ask you to do some sort of assessment by demonstration, then that would absolutely encourage them to say, 'You're right. I'd better go and do it'.

**Mr BEST** - You liken it to an apprenticeship, which is interesting. Do you have a view about age in particular? People do not really enter into apprenticeships until 16, but now it has moved on further to 18, but there is a general view that 16 and 17-year olds are probably responsible enough.

**Mr KENNY** - I think it is probably the critical question. I suppose I can only reflect on when I was that age. That was the traditional 16 years of age, but the law chose not to really push that too hard. In my view, what we find is that, even with a 12-year-old person, it is the most impressionable time in respect of how they act, not only from a firearm point of view but for a whole range of things. Having the ability to put proper controls in place we are able to reduce it to 12 to 16 or whatever, because these people are at a stage where it is the best time. This has been demonstrated, Brenton. In respect of the results in apprenticeship, we are finding that employers, for example, now find it more difficult to impart knowledge to a person who is 20 years of age than a person who is 16 years of age, for whatever reason. That is only reflecting what happens there. If we take those impressionable years and do it really well then they have gained the knowledge for the rest of their lives. In my view, it is not a risk. My experience tells me that, particularly in clay target shooting, where they can start shooting at 12 then I find those particular people respond a lot better. I am able then, with confidence, with absolutely minimal but proper supervision, to allow them to conduct themselves in competition. In fact, it is really quite interesting and enlightening to see a 14-year-old girl or boy go out in a national competition with people from 14-85 years of age and compete in a very proper manner. I have to say it's proof, in my view, that that does happen; it does work at that age. I wasn't confident we could put them in the field and have them supervised by a person, I wouldn't be here now. But I am confident about that, and I suppose my own son and daughter have been through that, and I see them operate very safely with firearms.

**Mr BEST** - We have had the issue of violence brought up as a separate matter, I suppose, in the sense that violence is an issue that is prevalent in the media. What is your view about the concept of having some sort of training regime that would encourage kids to shoot animals in the name of safety? I think the point was why would we want to allow children to shoot, why would we want to encourage kids to shoot animals in the name of safety. What would be your response to that proposition?

**Mr KENNY** - It was explained to me once by a very learned person who said that for the last hundred thousand years-plus we have had a desire to hunt to feed ourselves. We are in about that much of the last hundred thousand years, and that desire is still there, so it is a human desire, in my view, to go and hunt. If that desire is there, we are going to take a young person who says, 'I would like to come out wallaby hunting with you'. I think the point is that you are pacifying some of that desire, but you are also putting it in the context that this is the way that you conduct yourself.

I suppose deer hunting is probably the other side of the example; it is not about hunting any deer, it is actually being selective, determined by the season. So you are actually training that person to make a decision about which particular animal you are going to cull, how you are going to do it and what distances are in fact humane. You are not going to be popping away at 500 yards for the fun of it. Getting back to the farmers, the farmers have that expectation. They also have discussions with us about how well you have conducted the hunt. They even inspect animals to see where they have actually been shot.

So when you take a young person out, you are then training them from day one that there is a 50-metre shot on a wallaby with a spotlight and I want you to put the shot there.



You can see that was humanely taken; that's the way it's done, and then that sets the standard. I think it is really important that you combine those issues together, because safety is obviously how you conduct yourself, how you take the shot, how you prepare the firearm and so on.

Then the other side of it is actually how you conduct yourself in respect of taking the animal, and that has to be taken as humanely as possible. That is also being technically competent so that if you are going to go deer hunting, you do have to know what size of calibre to use, the rifles have to be sighted properly, so there is a technical side that goes with it. Then obviously once they have taken the animal, they have a responsibility to then process it properly, so there is safety in that as well.

**CHAIR** - It was mentioned a couple of times here that the average age for shooters is 53. Since the act in 1996, has there been an increase in that average age? Is that blowing out the further away we get from the introduction of the act?

**Mr KENNY** - I am thinking now from a national perspective where I have actual figures that I can work on. In clay target shooting, for example, I am confronted with an ageing population of clay target shooters, but what I am seeing is an increased number of junior shooters coming into the sport. What is really exceptional is having a high number of women shooters. Tasmania has the highest number of participating women competitors per capita in Australia, and obviously they are bringing along some of their family members. Initially there was a drop, but what I'm seeing now is a resurgence.

This resurgence is young people who see shooting more in respect of Olympic outcomes. They see that Russell Mark and Michael Diamond have done really well. It is different to what I saw in my day, which was more a traditional thing. These are actually identifying as an athlete's sport. They also see hunting differently now. The whole image of hunting has changed from days gone by when they had a wallaby shooter. Now they take these animals for specific reasons, be it the meat, the skins and the antlers and all those things. So they are little bit more pedantic about what they are doing and they are specialising. There are quite a few young people who are wholly and solely deer shooters. They see that deer shooting is going to be their future sport. The other really interesting things is that they are going well and truly outside Tasmania to do that. They are hunting internationally and they see that is where they are going to go with it.

**CHAIR** - Tim Morris put through some questions and I will put those to you. You mentioned cultural practices and Tim was interested in that aspect. Do you believe that engaging in cultural practices complies with the 1996 national agreement on the genuine reason provision for an applicant to show for owning, possessing and using a firearm? Do you believe that cultural practice is a genuine reason for owning, possessing and using a gun?

**Mr KENNY** - Before 1996, people acquired firearms for a whole range of reasons. We then consolidated that for specific purposes. The person coming forward now is the person who has a genuine reason for having a firearm. We have eliminated the person who bought them for the fact of having one. Before 1996 I had written to the Federal minister at the time saying I do not think we need to have military-type firearms in our community or, in fact, military-type ammunition, which is not designed to humanely kill. I think we have eliminated that. I think we are down now to those people who genuinely

want to hunt. It is not a cheap sport. There is great expense. The quality of the firearm they are buying now, as a result of licensing, has probably quadrupled. When you go out and buy a very good shotgun today to go duck shooting, we are talking about guns worth \$10 000 each and beyond. We are talking about bolt-action rifles that are worth probably \$2 500, and with a scope on top that is another \$1 500.

**Mr BEST** - Be cheaper to breed ducks, wouldn't it?

*Laughter.*

**Mr KENNY** - It is. I was at a place the other day and this guy brings out this gun and he said, 'I had the barrels made in the United States, I had the action made in Germany and the stock is a nice piece of European walnut'. I love walnut and I looked at it and thought that is very nice. I said, 'How much was that?'. He said, 'That stock, the blank, before they cut it, was \$US20 000'. I have always watched Western Australia and they have had fairly strict firearm laws. In clay target competition, they use a much more expensive gun than we do in Tasmania because they were confined to three or four guns and they bought the best quality. To do an international hunting trip now ranges between \$10 000 and \$20 000 per trip. So we are talking about people who are putting their money where their mouth is and they really are putting it up-front.

If you want to go and buy yourself a centre-fire rifle for wallaby shooting, you will buy the best, and the best scope that goes with it and quality ammunition. That is quite different to what was seen before 1996. So there has been quite a shift in the type of firearm. There is no use buying junk any more. You buy good quality.

**CHAIR** - Another question was about children who know how to use a gun. Are they more or less likely to misuse a firearm than those who do not have such knowledge?

**Mr KENNY** - This is my observation. The junior-type person in training and using a firearm is less likely to - in fact, I would say, would not - point a gun at another person. The ones that I have seen use the play station-type games are very inclined to pick up the play station and point that at a person. That is the subtle difference. One knows the difference and one does not know the difference. On a play station people are blow to pieces and all those terrible things, whereas the person who has fired a firearm has seen the result and knows you do not point those at people. It is a little bit scary. In some households where there is no firearms education skill or knowledge someone will pick up the toy gun or the play station and point. In my home there were no toy guns because I thought they were misleading, but even in the act of playing I would not let my children point a toy gun at someone because I knew the results of extending that to a firearm. I think we are reducing that factor of misuse away from those who know nothing about guns. I think there is a real reality thing; they do know the results of it so they say, 'No, I won't do that'.

**Mr BEST** - The cooling-off period?

**Mr KENNY** - I am aware of that one. Again, my observation in our sport is that most of us feel restricted because of the 28-day period. We have firearms and from a competition point of view - and it is a small issue - sometimes we need a gun fairly immediately because our gun has broken down and we are in a major competition and we need to go

and purchase another one. The other part of my observation is that I have never seen the breaking of the law or the intent because the 28-day rule wasn't there. The 28-day rule, from day 1 your first firearm, in no problem at all. There has to be a benchmark and a cooling-off period, but once you have acquired firearms and you are acting within the law then I do not think the 28-day rule has done anything beneficial. If it has, I would have said so, but I can't see it, unless someone else can point out to me that someone has broken the law within that 28-day period.

**Mr WILKINSON** - Should there be any cooling-of period? The last witness put to us, and he was right in what he said, that often one of the conditions of a family violence order is that you hand over your gun licence and any firearms. You could do that but then that same day, because the order is made in the Court of Petty Sessions, you could go down and buy a gun because you still have your licence with you. That information would not be with the police at that stage, because it does not work that quickly, so you are able to purchase a gun and therefore break the court order.

**Mr KENNY** - I think the information flow is better than we think. I think police awareness of issues with individuals is at a very high level. I will give you an example. A friend of mine lives out at Brighton and the other night someone tried to break into his back door. He did the right thing and rang the police. The police arrived and the first thing they said to him was, 'Where are your firearms?'. They had automatically done a check.

**Mr WILKINSON** - Say Jim Wilkinson comes before a court for family violence. They say, 'You have to hand your gun in', so they get that. 'Do you have your gun licence?' 'No, I haven't got it with me. It's at home.' They have taken my gun so I go straight down and buy a gun an hour after that. The police do not have that communication quickness and I know that for a fact.

**Mr KENNY** - If there is anywhere we should strengthen it, it is to give very immediate information to those who deal with firearms. If we are dealing with a person with that intent, maybe they do not even need a firearm. Hopefully within the system we are starting to pick that up. For example, we were dealing with a person in our club who was of interest. I was able to communicate to Julie Shadbolt at firearms; I was then put in contact with Glen Woolley at Bridgewater and we set up a triangle of observation where, between us, we would know if we needed to take more action. Hopefully in that environment, the club environment, we picked that up. The exception to the rule that you are talking about could only be fixed by a really good communication link to the firearm-selling community, which ought not be that difficult in real terms. Other than that, the 28-day period, from a very practical point of view, does not seem to be a practical answer to the issue.

**Mr WILKINSON** - I hear the argument in relation to it. Until that proposition was put to me I thought it seemed crazy, especially if you already have a gun and had been through the tests and everything was okay and you wanted to upgrade because you are shooting for an Australian title or whatever. You should be able to go down straightaway and buy it.

**Mr KENNY** - For the guy who would go to Petty Sessions or whatever, my experience is that police would automatically withdraw the licence. They are that good about it, they do not hesitate and they go and withdraw the licence.

**Mr WILKINSON** - They do, but then they will say, 'Do you have your licence with you?' and the person will say no. It is part of the order that the licence is withdrawn, and it is withdrawn, but that person then goes down straightaway, because the order it is not through to the relevant authorities as yet, and purchases another gun. That is one of the problems with it. I suppose if the person wants a gun he is going to get it anyway, maybe.

**Mr KENNY** - That is really an exceptional set of circumstances. You are quite right. There is no simple answer.

**CHAIR** - As we heard here this morning, somebody could be a licensed person and might have an issue but could go to a gun-owner mate and borrow a gun. I think that is something that concerned me when I heard that this practice does occur.

**Mr KENNY** - It is one of those very unfortunate things in life with people getting angry.

**CHAIR** - I will put the suggestion to you that the 28 days seems to keep the people organised who are involved in the business of owning and possessing and selling and buying guns, in respect that they have to have an understanding of where they are in the way they use their guns. If they are going to sell a gun or need to acquire another gun, they have to have some forward planning in their own mind.

**Mr KENNY** - One of the problems we have is the selling of the firearm. They become a nuisance now because people, as I said before, are buying good quality guns. The gun that you have might be worn out or getting close to it and you want to move it on. To take that to the gun shop and sell it is really quite difficult these days. It is easy to purchase but very difficult to sell. What you normally do is put that one back in the cupboard and say there is nothing I can do with it.

As far as your planning is concerned, most of the time it is an upgrade. I have used a gun for competition shooting and the one I use at the moment I have probably put over 50 000 rounds through. I will get another 50 000 out of it but it will be worn out and I will have to go and get another one. Moreover, 50 000 rounds is not a lot when it comes to competitive shooting. Russel puts 50 000 rounds through one gun in one year. So they have to be repaired or you go and buy a new one. It is just that - you are upgrading. That is what you are doing. We have eliminated the ex-military SKS and all of the not-so-good guns out of the system, so you are really going in to buy something better.

**CHAIR** - Allan, thanks very much, we appreciate your evidence.

**Mr KENNY** - Thank you.

**THE WITNESS WITHDREW.**