

THE PARLIAMENTARY STANDING COMMITTEE ON COMMUNITY DEVELOPMENT MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, ON FRIDAY 20 JULY 2007

INQUIRY INTO THE TRAINING REQUIREMENTS OF JUNIOR SHOOTERS

Mr PAUL MASON, COMMISSIONER FOR CHILDREN, WAS CALLED AND EXAMINED.

CHAIR (Mr Finch) - Welcome Paul. We are happy to turn the proceedings over to you to hear your comments. Then we will ask you questions.

Mr MASON - I would like to table a submission that I prepared this morning on the way here. Essentially I am here to address only the first of your terms of reference. The way we approached it in our office was to look at this question of the kind of education and supervision and the kind of usage that people under 16 should have. That took us to the whole under-18 age group. We had a quick look at other Australian jurisdictions and we have summarised that in the submission. We noticed that there are different facets of under-age use in the different laws.

One is the actual age - one of the States starts at 11, some at 10, one at 14 and the rest at 12. Another aspect was the location at which minors should be permitted to use firearms. Of course there are approved ranges and other places where it is lawful to use firearms. The other delimiting factor was purpose - for what purpose can a minor use a firearm. For instance, in Victoria they say that a person aged between 12 and 18 may obtain a licence for the purpose of receiving instruction in the use of firearms or, secondly, for engaging in sport or a target-shooting competition. In that case there is no limitation by location - it doesn't say where you can receive instruction or engage in the sport, but there is a limitation by purpose. On the other hand, in Tasmania at the moment we have limitation by location - that is, on an approved range. There is also the purpose as well. In Queensland a person between 11 and 18 may possess and use a firearm under supervision of a parent or guardian who is licensed to possess the firearm 'in a place where it is lawful to use the weapon'. So wherever it is lawful to use the weapon the young person under supervision can use it. So there is no limitation as to purpose and the only limitation as to location is wherever it is lawful.

We went through the various jurisdictions and looked at those things. In the ACT, which is the tightest - probably because they have a limited primary industry capacity there, and I lived there for eight years so I know that it is a very urban population - if you are under 18 you may only use a firearm (a) under supervision, (b) for the purpose of receiving instruction or (c) for participating in an approved shooting competition, and you have to be a member of an approved shooting club. So there is that implied location and purpose restriction as well.

I have read bits of the transcript of your previous deliberations and noted particularly the submissions by Professor Kate Warner and Mr Roland Brown. One thing that does not

seem to have emerged in your deliberations so far - and I have made reference to this in my submission, which I will read - is this:

One thing that the Commissioner for Children wishes to raise in discussion for the Committee's consideration is that children are individual citizens with rights of their own under the United Nations Convention on the Rights of the Child and the rights inherent in the Anti-Discrimination Act 1988. The argument would go that if it lawful for a competent adult to use a firearm in sport or in primary industry, so should a competent child.

The key there is competence, not age. This takes you back to the arguments against expanding the capacity of children to have use of firearms. Why do we have any age limitation at all? That is because there is a belief in society that the younger you are, the less physically competent you are to handle dangerous equipment. Secondly, I suppose you have less foresight of the consequences of your actions. So we have children at the age of 16 years and 9 months being able to obtain a learner driver's permit. That is effectively the adult community saying that below that age you may be able to drive a car on a public street, but we are going to stop you doing so because we think you are not necessarily aware of the consequences. No doubt a 15-year-old would have the same ability to understand braking distances, rotational velocity, power of a motor and all the rest of it, but may not have the awareness of the longer-term consequences of the cost to community of quadriplegia and injuries such as that.

There is no specific evidence that there is a magic age at which you suddenly understand (a) how to clean and load a firearm, or (b) how devastating an injury can be. I took the submission to the example given by Professor Warner about a bunch of kids mucking around with a firearm and killing someone. That seemed to me not so much a question of age limitation. Maybe it was to do with consequences, but the primary concern there was access. Access is dealt with as it stands in the act at the moment.

Essentially, bringing all those things together my submission was that from the point of view of young people under 18, the law in Tasmania could enable the legitimate use of firearms for legitimate purposes in safe environments. That brings all those issues together about location, supervision, purpose and competence. If we have a licensed parent showing a kid how to use a gun out on a farm, the parent may be as well-meaning as they like, but they may not have the pedagogic skills, the educational skills to emphasise the importance of that second leg of education that I was talking about. It is one thing to teach a kid to clean a gun, load it and fire it; it is another to teach a kid at various ages about the seriousness of using a firearm - it is not just a toy like any other toy.

My submissions are sixfold. First, the law should provide for education in safe use of firearms for persons aged 12 to 18 and also education in the seriousness of the consequences of misuse. That education should take place in an environment that emphasises the seriousness of it. If Dad or Mum has to take you to a range and you have an approved instructor to show you how to handle, load and clean a gun, that person should also show you the seriousness of the consequences. The police often say, 'If you are having trouble with your kid, call him in and we will sit him down and talk to him.' That action could get through to the child that this is serious. It helps to have someone outside family to explain how serious it is.

My second submission is that that education about safe use and seriousness should take place in an environment that emphasises that aspect, namely on an approved range.

The third aspect is that South Australia, alone among the other States, has a provision in section 20 of the Firearms Act that reads:

A young person may use a firearm under the continuous supervision of a parent, guardian or a person approved.

That is another thing addressed in Prof. Warner's example. Those kids may have been supervised when the gun was taken out of the gun cabinet, when the ammunition was reunited with the firearm, they may have been supervised at each point - up until they went out in the yard and shot the baby. At that point presumably they were not supervised. The word 'continuous' is an important and essential part of the supervision of all persons under 18 in the use of firearms. Once trained in the way suggested, my suggestion is that persons under 18 should be permitted to use a firearm only under continuous supervision of a parent licensed to use that class of firearm or a person approved to supervise the use of firearms by children.

My full submission was that only adults should be permitted to own firearms and ammunition. That is the existing law. Parents and guardians should also be made aware of the seriousness of the risks in allowing a person with a less developed understanding of consequences to handle such a dangerous implement.

Submission no. 4 is that the licensed owner should be liable for penalties for intentionally or recklessly allowing a child to have a firearm or ammunition without continuous supervision. Members would know better than I what the provisions are. There should be a specific penalty for failing to maintain continuous supervision. The consequences of breaching the supervision provision can be fatal, as Prof. Warner rightly points out. Somebody can also be permanently disfigured or incapacitated. Section 91 of the Children, Young Persons and Their Families Act provides for failing to protect a child from harm. It is a different context, but with similar consequences. That penalty is not much used but it is 50 penalty units on two years in jail or both. That would be an appropriate penalty to attach to a new offence if there is no offence already in the act for failing to maintain continuous supervision.

If mum and dad and the 15-year-old daughter and 17-year-old son are on a farm and go to shoot rabbits, then well and good, but for mum and dad to leave the kids out shooting while they go inside to prepare lunch, that would be irresponsible and criminally reckless - even with two kids who know what they are doing.

Mr WILKINSON - I once went shooting with my brother and father and my brother left the safety catch off when he went through a fence. Luckily the bullet missed my father. In that case the parent was present and supervising. Those accidents can always occur.

Mr MASON - That would not be a breach because the supervision would be there. However, if your dad had said, 'You go ahead and I will catch up later', then that is a breach. If the gun had gone off and hit you, Jim, then your dad would have been

criminally responsible. He was there, there was an accident; if someone had been hit that would not be an offence.

Mr WILKINSON - Should the supervisor have to go to a course? A licence-holder has to go through a preamble to get a licence, but supervision is different. Not only do you get a licence but you then become a teacher. Should there be a special course for that person to become a teacher of children?

Mr MASON - Section 70 of the act say that a minor's permit authorises the holder to possess or use a firearm of a category specified in the permit only under the supervision of a person approved to supervise the use by minors of firearms. That is why I suggested that the initial training of the child take place on an approved range. I assume that an approved range will have club members who could impart to the child the seriousness of what they are doing. If you go down that path you will need a separate category of licence for people who are licensed to both use firearms and supervise children. That is another layer of regulation. For safety's sake I would say yes, but for balance it is a matter of how much one regulates.

Mr WILKINSON - So children have first to do their training on a range. After becoming proficient on a range, at the say-so of the supervisor they may then shoot in situ, on a farm, under the supervision of the relevant person.

Mr MASON - Yes, and that could be anyone licensed or, as in some jurisdictions, a parent or guardian.

My last submission was that if you prescribe the education a child receives in using a firearm, but take it out of an approved range, then the purpose should be limited as well. In primary industry, the purpose would be the eradication of pests. Otherwise the community might be alarmed at the prospect of 12-year olds riding around a farm taking pot shots at random targets. Children should never use guns for fun. They should use them for sport in a club or for helping to eradicate pests on the farm.

Mr WILKINSON - Once you get a licence you have it for life. My personal view is that this is not a good thing because people's mental states and physical abilities can change. Perhaps there should be a period where a person has to go back for evaluation to check whether they are a fit and proper person to have a licence.

Mr MASON - I have not thought about that. You have to be retested annually for a driver's licence when you reach 80. It's a bit like a nail gun. Once you learn how to use it safely and know the consequences I don't know that you would need retraining. So far as checking on your mental state is concerned, once you go down that path you are looking at psychological tests as much a physical tests.

Mr WILKINSON - If you had to go and reapply it brings that person back before the police. They might have to get a medical certificate to certify fitness.

Mr MASON - A doctor can only say whether your eyes, for example, are satisfactory. The can't decide whether you have dangerous or antisocial ideas.

Mr WILKINSON - They would have a fair idea about your mental capacity.

Mr MORRIS - They are not professionally trained.

Mr MASON - Yes, they are not trained and they are your family doctor. They will simply say that somebody is okay.

Mr WILKINSON - A good mate of mine shot himself a month ago. You would think he was the toughest nut in the world, not concerned with a number of issues. Depression was obviously a real issue and probably caused his death. He was on his farm. If he had to apply again for his licence six months ago you question what might not have happened.

Mr MASON - Yes, but he might have been clinically depressed but not diagnosed. He might have applied for the licence and the question on the form might have said, 'Have you seen a psychologist in the last 12 months', to which he would have answered no. It might ask if your marriage has broken down in the last 12 months, or whether a close family member has died, or whether you have lost your job. It is tricky. Maybe you should tackle it from the other position. If the person is admitted to hospital under the Mental Health Act, the hospital could be required to notify the police and the licence could automatically be suspended.

Mr WILKINSON - Alternatively, if the person comes before a doctor and the doctor believes the person has a mental health problem, the doctor then has to write to the relevant authority. I think they might have to do so anyway.

Mr MASON - I'm not sure either, but the 'has to' is the key, making the report mandatory.

Mr BEST - The focus in my mind until today has been on location rather than purpose, but the latter is important. We heard a witness who was involved in a clay target club. He said that the young people who had been out to the range and had been properly instructed have a very conservative view about playstation games. They are horrified if anyone points one of those games, with its hand pistol, at somebody because they have been to the range and know what a gun can do.

They thought that education and understanding was pretty important in respecting the whole situation. I don't think I have a question, but I think you have made a good contribution on this topic.

Mr MORRIS - I just want to pick up on that point. Paul, I would particularly like to ask you what your understanding is of the possible impact on children of video and electronic games which predominantly are 'shoot 'em up'-type games where there is no impact whatsoever for the player. I can electronically shoot the image on the screen. It is something that is relatively new - the last 10 or 12 years - but it is universal. Pretty well all kids today have the knowledge of pointing a gun - albeit an electronic one - at an item, shooting it, and there being no consequences whatsoever. Do you think that really does change the situation for children? It is just what they have grown up with. When you and I grew up if you had a gun - a cap gun, as most did - you could point it and pull the trigger and there were real consequences for everyone. The electronic thing seems to have reversed that now whereby they fire at something, it explodes or falls over or whatever, but there are no consequences. Do you think that changes the circumstances of how we should look at giving children access to guns? Do you think they can readily

differentiate? How much effort would we have to put in to training a child to understand the difference between an electronic game and a real gun with real consequences? Children are starting to use these electronic guns at age five, so by the time they reach 12 or 16 they have had years of this no-consequences shooting.

Mr MASON - I would love to comment on that. It is completely outside the terms of reference but -

Mr MORRIS - Oh no, our terms of reference say 'and any other matter incidental thereto.'

Mr MASON - Okay, that is the catch-all. I have four comments about that and it picks up on something that Jim Wilkinson said. In primary school in Epping in suburban Sydney in 1962 - well before the computer age - my friend Owen Jones and his mate got two sticks and a piece of string. They were playing cowboys and Indians and Owen lost his left eye. Everyone in my class knew that that was how it happened - you get a piece of string, tie it on to a bit of wood and there is a bow and arrow, a lethal weapon. We all learnt from that that you have to be really careful about pointing bows and arrows at people's heads. We also saw that Owen Jones and his best mate remained best mates, so that was a really important thing - to realise that accidents do happen. There is an element of risk in living and people learn from risk and from tragedy.

You are right about computer games. There is a developmental age before which children cannot distinguish reality from fantasy and that is about six. Before six it is very difficult for them to work out what is a game and what is not. We are talking about an age group from 12 years up, and by the time you are 12 you are in year 6 or 7, and you know that when you play 'Halo', and you blow up a planet or a ship full of people and you never see any blood, that is just a fantasy. My 14-year-old has told me about a game where, if you get shot, instead of falling down and then jumping up and continuing to shoot, you have to wait until everyone else finishes the games. It is one of those online, multi-player games, so there is a consequence there. You cannot join the game again until it is over. If you are shot, down you go. That is a consequence.

I do not have a view about the connection between playing 'shoot 'em ups' and becoming an anti-social shooter. There was a documentary on the ABC a couple of weeks ago where a kid who learnt how to shoot accurately with a computer game pistol, successfully shot eight children with eight rounds - a 100 per cent hit rate. He was about 13 and psychologically troubled. He could not even talk about why he had done it. But then you go back to the argument about if he hadn't used a firearm, what else would he have done. Those are other issues.

CHAIR - Could we just go back over that incident - I don't recall that one.

Mr MASON - Yes, it was a 13-year-old in America who shot eight kids with eight rounds. He learnt how to be accurate with a computerised gun.

CHAIR - How long ago was that?

Mr MASON - In the last couple of years, but the two-part documentary was a couple of weeks ago. It was a documentary about computer games and they did touch on the connection between playing 'shoot 'em ups' and using firearms in real life. As Tim

Morris has said, there are kids out there who do not understand the consequences. There are kids out there who think if you shoot someone, it is either game over or they get up and run around again. That is why I put emphasis on that first round of education being on an approved range with an approved instructor - someone outside the family who knows how to teach and to emphasise to them how serious it all is.

Something Mr Best said about usage: again that emphasises that if you are a junior member of a shooting club, you would be like a junior member of a hockey club or a rowing club - you take your sport very seriously. If you are a member of a karate club by the time you are 16 you can kill someone. But you learn respect for your hands and in the other sports you learn respect for the implements you are using. So I don't think the committee should be worried about sporting kids. Kids who have adequate training in use and consequences - and I emphasise consequences - if they are out on the farm with Mum and Dad using their skill to eradicate pests, then I don't think the committee should have a concern about that.

I know I am at odds with Professor Warner and Mr Brown about this issue - and a number of other anti-gun people in the community - but I am not bringing my personal views to this table. My view, as the Commissioner for Children, is that children do have rights to participate in society in the activities that adults engage in, provided that they are competent to do so. For instance, I am all in favour of lowering the voting age - but that is way outside your terms of reference!

Laughter.

CHAIR - That won't even fit into our grab bag! Are there any final questions for Mr Mason?

Mr BEST - I think that Mr Mason has covered the topic pretty well. I have questions that I have asked other witnesses, but I think he has pretty much covered them.

Mr MORRIS - How much education do you think it might take for a child? Given that shooting a gun is not necessarily technically very difficult, you have said the important focus should be on consequences. In terms of teaching a child about the consequences, do you have any thoughts about an appropriate sort of time? Do you think they could learn it in half a day, a week or whatever? Should it be done gradually over time, or should it be fitted into, say, a weekend? Should they be tested later to see if they have absorbed it?

Mr MASON - My short and maybe unfair answer to that is that I am a family lawyer, not a teacher. I think that is a question for an educator. The kind of training and curriculum for under-18s at the different stages is for an educator. That is a pedagogic question and I will duck it! However, I would agree that there is some sense in what you suggest of having some repeat training while they are still kids to make sure that they understand the importance of it.

If you have a kid in a shooters' club, that would be on a weekly basis, so you would not have the same curriculum for that kid as for one who is out on a farm. That is all I can say about that.

Mr MORRIS - In a sense it is horses for courses.

Mr MASON - Yes, but as far as curriculum goes, I think you would have to ask an educator whether two hours or a weekend would be enough.

Mr WILKINSON - I think you said there were six points, Paul. Would you mind going briefly through those again?

Mr MASON - I will give them to Mr Casimaty.

CHAIR - As there are no more questions, I thank you for your attendance, Paul.

THE WITNESS WITHDREW.

Mr GRAEME NORRIS, TAFE FIREARMS LICENSING OFFICER, WAS CALLED AND EXAMINED.

CHAIR - Graeme, thank you very much for joining us. As we have gone through this process with these references we have heard quite a lot of comment about the education of licensed shooters and the need to educate the younger ones if we do change our parameters. It is good that you have been able to join us today, and I am sure members will have questions for you.

Mr NORRIS - I have prepared a very brief outline of the Firearms safety training program that exists at present. It is consistent with the national minimum guidelines for firearms safety training in Australia. These guidelines were agreed to by all State in late November-early December of last year. They have been many years in development and now we see a situation where perhaps the training will be uniform Australia-wide and that is a very positive thing.

I listened to what Paul Mason had to say and I was quite impressed with his submission. The training at the moment permits minors to undertake training as part of their licensing process. A person with a minor's permit can do a training course at any time. At any age between 12 and 18 they can do a firearms course. Many of them - particularly the target shooters - do it because they find that the delays in the issue of the licence when they turn 18 affect their ability to compete in competitions.

It may take as long as six months after a person turns 18 before he can get a licence. Tasmania Police permit them to do a firearms course at any time when they have a minor's permit. Then, having done the course, they lodge their application a month or so before they turn 18. Then they do not have to wait for the granting of their licence when they turn 18. That is great for target shooters who are competing in competitions and so on.

I noticed that Paul was talking about the abilities of adults to coach, and that is a very valid point. Many of the adults and parents out there have never undertaken a firearm safety training course because they were in the first batch of people who were granted licences under the old guns act. I think there were 53 000 of them. It may well be worth considering that, if a parent is to teach about safety, the parent, as part of the approval process under the current legislation, undertake a firearm safety course if they have not already done so. That would be one way of addressing it.

We find that the minors that do come to us for training are very enthusiastic. As we all know about children, once they develop an interest in firearms it is often only a passing interest but it tends to occur around about 12 to 13. That is the best time for training - while they are interested, while they are enthusiastic. If we were to go down the track of requiring minors who want to use firearms in places other than approved shooting ranges to be under direct supervision, then a training course, as a prerequisite, would be desirable. But that is my personal view and not necessarily of TAFE.

I have been involved in firearms for many years, as a competitive shooter, as a collector, a gunsmith, a hobbyist and so on. I am getting on a bit now but I remember the privileges we had when I was young in relation to firearm ownership. In those days

education was a family affair. Many people had firearms; your parents took you out and, as part of normal family discipline, you learnt about firearm safety. Now that firearms are restricted somewhat, many parents have little or no experience with firearms and their ability to deliver firearm safety training at the appropriate level is somewhat limited. That is why I believe that it would be appropriate for minors to do a firearm safety course as part of the process of actually getting their minors' permit.

Mr WILKINSON - So minors should do that as well as the supervisor, if the supervisor has not already done it.

Mr NORRIS - Yes, if the supervisor has not already done it.

I take on board what Paul said about the understanding of consequences. At the moment, as part of the firearm safety course, we deliver a small section - only about half an hour - in which we talk about the consequences of accidents or firearm misuse. We show a video and we show gunshot injuries and so on. Perhaps that is not long enough or of sufficient depth for a minor. I feel sure that if you put the suggestion to some of the educators, or some of the psychologists, then they might be able to assist us in determining the duration, content and the depth that need to be used as part of the training process for minors. We have not done that yet as there has never been a requirement for it, but we will certainly look at it.

I heard mention that licences are for a lifetime. They used to be for a lifetime; they are in fact for a maximum period of five years now. Some licences are for three years and some special licences are one year. At the end of the five-year period licences are not renewed. It is a fresh application and all the criteria for a new licence must be met each time. The criteria, however, do not require the person to undertake a firearm safety course if they have already done one.

CHAIR - Would you think it necessary? What is your feeling?

Mr NORRIS - I do not believe it is necessary for a person who has done the course already. When you do your driving licence, you learn to drive once and then in later years you develop skills. There is no need for you to demonstrate those skills again. Traffic laws change but generally speaking people pick those up from life experience. Firearm law has not changed a great deal.

Mr MORRIS - They are about to again.

Mr NORRIS - Yes, I have had a look at the bill. There are some areas that, once the bill goes through, we will make sure are incorporated in our training materials. In fact I make mention of that in the outline.

Ms RITCHIE - I wanted to explore a little bit in relation to safety training. Do you have any relationship with the Tasmania Police Service in relation to identifying anyone that may come through that could have a mental health issue? They may have gone through and got their tick-off to get their training, but when they arrive you or a psychologist may say, 'This person is not quite right at the moment'. They might have had some upheaval. I am not sure whether there are any legislative requirements for you to report anything, so but I am wondering if you could expand on that.

Mr NORRIS - There are no legislative requirements and our instructors are not qualified to judge a person. However there is an unofficial arrangement whereby, if we see something - an attitude, a behaviour - which indicates a person should be looked at more carefully, then we refer that to Tasmania Police.

David Llewellyn mentioned this during Estimates and I think you will find it in *Hansard*. It is an unofficial arrangement and I am not certain whether it has been exercised in any case at this point in time.

CHAIR - Have you ever had to do that, Graeme?

Mr NORRIS - If a person is likely to be deemed competent to pass the course then we would have done it. In a couple of cases, where individuals have not passed, there is no consequence so there has been no need to pass it on. In one particular case I can think of a gentleman came back three or four times to pass the course and he was not successful. If he had passed I certainly would have passed information on because his demeanour, his attitude, was not consistent with a person who should have a firearm licence.

Once again, I am not qualified to judge. In that case I might well have passed the information on to the firearm services and they would almost certainly have asked for a report from an appropriate person under the Mental Health Act.

Ms RITCHIE - Would it be useful in to have a more formalised process in place, instead of it being an informal chat? Would you find it useful or handy, or would it be preferable, for something to be set down in legislation to require persons to report these things at any level of the process?

Mr NORRIS - I think it would be but it would involve our being able to assess people, but we are not qualified. A medical practitioner would be the appropriate person. Of course, applicants for firearm licences are required to complete the application form and declare various things about their mental health.

CHAIR - I would like to ask some questions about the course, itself - the length of time in particular. I am interested in how many trainers you have. Are you it or do you have other people around the State? How easy or difficult is it for people to join courses? If a person who lives at Riana, do they go to Burnie? People who live out the back of Nunamara, do they go to Launceston, and so on?

Mr NORRIS - Courses are held in Hobart, Launceston, Burnie and of course Currie and Whitemark. The courses are held on a reasonably regular basis. We have between 600 and 700 people each year doing courses. The courses are held on a Saturday, a Sunday or a Tuesday to provide a bit of variety for people to select from.

The normal process is that the person applies to the police for his firearm licence. Once the police have done the appropriate background checks and are satisfied the licence is going to be granted, they then give the person an approval to enrol in a course. You would appreciate that under the current Firearms Act no-one is permitted to handle or touch a firearm unless they are licensed, have a permit or have an approval. So at that point in time the commissioner is satisfied that they are fit and proper and he then gives

them approval to enrol in a course. This provides the protection that we need to deliver the training and let them handle a firearm. The police then send them a list of course dates saying when the courses are and a form for them to book into a course. They send that form into TAFE. TAFE then books them into a course and makes sure they have their permit from the police to enrol in the course.

It is a one-day course but there is eight hours of prior study. They are sent a booklet which they need to study and another booklet which they need to work through. In that booklet there are 10 sets of questions they have to answer to ensure that they have read and understood the booklet. Then when they come to the class all the students are on a similar level and the delivery then takes place over an eight-hour period.

The first four hours are all theory and the next four hours are all practical. We generally have about a half hour lunch break. The practical component involves firing a rifle and a shotgun. Some States, Victoria is an example, test for competency without students even handling a firearm, but Tasmania's training course is based on the South Australian training course and that involves actual handling and demonstrating safety and competency with firearms, so that is the major difference. Admittedly they can do their course in some three hours but ours takes a little bit longer.

CHAIR - What about hand guns?

Mr NORRIS - The requirement at the moment is that people who want hand gun licences do the basic firearm safety course. They do not do a hand gun component; you have to join a club in order to apply for the licence. There is a requirement that they serve a six-month probationary period in the pistol shooting club before they can be granted a permit to acquire a pistol.

The minimum guidelines for firearm safety training now specify that the person should undertake a course in the category of firearm which that person intends to get. As a result we are now introducing a hand gun component for those people who are applying for hand gun licences but not for those who are not.

CHAIR - When you have your permit through your process, how long before somebody can then actually purchase a firearm?

Mr NORRIS - In the case of a pistol, there is that six-month probationary period. In the case of a normal category A and B licence, as soon as you get your licence from Tasmania Police you can apply for a permit to acquire. Then there is this cooling-off period - perhaps that is not the right word - but there is a period you must wait -

CHAIR - 28 days.

Mr NORRIS - and then you can buy a firearm. The existing period during which you can fire them is 14 days but I note in the bill that they are proposing to extend it to a more reasonable 90 days. In other States, I understand, there is no cooling-off period for permits to acquire second and third firearms.

CHAIR - But in Tasmania, the first time you buy your gun, it is 28 days?

Mr MORRIS - Yes, and for subsequent guns as well. It varies from State to State on the second and subsequent gun. Some are the same as us - like ACT and New South Wales.

Mr WILKINSON - Graeme, as you know this is all about not only being on the range but also on the farm under supervision. Do I take it that you believe the bill should proceed, that minors from the age of 12 should be able to shoot under supervision, let us say, on farms?

Mr NORRIS - That is my personal belief, yes, under direct supervision, which means the supervisor is next to you, not on the next hillside. I note the comments that Paul made about the consequences of misuse. It is one way of ensuring that supervision is direct supervision.

Mr WILKINSON - In order for that to occur, who should be the supervisor? Should the supervisor do a supervision course or should the supervisor do the firearm safety training?

Mr NORRIS - I believe that he should do the firearm safety training course and at a time when it is fresh in his memory for teaching the minor.

Mr WILKINSON - Let us say parents have three children - aged 15, five and three. The father wants to train the 15-year-old, so he does the course. You might think when the five-year-old has another seven years under his belt, he wants to train him as well. Should he be able to train him without having a refresher of the firearms safety training course?

Mr NORRIS - I take the point. I believe 10 years is too long, but I don't believe there is any difficulty in a father attending the firearms course at no cost at the same time as his minor attends the course.

Mr WILKINSON - So you are saying, yes, there has to be direct supervision - the supervisor cannot be on one hill and the child on the other hill. How far do we go with this direct supervision? How close does the person need to be?

Mr NORRIS - As Paul suggested, if there is a legal consequence, that judgment will have to be with the supervisor.

Mr WILKINSON - Often what is reasonable appears reasonable at the time until something occurs, and then a court could well say, 'That is not reasonable in the circumstances.' That is the difficulty in the vagaries that surround that.

Mr NORRIS - I understand that and I think that is something for the legislators to consider.

Mr WILKINSON - Should there be any other precursors prior to allowing this to happen?

Mr NORRIS - I haven't come here prepared to think about that. Off the top of my head, no.

Mr MORRIS - Just going back to the renewal of licences - maybe I didn't understand something there. A licence now is for five years and it is renewed after that time.

Mr NORRIS - It is not actually renewed; it is a new licence. It needs a fresh application.

Mr MORRIS - And you are saying that anyone who now applies for a fresh application has to go through one of these courses?

Mr NORRIS - No, he doesn't.

Mr MORRIS - Ah! Can we get some clarity on that?

Mr NORRIS - It is quite clear: the Tasmania Police view is that if the person had a licence previously he does not have to do a course. A large number of people got a licence under the old Guns Act without doing a course.

Mr MORRIS - Yes. Do you think it would be appropriate for those people to do a course in terms of bringing them up to date with the legislation? If they have held a licence before, they will get a new licence, but should we move to a situation where, once they have done the course, they can have the new licence? Do you think that would be a sensible move?

Mr NORRIS - I think it would be sensible, but I think it would be difficult to implement.

Mr MORRIS - Because?

Mr NORRIS - Because of the similarity to a driver's licence. They will say, 'Why don't we have to do it for a driver's licence?'

Mr MORRIS - Because we haven't got around to changing the laws yet!

Mr NORRIS - It is a massive undertaking, and that is a major consideration. Also, it would have other consequences in that many licences might not be renewed.

Mr MORRIS - What would be the consequences of that?

Mr NORRIS - It depends what we want to achieve with firearm licences. It would mean that people would be discouraged from owning firearms and -

Mr MORRIS - Do you think that having to do eight hours study and attending a one-day course would be sufficient to discourage people?

Mr NORRIS - I think so. I have had a lot of people apply for a firearms licence - elderly people who had firearms under the old non-licence period - and have now decided they have a few bunnies on the property and they want to put a few down. They apply for a licence and suddenly find they have to do a course. They ring TAFE and explain they have had firearms all their life and ask whether they need to be trained -

Mr WILKINSON - I have been to Vietnam and I've been shooting for x number of years!

Mr MORRIS - I think there is a bit of RPL.

Mr NORRIS - Yes, there is RPL, but unfortunately RPL must be in the category of firearms and the purpose for which the firearms are to be used. It must be formal education. It is difficult, even for a soldier, to produce any evidence. He may be an expert with the F-88 rifle and he might be a good machine-gunner.

Mr MORRIS - But it doesn't mean he can use a .22!

Mr NORRIS - Well, a gentleman once applied for a course and said, 'I want RPL, I was a Lewis gunner in the First World War'. In his mind he was qualified. So RPL these days is treated in two ways - recognition of prior learning, and also recognition of current competency. The whole thrust of the training is to ensure that the person is competent - that he can go out and handle a firearm without endangering the general public and himself. That is what we attempt to achieve - to make sure that the person is competent.

Mr MORRIS - But isn't the other half of the course - the pre-course study - also about making people aware of the current laws and regulations?

Mr NORRIS - It certainly is.

Mr MORRIS - That perhaps as much as anything is what I am querying. Maybe that should be a pre-condition to a new licence - ensuring that people can answer simple questions about the laws and regulations.

Mr NORRIS - That is a much more workable solution.

Mr MORRIS - Right. Thank you for that. The other area on which I would like your opinion is the issue of national consistency. It is our third reference. Do you have an opinion on whether we should have laws that are consistent nationally so that people can move from State to State, and not have to relearn the laws in each State?

Mr NORRIS - I certainly do.

Mr MORRIS -So you think national consistency is important?

Mr NORRIS - Yes, it is, but it has to be reasonable. At the moment we have problems with the States having quite different laws. In this State a loaded firearm is one that has ammunition in it or attached to it, but if you go to another State if there is ammunition nearby the firearm is deemed to be loaded. So it is difficult for people who are moving around to know what the laws are. For example, if this bill goes through, we will have a requirement that firearms be dismantled - that is the bolt removed - but in other States that is not a requirement. Consistency would be great and I think everyone would support that, as long as it was reasonable.

Ms RITCHIE - The cost of the course?

Mr NORRIS - At the moment the course costs \$146. It varies, depending on the categories of firearm -

Ms RITCHIE - Is that the average or the maximum?

Mr NORRIS - That is the normal category. Category C costs a little more because they need to handle a pump-action shotgun and a semi-automatic shotgun and a semi-automatic .22. But those are the only variations.

Ms RITCHIE - Just touching on the point about getting all those who had never taken the course in the past up to a minimum competency, if we went down the track of saying that those people who wish to become educators or supervisors but hadn't done the course could sit in for free when their minors were doing the course, wouldn't that enable a lot of those people to catch up in any event? Perhaps that would be a better solution, rather than forcing people who have been on the farm all their life to take the course.

Mr NORRIS - Most certainly. At the moment we find that most minors bring their parents anyway, and we let them sit in.

Ms RITCHIE - For free?

Mr NORRIS - Yes.

Mr MORRIS - Just coming back to the pre-course study: in your submission it says that there are 10 short exercises in the book that must be completed before attending the firearms safety course. Do you have to get the answers correct? Tell us a bit more about that.

Mr NORRIS - It is just part of the process of making sure they have actually read through the workbook and understood it. They are all asked to bring their workbook with them and their answers will be checked. In fact, we go through the answers in the classroom, explaining what they are and clarifying them. It is part of the prior learning process.

Mr BEST - We heard from the Deer Hunters Association, and their representative mentioned a QDMA REACH program. Are you familiar with the QDMA REACH program?

Mr NORRIS - No, I am not.

Mr BEST - That is a program that runs in America. We have had differing contributions. Do you think that there could be some further improvements to some of the licensing, or some of the training that you do? I am not suggesting that it is lacking, but I wonder whether some of these other issues might be more of a social nature of understanding the purpose and use. Is there any room for any input of that kind, or are you pretty fixed about it?

Mr NORRIS - No, there is always room for improvement. At the moment we deliver a little more than is required by the national guidelines. We deliver matters such as hunting ethics and things of that nature, which are not a requirement, but we believe are essential. We find that the majority of people who are not successful on their first attempt - in fact about 95 per cent of those who are not successful - fail in the basic hunting rule questions. This is something that Parks and Wildlife are a little concerned about, and we are going to enlarge that area to ensure that those who go out in the field for the purpose of hunting are better acquainted with the laws.

Mr BEST - Right. That pretty much covers it for me. It sounds as if what you do is pretty comprehensive.

Ms RITCHIE - Just one quick question following on from what you said about unfortunate lack of knowledge of the laws on occasions. Are you aware of whether there is any subsequent information conveyed through mail-outs or whatever to gun licence holders in relation to updates? There is a database of gun licence holders. Do they send out refresher information?

Mr NORRIS - Not that I am aware of. The only advice to hunters has been a magazine called *Game Tracks* which is prepared by Game Management, and that used to be sent to every person who had a game licence. But nowadays I believe it is simply made available in a few gun shops and sent to some who have requested it.

Ms RITCHIE - That might be something to investigate.

Mr NORRIS - Most certainly. There is a need for this. *GameTracks* provides interpretations of the law and makes comments on hunting issues. Whilst not all firearm licence applicants are hunters, we do attempt to inform our students of the law as it stands, but a more regular method would be great.

Ms RITCHIE - Yes. Or a booklet or something mailed out once a year as a reminder.

CHAIR - If there are no more questions, I thank you, Graeme, for your time. We appreciate it very much. Your contribution has been very full and educative.

THE WITNESS WITHDREW.

PETER JOHN DARKE, TASMANIAN FIELD AND GAME ASSOCIATION, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

Mr DARKE - I was very pleased to hear your questions about suitability to have a firearm, something I have observed in the past. With some of these tragedies that have occurred around the world, the authorities, I believe, were warned about some of these people but did nothing. It was admitted by police in America recently, after that university shooting, that they did not act on information. I think you were right on the money with that one.

Ms RITCHIE - Formalising it, yes.

Mr DARKE - We are talking about people qualified to take a young person into the field and what qualifications they have. If you want to take your son to learn to drive a motor car you need your driver's licence, as I would have a firearm licence to take a young person into the field. I do not see a lot of difference. Probably if you want to be corny about it a motor car is a more lethal weapon than a firearm.

Mr MORRIS - There are certainly more people dying because of them.

Mr DARKE - Precisely. Another point with training is that when the WIT certificate was brought in - the water fowl identification test - people over 60 were deemed to have enough knowledge of the species of duck they were hunting and so they were exempt from doing that course. Mind you, there were only 40 of them in the State.

My point is that when you apply for a minor's permit you have to have people who agree to supervise you. You can shoot on a range under supervision. I want to stress that the underlying phrase through everything I say is 'under supervision'. I do not believe anything should be done in this training procedure, whether it is on a range or in the field, without supervision. Therefore I am a little bemused by this whole thing. All we are asking is that, instead of just on a range, this young person can be taught in the field as well. I put this to my people and we agreed that it would probably be a very good idea to make it mandatory for that young person to attend four target shoots - clay target shooting or range shooting - at least in the first year of their having a minor's permit. I am not a keen clay target shooter but when I have been you are not allowed to look sideways or everybody jumps on you. It is a wonderful training system.

CHAIR - Good discipline.

Mr DARKE - Absolutely.

Mr WILKINSON - This is clay target shooting?

Mr DARKE - Yes, and I am sure rifle shooting is the same. I think this would be a very good move, and maybe after that once a year or so. I believe it also has some spin-offs. It creates the club mentality for these young people, which can only benefit them. Rather than being out there as loose cannons, excuse the pun, wondering around the bush

without any training or allegiance, I believe the club mentality is a very good thing for shooters to be involved in.

We have had a problem with the gun laws since 1996 when, because of this inability for the 12- to 16-year-olds to shoot in the field, a generation has been removed from gun ownership. Some people might say, 'Good', but I do not agree. We have a situation now where 1080 is going to be phased out. What are we going to do? I have just been to a 1080 meeting and nobody can come up with an alternative.

Mr MORRIS - Do you have half an hour?

Ms RITCHIE - Tim has it, he is just about to market it.

Laughter.

Mr DARKE - Yes, I wish they would. You will find that shooters, almost to a man, will detest 1080. I know that in certain situations on farms it has to be used, unfortunately, so at this point in time it is a fact of life. I just wish someone would come up with an alternative. For example, our Burnie branch joined us two or three years ago. Since they have joined Field and Game, farmers are coming to them to get shooters for game control but they cannot put the people on the ground because, as I said, we have taken this generation out.

Mr FINCH - How many members do you have around the State?

Mr DARKE - About 500 to 600. Our rules are not aligned with other States. There was all this talk about uniform gun laws, ha ha, but we are the only State that is really out of kilter with this. I totally disagree; in one State you are out of the womb and they can give you a firearm - that is just crazy. I have always said that 12 years old is the starting point because that is when this young person goes into secondary school. Society then sees them as being able to learn something and make a decision, rather than be somebody in a primary school. That is my logic for starting at 12 years old. I think some States start at 10, but I really am a little bit sceptical about that. I think 12 is a good, safe age to start.

My club has occasional wallaby shoots and occasionally I go along. There is a young chap there and I think he is just 12. He goes along with his grandfather. He came with me one day and wanted to walk along beside me. I was very impressed that his grandfather had taught him what to do. If I saw a wallaby and went to pick up my firearm, this young chap would step back two paces. He did it all the time and automatically and I have never forgotten it. I thought it was a wonderful example of training someone in the field.

I heard Graeme make a couple of comments about the proximity of the supervisor and the young person. I remember asking this question, I think, at the firearms registry some time ago. To use the duck hunting example, you cannot say, 'Right, you're a young person, so you go and sit in that hole and I'll sit in this one'. No, both are together, and I totally agree with that.

If you are going to get a driver's licence, you have to learn to drive. You get in a car to learn to drive. If you are going to become a recreational hunter, then you have to be able to use a firearm, but under supervision, as I keep saying.

One saying I have always used is, 'You can teach a 12-year old everything and you can teach a 16-year old nothing'. I think David Llewellyn's wife said one day, 'Ain't that the truth', when I hit him with that.

Mr MORRIS - At what point do you think they are in a position to learn again - 37?

Laughter

Mr DARKE - In my experience, probably at about 60.

As a former retailer I think this 28-day cooling-off period is just stupid, ridiculous, and it causes a lot of problems for people. If you go into a gun shop and he has a firearm there and you want to buy it, he has to put it aside for 28 days. He could have sold it 10 times in that period. Certainly, 28 days for the first gun is a great idea. I totally support it, but not for subsequent guns.

Ms RITCHIE - Don't they have to pay for it to put it aside?

Mr DARKE - I do not know. What is the point, because if you do not know if it has been finally approved, you might blow your money?

Ms RITCHIE - Not having ever gone in and bought a gun I am wondering what that financial process is. If you want the shop owner to put the gun away and you are one of these who has to wait, is it the normal practice that the shop owner just cops the problem, or would you have to pay?

Mr DARKE - I could not answer the question. The way the system is, it is pretty prohibitive to do that.

Ms RITCHIE - A deposit or something?

Mr DARKE - I do not know.

Mr MORRIS - Even if the 28-day cooling-off period were dropped we already know that you cannot just walk in and buy a gun off the shelf. You would still have to go through a process that takes at least seven to 14 days, at least the police advise us that that is the case.

Mr DARKE - Yes. As I say, I am not uncomfortable with the 28-day cooling-off period for the first one but subsequently, no, I cannot see any sense in it. There was something about national consistency. This has been overdue since 1996. There was no such thing as uniform gun laws. People move interstate and I and Graeme are often asked, 'What do I do? How can I transfer a firearm?' It is difficult. We really need uniform gun laws.

CHAIR - In reference to 16-year olds, at 16 they know all the answers.

Mr DARKE - That is right.

CHAIR - The problem is they have not heard probably a third of the questions.

Mr BEST - No disrespect to Mr Darke but much of what he has contributed today has been covered by some other witnesses. I do not think there is any point going over old ground. I do respect his contribution very much and I think some of that has been iterated by the farmers and graziers and others. There is some good information there.

Ms RITCHIE - I have not had the benefit of being at some of the meetings that other members have been at, so I apologise if I ask a question that has already been covered. What is the difference between shooting at the range and then going out onto a property somewhere?

Mr DARKE - I am suggesting that it ain't broke so don't fix it - just add to it that this young person could be taken out and shown how to handle a firearm and hunt by someone who is competent.

Ms RITCHIE - Outside of a range situation, though?

Mr DARKE - Yes.

Ms RITCHIE - What is that extra bit that they garner - the practical matter of being out there with someone?

Mr DARKE - Yes, finding out what sort of firearm you use to shoot a wallaby or a deer and what sort of range would you shoot from. These are important things that this young person has to learn.

Ms RITCHIE - So you cannot gain that experience other than being out there and doing it?

Mr DARKE - Absolutely. We have moved for a long time in that direction to some degree, particularly now with sporting clays. They used to be called 'simulated field'. It is a clay target discipline where targets are changed on the range almost daily. They are meant to simulate the situation you would find in the field. However, it is still not the real thing. You have to be humane about this. You don't want to go out and fire away at a wallaby that is way out of range. This will injure the animal and is not to be condoned. You have to give that person practical experience, as you have to get into a car to learn what you can do in a car.

David Llewellyn once said to me that they are all doing it, taking these young people out to teach them. I said that is all very well but you have to make it legal.

Mr WILKINSON - You are saying that minors should be able to shoot in the field from the age of 12 so long as they are under supervision?

Mr DARKE - That's the bottom line, yes.

Mr WILKINSON - That has to be direct supervision?

Mr DARKE - Yes.

Mr WILKINSON - Should the supervisor have to obtain firearms safety training?

Mr DARKE - I don't think so. Graeme covered the problems with doing so. I'm sure that these people are competent to do it. Experienced hunters would be taking them out into the field. I can't see a problem with their not having done that safety course.

Mr WILKINSON - Some could argue that the majority of people in any society do not need laws because they are people of common sense. Often you have to legislate for those few people who need such legislation. Experienced drivers sometimes do stupid things. My view is that to legislate for such people, and to ensure that kids receive proper training, I don't think it a big ask to have the trainer undertake a firearms safety course.

Mr DARKE - I'm not fussed by it. I don't know anybody whom I would not let my child go out with, for example. I would be quite happy for a child of mine to go out with anybody I know.

Mr MORRIS - Would the people you know have up-to-date knowledge of the laws? Do you think it would be good for people to be tested on their knowledge of the current laws, because they can then pass on that knowledge?

Mr DARKE - I don't have a big problem with it. However, how many drivers know all the road laws?

Mr MORRIS - Those who have just applied for their licence or who have just lost it.

Mr DARKE - But that would only be a minor part of the road laws.

Ms RITCHIE - In relation to the driving analogy, what is your view about drivers who get to a certain age? What is your view about ageing and people in cars? Once they reach 75 or 80, they are required to go in for regular testing; do you have a view about that in relation to firearms?

Mr WILKINSON - Especially around the age of 56, 57.

Laughter.

CHAIR - Or 77 - we will rope you in there too, Pete!

Mr DARKE - I have known these two for too long, I think.

Ms RITCHIE - Oh well, you cannot help that.

Mr DARKE - No, you cannot help bad luck, can you. Yes, I have never thought about that.

Ms RITCHIE - Do you want to take it on notice?

Mr DARKE - No, I have never thought about it. I have seen old shooters, I spoke to a group of deer hunters prior to the deer season and one old chap was on his last season - he was 90.

Ms RITCHIE - Did he still feel competent? Did he still feel up to the task?

Mr DARKE - Probably not because this was his swan song.

CHAIR - Did he make a mistake while he was out there, Pete, or what?

Laughter.

Ms RITCHIE - I know of some farming people and the grandfather or the father does not like to shoot as much any more because he is not as accurate, and a bit slower - his hands might be a bit shakier these days. He now mostly asks the sons to shoot. That is why I asked the question.

Mr DARKE - It is a pretty valid point, actually, and it is something I never ever thought of.

Mr MORRIS - Attach it to a driving licence somehow. If you are competent to hold your driving licence, well -

Mr DARKE - That is not a bad idea.

Ms RITCHIE - I wondered what your view would be how your members might perceive to take something like that.

Mr DARKE - If it makes the whole thing safer and more community-friendly, I do not have a big problem with it. We have a problem within the firearm-owning community because the majority of Australians live in urban communities and do not have any understanding. It is a case of ignorance is bliss and that is why there is a lot of opposition to what we do, whether it is duck hunting or just owning firearms. We are not a bunch of rednecks - sure there are a few idiots out there; there is no question about that. You get the bloke that will go to the pub and get half-tanked every night and drive home, and does not care. Whatever walk of life you go into, you are going to get the clown. I know that the firearm community is no different but, gee, they do not win too many friends. This is another good thing about this club thing with us: you are got rid of - if you are dodgy, there is the door.

CHAIR - It is like your tae kwon do and karate classes, people go because they want to boof, biff, bang but then after they have been there for a while they realise that they are out of kilter with what the people there actually want to achieve.

One question before you go, when you mentioned that moving in any walk of life you always find a clown, why did you look at Jim Wilkinson when you said that?

Mr DARKE - I was looking at you, actually. You are cross-eyed, that is your problem!

Laughter.

CHAIR - Peter, thanks very much. I appreciate the trouble you went to to make the submission.

THE WITNESS WITHDREW.