



PARLIAMENT OF TASMANIA

**HOUSE OF ASSEMBLY SELECT COMMITTEE ON
FIREARMS LEGISLATION AND POLICY**

Final Report

MEMBERS OF THE COMMITTEE

Hon. Mrs *Petrusma* (Chair) (from 30 July 2019)
Dr *Broad* (Deputy Chair)
Mr *Brooks* (until 19 March 2019)
Mr *Shelton* (until 30 July 2019)
Mr *Tucker* (from 19 March 2019)
Dr *Woodruff*

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CHAIR'S FOREWORD

On behalf of the House of Assembly Select Committee on Firearms Legislation and Policy, I am pleased to present this report.

This Inquiry was established with tri-partisan support to be a platform for all stakeholders' views to be heard on Tasmania's firearms legislation and policy.

The Select Committee was tasked with investigating a number of issues. The Terms of Reference included: inquiring into and reporting on current and future firearms licensing regimes, including training and testing, licence renewal, licence infringement and licence categories; compliance with the provisions of the National Firearms Agreement; the roles of Tasmania Police, Firearms Services and the creation of a broad-based consultative committee; consideration of public submissions to the Legislative Council firearms laws inquiry; and any other relevant matters.

The Government in establishing the Inquiry stated that:

'We believe that inquiring into these issues and providing considered analysis will only serve to better inform public discussion and guide future policy. We remain committed as a government to making practical improvements to firearms laws, as has occurred more than a dozen times since 1996, but we do agree that there needs to be widespread community understanding and support for any change. The Government's overriding principle in relation to any proposed changes to the law continues to be that we will not do anything to undermine the National Firearms Agreement.'

The Inquiry, therefore, examined the vast range of issues and concerns of both proponents of firearm safety and firearm users. The Select Committee received 71 submissions and held six public hearings, in both Hobart and Launceston, with thirty-four witnesses. The Select Committee also considered the 101 public submissions received by the previous Legislative Council Committee.

All these submissions and public hearings provided the Select Committee with a detailed cognisance of the diverse range of views on firearms legislation and policy. This Report therefore endeavours to reflect this range of views.

On behalf of the Select Committee, I would like to thank all those who took their time to make submissions to the Inquiry and for sharing their invaluable experience and knowledge at our hearings about the many facets and impacts of firearms legislation and policy.

The Select Committee especially wants to acknowledge that the Port Arthur massacre in 1996 still causes trauma and pain for those who experienced it, and its profound effects are still felt by many today.

In closing, I extend my sincere gratitude to all the Members of the Select Committee as well as Mr Todd Buttsworth, Committee Secretary, for his excellent and tireless support.

Hon. Jacquie Petrusma MP
Chair

1 BACKGROUND, APPOINTMENT, TERMS OF REFERENCE AND CONDUCT OF THE INQUIRY

Background

- 1.1 On the 9 February 2018, the Tasmanian Government issued a policy document to a number of stakeholders outlining proposed changes to firearms legislation and policy in Tasmania.
- 1.2 According to the Government, the policy was created in consultation with the Tasmanian Firearms Consultative Committee.¹
- 1.3 The policy document included the following:
 - *the establishment of a Tasmanian Firearms Owners Council; a nine-member statutory body to provide advice to the Minister for Police and the Government generally, who's members would be paid and nominations open to major stakeholder bodies;*
 - *improving interactions between Firearms Services (FAS) and firearms owners;*
 - *establishment of a new Tasmanian competition shooting range;*
 - *broader firearms training and testing provisions to move away from the single provider model currently in place;*
 - *extended licence periods for up to 10 years for Category A and B firearms and 2 years for Category C firearms licenses;*
 - *infringement notices for minor storage offences, rather than a summons and removal of firearms;*
 - *establish a Memorandum of Understanding between the Government, Tasmania Police and the Tasmanian Farmers and Graziers Association (TFGA) to define firearms as 'tools of the trade' for primary producers and develop new approaches to their use. These would include new methods of carrying and conveying firearms, the provision for genuine employees to include contractors or agents of primary producers to be able to hold Category C licenses for crop protection and pest control. They would also permit Category C holders or crop protection permit holders to own and use sound suppressors in the course of the use of their firearms for primary production purposes;*
 - *clarify a number of requirements for harmonisation of regulations over target pistol events between jurisdictions;*
 - *replace the existing requirement that a competition clay target shooter wishing to use a Category C semi-automatic shotgun must belong to one*

¹ Hansard, 29 August 2018.

particular clay-target organisation, with a choice of approved clubs being made available;

- *amend Section 98 of the Firearms Act to clarify that for firearms received temporarily from interstate for repairs it is sufficient to have seen the interstate registration subject to normal reporting;*
- *re-define the term “manufacture” to allow certain repairs and assembly of firearms to take place;*
- *amend the Firearms Act to allow an owner to have a dedicated and secured room which can be designated a temporary “safe area” for the purposes of the reloading of ammunition;*
- *develop a protocol between Tasmania Police and antique firearms and militaria groups for the operation of shows, militaria and re-enactment events; and*
- *review Section 47 of the Firearms Act relating to anomalous restrictions on the collection and display of militaria such as trigger locks on inoperative antique pistols.²*

1.4 The Government advised that it would refer the following to a Tasmanian Firearms Council:

- *the creation of a new Category E to encompass all ‘prohibited firearms’;*
- *review and develop protocols for the carriage of firearms in public places in vehicles;*
- *review of “military appearance” firearms laws; and*
- *restrictions on carriage of ammunition across Bass Strait between Victoria and Tasmania.³*

1.5 The Government advised that it would refer the following to the Council of Police Ministers:

- *amendments to the National Firearms Agreement to harmonise firearms laws across jurisdictions; and*
- *the possibility of expanding the “reason to own” a Category C firearm to include competition shooting for recognised competition shooting events in Australia.⁴*

1.6 The policy document received significant media coverage with much public discussion focussed on the timing of the issuing of the policy document with the State election being held in March 2018, the lack of

² Legislative Council Select Committee on Firearms Law Reforms, Final Report at 4

³ Legislative Council Select Committee on Firearms Law Reforms, Final Report at 4-5

⁴ Legislative Council Select Committee on Firearms Law Reforms, Final Report at 5

a formal public announcement and inconsistencies between the policy with the National Firearms Agreement.

1.7 On the 27 February 2018, the Leader of the Opposition, the Hon. Rebecca White MP, released a policy document titled “Firearm Owners, Organisations and Clubs” outlining the Labor policy in relation to firearms legislation and policy in Tasmania.

1.8 The policy document included the following:

- *Examine the feasibility of replacing sworn officers within Tasmania*

Police Firearm Services (FAS) with a civilian based administration of suitably qualified personnel able to deal in a timely way with the specific administrative requirements of the service. This action will improve FAS operation and enable sworn officers to be redeployed away from administrative duties and back into front line policing;

- *Consult with firearm organisations and clubs to establish an agreed, formal expert based structure that is able to provide timely advice to Government on firearm policy and issues;*
- *Acknowledge the submission by farmer groups, particularly the Tasmanian Farmers and Graziers Association (TFGA) regarding regulatory issues encountered by farmers and others which frustrate and impede legitimate day to day use of firearms.*
- *Following the election of a Labor Government immediate action will be taken to meet and consult with the TFGA and others to address the legitimate concerns that have been highlighted;*
- *Move to introduce the use of infringement notices in lieu of a summons for very minor breaches of firearm storage regulations;*
- *The need for this change was highlighted in recent parliamentary debate relating to firearm storage; Recognise the genuine specialist use of reloaded ammunition for competitive target shooting and the special storage and transport issues that arise.*
- *Labor will address and resolve the interstate transfer restrictions on reloaded ammunition that is presently greatly reducing attendances at interstate target shooting events such as the Queens Prize events that have been in place for over 100 years;*
- *Recognise and support improved protocols for the safe keeping of antique firearms and their display;*

- *Support the use of firearms on registered ranges and will, where appropriate, assist clubs and organisations to develop secure, safe and appropriate facilities.*⁵

Legislative Council Inquiry

- 1.9 The Legislative Council resolved that a Select Committee be appointed to inquire into and report upon the impact of the Government's proposed firearms law reforms as outlined in the policy document of 9 February 2018.
- 1.10 The Legislative Council established the Legislative Council Select Committee on Firearms Law Reforms ("the Legislative Council Committee") on 22 May 2018.
- 1.11 The Inquiry received 111 submissions.
- 1.12 The Government had previously announced on 25 March 2018 its support for the establishment of an Inquiry.
- 1.13 The Government in its submission to the Inquiry advised that:

*... it would not progress its previously announced firearms law policy, and that it intended to review firearms policy after consideration of recommendations from the Committee.*⁶
- 1.14 The Legislative Council Committee in response to the Government's submission and public announcement of the same information, determined that the Inquiry should not progress.
- 1.15 The Legislative Council Committee tabled a short final report on 30 August 2018 titled *Legislative Council Select Committee on Firearms Law Reforms, Final Report*.

Appointment and Terms of Reference

- 1.16 The Government stated their disappointment with the decision of the Legislative Council Committee to not progress with the Inquiry.⁷
- 1.17 The then Minister for Police, Fire and Emergency Management, the Hon. Michael Ferguson MP, announced in the House of Assembly:

As we all know, the Legislative Council members concerned have decided not to proceed, and while disappointed with that we respect that, so it was a question

⁵Hon. Rebecca White MP, "Firearm Owners, Organisations and Clubs", February 2018

⁶ Legislative Council Select Committee on Firearms Law Reforms, Final Report at 5

⁷ Hon. Michael Ferguson MP, Hansard, 29 August 2018.

then of how to progress. The Government indicated that, in keeping faith with those many Tasmanians - I think more than 100 Tasmanians and organisations - who had made submissions to that inquiry, we would move in this House to establish an equivalent committee of the House of Assembly to inquire into firearms laws and inform future policy.

It is intended that this parliamentary committee will have the same ability to consider all of the submissions made to the inquiry in the other place, with the exception of confidential submissions we do not have access to. I am hopeful and the Government hopes the proposed committee of this House will explore each individual element of the policy we released earlier this year, as well as the policies of other political parties or other stakeholder groups.

We believe that inquiring into these issues and providing considered analysis will only serve to better inform public discussion and guide future policy. We remain committed as a government to making practical improvements to firearms laws, as has occurred more than a dozen times since 1996, but we do agree that there needs to be widespread community understanding and support for any change. The Government's overriding principle in relation to any proposed changes to the law continues to be that we will not do anything to undermine the National Firearms Agreement.⁸

- 1.18 The then Minister for Police, Fire and Emergency Management moved a motion to establish the Select Committee on Firearms Legislation and Policy ("the Committee") on 29 August 2018. The motion was agreed to by the House without a vote, following a number of amendments.
- 1.19 The Committee was established by resolution of the House of Assembly on 29 August 2018 with the following Terms of Reference:
 - 1) A select committee be appointed with power to send for persons and papers to inquire into and report upon current firearms laws, with the following terms of reference:-
 - a. current and future firearms licensing regimes, including training and testing, licence renewal, licence infringements and licence categories;
 - b. compliance with the provisions of the National Firearms Agreement;
 - c. the roles of Tasmania Police, Firearms Services (FAS) and creation of a broad-based consultative group;
 - d. consideration of public submissions to the Legislative Council firearms laws inquiry in relation to (a), (b), and (c) above; and
 - e. any other matters incidental thereto.

⁸ Hon. Michael Ferguson MP, Hansard, 29 August 2018.

- 2) *That the following Members of this House be appointed to serve on the committee:-*
 - a. *Mr Shelton (Chair),*
 - b. *Mr Brooks,*
 - c. *Dr Broad (Deputy Chair), and*
 - d. *one Member nominated by the Leader of the Greens.*
- 3) *The Chair of the Committee has a deliberative and a casting vote.*
- 4) *A quorum for any meeting of a committee shall be three (of whom one is the Chair of the committee or Deputy Chair).*
- 5) *That the committee report by 14 March 2019.*
- 6) *That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.*

1.20 The Terms of Reference for the Committee were amended by resolution of the House of Assembly to permit an extension of the reporting date as well as affect changes in membership of the Committee.

1.21 As of 30 July 2019, the Terms of Reference for the Committee are:

- 1) *That a Select Committee be re-appointed with power to send for persons and papers to inquire into and report upon current firearms laws, with the following terms of reference:*
 - a. *current and future firearms licensing regimes, including training and testing, licence renewal, licence infringements and licence categories;*
 - b. *compliance with the provisions of the National Firearms Agreement;*
 - c. *the roles of Tasmania Police, Firearms Services (FAS) and the creation of a broad-based consultative group;*
 - d. *consideration of public submissions to the Legislative Council firearms laws inquiry in relation to (a), (b) and (c) above; and*
 - e. *any other matters incidental thereto.*
- 2) *That the following members of this House be appointed to serve on the committee:-*

- a. Hon. Petrusma (Chair);
 - b. Dr Broad (Deputy Chair);
 - c. Mr Tucker; and
 - d. One Member nominated by the Leader of the Tasmanian Greens.
- 3) The Chair of the Committee has a deliberative and a casting vote.
 - 4) A quorum for any meeting of a committee shall be three of whom one is the Chair of the Committee or Deputy Chair.
 - 5) That the committee report by 12 November 2019.
 - 6) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

and the Minutes of proceedings of and the evidence taken by the Committee appointed for this purpose in the previous Session be referred to the Committee.

Membership of the Committee

- 1.22 The Member for Franklin, Dr Rosalie Woodruff MP was the Member nominated by the Leader of the Tasmania Greens.
- 1.23 There were two changes to the membership of the Committee during the Inquiry.
- 1.24 On 19 March 2019, the Member for Lyons, Mr John Tucker MP, replaced Mr Adam Brooks MP upon his resignation from the House of Assembly.
- 1.25 On 30 July 2019, following the conclusion of the receiving of submissions and the public hearings of the Inquiry, the Member for Franklin, the Hon. Jacquie Petrusma MP was appointed as the Chair of Committees and as such replaced the Hon. Mark Shelton MP who had been appointed as the Minister for Police, Fire and Emergency Management.

Conduct of the Inquiry

- 1.26 The Committee noted each of the submissions received by the Legislative Council Committee. The Committee wrote to each of the submitters of the Legislative Council Committee Inquiry and advised them that their submissions would be considered as part of this Inquiry

and that the Committee would welcome any additional new information they may wish to provide.

- 1.27 The Committee resolved to invite, by way of advertisement on the Parliament of Tasmania website and in the three major Tasmanian newspapers, interested persons and organisations to make a submission to the Committee in relation to the Terms of Reference. In addition to such general invitation, the Committee directly invited a number of persons and organisations to make a submission to the inquiry.
- 1.28 The Committee received 71 submissions and held six public hearings, including four in Hobart and two in Launceston, with thirty-four witnesses.

Christchurch mosque shootings

- 1.29 On 15 March 2019, there were two consecutive terrorist shooting attacks at mosques in Christchurch, New Zealand. The attacks killed 51 people and injured a further 49 people.
- 1.30 The alleged perpetrator was a licenced firearms owner who carried out the attacks using legally purchased semi-automatic weapons, including an AR-15 style rifle, shotguns and a lever-action firearm.
- 1.31 In response to the attacks, the New Zealand Parliament passed the *Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019* that amended the *Arms Act 1983* to prohibit semi-automatic firearms, magazines, and parts that can be used to assemble prohibited firearms. The aim of the amendment was:

*... tightening gun control to increase the safety and security of New Zealanders by reducing the risk of death or injury from guns. The Bill recognises the extreme harm that results from the misuse of semi-automatic firearms.*⁹
- 1.32 Submissions to this Inquiry were received and the testimonies of witnesses at the first three public hearings were taken prior to the Christchurch mosque shootings occurring.

⁹ Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill (New Zealand), Explanatory Note

2 RECOMMENDATIONS

Recommendation 1: The Committee recommends that the Tasmanian Government remains committed to the National Firearms Agreement, which affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety.

Recommendation 2: The Committee recommends that the Tasmanian Government reviews legislation in relation to the theft and usage of stolen firearms and ammunition to ensure that these offences carry appropriate penalties to deter offending.

Recommendation 3: The Committee recommends that the Government ensures that Firearm Services has the resources and staffing required for improved interactions and important service delivery, including development of information to improve public awareness of legislation and services; and to ensure that applications, renewals, background checks, risk alerts (for example suicide, family violence, mental illness) and concerns of licence holders are processed as quickly and thoroughly as possible.

Recommendation 4: The Committee recommends the Tasmanian Government, through the National Firearms Agreement, advocates for national uniformity in relation to: transport of firearms and ammunition; licence categories; emerging issues regarding advancements in firearm technologies; the usage of Category H firearms for sports shooters; a national firearms safety training course; and sound suppressors.

Recommendation 5: The Committee recommends that Firearms Services and medical authorities undertake a formal review to resolve matters relating to the duty to notify concerns about persons believed to have firearm licences, and that this is followed by an education campaign, including the production of appropriate information resources.

Recommendation 6: The Committee recommends that the Tasmanian Government, through Firearm Services, develops and implements solutions to address the peaks every five years in licence renewal applications and for the solutions to be acted on prior to 2022.

Recommendation 7: The Committee recommends that the Tasmanian Government, through Firearm Services investigates the efficiencies, accountability, privacy and security risks involved in an online licencing system.

Recommendation 8: The Committee recommends that the Tasmania Government advocates for a nationally recognised firearms safety course to be developed and implemented in accordance with the National Firearms Agreement.

Recommendation 9: The Committee recommends that until a nationally recognised firearms safety course is developed, TasTAFE should continue as the single provider of firearms safety training and does have the required resources to enable an increase in the number of firearm safety training courses being offered state-wide as well as providing the course in more regional areas.

Recommendation 10: The Committee recommends that Firearm Services provides more educative material and advice to firearm owners about the detail of the firearms legislation in practice.

Recommendation 11: The Committee recommends that Tasmania Police and Firearm Services investigate best practice methods from other jurisdictions that enhance the safety for inspectors, firearm owners and members of the public when undertaking storage inspections.

Recommendation 12: The Committee recommends that the public safety risks and potential benefits in the use of sound suppressors by primary producers for the purposes of crop protection needs to be resolved at the national level and included in the National Firearms Agreement.

Recommendation 13: The Committee recommends that in relation to transporting firearms and ammunition on the TT Line, as the issues raised involve multiple jurisdictions and interstate transportation, that the Tasmanian Government resolves these concerns at the national level.

Recommendation 14: The Committee recommends that the current system of issuing minor permits in Tasmania should be maintained.

Recommendation 15: The Committee recommends that the Tasmanian Government increases engagement with all stakeholders, including both the proponents of firearm safety and firearm users, to ensure that their respective concerns are heard and they are better informed about the National Firearms Agreement, State legislation and services.

3 NATIONAL FIREARMS AGREEMENT

Port Arthur

3.1 At Port Arthur in 1996, there was a shooting massacre in which 35 people were killed and 23 wounded. In response, there was a national outcry for stronger firearms regulation. The State and Commonwealth Governments, led by the Prime Minister, the Hon. John Howard MP, responded with a national agreement on firearms (commonly known as the “National Firearms Agreement”) made by the Australasian Police Ministers’ Council. All State Parliaments, including Tasmania with tri-partisan support, passed legislation to give effect to the National Firearms Agreement within 12 days of the massacre.

3.2 The National Firearms Agreement Opening Statement, as at February 2017, states that:

1. *The National Firearms Agreement constitutes a national approach to the regulation of firearms. The Agreement affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.*
2. *This Agreement sets out minimum requirements in relation to the regulation of firearms. Nothing in this Agreement prevents jurisdiction from adopting additional - including more restrictive - regulations.*
3. *Having regard to the National Firearms Trafficking Policy Agreement, first agreed in 2002, jurisdictions agree to establish or maintain substantial penalties for the illegal possession of a firearm.*

3.3 The National Firearms Agreement contained the following resolutions:

- *To ban the use of automatic or semi-automatic firearms except for military, police, and occupational categories of shooters who have been licensed for a specified purpose.*
- *To establish an Effective Nationwide Registration of All Firearms.*
- *That personal protection not be regarded as a genuine reason for owning, possessing or using a firearm.*
- *Established classifications for use to define genuine reasons why an applicant must demonstrate for owning, possessing or using a firearm.*
- *Established license requirements, including the applicant must:*

- Be aged 18 years or older
- Be a fit and proper person
- Be able to prove their identity
- Undertake safety training
- Established grounds for license refusal or cancellation and seizure of firearms
- Established licence categories for different firearms
- Mandated a 28-day ‘waiting period’ prior to the issuing of all firearms permits.
- Established a maximum 5 year license period.
- Established uniform standards for the security and storage of firearms.
- Established restrictions and requirements on sales of firearms.
- Established that after an amnesty period, there would be severe penalties for breaches of the firearms control laws.
- Established a compensation scheme to purchase (“buyback”) and retire guns from circulation.¹⁰

3.4 The National Firearms Agreement had overwhelming public support at its inception and this support for strong legislation in relation to firearms continues.

3.5 According to Gun Control Australia:

In late 1996 in the order of 88% of the Australian community supported the national uniform gun laws. In March 2018 an Essential Poll showed that approximately the same number of Australians – 87% - regarded Australia’s gun laws as either suitable, or too weak.¹¹

3.6 The Committee received a significant number of submissions supporting the National Firearms Agreement.

3.7 Many submissions highlighted the tragic effect the Port Arthur massacre had on the Tasmanian public and that the suffering continues for many. These submissions overwhelmingly opposed any changes to the firearms legislation.

¹⁰ Australasian Police Ministers’ Council, Special Firearms Meeting, Resolutions, 10 May 1996.

¹¹ Submission No 65, p2

3.8 Hon. Michael Field AO, Port Arthur Historic Site Management Authority, stated:

... Any decision on gun laws has to be seen in the context of the relative impact on Tasmanians. This is beyond statistics. It needs to be seen in the context of those people who went through the trauma and how it will affect them, compared to any changes that would convenience gun owners, and I would say that the impact would be far more traumatic for those people who were involved in it.

3.9 The Port Arthur Historic Site Management Authority stated:

The gun law reforms that were initiated following the Port Arthur Massacre in April 1996 was the most significant positive outcome of this horrendous event.

The international, national and local significance of this Australian Government initiative cannot be downplayed, more particularly in the context of the multiple devastating massacres taking place in some countries as a result of poorly controlled gun access statutes. It is disappointing but unavoidable to highlight the United States as an exemplar of how the tragedy of irresponsible gun control is playing out.

We note for the community that the Port Arthur, Tasman region and other communities do not see the tragic event of 1996 as 'history'. One of the legacies of this violent episode is the trauma and emotional distress that remains palpable still today. It is an ongoing and lived experience for many, despite the passage of 22 years. At the request and endorsement of our Port Arthur Community Advisory Committee we have only recently felt it appropriate to provide our visitors to the Historic Site with facts and interpretation about what happened on and after 28 April 1996. One of the more significant messages is that of the subsequent gun law reforms and their importance in a national and international context.¹²

3.10 Ronald Cornish stated:

The Port Arthur massacre of 1996 had a profound effect on all Tasmanians, an effect that is still felt today, for those who experienced it and who were affected by it.

The laws passed by both houses in 1996 have put Australia to the forefront in gun control legislation.

At the time there was a strong lobby group opposed to those reforms, but to the credit of Prime Minister Howard and all State Premiers, an agreement was reached and legislated.

Subsequently an arsenal of firearms was forfeited to Police, which I believe has resulted in a drop in firearm offences and firearm related suicides.

¹² LC Submission No 108, p1

I do not support any amendments to Tasmanian legislation that would weaken any of those reforms.¹³

- 3.11 Mr Robbie Moore, Health and Community Services Union, quoted Pru Preschar who argued that it was the access to firearms that exacerbated the violence and damage by the perpetrator:

I had the privilege of working in the immediate aftermath of the community recovery of the Port Arthur massacre. I, along with other health professionals, provided support for survivors of the shootings at [the perpetrator's] trial. I sat through the evidence presented at the trial and a very clear picture emerged.

[The perpetrator] was an angry misfit with a chip on his shoulder who had lost his main supports and stabilisers in his life. If he had taken a knife to somebody and killed them, as originally he planned to do according to the psychiatric reports tendered to the court, he would only have inflicted that single crime on the community. A single murder would have been a personal tragedy for those affected, but not community-wide tragedy that occurred. [The perpetrator's] easy access to weapons of immense power changed everything. Automatic weapons and their lethal capabilities gave him a heightened sense of power and more attractive means of extracting revenge on settling grudges. These weapons gave him the means to kill a lot of people very quickly.¹⁴

- 3.12 A number of submissions to the Inquiry considered that the massacre at Port Arthur was not an isolated incident and that firearm violence was prevalent at the time. Many of these submissions argued that the National Firearms Agreement and associated legislation has resulted in a significant decrease of firearm-related injury and death.

- 3.13 Ellen and Finn Seccombe stated:

It is important to note that the Port Arthur massacre in 1996 was not an isolated anomaly.

In the decade prior to 1996 there were 11 mass shootings in Australia. The importance of strong regulatory reform as an effective means for preventing mass shootings and gun deaths is highlighted, over and over again, by experts and researchers."¹⁵

- 3.14 Dr Phill Pullinger, Medics for Gun Control, stated:

In Tasmania, before Port Arthur, we had so much more gun injuries, death and health problems than we have had subsequent to the implementation of the National Firearms Agreement. In Australia in the 18 years before the Port Arthur massacre there were 13 mass shooting events. A mass shooting being an incident that involves more than five people other than the shooter themselves being killed. This was not a one-off event, even though Port Arthur was the worst

¹³ Submission No 2, p1-2

¹⁴ Transcript of evidence, 30 November 2018, p68

¹⁵ Submission No 19, p2

example; this was actually something that was happening in Australia as a semi-regular occurrence.

In the 20 years since the National Firearms Agreement was put in place there wasn't a single mass shooting event in Australia. That is in stark contrast to America where there is a more *laissez faire* approach to gun regulations. Similarly, overall rates of gun deaths in Australia have plummeted since those laws were brought into place.¹⁶

3.15 The interim Commissioner for Children and Young People stated:

The State of Tasmania was a signatory to the 1996 National Firearms Agreement (NFA), and subsequently ratified the February 2017 NFA, amalgamating the 1996 NFA and 2002 National Handgun Agreement.

These landmark agreements form the basis of the Commonwealth, State and Territory governments' continuing commitment to the consistent regulation of firearms acquisition, possession and usage in Australia, for the protection of all Australians. There is evidence of a more rapid decline in firearms deaths following the ratification of the NFA, compared with the years before and, specifically:

- from 1979 to 1996, 13 fatal mass shootings (involving five or more deaths) occurred, while over the years 1997 to May 2016 no fatal mass shootings occurred; and
- from 1979 to 1996, the mean rate of total firearms deaths was 3.6 per 100,000 population, while from 1997-2013 the mean rate was 1.2 per 100,000.

I strongly advocate for the continued commitment by the Tasmanian Government to the resolutions of the NFA, as a means to continue to improve the protection of all Tasmanians, and particularly children and young people, from the harmful impacts that access to firearms in the community can have.¹⁷

3.16 Stephen Large, Port Arthur Historic Site Management Authority, stated:

We respectfully suggest that Port Arthur was not the problem, but rather the fact that a mentally deranged young man could readily gain access to the firearms that killed 35 people, wounded many more, and changed forever the lives of so many people. As such, we believe that to weaken the current firearm laws would be totally inappropriate, particularly when measured against other countries like the United States of America and other places that do not have strong firearm laws and where shootings occur so frequently and have such a profound effect on innocent people.¹⁸

3.17 Janine McKinnon stated:

¹⁶ Transcript of evidence, 10 December 2018, p1

¹⁷ Submission No 24, p 2

¹⁸ Transcript of evidence, 10 December 2018, p17

I am deeply concerned about what may happen in our community in Tasmania if gun laws are relaxed. They were changed as a result of the Port Arthur massacre in 1996 for cogent reasons. I see no sensible reason that the current laws pertaining to access by the public to firearms should be changed. I see no reason that government would wish to change these laws unless they are being influenced by persons or organisations outside the better interests of the general Tasmanian population, or for political reasons not to the benefit of the general Tasmanian community.¹⁹

3.18 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated:

The ANMF (Tasmanian Branch) support the National Firearms Agreement (1996); National Firearm Trafficking Policy Agreement (2002); and National Handgun Control Agreement (2002). The ANMF (Tasmanian Branch) would not support any changes to the current legislation and believe that any changes to the current legislation would increase the potential or actual risk of injury, violence (including domestic violence), suicide and deaths among the Tasmanian Community.²⁰

3.19 The Australian Injury Prevention Network stated:

We would like to register our concern that any relaxation in the terms of ownership, licence, transportation or classification of firearms risks undermining the spirit, intention and positive impact of the NFA. We believe that all Australian states and territories should be held to and be able to demonstrate compliance with the NFA (and that the Commonwealth should be called on to ensure states and territories are in compliance). The AIPN also believes that prior to any relaxation or changes to the NFA a consultation process with a broad professional group beyond firearm owners, firearm user groups and the firearm industry who can represent public interest, legal considerations and public health must occur and we are willing to represent injury prevention professionals in any such endeavour. Any move to normalise gun ownership or create a belief that gun ownership is a 'right' or 'requirement' in Australia should be met with the strongest opposition in order to preserve public safety. The AIPN supports retaining strict gun control and compliance with the existing NFA.²¹

3.20 A number of submissions by firearm owners provided their support for the current firearms legislation and argued against any changes.

3.21 Dr Robert Ward Smith stated:

When I migrated to Australia in 1969 I was surprised at the casual attitude to firearm ownership and there was little interest by the customs when I imported a 12 gauge shotgun and a .22 rifle. Frankly I was amazed at the casual approach to gun ownership and it was only after the Port Arthur massacre that a proper policy for gun control was put in place.

¹⁹ Submission No. 7, p1

²⁰ LC Submission No 87, p4

²¹ LC Submission No 98, p2

As someone who has held a general big game licence and owned a number of weapons I am not opposed to gun ownership and think our population is well served by the necessary restrictions that followed the Port Arthur event.

I was a farm owner for 25 years at Rowella and we did have the occasional problem of hunters trespassing seeking to hunt and that ended with the tighter regulation that followed Port Arthur.

In conclusion I think we are well served by the current regulations and I think we should strongly resist any change which increases gun ownership, and in particular any change that allows automatic or semi-automatic mechanisms.

The only accidental firearm fatality I have known was caused by an automatic shotgun in the hands of an occasional weekend hunter.²²

3.22 Michael Buky stated:

As a registered rural firearms owner with 60 years' experience in their use, the current Tasmanian firearm regulations get the balance about right.

The rigorous training, licensing, categorisation and renewal regime, although demanding, strikes the correct balance between permitted usage and public safety.

It is also essential that the Tasmanian firearms regime continues to comply with the National Firearms Agreement (NFA) in order to ensure the relatively low rate of firearms offences Australia-wide. Failure to comply with the terms of the NFA will weaken the agreement and is something for which Tasmania will be held in future contempt.²³

3.23 Dr Sorrel Standish-White stated:

I have been associated with an agricultural property for thirty years where vermin control has been an ongoing problem. At no time has the NFA impeded the vermin control. My family and I feel safe knowing that the weapons used on the property are correctly stored and registered and the persons licensed to use them have had suitable training. All the gun owners I know are comfortable with and supportive of the NFA in its present form.²⁴

Compliance with the National Firearms Agreement

3.24 The majority of submissions to the Inquiry opposed changes to firearms legislation in Tasmania that would breach the National Firearms Agreement. A number of submissions argued that the firearms legislation be strengthened to ensure greater compliance with the National Firearms Agreement.

²² Submission No 30, p1

²³ Submission No 63, p1

²⁴ Submission No 38, p1

3.25 Royal Australasian College of Surgeons stated:

RACS recommends that the National Firearms Agreement be more rigorously implemented and strengthened. Warner and Sherwood found in 2006 that there are inconsistencies between the states, and a number of states have failed to adhere to the Agreement in terms of licensing and the transport of firearms. RACS recommends that loopholes are closed in areas where there has been non-compliance.

...

Loosening of gun laws and allowing a gun lobby to provide advice to government on matters of the NFA would encourage an unhealthy and unnecessary gun culture. Those at the forefront of trauma and injury as a direct result of the use of firearms are best placed to provide this advice; first responders, health experts, victims groups and firearms safety groups. Rather than erode the progress of the NFA, these groups will advise on how to reduce injury and death from guns.²⁵

3.26 Terry Slevin, Public Health Association Australia, stated:

We think the National Firearms Agreement could be tightened and improved. One example I raised late last week was the issue of alcohol and the fact most legislation around Australia suggests that the use of firearms, particularly when the user is intoxicated, yet it is not defined. We have all defined intoxication when it comes to road safety at 0.05; it is objective and measurable. It seems strange that is not applied equally with the firearms law. That is an area where if we were to open discussion with regard to the National Firearms Agreement there are a couple of basic principles. One is it shouldn't be weakening that agreement and two, it should be nationally applied. In short, we are not enthusiastic about any jurisdiction, Tasmania or any other, watering down the National Firearms Agreement.²⁶

3.27 The Alannah & Madeline Foundation stated:

... we have the view that is shared by the majority of Australians that our current laws are satisfactory or could be tighter. There is no public support for relaxing our gun laws. It is only a very small group of firearm manufacturers, importers, owners and users that insist on change. Unfortunately, it is this group that is well organised, well-resourced and exerts influence to call for change that is not supported outside of their fraternity.

The Committee should resist this call for change and listen to the majority of Tasmanians.²⁷

3.28 The Australian Medical Association argued that any dilution of the law will increase the risk of firearm related injury and death in Tasmania, but will also set an awful national precedent:

²⁵ Submission No 70, p5

²⁶ Transcript of evidence, 10 December 2018, p43

²⁷ Submission No 13, p3

*AMA Tasmania and AMA Federal are strong supporters of the National Firearms Agreement and a commitment to a consistent legislative approach across all jurisdictions. However, inconsistent regulations across States and Territories, combined with strong lobbying from firearm bodies to weaken firearm laws, and a rise in numbers of illegal and stolen firearms, all constitute a threat to the continued successful operation of the National Firearms Agreement.*²⁸

- 3.29 Samuel Diprose Adams proposed that the current legislation be amended to include an express provision stating the purpose of firearms legislation:

In my opinion, it would be both useful and symbolic to amend the Firearms Act to include a specific section expressly stating the purpose of the act.

*I recommend modelling such a section on section 1 of the Firearms Act 1996 of Victoria; however, for clarity, effectiveness and fairness, I would amend the act to state that, first, public safety is the primary purpose of firearms legislation; second, national uniformity is a subsidiary purpose of firearms legislation; third, firearms legislation should place no greater burden on firearms owners and users than is reasonably necessary in order to achieve the purposes of the act; and fourth, the Commissioner must have due regard to the purposes of this act in performing the Commissioner's functions and exercising the Commissioner's powers conferred by this Act.*²⁹

- 3.30 The Committee received some submissions that opposed Tasmania continuing to support the National Firearms Agreement.

- 3.31 Carlo Di Falco, Shooters, Fishers and Farmers Party, stated:

*How does Tasmania without the NFA look? I can tell you. I lived in the pre-NFA Tasmania and it was every bit as safe as we are today. As a teenager I walked to K-Mart and bought my first semi-automatic .22. Grabbed it in a box, walked three blocks around the corner and nobody called the police. I put it in a gun bag, jumped on a bus and I went to visit my friend's place at Risdon Vale. We went bunny hunting at the rear of it, with no harm to anybody.*³⁰

- 3.32 Alistair Shephard, Shooters Union Tasmania, stated:

In Australia we have some of the most poorly constructed and draconian laws in the world. The National Firearms Agreement is not held up as the envy of firearms legislation in the world; rather, it tends to be more of a laughing stock. It unfairly treats and vilifies firearms owners of their choice of sport or recreation. The NFA was brought in based on fear and using the untimely death of innocent people at the hands of a criminal and has only restricted those who choose to follow the law. Criminals run free with whatever weapons they choose.

²⁸ LC Submission No 81, p2

²⁹ Transcript of evidence, 14 June 2019, p40

³⁰ Transcript of evidence, 30 November 2018, p37

The NFA has never been and never will be a binding document for each state to follow. We at Shooters Union Tasmania think Tasmania should take a stand and reject the NFA, move to make our own legislation that suits our state and say no to being told by our federal government what is best for our state.³¹

- 3.33 Peter Skillern, Tasmanian Farmers and Graziers Association, stated the National Firearms Agreement is not equally legislated in the various jurisdictions:

I reiterate again, we are not seeking nor suggesting in any shape or form there should be a deviation from the National Firearms Agreement. Having said that, it is very clear that is more in name than actual practice. When you look around the various states, every state has interpreted that agreement and there are a number of states that are well outside that agreement. To suggest it's a National Firearms Agreement doesn't stack up to scrutiny. We're talking about Tasmania and that's our position.³²

- 3.34 Donald Jones, Tasmanian Farmers and Graziers Association, stated:

The NFA is convenient to use for some purposes but not convenient to use for the other. If I look at the NFA on just some small things, New South Wales and South Australia have sound suppressors in their legislation. Western Australia has pistols for farmers. There are no storage requirements constant throughout the jurisdiction and firearms training is not recognized between states. Where is the NFA? That is a ridiculous thing to try to use the NFA as a tool rather than look at the balance argument on the proper procedure of where the problems are, and constructively we try to address them. That is what we are trying to do, address them.³³

- 3.35 The Committee received evidence from firearm owner representatives that Australia's firearms laws should reflect other countries' laws, particularly New Zealand's.

- 3.36 The Shooters, Fishers and Farmers Party, stated:

The country that most closely mirrors Australia's culture and character is New Zealand.

New Zealand has rated 2nd in the Global Peace Index for the last 5 years ahead of Australia. In 2011 and 2012 New Zealand only recorded 3-firearm murders for those years and most years are single figure. Like Australia, New Zealand had a cluster of mass shooting that also resolved themselves. There were 3 mass shootings in New Zealand in 1997 and despite this; they did not conduct a buyback.

New Zealanders are allowed to own high-powered semi auto rifles on their ordinary Cat A license. This includes AR 15s and AK 47s. They disbanded their

³¹ Transcript of evidence, 3 December 2018, p2

³² Transcript of evidence, 10 December 2018, p32

³³ Transcript of evidence, 10 December 2018, p34

firearms registry in 1983, they only register Military Style Semi Autos i.e. large capacity magazines, handguns and light and heavy machine guns.

This is further proof that taking firearms and registering the rest is a pointless exercise.

It is high time that restrictions on law abiding citizen be removed and replaced with appropriate penalties for criminal use of firearms instead.³⁴

3.37 Alistair Shephard, Shooters Union Tasmania, stated:

New Zealand has a very similar culture to Australia. It isn't exactly the same, but they have no firearms registry. They have a lot more freedom, once they have proved they are a fit and proper person to hold a licence, as to what types of firearms they can have. At some point in their political past they have looked at firearms registration and scrapped the idea as an overt cost. I don't believe they have enshrined it in their constitution, or whatever, that it is a right. I still think that a lot of the things we have in life that people would take as rights are privileges: owning a car, having a car driver's licence, it is not a right that is a privilege.³⁵

3.38 Carlo Di Falco, Shooters, Fishers and Farmers Party, stated:

New Zealanders are allowed to own high powered semiautomatic rifles on their ordinary Category A licences. This includes AR-15s and AK-47s. The only restrictions are that they are not allowed to have larger than seven-round magazine on those. If they have a larger magazine, that becomes a military-style semiautomatic and goes into another category. They disbanded their firearms registry in 1983 and they only registered military-style semi-automatics, large-capacity magazines, handguns and light and heavy machine guns. Incidentally, there are collectors with machine guns; they are not disabled, they are fully functional, and there are about 1500 of them registered in New Zealand. This is further proof that taking firearms and registering the rest is a pointless exercise. New Zealand and Canada have both disbanded their firearms registry with no increase in crime.³⁶

3.39 Alistair Shephard, Shooters Union Tasmania, stated:

Once a person has proved they are a fit and proper person and that they can safely store their firearms, they should be free to go ahead and purchase whatever they have the funds to purchase. The further restriction of what firearms we can own is just onerous and a waste of time. Many countries that have a similar culture to Australia seem to trust its citizens with firearms, including semiautomatic firearms and suppressors, and they do not seem to have the apparent problems that the anti-gun crowd will tell you will happen in Australia if we did have access to them. New Zealand is a great example I would turn to.³⁷

³⁴ Submission No 64, p3

³⁵ Transcript of evidence, 3 December 2018, p14

³⁶ Transcript of evidence, 30 November 2018, p39

³⁷ Transcript of evidence, 3 December 2018, p2

- 3.40 The Committee notes the quotes in paragraphs 3.38 to 3.41 are from evidence received prior to the Christchurch mosque shootings.
- 3.41 A number of submissions to the Inquiry argued that any changes to Tasmanian firearms legislation should be part of a national process.
- 3.42 Hon. Michael Field AO, Port Arthur Historic Site Management Authority, stated:

I would like to put Tasmania's review of gun laws in an international and national context. Anything we do as a state, by definition, because of the events that stimulated and enabled Australia to pass gun laws, will be picked up nationally and internationally. Internationally, if we weaken gun laws it would be picked up by every gun advocate lobby in the world and it would get press around the world, particularly if we break from the national gun agreement. That is the second point.

To me, if there is going to be any change in gun laws it should only happen on a national basis, certainly not from Tasmania, but from a national basis based on the agreement of all the states and the Commonwealth. To do otherwise would have profound impacts not only on the reputation of Tasmania, and from my point of view an adverse effect on the reputation of Tasmania, but would also provide support to those people who advocate the extremes of gun ownership around the world.

At a national level these gun laws were very significant and on the twentieth anniversary I talked to John Howard about it. This is something he is extremely proud of, and if you see him and Tim Fischer, the former leader of the National Party, if you talk to them, this is one thing they are extremely proud of achieving. So for any changes we make we need to be well aware that we are representing all Tasmanians.

My final point is that every time there is a massacre anywhere in the world there is a reference to Australia's gun laws. I am sure you have noticed that. It is always referred back to Port Arthur.

...

If I was talking to any national body about this, I would be reinforcing that any move Tasmania makes needs to be in concert with the rest of Australia. Any change made by Tasmania should be agreed to by the rest of Australia. If there are moves away from that, however minor, that weakens the whole. That statement of principle would be critical. You may say that others have moved, but that's like the kid at home saying, 'my brother had one, I want one, too'.

...

Practically if you want change and you want it rational then you have to choose the forum that you put that change up. That to me is the best way to get reflection about it, either way, would be to say, 'let's take that to a national body', and if the farmers' federation, TFGA, I would be asking them, 'what is your national policy?' Have you got a universal national policy? Why not? Have you

*gone to national bodies and put it up? How did you go? If you are coming to us and want us to do something about it unilaterally, what have you done about it nationally? That is what I would be saying to them.*³⁸

3.43 Hon. Michael Field AO stated:

I am not an expert on guns, I have never owned a gun, and I am not speaking for my colleagues here, but it comes down to process. The process has to be that Australia moves in unison with any change. If there was a breakdown with one state moving unilaterally, that gives permission for other states to do the same in their narrow interest or within a state with a sectional interest within that state bringing about changes for whatever purpose.

*If I was advising this Committee, my advice would be that you come back with the process for change rather than recommended change on substance. To me, the process is that we as a country act on this nationally. If it breaks down locally because of the nature of Australia, there would be problems with borders and there would be problems with states acting unilaterally on other matters that we didn't necessarily agree with. To me, that is the challenge for this Committee.*³⁹

3.44 Terry Slevin, Public Health Association Australia, stated:

*My opinion is that if there is change on that front, it is best done through a process of national negotiation with all consideration and careful examination. I am concerned about any jurisdiction starting to create further opportunities when there might be community safety concerns. As to detailed evidence about a decrease in community safety, I am not aware of any detailed evidence on that. Let's actually see a greater compliance with the existing agreement and talk toward modifications, let's engage in a national process to get everybody agreeing in the context of the way forward.*⁴⁰

Committee Comment

- 3.45 The Committee strongly supports the National Firearms Agreement.
- 3.46 The Committee acknowledges that the Port Arthur massacre in 1996 still causes trauma and pain for those who experienced it, and its profound effects are still felt by many today.
- 3.47 The Committee recognises that Australia's and specifically Tasmania's gun laws are internationally-recognised for protecting public safety.
- 3.48 The Committee finds there was strong support among respondents for the Tasmanian Government to adhere to the resolutions of the National Firearms Agreement.

³⁸ Transcript of evidence, 10 December 2018, p15, 18, 21

³⁹ Transcript of evidence, 10 December 2018, p17-18

⁴⁰ Transcript of evidence, 10 December 2018, p44

- 3.49 The Committee notes the strong opposition expressed by a significant number of respondents in relation to any changes to firearms legislation.
- 3.50 The Committee notes that despite the resolutions of the National Firearms Agreement, there are significant inconsistencies in firearms legislation between Australian jurisdictions including some breaches of the National Firearms Agreement.
- 3.51 The Committee considers that any changes to Tasmania's legislation must comply with the National Firearms Agreement.
- 3.52 The Committee does not support aligning Tasmania's laws with other jurisdictions if that results in a breach of the National Firearms Agreement.

4 PUBLIC HEALTH AND SAFETY

- 4.1 The Committee heard the National Firearms Agreement and associated legislation had resulted in a significant reduction in firearms-related injuries and deaths since 1996.

- 4.2 Dr Phill Pullinger, Medics for Gun Control, stated:

As to the trend in gun violence in Australia... there was a downward trend in gun deaths in Australia prior to the National Firearms Agreement. But that trend dramatically increased after the Port Arthur gun laws were put in place. There is no other change in laws or change in society that can logically explain why a slight downward trend dramatically increased after those laws were put in place. There are a number of very good epidemiological studies that have analysed these changes and analysed the reduction in deaths. They have very strongly pointed toward the laws as being the reason why we have had such an improvement.⁴¹

- 4.3 Terry Slevin, Public Health Association Australia, stated:

Essentially, we recognised the National Firearms Agreement as one of the top 10 successes in public health in Australia in the last 20 years. We have seen very clearly the reduction in the number of firearms deaths in Australia, about 2.9 per 100 000 down to about 0.9 per 100,000 people. There is no doubt there has been success. One even suggested 16 mass shootings were prevented in Australia as a result of firearm regulations that were brought into place over that period of time.”⁴²

- 4.4 Roland Browne, Gun Control Australia, stated:

The evidence is compelling: tighter gun laws improve public health outcomes. The evidence is compelling the 1996 amendments following the introduction of the National Firearms Act, has reduced rates of suicide and the gun death rate. I do not know if this committee is aware, but in 1987 when gun control became an issue in Tasmania, Tasmania had the highest rate of gun deaths in Australia, second to the Northern Territory, and the highest rate of gun suicide.

...

I would ask this committee to examine how any change to firearm laws will enhance public safety and reduce instances of firearm theft, drive-by shootings, violence in the home and assaults with firearms against police.⁴³

- 4.5 Dr Phill Pullinger, Medics for Gun Control, stated:

... there is still a large number of deaths in Australia from gun-related violence. The deaths per se only capture a small part of the broader impacts, because it is

⁴¹ Transcript of evidence, 10 December 2018, p4

⁴² Transcript of evidence, 10 December 2018, p41

⁴³ Transcript of evidence, 10 May 2019, p.20

not just the people who get killed; it's the people who are injured, it's the family members, friends and communities that are impacted so dramatically by gun violence and death. Most deaths that continue to occur in Australia from guns are as a result of suicide. Tasmania has the second highest rate of suicide in the country behind the Northern Territory. The people who are most at risk of death from suicide by guns are men in rural communities. That is why we've been very fortunate by the improvement to safety that has occurred through the National Firearms Agreement, but it's still a very real risk. That is one of the reasons why people who work in public health have such a strong feeling about this, because we see it so often in our work.

4.6 Ellen and Finn Seccombe stated:

Ten years after the gun law reforms of 1996 were made (prompted by the tragic shootings in Port Arthur in 1996 in which a lone gunman took the lives of 35 people using a semiautomatic rifle) a peer-reviewed article was published by Chapman et al (2006) in Injury Prevention, surveying the changes to gun violence in Australia in the decade following the shooting. The article is titled 'Australia's 1996 gun law reforms: faster falls in firearm deaths, firearm suicides and a decade without mass shootings'.

The article concludes, verbatim:

"Australia's 1996 gun law reforms were followed by more than a decade free of fatal mass shootings, and accelerated declines in firearm deaths, particularly suicides. Total homicide rates followed the same pattern. Removing large numbers of rapid-firing firearms from civilians may be an effective way of reducing mass shootings, firearm homicides and firearm suicides."

...

Consistent with Chapman et al (2006), the research of Ozanne-Smith et al (2004) found that the gun law reforms of 1996 ensured: "dramatic reductions in overall firearm related deaths and particularly suicides by firearms were achieved in the context of the implementation of strong regulatory reform."

Suicide

- 4.7 The Committee heard from a large number of respondents who raised significant concerns about the role firearms play in suicide in Tasmania.
- 4.8 The Committee received evidence that Tasmania has the highest rate of teen suicide in Australia.
- 4.9 The Committee heard that impulsiveness plays a significant role in suicide and the availability of guns has a significant impact on the success rate of suicide attempts. Also, suicide by firearms is significantly higher in regional areas.

4.10 The Committee also received evidence of the impact that suicides by firearms has on the emergency and health care workers who deal with the aftermath of individuals committing suicide or attempting suicide with a firearm.

4.11 Samuel Diprose Adams stated:

On average, 190 Australians, including 10 Tasmanians, commit suicide with a firearm every year. Up to 80% of all firearm deaths in Australia are suicides... The Australian Institute of Health and Welfare reports that 'almost 80% of firearm-related deaths in 2012–13 were due to suicide'. In remote and very remote areas rates of suicide with firearms are '4 and 6 times higher'.⁴⁴

4.12 Dr Clare Smith stated:

In Tasmania we already have the highest rate of teenage suicide in the nation. Death by suicide is closely related to the availability of lethal means, and guns are lethal means.⁴⁵

4.13 The Interim Commissioner for Children and Young People stated:

While public debate focusses largely on firearm-related homicide, the potential impacts of access to firearms in the community on the wellbeing of Tasmania's children and young people extend also to the effects of firearm suicide, accidental firearm deaths and firearm-facilitated crime. I draw your attention to the links between access to firearms and increased severity of intimate partner violence, and the particular psychological damage that this abuse generates for women and children.⁴⁶

4.14 Anne Jackson stated:

With the suicide rate amongst males living in rural Tasmania being one of the highest in Australia, adding military style guns to the community cannot be justified. According to the Tasmanian Suicide Prevention Strategy (2016-2020) in 2013 there were 74 (52 male, 22 female) suicides in Tasmania at a rate of 14.0 per 100,000) which is higher than the 10.9 per 100,000 National average and is the second highest in Australia. In the report Tasmania's decentralised population was considered one of the reasons for this exceptionally high number. On page 15 the report notes that men's suicides are 4 times those of women. On page 17 of the same report the first action noted is to 'reduce access to means of suicide'. Yet according to research, the easy accessibility to firearms, lower socio-economic lifestyle and increased level of social isolation, all add to the higher rate of male suicide in rural Australia."(Alston, M 2012 and Qi, Xi 2012).

⁴⁴ Submission No 45, p3-4

⁴⁵ Submission No 9, p1

⁴⁶ Submission No 24, p 2

*I have taught a number of students who have tried to take their life. The majority of these students have gone on to live successful and contented lives. If they had used a gun in their suicide we would not be celebrating their successful lives with them.*⁴⁷

4.15 Jonathan Scholes stated:

In Tasmania we experience the highest rate of teenage suicides in the country. For every tragedy, there are countless stories of people who have survived their darkest moments and have lived to share their stories of relief after realising that many dark moments are not permanent.

*As industrious as we humans are, killing one's self is an extremely difficult thing to do in the moment. As someone who has suffered from mental health issues in the past and has teetered on the edge, access to a "tool" that can end a life so suddenly – perhaps even accidentally – terrifies me. Guns may not kill people, but access to guns certainly does.*⁴⁸

4.16 Ellen and Finn Seccombe stated:

Suicide using firearms represents the largest component of firearm death. The following statistics should be considered carefully by the Tasmanian Legislative Council before making decisions to change the National Firearms Agreement.

Further, as Chapman et al (2006) states:

"Firearm suicides represent the largest component cause of total firearm deaths in Australia (more than three in four of all firearm deaths). In the 18 years (1979–96), there were 8850 firearm suicides (annual average 491.7). In the 7 years for which reliable data are available after the announcement of the new gun laws, there were 1726 firearm suicides, an annual average of 246.6."

More recently, an article published in the highly regarded 'Lancet' journal, authored by Yip et al (2012), supported this and went further to conclude that restrictions to lethal weapons do, in and of themselves, reduce suicides:

"Limitation of access to lethal methods used for suicide—so-called means restriction—is an important population strategy for suicide prevention. Many empirical studies have shown that such means restriction is effective. Although some individuals might seek other methods, many do not; when they do, the means chosen are less lethal and are associated with fewer deaths than when more dangerous ones are available."

Suicide and violence remain an overwhelming concern for our community. Tasmania has the highest rate of youth suicide in Australia (according to ABS 2016 data), and of the total suicide rate in Tasmania, the rate of male suicide was found to be three times the rate of female suicide (according to 2017 DHHS statistics). The accessibility of guns, in rural areas of Tasmania in particular, is a major concern for the male suicide rate. It is vital that Tasmanians stand

⁴⁷ Submission No 14, p1

⁴⁸ Submission No 11, p1

together on this grave issue, ensuring that we uphold strong legislation to prevent injury, death and suicide by shootings.”⁴⁹

4.17 Dr Kelly Shaw stated:

As a rural medical practitioner, I have attended patients who have attempted and, in some cases, successfully committed suicide. Successful resuscitation of a patient with a major gunshot wound with limited clinical equipment in a rural area is a distressing and difficult task. The resuscitations I performed were traumatic for emergency services and clinical staff involved.

One such case was a boy in his early teens. His family was experiencing financial pressure. According to his mother, his father made a comment ‘you are just another mouth to feed’ to his son in a family argument. The young boy went and got the shotgun from his father’s bedroom and shot himself through the head. Ambulance services brought him into the rural hospital I was working in. He was still alive. I was unable to resuscitate him. I cannot help but think he might still be alive if his father’s gun had been appropriately locked away and if the boy had not been taught at a young age how to use it.”⁵⁰

4.18 The Tasmanian Branch of the Royal Australian and New Zealand College of Psychiatrists stated:

In 2016 in Australia there were 232 deaths as a result of firearm-related injuries: 183 suicide deaths (79%), 42 deaths due to assault (18%) and 5 accidental deaths (2%; ABS, 2018). As outlined, most firearm-related deaths in Australia are due to suicide. The burden of suicide on families, friends and the broader community cannot be underestimated. The RANZCP Tasmanian Branch is committed to advocate for suicide prevention strategies to help reduce suicide rates and attempts.

One of the most effective suicide prevention strategies is to restrict access to the means of suicide (Krysinska et al., 2016). In the 20 years following the Port Arthur massacre and the introduction of the National Firearms Agreement, gun deaths in Australia halved (ABS, 2016). Significant declines in suicide rates have also been reported after restricting access to barbiturates, toxic domestic gas, pesticides and erecting safety barriers (Mann et al. 2005).

Therefore, the RANZCP Tasmanian Branch is concerned with any proposal which would ease firearms licensing restrictions.

Unlike all other states and territories, Tasmania reported an increase in suicide rate and number of suicide deaths from 2015 to 2016 (ABS, 2018). Similarly, data collected by the Australian Institute of Health and Welfare shows that between 2001 and 2011 suicide rates were consistently higher in all Remoteness Areas (RA2-5) compared to major cities (Harrison and Henley, 2014). Rural and remote communities face a number of issues and challenges that may contribute to a higher rate of suicide. Commonly identified factors include economic and financial hardship (particularly for those working in farming), social isolation,

⁴⁹ Submission No 19, p2

⁵⁰ Submission No 59, p2

stigma around help seeking, reduced access to support services and easier access to means that lead to immediate death.

Rates of firearm-related injuries tend to increase with Remoteness Area (AIHW, 2017) and studies show that farmers and young men are among those at the greatest risk of suicide (Bishop et al. 2017). The RANZCP Tasmanian Branch is extremely concerned at proposed law reforms which would allow farm workers (contractors or agents of primary producers) to hold Category C licences for self-loading or pump-action shotguns.⁵¹

4.19 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated:

The rate of suicide in rural and remote areas traditionally associated with farming is around 40% higher when compared to major cities which is almost twice as frequent. It is also recognised that the suicide rate among males aged between 15-29 is almost twice as high in rural and remote areas and it is believed that the access to greater means of lethal force (firearms) contributes to this.⁵²

4.20 Dr Phill Pullinger, Medics for Gun Control, stated:

With suicide sometimes part of the issue is impulsiveness. At a very practical level I have had individual patients who we have put an arrangement in place where their wife has access to the keys to the gun safe. We have talked about it. We have worked out a plan beforehand and they have called or we have seen them in the clinic and they have actively gone to the gun safe and have not been able to get through to the gun safe. I have had that circumstance and the delay in time enables them to get through that crisis point. So we have paperwork, literally, even the process of every year having to fill in the paperwork, take the time, go through those steps is a mechanism which reduces the chance. Even in the first instance it has saved lives as the licensing requirements have been tougher and that is what we find in Australia and in other parts of the world. It reduces the chance for people to do things impulsively - impulsively get out and get a gun, whether it is to hurt themselves or hurt others.

The point you make about mental health checks as well, at the moment it is touched on in the legislation but there is a lot more thinking and work that can and needs to be done about how do you strengthen how that works in a practical sense.⁵³

4.21 Dr Milford McArthur, Tasmanian Branch of the Royal Australian and New Zealand College of Psychiatrists, stated:

We know the most effective suicide prevention strategies are to restrict access to the means of suicide such as blister packaging on tablets, catalytic converters and erecting barriers at suicide hotspots. Our group has been advocating for the

⁵¹ Submission No 48, p1-2

⁵² LC Submission No 87, p7

⁵³ Transcript of evidence, 10 December 2018, p7

erection of a safety barrier on the Tasman Bridge for the last 25 years. Still doing it.

We also know that firearms play a role in about 15 to 20 per cent of Tasmanian suicides, so restricting firearm access will minimise their access for reasons such as suicide or homicide.

As psychiatrists we know that suicidal thinking and action is often impulsive and fleeting. It therefore follows if we remove rapid access to suicide methods of high lethality and the intense suicidal thinking passes, which it often does, suicide rates will decline. Also, the suicide method substitution effect is fairly small. Similarly, firearms are often used in family violence as a means of threat and creating fear. Firearm use in homicide is another risk and we know that in the last 20 years following the Port Arthur massacre and the introduction of the National Firearms Agreement gun deaths in Australia have halved.

...

It's very hard to do that. The Tasmanian suicide rate, as I am sure you know, is high, and a percentage of people who suicide don't have mental illnesses; they are distressed, they are in a predicament, something has happened, they are humiliated, enraged, jealous. Other human emotions occur to normal people and a percentage of those, and it is well documented in the literature, will attempt and will commit suicide and probably don't specifically have an easily recognisable mental illness.

...

It reached its peak in about 1992 when we were about 16 or 17 per 100 000 per year per total population, and it gradually dropped over the last couple of years, as best I understand it. We are at about 17 people per 100 000 per year at the moment. The Australian average is around 11.5 per 100 000 per year, so Tasmania is quite a lot higher.⁵⁴

Family violence

- 4.22 The Committee heard of the danger firearms present to women and children experiencing domestic and family violence. The Committee heard that the known presence or availability of a firearm to a perpetrator can be used to intimidate a partner or child. The Committee also received evidence of firearms being used to injure or kill family pets in order to frighten or harm their partner.
- 4.23 The Committee received evidence that firearms were involved in over 11% of deaths resulting from family violence and that there is a link between access to firearms and an increased severity of intimate partner violence.

⁵⁴ Transcript of evidence, 10 December 2018, p50-51, 55

4.24 Margaret Chandler, Legal Aid Commission of Tasmania, stated:

Our section of Legal Aid would see perhaps 400 victims a year. The police attendances are about 5000 incidents per year. We see a small section and there are a number of things that bias that sample. As the submission says, one of the things that doesn't tend to make people come forward is being very frightened. Matters involving threats of firearm use or firearm use are very frightening to victims. I can't say how representative the proportion is in relation to the number of people who experience problems with firearms. We tend to see threats either made face-to-face, over the telephone, by SMS message and, occasionally, by email. Sometimes it is that the person will have a firearm around while they are being angry and that is frightening to the person.

There have been some incidents of animals being shot. Sometimes that is during circumstances in which the person using the firearm appears to be doing that to demonstrate their mastering control. I don't have any experience in the practice of clients having been shot. I don't think I can go further than that.

...

I can probably say that firearms are acknowledged as indicating a high risk. It is one of the known red flags according to research. So police do treat that as a red flag and a high-risk incident and it needs a response commensurate to the level of risk. They are proactive in removing firearms where they have powers to do so.

...

Yes, I think it is appropriate. What you have to keep in mind is that there is a big range, from somebody sending someone an emoji of a little gun and that is a different thing from somebody actually handling a firearm and pointing it at somebody. Yes, they do react seriously to firearms and in a timely way. They do have powers to do that and they exercise those powers.⁵⁵

4.25 Margaret Chandler stated in regard to Tasmania Police's response to firearms:

The person who is the offender in relation to family violence matters has either an unreported history of family violence or has a history of mental health issues, antisocial behaviours and attitudes and has, because of those firearms, either created greater fear, made specific threats or the like in relation to firearms. When we looked at the section of the Firearms Act that deals with firearms, it appeared to us that there were a number of areas where there was the potential for dangerous situations to slip through and not be detected.

We are aware that there are certain people who do declare mental illnesses and that there is a process that involves medical opinion, which they also have to do in order to get a licence if the opinion is that they are safe with those weapons. It would be a question of policy whether there is a particular test you need to go through, whether there is psychological testing and so forth, before a firearm

⁵⁵ Transcript of evidence, 10 May 2019, p31-32

was granted. That may be a step too far. It may not be justified by the prevalence of the issues; however, it is something that is an option for dealing with it. The difficulty with family violence, as with everything generally, is that people don't end up with a criminal conviction until they have one and it can be difficult to know what is happening prior to that.

Some of the more actionable concerns are with people who do own firearms lending firearms to other people who don't have firearms licences and ought not be carrying that weapon.⁵⁶

4.26 Medics for Gun Control argued for:

Section 51 of the Firearms Act 1996, provides a penalty of seizure of weapons when breaches of licensing and storage requirements occur or upon the issuing of apprehended violence orders, Domestic Violence Orders or other restraining orders against firearm holders. This provision should be made clear and explicit and should be amended to include a conviction or warning for aggravated assault.⁵⁷

4.27 Dr Clare Smith stated:

Domestic violence is a massive scourge in our nation, and the presence of a gun in the house is a powerful controller. I have had a mother and her baby who were my patients shot dead by her violent partner, and heard too many stories of other terrorised women and children, often told many years later.

I have seen the terrible impact of gun-related suicide on several families. I have treated those who have found the body and other first responders. The legacy is grim.⁵⁸

4.28 White Ribbon Australia stated:

We would also like to draw the Committee's attention to the danger firearms present to women and children experiencing domestic and family violence. Recent tragic murders have highlighted this: in May 2018, Peter Miles fatally shot his wife, daughter, four grandchildren and himself and in July 2018, John Edwards fatally shot his two teenage children and himself. We must do everything possible to prevent this outcome and ensure effective gun control.

Research indicates a link between access to firearms and an increased severity of intimate partner violence. Perpetrators also use firearms to control women by, for example, threatening to hurt themselves, their partner and/or their children. The ease of lethality associated with firearms makes this form of abuse particularly damaging to the psychological wellbeing of women and children.

Women living in regional and remote communities are especially vulnerable to firearm-related violence given the prevalence of firearms in these areas.⁵⁹

⁵⁶ Transcript of evidence, 10 May 2019, p35-36

⁵⁷ Submission No 53, p3

⁵⁸ Submission 9, p1

⁵⁹ LC Submission No 79, p1

4.29 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated:

The Australian Domestic and Family Violence Death Review Network found that the mechanism of death in 14 domestic violence incidents were as a result of use of a firearm which accounts for 11.6% of all domestic violence deaths around

Australia.⁶⁰

4.30 Fiona Beer, Medics for Gun Control, stated:

The 1996 National Firearms Agreement positively impacted on public health. Studies have shown that the mass effect of removing so many weapons meant that homicides, suicides and mass shootings were far less common after the National Firearms Agreement was implemented. Will Hodgman was quoted in the Family Violence Family Action Plan 2015-20:

Everyone has a right to live their life free from violence. Despite this, family violence is disturbingly high. The impact of family violence is particularly devastating. It damages the physical and mental health of people who experience it and it has significant short and long-term negative effects on children. The Tasmanian Government is serious about its responsibility.

Yet by watering down the gun laws you are also watering down the Family Violence Action Plan.⁶¹

4.31 The Committee heard from Tasmanian Police, Firearms Services, that a substantial part of their work involved the assessment of people's mental fitness to possess a firearm, and ensuring family safety where a family violence matter exists:

Mr SHEPHERD - At any one point in time we have between 300 and 400 [matters] under management. Not all of those are mental health but they are either people who have been violent, people with family violence orders, or people in that mental health space but it is a big part of what we do. The difficult thing isn't always that first decision to remove the firearm. The difficult job is the decision to return the firearm and the right time to do that.

We are starting a body of work. I met with the coroner on Monday to talk it through. We need some data and some information about people who have used a firearm to take their own life and what the pathway was that led to that moment and what can we learn from that. From that, we can learn some things that might help us to understand when we should be returning a firearm.⁶²

⁶⁰ LC Submission No 87, p8

⁶¹ Transcript of evidence, 10 December 2018, p4

⁶² Transcript of evidence, 10 May 2019, p17

Impacts on the health system and workers

- 4.32 The Committee heard of the effect firearms and firearm violence has on healthcare workers and the healthcare system. These effects include draining resources, increased emergency presentations, mental health impacts, and emotional trauma for healthcare workers as well as firearm violence against healthcare workers.

- 4.33 The Royal Australian College of General Practice stated:

The Tasmanian health system is under strain, and has been for some time. Mental health services in all regions are stretched, mental health patients are being held for extended periods in public emergency departments. Ambulance ramping is a daily occurrence. Public hospitals are dealing with daily Code Black incidents. Tasmanian GPs believe that adding any increased possibility of a significant firearms incident to such a stretched system is not a sound legislative change.

Finally, there is the likely toll on medical and other professionals who respond and administer treatment to the victims of firearm accident or incident. Figures of incidence of post-traumatic stress disorder (PTSD) as high as 1 in 4 in first responders have been noted in some international studies of the health of first responders after a significant incident. Along with health services are the impacts on the families of victims and survivors of firearm incident. The National Firearms Agreement and the laws enacted in Tasmania in the wake of Port Arthur have reduced firearm related incidents in Australia. To soften them would increase the risk of firearm related trauma to all Tasmanians and this must be avoided.⁶³

- 4.34 Carol Rea stated:

In 1996 I was a DHHS clinician who responded to a call for people to support survivors of the Port Arthur massacre once they were brought into the RHH.

I sat with Carolyn Laughton whose 15 year- old daughter Sarah was shot dead in the Broad Arrow Cafe. I did support during daylight hours - sitting with her over the days until Carol (her preferred name) was airlifted to Melbourne for further treatment. She herself had been shot and underwent surgery in Hobart. After surgery when the anaesthetic wore off she had no memory of already being informed of the death of her daughter. She had to be 'officially' informed a second time. The trauma to her was compounded. Over the years Carol has been a vocal advocate for gun control as have many clinicians who witnessed the aftermath of that event.⁶⁴

- 4.35 The Australian Medical Association Tasmania stated:

AMA Tasmania is concerned that the Tasmanian Government proposal represents a weakening of firearms laws at a time when legislation must be

⁶³ Submission No 23, p2

⁶⁴ LC Submission No 78, p1

strengthened in all jurisdictions to account for technological changes and also to remove the prevailing patchwork provisions governing firearm ownership and use around the country. Many of our members have seen firsthand the impact of death and serious injury resulting from firearms. We believe that the proposed reforms will place Tasmanian lives at risk and, in some areas, constitute a breach of the National Firearms Agreement (NFA) that was established following the tragedy of the Port Arthur massacre in 1996. The NFA has seen a halving of firearms related deaths in the two decades since its inception with this action saving thousands of lives.⁶⁵

4.36 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated:

The ANMF (Tasmanian Branch) have members who remember the Port Arthur

Massacre and were directly involved in providing care to the victims and the perpetrator of this despicable crime. Nurses and midwives provide care to patients in challenging situations on a daily basis and often provision of this care and treatment can be confronting and have a personal impact on the individual nurse or midwife or the broader nursing and midwifery teams. However, the devastating impact that the Port Arthur massacre had on ANMF members and the broader community is unique in that one single act by a single person with firearms caused such widespread distress.

Below is a statement from ANMF member Andrew Ostler who was directly involved in caring for the victims and perpetrator of the Port Arthur Massacre;

The strain on the hospital staff after the Port Arthur shootings was crushing.

Shocked nursing staff cared for gunshot victims and their families throughout the hospital.

Many of those killed and wounded were known to the nurses working in the aftermath of the massacre.

Staff were nursing victims at the bedside while being enveloped in their own grief.

The emotional scars run deep for those involved. None of us would ever wish that anyone be given access to the types of rapid fire weapons used on that day' - Andrew Ostler, Registered Nurse.⁶⁶

4.37 Dr Vivien Wright, Australian College of General Practitioners, stated:

... there were 338 hospitalised cases in 2013-14, and 209 deaths in 2012-13 as a result of firearm-related injuries. Those statistics are Australia-wide, it is not Tasmania, but looking at that, it seems to me that they are adjacent years, they

⁶⁵ LC Submission No 81, p1

⁶⁶ LC Submission No 87, p7

are not the same years but, very quickly, it would look like there is one-and-a-half injuries for every death from firearms.⁶⁷

4.38 Dr Vivien Wright continued:

Patients talk to their GP about mental health more than any other health issue.

Mental health and obesity are causing GPs the most concern for the future. [referring to An Issue in Focus, GP Experience of Violence in the Workplace, at page 6] Four out of five general practitioners report that they have seen or experienced violence at their place of work with nearly one in three seeing or experiencing violence on at least a monthly basis. This is in line with several studies showing that patient-initiated violence is common in Australian general practice settings.

The other two tags [referring to An Issue in Focus, GP Experience of Violence in the Workplace] were to bring attention to the fact that I said four in five people see their general practitioner in a year and most of those will see that general practitioner multiple times a year. When I said in my introduction that we are the eyes and the ears of the Government into the community I would like to reinforce that. I would also like to bring up the fact that in this State, where 52 per cent of people are functionally illiterate, most of the people were disenfranchised from being able to come to speak to you today. Most of them were unable to read. Had they been lucky enough to see a report that this committee was going ahead, because most of the people I know believed the Government when they were told, I believe on 17 August, that the attempts to loosen the firearms regulations had been abandoned. Most of the well-educated and intelligent people I know believed that was the case and were totally astounded that the Government was continuing.

These are well-educated people who were in a position to find out and they were surprised that the Government had continued. What about the people who are really affected? All of us are affected, but what about the 52 per cent of people who were not aware that this committee was being held and were not in a position to make a submission? They could not write in, they couldn't say, 'I would like my voice to be heard'. General practitioners are the eyes and ears of these people. I have others cases that I can speak to you about but the one that I spoke of before is a very good illustrative example.⁶⁸

Committee Comment

- 4.39 The Committee recognises, as stated in the National Firearms Agreement, that the overriding need of Tasmania's firearms legislation is to ensure public health and safety.
- 4.40 The Committee acknowledges the devastating impact that firearm-related violence and suicide has on healthcare workers who treat the

⁶⁷ Transcript of evidence, 30 November 2018, p62

⁶⁸ Transcript of evidence, 30 November 2018, p62

victims and deal with the aftermath of such incidents, and the burden on the health care system.

- 4.41 The Committee finds that on the balance of evidence received that access to firearms significantly increases the number of suicides that are completed.
- 4.42 The Committee acknowledges that access to firearms or the threat to use firearms plays a significant role in family violence.
- 4.43 The Committee strongly supports that the firearms licence database is improved to ensure that all potential flags for concern can be thoroughly assessed, addressed and referred by Firearms Services, especially in regards to perpetrators of family violence.

5 FIREARMS IN TASMANIA

5.1 The Committee heard that Tasmania has the highest rate of firearms ownership in Australia with 16.41 registered firearms per 100 people.⁶⁹

5.2 It was consistent throughout almost all submissions, that the majority of submitters accept a need for certain persons to have firearms, including primary producers and sportspersons. These majority of submitters also accepted and acknowledged that the significant majority of licenced firearm owners are law-abiding.

5.3 The Alannah & Madeline Foundation stated:

*The Foundation acknowledges that most licensed firearm owners and users are law abiding, good people.*⁷⁰

5.4 The Committee heard that it is extremely rare for a licenced firearm owner to be involved in a serious crime.

5.5 Craig Moore, Tasmanian Pistol Association, stated:

*I can tell you that since 1934, handguns in Tasmania have been required to be registered and you need a licence. So if you had a handgun back then you had to have it registered. In 1932 it was voluntary. Since 1934, we've had two instances to my knowledge where a legal firearm owned by a licensed shooter has been used in a serious crime.*⁷¹

5.6 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

*At the moment we have between and 25 unlawful discharge incidents a year... . It is the way our statistics are recorded. It gives a reasonable indication. We have had between 40 and 70 incidents where a firearm is used as a weapon. This is through until the end of March, from 1 July last year. Between 40 and 60 firearm theft incidents in that period as well.*⁷²

5.7 The Committee heard evidence that firearm amnesties are effective in removing firearms from the community.

5.8 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

We find amnesties are effective in drawing firearms out of the community.

The legislation has a continuous and ongoing amnesty, so any person can at any time phone their police station and say, 'I have a firearm I wish to hand in for

⁶⁹ LC Submission No 48, p2

⁷⁰ Submission No 13, p3

⁷¹ Transcript of evidence, 3 December 2018, p28

⁷² Transcript of evidence, 10 May 2019, p7

destruction', and can go to the police station. If people are doing that, we suggest they do not walk in with a firearm, because they might receive a security response. If they go to the police station with the firearm in their car, if they walk into the station without the firearm and say, 'I have a firearm I wish to hand in', then the police officer will come out, grab the firearm, get you to fill out some paper work and it will be later destroyed.

We find when we advertise those amnesties we receive a good return rate. There are spouses left with firearms who have no idea what to do with them. I hear that quite often in my role. 'My husband has passed away, I have these firearms, I actually do not want them in the house, I want to get rid of them'. We work with that person so if they have some value they might want to take them to a dealer who might sell them on. If the dealer assesses them and says maybe there is no value to them, then you might want to take them to a police station in order to have them destroyed.

We always find when we advertise amnesties, we pull firearms out of the community.⁷³

5.9 The Committee received evidence that licenced firearm ownership in Tasmania was increasing.

5.10 Alan Taylor stated:

While these restrictions and penalties might appear adequate, as reported in the media, in 2016 there was a spike in weapons coming into Tasmania, indicating that the current legislation, although appearing to be effective on paper, is inadequate in practice.

In 2015, 1400 extra firearms came into Tasmania which was a massive increase over the year before when there were only 57. Police figures also show a number of owners are stockpiling firearms across the state. The number of guns currently entering the state is disproportionate to the rise in population. It cannot be explained by the fact that Tasmania's population is increasing, therefore gun ownership is increasing - there is a disproportion rise in the number of guns.⁷⁴

5.11 Alan Taylor proposed that individuals be limited in the number of firearms they could own:

It would be a different cap for each kind of registration. For instance, farmers would have no reason to own anything outside .22 automatic one-shot gun and one medium-powered rifle. I cannot foresee any circumstance in which a farmer in Tasmania would need anything outside. Perhaps someone who is a professional culler, for instance, would need a number of firearms for each discipline, as referred to, and perhaps three, four or five weapons of different calibres.

⁷³ Transcript of evidence, 10 May 2019, p10

⁷⁴ Transcript of evidence, 14 June 2019, p3

Dr BROAD - What about in terms of a backup, so something goes wrong with one weapon –

Mr TAYLOR - In the case of a farmer, say, with three or four weapons, you have some sort of a backup already. If you are going to put down a horse that is possible with a .22, but if it jams or something, as my 1922 Lithgow small arms rifle did, you can resort to a shotgun.

In the case of a culler, I suggest that something like a .22, 275.3 - say, two of each of those - would be more than adequate. It is highly unlikely that a professional commercial culler or someone registered by the government to clear vermin off land or public lands would take more than one or two rifles with them, anyway. Even if one gun jams, the probability is you would have to go back home anyway. If they were given the capacity to have, say, two or three rifles, that would be more than adequate for any circumstance they might come across.⁷⁵

5.12 Alan Taylor stated:

Most people would only take out one rifle at a time if they are going out to cull some sort of vermin which they had a legitimate reason to do. You don't carry around an arsenal with you. There is no need for an arsenal. There is need for a weapon and a back-up, at the most one or two.⁷⁶

Theft of firearms as a separate offence

5.13 The Committee heard from many respondents who argued that there should be a specific crime for firearm theft. Many of these respondents argued that the legal firearm owner whose firearm was stolen often receives a harsher penalty than the person who stole the firearm.

5.14 George Mills stated:

I want to see harsher penalties for theft of firearms and that sort of thing, which is what is on the public mind. I have seen the results of people who have stolen firearms out on bail go back and steal them again and get a six-month sentence. For crying out loud, I would have put them away for 16 years.⁷⁷

5.15 George Mills stated:

Penalties for the theft of firearms should be greatly increased and the firearm owners should not automatically be charged with an offence when they have had their firearms stolen. No other victim of a crime is treated in this appalling manner.⁷⁸

5.16 GAH stated:

⁷⁵ Transcript of evidence, 14 June 2019, p4

⁷⁶ Transcript of evidence, 14 June 2019, p5

⁷⁷ Transcript of evidence, 24 July 2019, p33

⁷⁸ LC Submission No 70, p3

Most of the efforts to curb gun violence seem to be aimed at policing law-abiding gun owners rather than those who use illegal weapons for criminal purposes. Even when a criminal using a gun is arrested, the punishment for their crime is often far less than a lawful gun owner's punishment for a minor infraction of requirements which are not even in the Firearm Act. For example, in 2013 I saw on a WIN News broadcast, the report of a man in Brisbane who held up a store with a semi-automatic pistol he was not licensed to own. He received a three-month suspended sentence. However, if a law-abiding gun owner parked across the street from a gun shop, and carried their weapon across the street without putting it into a gun bag, then they could be charged if someone saw them and rang the police. They would most likely lose their licence for five years, and thus their right to use their legally owned guns for that time, and possibly be fined as well.

Another example is that the law doesn't discriminate between the theft of guns and any other goods. So, someone who steals a gun receives the same punishment as someone who steals a TV.⁷⁹

5.17 The Shooters, Fishers and Farmers, stated:

Further it is the position of SFFP that a specific crime of Firearm Theft/Stealing be enacted to properly identify and adequately punish recidivist offenders. The current crime of simply stealing simply does not reflect the crime, particularly with regard to sentencing on reviewing offenders prior convictions. An offender before the Court may have several convictions for stealing firearms, indicating they are targeting them for serious criminal activity but the prior conviction is merely listed as "Stealing" or "Burglary & Stealing". The sentencing Justice has no knowledge of the repeating nature of this criminal conduct. The creation of "Firearm Theft/Stealing offence negates this and enables the sentencing justice to impose a suitable and adequate sentence as a true deterrent.

In the US, a convicted felon caught in possession of a firearm is subject to a federally mandated minimum sentence of 5 years. In Tasmania in recent years, a minimum 3 mth jail sentence for recidivist firearm theft was rejected. SFFP believes that it is now time to review that decision. If firearm theft is as much a threat to public safety as the Police allege, this will be a worthwhile deterrent.⁸⁰

Committee Comment

- 5.18 The Committee notes the concerns raised in relation to the theft of firearms.
- 5.19 The Committee considers that the theft and usage of a stolen firearm and ammunition has more serious ramifications for the community than standard possession, as a stolen firearm can be used to commit further crimes and can increase fear in the community.

⁷⁹ LC Submission No 26, p3

⁸⁰ LC Submission No 59, p2

- 5.20 The Committee considers that the current legislation in relation to theft and the usage of stolen firearms and ammunition, should be reviewed to ensure that these offences carry appropriate penalties to deter offending.

6 LICENSING

Training and testing

- 6.1 The National Firearms Agreement mandated that all applicants for firearm licences must complete an accredited course in safety training for firearms. In Tasmania, the *Firearms Act 1996* states:

(1) The Commissioner must not grant an application for a licence unless the Commissioner is satisfied that the applicant –

...

(d) has satisfactorily completed an approved firearms safety course.⁸¹

- 6.2 Currently, TasTAFE is the only authorised provider of the mandatory firearm safety training course in Tasmania.

- 6.3 The Committee received submissions supportive of maintaining the current system with a single provider of firearm safety training, citing financial reasons as well as quality assurance.

- 6.4 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated it is:

...supportive of the single provider for firearms training and testing. It is the view of ANMF (Tasmanian Branch) that multiple training and testing providers means greater numbers of compliance checks and a potential risk of less than high quality providers giving inconsistent advice, training and assessment to firearm owners. Also, given the requirement to provide national consistent training, it is the view of the ANMF (Tasmanian Branch) that greater provider numbers also has the potential to dilute National consistency required under the National Firearms Agreement (1996).⁸²

- 6.5 Steve Suitor argued that allowing for-profit providers to provide firearms training in Tasmania would compromise the system, as TasTAFE provides the training across the State including in remote/regional areas which he argues are unlikely to be serviced by for-profit training providers. This would also reduce the financial feasibility for TasTAFE in providing the service. Further, he argues that TasTAFE ensures the integrity of exam papers and the potential for the papers to be compromised would be increased by allowing for-profit providers to conduct firearms training.⁸³

⁸¹ Firearms Act 1996, s29

⁸² LC Submission No 87, p4

⁸³ LC Submission No19, p2

6.6 Many submitters were opposed to TasTAFE being the single provider of firearm safety training.

6.7 The Tasmanian Farmers and Graziers Association recommended:

...the State Government endorses the position to have a minimum of three firearms training providers.⁸⁴

6.8 A number of submitters argued that increased providers would improve access to training for regional and remote persons.

6.9 The Australian Deer Association (Tasmania) stated it:

...supports moving away from the current single-provider model to a multi-provider model which would hopefully give Tasmanian firearm users more locations, more frequently and a higher level of service at a fair cost.⁸⁵

6.10 Samuel Diprose Adams stated:

A multiple-provider model for training and testing is likely to promote higher levels of service across Tasmania. This is achieved by improving accessibility to rural and regional areas, having competition between providers, and diversifying those that can conduct training and testing.⁸⁶

6.11 The Arms Collectors Guild of Tasmania proposed firearm safety training be expanded to those organisations that can fulfil the criteria of an approved training provider and argued that the current situation may be a breach of the Competition and Consumer Act 2010:

This should be open to any organisation that can meet those criteria such as occurs in other Jurisdictions. In NSW, for example, some firearm organisations conduct approved Safety Courses.

We understand that the principal of introducing competition to public monopolies is required under the Competition and Consumer Act 2010 (CCA). This may mean that Tasmania's current single provider method does not meet the principals of the CCA. There have been considerable delays for applicants waiting on course availability and this will be reduced if not eliminated with additional providers. Course expense may be reduced by competition between multiple providers.⁸⁷

6.12 The Arms Collectors Guild of Tasmania stated that lack of nationally consistent authorisation of approved training providers creates an unfair burden of firearm owners who move interstate:

⁸⁴ Submission No 39, p4

⁸⁵ LC Submission No 53, p2

⁸⁶ LC Submission No 80, p12

⁸⁷ Submission No 50, p2

*At present some mainland training courses are not approved by Firearm Services Tasmania (FS-TAS). This results in a delay to the mainland licenced applicant who then has to sit the course in Tasmania. Also increased cost via the cost of the course and due to storage of the firearms in the interim and frustration as they are already experienced & licensed in their previous state. We believe that this should be overturned!*⁸⁸

6.13 The Sporting Shooters Association (Tasmania) argued the current licencing system in Tasmania:

...is out of step with the rest of the country. It is more complex and far more expensive than any other State and Territory and we have not seen or heard any evidence that the other States have had inferior outcomes.

What are the key attributes of the Tasmania licensing system?

- *Existing licensees in 1996 were grandfathered from undertaking training courses, however they had to comply in every other way, genuine reasons etc.*
- *New licensees are required to do a vocational training course. This means the course must be run by a Certificate IV trainer. Currently, and since 1996, the only provider is TAFE Tasmania.*
- *This TAFE monopoly has a number of effects:*
 - *Courses are hard to access, typically taking months for entry.*
 - *The cost is high and this becomes a bar to entry. A basic course costs \$275 and with a further application cost for an ABH licence (5yr) of \$142.50, the cost for a first timer is well over \$400.*

*The current licensing system should be a target of the Government's crackdown on red tape.*⁸⁹

6.14 The Sporting Shooters Association (Tasmania) supported interstate models of multiple accredited providers:

Five jurisdictions (SA, WA, ACT, NSW and NT) have non vocational training provided by clubs and the industry, and the cost is typically less than \$100. It is often delivered at no charge.

For example, Western Australia which is typically the most rigid licensing regime in the country, achieves its goals by a 20 question questionnaire. SSAA Branches can deliver this course and do, typically at no cost as a service to new members.

⁸⁸ Submission No 50, p2

⁸⁹ LC Submission No 17, p3

The two jurisdictions, apart from Tasmania, with a vocational approach (Vic & Qld) accredit a range of providers, including firearm organisations such as SSAA and deliver in a much cheaper and timely manner.

We understand the Government position is to follow the Vic & Qld model. Our position is to follow the non-vocational model. We don't believe that there is evidence to suggest that the training which has been delivered interstate, to far more licence holders than Tasmania, has not been fit for purpose. This change could be delivered without any change to the Act; Section 29 (1) (d) is not prescriptive.⁹⁰

Mental health assessment and licence applications

6.15 The Committee received evidence that the background checks conducted prior to issuing of licences should be expanded in scope and undertaken regularly throughout the licence period.

6.16 Medics for Gun Control argued the need for background checks to be conducted prior to the issuing of licences:

Ensure that the legislation is explicit in its requirement that comprehensive background checks occur prior to the issuing of licenses. These checks must include assessment of the applicant's criminal, mental health, addiction and domestic violence records, whether the applicant has been treated for a mental illness or brain injury in a hospital or psychiatric clinic, or was confined in association with violence or threatened or attempted violence on the part of the person against any person; or has a history of behaviour that includes violence or threatened violence to themselves or others.

Provision should also be made that a gun license's application should also include third party character references.⁹¹

6.17 Kim Pitt stated:

Another analogy rather than the defence security system is the working with vulnerable people processes the state has in place. As a Rotarian and a person who works with my local primary school, I now have to hold a working with vulnerable people card. Every few years I have to renew that and it is not just sent back in the post. They go through the process of checking through the records across the nation to determine if I have had any issues raised, any criminal activity or any misbehaviour with people who are vulnerable before they issue it. It is that that I think we need to hold on to with the licensing procedure for weapons.⁹²

6.18 Samuel Diprose Adams proposed making mental health education a mandatory part of the firearms licence application process:

⁹⁰ LC Submission No 17, p3

⁹¹ Submission No 53, p4

⁹² Transcript of evidence, 14 June 2019, p21

Firearm owners must undertake, at their own expense, a Metal Health First Aid (MHFA) course upon application for, or renewal of, their firearms licence. The MHFA certificate would then be attached to their licence application or renewal

...

Firearm owners must have an alternative storage option available for their firearm(s) in case they ever have concerns about their mental health. The alternative storage option must be with another person who has some control, but not complete control, over when the owner can access their firearms.⁹³

6.19 Samuel Diprose Adams argued:

Part of the reason I came up with a proposal to give mental health education to firearm owners is that there are two main purposes. The first is that requiring doctors to sign off on firearms licences has a number of serious concerns. I refer the committee to an article called *The Clinician, Dementia and Firearm Owners*. It is a journal article where a group of psychiatrists go through and say there are a number of issues requiring doctors to essentially assess someone's mental fitness to own a firearm. The other reason is this is an issue that is not only about the firearm owner. It is about their friends and their family, the people around them, and the fact is that if you train a firearm owner to be aware of what depression and suicidal ideation potentially look like, they can apply that not just to themselves or others within the gun club, but potentially to their spouse or their children or their parents. I think there is a much greater public benefit in training the firearm owner themselves because whilst it applies specifically to them in their capacity using firearms, it has application much broader than that.

I would also say on that point it is particularly effective because there is a significant amount of evidence that indicates that the demographic that owns firearms is also quite resistant to ideas around mental illness and are potentially quite stigmatised or contribute to the stigma around mental illness. The fact that we can target that group through firearms legislation is potentially a real benefit to society.

...

What I'd propose we do in practice would be that in the licence renewal or the application stage if you're going for a new licence, you'd essentially get some reading material, much like what you do now, and then you would also have an online component. That is partly so it is accessible to those in rural and remote areas, which is the cohort we need to target most accurately. We make it accessible via distance. They complete the course online and you would be able to coordinate with a university to do this, because many of their programs and assessment are done online, so they know quite effectively how to do distance assessment.

⁹³ Submission No 45, p3

It would probably be a multiple-choice quiz or even just true or false questions. There would probably be about 20 of them, and it is really just going over some of the basics. If someone is sad continuously for two weeks, do they have depression or might they be at risk of depression; true or false? True. Can you ask someone if they are thinking of committing suicide? Yes, you can. It would be about going over those really fundamental questions. It is about breaking down the stigma and saying we're ready to learn about this and then providing it by accessible means. We're not trying, as I originally proposed, to get them to complete a full mental health first aid course, because a lot of that covers irrelevant material like eating disorders, for example. This is really just about what we need to target for suicide and then what they need to know in order to be able to respond. For example, just making sure they know how to refer someone to a doctor, or who they can refer someone to, or how they can ask someone how they are feeling.⁹⁴

6.20 The Committee received evidence in relation to the notification of authorities by health workers of concerns in relation to an individual's mental state who are at risk of harming themselves or another person and it is known the individual has a gun licence. The Committee also noted that there was confusion as to whether medical workers have a duty to report such incidents.

6.21 Jonathan Higgins, Tasmanian Police, Firearm Services stated:

Further, issues that have community safety implications could be addressed if the legislation were reviewed. For example, there is no requirement for a medical practitioner to notify Tasmanian Police Firearms Services if they refuse to provide a report that supports an applicant possessing firearms. Often these are requests from people who have experienced mental or physical health issues. There is also no requirement for them to provide reports directly to Firearms Services. This encourages doctor-shopping until a favourable report is acquired.⁹⁵

6.22 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

On any given day, we can receive a phone call or correspondence from a medical practitioner saying that they believe their patient is at risk. More often than not, it will come from a family member who says, 'My Dad is at risk. Mum and Dad have split up. Dad is on his own. I am really worried about him having access to firearms at the moment'. We can receive advice from members of police who have interviewed or had contact with a member of the public who is exhibiting risky or mental health concerns. We have a unit that constantly deals with those matters. We have between 300 and 400 matters under management at any point in time.... Not all of those are mental health but they are either people who have been violent, people with family violence orders, or people in that mental health space but it is a big part of what we do. The difficult thing isn't

⁹⁴ Transcript of evidence, 14 June 2019, p47, 49

⁹⁵ Transcript of evidence, 10 May 2019, p2

always that first decision to remove the firearm. The difficult job is the decision to return the firearm and the right time to do that.⁹⁶

6.23 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

*I am sure you will appreciate it is a really tricky thing to return a firearm to a person exhibiting mental health concerns. We would generally request a report from a psychologist and from their GP as well. In some cases, we will not return the firearm immediately. We will wait for a subsequent assessment before we return them. If you are in primary production and that is something you need to use every day that is a very difficult thing, and it weighs heavily on us when to return that firearm. Our concern is primarily about community safety. We are really concerned about our licence holders as well.*⁹⁷

Licence renewal

6.24 The Committee heard from many individuals expressing frustrations with the current licencing renewal system.

6.25 Mr Judd, Sporting Shooters Association of Australia, stated:

*A firearms licence to the people who own them is like a drivers licence. We understand that some people do not renew them. If you do not renew a driver's licence, your car can sit in the driveway. With a firearms licence, if you do not renew it, the police will be there to take your firearms away for safe storage until you can make other arrangements. Most firearm owners renew fairly promptly when they get their reapplication. Of course there is always a delay. If they get a reapplication, as we pointed out, they have to go and get letters from farmer or if they are still members of clubs, hopefully they have not let that lapse if that is their reason. So there is a delay there. Most people get their licence right at the death knock, or sometime after.*⁹⁸

6.26 A number of respondents argued that there should be ten year firearm licences for Category A and B. Respondents cited reasons including reducing administration costs, and would make the Tasmania system consistent with other jurisdictions in Australia.

6.27 Richard Lindsay, Timothy Lindsay and Indri Sukata stated:

The extension of firearm licence periods for Cat A and B to 10 years would be a great saving on the administration costs and what is generally a wasted process of repetition to re-apply for these licences every 5 years. Licences can be withdrawn at any time for offences or significant changes in the holders situation (mental health, criminal offence etc.) so unless there is good reason to

⁹⁶ Transcript of evidence, 10 May 2019, p6

⁹⁷ Transcript of evidence, 10 May 2019, p6

⁹⁸ Transcript of evidence, 30 November 2018, p5

*withdraw the licence we see no reason that it should not be granted for at least 10 years.*⁹⁹

6.28 The Shooters, Fishers and Farmers Party Tasmania stated:

*SFFP believes that increasing the license period from 5 to 10 years has no negative effect to the safety of the community, further it should be explored as a lifetime licence as it was in this State previously in 1991. The numbers of firearm owners who permanently lose their licenses due to other issues unlawful or improper conduct is miniscule and is not picked up in the licence renewal process but by other means.*¹⁰⁰

6.29 The Tasmanian Farmers and Graziers Association stated:

The Government proposed policy to extend period of firearms licences to up to 10 years has been a very contentious issue portrayed in the media. There have been comments that this proposed policy would breach the National Firearms Agreement (NFA). Under section 34(d) it does state a licence be issued for a period of no more than 5 years. Queensland and the Northern Territory both offer licence options of up to 10 years, the suggestion and media comments that the NFA is strictly adhered to by all participants is demonstrably false.

*Notwithstanding this, the TFGA supports the current legislation whereby primary producers can apply for licencing of firearms up to five years, based on the licence being a renewal system, not a reapplication.*¹⁰¹

6.30 Firearm Owners United stated:

FOU fully supports the recommendation that the option of a 10-year licence period be made available to firearm owners on Category A and B licences. This is particularly relevant to firearm owners that have been the holder of a Category A or Category B firearm licence for a number of years and they should be entitled to an extended period of licencing, as they have sufficiently demonstrated that they are responsible firearm owners.

The Northern Territory Government implemented 10-year licences for Category A and B firearm licence holders in 2017 and there have been no identified issues since its inception. It has been a welcome and beneficial change of firearm policy in the Northern Territory. 10-year licences for Category A and B firearms are also already in place in Queensland with no identified issues.

*This change significantly reduces the workload on Firearms Services branch and allows for streamlined processing of licence applications through the reduction of red tape. Furthermore, we recommend that Category C licence holders have the option of a 3-year licence as opposed to only a 1-year or the proposed 2-year licence.*¹⁰²

⁹⁹ LC Submission No 25, p1

¹⁰⁰ Submission No 59, p3

¹⁰¹ Submission No 39, p5

¹⁰² LC Submission 63, p4

6.31 The Shooters Union stated:

Extending licences will reduce the amount of red tape required when renewing a licence. The requirements will remain around it being in the best interest of the licence holder to inform the proper authority of any changes to his/her situation.

This is currently the case for 5 year licences and will bring Tasmania into line with other states currently offering 10 year licences (e.g. Queensland and the Northern Territory).¹⁰³

6.32 Charlton Hunters Club stated:

The proposal to extend Category A&B to 10 years is supported by the CHC as licence periods are not as uniform across Australia as some would lead you to believe. Giving us the opportunity to support Tasmanian firearm owners and reduce red tape for them would bring us in line with the following states:

Queensland and the Northern Territory both allow for A&B Category licence holders to a period of 10 years.

The proposal to extend Category C to 2 years is also supported by the CHC, however we also believe this could be pushed out to 5 years to help support our farming industry as these firearms are tools of trade for the person on the land and this move would bring us in line with the majority of states below:

New South Wales, Queensland, South Australia, Northern Territory and the Australian Capital Territory all allow Category C licence holders for a period of 5 years Victoria allow Category C licence holders for a period of 3 years.

As you can see there is already a precedent for both of these changes and a further move out on Category C.¹⁰⁴

6.33 A number of respondents also argued for extending the licence period for Category C firearms.

6.34 The Tasmanian Farmers and Graziers Association supported:

...the proposal to increase the Category C licences for employees engaged in primary production to two years.¹⁰⁵

6.35 Matthew Allen, Tasmanian Deer Advisory Committee, stated:

Category C needs to go out to three to five years and get away from this

12-months that it is at the moment for farmers and, if we get it, the agents. It a fairly onerous task to go through every 12 months. Trust me, most of these

¹⁰³ LC Submission No 22, p5

¹⁰⁴ LC Submission 83, p3

¹⁰⁵ Submission No 39, p5

*properties with the requirement for Category C do not get sold every 12 months so the requirement doesn't change.*¹⁰⁶

- 6.36 The Committee received evidence that any extension of any current firearm licences periods would be in breach of the National Firearms Agreement. The respondents also argued that to do so would be a risk to public safety.

- 6.37 Ronald Cornish stated:

The proposal to extend periods of licenses for: - up to 10 years for Category A and B and for 2 years for a Category C agent or primary producer is clearly in contravention of the National Firearms Agreement.

*The Premier has publicly declared, on several occasions, that no amendments will be introduced that are in contravention of that agreement; therefore your committee should immediately find that this proposal cannot be supported.*¹⁰⁷

- 6.38 Public Health Association Australia stated:

Licensing changes proposed include extending the "active period of licensing of firearms to include options for up to 10 years for Category A and B for all licence holders, and 2 years for Category C agent of a primary producer (currently every year) in order to stagger the annual renewal process and remove red tape".

This proposal is in direct contravention of the NFA which in section 34 part (d) states that "a licence must be issued for a period of no more than 5 years". 1P

*7 PHAA is concerned with the reference to removal of 'red tape'. While regulations and the administration of them should always be sensible and minimize unnecessary paperwork and delays, whatever their subject matter, reference to 'red tape' suggests that administration is a higher priority than safety. This is in contravention of Section 1 of the NFA, which clearly prioritises public safety.*¹⁰⁸

- 6.39 The Australian Medical Association stated:

*AMA Tasmania is unaware of any compelling evidence supporting a proposal for license periods to be doubled from 5 years to 10 years and from 1 year to 2 years, depending on the category of the firearm. AMA Tasmania also opposes automatic renewal of licences.*¹⁰⁹

- 6.40 Samuel Diprose Adams stated licence renewals should remain at five years and that regular renewals provide an opportunity to confirm that the particulars of a licence are still correct and valid.¹¹⁰

¹⁰⁶ Transcript of evidence, 3 December 2018, p72

¹⁰⁷ Submission No. 2, p2

¹⁰⁸ LC Submission No 71, p5

¹⁰⁹ LC Submission No 81, p2

¹¹⁰ LC Submission No 80, p12

6.41 The Alannah & Madeline Foundation stated:

The maximum period of five years, required for compliance with the NFA, is a substantial period of time between licence renewals. Shorter licence periods, such as the 12-month Category C licence period for primary producers and people employed in primary production in Tasmania, is good sensible policy given that these are more dangerous weapons and there is likely to be mobility between jobs in primary production.¹¹¹

6.42 Mr Warburton, The Alannah & Madeline Foundation, stated:

At the moment the minimum standard is five years, in some cases they are less. Regular checks increase the probability that you will pick up issues that might have occurred in the interim period that should have affected the licence but did not, or it might just pick up that a person is no longer as suitable as they once were.¹¹²

6.43 Medics for Gun Control argued for the reduction in license periods for semi-automatic weapons and handguns:

...by reducing the license periods for all weapons to 3 years, and for semiautomatic weapons and handguns to annually. The NFA specifies that 5 year license periods should be a maximum and encourages states to apply stronger regulations.

Licenses should not be automatically renewed but proceed through the appropriate background checks to ensure that any change in circumstances are fully accounted for.¹¹³

6.44 Many submitters argued that requiring the regular renewal of licences is necessary to reduce the numbers of persons with diminished capacity maintaining firearms licences, with a number of submitters arguing for the licence period to be reduced from the current five year period.

6.45 Carol Rea stated:

... the shift from a 5-year to a 10-year licence for Cat A and B firearms - I believe this is unacceptable. As a retired mental health clinician, I understand only too well how a period of that length can include deterioration in cognitive ability, the possibility that serious mental illness may occur. The change seems to be for convenience of firearm owners rather than rigour.¹¹⁴

6.46 Dr Maloney, Medics for Gun Control, stated:

¹¹¹ LC Submission No 111, p14

¹¹² Transcript of evidence, 30 November 2018, p30

¹¹³ Submission No 53, p3

¹¹⁴ LC Submission No 78, p1

I could add to that response about how reduced licensing periods improves the situation, it also means that people are more frequently reassessing their need to have guns. The use for a gun for an individual maybe a short-term thing. They have licence they will usually let it run up to the end of the licence before deciding what to do with their gun if they do not need it and there is not access there. If their mental health deteriorates and the weapon is no longer on their premises and they do not have access to it because they have not bothered to go through that process.¹¹⁵

6.47 The Australian Nursing and Midwifery Foundation (Tasmanian Branch) stated:

The ANMF (Tasmanian Branch) believe that the current licensing arrangements and time periods associated with each individual licence allow for regular monitoring of those applying for a licence and offer an opportunity to detect any changes in circumstances for those individuals seeking a licence in a timely way. It is the view of the ANMF (Tasmanian Branch) that any lengthening of these licence time frames has the potential to weaken the monitoring and timely recognition of changes in individual circumstances.¹¹⁶

Licence renewal peak every 5 years

6.48 The Committee received evidence that the National Firearms Agreement and subsequent legislation, requiring all firearms owners to obtain a licence, resulted in a significant number of licences being obtained in 1996. As most licences expire every five years, this has resulted in a large number of applications being submitted to Firearms Services at the same time every five years, creating delays in licence processing.

6.49 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

We have 35 000 licence holders and 18 000 of those 35 000 renew in one year.

...

For that 18 months - in effect, the major relicensing year, which is next due in 2022 - we have a very difficult 12-month period followed by a clean-up period for the next six months. For 18 months, all licence holders - whether they are applying for a new licence, renewing or requesting a new firearm - are impacted by the strain that occurs within our organisation for that 18-month period. At the moment, most people who are lodging applications are very comfortable and very happy with the time periods, but do not get great service during that period. That is a reality.¹¹⁷

6.50 The Sporting Shooters Association (Tasmania) stated:

¹¹⁵ Transcript of evidence, 10 December 2018, p8

¹¹⁶ LC Submission No 87, p4

¹¹⁷ Transcript of evidence, 10 May 2019, p4-5

Given the complete relicensing that occurred in 1996, a huge future hump in reprocessing was created. Last year, 2017, was the fifth time that this hump has had to be dealt with, and the outcome was by far the worst, often with many weeks passing after licence expiry before new licenses were issued. We believe at its peak Firearms Services (FAS) were processing more than 4,000 reapplications a week. We are not privileged to the exact detail of this information, however we imagine the Committee could request Tasmanian Police to confirm some of the past and future challenges.

The Tasmanian Police (FAS) response to this delay was to refer to section 36 of the Act; an expired licence remains current until determined. However for those of us who have had drummed into us the primacy of having a current photo licence for ammo purchases, club shooting, interstate travel, etc. this was an uncomfortable and worrying time. We felt exposed.

The broader discussion on this topic regarding the National Firearms Agreement (NFA) is one for TOR 2 [Terms of Reference, No (2)], but we believe extended licence periods, we suggest up to 10 years, (as has occurred in NT and Qld) could be introduced to help smooth this lump. It should be remembered that a passport, the country's most authoritative document on who someone is, can be valid for this timeframe.¹¹⁸

6.51 A number of respondents highlighted problems they have experienced as a result of the delays in the renewal system.

6.52 Mr Riddell, Sporting Shooters Association of Australia, stated:

My renewal came up in April last year. I got my reapplication form in February and I submitted it within a couple of days of getting it. I was going to the mainland on a hunting trip, and a week before I was due to go, I still did not have my new licence. That caused me a lot of aggravation because as shooters we are used to having to show our licence for all sorts of things. I need to show my licence to get storage on the boat. If I was driving through Victoria or New South Wales and I got pulled up by the highway patrol and they wanted to see my licence, I would have had an expired licence. I could not buy ammunition. I rang up Firearms Services and said, 'Look, I have not got my licence, what is going on?' They said, 'Oh, there is a bit of a backlog - it will be a couple more weeks'. I explained the problem. They said, 'Oh, that's fine, the act says that your licence will remain in force, even though it has expired'. I said, 'Well, that's all very well; however, the piece of plastic I have that I need to show in public to

be able to conduct myself as a firearm owner is not going to cut the mustard with people like the TT-Line and the New South Wales highway patrol'. They said, 'Okay, we will see if we can expedite your licence', which they did. If all else failed, they were going to write me a note, which is a completely unsatisfactory position to be in.

I had put that in months beforehand. During the discussion we had with them after that, they said they were processing something like 4000 licences a week. So you can understand what was going on inside that office. I have some

¹¹⁸ LC Submission No 17, p4

sympathy for them and they were helpful when I spoke to them about it, but nonetheless, as a person who had become very used to having a plastic card and showing it, I felt very uncomfortable that I would have been placed in [sic].¹¹⁹

6.53 Mark Walters, Tasmanian Rifle Association stated:

It was suggested that we might want to replicate the British firearms group by having a licence extending past that time. Like with your passport where you have at least six months validity when you turn up. I will have about three months on my firearms licence, plus I want to stay on in England for a little while longer. The Firearms Service said we cannot give you a licence outside of the time, but we can give you a letter saying we will give you a licence when you get back. That was the best they could do, which was fine. I said I am happy to apply for my licence right now to make sure I have to a five-year licence. They said we cannot bring it forward, but we can give an explanation. Again, it is a bureaucracy and they have their own rules.¹²⁰

6.54 The Shooters, Fishers and Farmers Party Tasmania raised issues with their members not receiving firearm renewal notices:

There are also issues with license renewals which I have been assured have been addressed by an electronic notification back up if the license holder has provided contact details. This should have been instituted at the beginning of last year which was an anniversary year for the original licenses.

Prior to this, the Shooters Fishers and Farmers party was receiving complaints from a number of license firearm owners who were adamant that they did not receive their firearm renewal notice.

Not receiving the renewal notice meant that these lapsed license holders received a phone call from police 14 days after the expiry of their license. This resulted in many legitimate owners forced to surrender their firearms immediately. They were then instructed that if they wanted to continue to be a lawful firearm owner and regain ownership of their firearms they had to complete the safety course at the cost of in excess of \$300. Due to a bottleneck and lengthy delays with courses some owners were not able to comply for months.

For agriculture purposes or for persons engaged with competition shooting, this was clearly unfair, unreasonable and impracticable.¹²¹

6.55 A number of solutions to reduce the peak in applications from occurring have been proposed.

6.56 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

¹¹⁹ Transcript of evidence, 30 November 2018, p4-5

¹²⁰ Transcript of evidence, 3 December 2018, p54

¹²¹ Submission No 59, p1

We have developed a strategy that would mean a number of licences would be reissued and, on that basis, at different times. Over a period of two to three years, we would have a peak of about 18 000 licences.

We deal with about 3500 renewals a year. That licensing peak is 18 000 licences for that year. It is significantly higher than we are resourced to handle and we cannot adapt that quickly to handle that.

On that basis, with support from the Government in that space, through reissuing licences at different times, we could reduce it by half of what it is fairly quickly over a two- or three-year period with little impact on licence holders. It is a sensible, straightforward approach. There is a revenue impact for government, though.

..

it would be more like accepting a renewal early, issuing it potentially two years earlier than they were expecting to renew it at no detrimental cost to the licence holder and still for the five-year period. Not necessarily extending licences or shortening them, only reissuing them with little impact on the licence holder.

If approved by government, in effect they will get a free licence period, longer than they already have, but we will do the renewal check before reissuing it. In that respect there is no community safety impact, there is little impact on the licence holder and virtually everyone wins, except there is a revenue impact.¹²²

- 6.57 The Alannah & Madeline Foundation stated it did not oppose staggering the annual process to reduce this burden and argued:

These objectives can be achieved without introducing excessively long licencing periods or undermining the NFA.¹²³

- 6.58 Mr Judd, Sporting Shooters Association of Australia, also supported staggering and proposed that an electronic system could also alleviate some administration problems:

Predominantly a staggered rollout would be good. To go electronic in all aspects at Firearms Services would alleviate a lot of work for the staff there. At no stage are we complaining about the staff at Firearms Services, I make that clear. They have a lot of work to do and they do an incredible job considering the staffing levels they have.¹²⁴

- 6.59 The Tasmanian Farmers and Graziers Association proposed the implementation of a specific application process for those individuals renewing an existing licence instead of requiring individuals to submit a new application each time:

¹²² Transcript of evidence, 10 May 2019, p3

¹²³ LC Submission No 111, p14

¹²⁴ Transcript of evidence, 30 November 2018, p5

A good example that will assist FAS and firearms owners is to change the way firearm owners apply to renew their licences prior to their expiry. Currently, firearm owners must reapply for their licence instead of renewing. By instigating a renewal process for licences, instead of having to do a new application, there would be a clear improvement to the current administrative burden.

The TFGA request that a renewal system is implemented whereby if there are no changes the licence holder undertakes a renewal. A similar example is when people renew their vehicle licences.¹²⁵

- 6.60 Mr Judd, Sporting Shooters Association of Australia, also supported the renewal application proposal as well the introduction of an electronic system:

I think if we went to an electronic system and a renewal rather than a reapplication, as it is when renewing a drivers licence, which is a tick and flick form - it asks do you need glasses, are you diabetic and so on.

If we had a similar system for firearms - it is a signed document, it is legally binding - but if we had a renewal system rather than having to go through the whole reapplication, it would make the task for Firearms Services a lot less and it would enable them to deal with that larger group of people at the one time. It would also be consistent with other licensing that we do within Tasmania.¹²⁶

- 6.61 Jonathan Higgins, Tasmanian Police, Firearm Services highlighted an issue created whereby existing licence holders whose application is delayed are required to re-attend a firearm safety training course:

... the two-week grace period under section 36A of the act was introduced to provide licence holders with additional time to renew after expiry of their licence. Unfortunately the change does not provide the Commissioner with the ability to use discretion when making a determination on a renewal application. This has seen experienced shooters having to complete the firearms safety training course because this forms a compulsory part of the new application process.¹²⁷

Licence renewal and security

- 6.62 The Committee heard from individuals who raised concerns about the current system that could put the security of firearm owners at risk.

- 6.63 Alistair Cameron stated:

Firearms Services ran a big question mark about five years ago where it was firmly believed there had been a leak of personal information of firearm owners because there was a large number of targeted firearm robberies in and around

¹²⁵ Submission No 39, p4

¹²⁶ Transcript of evidence, 30 November 2018, p3

¹²⁷ Transcript of evidence, 10 May 2019, p2

Hobart and Launceston, particularly in Hobart, by robbers who actually had a shopping list. There was a robbery in Hobart where the thieves were disturbed; they went around the corner and robbed another house that had a gun safe.

They knew where they all were. People were pointing the finger at Firearms Services and saying, 'Hey, you have a leak in your system', but it was never proven that it did and was never proven that it didn't leak it. Your point is that another organisation getting all that information is another exposure, another.¹²⁸

6.64 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

At the moment, if I walk into Service Tasmania to pay for a PTA, a new application or renew, I am standing in the line holding that piece of paper with my details on it. I am handing that over the counter. Service Tasmania is brilliant at protecting people's identity and security but there is period of time when that piece of paper is potentially viewable by people.

If you are doing it online, the only people who see it are the people who are looking at the screen at the time and it is generally only that person. My belief is that security significantly improves, if that is the case.¹²⁹

6.65 Adrian Bodnar, Tasmanian Police, Firearm Services, stated:

If you look at the number of registered firearms we have in the state, which is about 138 000 - almost 139 000. At times there is an element of luck, if I can say that to be honest with you. If you have dwellings that are broken into, some of those houses that are broken into will have firearms safes that will be unlawfully entered and firearms stolen. It is not always a case that people are necessarily targeting homes or somehow finding out information. I can link that back to our FAWDS, Firearms and Weapons Data System. In years gone by, there have been allegations that security has been breached, but to the best of my knowledge, there has never been any evidence or corroborative evidence to say that platform on which we retain all that information has ever been breached.¹³⁰

6.66 Adrian Bodnar, Tasmanian Police, Firearm Services, stated:

In the year prior to that there were 73 stolen firearms recovered from 257 that were reported as stolen.¹³¹

6.67 Alan Taylor stated:

...the Australian Criminal Intelligence Commission's report on black market firearms stated unequivocally that the number of legal firearms in the community, combined with the number of unregistered and illicitly sourced

¹²⁸ Transcript of evidence, 24 July 2019, p4

¹²⁹ Transcript of evidence, 10 May 2019, p5

¹³⁰ Transcript of evidence, 10 May 2019, p8

¹³¹ Transcript of evidence, 10 May 2019, p8

firearms obtained before 1996, ensures a continual and growing supply of firearms to the illegal market.¹³²

6.68 Heath Morton stated:

It is widely known among the community that a spate of targeted firearm thefts have occurred in Tasmania as a result of information leaks from Tasmania Police and from customer service staff at Service Tasmania service provider centres. Firearms owners are not availed of the opportunity to conduct Firearms License renewals (Nor submit applications for Permits to Acquire Firearms) at a police station. Therefore, every time a licensed firearms owner renews a license he/she is exposed to a security threat. Allowing a change from a five year renewal period to a ten year renewal period reduces the incidence of this security threat by exactly half, whilst also reducing costs for every party.¹³³

Electronic renewal

6.69 There was a general consensus amongst firearm owners and the Tasmanian Police, Firearms Services that the introduction of a digital system for firearm licences would make significant improvements for all users.

6.70 Kerry Shepherd, Tasmanian Police, Firearm Services, stated:

What Firearm Services has is an almost completely paper-based process. It is horrendously time consuming to work through compared to a digital process. In the case of a digital process to renew a licence, a person can sit on their couch at home and renew their licence using their phone.

If a person wishes to renew their licence for a firearm, in most cases they have to travel to a Service Tasmania outlet. There are plenty of Service Tasmania outlets for people around Hobart and this region, but if you are on the east coast of Tasmania, I think St. Helens is the only Service Tasmania outlet. You have considerable journeys to get there if you are in Bicheno or Swansea. It is the same on the west coast. That is that side of it, let alone what happens in our corridors.¹³⁴

6.71 Jonathan Higgins, Tasmanian Police, Firearm Services, stated:

If the Government was to pursue changes to the firearms legislation, the department would like to see these types of anomalies addressed and changes to the act to improve public safety, accommodation of modern administrative practices, such as an online service delivery, and consideration of ways to futureproof the legislation in the face of technical advances - for example, other new firearms technology. Further, to address these anomalies, the department supports the development and implementation of a digital service platform for firearms licence activities, a project to address the major relicensing peak that

¹³² Transcript of evidence, 14 June 2019, p3

¹³³ LC Submission No 99, p1

¹³⁴ Transcript of evidence, 10 May 2019, p5

happens every five years on the anniversary of the commencement of the legislation and affects service delivery outcomes for all stakeholders during that period, and continuous improvement that would transform Firearms Services into a contemporary, responsive regulatory body.¹³⁵

6.72 Mr Riddell, Sporting Shooters Association of Australia, stated:

In a sense they are doing a 100 per cent audit of everyone at the moment. If they randomly audited a signed renewal process, I think that would still keep most people honest. That is why we went for five years, because 20 years ago we had manual systems. That is what Andrew was saying about electronic systems. If we had electronic systems that allowed us to do things more quickly and also provide things more quickly, it would also allow Firearms Services to audit people on a more routine basis.¹³⁶

6.73 Alistair Shephard, Shooters Union Tasmania, stated:

With our firearms registry in Tasmania looking to go to a more online system, which we support, the security of firearm owners' details - my details - are potentially a target for criminals looking for a shopping list of firearms. With the number of incidences of hacking of databases we see worldwide, I don't think it should be a database we should have. Many people have registered their concerns around the My Health Record and we have extensions on the opt-out period for that. The concerns were around the security of the details held therein. We think a list or a database online of firearm owners is something that would be worse for the general public and a greater risk, not only for the general public but for those individuals who own the firearms.¹³⁷

6.74 Matthew Allen, Tasmanian Deer Advisory Committee, stated:

The other thing I think we need to look at is going to an online system for it all, especially the buying and registration of firearms. We are the only state in Australia that charges to register a firearm for the first time. We have a local gun store that has over \$200 000 worth of firearms. Over two-thirds of that money is owing on those firearms, as they are waiting for them to be picked up, because they are either waiting for permits to acquire to come back, or they are waiting for the firearm to be registered for the first time. It is an onerous job. One of their staff spends a day a week filling out paperwork for the firearm registry.

It is literally a new firearm comes in; I have my permit to acquire back; I have ordered the firearm. It comes in but I will not be allowed to pick that firearm up for two to three weeks. The gun store has to fill out a piece of paper and send it to Firearm Services. They then have to send back the blue paperwork that registers it in the shop's name for them to fill out to sell to me and send it back before I can have that firearm. Even though my 28-day waiting period is done, they cannot sell it to me until it has been registered in Tasmania for the first time. The only way they can do that is via paperwork. Surely, we can get to the stage where the gun shop would basically do it for Firearm Services. They would fill out

¹³⁵ Transcript of evidence, 10 May 2019, p2

¹³⁶ Transcript of evidence, 30 November 2018, p4

¹³⁷ Transcript of evidence, 3 December 2018, p2

*the online thing and it would go there. Yes, it is registered now, now you can sell it to the firearm owner, rather than wait two to three weeks for a blue piece of paperwork to come back.*¹³⁸

Interstate licence recognition

- 6.75 Alistair Cameron raised concerns with the recognition of interstate licenses and training courses in Tasmania:

At the moment there is a problem with the recognition of training and licenses. People moving from Tasmania to Victoria, for example, are not having their Tasmanian licences recognised. They are being told they have to complete the firearms training and the safety course at a \$300 fee and all that goes with it before they will be issued with a Victorian firearms licence. Similarly, people coming to Tasmania from interstate have the same experience. I will give you an example. A retired couple who are both target shooters moved to Tasmania a couple of years ago and were told by Firearms Services that they had to sit the course. They are pensioners and it cost them over \$600 to do the course and then be re-licensed. The irony is in Victoria they were actually firearm instructors. They have been in the game of target shooting for that long. I had an employee come from interstate; it took him nearly 12 months to obtain a Tasmanian licence. I had an employee who left and moved to Victoria, again they did not recognise his Tasmanian licence. He has been told he has to sit the course, go through the whole hoops. My point is it should be uniform. The

*National Firearms Agreement said it should be uniform. It is not being recognised. It is an unfair cost and inconvenience to people who are trying to do the right thing.*¹³⁹

Committee Comment

- 6.76 The Committee notes the frustrations of some regional and remote Tasmanians in relation to access to firearms safety training courses in terms of location, frequency and cost.
- 6.77 The Committee recognises, as per the National Firearms Agreement, that safety training for firearms must be comprehensive and standardised across Australia for all licence categories. The Committee considers that the Tasmania Government must advocate for a nationally recognised course to be developed at the national level.
- 6.78 The Committee finds that until a nationally recognised course is developed, TasTAFE should continue to operate as the single provider of firearms training in Tasmania so as to ensure quality assurance and to reduce the potential opportunities for safety training to be compromised. However, it is the opinion of the Committee that

¹³⁸ Transcript of evidence, 3 December 2018, p78

¹³⁹ Transcript of evidence, 24 July 2019, p2

TasTAFE needs to increase the frequency of their training sessions and to offer the course in more regional areas.

- 6.79 The Committee notes some respondents would like to extend firearms licences beyond five years. The Committee recognises these extensions would breach the National Firearms Agreement and does not support them.
- 6.80 The Committee supports the current licencing regime for Category C firearms.
- 6.81 The Committee notes the confusion and ethical issues raised by respondents regarding whether there is a duty to notify and report any concerns for persons believed to have firearm licences. There is also confusion as to which agency, if any, such reports should be addressed.
- 6.82 The Committee finds that a formal review between Firearms Services and medical authorities is required to resolve these matters, followed by an education campaign, including the production of appropriate information resources.
- 6.83 The Committee finds that on the balance of evidence received that the licence renewal peak currently experienced every five years is a significant burden for Firearm Services and firearm owners. The Committee notes and supports the solutions proposed by respondents including a temporary staggering of licence renewals, one-off shorter-term licences, and reduced licence fees for persons who take up the offer of such licences. The Committee notes that the next peak is due to occur in 2022 and the Government should assist Firearm Services to develop solutions prior to this time.
- 6.84 The Committee finds that Firearm Services should investigate the efficiencies, accountability and security risks involved in an online licencing system.
- 6.85 The Committee finds that Firearm Services needs adequate resources to ensure it is a contemporary, responsive regulatory body that can process applications, renewals, background checks and alerts as quickly and thoroughly as possible to ensure public safety and confidence in the system.

7 LICENCE AND STORAGE INFRINGEMENTS

- 7.1 The Committee received evidence that any changes that reduced the penalties for firearm and ammunition storage offences should be opposed. Many respondents were adamant that any changes would place the public at risk of harm.

- 7.2 Ronald Cornish stated:

*Infringement notices for minor storage offences weakens the law as it now stands and should not be supported. The term “minor” should not apply to the responsibility for complying with the storage laws as they now stand. Those laws are an important and intricate part of the existing law and removal of firearms for non-compliance is an important requirement for tighter gun control.*¹⁴⁰

- 7.3 The Australian Injury Prevention Network stated:

*Reducing the current storage and transportation requirements of firearms will unnecessarily place children and the public at serious potential risk. Any reduction in the terms of storage or transportation risk children or unlicensed persons accessing the firearm or places an unacceptable risk of theft and illegal possession.*¹⁴¹

- 7.4 Medics for Gun Control argued for:

License cancellation & seizure of firearms in case of license breaches. The legislation should explicitly outline that the failure to comply with licensing requirements including the safe storage of the firearms will not just result in an offence, but will result in the cancellation of licenses and seizure of the firearms. The NFA (clause 8) resolved that “... it should be a precondition to the issuing of a new firearms license (and on each renewal of licence in respect of existing licence holders) that the licensing authority be satisfied as to the proposed storage and security arrangements” and that “legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms”.

These storage requirements are crucial in saving lives. One of the questions we often ask, as health professionals, to people who are suffering from depression, is whether they have guns in the house, where they are, and who has the key. Similarly, the potential whereabouts and storage of guns in households where domestic violence is a reality or threat, is equally of great concern to us as health professionals.

¹⁴⁰ Submission No 2, p2

¹⁴¹ LC Submission No 98, 01

Our experience shows us that in general, gun owners take these storage requirements seriously and have no problem with them. They are an accepted part of the culture in Australia now. The NFA clearly states that licences will be cancelled, it will be an offence and firearms will be confiscated, if storage laws are breached. Having unambiguous and strict storage laws is crucial to preventing gun deaths and is a requirement that should be maintained.¹⁴²

7.5 Stephen Bendle, the Alannah & Madeline Foundation, stated:

This comes to the premise of making decisions in the interest of public safety.

We understand the rationale for that position. It introduces a grey area and we believe that as soon as you have introduced one grey area, such as one bullet, do you put in your legislation that one bullet is okay? Do you put in your legislation that a box of bullets is okay? As soon as you start introducing grey areas, we think that is a slippery slope.

It is very clear that clause 44(b) of the Firearms Agreement says that any breach is an offence that results in the cancellation of a licence and confiscation of all firearms. We understand that is a tough penalty but we think any decisions on any of the issues you are considering should be made in the interests of public safety and not the convenience and ease of practice for firearm owners and users. We understand that makes it difficult. We understand that makes it tough for farmers and primary producers. It is our position that firearm legislation should not be in place to make it easy. We should not make it any easier for anyone to get a gun, use a gun or get another gun. We have an agreement in place and we should be making decisions in the interests of public safety, not in the interests of the ease of use of firearm users.¹⁴³

7.6 Public Health Association Australia stated:

The proposals would "amend the Regulations so that where a lawful firearms owner (including a dealer) has been found in contravention of storage laws for relatively minor reasons, an infringement notice may be issued rather than a summons, and no firearms will be removed as a result, if the contravention is rectified without delay".

This proposal is in direct contravention of the NFA which in section 38 part (c) states that "jurisdictions may impose appropriate penalties, in addition to licence cancellation or seizure of firearms, for failure to comply with security and storage conditions". Key to this section are the words "in addition to". The proposed change would be instead of, not in addition to.

PHAA is particularly concerned that adoption of this proposal would result in reduced penalties for contravention of storage laws by dealers. Firearms dealers have particular responsibilities in safe storage of firearms as well as good modelling of safe storage. Dealers are in a position where they may be asked for storage and safety advice from the public. There is a significant risk that dealers who do not take safety and storage seriously enough to comply with the laws

¹⁴² Submission No 53, p2-3

¹⁴³ Transcript of evidence, 30 November 2018, p29

may not provide accurate advice to others. The NFA highlights the safety and storage practices of dealers, in section 44 part (g) which allows for "such additional requirements as the firearms regulatory authority deems appropriate having regard to the type of activity of the dealer". This specifically refers to additional storage requirements for dealers, not less stringent requirements.

The NFA also states in section 45 "jurisdictions should consider imposing greater storage requirements where multiple firearms are kept on the same property". The inclusion of dealers in the proposed amendment clearly indicates that it is to apply to properties with multiple firearms. Imposing less stringent penalties for non-compliance with the storage requirements is inconsistent with this provision for greater storage requirements.¹⁴⁴

7.7 The Committee received submissions that supported introducing infringement notices for storage offences.

7.8 Samuel Diprose Adams stated:

*Infringement notices are an appropriate option for minor storage offences. Having infringement notices rather than summons would reduce the burden on the courts whilst maintaining a deterrent effect on firearm owners. It should not be a requirement for firearm owners living in rural or regional areas to have an alarm. This is because alarms are unlikely to be effective deterrents in these areas.*¹⁴⁵

7.9 The Sporting Shooters Association (Tasmania) stated:

Storage of firearms and ammunition (and since 2015 firearms parts) has always been a contentious licensing area, principally due to the scale range of any particular offense. For instance, leaving a small quantity of propellant spilt on a bench (a reloading component) vs storing a firearm behind the bedroom door, potentially draw the same sanction. There is no sense in that.

The NFA is oft quoted in this regard as requiring, (clause 44 (b)) seizure etc. of incorrectly stored firearms. There are two things to note here however;

- The clause is specifically about firearms, not ammunition or firearms parts.*
- Mr Pat Allen (Police Association of Tasmania) was heard on the Leon Compton show (ABC Radio Hobart) in March, post the election, commenting that the seizure proviso's in the Act resulted in a lot of unnecessary paperwork as firearms were often returned. He seemed to be suggesting there is a better way? If he was, we couldn't agree more.*

Given much of our concern is about ammunition storage and firearms parts (reloading components or a magazine left unsecured), there is a strong case for infringement notices being introduced to balance some of the clearly excessive penalties that were introduced in 2015. Our request to have a secure reloading area classified as "storage" is in the same context.

¹⁴⁴ LC Submission No 71, p5

¹⁴⁵ LC Submission No 80, p12

No withstanding any comments above, section 88 of the Act gives the Police wide powers of seizure including for incorrect storage and we are not suggesting it be repealed, just that it be applied more sensibly with a more tailored set of sanctions available reflecting the real community risk of a particular offense which is currently skewed out of proportion with many of the occurrences.¹⁴⁶

7.10 Richard Lindsay, Timothy Lindsay, and Indri Sukata stated:

At present the maximum penalties for minor storage offences are draconian. For example, a dropped primer on the reloading room floor in your shed attracts a penalty of 60 penalty units and or 12 months in prison. The proposal to reduce the penalty for such minor misdemeanours, sometimes inadvertent, to an infringement rather than a summons is well founded and should be introduced.¹⁴⁷

7.11 The Tasmanian Farmers and Graziers Association stated:

In December 2017, there were a raft of changes introduced to strengthen the firearm storage requirements, as detailed under the Tasmanian Firearms Regulations 2016. These included:

- The thickness of the stored receptacle e.g. Safe
- How the receptacle is fixed to a wall and floor
- Storage of ammunition
- Requirements for Category H Firearms or where 10 or more firearms are stored.

This means Tasmania has some of the strongest firearm storage laws in Australia. The proposed changes are not about weakening firearm laws but being practical and equitable when applying the law to potential breaches of the legislation. TFGA doesn't believe it is reasonable for a primary producer, who has a firearm licence, to forfeit their licence and firearm if a stray bullet is found in their vehicle. Penalties should be relevant to the breach.

The TFGA believes there is an opportunity for the Government, and the proposed Tasmanian Firearms Owners Council, to examine a better approach to deal with storage laws in order for penalties to better reflect the extent of the breach.¹⁴⁸

7.12 The Australian Medical Association stated:

AMA Tasmania suggests that the proposed changes to infringement notices for minor storage offences warrant further investigation as there may be grounds for such offences to attract a civil rather than criminal penalty, for example if the owner is a farmer.¹⁴⁹

¹⁴⁶ LC Submission No 17, p4-5

¹⁴⁷ LC Submission No 25, p1

¹⁴⁸ Submission No 39, p5

¹⁴⁹ LC Submission No 81, p2

7.13 Donald Jones, Tasmanian Farmers and Graziers Association, stated:

Infringement notices was a means of the police department to better and adequately manage firearms. As it is at the moment, if a law enforcement officer rings up Firearm Services and says, 'Joe Blow did this', they cancel the licence whether you are guilty or not.

Common sense is not prevailing. You have to look at how this firearms legislation is drawn up and if you want a good comparison, look at the 1992 firearms legislation that was brought into place in this state. It is easier to read and manage than the present thing. The more words you put into legislation the more difficult it becomes to read.

I was liaison for the writing of the 1992 legislation and I also drew up the first firearms training thing with Sergeant Paul Smith of Firearm Services in 1992, so I do have an understanding of the complexity of legislation. We are asking to look at the complexity of legislation as to how it can handle and help the farming community and at the same time alleviate the concerns that the community have. We have not talked about the hundreds and thousands of dollars that have been lost on farms and we're not there every week pasting out a thing. If the Government wants to pay us compensation for their animals on our farms we'll shut up in relation to what we want.¹⁵⁰

7.14 Mr Judd, Sporting Shooters Association of Australia, stated:

In the past, if the police come in and there is one round of ammunition or if you forgot to put your magazine away or anything like that, you would suffer the full penalty. We would like to see scale where you get an infringement notice. Bear in mind that at no stage does the NFA specify the storage of ammunition, it only specifies the storage of firearms. We would like to see some form of infringement. It is much the same if someone fails to stop at a stop sign while they are driving.

They do not have their car seized, destroyed or anything like that or their licence is revoked. They have an infringement-type system. In major breaches, there is no excuse for firearms being left unattended and unsecured when there is nobody about.

...

We are not saying anything is acceptable; we are saying that we would like to see an infringement for even one round. It is not acceptable to do that, the same as it is not acceptable, in the analogy from before, to go through a stop sign. That is not acceptable. It should be subject to some sort of penalty, but the severity of the penalty based upon the amount of the infringement, for the want of a better term, should be scaled so that for a minor infringement we are not wasting, first, police resources and, second, causing angst to everyone involved.¹⁵¹

¹⁵⁰ Transcript of evidence, 10 December 2018, p37

¹⁵¹ Transcript of evidence, 30 November 2018, p5 and 9

7.15 Mr Judd, Sporting Shooters Association of Australia, proposed:

I believe that it would be appropriate; a packet of .22 bullets is fairly small, matchbox size or a little bit larger, which is 50 rounds. I believe anything from one to 50 rounds of ammunition could be overlooked, say, in the scenario where a farmer is out culling or anything like that - you would have a minor infringement. A case of shotgun cartridges is 250 and anything over that would be a secondary infringement, and anything over that would be subject to whatever the court deems appropriate.¹⁵²

7.16 Jonathan Higgins, Tasmanian Police, Firearm Services, stated:

Are there situations where an infringement notice might be an efficient means of dealing with an issue? Absolutely, there would be. That would then fall into the tools that could be used by a police officer in a situation. Rather than taking a matter through the court, a fine might be a reasonable outcome. It makes sense. It is multifaceted and it would potentially save time.¹⁵³

7.17 The Committee also heard from witnesses advocating for changes in relation to storage requirements.

7.18 Alistair Shephard, Shooters Union Tasmania, stated:

The availability of quickly available, safe storage is certainly available worldwide. With fingerprint or handprint access, pin code access you can store it beside your bed or wherever you would want to store it and it would avail you easy access.

Firearms should also be able to be stored loaded, rather than a separation of the two like we currently have.¹⁵⁴

7.19 The Shooters, Fishers and Farmers Party Tasmania, stated:

Storage infringement should not be activated on anything less than one full box of ammunition since an opened box indicates that the shooter had started shooting and has missed the box to store afterwards.

...

No one should be charged for being in possession of a firearm unless 100% of the parts are present- anything less than a complete firearm cannot discharge a round and is essentially scrap steel.¹⁵⁵

7.20 The Committee also heard from witnesses advocating for changes in relation to loading requirements.

7.21 Jared Rattray stated:

¹⁵² Transcript of evidence, 30 November 2018, p5 and 9

¹⁵³ Transcript of evidence, 10 May 2019, p14-15

¹⁵⁴ Transcript of evidence, 3 December 2018, p4

¹⁵⁵ Submission No 59, p19

Amend the Firearms Act to allow an owner to have a dedicated and secured room which can be designated a temporary "safe area" for the purposes of the reloading of ammunition. This will deal with the reality that specialist reloading can take extended periods but the room involved can be made secure through practical arrangements.

In my experience as a shooter and being around many other shooters I can report that reloading ammunition at home is certainly the norm amongst frequent users of centrefire calibres, In large part due to the cost savings but also for the purpose of 'fine tuning' ammunition which produces superior accuracy. This process takes up a lot of time, it is a very methodical and careful process which involves individually weighing, measuring, and assembling components, and sorting into batches and keeping detailed records.

My own process of reloading ammunition prior to shooting matches happens over a number of days, because it simply isn't practical or possible to complete it in one session, taking several hours at a time.

It is also very impractical packing away all of the related items prior to completion, as this severely disrupts the process and could introduce errors upon resuming it. A mistake made whilst reloading ammunition, such as over charging a round with powder, could in the rare and extreme cases result in a firearm malfunction which destroys the firearm and injures the user.¹⁵⁶

7.22 The Committee received testimony that Tasmania Police officers are permitted to exercise discretion when investigating firearms storage breaches.

7.23 Kerry Shepherd, Tasmania Police, Firearm Services, stated:

...we inspect storage where the storage may not comply with the current regulations. In some cases, depending upon the circumstances, a person could be charged. They are rarely charged because we use it as an education process. Often, we say we will be back in two weeks and by then you need to have your storage up to scratch. I think we lay about 50 charges a year for storage inspections, so not a lot of people are charged and most of those are where the drug squad enters a house and finds a sawn-off shotgun in the bedside table or under the couch.

...

There are different circumstances, but 50 storage charges were laid a year, on average, for the last five years. Most firearms owners are doing the right thing.

You see it over and over. Occasionally, people get it wrong. It is not as prolific as you might think.¹⁵⁷

7.24 Jonathan Higgins, Tasmania Police, Firearm Services, stated:

¹⁵⁶ LC Submission No 43, p2

¹⁵⁷ Transcript of evidence, 10 May 2019, p13

*...police officers have the discretion to perform a more educative view. There are probably many farmers who have casings, bullets, whatever, in their cars. Each case would have to be looked at by the officer. We allow our officers to have discretion to be educative in that.*¹⁵⁸

7.25 Adrian Bodnar, Tasmania Police, Firearm Services, stated:

*It is clearly articulated in the Tasmania Police manual as well, which is authorised by the Commissioner. The foreword says that we want our members to use common sense. We want them to use discretion and that ought to be underpinned and it is underpinned by the values of the agency. We want our people to make sure they are making those ethical decisions and they are lawful and they are fair. We encourage the use of discretion.*¹⁵⁹

7.26 The Committee heard from individuals and groups who opposed Tasmania Police being involved in storage inspections. Some of these people felt that the Police did not have the adequate knowledge to undertake inspections. The majority opposed having identified police officers and vehicles attending their home due to potential social embarrassment or felt this demonstrated to potential thieves that there were firearms at the property.

7.27 Karl Willrath opposed Police being involved in storage inspections:

*At present we are asking the police to be building inspectors in relation to firearm receptacle inspections...I argue that firearm receptacles should be handed over to standards Australia [sic] and then they would also stipulate the fixing requirements. I strongly recommend the committee takes advice from an appropriately qualified building inspector. Even installing a wood heater comes under building regulations.*¹⁶⁰

7.28 The Shooters, Fishers and Farmers Party Tasmania, stated:

*Many firearm owners find safe inspections invasive and confronting since most don't normally deal with police or have them turn up at their home and for these reasons storage should be completed by trained civilian service or plain clothes police in unmarked vehicles. From information that we have gathered, many officers often misquote the Act and clearly are not trained to do inspections.*¹⁶¹

7.29 The Shooters, Fishers and Farmers Party Tasmania stated:

The range of complaints received regarding FAS and storage inspection was wide and varied. They included officers allegedly requiring verbal justification for specific firearm ownership, owners questioned as to "why they killed animals", demands to remove bolts or install trigger locks to firearms lawfully secured in storage (not required), demands to lock up gun bags, demands to

¹⁵⁸ Transcript of evidence, 10 May 2019, p13

¹⁵⁹ Transcript of evidence, 10 May 2019, p14

¹⁶⁰ Submission No 6, p1

¹⁶¹ Submission No 59, p2

removed bolts or install trigger locks on firearms being transported in vehicles in locked toolboxes, (not required) cover storage safes with boxes and blankets, (not required) demands for inspections of firearms previously surrendered to police (of which documentation was provided) to the improper seizing of a firearm from an 80 yrs. old male as the officer claimed the barrel length was too short, notwithstanding it was not measured at the time. This firearm was returned some 12 months later as a result of vigorous protests by SFFP and the owner when it was clearly shown the officer was clearly in error and ignorant of the Firearms Act and Regulations.

...

These inconsistent practices result in an enormous amount of stress especially and foster an Anti-Police attitude which is clearly not desirable. We must maintain good community relationships with Police which are imperative to healthy social communities.¹⁶²

7.30 Heath Morton stated:

Regular visits being made by uniformed police to our homes for the purpose of gun safe inspections simply gets embarrassing. Worse, the last thing any of us want is to have neighbours or others figure out the reason for all of those police visits is because we are firearm owners. It is a security risk leading to danger of targeted firearms theft.¹⁶³

7.31 Mr Judd, Sporting Shooters Association of Australia, raised issues with the inspection process:

This is one of the things we are working through with Firearms Services. They are trying to get a more consistent way of doing it. They are talking about a checklist, so the firearm owner knows what is required of them by having the checklist provided to them. The inspecting officer also has a framework in which to work in.

There have been many times where an officer has found a safe that is not the right size. The President of TFGA brought up a case where a Category C safe was inspected by the local police who measured the thickness of the steel with a measuring tape. They found the steel was not 3 millimetres thick and proceeded to take the farmer's firearms away. It was questioned. Wayne

Johnston, the President of TFGA, was his son so he knew the case quite intimately.

We have that issue, but as I say Firearms Services at the moment is trying to do its best to get a better system in place.¹⁶⁴

7.32 There were concerns raised in relation to Firearm Services being part of Tasmania Police.

¹⁶² Submission No 59, p3

¹⁶³ LC Submission No 99, p1

¹⁶⁴ Transcript of evidence, 30 November 2018, p3

7.33 The Arms Collectors Guild of Tasmania argues that there is a potential conflict of interest:

We believe that the role of Tasmania Police as the initiator of Firearm Law proposals, administrator of the Act, compliance enforcers, investigator of breaches of the Act and also, occasionally, as the prosecutor is a conflict of interest.

To reduce this, we believe that these roles should be separated with the administration of the Act and of FAS separated from the Police Department possibly into the Sport & Recreation or Agriculture departmental areas. Firearm storage inspections should be conducted by permanent, regional & experienced inspectors which would alleviate the current problem with inexperienced police officers and the many instances of issues around inspections in the last eighteen months.

The role of police would not be excluded from Firearm Law proposals or liaison with Firearm Services under this proposal however a separation would occur between administration, policing and prosecution.¹⁶⁵

7.34 The Sporting Shooters Association (Tasmania) stated:

Firearms Services (FAS) role is to administer the Act on behalf of Tasmania Police. They are not an independent entity but do have an issue in that they have sole carriage for the administration of a piece of fraying legislation and this causes problems from our perspective, between them trying to interpret the Act and also be efficient administrators.

We are not sure what access they have to timely legal counsel, but often it seems that decisions are made in isolation and on the fly by both civilian and warranted FAS staff members. The move back to a civilian leader for FAS seems to have had positive results from our perspective; complaints to our Association seem to have dropped markedly in 2018, but this could be due to the move through the licensing hump, which didn't just impact on licensing, it impacted nearly every other function as well, Permits to Acquire (PTAs) being one of the most notable. FAS should have a major role in Policy formulation, especially as they should be more aware than most of the short comings of the Act and the administrative functioning of it. Again it should not be assumed however they are custodians of knowledge on the practical aspects of the functioning of the Act, the problems of firearm owners, and uses for firearms.¹⁶⁶

7.35 The Shooters Union raised concerns with the staffing levels at Firearm Services:

Over the last year or so the relationship between Firearm Services (FAS) and firearm owners has been severely strained. FAS has been seriously understaffed leading to long wait periods for licence renewals, Permits to acquire and other matters. For an example the author had to renew his licence this year and only received the new licence two months after the old one had expired leaving him

¹⁶⁵ Submission No 50, p4

¹⁶⁶ LC Submission No 17, p7

fearing prosecution for possessing firearms while unlicensed even though this was no fault of his own. Thankfully the service level has significantly improved with the employment of a civilian manager and our understanding is those involved in FAS will be given further training in understanding the current firearms legislation to ensure that the information and advice provided by FAS to firearms owners is consistent, the lack of which has had a severe negative impact on licensees.¹⁶⁷

- 7.36 James Boxhall stressed the importance of Firearm Services providing information in writing, so that firearm owners could use this information as a reference:

Mr BOXHALL - I have Firearms Services on my speed dial and we talk to them quite regularly. It depends who you get in Firearms Services. There are a couple of people there who are very helpful and there are a couple of people there who aren't very helpful. If you ring in the morning with a problem, you could ring back that same afternoon with a secondary problem arising from that first phone call and the answer that you get will be completely different.

Dr WOODRUFF - It sounds like a written paper trail might be useful and email correspondence.

Mr BOXHALL - It is but they do not like sending emails. We have asked time and time again 'Could you send that in an email?' and the answer is usually 'No, we don't do that'.

Dr WOODRUFF - That is something the committee could look at because we have heard testimony of the reverse: that in correspondence from Firearms Services people have been sending emails and confirming things in writing, so that sounds like something that would be worth getting to the bottom of.¹⁶⁸

- 7.37 Frustrations were raised, specifically by those involved in primary production, of issues related to firearm storage when the firearm is in use. A number of respondents raised concerns with this issue when the firearm is crossing a public road between two adjacent rural properties.

- 7.38 Justyn Atkins stated:

Back some years ago, but it seems to have changed, that if you have a Cat. C Firearms Licence you could use it on your farm and on any farmland, that directly borders your land with that land owners consent and a Crop protecting permit. (the farm next door), [sic] As it stands now, If I shoot on my farm and have the next-door farm owners' consent to shoot on his farm while I'm out, when I cross the boundary I'm required to store and lock any CAT C firearms and use only Cat. A rifle. This is just stupid.¹⁶⁹

¹⁶⁷ LC Submission No 22, p5

¹⁶⁸ Transcript of evidence, 24 July 2019, p46

¹⁶⁹ LC Submission No 13, p2

7.39 Wayne Venn stated:

*To cross the road in a vehicle from one part of the farm to another, it is necessary to have the firearm locked. However, it can be carried across the road under the same circumstances by the registered owner. Why is it necessary to have the firearm locked within the vehicle - it is still under the control of the registered owner?*¹⁷⁰

7.40 George Mills stated:

*There are only two things you can do with a firearm at the moment: that is, to lock it up in safe storage or, apart from that, a firearm can be in use. In accordance with the terms under the act, 'in use' means to fire the firearm or hold it so as to cause reasonable belief that it will be fired, whether or not it is capable of being fired. They are the only two things you can do: you can lock it up in your cupboard or you can do 'my firearm is in use', which means I'm firing it or I'm holding it in a way that looks as though it is going to be fired. If I cross the road, my property, I either have to have it locked, as in storage, which means unloading, taking all the rounds out of the magazine. I haven't mentioned this but the magazine is a safe storage for ammunition; it always was in the army. I have to take the ammunition out of the magazine, it might be ten rounds, put that into a box, then I look left and right, drive across the road, having locked the firearm, then I have to unlock, go through the gate on the other side, and then go through - That is how I have to do it to be in accordance with the law, or I have to hold the firearm, not lock it up, but I can get out of the ute, stand on the side of the road, unlock the gate, open the gate holding the firearm, get back into the vehicle holding onto the firearm, drive cross the road, get back out, open the gate holding on to it, and everyone can see me waving this firearm around the side of the road because it's in use. It's a nonsense, absolute nonsense.*¹⁷¹

7.41 George Mills stated:

*If it's in conveyance within a town boundary, it should be locked and unloaded. I don't have a problem with that; that is conveyance within a town boundary.*¹⁷²

7.42 The Committee heard from many respondents who opposed changes to firearm storage legislation when the firearm is in use, including when a firearm is carried across a public road.

7.43 Jennifer Brown, Medics for Gun Control, stated:

The point I would like to make is that making changes to gun regulations needs to be considered in the light of these public health regulations and founding principles, and we need to be thinking about the greatest good for the greatest number of people, rather than focusing on small individual groups.

¹⁷⁰ LC Submission No 104, p1

¹⁷¹ Transcript of evidence, 24 July 2019, p36

¹⁷² Transcript of evidence, 24 July 2019, p32

I point to the idea that making changes to firearms regulations in terms of crossing public roads and allowing gun owners not to have to lock up their guns when they cross those roads is a classic example of changing the laws for a group of individuals but not necessarily thinking about the greater good the regulation is there to protect. If you make changes like that it is difficult to reconcile those kinds of changes without risking the impact on the founding principles of public health and other regulations like seatbelt laws and those other things. You are undermining those principles and putting at risk the value those laws have.

As someone who studies law, works in public health and has a pretty extensive background in nursing, I find it hard to reconcile those kinds of changes for the greater good of the population.¹⁷³

7.44 Dr Phill Pullinger, Medics for Gun Control stated:

The gun safety training says that the highest risk time for having an accident is exactly that type of circumstance - crossing a fence if you are shooting animals and you let your guard down, you focus on something else that is when an accident happens. You cross the road and you get distracted by a phone call and the kid happens to jump in the back of the car. Part of saying we are not going to water down these laws is recognising the importance of the culture in saying 'no these are lethal weapons'. There are no ifs and buts, just like with picking up your kids from the school that is just a couple of blocks around. You don't say, well it is annoying having to buckle your kids up - it is a lot of work a lot of hassle. You say, no actually you always put your seatbelt on.¹⁷⁴

Committee Comment

- 7.45 The Committee notes the concerns expressed by some firearm owners that they may inadvertently breach ammunition and firearm storage regulations.¹⁷⁵
- 7.46 The Committee notes that Tasmania Police officers are empowered to exercise discretion in relation to minor ammunition and firearm infringements.
- 7.47 The Committee finds that more educative material and advice to firearm owners is needed from Firearms Services about the detail of the law in practice.
- 7.48 The Committee notes the concerns raised by firearm owners regarding the inspection of firearms by Police using marked vehicles, with the potential for this to highlight weapons being stored at a residence. The Committee supports Tasmania Police and Firearm Services investigating best practice methods from other jurisdictions that

¹⁷³ Transcript of evidence, 10 December 2018, p3

¹⁷⁴ Transcript of evidence, 10 December 2018, p13

¹⁷⁵ Transcript of evidence, 10 December 2018, p13

enhance the safety for inspectors, firearm owners and members of the public.

- 7.49 The Committee supports Firearm Services remaining part of Tasmania Police. The Committee notes that Firearm Services needs an adequate level of resourcing to perform their duties in a timely manner.

8 PRIMARY PRODUCERS

8.1 The Firearms Act 1996 specifies a Category C firearms licence as:

(1) A Category C firearms licence applies to any –

(a) self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds of ammunition; and

(b) self-loading shotgun with a magazine capacity of no more than 5 rounds of ammunition; and

(c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition.

(2) A Category C firearms licence authorises the holder to possess or use only one firearm referred to in subsection (1) (a) and one firearm referred to in subsection (1) (b) or (c) specified in the licence for the particular purpose specified in the licence.

(3) Subsection (2) does not apply in respect of a Category C firearms licence that is specified as being issued only for the genuine reason of firearms collection.¹⁷⁶

8.2 The Firearms Act 1996 restricts the granting of Category C firearms licences unless the person establishes and provides evidence that the genuine reason for holding the licence is primary production, animal population control or firearms collection.¹⁷⁷

8.3 Some submitters to this inquiry questioned the need for restricting the availability of Category C for persons involved in primary production.

8.4 George Mills stated:

Category C firearms are low-powered firearms, with no different power in terms of muzzle velocity or range than a Category A. The only difference is that they are self-loading. The ballistic characteristics are the same as Category A, which we are quite happy to licence people with.

...

Allowing our agents to have Category C firearms is just another help in the toolbox for us. I don't see why the public should be concerned at all if there are other people with Category C firearms. Category C firearms have not been used in any massacre or event that caused the firearm laws to change since 1996, or the implementation of this package of firearm laws. We did have firearm laws previous to that.¹⁷⁸

¹⁷⁶ Firearms Act 1996, s16

¹⁷⁷ Firearms Act 1996, s31

¹⁷⁸ Transcript of evidence, 24 July 2019, p31

8.5 Donald Jones, Tasmanian Farmers and Graziers Association stated:

*Category C firearms is the only category that has limitations on it. Why? Somebody should answer that. You see, Category C is what used to be the bread and butter firearm for farmers forever and a day. They are only very low-power. A Category C shotgun has a capacity of 50 to 60 metres, and these are regulations under animal welfare, and the rifle is 60 to 70 metres. We're having Category B firearms with 3000 feet muzzle velocity, 10-shot magazines that reach out to a kilometre-and-a-half. Why is the farming community held to ransom on that? A person with a Category C licence can't have a Category C firearm for target shooting. Why? It is because the target-shooting Category C is different from the one on the farm.*¹⁷⁹

8.6 Donald Jones, Tasmanian Farmers and Graziers Association stated:

... why is Category C a restricted category when it is the lowest-powered firearm in the system? You can go one lower than that and you can have an air gun, but let it be based on facts. Category B firearms are more dangerous than Category C because of their calibre, their velocity and their magazine capacity. We're asking, why were things mucked up when it came to Category C? I had five or six Category H firearms when I was shooting pistols competitively and

*I carried them all over the country. I could say the same for Category B. I am asking you to look at where the problem is and why it is there. There has to be a reason because it does not make common sense.*¹⁸⁰

8.7 Firearm Owners United stated:

FOU fully supports the proposal to deregulate Category C firearms. The current regulations pertaining to Category C firearms are unnecessarily onerous and overly restrictive, especially to those in the farming and agricultural sector in Tasmania.

For example, under the Victorian Firearms Act one can own a pump action rifle, in either .223 or .308 calibre with a much more significant ballistic profile, with 10-round magazine capacity on a Category B licence; however, that same licence holder is deemed not as trusted to own a pump action shotgun with a 5-shot magazine capacity and must apply for a Category C licence to own this type of firearm.

Another relevant example was last year with the re-categorization of the Adler shotgun from a Category A firearm to a Category B firearm, with the 7-shot firearm now a Category D. The justification for these classifications and reclassification are tenuous, non-evidenced based, irrational and largely ideological.

¹⁷⁹ Transcript of evidence, 10 December 2018, p26

¹⁸⁰ Transcript of evidence, 10 December 2018, p38

New Zealand's firearm laws, in our view, are far superior to Australia and should be used as a template for drafting firearm laws in Australia. The focus being on vetting of the person and not the firearm. In the context of deregulation of Category C firearms, FOU feel that this should be the philosophy towards firearms moving forward - vet the person not the firearm.¹⁸¹

8.8 A number of submitters argued that contractors and employees of primary producers should be permitted to have access to Category C firearms.

8.9 The Tasmanian Farmers and Graziers Association stated:

The TFGA believe primary producers should be able to access Category C firearms that suit their requirements.

The TFGA support the inclusion of contractors and agents of primary producers to be able to hold Category C licences for standard crop protection and pest control purposes.

This is providing those contractors or agents a tool that is fit for purpose. In this instance it is to control wildlife on farms.

To assist with verifying who can hold a Category C licence, it should be stated on the firearm licence card that this licence allows the user to control pest animals.¹⁸²

8.10 George Mills stated:

Allowing our agents to have Category C firearms is just another help in the toolbox for us. I don't see why the public should be concerned at all if there are other people with Category C firearms. Category C firearms have not been used in any massacre or event that caused the firearm laws to change since 1996, or the implementation of this package of firearm laws. We did have firearm laws previous to that. I don't see there is any problem provided people are using them for the purpose which we ask for them to be used.

...

I don't expect people to walk in off the street and say 'I want a Category C firearm' - bang, it's done. It would have to be in conjunction with landholders who are prepared to say, 'Yes, I want this person to shoot with a Category C on my property' so that they buy their own firearms. It was suggested by someone in the parliament that we supply the Category C. No, we are not into having armouries and supplying firearms. A firearm is a very personal thing: it's your property; you don't borrow boots, you wear your own boots. You don't lend firearms, you own your own firearm.

¹⁸¹ LC Submission 63, p5

¹⁸² Submission No 39, p6

Everyone has a particular way; some people like it set this way or that way, so it is a very personalised tool.¹⁸³

8.11 The Tasmanian Firearms Dealers' Association argued that:

The licencing of contractors and agents of primary producers to carry out pest control on behalf of the primary producer would certainly seem to be consistent with Paragraph 6 of the NFA.

This policy recognises the changing nature of farm employment, particularly that relatively few primary producers would employ full time workers. Primary producers are far more likely to employ part-time contractors. The policy would provide for such bona-fide contractors or agents to obtain Category C licences for use in their primary production occupations.¹⁸⁴

8.12 Kim Pitt responded to a question on allowing employees to use Category C firearms on properties:

If they are a contracted team involved in pest eradication with suitable qualifications and that is their profession, yes. If they are just a contractor coming in for a week's work, no.¹⁸⁵

8.13 Andrew Windwood, Charlton Hunters Club stated:

A genuine employee is somebody who has a genuine reason to own a firearm. In my mind, a genuine employee would be somebody who is solely employed or contracted by you to that farm. For instance, you are not employed by Charlton Estate, if you can't provide evidence that you are employed like a letter from your employer, or an agent that you are employed to do crop protection, or in our case, we are the controllers of all the hunting on Charlton, and the Charlton members also, because once we take a crop protection permit from Alan as such, for want of better wording, we are Alan's agent to enact those crop protection permits.¹⁸⁶

8.14 Andrew Judd, Sporting Shooters Association of Australia (Tasmania), argued that extension of Category C would increase public safety:

I mention that Category C would actually enhance public safety. If you had five Category A or B firearms and you were engaged in crop protection or target shooting, you have no requirement for an alarm. The safe has a 2 millimetre thickness. If you go to one Category C firearm in among that mix, all of a sudden you have to have a safe with 3 millimetre walls for the Category C firearm and you have to have an alarm. So it makes theft a lot less likely.

¹⁸³ Transcript of evidence, 24 July 2019, p31

¹⁸⁴ Submission No 12, p13

¹⁸⁵ Transcript of evidence, 14 June 2019, p26

¹⁸⁶ Transcript of evidence, 3 December 2018, p65

In the Northern Territory they allow Category C for competition. It is a very narrow group of people who use them. The cost is fairly prohibitive and we believe that would limit the number of people who would apply. We also believe that if you have a Category C firearm for competition, you would be under the same requirements as a Category H firearm owner, where you would have to attend a minimum number of shoots per year and would have a participation card. You would have to prove, and I would hate to think any of our members would do it, that you have a Category C for the sake of having it, not because you were involved in competition.

We believe the Government could place checks in there that would ensure only the people who have a true need and requirement for competition or crop protection permits would apply for a Category C.¹⁸⁷

8.15 Roland Browne stated that to “ease up” the availability of Category C firearms would breach the National Firearms Agreement.¹⁸⁸

8.16 A number of respondents to this Inquiry supported maintaining the current legislation in relation to Category C.

8.17 A number of submitters supported the National Firearms Agreement requirement that primary producers must satisfy the licencing authority that there is a genuine need and reason for the use of the firearm and there should be no change.

8.18 The Alannah & Madeline Foundation stated:

Clause 16 of the NFA details the genuine reasons for primary producers and the categories of firearms that may be available to them. The NFA recognises that primary producers may have a greater need for firearms than other citizens and, subject to the need being demonstrated, allows primary producers to access firearms in all the non-handgun categories.

Clause 16(a) of the NFA simply states that "Primary producers must satisfy the licensing authority that there is a genuine need for the use of the firearm which pertains to the applicant's occupation and which cannot be achieved by some other means."

The term primary producer is not defined, but it should not be confused with 'a person who owns rural land'. It is a term that is capable of application to people who are genuinely and primarily involved in primary production. This does mean that it encompasses a wide range of different circumstances and consequently not all primary producers would have a genuine need to own and use a firearm. For example, a person who owned a market garden in a semi-urban area may not need a firearm. It is not appropriate to remove the requirement for primary producers to demonstrate genuine need. It would result in guns being available to people who do not have a genuine reason to possess them.

¹⁸⁷ Transcript of evidence, 30 November 2018, p12

¹⁸⁸ Transcript of evidence, 10 May, p20

Declaring that firearms are a 'tool of trade' does not seem to have anything to do with whether a person has a genuine need for such a tool. 'Tools of trade' is not identified as a reason for owning and using a firearm within the NFA.

In addition to providing for firearms to be owned and used by a primary producer with a genuine need, the NFA also provides for firearms to be owned and used by a person with a genuine occupational requirement related to other rural purposes and professional shooting. Such a person may be allowed a firearm in either Category A or B.¹⁸⁹

8.19 The Australian Medical Association stated:

AMA Tasmania supports the principle of a "genuine need" to acquire, possess or own a firearm that is enshrined in the NFA. We oppose any steps to water this concept down such as introducing a "tool of trade" category.¹⁹⁰

8.20 Stephen Bendle, the Alannah & Madeline Foundation stated:

...if we start introducing grey areas, social factors come into play around the workforce and a whole range of things; however, introducing grey areas to accommodate the firearm users as opposed to making decisions in the interest of the overriding principle within the agreement is one of public safety.

I put on the record also the disproportionate number of firearms-related deaths and hospitalisations in rural and regional communities. The Institute of Health and Welfare have reported that firearm-related deaths in remote and very remote areas are six times higher than in metropolitan areas, and hospitalisations are four times higher than in major cities.

In the interests of public safety and for those communities, we do not agree we should be making provisions that introduce those grey areas.¹⁹¹

Farmers target for thefts

8.21 Stephen Williams argued that amending legislation to include primary producers would make farmers a target for firearm thefts:

If the changes are proceeded with it will make Tasmanian farmers a target for the theft of those type of firearms. No amount of changes to storage legislation will prevent the theft of those firearms. It will be known nationally that isolated farm properties are more than likely to have multiple shot firearms that were supposed to be removed from the community. These type of firearms will be well sought after in the criminal community.

¹⁸⁹ LC Submission No 111, p8

¹⁹⁰ LC Submission No 81, p2

¹⁹¹ Transcript of evidence, 30 November 2018, p30

Most farmers are creatures of habit and leave their properties on particular days and times or for particular events. Due to their isolation, would be, thieves are able to target the remote properties and spend considerable time searching for and removing firearms or firearm safes with firearms in them.

With the invention of cordless grinders any firearm safe can be cut open, chainsaws can remove whole walls from buildings to access safes and 4 wheel drives have already been used to pull a firearm safe through the side of a farm house. No amount of security will prevent this. One Farmer (Athol Tollard) was tortured and murdered to obtain his firearms, so even farmers themselves will be put at risk by possessing those firearms.

The aim of the legislation was to remove this type of firearm. By permitting restricted access to them will cause them to be known to be in circulation in the rural community and therefore a target for theft by the criminal element in our society.¹⁹²

Wildlife management and crop protection

8.22 The Committee received considerable concerns from witnesses of the significant effect that native grazing animals were having on crop and pasture production and the resulting financial and environmental costs on primary producers. Many of these witnesses argued that increased access to Category C weapons would address many of the issues caused by native grazing animals.

8.23 The Tasmanian Farmers and Graziers Association stated:

There have been several studies considering the impacts of wildlife browsing on Tasmanian agriculture. The most recent research undertaken, include:

- *2010 TIAR/UTAS Nature and Implications of Native Wildlife Browsing on Tasmanian Farms final report, which demonstrated that the concerns expressed in the Tasmanian farming community about the impacts of native wildlife on pasture production and lost farm income are well-founded. It is now clear that pasture loss to wildlife browsing can be both significant and geographically-widespread in Tasmania. Pasture production that is lost to wildlife browsing can be as high as 100% for pastures located near bush-lines, and significant pasture loss can occur at least up to 800 metres from a bush-line, depending on the location, diversity and numbers of native and introduced wildlife, and season. The aggregate dollar value of pasture loss in Tasmania each year could be several tens of millions of dollars.*
- *2011 DPIPW managed Alternatives to 1080 Report confirmed that wildlife browsing impacts are very significant and shooting/hunting was identified as the most important control option by landholders. When comparing other control options to 1080 baiting as a once off knock down*

¹⁹² LC Submission No 8, p1

*tool it is apparent that 1080 poison is still the most cost-effective tool available, although shooting at its best can rival it.*¹⁹³

8.24 The Tasmanian Farmers and Graziers Association stated:

The TFGA believe primary producers should be able to access Category C firearms that suit their requirements.

The TFGA support the inclusion of contractors and agents of primary producers to be able to hold Category C licences for standard crop protection and pest control purposes.

This is providing those contractors or agents a tool that is fit for purpose. In this instance it is to control wildlife on farms.

*To assist with verifying who can hold a Category C licence, it should be stated on the firearm licence card that this licence allows the user to control pest animals.*¹⁹⁴

8.25 The Shooters Union stated:

*Allow greater access to permits for Category C firearms for the effective management of crop protections for Agents of primary producers. Reduce red tape in the requirements to obtain a Category C firearm.*¹⁹⁵

8.26 The Sporting Shooters Association (Tasmania) stated:

Current availability of Category C firearms for crop protection makes little sense if one is in the farming community. The Act allows only very limited ownership, very limited use and restrictions on the Category of licence holder, yet there is a demonstrable broad need.

Although there are clear benefits in Category C firearms for bird and small macropod control, virtually the only person that can use them is a person deemed to be a "primary producer", which has been used as a way to exclude people with diverse incomes. These firearms cannot be made available to people who work for a primary producer or act as agents or contractors for them. The next layers down are most usually the persons who undertake control work, rather than the owner of the property, especially if it is a large diverse enterprise.

*There needs to be some proportion brought into these rules, both on availability and licensing, and they need to be more readily available as part of the limited toolbox available to farmers subject to constant economic loss from pests. Again, if the principle of broader availability is agreed, we are happy to provide our views on storage and licensing provisions to complement such a roll-out.*¹⁹⁶

8.27 James Boxhall stated:

¹⁹³ Submission No 39, p2

¹⁹⁴ Submission No 39, p6

¹⁹⁵ LC Submission No 22, p6

¹⁹⁶ LC Submission No 17, p13-14

There will be times where you are shooting at one wallaby and then his mate, which you haven't seen because it is just off to side of the light, will move and have one hop and you can swing around and you can keep your eye in the scope and shoot that wallaby. It is the quick follow-up shots that are the real advantage with semiautomatics; it is not the speed of them. It is the fact you do not have to shift your eye off your scope and target.¹⁹⁷

8.28 Alistair Shephard, Shooters Union Tasmania stated:

Generally with a bolt-action firearm you have a bolt protruding back out the end of the barrel, but if you leave your face there it could collect you in the eye and that would be rather uncomfortable. Basically what that means is you have to break your sight picture with the targets in front of you. That gives them a chance to move on because obviously after the first report of the rifle, they are aware you are there. That then means that some of them that are a little more nervous - which is probably a good thing from their point of view - will move on. Unless they stop you won't get a chance to shoot them.

I currently have a five-round magazine in my firearm so I have five chances to hit. If you're moving fast sometimes you won't be as effective, but as soon as you start shooting in the area the others that are there know. So, you don't have that chance to get them all. If you're presented with 10 targets and you had 10 rounds, if you're good you might get seven but five is probably the maximum because they notice the ones dropping around them and the others move on.

The way I see it, if a semiautomatic firearm with 10 rounds was available to you with a suppressor, they don't hear the firearm report as much so they won't know that things are going on, you are then able to maintain the sight picture and move from target to target to target. It's a more effective solution and certainly something we at Shooters Union support and think should be available through the current sphere.¹⁹⁸

8.29 Donald Jones, Tasmanian Farmers and Graziers Association stated:

The other things with a semiautomatic shotgun or a semiautomatic .22, it also an animal welfare issue. Not everybody is a perfect shot and, if they wound an animal, the very important thing is the ability to dispatch of it humanely and quickly. Under the firearms agreement in Western Australia, a farmer is allowed to have pistols for animal welfare reasons if they have over 1000 acres. This is simply because they are efficient and they don't cause a lot of problems.

That is one state that looks at animal welfare in those areas. In debating it, if you put it right down to wallabies only, we are missing the point. Peter lost his cherry orchard to starlings two years running.¹⁹⁹

8.30 Nigel Calvert stated:

¹⁹⁷ Transcript of evidence, 24 July 2019, p31

¹⁹⁸ Transcript of evidence, 3 December 2018, p6

¹⁹⁹ Transcript of evidence, 10 December 2018, p31

The effectiveness of shooting as a control needs to be examined. In some circumstances it can be quite useful. The forest management companies employ shooters to protect new seedlings, this is a strategy that works to some extent, some animals are killed, but many are simply scared away for a period, only to seek feed elsewhere (become someone else's problem). As a personal example, two years ago I prepared some new ground, and sowed a crop of rape. I shot the area regularly for two months, and in the end, was only harvesting 3 or 4 animals per night, 2 to 3 nights per week. In an eight hectare paddock, with around 300 metres of shared boundary with mature plantation, not one rape plant survived for a distance of around eighty metres. A loss of almost half the crop. This year, we ran a 1080 bait line around the paddock, and we grew turnips right up to the bush edge.

...

I have never heard any outrage against the tonnes of rat and mouse bait that is sold everywhere, even in our supermarkets, that is just as toxic as 1080.²⁰⁰

8.31 Alistair Shephard, Shooters Union Tasmania stated:

I don't like 1080 personally because I think it's a pretty nasty way for the animal to pass. Shooting from a skilled shooter's point of view is instant. You'll get the odd one that at times needs to be put down with a second shot, but if you are practiced at what you're doing and you do it properly you won't have that issue.

Expanding the ability for recreational hunters to access the right tools is going to allow more effectiveness. Then we shouldn't need to push for extra fencing or push down the road of baiting for 1080. What I don't like about 1080 is the off-target impacts. It's not only the target species that you want to die, there are other things that find it like the Tassie devils and quolls that then eat the dead thing.²⁰¹

8.32 Peter Skillern, Tasmanian Farmers and Graziers Association stated:

Unfortunately the government will not meet their half of that fencing requirement. It's up to the landowner to wear the cost, and that can run to \$20 000 a kilometre. While we're on that topic, I note that people talked about wallaby-proof fencing. That is such a misnomer; there is no such thing as wallaby-proof fencing, and I speak from experience. It reduces the number of wallabies, but as soon as they get a break, and they will find a break, they're back in, so it's a constant maintenance issue. My members have to add their own cost to maintain those fences, erect those fences, and when they are insufficient mechanisms, then have to engage in some type of reduction of the population on their property. I repeat, these are not their wildlife. They are the community's wildlife, yet the community makes no attempt, through government or agencies, to subsidise my members for that.²⁰²

8.33 Peter Skillern, Tasmanian Farmers and Graziers Association, stated:

²⁰⁰ LC Submission No 11, p3-4

²⁰¹ Transcript of evidence, 3 December 2018, p6

²⁰² Transcript of evidence, 10 December 2018, p28

Correct, but if Don and I had two properties next door to each other and we needed to put in a new fence, we would share the cost equally. Unfortunately, when it comes to public land that is not the case. I know that is not the focus of this committee but it is a relevant point when most of these browsing animals come from public land and yet the community's representatives do not meet half the cost. It is something we have been advocating for a very long time. Let's not lose focus here, fencing is not the panic area. It is not the silver bullet but just one of a number of tools that can be used in agriculture to reduce the impact of wildlife, but on its own it doesn't reduce the impact of wildlife.²⁰³

8.34 Donald Jones, Tasmanian Farmers and Graziers Association, stated:

We did a survey at TFGA on bird damage in Tasmania just over a year ago. That had the highest response to any other survey we had sent out throughout Tasmania. It had significant bearing on that damage in the cherry industry and various other things. You can't control birds other than with a semiautomatic shotgun ... I defy you to do it and I am considered an expert with a shotgun. If anybody can come out there and prove to us they can do it adequately, we will listen, but it is not possible.²⁰⁴

8.35 Peter McGlone, Tasmanian Conservation Trust, disputed the benefits to wildlife reduction should the Government permit an increase in the availability of Category C firearms for primary producers:

The TFGA quite sensibly said, and I think a lot of people have said, we need multiple tools and every new tool that comes along you do not forget all the other tools. I don't think anyone said that but you get the impression from reading some of the Hansard that, not particularly the TFGA, people are saying, give us firearms that can fire more rapidly and sound suppressors and the job will be done. None of them referred to the limitations of those firearms.

None of them referred to the irony that one of the Category C firearms they want access to is a centrefire rifle. The department gave really good reasons as to why they didn't do a trial of using them and sound suppressors.

...

It goes into some technical issues, cost of ammunition, access to ammunition and operational issues that I could not explain very clearly but are to do with needing to have a stand-alone rifle sighted-in to use with a silencer. I can't explain those things but they basically did not go down that path because of all of those limitations. They said the average farmer is going to have a .22 and we will trial with sound suppressors with them. The combination of Category C weapons and sound suppressors does not seem feasible.

...

What is the take-up of these new firearms? You asked the question of

²⁰³ Transcript of evidence, 10 December 2018, p29

²⁰⁴ Transcript of evidence, 10 December 2018, p31

*Mr Donald Riddell who represents an organisation with 5000 members and you raised a concern that, under the proposed laws, thousands of people might get access to these rapid-fire shotguns and rifles. He answered by saying that because of cost and the need to secure the firearm, 100 people in Tasmania would probably take up that right. That may not be right. It may turn out to be a whole lot more people, but if 100 additional shooters in Tasmania who were mainly deer shooters decided to get those additional firearms - and I understand there are 2000-plus farming operations in Tasmania - they are not going to cover much of Tasmania. The added benefit of giving 100 more people one new tool is going to be negligible, you would think. I would like to hear them actually respond to that.*²⁰⁵

- 8.36 Steve Suitor argued that allowing crop protection permit holders to used Category C firearms is a safety and animal welfare issue:

*The use of self-loading firearms users not sufficiently skilled on moving target species will result in large numbers of gunshot and otherwise wounded animals which will escape to die unnecessarily cruel deaths.*²⁰⁶

Wildlife numbers

- 8.37 The Committee heard conflicting evidence in relation to the numbers of native grazing wildlife. The majority of primary producers and firearm owner groups argued that the numbers of animals had increased significantly whilst Tasmanian Conservation Trust gave evidence showing a mixture of increase and decreases in animal numbers.

- 8.38 Peter Skillern, Tasmanian Farmers and Graziers Association stated:

*... the impact on production of browsing wildlife is significant to agriculture. A study undertaken between August 2008 and March 2010 showed that there is an estimated population of Bennett's wallabies in excess of half a million on King Island alone, covering an approximate area of 66 000 hectares. The estimated loss was as high as 83 000 tonnes of dry matter, which equated, depending on the enterprise being conducted on King Island, anything from \$436 per hectare in beef production right up to \$664 per hectare for dairy production. These are significant losses just from one species of browsing animals. The losses are significant in that they eventually flow through to the economy and the broader community in the costs they pay in terms of food.*²⁰⁷

- 8.39 George Mills stated:

For people to hide behind numbers not increasing - I do not know how they do supposed counts or the methodology, but ask the public how many dead

²⁰⁵ Transcript of evidence, 10 May 2019, p44-45

²⁰⁶ LC Submission No 19, p3

²⁰⁷ Transcript of evidence, 10 December 2018, p25

animals they see on road and they will tell you they are increasing and of course it is.²⁰⁸

8.40 Peter McGlone, Tasmanian Conservation Trust stated:

*My assessment of the abundances over the long term show, let us say, mixed results or no clear trend. On the long-term since 2002 brush-tail possums have declined across most of the state but have had a slight increase in the north-west and King and Flinders islands. Pademelons have decreased across some regions and had only a slight increase in the rest of the state. The biggest long-term upward trend is with Bennett's wallabies where there has been an increase from slight, moderate and high across all regions except for the centre.*²⁰⁹

8.41 Peter McGlone, Tasmanian Conservation Trust stated:

*The final report of the Alternatives to 1080 program summarises a number of pieces of research and made really critical comments that emphasised the need to monitor the impact of browsing animals on pasture and crops in order to determine if control measures are working and not to rely on spotlight surveys to count the animals or to count the number of animals shot as measures of success. Critically, the research showed that the relationship between abundance of browsing animals in pasture loss is not a direct or linear relationship. The meaning of those scientific words is absolutely critical. The report states that culling may have to reduce numbers of browsing animals to very low levels to deliver any significant benefit in pastoral crop protection and, if shooting or other controls are not reaching this density the effort and the funds are wasted.*²¹⁰

8.42 Peter McGlone, Tasmanian Conservation Trust stated:

*In terms of strange observations of animals, that could be to do with urban development. For instance, more animals are being killed on the road partly because of cars becoming lower to the ground. That is one factor. There are all sorts of factors that could cause the observations you are coming up with. The fundamental is, if you are not measuring the actual impact on your pasture crop or whatever you are wanting to protect, you are probably not going to know whether you are being effective and you could be wasting a huge amount of time and resources. There were some of the other studies demonstrated applying properly designed shooting methods, using a professional shooter, outdid what recreational shooters and farmers were doing over much longer periods of time and they could measure the impact.*²¹¹

8.43 Peter McGlone, Tasmanian Conservation Trust stated:

I would hate to be an advocate for shooting but I do not think we can do away with shooting today. One of the most compelling outcomes that I saw from the

²⁰⁸ Transcript of evidence, 24 July 2019, p32

²⁰⁹ Transcript of evidence, 10 May 2019, p39

²¹⁰ Transcript of evidence, 10 May 2019, p39

²¹¹ Transcript of evidence, 10 May 2019, p41

alternatives program was the need to combine shooting and best practice fencing until we come up with much better approaches.

One of the key problems if you don't, often they were recommending shooting before you fence, and then shoot afterwards, is that you have a quantum of animals. Wallabies will push up against the fence in numbers until one finds a weak point and they will keep coming like a horde of people trying to push through. They have filmed them doing this. If you have small numbers they find it really hard to do it. They are on their own with a mate and they cannot find a weak point or they cannot push and they give up. They put transmitters on them and found that if shot down to a low number they would relocate and run at a clip to plantation away from the farmers' properties. There was really good objective evidence that those critical factors, getting the numbers of wallabies down to a certain level, then fencing and then mopping up inside.²¹²

Other wildlife issues

- 8.44 The Committee heard that use of improved fencing could address the number of grazing animals entering crop areas.

- 8.45 Bernard Philips promoted the use of “wallaby wire”:

I think State Growth should use wallaby wire all the time on all their new roads to stop a bit of the roadkill, but the wallaby wire is generally at about 100 x 100 centres as opposed to normal ringlock which might be 300 x 200, and what you do is put a gate on the wallaby pad, where the wallabies pathway is where he wants to normally come through, so you generally leave the gate open until you want to shoot and then you go around about midnight and shut the gates and in the morning you come and shoot.

Basically, if you've got a crop that has wallaby wire on it, and mostly it's grazing country rather than cropping country because you're usually on the edge of plantations and things like that, so there is a lot of game comes out of it. We had a company called Gunns that had a lot of trees planted.

Those trees are generally on the edge of farms and sometimes on farms, so a lot of wallaby have a lot of cover and they come into the paddock at night and go back away again, so with the wallaby wire and the gates it is a pretty efficient way of getting a lot of wallaby quickly and fairly humanely, because you're shooting in daylight so you can just walk up check for a joey or whatever. Everything is good.²¹³

- 8.46 Matthew Allen, Tasmanian Deer Advisory Committee argued that the increase in deer number was the result of the collapse of the Tasmanian Devil population:

The reason we have a deer population increase is more to do with the Tasmanian devil, than with the deer themselves. The deer have their fawns and for the first

²¹² Transcript of evidence, 10 May 2019, p44

²¹³ Transcript of evidence, 14 June 2019, p14

two or three weeks they get hidden in logs, bracken fern, and do not spend the time with mum. That is when the devil would come in and take the fawn. One deer farm, set up back in the 1980s had 50 acres put into a pen. The first year they put 100 does in that pen and managed to keep five fawns, because they had a resident devil population inside of the pen. They removed the two devil populations and put them on the outside and they had a 95 per cent success rate the following year with the fawns. So we know the devils have a big impact on the fawns. I am 42, and have been hunting there for 30-odd years with dad. We went from a case where we had plenty of devils, you could go and gut your kangaroo and the gut pile would be gone in two hours because the devils would come along and clean it up. You would never see a feral cat. Now, we have no devils, we now have feral cats, and our deer population grows quite substantially over a very short period of time.²¹⁴

Use of sound suppressors

- 8.47 Many of the submissions and testimonies received by the Committee were in regards to permitting the use of silencers or sound suppressors.
- 8.48 Submitters argued that the term ‘silencer’ was inappropriate as it incorrectly described the effect that muzzle devices have on firearms and that the public incorrectly assumes that the device removes the majority or all of the sound created by a discharged firearm. Many of these submitters blamed the perpetration of this incorrect portrayal on ‘Hollywood’ films.
- 8.49 Andrew Morrison stated:

No firearm can be totally 'silenced' the term 'silencer' is often incorrectly used to describe a firearm sound suppressor or sound moderator.

The noise generated by the discharge of a firearm has 2 parts:

- 1. The muzzle blast, generated by high-temperature high-pressure gases escaping and expanding from the muzzle after the bullet exits the barrel.*
- 2. The cracking sound, produced by the high-frequency shockwaves created by an object exceeding the speed of sound.*

Whilst it is possible to significantly reduce the muzzle blast with the use of a sound suppressor it is not possible to eliminate the sonic crack of a supersonic round of ammunition.

The use of sub-sonic ammunition will eliminate the sonic crack, but this type of ammunition is low powered and only suitable for vertebrate pests at close range

²¹⁴ Transcript of evidence, 3 December 2018, p71

as it does not have sufficient kinetic energy to kill vertebrate pests at medium or longer ranges.²¹⁵

8.50 Samuel Diprose Adams stated:

*With suppressors, noise can be suppressed to any varying degree. I believe there are studies that say over about 160 decibels is the point at which hearing is impacted or damaged, so it might just be a matter that suppressors that are made lawful simply reduce the noise from anything over 160 decibels down to 150 decibels. Now 150 decibels or whatever range it might be is still quite loud, it is just not loud enough that when you use a firearm you're going to get permanent hearing damage as well.*²¹⁶

8.51 Mathew Jamieson argued that the use of sound suppressors would reduce hearing damage and disturbance to neighbouring properties:

*Allowing farmers' easier access to firearm moderators/suppressors: This notion will bring us in line with many other countries around the world including the United Kingdom, where rifle suppressors are mandatory for all rifles to reduce muzzle report and noise carried to neighbouring properties. This also has the benefit of reducing hearing damage to the shooter who is often employed as a worker on larger farms. Please also note: sound moderator or incorrectly referred to as a "silencer" only reduces the noise of a firearm to an acceptable level approximately reducing the noise by 30 decibels, not silence the firearm as Hollywood would lead you to believe!*²¹⁷

8.52 Some submitters questioned whether sound suppressors were not subject to the National Firearms Agreement.

8.53 The Tasmanian Firearm Dealers Association stated:

Legislation allowing the possession of firearm suppressors would not breach the NFA. The NFA does not mention suppressors, sound moderators, silencers, or any other variant in either the 1996 or 2017 versions.

This is despite frequent claims to the contrary by noted gun control advocates.

If the NFA does not refer to suppressors, how could legislation allowing suppressors to be owned breach the NFA?

*Suppressors are widely owned in many other countries with similar legislative climates to Australia and have numerous benefits for firearms owners and the broader community.*²¹⁸

8.54 Samuel Diprose Adams stated:

²¹⁵ LC Submission 45, p2

²¹⁶ Transcript of evidence, 14 June 2019, p46

²¹⁷ LC Submission No 9, p1

²¹⁸ Submission No 12, p2

Suppressors should not be restricted to any particular category of firearm.²¹⁹

8.55 The Federation of Hunting Clubs argued that sound suppressors reduce the disturbance of livestock:

There is a growing body of evidence documenting the negative effects of noise on the health, behaviour and productivity of farm animals. A comprehensive review of the effects of noise on livestock by Broucek (2014) noted:

- *The threshold for discomfort in cattle at 90-100 dB, with physical damage to the ear occurring at 110 dB;*
- *Exposure to immediate, high-intensity noise (105 dB) resulted in decreased feed consumption, milk yield, and intensity of milk release in dairy cows;*
- *Exposure to sudden, intense noise caused reduced egg production and suffocation in panic-struck fowls while pheasants have been reported to have broken their eggs;*
- *Sound emission at the frequency of 2 kHz in noise of 75 dB, 85 dB, and 95 dB was found to contribute to appetite reduction in sheep, and*
- *Sudden noise of 105 dB could decrease the quantity of milk at the next milking in dairy cows.*

*The Broucek review noted that noise may also have indirect effects on population dynamics through changes in habitat use, courtship and mating, reproduction and parental care.*²²⁰

8.56 The Committee heard that the use of sound suppressors were unlikely to be used in criminal offences.

8.57 Samuel Diprose Adams stated:

*The next point to make is that if people are interested in using suppressors in the commission of a criminal offence, it is something that is very difficult to regulate as essentially all you are trying to do is control how the gas expands as the gun is fired and there are any number of devices commercially available which can already be used to do that. A silly example is a potato which you can use on the end of a firearm which has an effect of muffling the noise. Another example and quite an effective device is the oil filter on a car because it has baffles and is designed in much the same way as a suppressor you can buy commercially. I think if someone wishes to use a suppressor in an unlawful way they can already access the means to do it.*²²¹

8.58 Samuel Diprose Adams stated:

²¹⁹ LC Submission No 80, p12

²²⁰ LC Submission No 107, p7-8

²²¹ Transcript of evidence, 14 June 2019, p43

It is also important to bring back to the committee and reiterate the point that firearms legislation is for the lawful use of firearms, not for unlawful use, and that is part of the reason I referred to the German model of suppressor ownership where they register a suppressor in much the same way as a firearm, so if you want to purchase a suppressor it is serialised and given to you, and if you lose it you have to account for it, so if suppressors are at some point made lawfully available and they can then get lost and used in the commission of a criminal offence, the Australian Criminal Intelligence Commission can trace it back based on the serial number of that suppressor, assuming that it hasn't been ground off, as occurs with firearms.²²²

8.59 The Federation of Hunting Clubs also argued that sound suppressors are not associated with crime:

In contrast to the concerns expressed by expert police witnesses in NCAT proceedings that suppressors may be stolen and used in crime, the authors' investigations show otherwise.

Appendix 1 is a table showing murders committed by gangland members in Sydney. In all cases, the murders were committed by 'professional' criminals using firearms. In all cases, media reports and Coroner's inquest reports refer to witnesses 'hearing' the gunshots.

Clearly the material in Appendix 1 is not a comprehensive analysis, however it does suggest that professional criminals have no interest in using suppressors to conceal their crimes. Why would they, suppressors would only make their firearms more cumbersome to use and less concealable?²²³

8.60 Some submitters offered examples of other jurisdictions and countries use of sound suppressors as evidence of their potential to be used safely.

8.61 Andrew Morrison stated:

Use in other countries:

- New Zealand: suppressors are not regulated and free for purchase by anyone. Many property owners will not allow the use of un-suppressed firearms on their property.*
- UK: holders of Firearm Certificates may purchase a 'sound Moderator' subject to showing 'good reason'.*
- South Africa: legal to own and use for hunting.*
- Norway: suppressors are not regulated and can be purchased by anyone for any firearm.*
- No licence or permits are necessary.*

²²² Transcript of evidence, 14 June 2019, p43-44

²²³ LC Submission No 107, p9

- Denmark: it is legal to own and use suppressors for hunting.
- Finland: a suppressor is classified as a firearm part by law. Purchasing a suppressor requires a firearm ownership permit, which is to be shown to the vendor at the moment of purchase.
- France: suppressors for rimfire firearms are legal. I was recently in France and took a photo graph of two suppressed firearms in a sports-store window in Peronne. I have attached this picture to my submission.
- Sweden: suppressors for specified calibres are legal for hunting purposes and a license is required.²²⁴

8.62 Justyn Atkins argued that:

*New Zealand have also made the use of sound suppressers in all public lands, shooting within X distance of the towns. There have been no mass shootings in either the UK or NZ as a direct or indirect result of these tools being open to all shooters. And being cheap, a basic sound suppresser In NZ for a .22 calibre rimfire rifle can be bought for as little as \$80 NZD.*²²⁵

8.63 GAH stated:

I question why the use of sound suppressors is required to be regulated in Tasmania. In other countries, notably the United Kingdom and New Zealand the use of sound suppressors is regarded as normal with no extra requirements on firearm owners. There are benefits to firearm users and persons in close proximity with reduced noise generated from firing of the firearm. Notably in the United Kingdom, it is considered rude to not use sound suppression on firearms if used in close proximity to residential areas. Whilst hunting and undertaking vermin control, a firearm fitted with a sound suppressor would make it safer as the user would not have to wear hearing protection which in turn enable them to hear sounds otherwise missed with hearing protection. Another benefit is it would reduce the effect of hearing loss if hearing protection is not worn, as users quite often do not use hearing protection so they are able to hear other noises. A summary of the two points above is that it is a double edged sword, to protect hearing the user is damaging their hearing or to protect their hearing they are at risk of not hearing important noises.

*If sound suppressors are regulated in Tasmania, why is it required that the user is to be a Category C license holder. Why cannot Category A and B license holders have the option for using sound suppressors, as these license holders also undertake vermin control?*²²⁶

8.64 Matthew Allen, Tasmanian Deer Advisory Committee stated:

I do not think suppressors should be tied to Category C. If you want a separate category, that is fine, or you have no Category and A and B people can go and

²²⁴ LC Submission 45, p2

²²⁵ LC Submission No 13, p2

²²⁶ LC Submission No 26, p2

get them because it does not need to be tied to Category C. If you want Category C, you have to do another course, and then you have to be able to justify that licence every year for something that really does not require it. If I have to get a Category C licence, then I may as well go and buy a Category C firearm.

If you leave it for a separate category, call it 'F', I can buy a silencer or a suppressor. I do not need to do another course. If I can have a suppressor it is a whole lot simpler and you are not going to have a great heap of people suddenly buying Category C, because you have forced them to go and get that stipulation on their licence, so I may as well go and get one. That is my personal opinion.²²⁷

8.65 Many submitters raised concerns that permitting sound suppressors would put the public at risk.

8.66 Ingrid Johnston, Public Health Association Australia stated:

You are putting the comfort of the person using the firearm against potential doubts for community safety. That seems pretty clear to me.²²⁸

8.67 The Alannah & Madeline Foundation stated:

The Foundation also calls on the Committee to seek assurance that no discussions are being undertaken to consider the ownership and use of sound suppressors by Category C licence holders or any other category.²²⁹

8.68 Kerry Shepherd, Tasmanian Police, Firearm Services stated:

Obviously, it is a concern if they move into the hands of people wishing to use them against people. It suppresses noise, it does not completely remove noise, but it still could have an impact. I think that is everyone's view.²³⁰

8.69 Kerry Shepherd, Tasmanian Police, Firearm Services stated:

Some jurisdictions in Australia allow the community to have access to suppressors under quite stringent conditions and they are not often issued. From our perspective we would need to research what those conditions would need to be and under what circumstances. As a general rule, the agency view is no, it is not a good thing. The reality is some states do it under very stringent conditions. Generally, there is a really large property size involved and some fairly stringent conditions around the suppressor having a serial number on it, linked to that person's licence. The law has conditions such as, if you are inspected and no longer have possession of that suppressor, your licence is automatically cancelled. The controls around it are significant. At this point of time, in our legislation it is an umbrella no.²³¹

²²⁷ Transcript of evidence, 3 December 2018, p71

²²⁸ Transcript of evidence, 10 December 2018, p45

²²⁹ Submission No 13, p3

²³⁰ Transcript of evidence, 10 May 2019, p12

²³¹ Transcript of evidence, 10 May 2019, p11

8.70 Kerry Shepherd, Tasmanian Police, Firearm Services stated:

*To be honest, it is multi-faceted issue. Different ammunition can be used in order to reduce sound. It is a multi-faceted issue all states that have introduced them have struggled with. In general, only limited approvals provided. In some cases, where approval has been refused, those matters have been appealed in the Administrative Appeals courts of those jurisdictions and in the most part the refusal is upheld. There are settings there around it that would need to be investigated. There are arguments for and against. As you would always understand, if you have a position on something, you will provide research that supports your position. My understanding is we have not done that research as an agency to understand what is our position.*²³²

8.71 A number of respondents noted that permitting sound suppressors would be in breach of the National Firearms Agreement.

8.72 Ronald Cornish stated:

*The proposal to allow Category C licence holders to use sound suppressors is of particular concern. The current law prohibiting the use of such devices protects the public and should be retained. The use of these devices is also against the National Firearms Agreement.*²³³

8.73 Roland Browne, Gun Control Australia, in response to questioning about the National Firearms Agreement and sound suppressors, stated:

Mr BROWNE - I said that silencers are contrary to the National Firearms Agreement. They are not permitted by it.

Dr BROAD - So, absence of support means as such, is that what you are arguing? The National Firearms Agreement doesn't mention suppressors; by that omission you think they shouldn't be discussed? Is that what you mean?

Mr BROWNE - Not that they shouldn't be discussed. They are not permitted under the National Firearms Agreement. Bazookas are not mentioned in the National Firearms Agreement either and they would be prohibited. Any firearm part that does not fall within the category identified under the National Firearms Agreement is prohibited. That was the way it was intended to work.

8.74 Some submitters to the Inquiry argued that the use of sound suppressors would improve primary producers and hunters' capacity to control native grazing animal numbers.

8.75 The Tasmanian Farmers and Graziers Association stated:

²³² Transcript of evidence, 10 May 2019, p11-12

²³³ Submission No 2, p2

The TFGA agree with the Government's proposed policy to allow primary producers to own and use sound suppressors.

A report prepared by Edith Cowan University investigating the use of sound moderators on firearms found that the advantages outweigh the potential disadvantages, especially when considering the distinction between two similar societies; that being Australia and New Zealand. New Zealand does not control sound moderation devices of firearms in any way, however in all Australian States (New South Wales now allows sound suppressors under permit) their use and possession is not permitted.

The lack of extensive criminal misuse of moderators in New Zealand is highlighted as one of a number of valid reasons why Australian regulatory entities should re-consider whether the very low level of possible detriment, outweighs the benefits of sound moderation in firearms.

The advantages presented in this report found that the use of sound suppressors provided prevention of hearing loss and tinnitus; increased accuracy (in many instances); reduced perceived recoil; reduced livestock disturbance; facilitation of more efficient animal husbandry and animal welfare outcomes.

The Alternatives to 1080 Program also found that a firearm suppressor can increase the effectiveness of shooting in achieving crop protection against wildlife.²³⁴

8.76 The Sporting Shooters Association (Tasmania) stated:

*The use of suppressors increases the efficiency of culling activities by reducing the overall volume of gunshot noise and by altering the characteristic sound to one that is less alarming to target species. It also assists with improving accuracy through reduced recoil. These efficiencies apply to the culling of a range of pest species including birds, small and large vertebrate pests.*²³⁵

8.77 Matthew Allen, Tasmanian Deer Advisory Committee stated:

A suppressor will help people take more wildlife. It may not be in the group that they are taking the first one from but it could be the extra 100 metres down the road where it is being reduced by that 30 per cent. All we are talking about is just quietening down the Hollywood notion that comes around using ammunition that is basically useless to us as recreational hunters. It is not effective. It is taking our normal high-velocity ammo and reducing the sound by about 30 per cent and reducing the felt recoil in a Category B firearm by about 25 to 30 per cent, which is very helpful to be able to target more animals when you are doing your job.

...

That is from the United States and manufacturers. We still manufacture suppressors in Australia. In New Zealand and England they are mandatory. You have to remember a lot of the better ground is where the houses are built on

²³⁴ Submission No 39, p6-7

²³⁵ LC Submission No 17, p11

*these farms. We have rules that after 10.30 p.m. you can't go around this area because the kids are asleep or whatever; if we can reduce the noise we are helping the farmers again.*²³⁶

8.78 Some submitters, including firearms owners and hunters, disputed the argument that the use of sound suppressors would improve primary producers and hunters' capacity to control native grazing animal numbers.

8.79 Bernard Philips stated:

*I don't think I'd shoot any more with a suppressor. Realistically, if a wallaby presents itself properly, I shoot it. I'm driving around in a car so I'm making noise as I go. I don't think in the culling of the animals that a suppressor is going to get you a lot more shots. That is my opinion.*²³⁷

8.80 Bernard Philips stated:

I do game management on a fairly large property in the Midlands and I am the coordinator for the hunting group. I like to hear if someone else is around.

*I am notified by the landowner if they have guests on the property. I make myself aware of who should be on the property shooting. It is a fairly large property and there are a lot of people who hunt there, but I like to be able to hear a shot. I also live at Richmond. If someone is shooting off the road or something like that, you want to know. I wear ear protection if we go to the range. I don't often enough wear ear protection when I go hunting, but I've changed my habit to wear hearing protection when I hunt. I don't find it a great inconvenience to put a couple of earplugs in. I shoot a lot and I don't really feel that I'd shoot a lot more if I had a suppressor.*²³⁸

8.81 Bernard Philips stated:

*I was with a guy one night who shot 40 without moving the car, without a suppressor. It depends on the night, it depends on how hungry they are, it depends on a lot of things. Some nights, for whatever reason, wallaby will just sit, some nights they won't.*²³⁹

8.82 The Tasmanian Conservation Trust stated:

... no evidence has been provided by the state government or other stakeholders to show that increasing the number and type of people who are eligible for Category C licences and sound suppressors will significantly improve the effectiveness, efficiency and humaneness of browsing animal control. Also, no evidence has been provided to show that current control measures, where they are properly applied, are not sufficiently effective. Furthermore, it has not been

²³⁶ Transcript of evidence, 3 December 2018, p72

²³⁷ Transcript of evidence, 14 June 2019, p16

²³⁸ Transcript of evidence, 14 June 2019, p13

²³⁹ Transcript of evidence, 14 June 2019, p14

shown that applying other new control measures may be far more effective than expanding the use of Category C firearms.²⁴⁰

8.83 The Tasmanian Conservation Trust stated:

A number of research projects reported in the '2011 Final Report Alternatives to 1080 Program', emphasised the need to monitor actual loss of pasture or crops and to not rely on spot light surveys to determine number of animals remaining. Spot light surveys are not an accurate means of determining densities and their impacts at a particular time.

More critically, the research shows that the relationship between abundance of a browsing animal and pasture loss is not a direct or linear relationship. The report states that culling may have to reduce numbers of browsing animals to very low levels to deliver any significant benefit in terms of pasture or crop protection and if shooting or other controls are not reaching this density then the effort and funds are wasted.

This finding supports the need for monitoring of impact of browsing on pasture or crops in order to determine if control measures are working. In the absence of monitoring it cannot be determined if currently applied control measures are being effective or not. I note that no representative to this committee has provided any such evidence.

Given that primary producers and professional shooters have access to Category C Firearms and professional shooters may obtain approval to use sound suppressors, it begs the question why a trial using them has not been undertaken to support the need for their wider use.²⁴¹

8.84 Peter McGlone, Tasmanian Conservation Trust stated:

In relation to sound suppressors, the Alternatives to 1080 Program undertook a trial of sound suppressors in Tasmania and there is a report I have referenced. The key findings that relate to limitations of sound suppressors, which I haven't seen referenced by any other representatives are -

- (1) That the value of using this technology for control of Bennett's Wallaby is limited due to the need for close range shooting, and*
- (2) A number of fear cues... can cause a flight response so the use of firearm sound suppressors alone is unlikely to increase shooting efficiency over the long-term.²⁴²*

8.85 Some firearms owners argued that the use of sound suppressors is an occupational health and safety issue and that the devices should be permitted to protect user's hearing.

8.86 The Shooters Union stated:

²⁴⁰ Submission No 71, p1

²⁴¹ Submission No 71, p1

²⁴² Transcript of evidence, 10 May 2019, p39

Take firearm sound suppressors out of the banned Category and allow firearm owners to use what is an OH&S device to protect their hearing while engaging in firearms-related activities.²⁴³

8.87 The Tasmanian Farmers and Graziers Association stated:

The issue of sound suppressors has also evolved as it is now recognised that their use is a workplace health and safety issue and community noise reduction management tool. That fact is that in many parts of the world their use is mandatory, primarily for noise reduction and WHS.²⁴⁴

8.88 Firearm Owners United stated:

FOU fully support the proposal to permit Category C licence holders to possess firearm suppressors. However, FOU believe that all licenced firearm owners in Tasmania be permitted to possess firearm suppressors.

...

Under the Occupational Health and Safety Hierarchy of Control, firearm suppressors are an engineering control and should be treated as an occupational health and safety issue, not a criminal one. The misrepresentation of suppressors as an "assassin's tool" is purely born of ignorance and from the realms of Hollywood, not reality. Firearm suppressors bring excessively amazing levels of firearm noise, down to safe levels of noise.²⁴⁵

8.89 James Thomson stated:

The key benefit to approving suppressor use is the benefits to work health and safety. The noise from an un-suppressed firearm presents a hazard to the hearing of shooters. Under the Work Health and Safety Regulations 2012 (TAS) the Hierarchy of Control Measures is set out at Regulation 36. Unless a hazard can be wholly eliminated or substituted, a duty holder should implement engineering controls to eliminate the hazard (such as a suppressor). Only after attempting an engineering solution should a duty holder consider administrative controls or safety equipment (e.g., hearing protection).

The current firearms laws prevent shooters, or a duty holder employing them, from implementing the best WHS risk control as set out in the WHS regulations, and exposes them to significant health risks.

Permitting suppressors for Category C shooters, and preferably Category B shooters on application, would be of significant health benefit with no evidence from comparable jurisdictions of a criminal misuse issue.²⁴⁶

8.90 The Sporting Shooters Association (Tasmania) stated:

²⁴³ LC Submission No 22, p6

²⁴⁴ Submission No 39, p2

²⁴⁵ LC Submission 63, p3

²⁴⁶ LC Submission No 89, p2

Hearing protection is a requirement for most shooting sports but effective hearing protection is bulky and can hinder culling effectiveness and even represent a safety risk in certain circumstances. Hearing protection is easily knocked off when undertaking culling or hunting and it is common for shooters to be accidentally exposed to dangerous sound levels with the associated risk of permanent injury when undertaking field operations. A simple act of removing a hat to wipe a brow can sometimes cause hearing protection to be dislodged at the wrong time and the effect of this can be cumulative and devastating.

Clothing such as beanies can reduce the sealing effect of earmuffs.

Most concerning is that even with effective hearing protection, repeated exposure to large calibre gun fire (Cat B) can lead to permanent hearing loss. This is particularly exacerbated in the field where the proximity of other shooters, the use of vehicles with enclosed cabs can dramatically increase the exposure levels.

...

An effective safety system relies on multiple layers operating in parallel and this is the position that SSAA takes in regard to the use of suppressors. Suppressors do not obviate the need for hearing protection when used with centrefire firearms. They do however help to minimise the risk of significant traumatic hearing loss caused by a PPE failure and they also reduce the effect of cumulative hearing loss even when correct PPE is worn.

For subsonic ammunition suppressors can reduce the total noise to the point where hearing protection can be dispensed with for most operations. This typically occurs only with small calibre firearms such as the .22 long rifle rimfire. This reduced power ammunition is suitable for very short-range control of small pest species such as birds and rats in confined spaces, including indoors.

Another key component of safety in the field is situational awareness and communication.

When conducting culling as part of a team, the ability to hear other team members in close proximity and to hear warnings is a critical component to an active safety culture. The wearing of very high NRR earmuffs dramatically reduces the team member's ability to communicate and this directly impacts their operational safety.²⁴⁷

8.91 Matthew Allen, Tasmanian Deer Advisory Committee responded to a question from Dr Woodruff:

Dr WOODRUFF - Why is that? Most people who cull animals would wear headgear, so why is it needed? Plenty of people do –

Mr ALLAN - In all honesty a lot of us don't because we can't hear what's going on around us. You have to remember when you're spotlighting out of a vehicle you have the driver in the front seat, so the rifle, depending on what sort of car it is,

²⁴⁷ LC Submission No 17, pg-11

is either just in front of them or behind them. They need to hear us because when we're using the spotlight we need to be able to tap on the vehicle to make a sound to get the driver to stop. You're also talking between each other. Most people don't use it. It is far easier and safer to be able to hear everyone and talk to them. You don't have the time then to put a set of earmuffs on. When deer get hit with a spotlight they can be very flighty.

Culling will take part at all different times of the day simply because they get used to one thing. If they get used to the spotlight you start shooting of a morning or an evening. Then after a period of time that does not work as well, so you go back to using a spotlight. All these scenarios come into play as to which is the best method to use at that time.²⁴⁸

- 8.92 A number of respondents disputed the proposition that the use of a sound suppressor is a safety measure, arguing that the use of a sound suppressor reduced the safety of the community.

- 8.93 Mr Bendle, the Alannah & Madeline Foundation stated:

Once again, we have yet to see any evidence about the value to public safety.

Certainly, there are provisions within the NFA for occupational use whereby those with Category C firearms can apply and use them, but you have to dismiss the occupational issue for recreational firearm users because clearly that is not an occupation. Nevertheless, there are sufficient sound protection devices available to all Australians for use. We think that the availability of sound protection devices for the individual is certainly sufficient as opposed to making silencers available, especially for recreational users of firearms. Once again, we ask the committee to consider the interests of public safety - how does that improve public safety?²⁴⁹

- 8.94 Public Health Association Australia stated:

Workplace health and safety is important for primary producers using firearms. The need for hearing protection must be balanced against public health and safety. PHAA believes that sound suppressors carry an inherent risk to bystanders in the surrounding area through limiting the warning provided by firearm noise. Further, should the sound suppressors be stolen, they increase the risk of serious injury and death from a firearm attack, through masking the source of a fired weapon. Assessments of appropriate hearing protection should prioritise personal protective equipment hearing protection over firearm sound suppressors.²⁵⁰

- 8.95 Other submitters opposed the use of sound suppressors as they increased the potential for firearm owners to take higher risks.

- 8.96 Kim Pitt stated:

²⁴⁸ Transcript of evidence, 3 December 2018, p72

²⁴⁹ Transcript of evidence, 30 November 2018, p30

²⁵⁰ LC Submission No 71, p8

Finally, in addition to my standard naval training, I was introduced to some unique weapons during a period of service as a liaison officer to 2nd Commando Regiment for six months. This included introduction to a variety of small arms and semiautomatic and automatic weapons used by foreign military forces, as well as special equipment designed for use in close combat and covert operations. To continue, sound suppressors or silencers were commonplace and were particularly important for certain operations behind enemy lines. This was not just because they assisted the user to remain hidden but also because they had a psychological and behavioural benefit, and that was because the user felt less likely to be observed they would take greater risks, thereby increasing their likelihood of operational success. It is this potential for a silencer to embolden a user that troubles me, and I feel obliged to say that such devices should not be allowed in the state for any reason.²⁵¹

Committee Comment

- 8.97 The Committee notes that there is a substantial financial cost associated with managing native wildlife numbers for primary producers and that primary producers need access to the right tools for successful management.
- 8.98 The Committee recognises that some primary producers as well as their employees, agents and contractors require access to Category C firearms where there is a genuine reason and need that cannot be achieved by some other means.
- 8.99 The Committee notes the evidence received in regards to the public safety risks and potential benefits in the use of sound suppressors by primary producers for the purposes of crop protection. The Committee finds this issue needs to be resolved at a national level and included in the National Firearms Agreement.

²⁵¹ Transcript of evidence, 14 June 2019, p20

9 SPORTS SHOOTING ISSUES

Category C

9.1 The National Firearms Agreement prohibits the use of Category C firearms except for primary producers, employees, contractors and agents with a genuine reason, and sports shooting in limited conditions.

9.2 The Committee heard from a number of sports shooters of their desire to amend legislation in relation to the use of Category C in their sport.

9.3 The Arms Collectors Guild of Tasmania stated:

We support the use of C class firearms (semi-automatic shotguns) in competition. This already exists in a limited manner for those with a medical reason to do so. However, this is limited to one firearm organisation. To expand this to allow more than one clay shooting organisation is proposed by the Guild which wishes to allow our members who have infirmities forcing them to use a semi-automatic shotgun in involvement in our competitions.

We also are of the view that a three-barrel shotgun and a semi-automatic shotgun with three round capability are, in a risk analysis, identical. However, the semi-automatic is a much more forgiving firearm for the recoil sensitive shooter or those of a slight stature particularly younger shooters and females. That the current medical exemption be broadened to allow those of such stature.

Our conclusion is that as three-barrel shotguns are available then so should three round restricted semi-automatic shotguns – a principle that is used in other jurisdictions such as the United Kingdom.²⁵²

9.4 The Van Diemen Pistol Club and the Tasmanian Pistol Association stated:

Currently pistols with a calibre over .357 may only be used in the disciplines of Western Action and Metallic Silhouette even though a number of national and international matches that use calibres up to and including .45 have existed prior to the 1996 act.

This restriction of only two matches allowed to use these calibres puts all Australian competitors participating in matches like IPSC [International Practical Shooting Confederation] at a distinct disadvantage and this restriction has no benefit to community safety as these calibre firearms are already available and exist currently.

²⁵² Submission No 50, p3

At present a new cat 'H' licence holder, once they have completed their 6 month probation period, who wishes to participate in either western Action or Metallic Silhouette can only purchase a firearm up to .357 calibre for the second six month period of their licence. Then they have to apply for a Commissioner's exemption for a prohibited pistol to purchase a firearm with a calibre greater than .357 after the next 6 month period has elapsed.

This has the effect of having a greater number of firearms in the community due to the fact that the licence holder is prohibited from acquiring the right firearm for the match in the first place.²⁵³

9.5 The Australian Firearms Management Lobby Group argued:

Presently, other Australian based IPSC competitors outside of Victoria can only use a target handgun with a calibre not greater than 0.38"/9mm. The IPSC competitors who compete in Classic Division, Standard Division, Revolver Division and Open Division are at a great disadvantage over their international cohorts, who can use a compliant IPSC target handguns in a calibre greater than 0.38"/9mm. The IPSC scoring system will be explained below to highlight the great disadvantage being experienced by Australian IPSC competitors in International competitions.

Additionally, Australian IPSC clubs are ineligible to host large international events due to this restriction in both calibre and magazine capacity.

Having personally competed in the 2017 IPSC world championships in Chateauroux, France, I saw the large financial benefit flowing to the host city where some 1,700 competitors from all over the world went to France for over a week of competition. Many families attended to support the various competitors. Accommodations were booked out. Rental cars were in high demand. Restaurants and markets were heavily patronized. Many competitors remained in France as tourists post competition.

Australia came fifth on the medal tally for the World Championships, despite the inability to compete on an even playing field with the rest of the IPSC world.²⁵⁴

9.6 Jared Rattray argued for:

The possibility to expand the "reason to own" a Category C firearm to include competition shooting, as occurs for clay target shooters, for recognised competition shooting events In Australia.

Sports shooting is the form of shooting I participate in the most. It gets people of all ages and abilities together, and gets people active and outdoors. Sports shooting is an extremely inclusive form of sport, with very low barriers to entry in regards to ability, fitness, gender etc.

²⁵³ Submission No 58, p2

²⁵⁴ LC Submission No 10, p3

In how many other sports will you find teenagers and the elderly competing alongside each other in the same match?

Whilst participating in shooting matches at any of the clubs I have frequented in Tasmania, the high standards held by the club administration and the shooters themselves is always evident, no matter which kind of firearm is being used.

Expanding the possibility to own Category C firearms for competition shooting would create a more diverse range of events, and re-introduce those events which were lost to the Sports shooting community when the Firearms Act 1996 was introduced. It disadvantages Tasmania (and Australia in general) to exclude these forms of the sport, in which our peers internationally still compete.²⁵⁵

9.7 The Committee also heard concerns from other respondents that opposed permitting more sports shooters' access to Category C firearms.

9.8 Public Health Association Australia stated:

Finally, the proposals would refer to the Council of Police Ministers "the possibility to expand the 'reason to own' a Category C firearm to include competition shooting as occurs for clay target shooters, for recognised competition shooting events in Australia".

The provisions in the NFA allow for a phasing out of access to semi-automatic firearms for clay target shooting, over time. Expanding this provision to include recognised competition shooting events in Australia is inconsistent with the aim of reducing the availability of semi-automatic firearms in Australia. If this proposal were to be introduced, it should exactly mirror the language in the NFA for clay target shooting, such that the exceptions would be only for medical need due to lack of strength or dexterity, or individuals who were registered shooters on 15 November 1996 with the relevant competition shooting event, and at that time possessed a semi-automatic shotgun or pump action repeating shotgun for use in competition shooting events.²⁵⁶

9.9 Kim Pitt stated:

I have heard that there is consideration of the possibility to expand the reason to own a Category C firearm and that this might include for the purposes of competition shooting. As a professional user of firearms for many years, I understand the attraction and the excitement, the "romance and adventure" of these deadly dangerous devices. However, the associated risk of having more weapons of this type in the community causes me to submit that this should not be allowed; I hold the view that simply because a technology exists does not render it appropriate to allow it to be available for recreational use, 'sport'.²⁵⁷

²⁵⁵ LC Submission No 43, p3

²⁵⁶ LC Submission No 71, p6

²⁵⁷ Submission No. 27, p1

Category H

- 9.10 The Committee heard from sports shooters about challenges experienced by participants using Category H weapons. These concerns focussed on the mandatory participation rate for licence holders.
- 9.11 The Sporting Shooters Association of Australia (Tasmania) stated:

Up until recently, holders of Category H licences, who did not have a handgun registered to them had not been required to submit a participation card... A recent circular to clubs from Firearms Services (FAS) advised that all Cat H holders must submit a participation card with a minimum of six shoots. We are also led to believe that in the recent renewals process, that Cat H endorsement has been removed from licences of licensees with no handguns who have not submitted a participation card, including those who may have participated using borrowed firearms, but did not complete a card on the understanding it was not required for them.

... We would request that the Committee recommend that this situation be resolved and that it be resolved so that Cat H holders without a registered firearm are not subject to participation rates.

There are a number of reasons why this makes sense, rather than building ad hoc administrative conditions around the NFA, which does not have legislative effect and lacks guidance to resolve sensible everyday issues. These reasons are;

- 1) Range and Safety Officers may need to handle and check firearms. They cannot do this without the relevant licence. It is our goal to ensure our Range Officers have as broader scope of operation as possible.*
- 2) People officiate and referee at State, National and International tournaments. They need to be as equipped to handle as many situations as possible.*
- 3) Certain classes of shooters require direct supervision. It makes sense to encourage the most experience cohort of the club to undertake these duties and they may be restricted in doing so if they cannot hold the required licence even though they may have decades of experience in that category of firearm.*
- 4) Families may wish to participate in club activities, where they can share a firearm.*

This rule could encourage them to acquire more firearms than they otherwise would not acquire.

The participation card is predisposed account for the number of firearms owned and the scope of disciplines competed in. It follows in our mind, that if you don't have firearm registered this logic fails, so why fill in a card?

This discussion also raises the question of what constitutes "participation". It is our view that any of the above administrative duties do involve participation in competitive shooting matches. However, if participation continues to be narrowly focussed on the actual use of a firearm, participation rates should then be based on the actual ownership status of a category holder. To do otherwise, encourages the ownership of additional firearms and restricts access to the valuable experience of club members.²⁵⁸

9.12 The Van Diemen Pistol Club and the Tasmanian Pistol Association stated:

Thus how does a holder of cat 'H' licence comply with the participation requirements when they do not own a firearm but wish to remain a member of a sporting organisation, especially as many of these licence holders are coaches, trainers, referees, range officers and judges.²⁵⁹

9.13 Craig Moore, Tasmanian Pistol Association stated:

... once a person has gone through the process of obtaining a Category H licence, they then have to wait a further six months before they can obtain their first Category H firearm? It is very rigorous, as you are probably aware, to obtain a Category H firearm. The police vet you and we believe it goes further than that within the vetting process. Once you are actually endorsed with a Category H, you cannot purchase a said firearm for the next six months. The second six months of the licence you are only allowed to purchase a maximum of two - one of which would have to be an air pistol which you use to shoot that discipline.

As in my submission, we find new members come, they want to shoot certain disciplines and they cannot buy the firearm they want for that discipline, even after the first six months, so they buy a lesser firearm. Once their six months is up, they apply for the firearm more suited to that discipline, thus doubling and in some cases tripling that one firearm for that discipline.

We all understand this legislation is paramount to community safety, but we cannot see how this is enhancing community safety, when we are actually forcing people into purchasing more firearms than they want. What usually happens, if they want to sell it to try to recoup some funds, the firearm comes up at usually a lesser price than a new one, therefore quite easy to move on. We are seeing a lot of firearms not actually wanted, because they cannot get the firearm they desire for the match they want to shoot in the first instance of getting a licence.²⁶⁰

9.14 Craig Moore, Tasmanian Pistol Association stated:

The only other thing is the attendance card, which we agree with and as you can see by the submission, was always agreed and understood by all of the clubs and

²⁵⁸ Submission No 43, p2

²⁵⁹ Submission No 58, The Van Diemen Pistol Club, p2

²⁶⁰ Transcript of evidence, 3 December 2018, p18-19

licence holders you were duty bound to attend, once you owned a minimum of one firearm. As it went up, the attendances grew. It seems now the registry has taken a stance with no consultation to any stakeholder that, if you own a Category H licence, you must do a minimum of six participations a year. Very hard when you do not own a firearm.

We have judges, coaches, officials who have to have a Category H to officiate, so they can take control of a firearm on the line when they are governing competitions. Their shooting days are over. They are usually elderly and all they want to do is keep participation in the sport. They do not mind being a member of the club but now it seems to keep their licence, they are going to have to buy a firearm. It seems to us around the wrong way.²⁶¹

TT Line

9.15 The Committee heard from firearm-owners about issues in relation to travelling with ammunition and firearms on the TT-Line.

9.16 The Sporting Shooters Association (Tasmania) stated:

The current issues the restrictions placed on the carriage of small arms ammunition on the TT - Line. We have done extensive research and believe they are illogical and not based on fact or law; there are far more dangerous items on the Spirit's than properly packaged ammunition. The current rules restrict quite severely the ability of hunters and competition shooters to carry the right ammunition for the task.

It is our view that we are caught in circular advice between the TT-Line and the Australian Maritime Safety Authority (AMSA). We have lobbied the Government on this aspect for a period of time and are quite prepared to present this Inquiry with further evidence if it requires it, however we believe that resolution can be made at Government level, especially as we now believe the answer lies in specialist legal advice to identify and rectify the problem.²⁶²

9.17 Andrew Judd, Sporting Shooters Association of Australia stated:

TT-Line has a commission of carriage for transportation of ammunition. It took the commissions of carriage to the Australian Maritime Safety Authority and AMSA questioned them. It has been an ongoing process for us. They accepted the conditions of carriage. TT-Line initially informed us they were the AMSA rules.

Darren Chester was the minister for AMSA. I'd had other dealings with Mr Chester, so I spoke to him and the staff and found there are no AMSA rules in regards to carriage of firearms. It restricts our ability to be able to host and to participate - not only us but other organisations - in national championships and events held on the mainland.

²⁶¹ Transcript of evidence, 3 December 2018, p18-19

²⁶² LC Submission No 17, p15

We like shooting. Most firearms need to have the ammunition tailored to suit the firearm. It is to do with harmonics and accuracy nodes and things like that in firearms. If you are restricted to taking only factory ammunition, you do not have the ability to do that, which puts you at a disadvantage.

I leave two days early so I can reload when I get there. I have to source primers and powder when I get to the mainland. I have to reload when I get there. They have imposed these conditions with no basis on any law.

Don has gone through the Australian Dangerous Goods Code and we raised the issue with them that gas bottles stored in bulk are a higher risk to safety than ammunition is. Now they let you leave your gas bottles in the vehicles, but we are still under the restrictions of ammunition.

It was not an issue. It came about by a mainland dealer profiteering on their way to a shoot at the Tasmanian Gun Club at Evandale. I do not agree with this because it was not for personal use, but they turned up with a ton of ammunition. TT-Line said, 'No, we cannot do that'. That is what instigated their current regime.²⁶³

9.18 Steven R Atkins stated:

Re carriage across Bass Strait, the cost of ammunition in Tasmania is normally quite a bit higher than on the mainland, (due to transport costs, Bass Strait), when I am on the mainland for any reason and I have a vehicle with me I purchased ammo to bring back. There are now impractical restrictions of the amount I can bring, 200 rounds or 2kg max. I used to bring back a case of .221r

(5000 rnds 15kg). This is now not allowed. When you transport firearms or/and ammo over the Strait you have to hand it, over to the security at either end (are these people Licenced?) it is then placed in a trailer that has 2 compartments, (it's also the Pet Carrier) you are given a tag to retrieve your gear at the other end, which is being watched by another security guard. You also have to advise TT line that you are intending to transport Firearms and or Ammo, with your vehicle particulars as well as all passengers travelling with you, your vehicle is then subjected to extra search, on most occasions. It has taken me up to 3 months to get the ammo (here at times), that I normally use (have used the same 221r ammo for 30 years), it is not always available in Tasmania.²⁶⁴

9.19 Mark Walters, Tasmanian Rifle Association stated:

A few years ago, the Spirit of Tasmania had a bit of an issue with somebody arriving with a trailer load of shotgun ammunition to trek down to Hobart for a gun meet. They were forced to review their entire policy. They came up with the idea of a 5 kg limit to start with, or 250 rounds. That is not enough. When we are shooting large target rifle ammunition, 5 kg gets us about 180 rounds, whereas the state competition requires more like about 300 rounds. So, we get about half there. That was one thing.

²⁶³ Transcript of evidence, 30 November 2019, p11

²⁶⁴ LC Submission No 69, p3-4

The next one was that they looked at it very carefully and they said, 'We cannot allow you to bring reloaded ammunition on board because we cannot guarantee that it is an inert projectile', which is the meaning of S3, safe conduct. There are standards for shipping ammunition around the world in the Maritime Act and one of those is that it is inert ammunition. The view from the Spirit of Tasmania's lawyer was that you cannot guarantee it is not complying with that therefore that is banned. That makes it quite difficult to come across on the Spirit of Tasmania.

The airlines don't have the same issue. The only other way around it is to go to a dangerous goods shipper, which is what most people are now doing.²⁶⁵

Committee Comment

- 9.20 The Committee notes there is inconsistency across jurisdictions in regards to sports shooters and the usage of Category H firearms. The Committee believes this needs to be addressed at a national level so as to ensure national consistency and adherence to the National Firearms Agreement.
- 9.21 The Committee supports the current genuine reason requirements for sports shooters in regards to using Category C firearms.
- 9.22 The Committee notes the concerns in relation to transporting firearms and ammunition on the TT Line. As the issue involves multiple jurisdictions and interstate transportation the Committee is of the opinion this issue needs to be addressed at the national level.

²⁶⁵ Transcript of evidence, 3 December 2018, p50

10 OTHER LICENCE CATEGORIES ISSUES

- 10.1 The Committee heard concerns in relation to the various licence categories.

Category A and B

- 10.2 Bryan Finlay argued that the registration of ordinary Category A and B firearms should be abandoned:

The law enforcement resources presently wasted on the registration of Category A and B firearms should be applied towards criminal detection and prosecution.²⁶⁶

Category C: lever action shotguns

- 10.3 A number of submissions called for Tasmanian legislation to be amended to address technological advances or modifications to firearms that have or may result in certain firearms being incorrectly classified.

- 10.4 Medics for Gun Control argued that:

The NFA has struggled to keep up with technological changes since first introduced. One of the most striking examples of this is the categorisation of

Lever Action Shotguns with magazine capacity no greater than 5 rounds as Category B weapons. The Adler lever action shotgun for example, has a capacity such that when the NFA was originally envisioned it would never have been listed, as it is now, as a Category B weapon. The rapidity of its firing mechanism means that 5 lethal shots can be fired in very quick succession. This weapon must be subjected to more stringent licensing requirements – as a Category C weapon.²⁶⁷

- 10.5 The Australian Medical Association stated:

AMA Tasmania supports maintaining the current firearms legislation that prohibits high-powered semi-automatic weapons and pump or lever action rifles, so that they can no longer be circumvented by new or adapted models. Any proposals to weaken laws in this area must be rejected.²⁶⁸

²⁶⁶ Submission No 16, p5

²⁶⁷ Submission No 53, p4

²⁶⁸ LC Submission No 81, p1

Category D

- 10.6 Concerns were also heard in relation to the potential mis-categorisation of firearms that were determined to be of similar appearance to automatic weapons.

- 10.7 The Tasmanian Firearm Dealers Association stated:

The TFDA consider that the main non-compliance with the current Firearms Act 1996 is in relation to the incorrect categorisation of firearms that 'substantially duplicate in appearance' an automatic weapon. According to the NFA, these firearms should be Category D. In Tasmania, such firearms are prohibited due to their appearance. In all other States, Category D licence holders may possess such firearms. This is in recognition of the fact that the appearance of a firearm has no bearing on the functioning of that firearm.²⁶⁹

Category E

- 10.8 The Committee received evidence from groups against the proposal to create a new Category E to encompass all prohibited firearms.

- 10.9 Public Health Association Australia raised concerns with the proposal to establish a Category E:

A change to the licence categories is proposed with a referral to the new Tasmanian Firearms Owners Council (TFOC) for the "creation of a new Category E to encompass all 'prohibited firearms' as most of these are not prohibited to all citizens, and certain specialists have lawful reasons to possess them".

Without details of what firearms are being proposed to be included in the new Category E, and which 'specialists' might have what 'lawful reasons' to possess them, it is difficult to comment on this proposal.

However, it should be noted that under the Firearms Act 1996 (TAS), the prohibited firearms listed are high-powered automatic and self-loading firearms. Further, the Act currently makes provisions for the limited use of some prohibited firearms such as for competitive shooting. It is not clear how the proposed new licence category would further assist Tasmania in compliance with the NFA.²⁷⁰

- 10.10 Roland Browne, Gun Control Australia, noted the creation of a Category E would breach the National Firearms Agreement.²⁷¹

²⁶⁹ Submission No 12, p1

²⁷⁰ LC Submission No 71, p5-6

²⁷¹ Transcript of evidence, 10 May 2019, p20

10.11 The Committee received evidence of support for the establishment of a Category E to cover firearms currently prohibited from other categories.

10.12 The Tasmanian Firearm Dealers Association stated:

The main purpose of Category E would not be to increase access to Category E firearms, but to facilitate the correct functioning of the Permanent Amnesty for unregistered prohibited firearms. At present, the Permanent Amnesty does not function for unregistered prohibited firearms because they cannot be registered by dealers. As a result, the number of prohibited firearms handed into firearms dealers in Tasmania is much lower than in other states. This is as evidenced in the 2017 National Firearms Amnesty.²⁷²

10.13 The Tasmanian Firearm Dealers Association stated:

The permanent firearms amnesty that currently extends to Category A-H firearms should be extended to prohibited firearms. At present, firearms dealers cannot register prohibited firearms handed in to them. In reality, prohibited firearms are generally very valuable, and so are not given away, but sold.

In order to remove such firearms from the community through the amnesty process, firearms dealers must be able to register such firearms. The most expedient way to facilitate this would be to create a Category E encompassing such firearms.²⁷³

10.14 The Tasmanian Firearm Dealers Association stated:

It is the opinion of the TFDA that introducing Category E would have the following benefits:

- 1) Correctly register firearms currently registered as Category D, particularly automatic firearms, and semi-automatic firearms which have the appearance of an automatic firearm. This would assist the Police in tracking movements of firearms interstate, and within Tasmania.*
- 2) Reduce the administrative effort of Firearms Services and firearms dealers in issuing and tracking individual Commissioner's Exemptions. Strict controls on prohibited weapons would still be enforced through the usual licencing, registration and auditing processes.*
- 3) Allow for the registration of currently unregistered automatic and other military type firearms under the ongoing Amnesty. Over time, this would significantly reduce the numbers of unregistered military firearms in the community. At present, firearms dealers are able to accept firearms handed to them during amnesties, but are unable to register prohibited firearms for sale interstate.*

²⁷² Submission No 12, p1

²⁷³ Submission No 12, p2

- 4) Significant prohibited firearms, including fully-automatic firearms, were registered by firearms dealers in Tasmania under the permanent Amnesty that ran from 1998 to 2015. These firearms were removed from the community through this action.²⁷⁴

10.15 The Arms Collectors Guild of Tasmania stated:

*Guild members currently must request a Commissioners exemption to possess a Prohibited item. We propose a Category E to replace this somewhat inefficient method as occurs in other states. Some members have waited over twelve months to gain an exemption which requires continuous communication with Firearm Services to remedy – not always with a response!*²⁷⁵

Military appearance firearms

10.16 Kerry Shepherd, Tasmanian Police, Firearm Services stated:

Appearance base controls is how we refer to them. They come out of the

National Firearms Agreement. They are a requirement of the National Firearms Agreement. However, in saying that there are jurisdictions in Australia that no longer have that appearance base control, we still do.

In relation to that assessment, how that occurs is a firearm that a person wishes to obtain is identified by one of our staff as potentially being similar in appearance to a machine gun. We then form a panel made up of a ballistics expert from Tasmania Police, Claudia and myself, and an interstate impartial expert in firearms. We do an assessment of the firearm and all its characteristics and then, on that basis, it is assessed as to whether it is similar visually to a machine gun.

*That does not answer your question, I realise that. I wanted to talk about the process. Obviously, at the end of the day, that is a decision for parliament as to whether they wish to change the laws in that respect and for government in the first instance to make that decision. There are states that don't do it at all. The argument is that if it looks like a machine gun, then a police officer may take a different approach to whether it looks like something else. I am not sure what people's assessment of that argument is.*²⁷⁶

10.17 Jonathan Higgins, Tasmanian Police, Firearm Services responded to a question from the then Chair of the Committee, Mark Shelton MP:

CHAIR - Is there any difference in strategy as far as the policing goes, if a person is identified with potentially a semiautomatic or potentially a single shot firearm? It only takes one bullet at the end of the day. Is there anything from the policing side of it?

²⁷⁴ Submission No 12, p3

²⁷⁵ Submission No 50, p3

²⁷⁶ Transcript of evidence, 10 May 2019, p15

Mr HIGGINS - I do think it does. Under the operational skills and defensive options that we have, not everybody would know the difference between firearms. If a particular person knew that one looked like a semiautomatic or a machine gun-type, the risk is certainly heightened, let alone confronting someone with a firearm. If you are confronting someone with a firearm in that sort of space, it would not be under good circumstances I would imagine so it may not matter whether it is single shot or semiautomatic, but if it looks like a machine gun, it is going to heighten the risk again because police carry pistols.

As far as a machine gun goes, a semiautomatic can have multiple rounds coming whereas with a single shot there is a different mechanism to that and a different level of time between. It is not a one-case-fits-all. We have a number of defensive options to defuse situations and all the information coming in, if a particular person looks at a firearm and it looks like a machine gun, there may be a different mechanism in their minds as they are going through their forced options.²⁷⁷

Semi-automatics

10.18 Carlo Di Falco, Shooters, Fishers and Farmers Party stated:

New Zealanders are allowed to own high powered semiautomatic rifles on their ordinary Category A licences. This includes AR-15s and AK-47s. The only restrictions are that they are not allowed to have larger than seven-round magazine on those. If they have a larger magazine, that becomes a military-style semiautomatic and goes into another Category. They disbanded their firearms registry in 1983 and they only registered military-style semiautomatics, large-capacity magazines, handguns and light and heavy machine guns. Incidentally, there are collectors with machine guns; they are not disabled, they are fully functional, and there are about 1500 of them registered in New Zealand. This is further proof that taking firearms and registering the rest is a pointless exercise. New Zealand and Canada have both disbanded their firearms registry with no increase in crime.²⁷⁸

10.19 Alistair Shephard, Shooters Union Tasmania stated:

Once a person has proved they are a fit and proper person and that they can safely store their firearms, they should be free to go ahead and purchase whatever they have the funds to purchase. The further restriction of what firearms we can own is just onerous and a waste of time. Many countries that have a similar culture to Australia seem to trust its citizens with firearms, including semiautomatic firearms and suppressors, and they do not seem to have the apparent problems that the anti-gun crowd will tell you will happen in Australia if we did have access to them. New Zealand is a great example I would turn to.²⁷⁹

²⁷⁷ Transcript of evidence, 10 May 2019, p15-16

²⁷⁸ Transcript of evidence, 30 November 2018, p39

²⁷⁹ Transcript of evidence, 3 December 2018, p2

3D Printed Weapons

- 10.20 Medics for Gun Control argued for the banning of 3D printed weapons:

Add a component to the existing Tasmanian legislation that explicitly bans the manufacture and possession of 3D printed weapons.²⁸⁰

- 10.21 Kerry Shepherd, Tasmanian Police, Firearm Services responded to a question from Dr Shane Broad MP:

Dr BROAD - In your opening statement you mentioned the need for the firearms legislation to keep pace with future developments in firearms and so on. Could you give a little bit more detail on that? Are you referring to things like lever action shotguns or are you thinking of being able to use a 3D printer? I would like some detail on how to futureproof the legislation.

Mr SHEPHERD - Certainly. Both examples you have given are good examples but there are other technologies and sometimes it is difficult in an open forum to talk about those technologies. We probably will not talk about the examples because it is almost like promoting them. There are technologies available much like a firearm that currently will not fit within the definitions of the

Firearms Act. They do not use an explosion or they do not use gas to propel the projectile.

Therefore, they would not be considered a firearm under the Firearms Act.

Dr BROAD - Like a slug gun is and that is propelled by a spring?

Mr SHEPHERD - Potentially, but generally the spring provides compression gas to propel the slug. In short, there is that side of things but there is also the side of things that firearms come onto the market place that do not always fit into the categories that are currently there. Therefore, the legislation currently does not adapt very well to new types of firearms that do not neatly fit. In some states they have an ability for the Commissioner of Police to classify the firearm for a six-month period while the regulation is made in order to fit the firearm into a specific classification. They are still very similar in nature to firearms in those classifications, they just don't neatly fit.²⁸¹

Committee Comment

- 10.22 The Committee notes the concerns raised in relation to the various licence categories and advancements in firearm technologies, and finds these matters should be resolved at a national level within the context of the National Firearms Agreement.

²⁸⁰ Submission No 53, p4

²⁸¹ Transcript of evidence, 10 May 2019, p17

- 10.23 The Committee notes that the creation of a Category E would breach the National Firearms Agreement and does not support such a move.

11 USE OF FIREARMS BY MINORS

- 11.1 The National Firearms Agreement requires a licenced firearm owner to be 18 years or older.
- 11.2 In Tasmania, while the *Firearms Act 1996* requires an applicant for a licence to be at least 18 years of age,²⁸² the Act does permit a person of a least 12 years of age to apply for a minor's permit.²⁸³ A minor's permit granted to a person of 14 years and under 18 years authorises the holder to possess or use a firearm under the supervision of a holder of a licence who is also approved to supervise the use by minors of firearms²⁸⁴.
- 11.3 The Committee heard comments in relation to the current system and the use of firearms by minors.

- 11.4 The Shooters, Fishers and Farmers Party Tasmania stated:

*SFFP position on Minors Permits is that firearm training should be available to persons aged 12yrs and older, provided of course parental consent (both) is given. Children in the rural sector are exposed to the variances of rural life including, vehicle/ tractor driving, quad bike, horses & stock work etc. at an early age to assist in the running of rural properties. Firearms should not be treated any differently. Early training promotes responsibility, safety and knowledge. Also, no person knows their child better than a parent and they (the parents) should be given some responsibility as to the decision-making process, not a government agency who has no intimate knowledge of the persons involved. The "one size fits all approach" is not appropriate.*²⁸⁵

- 11.5 The Shooters, Fishers and Farmers Party Tasmania stated:

*Minors should not have to redo the safety course if they have had experience in firearm handling under a minors permit.*²⁸⁶

- 11.6 Craig Moore, Tasmanian Pistol Association stated:

We had a junior who showed great potential. When he came to us he was 12 years old. He has since represented Australia in Europe and has done very well. He is now an adult and can hold his own firearms, but for six years his mother had to be a member of our club and hold a Category H and she never once fired a firearm. This was the only way Bailey could get his firearms to competitions. They had a safe and everything. But, because he was a minor, under the act he cannot legally own a firearm. Like most parents, they do the hard yards for their

²⁸² Firearms Act 1996, s28

²⁸³ Firearms Act 1996, s68

²⁸⁴ Firearms Act 1996, s70

²⁸⁵ Submission No 59, p2

²⁸⁶ Submission No 59, p19

children in any sport, but in her case, she held that licence for six years. We were hoping to keep her as a member but she said, 'it does not interest me' so she let her membership and licence lapse. For six years, she had to have the licence so he could participate in the sport.

Under this, we have a couple of other parents, we believe they are going to have to start shooting which does not worry us for a club with what we offer. But we find it does not sit right, they have to participate in something to keep a licence.²⁸⁷

- 11.7 The Committee heard from a number of respondents with concerns that the Tasmanian legislation currently permits minors to access and use firearms, which is a breach of the National Firearms Agreement.

- 11.8 Dr Phill Pullinger, Medics for Gun Control stated:

*There are still a number of areas where are not upholding the National Firearms Agreement. The National Firearms Agreement said, for example, that kids younger than 18 should not have access to weapons. That still is allowed under the law in Tasmania, so that can be tightened up.*²⁸⁸

- 11.9 Medics for Gun Control argued for the:

*Removal of the loophole enabling children to possess and use guns. The current Tasmanian legislation enables an exception to the NFA principle that a license holder for a gun must be an adult. A 'minor's permit' enables children as young as 12 to possess and use a gun. This is inconsistent with the NFA which specifies a minimum age of 18. The minor's permit provisions should be deleted from the act, to ensure that only adults over the age of 18 are allowed to possess or use a gun under Tasmanian law.*²⁸⁹

- 11.10 Mr Bendle, the Alannah & Madeline Foundation stated:

*I would contend that most of the permit system for 12-year-olds goes far beyond just an education component. I don't believe that a 12-year-old is given a permit purely just to educate and then they are packed away, never to be used. It is our contention that permits for 12-year-olds are for the use of firearms, which leads to the normalisation of firearms. One thing about the Firearms Agreement is that they were contentious in 1996 and continue to be contentious to some. It is certainly our contention that it has changed the gun culture in Australia. Fortunately, we don't have a culture of entitlement to guns and we all cringe at the gun culture we read about and see on the television in the US. It is a completely different social and cultural structure, but that is the antithesis of where we would want to go; by normalising the entitlement to and use of firearms. We ask all jurisdictions to do what they can to ensure that firearm use is as required for situations of genuine reason and genuine need.*²⁹⁰

²⁸⁷ Transcript of evidence, 3 December 2018, p19

²⁸⁸ Transcript of evidence, 10 December 2018, p4

²⁸⁹ Submission No 53, p2

²⁹⁰ Transcript of evidence, 30 November 2018, p34

11.11 Jennifer Brown, Medics for Gun Control stated:

If you go back to the principle of public health regulation and you look at an age limit for alcohol, for example, there is a very similar argument here that we could reduce or raise, I think the argument goes the other way these days, that you could raise the age limit to 21 for alcohol because at that time individuals have the sense of maturity capable of managing their alcohol intake better than someone at 18. Probably the same argument applies here that you need to set an age limit, an appropriate age limit, for the level of maturity required to be able to have access to guns. We would say that if you are choosing 18 for alcohol, 18 for guns is probably a fairly substantial age limit.²⁹¹

11.12 The Children and Young People Commissioner argued that the allowance for minors to use firearms in Tasmania may not comply with the National Firearms Agreement:

In 1996, Tasmania ratified the National Firearms Agreement along with all other states and territories - obviously, we're using the term 'NFA' today - however, along with all other jurisdictions, Tasmania has never fully complied with the NFA's terms. A key area in which Tasmania is not necessarily compliant with the NFA - although I note that permits specifically pertaining to young people are not specifically mentioned in the NFA - is that children and young people aged 12 to 18 years inclusive can acquire a permit to possess and use a firearm, despite the NFA's explicit wording that a firearm licence applicant must be aged 18 years and over. I do note, as those before me have noted, that permits are not specifically mentioned in the NFA at all.²⁹²

11.13 However, the Children and Young People Commissioner went on to say that she did not necessarily advocate changes to the minor's permit provisions of the Act:

I have not seen any evidence to date, nor have I been advised of any evidence provided to previous Commissioners, that current arrangements don't strike the right balance at this point. On the other hand, I would not support any reduction to the age at which a minor's licence can be obtained, nor the age at which a young person can use a firearm outside an approved range. In simple terms, things seem to be going okay at this point and I have no evidence to suggest otherwise.²⁹³

11.14 Kim Pitt opposed the use of firearms by children today, stating that the world is a different place to when he was a child and was permitted to operate firearms:

I had an airgun at the age of seven, my father trained me on the Navy firing range in the use of .22s at the age of 10. I had my own .303 at the age of 14, which I used to use on my uncle's properties around the wheat belt in the Perenjori-Morawa district of Western Australia.

²⁹¹ Transcript of evidence, 10 December 2018, p4

²⁹² Transcript of evidence, 30 November 2018, p17

²⁹³ Transcript of evidence, 30 November 2018, p17

...

I wouldn't do that with my six grandchildren today. It was a different world. For example, to get to the place where we used to use the weapons, I rode on the flat tray of a truck across the paddocks. I wouldn't let my kids do that today. I know things now which I didn't know back then. Drinking was different; we drove vehicles without a risk of being breathalysed because there were no breathalysers in the country. The world has changed, society is different in the twenty-first century to the way it was. The world was in black and white when I was a young boy. My kids don't have the same discipline I did, not because they're better or worse than me, just that society is different. I was never called by my name, I was always called 'boy'; if I didn't blink, nothing happened; if I did, I would get hit. That doesn't happen to my grandkids; my grandkids are cosseted and cared for and loved. I was in my own way, but it was a different society. If I put them in the paddock with a bloody airgun, they'd come back with missing eyes and punctured wrists, swearing at each other. It's a different world.²⁹⁴

Committee Comment

- 11.15 The Committee believes that on balance, the current system of issuing minor permits in Tasmania should be maintained.
- 11.16 The Committee does not support lowering the age of access to firearms nor does it support reducing the obligations in relation to permitted minors when accessing firearms.

²⁹⁴ Transcript of evidence, 14 June 2019, p23

12 PROPOSALS FOR A GOVERNMENT CONSULTATIVE GROUP ON FIREARMS

A Firearm Owners Council

- 12.1 A central proposal of the Tasmanian Government's February 2018 policy document, had been the establishment of a Firearms Owners Council to provide advice to the Minister for Police and the Government, with members paid and nominations open to major stakeholder bodies. .
- 12.2 A number of respondents spoke strongly against the establishment of such a committee.
- 12.3 Roland Browne, Gun Control Australia stated:

This Committee is looking into the prospect of establishing a consultative committee on firearms. Tasmania has had a consultative committee on firearms for a considerable period of time. Like the other states in the Commonwealth, these committees were set up with no apparent or stated objective, but in our view were set up to appease shooters and to give them an avenue to express their dissatisfaction with firearm laws. That may or may not be an appropriate use of the committee. No committee, especially a Tasmanian firearms consultative committee, has ever had as its objective; ensuring increased public safety, minimal threat to law enforcement and, for example reducing the gun suicide rate. No, the committees have not really moved past channelling dissatisfaction with the regulatory regime, under the guise of technical advice.

...We had a committee of shooters advising the government on firearms. I suggest that would not have been tolerated, if somebody had proposed the government or tobacco industry set up a committee, of tobacco industry representatives to advise the government on cigarette packaging or sales or promotion restrictions. It is a nonsense. Why would there be any benefit to the entire community, if this consultative group was a statutory authority? Perhaps, the shooters would be paid to express their disaffection about firearms laws. Perhaps, the process would become formalised but it would lead to no enhancement in public safety. The notion the committee or a committee, could be compromised of not only shooters, but representative of a range of other community groups could be beneficial, but only with a clear mandate to ensure effective public outcomes. One has to ask why firearms laws are only regarded as something shooters should have an input into. If you do not have a clear objective and you do not have some balance on a committee, you end up with a tennis match where the shooters will propose amendments to the laws and the remainder of the members would have to justify why such amendments are not a good idea. Perhaps it should be the reverse.²⁹⁵

- 12.4 Medics for Gun Control stated:

²⁹⁵ Transcript of evidence, 10 May 2019, p19

We strongly reject the proposal for taxpayers' funding to pay the gun lobby to provide formal advice to government on how to further erode the NFA through a statutory 'Tasmanian Firearm Owners Council'. The gun lobby should not be paid to, or have a formal role in advising government on gun policy aimed at reducing gun violence and gun misuse. This would be the equivalent of the tobacco industry having a formal role in advising the government on smoking policy.²⁹⁶

12.5 Dr Phill Pullinger, Medics for Gun Control stated:

There are certain professions that need to use guns as part of their professional work, such as police and farmers for vermin control, and I see a practical role with that. But if you have a smoking taskforce you don't have the tobacco industry as part of it because they would block any attempt at reasonable regulation. I don't believe there should be in such a thing a formal role for the shooting industry or groups that are funded by the firearms industry.²⁹⁷

12.6 Robert Richardson stated:

A representative group should be established to review matters associated with firearms/weapons and, with guidance from professional groups, including Police, National Security, academia, Firearms Services, etc., develop policy for consideration by Parliament and subsequent implementation by appropriate government authorities.²⁹⁸

A Broad-based Consultative Group on Firearms

12.7 There was some support for the establishment of a broad-based consultative group to advise the Government if it had the primary objective of ensuring increased public health and safety.

12.8 Roland Browne, Gun Control Australia stated:

My question to this parliamentary committee is to ask if there is going to be a consultative committee, what should its objectives be? What use is technical advice if the committee is ignoring or not dealing with the public health consequences, the threat to law enforcement, reducing the gun suicide rate, reducing rates of violence related to guns in the home and theft of guns?²⁹⁹

12.9 Gun Control Australia stated:

Tasmania Police should continue to have responsibility for licensing, registration, compliance and enforcement of the Firearms Act 1996. If a broad based consultative group is regarded as necessary, it ought to have a focus on public health and the consequences of firearms misuse. Accordingly, it ought to be comprised of mental health experts, advocates and others supporting

²⁹⁶ Submission No 53, p4

²⁹⁷ Transcript of evidence, 10 May 2019, p19

²⁹⁸ LC Submission No 21, p6

²⁹⁹ Transcript of evidence, 10 May 2019, p19

women who are subject to family violence and criminologists. Gun misuse, however, does not stop at impact on people. Conservation groups and those concerned with animal welfare ought to also be represented on such a consultative group because of the history of the misuse of firearms towards domestic animals and wildlife.³⁰⁰

12.10 Dr Rush, Australian College of General Practitioners stated:

Nationally, the RACGP would have an interest in having some sort of input into firearms legislation as to the impacts it has on the health of Australians. We would need to see the terms of reference for that particular committee before we made a formal decision on whether it was the right place for the RACGP to be.

As Vivien stated and the RACGP absolutely agrees on, that GPs are very much the canary in the cage here. We see 90-odd per cent of Australians each year. We do get the feel for things and these people do speak to GPs as almost a relative or close friend. It gives us an insight into where the population of Australia is. The answer to that is, yes, we believe it would be of interest.³⁰¹

12.11 The Australian Injury Prevention Network stated:

The formation of any representative body to consult on matters related to regulation and use of firearms must include a membership beyond firearm owners, firearm user groups and the firearm industry. These groups do not necessarily represent the views of the broader Australian community and any representative body should include an equal and representative membership of health practitioners, public health representatives and professional bodies with the public interest in mind.³⁰²

12.12 Some respondents were open to cautious consideration of the creation of a broad-based consultative group that also included firearms owners.

12.13 The Alannah & Madeline Foundation stated:

The Foundation re-states our call that any Firearm Consultative Committee must include at the very least a balance of advocates for firearm safety. Some jurisdictions have previously had consultation or advisory processes that have only contained parties associated with the “gun lobby”.

The Foundation believes that only a truly balanced and cross-sectoral committee will reflect the needs of the Tasmanian people. In fact, recent figures indicate that only about 7% (certainly less than 10%) of Tasmanians are licensed firearm

³⁰⁰ Submission No 65, p5

³⁰¹ Transcript of evidence, 30 November 2018, p68

³⁰² LC Submission No 98, p1-2

users so the representation of the “gun lobby” might even be considered commensurate with their representation in the community.³⁰³

12.14 Stephen Bendle, the Alannah & Madeline Foundation stated:

If we were to take the fact of it being representative of the community, as we said, we know 93 per cent of Tasmanians don't have a firearms licence; 90 per cent of Tasmanians think that the current gun framework is fine, and 85 per cent of the submissions to your inquiry support the current framework. There is an argument for it to be representative of the committee. We understand that is unlikely to occur, but we think, for it be a consultative committee of the community, there is a case that it could be 90 per cent for those who support the current framework. We understand there is a submission before you that suggests that one firearm owners' group agree with the consultative group as long as they get 33 per cent of the seats on that. We think that doesn't make any sense. We think that if a consultative group requires expert knowledge on technical matters, on health matters or on legal matters, the consultative committee could ask for that advice, not necessarily from within the committee. At the least, we would expect that any consultative committee balances firearm users with gun safety advocates. At the very least, it would be 50/50.

...

There are many within the medical sector. I would think we would want representatives from the medical sector and from the public health sector. We heard from the previous witness with a particular interest in child safety. Also, there are broader-based gun safety advocates such as ourselves. That is a cross-section of gun safety advocates. Clearly, there can be representatives from firearm users and there are technical aspects as well. I don't see any reason that there needs to be firearm importers, firearm manufacturers or ammunition manufacturers on a consultative group.³⁰⁴

12.15 Medics for Gun Control stated:

If there is to be a statutory body to advise government on gun policy, it should be comprised of health experts, first responders, victims groups and criminologists, with a stated policy of advising governments on how to further reduce deaths and harm from guns in Tasmania – similar to the role played by the Road Safety Taskforce.³⁰⁵

12.16 Dr Vivian Wright, Australian College of General Practitioners stated:

I believe that if there was a truly representative, truly interested inquiring body into what the broad populace, and the important groups from our populace, absolutely, I think you would get the AMA there like a shot. I apologise for that expression. I think you would get the AMA there, the Royal Australian College of

³⁰³ Submission No 13, p3

³⁰⁴ Transcript of evidence, 30 November 2018, p27

³⁰⁵ Submission No 53, p4

*General Practitioners and you would have the Nurses Federation, the psychiatrists – I think you would get all of them there.*³⁰⁶

12.17 Mark Walters and Dr Monaghan, Tasmanian Rifle Association stated:

We would have no problems with that. As I say, we are generally – not generally - we are specifically for safety and it would be very useful to have everybody involved, well-informed about what is the standard practice.

...

*It would be a valuable communication link, both from them to us, but also from us to them, so they would actually be better able to understand the situations from the firearms owners as well. I have written down such a committee would actually improve communication between all stakeholders.*³⁰⁷

12.18 Samuel Diprose Adams stated:

*If the proposed TFOC is to solely represent the views of firearm owners, then a second council should be established so the Government receives advice representing the views of all members in society. If the TFOC is to provide independent advice to Government it should comprise of a balance of firearm owners and gun-control advocates, alongside legal and technical experts. This will ensure that its advice is balanced and fair, whilst having a contemporary evidence-based foundation.*³⁰⁸

12.19 The Tasmanian Firearm Dealers Association stated:

*The TFDA support the principle of the creation of a broad-based consultative group to advise the Government on the technical aspects of firearms legislation.*³⁰⁹

Ombudsman

12.20 A few respondents called for a Firearms Ombudsman to be appointed to deal with complaints of firearm owners.

12.21 The Shooters, Fishers and Farmers Party Tasmania stated:

*SFFP holds that amongst Tasmania's 38,000 licensed firearms owners there is sufficient reason to appoint an independent Firearms Ombudsman to deal with complaints.*³¹⁰

12.22 Carlo Di Falco, Shooters, Fishers and Farmers Party stated:

³⁰⁶ Transcript of evidence, 30 November 2018, p68

³⁰⁷ Transcript of evidence, 3 December 2018, p52

³⁰⁸ LC Submission No 80, p12

³⁰⁹ Submission No 12, p1

³¹⁰ Submission No 59, p19

We asked for the appointment of a firearms ombudsman with the ability to fix the numerous complaints we receive from disgruntled firearm owners. Many firearm owners find safe inspections invasive and confronting, since most do not normally deal with police or have them turn up to their homes. For these reasons, storage inspections should be carried out by a trained civilian with proper training in relation to the Act. From information we have gathered, many officers often misquote the act and are clearly not trained to do inspections. Police officers are not qualified structural engineers.³¹¹

Committee Comment

- 12.23 The Committee does not support the creation of a broad-based consultative group.
- 12.24 The Committee supports the creation of a consultative group for a specific purpose, such as reviewing the public safety issues raised during the Inquiry and whether there is a duty to notify and report any concerns for persons believed to have access to a firearm.
- 12.25 The Committee is of the opinion that the Government could benefit from increased engagement with all stakeholders, including both firearm users and proponents of firearms safety. The Committee strongly supports the Government maintaining dialogue with all stakeholders.
- 12.26 The Committee finds that a significant number of concerns raised in evidence to the Committee could be resolved by government agencies better informing respective firearm owners and stakeholder groups about government policy, legislation and the services available in relation to firearms.
- 12.27 The Committee does not support the introduction of a separate Ombudsman to deal with firearms complaints.

**Parliament House
HOBART
25 November 2019**

**Hon. Jacquie Petrusma MP
CHAIR**

³¹¹ Transcript of evidence, 30 November 2018, p39

APPENDIX A: SUBMISSIONS

Submissions received by the Committee

No. 1 Douglas Janney

No. 2 Ronald Cornish

No. 3 Phillip Gough

No. 4 Dr James Duff

No. 6 Karl Willrath

No. 7 Janine McKinnon

No. 8 Dr Sue Shearman

No. 9 Dr Clare Smith

No. 10 Dr Christine Boyce

No. 11 Jonathan Scholes

No. 12 Tasmanian Firearm Dealers Association

No. 13 Alannah & Madeline Foundation

No. 13a Alannah & Madeline Foundation -
cover letter

No. 14 Anne Jackson

No. 15 Margaret Neilsen

No. 16 Bryan Finlay

No. 17 Luke Badcock

No. 18 Ian Hicks

No. 19 Ellen & Finn Seccombe

No. 20 Katherine Scholes

No. 21 Prem Saraswati

No. 22 Margaret Taylor

No. 23 Julie Donaldson

No. 24 Commissioner for Children and Young
People

No. 25 Dr Michael Vaughan

No. 26 Suzanne Young

No. 27 Kim Pitt

No. 28 Wendy Miles

No. 29 John Masarei

No. 30 Dr Robert Ward Smith

No. 31 Dr Robert Smillie

No. 33 Anne Layton-Bennett

No. 34 Virginia Dauney

No. 35 Dr Katherine Bendall

No. 36 Kathy Fogarty

No. 38 Dr Sorrel Standish-White

No. 39 Tasmanian Farmers and Graziers
Association

No. 40 Dr Vivien Wright

No. 41 Clive Stott

No. 42 Alan Taylor

No. 43 Sporting Shooters Association of
Australia (Tasmania) Inc

No. 44 Garth Johnson

No. 45 Samuel Diprose Adams

No. 46 Mike Milzarek

No. 47 Andrew Ricketts

No. 48 Patricia Jones

No. 49 Trish Moran

No. 50 Arms Collectors Guild of Tasmania	LC No.5 Mann, Oliver
No. 51 Kyron Fogarty	LC No.7 Lane, Penelope
No. 52 Rebecca Fogarty	LC No.8 Williams, Stephen
No. 53 Medics for Gun Control	LC No.9 Jamieson, Mathew
No. 54 Claire Brett	LC No.10 Aust Firearms Management Lobby Group
No. 55 Greg Stanford	LC No.11 Calvert, Nigel
No. 56 Pippa Stanford	LC No.12 Presser, John
No. 58 Van Diemen Pistol Club Inc and Tas Pistol Association	LC No.13 Atkins, Justyn
No. 59 Dr Kelly Shaw	LC No.14 Sumner, Philip
No. 60 Bryan Walpole	LC No.15 Greenhill,(Mrs) Julia
No. 61 M C Gale	LC No.17 Sporting Shooters Aus (Tas)
No. 62 Mark Stanford	LC No.18 Boyer, Kim
No. 63 Michael Buky	LC No.19 Suitor, Steve
No. 64 Shooters Fishers and Farmers Party	LC No.20 Rayner, Shan
No. 65 Gun Control Australia Inc	LC No.21 Richardson, Robert
No. 66 Legal Aid Commission of Tasmania	LC No.22 Shooters Union Tasmania Pty Ltd
No. 68 Field Hunting and Conservation Tasmania	LC No.23 RACGP
No. 70 Royal Australasian College of Surgeons	LC No.25 Lindsay, Richard, and Lindsay, Timothy and Sukata, Indri
No. 71 Tasmanian Conservation Trust	LC No.26 Harper, Gary
No. 72 David Bower	LC No.27 Finlay, Bryan
Submissions received by the Legislative Council Select Committee Firearms Law Reforms	LC No.29 Wanless, David
LC No.1 Peck, Ian	LC No.30 Hutchison, Cathleen
LC No.2 Fotheringham, Sharon	LC No.31 Woodley, Charles
LC No.3 Fitch, Ian	LC No.32 Seen, Murray
LC No.4 Oakley, Todd	LC No.33 Cornish, Ronald
	LC No.34 Abbott, Andrew

LC No.35 Scott, Rod
LC No.36 Tarbath, Toni
LC No.37 Scott, Marguerite
LC No.38 Nicholls, Brendan
LC No.39 Seccombe, Nelle
LC No.40 HACSU
LC No.41 Nelson, Prof Mark
LC No.42 Longden, Leanne
LC No.43 Rattray, Jared
LC No.44 Thomas, Malcolm
LC No.45 Morrison, Andrew
LC No.46 Finnigan, Lachlan
LC No.47 Hobart Clay Target Club Inc
LC No.48 RANZCP
LC No.49 Collier, Jim & Linda
LC No.50 Devereux, Linda
LC No.51 Duff, Dr James
LC No.53 Australian Deer Assoc (Tas)
LC No.54 Tas Deer Advisory Cttee Inc
LC No.55 Zimmermann, Andrew
LC No.56 Long, Damon and Tony
LC No.57 Rockliff, Peter
LC No.58 Chandler, George
LC No.59 Shooters Fishers & Farmers Tas
LC No.60 Seccombe, Finn
LC No.63 Firearm Owners United
LC No.64 Medics for Gun Control

LC No.65 Leader, Natalie
LC No.66 Lomas, Alex
LC No.67 Broadby, Shane
LC No.68 Tas Rifle Assoc In
LC No.69 Atkins, Steve
LC No.70 Mills, George
LC No.71 Public Health Association Australia (Tas)
LC No.73 Boxall, James
LC No.74 Labor Party
LC No.76 Aust Deer Assoc
LC No.77 Hill, Ian
LC No.78 Rea, Carol
LC No.79 White Ribbon Australia
LC No.80 Adams, Samuel
LC No.81 AMA
LC No.82 National Council of Women of Tas Inc
LC No.83 Charlton Hunters Club Inc
LC No.85 TFGA
LC No.86 Gun Control Australia
LC No.87 ANMF
LC No.88 Phillips, Barney
LC No.89 Thomson, James
LC No.90 Arnol, Cheryl
LC No.91 Tas Pistol & Rifle Club Inc
LC No.92 Elizabeth, Leonie
LC No.93 Wright, Dr Vivien

LC No.94 Arms Collectors Guild of Tas

LC No.95 Churchill, Gaye

LC No.96 Arnol, Glenn

LC No.97 Wright, Ursula

LC No.98 Australian Injury Prevention Network

LC No.99 Heath Morton

LC No.100 Tamar Pistol Club Tas

LC No.101 Ricketts, Andrew

LC No.102 Jones, Ms M C

LC No.104 Venn, Wayne

LC No.105 Cameron, Alastair

LC No.106 Tasmanian Greens

LC No.107 Federation of Hunting Clubs, Inc

LC No.108 PAHSMA

LC No.109 Tasmanian Government

LC No.110 Tasmanian Conservation Trust Inc

LC No.111 Alannah & Madeline Foundation

APPENDIX B:

DOCUMENTS RECEIVED

1. Correspondence from Hon. Michael Ferguson MP.
2. Correspondence from John Winray.
3. Correspondence from Shooters, Fishers and Farmers (Tasmania).
4. Correspondence from Ms Cassy O'Connor MP.
5. Sporting Shooters Association of Australia - Supplementary paper for the Lower House Committee: Category "C" Firearms, tabled.
6. Sporting Shooters Association of Australia - Comments from a Spokesperson for Minister Keenan, tabled.
7. Sporting Shooters Association of Australia - Comparison of Various Ammunition Types, tabled.
8. Sporting Shooters Association of Australia - Steel vs Lead: Differences You Should Know, tabled.
9. Commissioner for Children and Young People Tasmania - UNICEF, A Simplified version of the United Nations Convention on the Rights of the Child, tabled.
10. Shooters, Fishers and Farmers Tasmania - News Corporation article, "Murder rate hits record low level" dated 19.06.2017, tabled.
11. Royal Australian College of General Practitioners - Dr Vivian Wright "In 2017, 13 Tasmanians died from firearm related causes", tabled.
12. Royal Australian College of General Practitioners - Flinders University, "How many people are hospitalised or fatally injured due to firearm-related injuries?", tabled.
13. Royal Australian College of General Practitioners - The General Practice: Health of the Nation 2018, tabled.
14. Royal Australian College of General Practitioners - Cathy Humphreys (2018) "Campaign to relax gun laws increases threat to family violence", tabled.
15. Health and Community Services Union - Pru Peschar, Parliamentary Committee on Firearms, tabled.
16. Arms Collectors Guild of Tasmania - The Arms Collectors Guild of Tasmania, Aims and Objectives, tabled.
17. Australian Firearms Management Lobby - FN Five-sevenN, tabled.
18. Medics for Gun Control - Public Health Association Australia, Top 10 Public Health Successes Over the Last 20 Years, tabled.
19. Medics for Gun Control - Tough Laws Prevent Gun Deaths, tabled.
20. Medics for Gun Control - Our approach to Suicide Prevention, tabled.
21. Tasmanian Farmers and Graziers Association - Alternatives to the use of 1080 Program, The Nature and Implications of Browsing by Native Wildlife on Tasmanian Farms: Final Report April 2011", Tasmanian Government, tabled.
22. Tasmanian Farmers and Graziers Association - Alternatives to the use of 1080 Program, The Nature and Implications of Browsing by Native Wildlife on Tasmanian Farms: Final Report June 2010, Tasmanian Government, tabled.
23. Tasmanian Farmers and Graziers Association - An investigation into the use of sound moderators on firearms for game and feral animal management in New South Wales, Game Council of New South Wales, tabled.
24. Tasmanian Farmers and Graziers Association - Managing production losses due to wildlife on farms, 2011, Tasmanian Government, tabled.
25. Firearms Services - Firearms Licence Renewals 2017-2026, tabled.

26. Gun Control Australia - State Coroners Court, New South Wales, Inquest into the death of the Hunt family, October 2015, tabled.
27. David Bower - Professor Robert Mulley, Game Council of New South Wales, "An investigation into the use of sound moderators on firearms for game and feral animal management in New South Wales", tabled.
28. David Bower - Silencer Research, The Use of Sound Suppressors on High-Powered Rifles, tabled.

APPENDIX C: MINUTES

26 September 2018

The Committee met in the Long Room,
Parliament House, Hobart at 9:30 a.m.

Members Present:
Mr Shelton (Chair)
Dr Broad (Deputy Chair)
Mr Brooks
Dr Woodruff

No apologies were received.

The Committee read the Order of the House of
Assembly appointing the Committee. (Mr
Brooks)

The Committee noted the proposed program
for the Inquiry as circulated by the Committee
Secretary.

Resolved, That the Committee places
advertisements in the three major newspapers
advertising the inquiry and calling for
submissions on Saturday 29 September 2018.
(Dr Broad)

Resolved, That the Committee issues a press
release announcing the Inquiry prepared by
the Secretary to all major media organisations
in Tasmania on Monday, 1 October 2018. (Dr
Broad)

Resolved, That Committee note the
submissions published by the Legislative
Council Select Committee on Proposed
Firearms Law Reforms. (Dr Woodruff)

Ordered, That a letter be sent to all individuals
and organisations who made submissions to
the Legislative Council Select Committee on
Proposed Firearms Law Reforms advising that
the Committee had noted their submission and
seek any additional input into the Inquiry. (Dr
Woodruff)

Resolved, That Committee Members submit a
list of names of any organisations or
individuals they wish to be invited to make a

submission to the Inquiry by Friday 5 October
2018. (Mr Brooks)

Resolved, That the deadline for submissions be
26 October 2018. (Mr Brooks)

Resolved, That the Chair be the spokesperson
in relation to the operations of the Committee.
(Mr Brooks)

Resolved, That unless otherwise ordered, press
statements on behalf of the Committee be
made only by the Chair after approval in
principle by the Committee or after
consultation with Committee Members. (Mr
Brooks)

At 9:48 a.m. the Committee adjourned until 6
November 2018.

6 November 2018

The Committee via teleconference at 9:36 am
on 6 November 2018

Members Present:
Mr Shelton (Chair)
Dr Broad (Deputy Chair)
Mr Brooks
Dr Woodruff

No apologies were received.

The minutes of the meeting held on 26
September last were read and confirmed. (Mr
Brooks)

Resolved, That the Committee noted the
submissions received for the inquiry and
agreed that the following submissions be
received and published in full (Dr Broad)

- (1) Douglas Janney
- (2) Ronald Cornish
- (3) Phillip Gough
- (4) Dr James Duff
- (6) Karl Willrath
- (7) Janine McKinnon
- (8) Dr Sue Shearman
- (9) Dr Claire Smith
- (10) Dr Christine Boyce
- (11) Jonathan Scholes
- (12) Tasmania Firearm Dealers Association

- (13) Alannah & Madeline Foundation
- (14) Anne Jackson
- (15) Margaret Neilsen
- (16) Bryan Finlay
- (17) Luke Badcock
- (18) Ian Hicks
- (19) Ellen & Finn Seccombe
- (20) Katherine Scholes
- (21) Prem Saraswati
- (22) Margaret Taylor
- (23) Julie Donaldson
- (24) Commissioner for Children and Young People Tasmania
- (25) Dr Michael Vaughan
- (26) Suzanne Young
- (27) Kim Pitt
- (28) Wendy Miles
- (29) John Masarei
- (30) Dr Ward Smith
- (31) Dr Robert Smillie
- (32) Shooters Union Tasmania
- (33) Anne Layton-Bennett
- (34) Virginia Dauney
- (35) Dr Katherine Bendall
- (36) Kathy Fogarty
- (38) Dr Sorrel Standish-White
- (39) TFGA
- (40) Dr Vivien Wright
- (41) Clive Stott
- (42) Alan Taylor
- (43) Sporting Shooters Association of Australia (Tas)
- (44) Garth Johnson
- (45) Samuel Diprose Adams
- (46) Mike Milzarek
- (47) Andrew Ricketts
- (48) Patricia Jones
- (49) Trish Moran
- (50) Arms Collectors Guild of Tasmania
- (51) Kyron Fogarty
- (52) Bec Fogarty
- (53) Medics for Gun Control
- (54) Claire Brett
- (55) Greg Stanford
- (56) Pippa Stanford
- (57) Suzanne Young
- (58) Van Diemen Pistol Club in conjunction with Tasmanian Pistol Association
- (59) Dr Kelly Shaw
- (60) Dr Bryan Walpole
- (61) M C Gale
- (62) Mark Stanford
- (63) Michael Buky

- (64) Shooters Fishers Farmers Party
- (65) Gun Control Australia

Resolved, That the Committee noted the submission received for the inquiry and agreed that Submission No. 5 be received in confidence (Dr Broad)

Resolved, That public hearings be held in Hobart on 30 November, in Launceston on 3 December, and subject to availability of Members in Launceston on 10 December 2018. (Dr Broad)

The Committee considered a list of potential witnesses for public hearings.

Resolved, That the Committee Secretariat prepare a schedule for the public hearings, to be circulated by close of business on 6 November (Dr Woodruff)

At 10.15 a.m. the Committee adjourned until 30 November 2018.

30 November 2018

The Committee met in Committee Room 1, Parliament House at 9:00 a.m. on 30 November 2018

Members Present:
Mr Shelton (Chair)
Dr Broad (Deputy Chair)
Dr Woodruff

The minutes of the meeting held on 6 November last were read and confirmed. (Dr Woodruff)

Resolved, That the Committee noted the submission received after the closure date for the inquiry and agreed that the following submission be received and published in full (Dr Broad):

- Legal Aid Tasmania

Resolved, the Committee authorised the media to film and record proceedings of the public hearings held by the Committee. (Dr Woodruff)

Dr Broad moved a motion that:

“The Committee orders all advice relating to the Liberal Government’s firearms policy, specifically compliance with National Firearms Agreement.”

Discussion ensued.

Mr Brooks entered the meeting (via telephone)

The Chair proposed an amendment:

“The Committee writes to the relevant Minister and requests that copies of all relevant advice relating to the Liberal Government’s firearms policy, specifically compliance with the National Firearms Agreement are provided to the Committee.”

Resolved, the Committee Secretary would write to the relevant Minister and requests that they provide copies of all relevant advice relating to the Liberal Government’s firearms policy, specifically compliance with the National Firearms Agreement are provided to the Committee. (Mr Brooks)

Mr Brooks left the meeting.

Resolved, the Committee authorised the media to film and record proceedings of the public hearings held by the Committee. (Ms Woodruff)

Public hearing commenced at 9:19 am.

Donald Riddell, Senior Vice President and Andrew Judd, President, Sporting Shooters Association of Australia were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Mr Judd tabled a documents titled:

- Supplementary paper for the Lower House Committee: Category “C” Firearms
- Comments from a Spokesperson for Minister Keenan
- Comparison of Various Ammunition Types

- Steel vs Lead: Differences You Should Know

The witnesses withdrew.

Leanne McLean, Commissioner for Children and Young People Tasmania was called. The witness took the Statutory Declaration and were examined by the Committee in public.

Ms McLean tabled a document titled:

- UNICEF, A Simplified version of the United Nations Convention on the Rights of the Child.

The witness withdrew.

Stephen Bendle, Advocacy and Campaigns Advisor (Gun Control) and Mark Warburton, Adviser on Firearms Matters, were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Carlo de Falco, Spokesperson, Shooters, Fishers and Farmers Tasmania was called. The witness took the Statutory Declaration and were examined by the Committee in public.

Mr Judd tabled a document titled:

- News Corporation article, “Murder rate hits record low level” dated 19.06.2017

The witness withdrew.

Suspension of sitting from 1:00 pm to 1:33 pm.

Sally McGushin, Hon. Secretary, National Council of Women Tasmania was called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Matthew Rush, State Manager and Dr Vivian Wright, Royal Australian College of General Practitioners were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Dr Wright tabled documents titled:

- Dr Vivian Wright “In 2017, 12 Tasmanians died from firearm related causes”
- Flinders University, “How many people are hospitalised or fatally injured due to firearm-related injuries?”
- Royal Australian College of General, the General Practice: Health of the Nation 2018.
- Cathy Humphreys (2018) “Campaign to relax gun laws increases threat to family violence”

The witnesses withdrew.

Robbie Moore, Assistant Secretary, Health and Community Services Union was called. The witness took the Statutory Declaration and was examined by the Committee in public.

Robbie Moore tabled a documents titled:

- Pru Peschar, Parliamentary Committee on Firearms

The witnesses withdrew.

At 3:23 p.m., the Committee adjourned until 9:00 a.m. 3 December 2018.

3 December 2018

The Committee met in Meeting Room, Henty House, Launceston at 10:04 a.m. on 3 December 2018

Members Present:

Mr Shelton (Chair)

Dr Broad (Deputy Chair)

Dr Woodruff

Mr Brooks was an apology.

Public hearing commenced at 10:19 am.

Alistair Shephard, President, Shooters Union of Tasmania. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Craig Moore, Tasmanian Pistol Association was called. The witness took the Statutory

Declaration and was examined by the Committee in public.

The witness withdrew.

John Green, President and Andrew Harvey, Secretary, Arms Collectors Guild of Tasmania were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Mr Green tabled a document titled:

- “The Arms Collectors Guild of Tasmania, Aims and Objectives”

The witnesses withdrew.

Suspension of sitting from 12:45 pm to 1:15 pm.

Dr Paul Monaghan and Mr Mark Walters, Tasmanian Rifle Association were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witness withdrew.

Andrew Winwood, Charlton Hunters Club was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witnesses withdrew.

Mathew Allen, Tasmanian Deer Advisory was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

William Wilcher, Australian Firearms Management Lobby, was called. The witness took the Statutory Declaration and were examined by the Committee in public.

Mr Wilcher tabled a document titled:

- “FN Five-seven”

The witness withdrew.

At 4:17 p.m., the Committee adjourned until 9:00 a.m. 10 December 2018.

10 December 2018

The Committee met in Meeting Room, Henty House, Launceston at 9:02 a.m. on 10 December 2018

Members Present:
Mr Shelton (Chair)
Dr Broad (Deputy Chair)
Dr Woodruff

Mr Brooks was an apology.

Public hearing commenced at 9:03 am.

Dr Phill Pullinger, Spokesperson, Dr Samuel Maloney, Jennifer Brown, Fiona Beer, Medics for Gun Control were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Dr Pullinger tabled documents titled:

- “Public Health Association Australia, Top 10 Public Health Successes Over the Last 20 Years”
- “Tough Laws Prevent Gun Deaths”
- “Our approach to Suicide Prevention”

The witnesses withdrew.

Stephen Large, Chief Executive Officer, Hon Michael Field AC, Deputy Chair, Dr Jane Harrington, Director Conservation & Infrastructure, Port Arthur Historic Site Management Authority were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Suspension of sitting from 10:53 pm to 11:00 pm.

Peter Skillern, Chief Executive Officer and Don Jones, Wildlife Policing and Firearms Committee Chair, Tasmanian Farmers and Graziers Association were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Mr Skillern tabled documents titled:

- “Alternatives to the use of 1080 Program, The Nature and Implications of Browsing by Native Wildlife on Tasmanian Farms: Final Report April 2011”, Tasmanian Government
- “Alternatives to the use of 1080 Program, The Nature and Implications of Browsing by Native Wildlife on Tasmanian Farms: Final Report June 2010”, Tasmanian Government
- “Alternatives to the use of 1080 Program: Final Report April 2011”, Tasmanian Government
- “Managing production losses due to wildlife on farms”, 2011, Tasmanian Government.
- “An investigation into the use of sound moderators on firearms for game and feral animal management in New South Wales, Game Council of New South Wales.

The witnesses withdrew.

Terry Slevin, Chief Executive Officer and Dr Ingrid Johnston, Senior Policy Officer, appearing by telephone, were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Suspension of sitting from 1:09 pm to 1:32 pm.

Dr Milford McArthur, Chair, and Rebecca Grant, The Royal Australian & New Zealand College of Psychiatrists (Tasmania Branch) were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

The public hearing was closed.

The Committee noted the declaration of the Chair that he:

- is a primary producer;
- has a firearm licence; and,
- is a firearm owner.

The Committee noted the declaration of Dr Woodruff that she:

- has a firearm licence; and,
- is a firearm owner.

The Committee noted the Chair's declaration.

Resolved, That the Committee noted the submission to the inquiry that was received after the closing date and agreed that the following submissions be received and published in full as: "Submission No. 67 Oliver Mann". (Dr Broad)

At 2:37 p.m., the Committee adjourned until a date to be decided.

21 December 2018

The Committee met via teleconference at 3:07 p.m. on 21 December 2018

Members Present:

Mr Shelton (Chair)

Dr Broad (Deputy Chair)

Dr Woodruff

Mr Brooks was an apology.

Resolved, The Committee would publish the transcripts held on 30 November, 3 December and 10 December 2018. (Dr Woodruff)

At 3:16 p.m., the Committee adjourned until a date to be decided.

14 February 2019

The Committee met via teleconference at 9:16 a.m. on 14 February 2019

Members Present:

Mr Shelton (Chair)

Dr Broad (Deputy Chair)

Dr Woodruff

The Committee noted that Mr Brooks had resigned from the House of Assembly and is therefore no longer a Member of the Committee.

Resolved, That the following correspondence be received:

- Leader of the House, Hon. Michael Ferguson MP received 13 February 2019.

The Committee discussed the request by the Leader of the House for the Committee to defer proceedings until a Member was appointed to replace Mr Brooks.

Discussion ensued.

Dr Woodruff made the motion:

"That the Committee continue its work as scheduled as the absence of one Member did not affect the work of the Committee."

Question put that the motion be agreed to;

The Committee divided:

Ayes:

Dr Woodruff

Noes:

Mr Shelton

Dr Broad

It was passed in the negative.

Dr Broad made the motion:

"That the Committee defer the Inquiry, including the public hearings scheduled for 14 and 19 February 2019 and wait until a new Member is appointed by the House on the agreement that the time is extended."

Question put that the motion be agreed to;

The Committee divided:

Ayes:

Mr Shelton

Dr Broad

Noes:

Dr Woodruff

It was *Resolved* in the affirmative.

Resolved, That the Committee will defer the Inquiry, including the public hearings scheduled for 14 and 19 February 2019 and wait until a new Member is appointed by the House on the agreement that the deadline is extended.

At 9:31 a.m., the Committee adjourned until a date to be decided.

10 May 2019

The Committee met in Committee Room 1, Parliament House, Hobart at 10:00 am on 10 May 2019.

Members Present:

Mr Shelton (Chair)

Dr Broad (Deputy Chair)

Mr Tucker

Dr Woodruff

Public hearing commenced at 10:00 am.

Jonathan Higgins, Adrian Bodnar, Kerry Shepherd, Claudia Taylor, Tasmania Police – Firearms Services were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Kerry Shepherd tabled a document titled:

- “Firearms Licence Renewals 2017-2026”

The witnesses withdrew.

Roland Browne, Gun Control Australia was called. The witness took the Statutory Declaration and was examined by the Committee in public.

Mr Browne tabled documents titled:

- “State Coroners Court, New South Wales, Inquest into the death of the Hunt family, October 2015”

The witness withdrew.

Suspension of sitting from 12:09 pm to 1:03 pm.

Margaret Chandler and Rochelle Mainwaring, Legal Aid Commission of Tasmania, were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Suspension of sitting from 1:31 pm to 2:00 pm.

Peter McGlone, Tasmanian Conservation Trust was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

The public hearing was closed at 3:07pm.

Resolved, the minutes of the meetings held on 21 December 2018 and 14 February 2019 are a true and accurate record. (Dr Woodruff)

Resolved, That the following correspondence be received:

- Lorraine Bennett, Shooters, Fishers & Farmers Party Tasmania, received 14 December 2018
- Hon. Michael Ferguson MP, Minister for Health, Minister for Police, Fire and Emergency Management, undated
- John Whinray, sent 19 December 2018

Resolved, That the Committee note the submissions to the Inquiry that were received after the closing date and agreed that the following submissions be received and published in full as:

- Submission No.58 Field Hunting and Conservation Tasmania
- Submission No.60 Royal Australasian College of Surgeons

(Dr Broad)

Resolved, That the Committee noted the submission received for the Inquiry and agreed that Submission No. 59 be received in confidence (Dr Broad)

At 3:19 p.m., the Committee adjourned until a date to be decided.

14 June 2019

The Committee met in Committee Room 1, Parliament House, Hobart on 14 June 2019 at 9:49 am.

Members Present:

Mr Shelton (Chair)
Dr Broad (Deputy Chair)
Mr Tucker
Dr Woodruff

Public hearing commenced at 9:49 am.

Mr Alan Taylor was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr Bernard Phillips was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr Kim Pitt was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Suspension of sitting from 11:43am to 1.00 pm.

Mr Ronald Cornish was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr Samuel Diprose Adams was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr John Jones was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witnesses withdrew.

Hearing concluded at 3:22pm

Resolved, That the minutes of the meeting held on 10 May 2019 are a true and accurate record.
(Mr Tucker)

Resolved, That the transcript of the public hearing held on 10 May 2019 be published. (Dr Broad)

At 3:25 p.m., the Committee adjourned until Wednesday 24 July 2019.

24 July 2019

The Committee met in Committee Room 1, Parliament House, Hobart on 24 July 2019 at 10:30 am.

Members Present:
Dr Broad (Acting Chair)
Mr Tucker
Dr Woodruff

Public hearing commenced at 10:30 am.

Mr Alistair Cameron was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr David Bower was called. The witness took the Statutory Declaration and was examined by the Committee in public.

Mr David Bower tabled the following documents:

- Professor Robert Mulley, Game Council of New South Wales, "An investigation into the use of sound moderators on firearms for game and feral animal management in New South Wales".
- Silencer Research, "The Use of Sound Suppressors on High-Powered Rifles"

The witness withdrew.

Mr Mike Buky was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Suspension of sitting from 12:32pm to 1.32 pm.

Mr George Mills was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Mr James Boxhall was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Hearing concluded at 3:00pm.

Resolved, That the minutes of the meeting held on 14 June 2019 are a true and accurate record. (Mr Tucker)

Resolved, That the following correspondence be noted:

- Ms Cassy O'Connor MP, dated 3 July 2019. (Dr Woodruff)

Resolved, That the transcript of the public hearing held on 10 May 2019 be published. (Mr Tucker)

Resolved, That the reporting date for the Committee be extended until 12 November 2019. (Dr Woodruff)

At 3:04 p.m., the Committee adjourned until a date to be decided.

21 October 2019

The Committee met via teleconference on 21 October 2019 at 11:02 am.

Members Present:
Mrs Petrusma (Chair)
Mr Tucker
Dr Woodruff

Dr Broad was an apology.

Resolved, That the minutes of the meeting held on 24 July 2019 are a true and accurate record. (Mr Tucker)

Resolved, That the transcript of the public hearing held on 24 July 2019 be published. (Dr Woodruff)

Resolved, That the Committee noted the submissions received for the inquiry and agreed that the following submissions be received and published in full (Mr Tucker)

- (72) Mr David Bower

The Committee considered the Chair's draft report.

The Committee agreed to set aside all "Committee Comments" and "Chapter 2 – List of Recommendations".

Paragraphs 1.1 to 1.2, as read, agreed to.

Paragraph 1.3 set aside.

Paragraphs 1.4 to 1.5, as read, agreed to.

Paragraph 1.6 set aside.

Paragraphs 1.7 to 1.21, as read, agreed to.

New Paragraph 1.22 proposed and set aside.

Paragraphs 1.22 to 1.32, as read, agreed to.

Chapter 2 set aside.

Chapter 3 set aside.

Paragraphs 4.1 to 4.15, as read, agreed to.

Paragraph 4.16 set aside.

Paragraph 4.17, as read, agreed to.

Paragraphs 5.1 to 5.14, as read, agreed to.

Paragraphs 5.15 to 5.27 set aside.

Paragraphs 5.28 to 5.33, as read, agreed to.

Paragraphs 5.34 to 5.37 set aside.

Paragraphs 5.38 to 5.63, as read, agreed to.

At 3:04 p.m., the Committee adjourned until a date to be decided.

23 October 2019

The Committee met via teleconference on 23 October 2019 at 11:06 am.

Members Present:
Mrs *Petrusma* (Chair)
Dr *Broad*
Mr *Tucker*
Dr *Woodruff*

The Committee continued consideration of the Chair's draft report.

Paragraphs 5.64 to 5.72, as read, agreed to.

Paragraphs 6.1 to 6.44, as read, agreed to.

Paragraphs 7.1 to 7.14, as read, agreed to.

Paragraphs 7.15 to 7.16 set aside.

Paragraphs 7.17 to 7.54, as read, agreed to.

At 2:00 p.m., the Committee adjourned until a date to be decided.

25 October 2019

The Committee met via teleconference on 25 October 2019 at 11:00 am.

Members Present:
Mrs *Petrusma* (Chair)
Mr *Tucker*
Dr *Woodruff*

Dr *Broad* was an apology.

The Committee continued consideration of the Chair's draft report.

Paragraphs 7.55 to 7.81, as read, agreed to.

Paragraph 7.82 set aside.

Paragraphs 7.83 to 7.93, as read, agreed to.

Paragraphs 8.1 to 8.2 set aside.

Paragraphs 8.3 to 8.19, as read, agreed to.

Meeting suspended from 12:49 to 12:54pm.

Paragraphs 9.1 to 9.20, as read, agreed to.

Paragraphs 10.1 to 10.2 set aside.

Paragraphs 10.3 to 10.13, as read, agreed to.

At 2:00 p.m., the Committee adjourned until 6 November at 10am.

6 November 2019

The Committee met via teleconference on 6 November 2019 at 10:00 am.

Members Present:
Mrs *Petrusma* (Chair)
Dr *Broad*
Mr *Tucker*
Dr *Woodruff*

The Committee continued consideration of the Chair's draft report.

Paragraphs 11.1 to 11.19, as read, agreed to.

Meeting suspended from 1:00-2:00pm.

Paragraphs 3.1 to 3.4, as read, agreed to.

Paragraph 3.5 read.

Amendment proposed to omit all words and insert instead the following:

"The overwhelming majority of submissions received by the Committee supported retaining the principles of the National Firearms Agreement, and did not want any weakening of guns laws in Tasmania."(Dr *Woodruff*)

Question put that the amendment be agreed to.

The Committee divided.

Ayes	Noes
Dr <i>Woodruff</i>	Mrs <i>Petrusma</i>
	Dr <i>Broad</i>

It was Resolved in the negative.

Paragraph 3.5, as read, agreed to.

Mr Brooks entered the meeting.

Paragraphs 3.6 to 3.13, as read, agreed to.

Paragraphs 3.16 to 3.18 was set aside.

Paragraphs 3.19 to 3.22, as read, agreed to.

Paragraph 3.23 was set aside.

Paragraphs 3.24 to 3.45, as read, agreed to.

Paragraphs 3.46 to 3.50 was set aside.

Paragraphs 12 to 12.26, as read, agreed to.

At 2:40 p.m., the Committee adjourned until 8 November at 10 a.m.

8 November 2019

The Committee met via teleconference on 8 November 2019 at 10:00 am.

Members Present:
Mrs Petrusma (Chair)
Dr Broad
Mr Tucker
Dr Woodruff

Resolved, the Chair would seek a new reporting date of 27 November 2019 (Dr Broad)

The Committee continued consideration of the Chair's draft report.

Paragraphs 12.27 to 12.40, as read, agreed to.

Agreed, Chapter 12 to become the new Chapter 4.

Paragraphs 5.15 to 5.24, as read, agreed to.

Paragraph 5.27, as read, agreed to.

Paragraphs 5.34 to 5.49, as read, agreed to.

Paragraph 1.3, as read, agreed to.

Paragraph 1.6 was set aside.

Paragraph 4.16, as read, agreed to.

Paragraphs 7.15 to 7.16 was set aside.

Paragraph 7.8, as read, agreed to.

Paragraphs 7.15 to 7.17, as read, agreed to.

Paragraph 7.47, as read, agreed to.

Paragraphs 7.64 to 7.73, as read, agreed to.

Paragraph 7.84, as read, agreed to.

Paragraphs 8.1 to 8.2, as read, agreed to.

Paragraphs 8.15 to 8.16, as read, agreed to.

Paragraph 9.3, as read, agreed to.

At 3:18 p.m., the Committee adjourned until 21 November at 9 a.m.

21 November 2019

The Committee met via teleconference on 21 November 2019 at 9:00 am.

Members Present:
Mrs Petrusma (Chair)
Dr Broad
Mr Tucker
Dr Woodruff

The Committee continued consideration of the Chair's draft report.

Paragraph 1.6, as read, agreed to.

Paragraph 3.41, as read, agreed to.

Paragraph 3.47 read.

Amendment proposed to omit all words and insert instead the following:

"The Committee strongly supports the resolutions of the National Firearms Agreement." (Dr Woodruff)

Question put that the amendment be agreed to.

The Committee divided

Ayes	Noes
Dr Woodruff	Mrs Petrusma
	Dr Broad
	Mr Tucker

It was *Resolved* in the negative.

Paragraph 3.47, as read, agreed to.

Paragraphs 3.48, as read, agreed to.

Paragraph 3.49 was read.

Amendment proposed to omit the word “strong” and insert instead “overwhelming”.
(Dr Woodruff)

Question put that the amendment be agreed to.

The Committee divided

Ayes	Noes
Dr Woodruff	Mrs Petrusma
	Dr Broad
	Mr Tucker

It was *Resolved* in the negative.

Paragraph 3.49, as read, agreed to.

Paragraphs 3.50 to 3.54, as read, agreed to.

Chapter 3, as read, stand part of the report.

Paragraphs 4.41 to 4.45, as read, agreed to.

Chapter 4, as read, stand part of the report.

Chapter 5, as read, stand part of the report.

Chapter 6, as read, stand part of the report.

The meeting was suspended from 1:03pm to 1:33pm.

Chapter 7, as read, stand part of the report.

Paragraphs 8.97 to 8.99, as read, agreed to.

Chapter 8, as read, stand part of the report.

The Committee noted the declaration of Mr Tucker that he:

- Is a primary producer; and
- Has Category A, B, and C firearm licences

Chapter 9, as read, stand part of the report.

Paragraphs 10.22 to 10.23, as read, agreed to.

Chapter 10, as read, stand part of the report.

Paragraph 11.15 read.

Amendment proposed to omit paragraph 11.15.
(Dr Woodruff)

Question put that the amendment be agreed to.

The Committee divided.

Ayes	Noes
Dr Woodruff	Mrs Petrusma
	Dr Broad
	Mr Tucker

It was *Resolved* in the negative.

Paragraph 11.15, as read, agreed to.

Paragraph 11.16, as read, agreed to.

Chapter 11, as read, stand part of the report.

Chapter 12, as read, stand part of the report.

Recommendation 1, as read, agreed to.

Recommendation 2, as read, agreed to.

Recommendation 3, as read, agreed to.

Recommendation 4, as read, agreed to.

Recommendation 5, as read, agreed to.

At 5:02 p.m., the Committee adjourned until 25 November at 12:30 p.m.

25 November 2019

The Committee continued consideration of the Chair's draft report.

Recommendation 6, as read, agreed to.

Recommendation 7, as read, agreed to.

Recommendation 8, as read, agreed to.

Recommendation 9, as read, agreed to.

Recommendation 10, as read, agreed to.

Recommendation 11, as read, agreed to.

Recommendation 12, as read, agreed to.

Recommendation 13, as read, agreed to.

Recommendation 14 read.

Amendment proposed to omit
Recommendation 14. (Dr Woodruff)

Question put that the amendment be agreed to.

The Committee divided

Ayes	Noes
Dr Woodruff	Mrs Petrusma
	Dr Broad
	Mr Tucker

It was *Resolved* in the negative.

Recommendation 14, as read, agreed to.

Recommendation 15, as read, agreed to.

Chapter 2, as read, stand part of the report.

Resolved, that the draft report be the report of the Committee. (Dr Broad)

Resolved, that a list of submissions received and published; a list of documents received and published; and the minutes of the Committee be appended to the report. (Dr Broad)

Resolved, that the minutes of the meeting held on 25 November 2019, once circulated and

agreed to, be read and confirmed and appended to the report. (Dr Woodruff)

Resolved, that the report be published on the Parliament's website once tabled. (Mr Tucker)

At 1:34 p.m., the Committee adjourned *sine die*.

APPENDIX D: DISSENTING STATEMENT OF DR ROSALIE WOODRUFF MP, MEMBER FOR FRANKLIN

- 1.1 The Tasmanian Greens would like to thank everyone who made a representation to this Inquiry. In the wake of the Port Arthur tragedy, the Tasmanian Greens were part of the tri-partisan agreement that led to the National Firearms Agreement in 1996. We have defended this incredibly important bulwark for firearms' safety ever since.
- 1.2 The overwhelming view among people who have studied the laws introduced under the National Firearms Agreement has been that these laws are successful and have substantially increased community safety. The National Firearms Agreement affirms that firearms possession and use is a privilege conditional on the overriding need to ensure public safety. There will always be firearm owners who find some aspect of the Firearms Act 1996 to be restrictive and inconvenient. Our view is that legislation should put public safety first before convenience and business interests.

Overwhelming support for retaining strong firearms laws

- 1.3 The overwhelming view among people who responded to the Inquiry was that the National Firearms Agreement has been successful in increasing community safety, and there should be no weakening of state laws or undermining of the National Firearms Agreement. **Paragraph 3.6** of the Report says: *The Committee received a significant number of submissions supporting the National Firearms Agreement.* We believe this statement does not reflect or do justice to the very high proportion of respondents who passionately spoke in favour of upholding our strong firearms laws, and who recognised the safer community we all benefit from as a result. Stephen Bendle, from the Alannah & Madeline Foundation, in his response stated: “. . . 85 per cent of the submissions to your inquiry support the current framework”.

The Tasmanian Greens moved to replace Paragraph 3.6 with the words:

The overwhelming majority of submissions received by the Committee supported retaining the principles of the National Firearms Agreement, and did not want any weakening of gun laws in Tasmania.

This motion was voted against by Labor and Liberal Committee members.

- 1.4 **Paragraph 3.45** of the Report says: “The Committee strongly supports the National Firearms Agreement.” We believe it is important to clarify the National Firearms Agreement is composed of specific resolutions, each of which is precise in its intent. Given the history of this Inquiry, we believe it is important to make the point the Committee heard and understood that a commitment to the National Firearms Agreement means a commitment not just to the overall principle of a ‘national firearms agreement’, but to each of the individual resolutions within the National Firearms Agreement. In other words, the Tasmania Government should not pick and choose certain resolutions to keep, and others to change. The only vehicle for departing from the resolutions of the National Firearms Agreement should be via an agreement at the Ministers for Police and Emergency Management Council. In that forum, a Tasmanian Minister should only be advocating any changes to the National Firearms Agreement that would strengthen public safety.

The Tasmanian Greens moved to replace Paragraph 3.45 with the words:

The Committee strongly supports the resolutions of the National Firearms Agreement.

This motion was voted against by Labor and Liberal Committee members.

Minors Firearms Permits

- 1.5 Currently, Tasmanian law provides for children from 14 years of age to have a “minor’s permit” to shoot a firearm. This law is a breach of the National Firearms Agreement, and as a consequence the Greens do not support it.

For that reason the Tasmanian Greens moved to omit Recommendation 14 of the report:

~~“The Committee recommends that the current system of issuing minor permits in Tasmania should be maintained.”~~

This motion was voted against by Labor and Liberal Committee members.

National laws must strengthen the National Firearms Agreement

- 1.6 Finally, the Tasmanian Greens want to record that the Committee was clear in its deliberations that **Recommendation 1** of the Inquiry's Report (that the Tasmanian Government remain committed to upholding the National Firearms Agreement) is the guiding recommendation below which all other recommendations of the Report are to be read. The intention of each of the Inquiry's recommendations, whether explicitly stated or not, is that any advocating for changes (such as uniformity of laws) must be with the overriding need to ensure public safety. Achieving national uniformity of state's laws is only desirable for Tasmania if the resulting laws do not breach the resolutions of the National Firearms Agreement.

Dr Rosalie Woodruff

Member for Franklin

Greens spokesperson for Police, Fire and Emergency Management