

## **PUBLIC**

### **THE HOUSE OF ASSEMBLY SELECT COMMITTEE ON FIREARMS LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON FRIDAY 14 JUNE 2019.**

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**Mr ALAN TAYLOR** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Shelton) - Welcome, Mr Taylor. Thank you for coming in and welcome. Before you begin giving evidence, have you received and read the guide sent to you by the committee secretary? If so, I would like to reiterate some of the important aspects of the document.

A committee hearing is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It is important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

**Mr TAYLOR** - Yes.

**CHAIR** - Thank you. Your submission is here and I will allow you to make an opening statement, address the committee, and then we will ask you a few questions. Over to you.

**Mr TAYLOR** - I have a rather extended statement for each of you. It builds on what I submitted to you initially. Four pages if I am permitted to read it. I will be quick.

I appear before this committee as someone who has until recently owned and used firearms all my life and as a policy analyst and writer who has written the original draft, redrafts in consultation with others and the final policy for a political party on gun control, which necessitated research and analysis of weapons legislation. I appear for myself today and nobody else.

In the first capacity I have, until moving to Hobart, possessed and used firearms all my life. Even as a child I had the use and control of firearms from the age of six onwards, which is unheard of these days, although not with ammunition until my teens. I was taught to shoot and about the responsible use of firearms by my father, a former Australian Army officer and an artillery instructor.

In Tasmania since the introduction of gun laws I possessed a firearm licence which was only relinquished when I moved to Hobart and surrendered my rifles and shotgun. I have owned rifles and/or shotguns for over half a century and was highly proficient in their use as a farmer. I have used a variety of firearms both for the extermination of vermin - rabbits, rats, mice and exotic species of bird pests. Mr Shelton as Chair of this committee can verify that living on a farm at Blackwood Creek required the ownership and the use of guns on a regular basis. They do love their guns at Blackwood Creek.

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I was also a recreational hunter and shooter before the current laws came into effect and was from an early age. Consequently I am familiar with, and fully appreciate the need and necessity for, firearms in a variety of civil circumstances. I am also acutely aware of the aesthetic appeal of beautifully crafted weapons and the affect that has on some people for guns.

It may surprise the committee, therefore, that I am not only in favour of current firearms legislation but am an advocate of even stricter controls. There are several reasons for this. We live in a stable democracy and in our community there is absolutely no need for individual gun ownership to ensure personal safety. This is not the United States of America. Our Constitution has no second amendment. We have no provision or need for a well-regulated militia necessary to the security of a free state nor do we have any right of people to keep and bear arms that can be infringed. We have no private militia organisations, nor do we need them. The claim that we do is a spurious argument about political freedom which simply does not apply in this state.

In Tasmania the only reason for an ordinary adult citizen to possess a firearm or other weapon is for restricted and highly regulated commercial, agricultural, recreation or sporting use or as a registered collector or dealer. Therefore, there only needs to be clearer defined and enforced regulation regarding firearm and weapons ownership registration and licensing.

Even for these purposes there is almost exclusively never a need for automatic, high-powered or repeating rifles or shotguns. In fact, I suggest that any civilian who claims to need a repeating rifle or shotgun, outside single-shot, double-barrel or small capacity magazines, is demonstrating they are incompetent to use or own a firearm.

Competitive shotgun users, for instance, have no requirement outside a double-barrel weapon. The number of competitive shotgun users in this state is small and provision is already made for them under the current act.

There is already provision for the use of high-powered repeating firearms for approved commercial use, in the case of professional cullers, for instance. The only thing necessary in that regard is for competent and consistent policing of the regulations. There is no need at all for the possession of handguns in our society. In the instance of competitive sporting shooters, those weapons are specialised and should be kept under strict control. Even so, the number of people in Tasmania who shoot competitively with handguns and to whom any legislation might apply is almost infinitesimal.

There is no need for any citizen to own a revolver, for instance. The penalties for possession should act as a strong deterrent. By definition any person who owns a revolver has an antisocial intention. The same applies to automatic and semiautomatic pistols.

According to the International Shooters Sports Federation sports pistols must only be .22 calibre with a minimum capacity of five rounds. A pistol may only have open sights and these are restricted on the design of the grip. They are highly specialised items. There is not the slightest need for anyone in Tasmania to possess a .45 Magnum, for instance, other than self-aggrandisement, inadequate personality or criminal intent. Likewise, a 15-round 9-millimetre semiautomatic Glock, which incidentally is openly advertised as having 'greater wound penetration, is easy for conceal and carry and meets any foreseeable difficulty'. That has no place in private hands in Australia. I will leave those 'foreseeable difficulties' to the imagination of members of this committee.

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There is no feasible excuse for possession of a firearm in a metropolitan area outside storage for a registered use in a rural area. Neither is there a need for a private collection of firearms outside those persons who own disabled vintage or antique weapons. No adequate case can be made for a collection of modern, high-powered repeating or assault weapons. The owners of these collections are open to theft; no matter how tight their security, break-ins of personal collections have occurred in Tasmania in the past. I actually know personally of one private gun collector who has been robbed.

The possession of military, high-powered automatic or semiautomatic weapons is an incitement to criminality and a subsequent danger to public safety.

As committee members will be aware, firearms offences in Tasmania are governed by the Firearms Act 1996. The current penalties for improper use are rigid and you will know what they are. Protection of one's self, family or property is not considered a genuine reason for possession under the act. That should remain so for the reasons I have indicated.

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.

In the United States the argument advanced by the gun lobby - survivalists, preppers, doomers - is that weapon ownership is necessary because the government cannot be trusted. They may very well have a point; that is not for us to say. The increasing use of that terminology - and this is a very important point I wish to make - by those groups is beginning to make a subtle and incremental appearance in Australia and in Tasmania. It is a sign that at least some people in marginal demographics have the perception that our government, police and regulatory authorities do not have effective control over community safety. To capitulate to any pressure to weaken our gun laws by pro-gun lobbyists on that basis is a tacit admission that the government may not have effective control over public safety, and I, along with you, must be pretty sure that it does.

Coming back to the Glock .19, it is publicly and proudly advertised that neither the Glock .19 or its more powerful cousin, the Glock .23, features a manual safety lock and to quote the advertising, 'the firing pin block and safety lever in the trigger are the whole show. True safety is between the ears' That is a vital statement.

That kind of mantra emanates from such bodies as the politically manipulating, tax-avoiding insidious National Rifle Association of America and it is well documented as financing pro-gun lobbies all around the world. That slogan is echoed by at least one Tasmanian gun advocate who is quoted as saying - you will hear the resonance - 'The safest guns are the ones in licence holders' hands. Because of everything we have to go through, we are the safest people in the community. That is what they tell us by granting a licence. We are not the issue; it's the criminals and the unregistered firearms that are the problem and always will be' and that 'a different firearm is needed for each shooting discipline'.

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Now on that point in 2006 at least one legitimate Tasmanian gun owner had 123 firearms. Given the argument by the gun lobby that a different gun is required for each shooting discipline, I defy those lobbyists and anybody here to list the 123 shooting disciplines for which each of those firearms is needed. Such arguments are self-evidently fallacious, as is the claim that the number of firearms in legal possession is not the source of any problem.

On the contrary the Australian Criminal Intelligence Commission's report on black market firearms stated inequivalently that the number of legal firearms in the community, combined with the number of unregistered and illicitly sourced firearms obtained before 1996, ensures a continual and growing supply of firearms to the illegal market.

Considering what I have said here, this committee has grounds to recommend the maintenance of the current legislation, recommend that several of its clauses be tightened in regard to the type and number of guns any one person can possess, and recommend increased oversight in the application of the legislation. Legislation is all very well if it is well intentioned, but pointless if it is not administered and its provisions resourced, enacted and enforced. Legislation is not a deterrent but effective compliancy is.

**CHAIR** - Thank you, Mr Taylor

**Dr BROAD** - You have raised a number of issues in your presentation. Thank you for giving it. One thing you suggest in a way is a cap on the number of firearms an owner should be allowed to have. What do you suggest that cap should be or how should that cap be calculated?

**Mr TAYLOR** - 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.

**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.

**Dr BROAD** - In terms of a collector, what sort of limit do you suggest should be put on a collector?

**Mr TAYLOR** - If someone is collecting antique vintage weapons that were disabled, they are not going to be a problem, so I would foresee some sort of quite relatively high instance of those. I would see no reason for them at all to own modern weapons. If a collector wanted to get a licence

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to be a gun user and have some sort of high-powered weapon - say if they were a professional culler as well as a collector - fair enough. For instance, the two private collectors I knew had beautiful weapons, but one had about 20, one had about 30, which was before one of them was robbed.

**CHAIR** - You understand that, particularly in the rural scene, coming from Blackwood Creek - you mentioned a 1922 Lithgow single shot you had - that many farmers have older firearms that are not practically in use. They might have their father's old double barrel, or a single-shot their uncle had, or a Lithgow .22, and a .303 their uncle brought back from the war, and so on, and many of the firearms listed on their firearms licence are not, in a practical sense, operational.

**Mr TAYLOR** - If they aren't operational, there is no reason they could not be shown to be disabled.

I had that .22 Lithgow firearms rifle, but I also had a beautiful .22 Brno went - the .22 Brno is more than adequate - and I had a Winchester single-shot 12 bore, and another old rifle -

**CHAIR** - You come from Blackwood Creek where there is a lot of bush around you and a certain amount of need to use firearms to control excess wildlife. You do not have arguments about the practicalities of the rural farmer or a shooter who comes on to a property to try to manage its wildlife population. I do not know how long it is since you have been up to Blackwood -

**Mr TAYLOR** - Ten years.

**CHAIR** - The wildlife problem is just increasing year by year. What I am hearing from the farming fraternity is: what can we do to make it more efficient for us to manage this wildlife problem? Could you see that as a reasonable argument?

**Mr TAYLOR** - Oh, yes, absolutely. On the other hand, you have to ask how many firearms can you use at once if you are getting into rabbits or if you have a licence to cull wallabies. 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.

**Dr WOODRUFF** - Thanks, Mr Taylor. Last week in budget Estimates I asked the Minister for Police some questions about firearms and he made a comment about the National Firearms Agreement, saying it is 22 years old now and needs updating. You mentioned some things you think need to be tightened, including - and I think I heard you right - introducing a cap within the different licence categories. I assume you mean the different licence categories A to F. I had two points around that. One is around the idea of minor storage. There has been a lot of conversation about minor and major storage, minor and major infractions, and minor and major breaches. What is your view about whether there is an overly stringent approach to breaches? Is there any need to change the law around definitions under the National Firearms Agreement we have around storage of ammunition and guns?

**Mr TAYLOR** - As I mentioned in the last paragraph of my submission, the issue of policing is a big one. Again, harking back to Blackwood Creek, everyone I knew at Blackwood Creek not only had weapons, they had multiple weapons, and large numbers of them. At no time was anyone, to my knowledge or recollection, ever assessed as to whether they stored their guns properly. Someone who rented in the area had a gun taken away from them because it wasn't stored at all. That wasn't a local or a resident. They were taken away and questioned about another crime which

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they had allegedly committed and the gun was found on their premises. As far as permanent residents were concerned, nobody as far as I know- I had guns all my life there and all I had to do was say yes, they are stored safely. At no time was there any policing at all. There is regulation about how they should be stored but at least in that circumstance there are no spot checks. If you get done for a traffic offence, they don't come around to see if you have a gun licence. It doesn't happen.

**Dr WOODRUFF** - The Police and Firearms Services gave evidence at the last hearing that they had the opportunity within the law, within their jurisdiction, to provide discretion when they make an assessment. People have raised concerns about maybe having one cartridge left out accidentally or spilling something. The police response is there is no need to change it because they have discretion. What is your experience around things like the mistake of dropping cartridges?

**Mr TAYLOR** - The distinction between major and minor infractions is a good one. At least there should be some sort of clear criteria for users about what the distinction is between the major and minor infractions. For instance, having no gun cabinet at all is a major infraction. Having a bolt or one or two rounds of ammunition accidentally lying around in one's pocket, which I admit has happened to me on one or two occasions - even though I handed my guns in nine or 10 years ago when I came to Hobart, I opened up my sock drawer the other day and found two .22 rounds. God knows where they came from, probably came back with the sock fairy. These things are going to happen and for that the distinction should be made. If it is obviously accidental, if it obviously minor, then there should be, much the same as things like the traffic laws, a warning from a police officer rather than being fined.

**CHAIR** - That point has been made by other people about the major and minor issues. I don't know whether you are aware, but the law is now that for any infringement, whether it be a single cartridge left out, the firearms are taken away and the individual has to go through the whole process of going to court, fines being found, this is only minor, and going back. That's the argument that has been put, just as you said.

I want to take you back. As Dr Woodruff indicated, we have had the police before the committee. I am aware that some people around me have firearm licences, and they have had the serial numbers of their firearms checked on several occasions on renewal of licence and so on. I know that happens but it's not a set time, it's when the police have the ability to do it. How long did you have your licence? You never had anybody come around to check the serial numbers on your firearms?

**Mr TAYLOR** - No. Not once, and I don't know of anybody else who did either.

**Mr TUCKER** - I agree with you that you're a responsible gun owner, but you had access to weapons when you were six years old. Is that correct?

**Mr TAYLOR** - It was in New Zealand. Things were different back then.

**Mr TUCKER** - We've had questions about age so far through the submissions. What is your opinion, on age of access?

**Mr TAYLOR** - I think the current age restriction is adequate. I have had long discussions, when I was formulating the policy on gun ownership for the Greens. I spent a lot of time about this. One of the big contentions was what age should people be able to obtain a gun licence but at what

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age should they be introduced to some sort of training. I found that the arguments for training were quite good. They were reasonable. However, training does not necessarily mean that you have to have a weapon with live rounds. My early training was with live rounds. I was allowed two .22-rifles. One 14 shot, one single shot, from as early an age as I remember, in my bedroom, which was detached from the house. I wasn't allowed ammunition and my training and experience in firearms was extensive. However, I wasn't allowed the ammunition. I had to go to my father and ask specifically, 'Can I have five rounds of 22? - What for? Okay, off you go.'

I would find that almost unconscionable in this day and age, but I don't see why somebody at an earlier age, and I disagree with Rosie on this, should not have some form of training before the age of 18 but in highly restricted circumstances. I don't see why it needs to be private for instance. It could be supervised by someone, say at a gun club.

**Mr TUCKER** - The next question I'd like to ask you. There's been talk about extending the periods of the licences from five years out to 10 years for A and B. What is your opinion on that?

**Mr TAYLOR** - I would keep it at five years.

**Mr TUCKER** - Why is that?

**Mr TAYLOR** - For a simple reason - the recommendations from the police and from the national bodies that talk about the number of firearms, the sheer bulk of firearms, in the community. Ten years is a long time. To have very little supervision or check over a 10-year period as to just exactly what is coming into it. Somebody might have a perfectly legitimate five firearms but have acquired five more in the meantime illicitly. Ten years is a big leeway to allow the number of rifles to increase in the community.

**Mr TUCKER** - Suppressors, what are your thoughts on suppressors? Sound suppressors?

**Mr TAYLOR** - Not at all. No reason for them. Why would you? The question you should ask is: why would you need one?

If you are shooting crows, for instance - you know, you have problems with your wheat crop and you are given a licence to get someone to do a bit of thinning out - even with a suppressor, pop and they go. Long distance with something like deer, again if you are a competent professional shooter, if you cannot get off two shots within a very short space of time, you are wasting your time with a suppressor anyway. I really think there is almost no legitimate use for them. If there is some sort of danger with guns getting into the hands of people who are going to use them improperly, there is an even greater incentive not to have suppressors.

**Mr TUCKER** - Why do you say that? Has there been any proven fact that suppressors are used in violence?

**Mr TAYLOR** - No. As a matter of rational argument; my only argument would be it stands to reason. That is about as good as I can get, I am sorry.

**Mr TUCKER** - Because they have access to suppressors in some of the other states.

**Mr TAYLOR** - Yes, they do.

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**Mr TUCKER** - In the ACT. I am just wondering what you are basing your thoughts on -

**Mr TAYLOR** - No knowledge of that in other states at all. Not the facts and figures, I am sorry.

**Dr BROAD** - In your submission you say the 'genuine reasons' test should be strengthened, not relaxed but I do not think you went into detail on how the genuine reasons test should be strengthened.

**Mr TAYLOR** - Well, the arguments I advanced before that and afterwards - the proliferation of guns in the community especially since 2016 and the body in question -

**Dr BROAD** - Do you mean the genuine reasons in terms of the number of firearms? That you should have genuine reasons for the number rather than extending the genuine reasons that currently exist for the ownership?

**Mr TAYLOR** - I would say both. One of the things that does not currently appear to be policed - and it is not because of any lack of will in the power of the police; it is the will of the police - it is that there is simply just not enough time and resources to check someone's health records, for instance. You just have to state you have no previous mental health issues, as far as I know. I just ticked the box and it was assumed I did not look insane so I was given a firearms licence. I do not know of anyone who has had their health - for instance, even something like epilepsy and especially mental health - questioned. You just simply say that you do not have a mental health problem or any other health problem which might affect your use of guns.

**CHAIR** - A quick question then to give us some of your background. You mentioned you have been involved in writing firearms policy and so on. I am just curious to see where you have been and what you have done in that area.

**Mr TAYLOR** - I think Rosalie can answer that.

**Dr WOODRUFF** - I do not actually know. It was such a long time ago.

**Mr TAYLOR** - It was before your time, was it? I was a policy writer for a variety of government departments and political parties, in recent years mostly the Greens. It was my task to write the first draft and the redrafting in consultation with professionals and people within the party, and do the final draft, which was taken to a state conference for ratification. When it came to the firearms and weapons policy, it raised several contentious issues that required a great deal of community consultation with professional bodies, but particularly with gun users and lobbyists at the time, like George Mills of Panshanger. He was very keen on the 12 years limit and training, for instance, and put a lot pressure on government at the time. I spent quite a deal of time with him discussing just exactly what he thought ought to go into firearms policy. There were politicians like Kim Booth and Tim Morris who also lived in rural areas and neighbours. I also did an awful lot of reading and study about the issue internationally - in England, but specifically the United States.

**Dr WOODRUFF** - I just have a question about an issue. One of the original Liberal policy positions, undertaken with the firearms stakeholders, was to enable farmers with a category C licence to have people coming on as contract employees to be able to use those weapons. What are



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your views about the requirement of older farmers being able to access people to shoot wildlife, birds or whatever is required, on their properties and that issue about employees having the skills?

**Mr TAYLOR** - I do not know of any professional shooter who was employed by a landholder who allowed them to use their weapons. The weapons that professional shooters use, it's good stuff.

**Dr WOODRUFF** - These would be for non-professional shooters?

**Mr TAYLOR** - Even non-professionals still have to be registered if the landowner is going to use their services. I cannot see that being an issue. Why wouldn't they turn up with their own guns? I would not want to use anybody else's guns for a start. In the past, I emphasise before the current legislation, I repaired and cleaned other people's guns for them, but there is no way I would have wanted to use their weapons if they had me do some culling for them. I just cannot see what the issue is. No reputable shooter employed to cull would not want to use their own weapons.

**CHAIR** - I think the issue Dr Woodruff is getting at is that the category C firearms are only allowed to be in the possession of a landholder. Anybody who comes on to do the shooting therefore can only use category A or B firearms. The TFGA in part of its submission, I believe, basically said when you are not a professional shooter, but you are the agent of the farmer who comes on and does the game management process for that farmer, should that person then have access to a category C firearm while he is performing those works?

**Mr TAYLOR** - No. A blanket answer, no. I am trying to think whether there would be exceptions to that rule. You would have to ask yourself why would you want to get in someone else, a professional, an amateur, or whoever, who wasn't already in possession of their weapons and would use anything else than what the landholder was able to legitimately own. For instance, if the landholder has a category C licence, I don't think whoever they got in is restricted to the exact kind of firearm. They are limited to a type that would include, I am reasonably sure, a firearm adequate to the task. My category C licence allowed me to have a range of firearms greater than I possessed in firearm power and magazine capacity. I might have had someone into to shoot a steer or something.

**Mr TUCKER** - I might put an example to you about where I think they are coming from. Say the farmer was away and he had employees on the farm who needed access to those weapons to deal with, say, a bull that went crazy. These were category A and B weapons, but you might need a rapid-fire weapon to stop that bull if he was in a public place. As I correct? Is that where you are heading with that question?

**Mr TAYLOR** - You are in a public place. You have already shifted the bull into a public place, which is an entirely different set of problems.

**Dr WOODRUFF** - If the policy was to provide for genuine employees, including contractors or agents of primary producers, to be able to hold category C licences for standard crop protection and pest control purposes.

**CHAIR** - The farmer might have his Winchester 10-shot or whatever, but the farmer might be 60 years old and he is employing somebody on the farm and the argument put to me is: why can't that person have a category C licence because he is in that person's employ? They would only be able to hold it while they were in the situation where they performed those duties. It is not about

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swapping the firearms;, it is about the individual being able to utilise what the farmer would be able to utilise. He would have to own a category C firearm.

**Dr WOODRUFF** - Because they are working on the farm.

**Mr TAYLOR** - The issue with that would be policing. It would be next to impossible. You would have a backlog of applications. I am getting Billy Smith on the road to come and do in a bull but for 20 minutes, how many people are you going to have in that situation? First of all, I doubt whether they would even bother making application and, second, even if they did, the policing of it would be extraordinarily difficult.

**CHAIR** - We are due to change over. As the committee we can talk about these things all day and we will be with different members. Before you leave the table, Mr Taylor, I need to advise you, as I advised you at the commencement of your evidence, that what you have said to us today is protected by parliamentary privilege. Once you leave the table, you need to be aware that this privilege does not attach to comments you may make to anyone, including the media, even if you are only repeating what you said to us today. Do you understand?

**Mr TAYLOR** - I am aware of that, yes.

**THE WITNESS WITHDREW.**

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**Mr BERNARD PHILLIPS** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you for coming here today. Going through some preliminary issues before you begin your evidence, I must ask whether you received and read the guide sent to you by the committee secretary? If so, I would like to reiterate some of the important aspects of the document.

A committee hearing is a proceeding of parliament. This means it receives the protection of parliamentary privilege, an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its enquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred by you outside the confines of the parliamentary proceedings.

This is a public hearing; members of the public and journalists may be present and this means your evidence may be reported. Should you wish all or part of your evidence to be heard in private, you must make that request and give an explanation prior to that evidence being given. You now have the opportunity to make an opening statement.

**Mr PHILLIPS** - Thank you. I initially made a written submission to the Legislative Council committee late last year. I am representing myself as just an ordinary Tasmanian who likes to go hunting. I read through the original terms of reference but I haven't revisited them greatly for this committee but I saw most of them were the same or similar, certainly the front end of it, so my written submission addresses my views on some of those issues.

I am 64 years old and have been shooting pretty much all my life with my father from the age of about eight. I wasn't allowed to use a gun until I was about 12 and I found that time spent walking around the bush chasing very few wallabies in those days was well spent. Later in my teenage years I worked in Avoca where there were a lot of wallabies up there and I became for a while a commercial wallaby shooter while I was a university student, mostly to sell skins, and I used to shoot possums and wallabies commercially.

I have held a firearms licence in Tasmania since they were required. I am one of the big spike from the 1997 licence holders. During 2017 I experienced a very long delay to get my licence renewed, which I can only explain as the administrative burden of issuing 50 000 of the 80 000 licences in one year. Clearly Service Tasmania or Tasmania Police, or whoever does it all, couldn't cope. Two months before your licence is to be renewed, you get your paperwork and you have to go and do your reasons to possess again. I am a small landowner and have crop protection permits on my own place but I also shoot in the Midlands and Fingal Valley for deer and I do a lot of wallaby shooting. I am not commercial anymore; I have a day job - to look after this building.

Basically I am all for simpler administration. I do have opinions on category C, having owned category C firearms. Basically my father and I both had to hand in our category C weapon in 1996-97. My father had always had a Browning automatic shotgun and it broke his heart to have to give it away, but he got \$1200 for it and he only paid 200 pounds, so it probably wasn't too bad but he never replaced that. He did get another rifle and that came to me eventually when he died. I've had firearms pretty much all my life; I grew up with a Browning automatic sitting beside the fridge, so I'm fairly familiar with firearms in the house.

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I made a point about minor storage issues. I have a few different vehicles, but I shoot from an old Land Rover and if you eject a bullet and it drops down beside the seat, or goes under the seat, you don't go for it straight away. Usually you've ejected it either because it has misfired or maybe you're not sure if you've got a live round in so you eject one just to make sure you do it.

I've got lots of things to say. Probably my opening statement is: don't treat law-abiding citizens as criminals and have some simpler administration if it's practical. In response to the National Firearms Agreement, there is not a great deal of need to change the firearms used. I have a comment on category C. There should also be clearer guidelines on transport and hunting away from home. When you go away from home for more than a day, I think the storage requirements get very grey. I don't think there's any clarity at all in what is legal storage if I go shooting for more than a day. If I am at home, my guns can go back into the gun safe. If I am in the car, am I in transport or am I storing the gun in the car? If I am camped, not staying in accommodation, if I were to go to King Island to go pheasant shooting, what do I do? Am I allowed to stay in a hotel or not? What happens when I take a firearm somewhere to go shooting? There is no clarity at all, I don't think, in the legislation, when you are storing firearms overnight. If I were to go shooting at Oatlands and I shoot Friday night and Saturday morning, and then I want to go out to Mount Pleasant and watch a football match, what do I do with my guns? Lock them in the car? It's the only safe place, so I have to take them with me all the time. You're not supposed to be more than three metres from your gun. There are lots of little grey areas in transport and storage.

Other than that, I probably get a bit upset by the misleading reporting in the media. Every time there is any firearm incident or even the amnesty stuff, it is always overstated. Most of the firearms handed in are legal firearms handed in by people whose husbands have died, or they are of no further use, bearing in mind that people who were 60 or 70 in 1997 are now 83 or 93, so there are a lot of people who are ageing their way out of firearm use. The administrative burden of getting younger people into shooting and hunting is quite difficult and I know that from personal experience. I have said a lot; I am happy to answer questions.

**CHAIR** - There have been submissions around the fact that the only accredited firearms people is TAFE and that should be broadened just to put a bit of competition in the market. What are your views and experiences around that?

**Mr PHILLIPS** - I never did a test, I was in the initial intake. There was a big amnesty; if you wanted a gun licence, you just asked for it, so I have never done a test and have no experience of the testing regime. I was on the mainland for a little while and came back and I didn't have a water fowl identification test - that's a game thing, not a firearms thing, but I found that was extremely [inaudible] to do. I had to go to Launceston to do it and it was very frustrating because there were very few trainers. I see that by relying only on TAFE, they lose their staff, they get degraded somehow and suddenly there is no facility for young people to actually do the training. I think the more training opportunities, the better, and gun clubs and even registered shooters with experience and no transgressions should be able to supervise learners. I don't have enough experience of the training but I'd like it to be simple and relatively inviting to young people.

**Dr BROAD** - Thank you for your submission. You say you do a lot of wallaby shooting but you don't see the need for yourself to own a category C. Is that because you think it will be too onerous?

**Mr PHILLIPS** - I have a category C .22 and a category C shotgun and I have previously owned a category C or might even be a D centrefire. I have had automatic centrefire rifles before.

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I changed my automatic .22 to a lever action 15 shot, so I now have a 15-shot .22. I don't need an automatic .22 because I now have a magazine capacity of 15.

**Dr BROAD** - Semiautomatic.

**Mr PHILLIPS** - Sorry, I meant semi; I beg your pardon.

**CHAIR** - For people listening.

**Mr PHILLIPS** - I have only ever used automatic weapons when I was in cadets. I believe semiautomatic .22s in general use are probably not necessary. They're not a hard-hitting rifle for culling really. I use a Magnum or a 222 for even wallabies sometimes. I have multiple magazines in a .22 Magnum of nine shots and I have three or four magazines. I don't need a semiautomatic .22 Magnum to shoot wallabies.

**CHAIR** - Category C licences are for five-shot semiautomatic shotguns and semiautomatic .22s. The reality is, as you just pointed out, that category C is seen as very unique, but in actual fact it is the lowest-powered firearm you can get.

**Mr PHILLIPS** - That's right. To talk about a shotgun being a high-powered weapon because it has seven cartridges in it, I find a little bit weird - when they talked about the Adler. In general usage, I shoot a lot of wallabies, personally I probably shoot 500 or 600 a year, and I'd probably shoot 200 or 300 possums and 30 or 40 deer. I do a fair bit of shooting personally, and I'm in groups that shoot thousands of wallabies a year - 100 a day, no troubles at all, mostly. We shoot with legal weapons. Everyone is using category A or B.

I have one farmer friend who has a category C. I made a comment about category C and I heard the previous speaker talking about category C. I think that if a farmer who is 65 years old in 1997 and is now 88 and has a category C licence, his son, who may not own the farm, should be allowed to use it. His son may be 60 years old now. I think there should be some transferability in the opportunity for category C. If I was a professional shooter, I might want to get a category C, but professional shooters have other categories they can go for anyway.

**Dr BROAD** - In your submission you also state that you do not support the use of sound suppressors for category C licence holders. Does that mean you don't support sound suppressors as a general rule?

**Mr PHILLIPS** - No. I did say that. 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.

**CHAIR** - On that point and given your knowledge of shooting and so on, it has been put that when particularly shooting wallaby with a .22 and spotlighting and crop protection, the argument

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around suppressors has been about being able to have a couple of shots in one spot and then only go another 50 metres and have a couple more rather than without a suppressor.

**Mr PHILLIPS** - 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.

**Mr TUCKER** - You say you have been involved with shooting on larger properties. Have these larger properties had game fencing?

**Mr PHILLIPS** - Yes, some of them.

**Mr TUCKER** - The animal welfare side of the issue with that is where I want to head with this. Do you see any animal welfare issues in regard to that?

**Mr PHILLIPS** - A bit of both. The code of ethics for animal welfare actually like the wallaby fencing because it brings them close so you're usually hunting at close range. Whenever we shoot on wallaby fence we're shooting in daylight with shotguns at close range so it's a bit of a different scenario. Normal culling would be at night but I have shot on a couple of properties that use a fair bit of wallaby wire with gates, so that's pretty much what the national parks proposed. I don't see any animal welfare issues with that. You're generally shooting from 30 metres or something.

**Mr TUCKER** - When you talk about gates, do you mean a gate to let them in and not let them out?

**Mr PHILLIPS** - Yes, exactly. You try to keep your fences intact, and obviously wombats have a bit of an issue and somewhere along the way and they seem to move the gates. 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.

**Mr TUCKER** - You are talking about shooting these wallabies with shotguns - is that correct, is that what you said?

**Mr PHILLIPS** - In the morning shoot, yes.

**Mr TUCKER** - Are you talking about single-shot shotguns?

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**Mr PHILLIPS** - Two shots.

**Mr TUCKER** - Double-barrel shotguns?

**Mr PHILLIPS** - Yes. Certainly in that situation category C would be a lot better. Five shots would be a lot better because quite often you've got three or four wallabies running at you at the same time.

**Mr TUCKER** - I would imagine there would be a lot more than three or four wallabies in the paddock at that time. You'd be talking about several hundreds on some of those larger properties or more.

**Mr PHILLIPS** - We would shoot 100, 120 in an hour. Generally, in the paddocks I shoot on the wallaby wire, you get there at daylight and the wallabies are moving, trying to get through, trying to get out.

**Mr TUCKER** - I have seen this happen with the flock reduction scheme when that was going. Do you believe hearing the shots and seeing what is going on would traumatise the animal in any way? If you are shooting one or two at a time and you have several hundred to get through?

**Mr PHILLIPS** - You don't see several hundred at once. You still have to walk you still have to walk the fences. You might have 10 or 20 at a time. When you've got 20 at a time, 10 will get out. I don't quite understand whether you're saying that we should have suppressors or we should have category C. We don't use a rifle in the daytime when you have multiple people because it's dangerous; you use a shotgun. People wear an orange vest or orange hat or something.

**CHAIR** - For clarity, for people listening or watching, you are talking about a group of hunters?

**Mr PHILLIPS** - I am talking about 10 or 12 people. Basically, when you hunt on the fence you spread out and you're pushing up and down the fence. The wallabies still have cover in the paddock in old tree stumps and log heaps and things like that, so you're going to lose a lot. You don't get them every time. You can go out the next night and get the same number.

**Dr WOODRUFF** - That is useful to clarify. I am following along the line of sound suppressors because from what you said before it sounds as though you manage any hearing issues by putting earplugs in and we have heard evidence from other sporting and recreational shooters that they do the same thing. An argument has been made by some people in submissions that it is necessary for OH&S for people who are shooting large numbers.

**Mr PHILLIPS** - I am not employing people. I am doing it for myself.

**Dr WOODRUFF** - Maybe people were using that term about themselves, a general term about looking after your ears. You are saying you look after your ears by putting earplugs in. You are also saying that you are capable of shooting large numbers of wallabies in an hour.

**Mr PHILLIPS** - That's with shotguns. We're not putting suppressors on shotguns.

**Dr WOODRUFF** - No, but were you to be using a different firearm that you could use a suppressor on - basically in terms of -

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**Mr PHILLIPS** - 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.

**Dr WOODRUFF** - Throughout your submission you made quite a few comments about your concern that there are grey areas around the storage of ammunition and firearms in vehicles and you mentioned the example of when you're leaving home. In your experience, have you ever had a conversation with the police about where you could get more information? Have you found that to be lacking? Do you know anyone else who has had a problem with being cautioned or caught or sentenced?

**Mr PHILLIPS** - I have been checked. My gun storage was checked when I bought a .308 a few years ago. I have had a few weapons changed, sold a few, got a few, over the last few years. I was checked when I bought a centre-fire rifle that I hadn't had in the last few years before that. The local policeman gave me the gun storage requirements on a two-page leaflet when he came to check my gun storage. It's out of date now but I still have that at home; stuck it in the gun safe. I am conscious of the storage law and I review that closely. I am not aware of anyone being prosecuted for these minor transgressions. I just find that the more pressure on the legislation, the more frustrating it becomes if you're exposed to these things so easily. I am a law-abiding citizen who gets exposed to being in breach of the law.

**Dr WOODRUFF** - Would it be fair to say that you are concerned to make sure that you do the lawful thing and that the information is not available to you about what the lawful thing is on these tiny little details, not necessarily that the law needs to be changed, but the material needs to come to you as a lawful owner to make sure you are tickety-boo all the time, every time?

**Mr PHILLIPS** - Yes, the examples I put in there about being in transit away from home, they're things that bug me in that it's not clear to me whether I'm breaking the law or not.

**Dr WOODRUFF** - So clarification from Firearms Services, material going to owners, which follows on from what the previous person said - better resourcing of administration so that the people who are lawful owners can know they are doing the right thing.

**Mr PHILLIPS** - Yes. I also think - and I mentioned it in the submission - that perhaps Firearms Services is something that could be separated a bit more from the police, in that police still enforce it but there should be some other almost civil administration of it, maybe by DPIPWE or somewhere else like that. That is just a comment.

**CHAIR** - Coming back to the numbers, you mentioned in your early days that there was hardly a wallaby around. I can reiterate that. As I have said to the committee, you'd be overjoyed if you got back home and showed mum you had been able to get hold of a wallaby. We have had evidence through the DPIPWE report that Bennett's wallabies have increased over the last period but rufous and the smaller wallabies haven't increased. Anecdotally - and that is all we can go on - what's your experience out there? Is every property doing the same as what is happening on your properties and what do you see happening next door? Where are the numbers going in your view?

**Mr PHILLIPS** - Anecdotally, when I was a teenager and I used to hunt a lot for rabbits and hares around home, we never saw a wallaby at Richmond. One night we saw one up where Tolpuddle Vineyard is now; I saw a wallaby there one night when I was about sixteen. I was



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amazed, couldn't believe it, because up until that time, for the eight years previous, from when I was eight-years-old to when I was 16, you always had to go to Buckland or Orford to have a shot. We used to shoot at Orford and Triabunna mostly at the time.

I believe they used to poison a lot more. My experience has not been long enough to see poisoning regimes, but I know they used to poison a lot. Whether that took everything out of the inner city areas I don't know. I have a crop protection permit at home at Richmond and I've shot 50 Bennetts wallabies there this year so far, and I'm on a 25-acre block. Rufous wallaby are about; they require a bit more cover. They tend to be in a bit more ferny gullies. I have a personal view that woodchipping probably pushed wallabies. When I started at Triabunna there used to be a lot of wallabies on the east coast. I believe the amount of woodchipping that happened in the 1970s and 1980s pushed wallabies gully to gully. That's just a personal opinion. I actually did first year agricultural science at university as well as engineering, so I understand a little bit about the ecosystems but I'm certainly not a professional.

Anecdotally, there are more deer than ever before and more Bennetts wallaby than ever before. I think that is largely due to plantations and irrigation, a combination of putting plantations in cover adjacent to cropping country and then the cropping that comes from irrigation schemes. At Coal Valley at Richmond, the fact we've have greened it up means we've brought wallabies in where there weren't before. How they got to the Domain and Rosny Hill, I'm not sure. I believe that's a carryover from the Meehan Range and Knocklofty and so on. I believe the game was being moved around by a couple of macro things like woodchipping, irrigation and plantations.

**CHAIR** - And on the properties you shoot?

**Mr PHILLIPS** - In the Fingal/Avoca area, over my shooting lifetime from 15 to 64 years, the numbers have probably built up a bit. There were always a lot of wallaby around Avoca. Remember, there used to be a fairly famous annual shoot. I believe the numbers are larger, or about the same in that area and around Oatlands - I didn't shoot there as a kid but I shoot there now - and at home at Richmond, I see much more than ever before.

**Mr TUCKER** - You say that you learned to shoot when you were 12 years old, is that correct?

**Mr PHILLIPS** - I was allowed to shoot when I was 12 but I had been going with my father since I was about eight.

**Mr TUCKER** - What do you think about age limits for firearms licences?

**Mr PHILLIPS** - I was in high school when I was 11 years old, so I was watching boys who were in cadets. You started cadets at 14, so I was allowed to use a .303 at school when I was 14. I was allowed to use a shotgun, a rifle, when I was 12. I think 12 is perfectly acceptable and a good age to learn. I think pre-puberty is a smart way of training kids; the more aggro that might be in their system, I think the earlier the better. The more discipline you can get into a young person when they will listen, the better.

**CHAIR** - A qualification there - when you say able to shoot, I presume you are talking about a single-shot .22 or a .410?

**Mr PHILLIPS** - I don't think it has to be single shot. For example, stupidly, air rifles are off the menu. You have to get a gun licence to have an air rifle. I've got an air rifle in my gun safe at

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home. Why can't a kid use an air rifle? You're shooting something that's going to knock a little target over at 15 metres, it doesn't have to be a single shot. Air rifles generally are, but I don't see that they should be limited to single shot. Why should you not be able to use your father's rifle? Why should you not be able to use a 9-shot, a 10-shot or 15-shot? It's only that he's shooting one shot at a time, that's all. He has been taught. I don't see that you should limit the actual number of shots because when you're learning to shoot you're going to have more than one shot, aren't you? You're going to shoot, miss, shoot, hit, shoot, miss, shoot and be happy to try to hit again. You're going to try to shoot a number of shots to get your skills up, so what's the point of having a single shot in that situation?

**CHAIR** - Thank you, Mr Phillips. As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that the privilege does not attach to comments you may make, including the media, even if you are just repeating what you have said to us here today. Do you understand?

**Mr PHILLIPS** - I do.

**CHAIR** - Thank you very much.

**THE WITNESS WITHDREW.**

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**Mr KIM PITT** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Welcome, Mr Pitt. Thank you very much for your time and for coming before the committee. A committee hearing is a proceeding in parliament, which means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing and members of the public and journalists may be present, and this means your evidence may be reported. It is important that, should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

You now have the opportunity to make an opening statement to the committee and then we will ask you a few questions.

**Mr PITT** - By way of introduction, I am a retired naval officer and retired federal public servant. I still have responsibilities as chairman of the board for the small defence-related acoustics and electronics engineering company Sonartech Atlas based in Sydney. We serve the Royal Australian Navy - RAN - with sonar systems and acoustic technologies, but I am here today on my own behalf. I have no affiliations with individuals or groups interested in this matter and I do not represent anyone else.

I am here today to explain why I disagree with the proposed changes to Tasmania's gun laws. First, I have been trained in the use of firearms and seen the damage that can be done by high-calibre semiautomatic and automatic weapons. They are especially capable in combat against a brutal and unyielding enemy, but when used with criminal intent they can be devastating. I have a friend who was at Port Arthur on the day of the massacre, and the carnage of that day was horrifying. These types of weapon have no place in Australian society and should not be owned or used by people other than those in the military and police forces.

Second, for a period I was responsible for the Navy's submarine force, for RAN intelligence services and the Navy's physical and personal security systems, and later was the most senior military person in the Defence Signals Directorate. It was essential that regular reviews of personal suitability were completed regularly and frequently, as it was proven that changes in personal circumstances - for example, mental health, emotional stability, family circumstances or financial situation - could lead an officer or sailor to be determined no longer suitable to hold a high-level clearance. I have no doubt that similar changes in personal circumstances would cause extension of a shooter's existing licence to be denied or reviewed. The review process is important and I do not believe that automatic extension of licences to 10 years should be considered.

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 2 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

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operations. I apologise for my hand; I have Parkinson's Disease. You are a nerve-racking group at the best of times but this is not you.

**Dr WOODRUFF** - I didn't think so.

**Mr PITT** - I am sorry about that interruption.

**CHAIR** - I am sure you have been in circumstances where you faced more serious individuals than us four.

**Mr PITT** - And I shook then too.

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.

On reflection, as I was walking across the park this morning I thought this isn't new, you will have this information presented to you in other forms by other groups with different motivations. Why should I attend? I thought the real reason I am here is not because I am going to deliver new information but because I have reached a point in my life where as a voter I need to take a stand for change, and you need to know there are people out there making a change.

**Dr BROAD** - Thank you for not only coming here today but for your service. It is obvious from your introduction that you have held very high-level positions and have had information available to you that no doubt people before this committee have not had, so thank you for coming in today. I have two questions. You mentioned about the period of review and you excluded the 10-year time frame. What do you think is the appropriate time frame for licence renewal?

**Mr PITT** - There is no border that you could easily set. My experience with the security clearance system was that we reviewed the clearance every year. It was an administrative-only review and on every occasion the person was given access to new material of a different level. If there was no change, every five years that person would be required to fill in a very laborious set of papers, identify three separate referees and go through a vetting process which would take six months. My concern is not so much the period as much as that it actually occurs and it is a review, not just a simple filling in a form, paying a fee and getting it returned through the post. I think it is important to have a person checked regularly. Five years is what my experience is so that is where I have set my bar. My farming friends and family kick me in the shins for saying that, but that is my belief.

**Dr BROAD** - Are you suggesting that review should include a review of mental health or other circumstances?

**Mr PITT** - I would like to see that but I know the process we have at the moment is laborious enough for people who are undertaking it. What I am arguing is don't diminish the strength of what we are doing. Don't allow that process to be just a matter of a rubber stamp.

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**CHAIR** - One of the arguments about renewal is why should somebody go through that process if there has been no change in their life and so on. Another side of the argument is the operational side that was mentioned by the previous speaker about trying to get the licence renewed. If the committee could come up with a direction that it should be extended for some people for six years or so on to balance out this hump we have in renewals, you wouldn't be against that?

**Mr PITT** - That wouldn't trouble me. 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.

**CHAIR** - That is the same with a firearms licence of course as well.

**Mr TUCKER** - So I am clear in my head, are you saying that police should check all licence holders every two years? Is that where you're heading with that?

**Mr PITT** - No, I'm not saying reduce the period of review, I'm just saying that when it happens please don't take away the process of requiring the review to be taken. Sadly there is not a lot of information in the public domain that I have been able to access that tells me what is actually in the proposal, but I wouldn't like to see what we have at the moment diminished in any way. That is what I am concerned about.

**Dr WOODRUFF** - Thank you for your testimony; I can assure you that you are a different voice. We haven't had a person with your experience present to the hearing before, so thank you for coming. I have a question following up about the security clearances you have had experience of. I expect the Defence Signals Directorate is highly organised and has a large administration to bring to bear on -

**Mr PITT** - It is bureaucratic.

**Dr WOODRUFF** - That is right. You have already alluded to not wanting to make things really onerous but this question of a person's mental health state that changes in those circumstances are very difficult to get to the bottom of. I don't know if you could suggest any processes. One thing that has been proposed is a committee of health experts and working with police to get a better grip on the sort of review. Do you have any suggestions from your long career in terms of how you can get the balance?

**Mr PITT** - At one end of the spectrum you have a requirement with someone like a GP to make a comment that this person doesn't have an emotional or mental health problem, they haven't attempted suicide in the last five years, or through the police check they haven't been found to be involved in assaults of their neighbours and those sorts of issues. At the other end of the spectrum you require some form of psychological analysis, which is difficult to see being affordable or practical. You have a risk analysis process which you have to follow.

As to a committee, it depends who it is made up of. I think it would inevitably become political. I favour the low end of the spectrum because we learned in Defence that it's quite difficult to identify people who have emotional or psychological issues that aren't overtly able to be identified. If

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they've committed a crime, or they've attacked someone, or they've attempted to suicide or self-harm, they're fairly quickly identified. We avoided going into that additional layer of review and relied upon reports other personnel they said were their referees and also their superiors. We worked in a disciplined, controlled environment where it is relatively easy to do the sorts of things we wanted to do. What you are suggesting could be quite problematic. I can see a lot of pushback which would be negative in terms of achieving a measure of control over guns.

**Dr WOODRUFF** - I want to be clear I am not suggesting it. A range of issues has been discussed to try to get at this. What you're saying is: endorse the situation we have by tweaking more clarity about the specific checks that can be picked up already through a GP or a police report?

**Mr PITT** - A personal circumstance is when my favourite first cousin suicided using a weapon which he accessed, despite being known to have suicidal tendencies - in New South Wales, not in Tasmania.

**Dr WOODRUFF** - That is very sad.

**Dr BROAD** - I am particularly interested in hearing more about sound suppressors. It sounds like you have had access or experience with a number of different platforms or weapons, also being used at times where potentially little noise as is possible should be emanating from a firearm. Operationally, how effective are silencers, in terms of the Hollywood approach or, as has been put to this committee, that they make a little difference but not a lot?

**Mr PITT** - It was 45 years ago when I was using them. In those days we used them on pistols, revolvers and small submachine guns such as the Sten gun and the F1 Sterling, and they certainly quietened the weapon but they didn't deaden the sound at all. It was still very loud but not as loud as it otherwise might have been and it seemed to diffuse the sound, so instead of being able to say it came from there, we could say it came from there.

**Dr WOODRUFF** - It makes it harder to identify the source of the sound, in terms of other people around?

**Mr PITT** - Yes, it's very difficult to identify the source and it permits you to blend into the background - behind bushes, a ridge, a crowd. You can disappear much more easily. You get closer and feel more confident to fire from this range because those weapons in combat only work over 30 to 40 yards effectively. Their accuracy is quite poor. If you're going to go in to one-third of that distance, 10 yards to 5 yards, because you think you might still be able to get away because of the way your suppressor works, that increases the effectiveness of your work tenfold. The last thing you want is some crazy out there with a suppressor.

**Dr BROAD** - That's what you mean when you talk about emboldening; it is about the potential for people to take greater risks and have the impression that they're more likely to get away with it.

**Mr PITT** - We had a weapon you would carry up your sleeve which had a little suppressor on it and you would fire by squeezing your arm, otherwise hidden from view, with a protector plate on your wrist. If that device was used at this range with 15 people around you, you wouldn't know which person was firing it. Without a sound suppressor, you would say, 'It was him'.

**CHAIR** - I do not disagree with you, but the reality is that the end result is going to be the same with or without a suppressor when somebody is game enough to move into that distance.

## **PUBLIC**

**Mr PITT** - I disagree, sir; the end result may not be the same. If you don't have a sound suppressor and you take action, you may not be game enough to get close enough to be accurate enough to hit the target.

**CHAIR** - I take your point.

**Mr TUCKER** - So this is clear in my mind, you are saying with sound suppressors there is still sound because -

**Mr PITT** - There is still quite a lot of sound.

**Mr TUCKER** - I wanted to make that point clear.

**Mr PITT** - I wouldn't, for example, consider them to be a device that would be useful as a hearing protector, so that you could fire a gun without putting your own hearing at risk.

**Mr TUCKER** - From your experience, at what age should the education of young people about weapons or firearms begin?

**Mr PITT** - My personal experience?

**Mr TUCKER** - Yes, your personal opinion.

**Mr PITT** - 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 wheatbelt in the Perenjori-Morawa district of Western Australia.

**Mr TUCKER** - It is a common occurrence this morning of people saying they were at a younger age when they started to use firearms.

**Mr PITT** - 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.

**CHAIR** - This is getting off firearms, but can you see this gap between city and country as being a part of the issue? Can you appreciate many families living in regional communities still have what you recall as a youngster with their society being controlled by this other group out of the cities, who have no real connection to that way of life?

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**Mr PITT** - Yes, and I still face it. Some of my family have managed their properties well and have land still in Western Australia, in Narrogin, and they face feral pests. There are more now. I can't remember having pigs to worry about, but they're everywhere now. There are kangaroos still, rabbits have gone crazy again, cats now are all over the place; it is not easy on a farm and they feel done over, they think that we're the shiny bums from the big smoke. They think I have lost it, that I have no care and am assisting in the abuse and demands which are unreasonable on the farming rural community. I understand that; I don't think we have been sensitive to their issues because they are so different to us now, and there are a few of them. I think we have to be very caring of that group and help them to do their work and not interrupt what they're doing by putting in unnecessary guidelines but, at the same time, the risks associated with the matters you are dealing with, if they're not managed well, go beyond the difficulties we have created for the poor farming community. They must be cared for and thought about. They are different to us and what we do in the back streets of Blackmans Bay.

**Dr WOODRUFF** - But you're saying that caring about them doesn't mean that overall we should diminish the safety we have with the current firearms laws.

**Mr PITT** - True.

**Dr WOODRUFF** - The previous person made it pretty clear there is a lack of educational material available about exactly how to be a lawful firearms owner, and he feels, as you probably heard, that there are a lot of gaps. Legislation doesn't need to be changed but material needs to be made available, more support, more information, so that people can do the right thing.

**Mr PITT** - True. I think my family on the farm get a lot of misinformation, particularly from overseas, about the motivation behind some of the things which have gone on. Whereas when I travel, and I travel no more frequently than they, I take great pride in the culture of Australia and the value sets we have, which I think are better than elsewhere, one of them being tight gun control in our response to the massacre in Port Arthur. They are so disconnected from all of that. Their days do not revolve around policy issues and politics and globalisation. They are around keeping bread on the table and finding a way to get the crop in. As a nation I don't think we treat them as well as we probably should. They deserve to be looked after better and told more, and if there is more information that could be made available about what is going on in the area of gun control and why, that should be provided.

**Mr TUCKER** - Where you're heading with this is two separate rules. Is that what you're saying?

**Mr PITT** - I don't see any difficulty with that. I would treat the farming community as professional users. They have justification. It's already in the gun legislation that they are allowed to have access to weapons which other people are not. I have no problem with enhancing that in some way to make them feel recognised so they embrace the laws rather than feel set upon.

**Dr WOODRUFF** - How would propose enhancing it without weakening it overall?

**Mr PITT** - I haven't given that any thought. It could be in terms of the licensing period and they could give them an additional year to other people. It could be in terms of not just the type of weapon they are able to use but maybe the numbers; maybe they could have one more than other people are allowed to own. It has to be real. It can't be seen to be just icing on the cake.



## **PUBLIC**

**Dr WOODRUFF** - But a signal?

**Mr PITT** - Yes, a signal.

**CHAIR** - One thing that has been noted by the farming fraternity, and this may challenge your thoughts, is about the suppressors on category C licences. Category C licences are only available to a property owner, and I take it that in a crowded situation, your point exactly exists. A category C firearm can't be owned by anybody else other than the property owner. Given the tension that would be within your thought patterns of this and that and the farming fraternity and not agreeing with silencers, how do you come to grips with that issue?

**Mr PITT** - I don't understand the desire to have a silencer. If it were a silencer, if that's what it did, I could understand it, but it doesn't do that. I'm sorry if I'm going the wrong track here. I haven't done a lot of research, but it seems from my examination of the web that the argument for a silencer has come from overseas as a concept. The story told overseas is that it protects your ears. I don't think the level of protection you get justifies the introduction of the device. The risk of having those devices stolen, misused or held by people without true justification is unacceptable. They are not a device we need in this state.

**Dr WOODRUFF** - One of the other things is that farmers are able to have a category C licence for crop protection or wildlife control. One of the Liberals' firearms proposals was to make category C licence and weapon.

**Dr BROAD** - Once you have the licence, you can get the weapon.

**Dr WOODRUFF** - Exactly, it is both. That would be something that would be convenient for farmers but it would also potentially massively increase the number of people in Tasmania with access to category C licences. Do you have any thoughts about that?

**Mr PITT** - There is a similar situation on my Uncle Clarry's property in Narrogin in Western Australia. I know he has a farmhand who has been with him for nine years now who he trusts, and Clarry gives him a gun and they go out together. I would therefore think it is probably a good thing for that to be a licensed activity as opposed to illegal, which I think it is at the moment.

**CHAIR** - You didn't mention his surname so no-one will go chasing him.

**Mr PITT** - Nor can I remember it. Realising that is a common situation across the country, not just in Tasmania on farms, maybe it would be necessary to say as a farmhand working for this particular company or property you are licensed to have a weapon of that type as long as it is stored and kept on that property. You are not allowed to have it off the property, you are not allowed to carry it outside the boundary, so you put limits on it. The idea of being able to use a weapon that way for people working on farms is sensible. You have a difficult task.

**Mr TUCKER** - What age do you believe that young farming family children should be allowed access to firearms?

**Mr PITT** - For a single-shot rimless, 12.

**CHAIR** - I want go back to sound suppressors. I call them silencers and everyone says I should call them sound suppressors because they don't silence the noise. We have had evidence, and it was

## **PUBLIC**

disputed a while ago, from one person who said he shoots regularly on a property and the issue is being able to do the culling process efficiently and effectively. When you shoot with a silencer he was indicating to us that you can get multiple shots off because after the first one you may get two or three and then you don't have to travel as far in order to get your next. That was particularly around shooting for crop protection and where the animals are coming out. That was the argument that was put to the committee along those lines.

**Mr PITT** - That sounds accurate to me.

**Mr TUCKER** - Coming back to the category C weapons on properties and allowing employees to have access to those weapons, with those employees would you include contractors and agents that shoot on those properties as well, or just the employees working on the property?

**Mr PITT** - 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.

**CHAIR** - As you said, where do you draw the line?

**Dr WOODRUFF** - I have a question about your experience in the Defence Signals Directorate which means you are probably quite connected to the world of surveillance and terrorism. You mention you came in as somebody who feels compelled to make a stand on these issues and, as you said, you painted a picture about how the world has changed. What are your views about the threat from the sort of terrorist act we saw in Christchurch and the risk of those sorts of events happening in Australia or even in Tasmania in the context of talking about any changes to gun laws?

**Mr PITT** - I think the risk is very real. Perhaps it is lower than the media would have us think but it is real and being managed 24 hours a day by an incredibly large apparatus now. The amount of money the government has spent, and correctly, on security and intelligence systems has exploded, and justifiably, because the risk is real. One of the welcome things I observed was that the ability of a person intent on doing harm to get access to a weapon is quite challenging, not straightforward, and in attempting that they find themselves stumbling across tripwires that have been set in place by the security system and the intelligence community. I wouldn't wish to see any diminution of the law around weapons because that would make it easier for them to access a greater number of weapons of all types.

**Mr TUCKER** - You talk about weapons. I know I made that mistake as well. This is about firearms, so are you including other weapons in what you are saying in that comment?

**Mr PITT** - My evidence this morning is about firearms. I had a misspent youth in which we did a number of things with firearms, knives, crossbows and other things, and they are all weapons. I occasionally slip back into the jargon of my youth.

**CHAIR** - Thank you again for giving up your time and presenting to the committee this morning. We much appreciate it.

**THE WITNESS WITHDREW.**

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**Mr RONALD CORNISH** WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

**CHAIR** - Welcome, Mr Cornish, and thank you very much for your attendance and the time taken for your submission. A committee hearing is a proceeding in parliament, which means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing and members of the public and journalists may be present and this means your evidence may be reported. It is important that, should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

You now have the opportunity to make an opening statement to the committee and then we will ask a few questions. Over to you.

**Mr CORNISH** - As an opening statement, I submitted my submission because of concern when I became aware of Rene Hidding's policy on firearm reform. I got a copy of it off the internet. I notice it's on his letterhead, not a Liberal Party letterhead, but it did appear on the Liberal Party policy website. As soon as I became aware of that, I contacted both Tony Rundle, the former premier, and John Beswick, who had carriage of the legislation through the House of Assembly, expressing my concern and trying to encourage them to make a submission to the Legislative Council committee when it was set up.

John Beswick was on the mainland and wasn't able to, but he did supply me with the comments that appear in my submission, and Tony Rundle was in Queensland and wasn't able to either. I made my submission to the Legislative Council select committee that was subsequently abandoned, as you are aware, and I was amazed when the House of Assembly select committee was set up because the Premier had previously stated prior to the committee being set up that the Government wasn't going ahead with its policy.

There was an opportunity for this committee to stop when the parliament was prorogued earlier in the year, so I was very surprised that it was actually set up again, because if the Government had no policy to continue with its reforms or looking at reforms, it need not have continued with this committee. That was interesting. I also noted that the Labor Party had a similar policy to the Government, which was highlighted by Eric Abetz on the night of the election, and that has since disappeared from the Labor Party's website. It has been an amazing situation, in my view, but I am grateful for the opportunity to come here and talk to you today and to answer any questions you may have. I think I have set out fairly clearly my concerns and interest in my submission and perhaps other issues might develop as we talk.

**CHAIR** - Thank you very much.

**Dr BROAD** - First of all, I challenge the assumption that the Labor Party had the same policy as the Government.

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**Mr CORNISH** - Well, a similar policy.

**Dr BROAD** - We didn't breach the National Firearms Agreement, and we've seen evidence of that.

**Mr CORNISH** - The Labor Party actually was very helpful at the time this legislation was put through, because we had tripartite approval for it back in 1996.

**Dr BROAD** - Do you think that part of the reason this situation has occurred is because there some time has passed since the rawness of Port Arthur? Do you think that part of the reason we are having these discussions is because with time that memory has diminished?

**Mr CORNISH** - Yes, I agree entirely, because that was the most profound time in Tasmanian politics. The Port Arthur massacre had a massive impact on the public of Tasmania. One of the memories I have that will last forever was when Hobart came to a standstill on the day of the public service outside St David's Cathedral. When you came out of the cathedral the town had stopped. There was an unbelievable silence and it had a profound effect. We are now 23 years on and people have forgotten about the impact it had and how it affected everybody, and I think that is unfortunate. If you haven't experienced it there is a problem that you might slip back into making amendments that you don't really need to make, so I agree with you.

**CHAIR** - Along those lines, would you not agree that policies need to be looked at, and any initial policy may be considered appropriate at the time but then at a later time may need reviewing?

**Mr CORNISH** - It's already happened, hasn't it, because since that time there have been some minor amendments to the firearms legislation. I am not totally familiar with what they were. I didn't research that, but I note there have been a few amendments to it.

**CHAIR** - There have, yes.

**Mr CORNISH** - It is always good to look at policy to see if it is relevant, but with this particular one, my personal opinion is it doesn't need to be changed.

**Dr WOODRUFF** - Mr Cornish, I think your summation of where we are at the moment seems pretty accurate. The only thing I'd add to the record is that the Greens haven't changed their policy position since 1996. Christine Milne was very strong and we remain very strong in that respect.

You mentioned in your submission that there was intense political pressure surrounding the introduction of those laws, and that you are proud of the government of the day and the other parties for not caving in to the firearms lobby. The firearms lobby remains strong and there is also a change in culture in terms of access to information from the National Rifle Association in the United States, their incursion into culture in Australia. There is a changing dynamic, a sense that we should be able to have more convenience and access to guns than we have done. Do you think there is an argument to be made for increasing access, creating this minor and major breach idea, which has been flagged numbers of times by the TFGA and many different groups that we should relax the laws around so-called minor and so-called major breaches to the National Firearms Agreement, and create those sorts of classes of breaches?

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**Mr CORNISH** - First of all, I have noticed that the Greens haven't changed their policy. I congratulate you on that, and no, I don't think there is a need for minor and major breaches or grades of breaches. I would not like to see the firearms laws weakened in any way, shape or form.

**Dr WOODRUFF** - Tasmania Police and Firearms Services gave evidence to the hearings last time we met and they made the comment that they have within their jurisdiction the discretion to provide a caution rather than instantly remove a licence or issue somebody with a fine. Their position is they have discretion to be able to look at this sort of minor or major issue. Other jurisdictions have changed. Tasmania has held much firmer to the National Firearms Agreement than other jurisdictions. What about the view that we should be more consistent with other states?

**Mr CORNISH** - We were the leader on this issue and my position is clear. I don't want to see our laws weakened at all. Regardless of what other states have done, I don't think that is an argument for weakening our laws. Mr De Falco is here today and I spoke to him recently about some of the things the Government may assist the police in doing to make it even better. As I understand it, when police confiscate firearms they don't have adequate storage facilities at different police stations to protect them from being stolen. There is also a problem - and I think you have heard evidence on this - with people not getting their licences on time and the firearms being able to be taken because they haven't renewed their licence. We have had 23 years to get this right and I would have thought the resources were in place for the police to do the job properly, but apparently they are not, so one of the things the committee might consider is seeing that the police are adequately provisioned to be able to carry out their duties effectively.

**Dr WOODRUFF** - That might include better educational material for gun owners so they are aware of how to lawfully store and move firearms. A number of people have mentioned they feel there is not enough guidance in that area. My sense is, and I am interested if this is your view, that the grey areas talked about by people that we need to tighten up are actually a lack of information about how to be lawful rather than needing to add or change any particular law or regulation about how guns are stored or moved.

**Mr CORNISH** - I am not familiar with what educational material is available at the moment so I can't agree or disagree with you, but if people can be made more aware of their responsibilities under the law, that is a good thing.

**Dr BROAD** - One of the issues in your conclusion is that you submit that any changes should only be put in place if there is unanimous agreement with the council of Police ministers. Can you go through your thinking around this? Do you think any changes nationwide should be by unanimous agreement of all states and territories?

**Mr CORNISH** - That is another safeguard for any changes you might recommend. To get the National Firearms Agreement, as you are aware, all the premiers were on side with the prime minister. The attorneys-general and ministers for police met and came to a national firearms agreement. That was done at the council of ministers. My suggestion so you are not out of step with other states would be that any changes that were recommended ought to go before that ministerial council before any changes are made. It is a good safeguard.

**Dr BROAD** - One of the issues people have raised during these hearings is that there is inconsistency amongst states in the way they adhere to the National Firearms Agreement. Do you think that should be addressed in one form or another?

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**Mr CORNISH** - Once again, the ministerial council is a good place to take it. It is difficult when you've got six jurisdictions trying to agree on something and if other states have weakened their laws, it is upon them. Your concern is what is going to happen in Tasmania or whether we should change the laws or weaken them or whatever, and I have included that in there as a safeguard against the parliament making any changes before this national agreement. I think that is a very good safeguard.

**Dr BROAD** - In your conclusion you say that you experienced intense political pressure resulting from the introduction of our current laws. Can you describe what some of that political pressure was, what it looked like and some of the things that were said?

**Mr CORNISH** - Certainly, I will never forget it, because within the parliamentary Liberal Party at the time there were a couple of people who were not happy about the changes to the gun laws. One since has passed away, Tony Benneworth, and the other one who started this debate off, Rene Hidding. Both of those people were not really happy and they had the gun lobby really giving them what for, and so did we as individual members; every individual member had letters, personal representations and pressure not to do anything about the gun laws.

We toughed it out and did it, and I tell John Beswick that was his finest hour, because he had heck of a job to pull this off and he did a fantastic thing. That was the highlight of his political career; that is what I tell him, anyway, and I think he agrees with me. There was intense lobbying. There were letters, there were personal representations and a lot of pressure, even within the parliamentary party. People who were wavering were putting pressure on other members not to do anything. In the end we did, and I think that was one of the really good things we did while I was a member of parliament. If you intend to change the laws you will find the same pressure will come onto you and because some of you represent rural electorates there will be even more intense pressure.

**Mr TUCKER** - Mr Cornish, in your submission you have a proposal to extend periods of licences for two years for a category C for a general primary producer - is that correct?

**Mr CORNISH** - I don't think I said that, did I?

**Mr TUCKER** - Yes, on page 2.

**Mr CORNISH** - Where it said, 'The proposal to extend periods of licences for up to 10 years for category A and B and two years -

**Mr TUCKER** - Because primary producers can at the moment get licences for five years.

**Mr CORNISH** - I was quoting from Rene Hiding.

**Dr WOODRUFF** - A re-elected Hodgman majority Liberal government will extend the varied and two years for a category C agent of a primary producer currently every year.

**Mr TUCKER** - You made another statement at the bottom of that page that says the proposal to allow category C licence holders to use sound suppressors is of a particular concern and the current law prohibiting the sales of such devices protects the public and should be retained. Are you saying that you agree with category A and B being able to use sound suppressors, or why was category C picked out as being of particular concern?

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**Mr CORNISH** - Once again, I think I took it from Rene Hidding's document - here it is here on the second page - 'provides for genuine employees to include contractors or agents to hold category C licences' -

**Dr WOODRUFF** - 'Where health and safety reasons permit, category C holders or crop permit protection permit holders to own and use sound suppressors in the course of the use of firearms' -

**Mr CORNISH** - I was responding to what was in this policy document.

**CHAIR** - Back on the issue about the review of the policy and where we go, as an ex-politician there are always questions asked about certain things and things change over time. There is the question of review and where we go and what can be done to make it better, and from a practical sense and as an ex-police minister, these minor and major areas - and you have said you don't want any change, and I accept that - under the National Firearms Agreement, it talks about firearms and firearm parts. I put it to you that someone may have renewed a piece of a firearm because it has worn out and it is left not in the appropriate storage and the police come and do an inspection and find it. There are only two things the police can do, either ignore the law or confiscate all those firearms. Is that a reasonable situation to put police in? What are your comments around that?

**Mr CORNISH** - As a former police officer for 15 years plus a police prosecutor, one would hope the police would use common sense and discretion in applying the law. Any reasonable person would, I think.

**Dr WOODRUFF** - They do that all the time and they explained to us that they would use that with traffic offences.

**CHAIR** - That's not to say that that person still can't have their firearms taken off them and confiscated.

**Mr CORNISH** - Yes, that's true. An unreasonable police officer might confiscate the firearms, that is very true.

**Dr WOODRUFF** - And there is a capacity, isn't there, to challenge an unreasonable police officer's decision to the commissioner?

**Mr CORNISH** - I'm not sure, I would have to check the act.

**Dr WOODRUFF** - My question to you, Mr Cornish, accepting you do not agree any changes should be made, is if there were to be changes made, what is the evidence or argument? What is the weight of evidence that would need to be provided? It's a difficult thing as a member of a committee. I am hearing personal statements from people who have provided evidence or submissions, evidence which is collected statistically or research information. There is a whole variety of evidence -

**Mr CORNISH** - I would really want to know what the problem is. What is the extent of the problem? How many people has this happened to? Is there weight of evidence in order to change the law? If there is not, why would you do it?

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**Dr WOODRUFF** - I am hearing a lot of speculation and hypotheticals, but I haven't heard any evidence about things like -

**Mr CORNISH** - You want a solid basis on which to change the law. You would want some statistical evidence or something that tells you that you must do it because there is a big problem, otherwise why would you do it?

**Dr BROAD** - Is part of your concern and what prompted you to put in your original submission to the upper House inquiry due to your knowledge of the then minister? You have the policy in front of you there, it came out on Rene Hidding's letterhead, and to your knowledge Rene wasn't a supporter of the original National Firearms Agreement. Is that something that prompted you to also put in a submission?

**Mr CORNISH** - Yes, definitely. Number one, having been through the exercise of changing the law and the pressure we got and the impact it had, how difficult it was to get to where we got to, getting tripartite support, all of those things, to see that Rene released a policy, which I believe was the Rene Hidding re-election manifesto, and to see it appeared on the Liberal Party website on his letterhead rather than on Liberal Party policy letterhead, I was very concerned. I immediately wrote to members of parliament. I think I wrote to the chairman about this - with another matter that was the gender issue - expressing my opposition to changes. Then when the Legislative Council set up the select committee I immediately made a submission. When that was abandoned and the House of Assembly select committee was established, I made a submission again. I just rebadged my original submission.

I was concerned enough to call my colleagues, to discuss it, to put in submissions, to go out publicly opposing it, and I went even further. As a candidate for Pembroke, I campaigned on this issue and found there was support in the community for what I was saying opposing any changes. I also put out press releases on 18 March calling on the Government not to reinstitute your committee, not as a disrespect to your committee, but because if the policy had been abandoned, why would you reconstitute the committee? There was an opportunity to just drop it, but it wasn't. It is a very inconsistent position by the Government to say they are not going to go ahead with changes and then to have a committee, abandon it and then reconstitute it - unbelievable.

**Mr TUCKER** - Mr Cornish, we've heard other submissions this morning, and you mention yourself, that enormous pressure will come on from especially rural electorates. There seems to be a city-based issue and a rural-based issue with this. Do you believe that maybe we should have two different policies to accommodate both?

**Mr CORNISH** - No, definitely not. You only need to have one policy and stick to it, otherwise you're seen to be wishy-washy.

**Dr BROAD** - Some of the concerns raised with us have been things like vermin control requiring greater access to category C firearms for agents of primary producers, suppressors being required to make the culling of animals more efficient, I suppose - that was the term being used. I would like to get your reflections on those arguments and were those or similar arguments put back in 1996?

**Mr CORNISH** - Every argument you could think of was put to us back in 1996 because it was a very, very intense debate that we had. People were very upset about any changes to the law. In terms of a more efficient way of dealing with vermin or whatever, a friend of mine said to me



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recently that you would be a poor shot if you couldn't kill an animal with one shot. You don't need a semiautomatic rifle to do that. Not being a firearms owner and not having done that myself, it is difficult for me to comment, but I don't think it is necessary to have semiautomatic weapons.

**Dr BROAD** - On the issue of suppressors, you have listed here your number of ministries, which was quite extensive over the journey. You were, for example, police minister a number of times as well as minister for justice and so on. Did the issue of sound suppressors ever come up in your time?

**Mr CORNISH** - No, only when we changed the law, not after.

**Dr BROAD** - Only post-1996. What sort of rationale was proposed post-1996?

**Mr CORNISH** - We have never been lobbied to change the law since we changed it in 1996. It wasn't until Rene Hidding came out with his policy statement that these issues arose, as far as I'm aware, certainly not in my time as a member for parliament, although I have not been a member for 21 years now.

**CHAIR** - As a clarification, the policy has been changed over time. The storage facilities of course have changed.

**Mr CORNISH** - In the last 21 years?

**CHAIR** - Yes.

**Mr CORNISH** - That's what I say.

**CHAIR** - So there have been a few changes.

**Dr BROAD** - I am trying to delve into this issue of suppressors. It is interesting that nobody discussed that with you prior to 1996 and it was only post-1996 that the issue arose?

**Mr CORNISH** - It was only in 1996 that the issue arose. I retired in 1998 so I was only here for two years after we introduced the legislation. We had that debate in 1996 but it never arose after that because the law was in place and it was new and fresh so it was not an issue. As I say, I have not been a member for 21 years.

**Dr BROAD** - Suppressors were banned prior to 1996, weren't they?

**Dr WOODRUFF** - I don't think so.

**Mr CORNISH** - I am not able to say.

**Dr BROAD** - I thought they came under a different act.

**Mr CORNISH** - Yes, they did.

**Dr BROAD** - From way back. The 1970s, I think.

**Dr WOODRUFF** - They were banned?

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**CHAIR** - They have always been banned in Tasmania. Along those lines, you were talking about weight of evidence and so forth. I appreciate your position about not changing anything, but from a -

**Mr CORNISH** - Could I just interrupt you, I'm sorry. I have said I do not want to see the laws weakened.

**CHAIR** - Okay, but the reality is it was 23 years ago and circumstances have changed since then and you talked about political pressure. The TFGA was part of the consultation Mr Hidding went through and one thing that has changed - and this is a rural issue more than a city issue - and I understand the safety arguments of the whole thing, but there is evidence that there are more deer and wallaby out there. The issue of wildlife on farms has become huge and the farming fraternity see some changes to the Firearms Act would assist them in going about their daily activities and they say it is a tool of trade. The other change I would put to you is that we have been through a reduction of 1080 use and the alternatives to 1080 and so on. Firearms are a necessity to the rural area. How do the farmers go about their work when they are saying to the politicians that they need more assistance to deal with this problem?

**Mr CORNISH** - I suppose there is an alternative, and I am not advocating it, but there used to be a Fingal wallaby shoot. The parliament stopped that. Maybe you have to reintroduce something like that. I am not advocating it, okay? I think you are arguing that you need a change to the gun laws to deal with it. Maybe you need a change to the environmental laws or laws relating to wildlife rather than firearms.

**Dr BROAD** - Do you mean things like crop protection permits or those sorts of tweaks?

**Mr CORNISH** - I don't know.

**CHAIR** - You have mentioned the ability to have a weekend wallaby shoot.

**Mr CORNISH** - I am not saying a weekend wallaby shoot, I am saying wildlife culls maybe. I don't know. That's your problem now, not mine.

**CHAIR** - The problem for the committee is that it is all part of a mix and we have to come up with some recommendations at the end of this.

**Dr WOODRUFF** - The problem for the committee in some part is sifting out assertions from evidence, and the evidence that we have from DPIPWE is that there are increases in some animals in some places but we are also hearing that the browsing animal management program has been serially underfunded so that has meant there is not as much support as there could be for farmers to provide the other measures which are effective. These things all have to be balanced. There are different ways of coming to an outcome. I have a question about firearm owners' committees. As you have pointed out and mentioned in your submission, the Hodgman policy was to propose a convenient vested interest lobby of firearm owners to provide advice to the Government, which I would like you to expand on. You have been a minister and police minister and a number of things.

**Mr CORNISH** - That is the worst aspect of this policy. How can you have a remunerated vested interest group giving advice to the Government when if they don't conform to the people

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who elect them, they will be dismissed anyway and if they don't make recommendations for change all the time, what is the use of having it? It is just ridiculous.

**Dr WOODRUFF** - Because that was proposed, it put out the idea of having some advisory body to advise the Police minister on matters to do with firearms safety. Can you see any merit in establishing a committee that would have, for example, members of the AMA, the Royal Australian College of General Practitioners, Gun Control Australia, sexual violence and family violence groups? To put the management of firearms into a frame of health and safety?

**Mr CORNISH** - No, because I am opposed to having lots of vested interest committees. All those people you have mentioned have a set position. They are not going to change, they are going to stick to their policies, so what is the point of having it? You know what they are going to come up with anyway, and then you still have a problem because you have to try to balance what the AMA is telling you - it doesn't want any changes - with what the firearm owners are telling you - they want some changes. Where are you going to get with that? It is waste of time, money and effort, in my opinion.

**Dr WOODRUFF** - That is interesting, thanks. If you were in that position as minister, I suppose you would do consultation on issue by issue policy matters?

**Mr CORNISH** - Absolutely. As members of parliament you should be getting around the electorate and talking to your constituents. You know what the issues are. You don't need a vested interest committee to tell you what to do. If you are worth your weight in gold and your salary, you should be around your electorate getting the ideas and putting them to your party meeting, and then getting consensus within the party.

**Dr WOODRUFF** - Similarly, a memorandum of understanding which was proposed by then minister Mr Hidding between the TFGA and Tasmania Police, you have also said in your submission would be recipe for disaster.

**Mr CORNISH** - Every two years you'd have to reconvene it. You will never get consensus.

**CHAIR** - Given what you have said about getting around your community and that Lyons in particular is very much a regional one -

**Mr CORNISH** - Not only Lyons, Braddon too.

**CHAIR** - But Lyons is the most regional, and given that Mr Hidding was a member of Lyons, it is not beyond conceivability that in getting around his community, as you have indicated we all should do, he would be talking to a number of farmers about their problems and therefore that was his motivation for bringing something forward in an election process about the concerns he has had. It is not inconceivable that it has come from the community as a regional farming problem that we have too many wallabies out there and the farmers are saying we need better management tools.

**Mr CORNISH** - Let me say this. I worked with Rene for two years and I know him very well. He would have had pressure on him within the Lyons electorate and there was also a gun manufacturer at Kempton who lost a lot of money when we introduced our legislation. There are people talking to their members about their concerns and the proper thing to do is bring it back to your colleagues at a party meeting, discuss it, come up with a policy and introduce it if it requires change. Every member of parliament gets pressure on all sorts of issues, so yes, it is conceivable.

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I think this policy Rene Hidding released was his re-election manifesto to make sure he was re-elected, because why wouldn't it be on a Liberal Party letterhead if it is their policy? It was released two days before the election.

**Dr WOODRUFF** - Can I correct the record? It wasn't released by Rene Hidding or a member of the Liberals, it was the Greens who made it available to the media.

**Mr CORNISH** - Okay. People became aware of it two days before the election.

**CHAIR** - Just for the record, when did the Greens get access to it? Getting back to the policies going into an election, that letter went to the members of his firearms community whom he had been dealing with, so it is not inappropriate to write back to groups saying, 'This is what we are proposing'.

**Mr CORNISH** - No, that's true, but it appeared on the policy website of the Liberal Party two days before the election. It was posted then, as I understand it. Is that right?

**Dr WOODRUFF** - No, that's not right. It was never released; it was only because the Greens were given a copy by somebody who was sent a copy of it. It was never actually released.

**Mr CORNISH** - I am misinformed.

**Dr WOODRUFF** - Also the police did make it clear they did not provide advice to him as the Police minister.

**Mr CORNISH** - Let me say I got it from the Liberal Party website.

**Dr BROAD** - You were involved in politics during a time when there was a lot of change and a lot of debate around firearms. From what I recall after the Hoddle Street massacre there was an attempt, I think around 1992, to change the laws and at that stage Tasmania was probably the state that held up the reform. Then it wasn't until 1996, in the wake of the Port Arthur massacre, that there were successful attempts to change and put in place the National Firearms Agreement. Were you involved in those earlier negotiations?

**Mr CORNISH** - Let me say I have no recollection of that at all. I was minister for Justice from 1992-96 and attorney-general. I don't recall any approach to me in that period to change the firearms laws.

**Dr BROAD** - Maybe I've got my times muddled.

**Mr CORNISH** - No, I'm not saying you're not right, I'm just saying I don't have any recollection of it, and I handled about a third of the state's legislation in that period.

**Dr BROAD** - This was done at the national level. There was an attempt after, I think it was Hoddle Street, to get a national agreement.

**Mr CORNISH** - You'd need to be talking to John Beswick about that, I think, as then minister for police.

**Mr TUCKER** - Just one question. Mr Cornish, have you ever lived in a rural area?

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**Mr CORNISH** - Yes, I lived in Braddon. I visited King Island four times a year. We had the west coast in our electorate. I travelled the electorate constantly. That's why I was elected seven times.

**Dr WOODRUFF** - Mr Cornish, category C licences are available to farmers who have need for crop protection and wildlife control, and the proposal in - as you call it - Mr Hidding's document is to extend the availability of a category C licence to include genuine employees of farmers, such as contractors or agents of primary producers, so that they are able to undertake that work if the farmer is not able to do that. Can you see any argument for that policy position?

**Mr CORNISH** - I haven't thought about that very carefully.

**Dr WOODRUFF** - It would make it easier for the farmer if they were a sole person to be able to pass that on to other people. An argument other people have made is that it would increase the number of category C licences in the state. The amount is not clear, but potentially -

**Mr CORNISH** - I think I would be opposed to it. My position is not to see the law weakened and I think that would be weakening the law.

**Dr WOODRUFF** - Can you see any parts of the law that need to be strengthened?

**Mr CORNISH** - I read the Gun Control Australia document or submission to you and there are parts of the National Firearms Agreement with which we are not compliant at the moment. Maybe you need to have a look at those to see whether you need to bring it up to date. That would be strengthening rather than weakening so you might like to give that consideration. I have already said I think you need to consider whether the police have the tools to carry out their function in relation to licensing and the storage of firearms that are confiscated.

**Dr WOODRUFF** - Do you mean financial resources? Is that what you mean by tools?

**Mr CORNISH** - If it requires installing safes or whatever at police stations where firearms are confiscated, yes, it requires financing. Also, so that the police are complying with the issue of renewals of licences, or whoever is doing that at the moment, that needs to be considered because it is totally unfair for farmers to have their firearms confiscated if they have not received licence renewals and a police officer comes along and confiscates their firearms. I think you would need to look at that very carefully. You need to see that the people who have responsibility for policing the law have the wherewithal to do it.

**CHAIR** - One last point, and you just mentioned it then. As a farmer, and an ageing one, I have a category C licence. You talk about transfer of ownership of the farm and so on, but with the ageing farming group and sons coming through, the son does not have the ability to have a category C licence because he hasn't got ownership of the farm. The owner is ageing and does not want to be out at one and two o'clock in the morning shooting and skinning and cleaning up after and so on, so from a farming perspective, wouldn't you see that it would be acceptable for a change of law to allow a younger member who is connected to the property in some way, either a contractor or a long-time employee, to have the tools of trade that the ageing farmer has access to but cannot use? It is illegal for anybody else to use his firearm and therefore someone is breaking the law if they happen to do that. Is that a reasonable argument for the rural sector to put?

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**Mr CORNISH** - Yes, I think that is a reasonable argument to put but I would restrict it. Are you talking about the sons of firearm owners or whatever?

**Dr WOODRUFF** - Or daughters.

**CHAIR** - Yes, sons or daughters. My daughter-in-law shoots. The document I think said 'agents' or 'contractors' too.

**Dr WOODRUFF** - It said 'genuine employees'. It didn't define it so that could be anyone.

**Mr CORNISH** - I think you've got to be very careful there because I think there is room for abuse. You would need to confine it and a case would need to be made that this was absolutely necessary. It is a bit of grey area to me.

**Dr WOODRUFF** - What would a case look like to you? When you say a case, do you mean numbers of farmers?

**Mr CORNISH** - I mean responsible people who are properly connected to the farmer who has the licence.

**CHAIR** - We are cutting into the next witness's time so I apologise for that. Before you leave the table, thank you very much again for your time and your submission as a past minister for justice and so on.

**Mr CORNISH** - A feather duster, Chair.

**CHAIR** - I advised at the commencement of your evidence what you have said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that the privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you have said to us here today.

**Mr CORNISH** - Yes. Can I just ask a question? Is this recorded on television? The press can watch this, can't they, so they can report on it without me saying anything?

**Dr WOODRUFF** - And there will be *Hansard*.

**CHAIR** - They could be here taking evidence or they could be looking at it on the screen.

**Dr BROAD** - It's being broadcast online.

**Mr CORNISH** - Yes, that's right, so it can appear in the press without me making any comment, but I hope I'm not going to be held accountable if that is the case.

**CHAIR** - You've made your statements to the committee and that is protected by parliamentary privilege. If you go outside and are interviewed by someone and restate what you've stated in here, that is not protected by parliamentary privilege.

**Mr CORNISH** - Yes, but it can be reported if the reporters are watching it.

**Dr BROAD** - Yes, but you are protected.

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**Mr CORNISH** - I understand that, but there is a bit of grey area there too, isn't there?

**Dr WOODRUFF** - Whatever you say in here, you can't walk out the door and say exactly the same words and expect to get privilege. I'm sure you know all this.

**CHAIR** - There are always occasions where we need to review policies, Mr Cornish.

**Mr CORNISH** - Well, I wish you luck with your deliberations, members of the committee, and thank you for the opportunity to speak to you.

**THE WITNESS WITHDREW.**

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**Mr SAMUEL DIPROSE ADAMS** WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

**CHAIR** - Welcome. A committee hearing is a proceeding in parliament, which means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing and members of the public and journalists may be present and this means your evidence may be reported. It is important that, should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

I reiterate my original comments about the work you have put into both your submissions - a substantial amount of time.

**Mr DIPROSE ADAMS** - Thank you very much, Chair.

**CHAIR** - You now have the opportunity to make an opening statement to the committee and then we will ask a few questions.

**Mr DIPROSE ADAMS** - Before I start my opening statement, I would like to say there are quite a number of references in my submissions. I have them all on file, so if the committee needs copies of those references, I am quite happy to provide them. The second point I want to make is that my second submission, the law reform proposal, will be published next month as an article in the *Alternative Law Journal*. As a result of the double-blind peer review process, I have made a number of changes to that proposal. We can touch on those changes once we reach that submission.

Committee, thank you for providing me and the wider community with the opportunity to make submissions on this important topic. Before we discuss my submissions, there are three points I wish to make. These points are relevant to the committee's terms of reference.

My first point is that the fundamental purpose of firearms legislation and policy is promoting public safety. I refer the committee to various legislation of other jurisdictions expressly stating this, such as section 3 of the New South Wales Firearms Act 1996. At present, our act does not 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.



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These amendments enhance the act because the purpose of an act is relevant to statutory interpretation. For example, section 8A of the Tasmanian Acts Interpretation Act 1931 stipulates that an interpretation that promotes the purpose of an act should be favoured by the one that does not. As the Firearms Act does not expressly state its purpose, applying this principle of statutory interpretation is unnecessarily challenging for the courts.

The third amendment clarifies both to the courts and the public that the purpose of firearms legislation is to regulate lawful firearm ownership. The wording of this amendment is taken almost directly from the Western Australia Law Reform Commission report. As there are inherent risks in firearm ownership, this amendment would promote fairness by providing a check and balance on police, courts and other bodies from using public safety as the basis for an unfettered discretion in decision-making under the act.

The amendment requiring the commissioner to have regard to the purposes of the act is modelled on section 29 of the Privacy Act 1988 (Cth), and ensures discretion is exercised in a way that enhances and promotes the purposes of the act. The purposes are delineated into primary and subsidiary purposes, which again is wording taken from the Western Australian Law Reform Commission report, so courts know that when there is a conflict between public safety and national uniformity, public safety prevails.

This leads me to my second point. We should not risk public safety to promote national uniformity. Public safety and national uniformity are often stipulated as the purposes of firearms legislation - for example, section 3 of the Firearms Act 1996 (NSW) and section 3 of the South Australian Firearms Act 2015.

The difficulty with stating that both public safety and national uniformity are purposes of firearms legislation is that it creates difficulties when the two purposes conflict. The purposes do not necessarily conflict on paper but they do in practice, and this is best illustrated through an example. Schedule 1(6) of our act relates to prohibiting firearms that substantially duplicate in appearance prohibited firearms. There are equivalent provisions in other states. The basis for this provision is found in the National Firearms Agreement and exists in the state legislation to promote national uniformity.

The difficulty with schedule 1(6) is that it does not have any clear policy or public safety foundation. There is no clear evidence to indicate how prohibiting something based on its appearance promotes public safety. An analogy is prohibiting cars that look like they go fast in an effort to reduce speeding.

The conflict between public safety and national uniformity does not flow from the wording of the provision but from its enforcement and, in particular, the opportunity cost of enforcement. The committee is probably well aware of the significant time, resources and funds that have been spent enforcing and prosecuting schedule 1(6). A good example is the creation and maintenance of the Firearms Categorisation Assessment Committee.

Unfortunately I don't have any evidence as to the costs associated with schedule 1(6), but for the purposes of this example, let's assume it is an estimate of about \$20 000 over the past three years and includes actual costs and well as time, personnel and resources. If this funding had been spent on a provision or idea which clearly demonstrated public safety outcomes such as promoting positive mental health among firearm owners, as I propose in my second submission, there is a real

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chance that in the past three years we would have had enhanced public safety outcomes, such as one or two fewer firearm-related suicides.

If we repealed schedule 1(6) and directed the funding that would have otherwise gone into enforcing this provision into a provision or idea with clearer public safety outcomes, we would have a safer Tasmania. However, as we have kept schedule 1(6) in the act to promote national uniformity, we have sacrificed public safety.

This example also demonstrates how the phrase 'watering down of gun laws' lacks precision and utility, as watering down gun laws could in fact increase community safety by removing ineffective and unnecessary provisions so enforcement is focused on those provisions with clear public safety benefits. By delineating the purposes of firearms legislation and making it clear that public safety always prevails, we can make Tasmania safer for everyone.

My third point arises from evidence given by previous witnesses to the committee on the matter of suppressors. I note the committee has heard a number of witnesses say there are no evidence-based reasons for the legalisation of suppressors. In response to this I would say that in addition to the references I have cited in my submissions I also refer the committee to a 2015 article in volume 46 of the *Cumberland Law Review* by Stephen Halbrook titled 'Firearm Sound Moderators: Issues of Criminalization and the Second Amendment'. This article does have quite an American focus but outlines some public safety benefits to the use of suppressors. These include increased hearing protection for the shooter, greater situational awareness, reduced stressors around shooting for returned service people or individuals with post-traumatic stress disorder who might have difficulty with loud noises, and also reduced noise pollution in the community. Quite usefully, and part of the reason I have cited that article, the appendices summarise the legality of suppressors in European nations, which balances out some of the American-centric references in the article.

If the committee is ultimately of the view that the public safety benefits of suppressors outweigh any risks, I encourage them to analyse the German model of suppressor ownership, where suppressors are lawful but are registered and transferred in much the same way as firearms themselves. This is quite unlike most other European nations, where suppressors are unregulated, either entirely or to a lesser extent than the German model. That concludes my opening statement.

**CHAIR** - Thank you very much.

**Dr BROAD** - A couple of questions, first of all about the arguments you are making around the appearance provisions and the regulation of appearance. We have heard evidence given by police, for example, that the reason those provisions are in place is because if there is an incident where there is somebody with a firearm, they have to assume that firearm is of maximum capability according to its appearance. It is more a situational management issue. What do you say to that?

**Mr DIPROSE ADAMS** - I refer the committee to the Western Australian Law Reform Commission report which addresses this point specifically. I can't quote it verbatim, but they say the police will respond to a situation regardless of whether the firearm looks like it is category A or category C, D, H, or prohibited. It depends more on the circumstances surrounding the use of that firearm than how the firearm itself looks. Part of the basis for that is, in my opinion, that it would be quite dangerous for the police to look at a firearm and assess it and say based on how that firearm looks, we're going to assume that firearm is a single-shot bolt action and therefore we need a lesser response. We need fewer people and we don't need to send out a special team to deal with that situation because it is a lesser firearm. The Western Australian Law Reform report makes it quite

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clear that regardless of how the firearm looks, the fact that it is being used in an unlawful situation and is a firearm means the police are going to respond at the same level, regardless of whether it looks like an air rifle or a fully automatic firearm. Does that answer your question?

**Dr BROAD** - It is a response. We heard evidence today that another issue with suppressors is that it is not just about the reduction in sound but the potential for people to be unsure where it is coming from. For example, the dispersal of sound - and this was given in the military context - if there is a shot without a suppressor it is easier to identify the origin of that and therefore respond, whereas if a suppressor is used, because of that dispersal of sound, it is not immediately obvious. Instead of it coming from that point, it could have come from that point. The evidence was also in terms of that being a public safety issue. What would you say to that?

**Mr DIPROSE ADAMS** - I think that comes down to how we regulate the use of suppressors. I would be very cautious of a situation where someone needs to identify the direction of where shooting is coming from if you don't already know. That is quite a worrying circumstance. The situation where I imagine suppressors being quite lawfully used is, for example, at a range where everyone would be shooting in the same direction. If you are out hunting it is probably also worth noting that they are suppressors because they suppress the sound and don't silence it completely. Part of what makes a firearm loud is the expansion of gases when the bullet itself is fired but there is also the noise when the projectile goes supersonic - that sort of crack - that can also be used as a point of directional awareness. I think it would just be a matter of using suppressors in circumstances where there is no public safety risk to identifying where the noise is coming from.

**Dr BROAD** - The other issue that was raised in evidence this morning was the concept that having access to a suppressor can embolden people, and this was in the military context, so embolden a soldier to get closer, be more accurate and take greater risks because the suppressor was present. We are not talking about a suppressor being used in an operation shooting wallabies, we are talking about the public safety issue of potentially a firearm being used inappropriately against other people. I am struggling to see your argument about public safety. It's almost as if you're arguing it's in the interest of public safety to have suppressors available and I'm struggling to see the rationale for that argument.

**Mr DIPROSE ADAMS** - There are two points I will make to that. I don't have the evidence before me but I am quite happy to refer the committee to it. I don't have the exact citations for the evidence on me but the first one is that the use of suppressors in crimes is very low; it is not a significant proportion but even then obviously there are risks associated with it. 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.

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 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

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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 the it hasn't been ground off, as occurs with firearms.

**Dr BROAD** - I am just trying to follow this line of thought. Apart from public safety in terms of the actual firearm user with the sound being suppressed so it doesn't affect their hearing, I'm just really struggling to see how the public would be safer if suppressors were widely available. Also I suppose some of your arguments could be put to allowing people to have semiautomatic rifles in greater use because it's only the people using it for an unlawful purpose. I think some of your arguments could be -

**Mr DIPROSE ADAMS** - Cross-compatible.

**Dr BROAD** - Yes, cross-compatible, so you could simply use the arguments you are making for a greater availability of suppressors to be used in exactly the same way. I am just wanting you to address how the public would be safer if suppressors were available.

**Mr DIPROSE ADAMS** - I think that more broadly than just the shooters themselves, it is hard to think of a situation where, for example, a suppressor is being used where it is impacting on the awareness by the greater public. It might be, for example, if there is culling occurring on a farm, it is not going to disturb other animals. I know a number of livestock are impacted by loud noises so that has an impact if you are culling animals on a farm and other farms are not going to be affected. The example of being at a range means that if you've got suppressors, if returned servicemen are nearby and wanting to participate they are going to be less apprehensive about going to the range and going shooting with old military mates because they know there will be suppressors there so they are less likely to be 'triggered' is the word that comes to mind but there is probably a more professional medical term for that. There is also the reduction in noise pollution generally which obviously has an impact more broadly. That is more ecological in a way and that links back to animals that are impacted by loud noises.

As to a situation where a firearm being used with a suppressor is more dangerous because there are public nearby, the entire circumstances of that situation needs to become clearer because I am not sure in what circumstance someone would be using a firearm in public where the public need to be able to hear it being used.

**Dr WOODRUFF** - I can think of several examples where that happens in rural areas.

**Dr BROAD** - You could have a situation where there could be an active shooter on top of a building plucking off innocent victims and the public doesn't know exactly where the sound is coming from or which direction to run. That would be an extreme example. I suppose the reason I am saying that is because of the evidence this morning about the diffusion of sound, which I was not aware of up until this point. That is why I am digging into those areas of public safety.

**Mr DIPROSE ADAMS** - I guess it is also quite relevant given the events that occurred a couple of months back in the United States where someone shot a number of people using suppressed firearms and obviously there was confusion about whether or not there were firearms used. Again there are a couple of points that have to be made. The first one is that in that circumstance the firearm itself is already being unlawfully used and there is clearly a very dangerous situation. If the person really wished to suppress the firearm they could, they have access to other means.

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As to the sort of circumstance the doctor is referring where it appears someone has lawfully owned firearms and a suppressor and has then used the suppressor unlawfully as well as the firearm, unlawfully, I think that is very unlikely. I am certainly not saying it is impossible. All I would say to the committee is that it probably needs to be weighed up by saying if we have, for example, 30 000 people using firearms and they have prolonged hearing for five or 10 years because of the fact that the firearms were suppressed and greater situational awareness because the firearms were quieter so they could hear when the person next to them fell over or was injured, all those factors of public safety need to be weighed up against the risks.

I am certainly not advocating for the legalisation of suppressors but I am not advocating for them to be entirely prohibited either. I am just saying to the committee that there is evidence that suppressors have a public safety benefit, both to the shooter and to those around the shooter, but there are also risks. Linking back to my opening statement, there are inherent risks in firearm ownership in a lot of ways. The committee needs to be aware there is evidence either way and it is up to the committee to balance and figure it out.

**CHAIR** - You referenced the Western Australian Law Reform Commission. They have been through this and you referenced them a number of times in your document. Could you inform the committee of the extent of that inquiry and what it covered, because it seems to me that it is a valuable resource and we should look at it.

**Mr DIPROSE ADAMS** - Yes, and that is part of the reason that I referenced it so thoroughly throughout these publications and others that I have done. We have a document that covered the entire scope of the Western Australian Weapons Act 1977, so it covered everything from the purpose all the way through down to the schedules. It was conducted fairly recently, in 2016, so it is a relevant document. It was conducted by an independent organisation, being the Western Australian Law Reform Commission, and it was conducted by very well known professors in law as well. It is for those reasons that I think it has substantial weight. It is a really useful reference.

As the committee has highlighted to other witnesses and presenters, this is an area where there needs to be an evidential basis for the decisions that are made. In my opinion that is a really superb resource because it is so recent, was conducted independently and is something that is also quite analogous to Tasmania's legislation. It is for those reasons I said this is the evidence you can use to help inform your decision-making about what direction to take the laws if they are to go in any different direction.

**Dr WOODRUFF** - Mr Diprose Adams, I really like the way you have talked so clearly about framing the purpose of the legislation and to put a purpose into the act. I think it is a really good point you make and something the committee can consider. The promotion of safety obviously must be first in my very strong view and I think in most people's view. I wanted to follow up Dr Broad's line of questioning about the suppressor evidence. You have mentioned a range of different studies around the world and certainly different countries are using sound suppressors. I want to pushback on some of the examples you have given. In weighing evidence we have to look at whether things are plausible, whether they are significant, whether absolute numbers are substantial and all of those sorts of things.

You made a comment about the noise pollution of firearms going off all of the time, but a very strong point made by a previous person this morning was that it is good to be able to hear when people are shooting and to have first notice of that. I live in a rural community where there is a

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range of block sizes and certainly people do shoot. It is always surprising and good to know exactly where it is happening so you can check. I think there is just a natural human inclination to want to know where that sound, which is obviously potentially fatal, is coming from. The argument against sound suppressors is that it might not happen very often but only once is enough, and for people who were at Port Arthur that day understanding the direction of the sound was very important, as I understand, for some people surviving that experience. These are things to weigh up.

As to other animals and livestock being impacted, I am not sure there is evidence about that but it is possibly true. You also mention ex-military people being triggered with PTSD at a firearms range. Perhaps they might choose to absent themselves. We're talking about changing a law in a way that would be very substantial but whilst not technically in breach of the National Firearms Agreement clearly in the spirit of the agreement. I have a question, but if you wanted to respond to some of those things -

**CHAIR** - If I could just make a comment before you do, we used to live next to a thoroughbred breeding place with thoroughbred horses.

**Dr WOODRUFF** - A stud?

**CHAIR** - It wasn't a stud; they just bred and trained horses. One of the issues around horses, in particular, is noise and gunshot noise.

**Dr WOODRUFF** - I have horses - exactly.

**Mr TUCKER** - Dogs are the same too.

**CHAIR** - It is one of the animals this issue is very important to. Anyway, I just thought I would make that point.

**Dr WOODRUFF** - Do you have any comments around that? We have talked about this a lot. I have another question about your mental health firearms proposal, which I think is a great suggestion. I don't know whether I missed it in the submission you made, but what other jurisdictions around the world use something like what you're proposing?

**Mr DIPROSE ADAMS** - That was actually one of the comments that one of the peer reviewers raised in the process of publishing, so I have a good answer for that. I will just go back to your earlier comments. First, it is important for the committee to view a lot of these matters as occurring on a spectrum rather than occurring as a single yes or no, prohibited or not prohibited basis. 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.

**Dr WOODRUFF** - Can I make a comment about permanent hearing damage? Shooters use things for their ears, which has been mentioned numbers of times, and that is the way they prevent hearing damage. That is available and people use that.

**Mr DIPROSE ADAMS** - Yes, that is correct; I am well aware of that. Situational awareness is the first point. If you're trying to close off the noise from one thing you are essentially closing

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off noise from all of your surroundings and that is potentially risky. For example, if you are at a range or out hunting and you've got your earplugs in and your earmuffs on, which is the double standard for hearing protection, and someone next to you trips and falls or has a heart attack, you won't necessarily hear that so you won't be able to respond to it. If you are out hunting with a friend and they fall over or get bitten by a snake or whatever the case might be, you are not aware of that. They could be yelling at the top of their voice but because you have such effective hearing protection on, your situational awareness is seriously compromised.

**Dr WOODRUFF** - Do you think that would be likely to happen very often?

**Mr DIPROSE ADAMS** - I think it's just something that needs to be weighed up. Overall whether or not we are saying, okay we have the opportunity, or we can, for example, reduce the sound of a firearm down to less than what is going to damage someone's hearing, in which case they get greater situational awareness, or we reduce that situational awareness but we keep the firearms loud enough that they can be heard by others around them. That is a matter for the committee and the Parliament to say which one of those are more important factors.

**Dr WOODRUFF** - What about the mental health issue?

**Mr DIPROSE ADAMS** - On that question, when the peer reviewer came back and said, 'Do you have any evidence of this occurring in other jurisdictions?', I was quite surprised. It depends on how it is framed. In England, and I believe in New Zealand as well, you have to go to a doctor and get a medical certificate in order to be able to get a firearms licence. But as far as actual mental health training for firearms users, I couldn't find anywhere that has that in legislation. I found a few places in the United States that asked their range officers if someone comes onto a public range and wants to use a firearm, their members can recognise the signs of potential suicidal ideation, but that was very limited.

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.

**CHAIR** - I note you have done some work on suicide deaths due to firearms and so forth. Coming from a rural background, anecdotally I believe - and I think it is in the figures - your figures do not indicate mature-age farmers with access to firearms who, after losing their partner or

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whatever, commit suicide using a firearm. They are elderly and there are some issues. It's not that they don't have mental issues. It is just that they have got to the stage of life where they don't want to be there anymore and the access to the firearm is there. They could get in their car and go out onto the highway or they could use many other things. In your research, were you able to strip that cohort out and identify where somebody has serious mental health issues and used firearms as their final resort?

**Mr DIPROSE ADAMS** - Technically suicide is classified as at the extreme end of the self-harm spectrum. This is perhaps a question slightly better directed to a psychiatrist, but based on my research the correlation between depression and suicide is exceptionally high. It is very unusual that someone without mental illness attempts suicide and that is regardless of means, whether it is with a firearm or not.

On the point of firearms and suicide there are a couple of statistical matters that make this quite a complex area. When we refer to suicide, we refer to completion and whether the suicide is completed. With firearms the completion rate is very high and that just means that if you compare people who use asphyxiation from a car, hanging or overdosing, the completion of suicide is much higher with a firearm. We also see another interesting anomaly, which is substitution. If you've got someone who has access to gassing themselves in a car, overdosing or hanging themselves, if they lose the access or means to one particular method, they will substitute and use a different method such as overdose if they cannot hang themselves. With firearms we don't see that same level of substitution. It appears that if someone doesn't have access to firearms they are then less likely to attempt suicide entirely. Of course, that doesn't mean that prohibiting firearms entirely is also a good solution, because that has other risks as analysed.

**CHAIR** - I notice the numbers there are substantially higher in 2011 and 2012 and in the rural areas there was a lot of depression because of the forest industry failure and all that sort of thing. My point is that there are many influences on depression and the fact that firearms are there and if there were not it could be something else. To have a society where people do not get into that situation is in my view far better than trying to manage it by removing their firearms.

**Mr DIPROSE ADAMS** - Yes. Part of the rationale behind educating them was for the early intervention because we know that the earlier we can intervene when these difficulties arise, the more likely we are going to have successful outcomes at the end. Part of that is about being aware of what depression looks like. Unlike physical illness, mental illness doesn't manifest itself physically, so unless you are aware of what to look for, someone could look perfectly normal when they are actually suffering from potentially really serious mental illness.

**Dr BROAD** - Regarding your proposal for mental health first aid, we know that due to the way the legislation came was put into place, there is this huge bulge in terms of licence renewals, with 60 per cent occurring within one year. From a practical perspective, how could we roll this out if we know there would be those significant capacity constraints? I'm not sure how available this course is and the numbers. What about those sorts of practical issues if this policy was to be adopted?

**Mr DIPROSE ADAMS** - Thank you for the question. The first response is the proposal has changed quite significantly since going through the peer review process and that is partly because I've had a lot of feedback from academics in the field. I would say that what the proposal now looks like in substance is that through development of an initiative with stakeholders, particularly those in the mental health space, we figure out the key pieces of information that firearm owners need to



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know in order to be able to recognise the signs of depression and suicide and how to respond. That is not an incredibly complicated process.

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.

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.

I gave a presentation at a gun club about mental health and a lot of people were really surprised to find that if someone is thinking about committing suicide, you should just ask them that. You should just go up to them and say, 'Are you thinking of committing suicide?' A lot of people thought that would just put the idea into their head or encourage them, but the answer is absolutely not. The evidence indicates that asking that question directly demonstrates that you really care about them and this is a really significant issue. Ultimately, if they're already thinking of committing suicide asking the question isn't going to encourage them, and if they're not thinking about it, asking the question isn't going to encourage them to do it either way. It is really just about those basics, ticking them off so that we're breaking down some of the myths and the stigma. I think that correlates on the evidence with a really significant decrease in the risk of suicide, particularly if we can do it early on and refer them to a doctor.

**Dr BROAD** - What would you be recommending if somebody was completely hopeless at completing that? Say they answered obvious questions in the wrong way and had absolutely no understanding through the online course, would you be saying then that they shouldn't have a firearm?

**Mr DIPROSE ADAMS** - What to do if someone fails the course?

**Dr BROAD** - Yes, or has low literacy.

**Dr WOODRUFF** - They would need to have some literacy in order to be able to get the gun.

**Dr BROAD** - Not necessarily. Are you talking about using it as a carrot-and-stick approach?

**Mr DIPROSE ADAMS** - If someone is really struggling to understand it then perhaps they would need to speak to someone. Maybe you get three tries and if after three tries you don't succeed

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then you might liaise with a gun club or a doctor or someone, who can give you some more educational information or refer them to more materials.

**Dr WOODRUFF** - It could be like when you are getting your Ls, like my 16-year-old daughter. You can go endless times online. You are talking about it more as an educational tool. It is an **aide-mémoire** for people. If it is digital, it does not matter how many times people do it. They can talk to people about it.

**Mr DIPROSE ADAMS** - Yes, I think that is more probably where we go.

**CHAIR** - As you indicated, it could be introduced into the licensing process that is already there.

**Mr TUCKER** - Mr Diprose Adams, this has been extremely interesting to me. Out of all of the submissions, this is very interesting. We know that eight out of 10 Tasmanian firearm deaths are suicide. Is there any way with what you are putting forward of finding those people with mental health issues and bringing them out?

**Mr DIPROSE ADAMS** - I think a couple of key changes would probably need to happen to the act. Unfortunately I don't have the provisions in front of me but I think it is section 158A and parts of 148 that refer to doctors as 'prescribed persons'. In my submission, we need to remove from the act any obligation on the doctor to report firearm-related mental health issues or firearm-related accidents, because much like a driver's licence a firearms licence can be a really important social tool for someone, and we know that social isolation is a real risk. If someone recognises they have a mental illness and they need to go and talk to their doctor, they may not want to do that because they could report them and they would lose their licence -

**Dr BROAD** - That evidence has been put as well.

**Mr DIPROSE ADAMS** - I think that is a real risk. From that perspective in the act we need to make it so that firearm owners can go to their doctors without any hesitation and say, 'I really think I am struggling, can you help me?', because that is ultimately what doctors are there to do. They are not there to assess your licence, they are there to help you get better if you have an illness. I think once we start rolling out the mental health education we would start seeing a lot more statistics coming in and a lot better evidence about how much this group has improved, what changes we have and where we still have to go. This would be a pretty significant change or significant direction for the firearms legislation to move in, so we would really probably want to give it a few years to roll out based on the current evidence and then we can reassess once we have more evidence about who are the remaining groups that this proposal clearly isn't targeting, and then we might find out it is just the ones who repeat the test 100 times because they are disinterested or illiterate, and then we will say, 'Okay, let's hone in and figure it out'.

**Dr BROAD** - You talk about this publication you have in process. What is the purpose of that publication? Is it to achieve a qualification and, indeed, what are your qualifications?

**Mr DIPROSE ADAMS** - I have graduated with a Bachelor of Business and Bachelor of Laws with Honours in Law, as well as a Bachelor of Philosophy from the University of Tasmania, and have a Graduate Diploma of Legal Practice from the College of Law. I am in the process of being admitted as a lawyer in Tasmania; my admission notice was actually in yesterday's paper. I would like to keep working in this space because I think there is significant room for more research. The

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reason I published my second submission was because this is something that has real merit and can really address a public safety issue in the firearms space. Whether or not Tasmania adopts it or if another jurisdiction or even another country adopts it, at least there is evidence out there about this approach that can be taken by parliaments in order to try to address this really complicated issue of mental health and suicide.

**CHAIR** - Thank you, Mr Diprose Adams, for the substantial amount of work you have put into this. The committee really appreciates it.

**Mr DIPROSE ADAMS** - Thank you. If you have any further questions or need any references, you are more than welcome to contact me. Please don't hesitate to ask.

**THE WITNESS WITHDREW.**

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**Mr JOHN JONES** WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

**CHAIR** - Welcome John, thank you for coming and presenting to the committee.

A committee hearing is a proceeding in parliament, which means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing and members of the public and journalists may be present and this means your evidence may be reported. It is important that, should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence.

I must inform the committee that I have had a number of conversations with John and he wished to present to the committee. There is no actual submission in writing but I will allow him the opportunity to make an introductory statement if he wishes and then we will move on from there.

**Mr JONES** - I have spoken to Shane, to John, to Cassy O'Connor and others. I am here representing farming and clay target shooting but also, because of what I have heard of the information, I would also like to add to some comments that have been made this afternoon.

I request the right to use my tools of trade, firearms, to earn a living by controlling the state's animals from encroaching on our farm property. I am a sixth-generation farmer with past traditions of caring for people, caring for livestock, and respect for firearms use and safety. My first rifle was a semiautomatic when I was 12 years of age. Since that time I served three years in the cadets from the age of 14-and-a-half to 17, have used every known weapon and the main thing was discipline and safety. Since that I have represented the state in clay target shooting, won the national championship of Australia and have been honoured with the Australian badge for that. I've shot skeet and other championships, I've shot with the English clay target teams and I've shot with our Australian teams, of which we are very proud for their achievements in the Olympic world.

From that point I am disgusted with the failure of all political parties to represent the rural people. Since the firearms legislation has come in no-one has addressed the rural problem at all. You have had committee after committee.

As you would know, we had the possum committee, then we found that the possum created more damage to our trees and forests and young birds than had ever been known. We are not like New Zealand, which ended up having to bait their whole possum world, otherwise they would have lost their forest by, I think, 2025. I know, as I was involved with the recommendations, that the only thing with an aircraft you had to avoid was the steeples. That is how afraid they were of the damage of the possum. Then they developed the possum fur wool trade.

The next one was the 1080 debate, and then we talked about the things that should have been done in 2008 or thereabouts. You would know the recommendation was that the shooters were the best option for animal welfare and workplace safety, everything considered. Now we are in a

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situation where on grazing properties we are losing 22 to 30 per cent of our productivity. Why? Browsing animals, secretions on the ground that no other animal will eat, and then all of a sudden, when they've denuded your farm you are crying about roadkill because that's the only part the other animals haven't eaten.

In the meantime, we've talked about depression, we've talked about suicide. What do you think the effect has been on farmers and those having to administer things? It has been phenomenal. I am the founder of Rural Live and Well. I fought government for two years before we got the first grant. It was beyond politics, because I carried 29 people as founder and the first president, and so on. I had to speak to the state, the Commonwealth and so on.

The number of people in 2006 that were so depressed were - number one - all the small farmers with 400 to 500 acres. You would shut up a field and the animals would eat it before you got it. They were gone, so there was economic stress and worry. The fact is, at that point at time - and you talk about stigma and I am talking about rural people - you must be brave to have this, and why don't government departments do something? They know the facts. Job description - can't do anything. It came back to councils - what can we do? Government - what can we do? They ignored the reality of the problem and we had the highest suicide rate, other than Darwin, per population in 2006. If you want the statistics, self-harm created in Australia, is about 8500 per year. It is double the road deaths.

Now we talk about why? What have you done? In the system, of people in stress, 80 per cent were men and 20 per cent women. A man will commit suicide in five minutes; he will go outside that door and - bang. A woman, excuse the pun, Rosalie, but it's a bit like shopping, it will take four hours and it is an attempt to get attention, but it is still 20 per cent of people. Those who do not cut themselves with razor blades.

They do all these horrendous things because their belief in the system has failed. Number one, they report to the Royal Hobart or Launceston and say, 'I'm thinking of committing suicide.' This time in the Central Highlands and Midlands, you did that report and it was put on hold for six weeks and 'I will get a psychiatrist to you'. Fantastic. We lost two very good tradespeople who had phoned the Royal Hobart Hospital and all they were told was, 'Not our area.' They didn't refer them to anywhere else, which you should have a duty to do. We had to overcome that and we lost two people just like that.

It is not only rural people, it is doctors, police, solicitors, CEOs and everything. If you think you are immune to it, look at your own politicians who have had depression and problems, look at our head CEOs. One person came to me and said, 'John, if you had said I wanted help 18 months ago, I would have said you were mad.' He is 55 and chief executive of an international company who flies to London, Hong Kong and New York, and he said, 'I thought I was on top of my game, but as the lift came up and the door opened, I had a total body close-down and couldn't get out of the lift'. He was paid hundreds of thousands of dollars. It wasn't money or anything else. In short, he changed his lifestyle and is now an investor in the southern Midlands. Sorry, I have to get off the track there because I have been so passionate about it. I have spoken in Canberra on the conditions there wanting help.

In 2007 the parliament, made up of all the parties in the lower House and all the parties in the upper House, did an inquiry into and interviewed all the professionals in health. When I spoke to the premier of the day and I wanted money for these rural areas, he said, 'But I've spent \$10.6 million,' which they had in Commonwealth-state funding on why people commit suicide.

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That document is really worth reading. The conclusion of all of our wisdom put together was that we should consult with publicans. Just so you know I had to address Beyond Blue at its national conference and so on to change their thinking and also Lifeline. Lifeline's total commitment was if they could receive half the calls, they would be okay. Here in Tasmania, Rural Alive and Well has now done 2500 visitations and we saved 36 lives last year. Thank you all for your support.

That is my thing with the shotgun shooting and armaments, but since 1996 you have taken away the duty of care to control the animals on our property. They are state-owned property, they are not mine. I am a joint freeholder. We have 4000 acres at Kempton and before the drought and this surge I used to run 7500 sheep and 200 head of cattle. Since the drought, loss of money et cetera and trying to keep our own breeding, I have had to sell our cattle. We are cropping, we have our own irrigation. We are innovative. I believe we are professionals. I have a tradition of six generations over 200 years but not only that, we were one of the first people to put in a global positioning system. We were the first people to have nutrient values done by the university in Tasmania. We were one of the first people to stop soil erosion et cetera. I have had federal ministers do everything with the Tasmanian Agriculture Institute and Research, so I work with them. We have never mulesed our sheep because we care for our animals.

Since that time, do you have any idea what not having the appropriate weapons that humanely destroy animals has done? This year alone we have suffered 35 deaths by traumatic dog attacks. Not our own - unlicensed, untagged dogs just turned out.

**Dr WOODRUFF** - Sorry, I don't want to totally interrupt you, but could you add to that thing about not having the tools of trade to do that? I was of the understanding farmers can have access to firearms. What particular bit is lacking?

**Mr JONES** - With a semiautomatic, say a 223 or 245, if you try to shoot a dog at any distance you haven't got a hope. With a .22 shotgun, as you know, not much distance other than this room - it is not effective at all. Prior to that I did use 223s.

A previous speaker here today talked about firearms at Kempton. I am the co-director, or was. By that gentleman's government of the day, we were encouraged to put our plant in Tasmania and the government gave a small subsidy to do that to transfer equipment. In the 1980s all western powers decided they would have the one bullet and the one magazine for logistics, and it was called the humane bullet - a 556 or 223. Every western government in the world set about developing it - England, Israel, Singapore, America and Australia. The industry here failed; because we were professional shooters, we bought the option for it because we thought it was going to China. We developed that program over eight years, launched it here in Tasmania, firearm services, and then launched it in Houston, Texas the next month. We have sold L1 and A1 military rifles and all military components. We represented the defence department for 10 years and that is through America, Asia, the Baltic states and so on, for service to our country.

**CHAIR** - I do not want to cut you off there, John, but there is only 20 minutes left.

**Dr BROAD** - Before the drought you said you were running 7000 sheep and 200 cattle on your 4000 acres. What are you running now, including crops?

**Mr JONES** - After that 5200 and we had to sell the cattle.

**Dr BROAD** - So 5200 sheep? How much cropping?

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**Mr JONES** - About 200 acres.

**Dr BROAD** - How many roo?

**Mr JONES** - The study that we contributed for 2008 was 175 000, but it cost us and at the moment I reckon it is 200 000. Why do we have to subsidise 22 per cent to 30 per cent of our income? Why can't you represent us and say what is fair? That's all we are asking. I'm not asking for any bonuses. If we can't do that and your committees doesn't have the ability to come together on this, then we have no alternative to use a product which I detest, which is 1080. We have no alternative. That is inhumane and everything else. If you have to experience shooting sheep like we did in 2006, we gave away 400 and had to shoot 400 and I shot them all with a Ruger .22 pistol. Why? Workplace safety - one bang to the head. If you put a long arm on it, it is not the same.

As to the terror of a dog attack, I would like you to have seen what they did. They tear the leg off and you see the heart and ribs beating, they tear the backside out and everything and half the belly. When you love animals or care for them, what do you think it does to the humans? What do you think it does to the expense of those people trying to pay their bills?

**Mr TUCKER** - I was wondering if you could explain a little more about the difficulty of shooting dogs to the committee.

**Mr JONES** - Yes. A dog is like a feral cat. Once they are feral they are what I call wild animals. They are not like a calm dog. They are wild animals that kill things for sport or survival and you cannot get to them, even within 200 metres. Even though we tried and reported all these things - we reported it to the police and to the council - we have put dog traps out to no avail. This animal roams over about a 10-kilometre radius - that is what the experts say. If you see a dog and you get one chance and you are in timber country, you must have not only the sighting system but the ability to shoot is quickly, that is one-two, not one. In practice it doesn't work. That is why you must have a semiautomatic.

Also, when you talk about sound suppressing and noise, each animal has a reaction to noise. A helicopter is one of the worst for horses; they will drive horses through fences. Also, when you are shooting and have 100 kangaroo or wallaby or whatnot in front of you, one shot and they are gone. With a suppressor you may get four or five. I don't mind not having to do that if you come and pay 22 per cent of your income. I am serious. I have represented the community on council for over 20 years. I have done the Rural Alive and Well thing. I have done economic development and I have represented overseas and I know how people feel. The real thing is they want health, they want safety, and we are all for that. When we talk about terrorism we have a different thing.

**Dr WOODRUFF** - Mr Jones, you mentioned in your opening comments that grazing properties - you didn't specify which ones - have lost 22 per cent to 38 per cent of productivity. Can you tell me what the evidence there is for that and what areas there are?

**Mr JONES** - Yes, you have that report on 1080 poisoning done by the Tasmanian Farmers and Graziers Association.

**Dr WOODRUFF** - That is quite old now, 2010-11 - is that right?

**Mr JONES** - Yes.

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**Dr WOODRUFF** - You do not have any new information? That is a long time ago and there have been a lot of changes since then. You do not have any more evidence of that? That information I think from memory was an opt-in survey, so it wasn't a representative sample.

**Mr JONES** - Okay, who is going to pay our losses at the moment?

**Dr WOODRUFF** - I am not arguing that, I am just asking that question.

**Mr JONES** - Do I have a right to earn an income? As a company director I have a right and I am supposed to have assistance from government for productivity production, which we talk about.

**Dr WOODRUFF** - I am just asking a question in relation to this inquiry and trying to look at the evidence.

**Mr JONES** - No, I do not.

**CHAIR** - From your perspective, have those numbers gone down or up since that report, on the property you know?

**Mr JONES** - Increased phenomenally - the reason being the dry season and those animals increased their breeding.

**Dr WOODRUFF** - Okay, so we have your experience on your property.

**Mr JONES** - My word I do.

**Dr WOODRUFF** - After the alternatives to 1080 DPIPWE and the Tasmanian Institute for Agricultural Research and a whole lot of people developed a range of guides and tools for farmers to use, the managing browsing animal kit. There's a whole lot of different tools in there such as a range of guidelines to control browsing animals, guidelines to effective shooting and a computer-based model to look at the losses caused by browsing animals. Can you talk about what is inadequate in that kit, in your view, if you think there is anything inadequate? I feel from what you said that you think there is, but specifically in relation to that browsing animal management, do you think that work needs to be updated?

**Mr JONES** - The only thing that needs to be updated is if the farmers are deemed as professional shooters. They are entitled then, as a professional shooter is, to have the tools of trade that we need for animal welfare and health and safety reasons.

**Dr WOODRUFF** - Farmers can have access to category A, B and C licences.

**Mr JONES** - Have you read those categories?

**Dr BROAD** - Are you arguing that the definition of professional shooter for category D should be -

**Mr JONES** - A D licence.

**Dr WOODRUFF** - Standard to all farmers.



## **PUBLIC**

**Dr BROAD** - Under D you have to prove that you are a professional shooter and you earn a living from shooting. If that definition was changed to earn a living - what are you proposing? Are you proposing a change to category D to allow farmers to have access -

**Mr JONES** - I am. That covers the range where category C is another factor where you can only have one semiautomatic. Let me say that category D would satisfy all the things that we could maintain on our property and protect us from the incursion of the state's crown land.

**Dr WOODRUFF** - You don't do fencing on the perimeter of your property?

**Mr JONES** - Yes, I've done fencing. It doesn't work.

**Dr WOODRUFF** - It doesn't work. Why is that?

**Mr JONES** - What are you trying to fence out? You can fence them on one side - there is an exhibition of fencing.

**Dr BROAD** - Is it practical? Your property goes a long way back. Is it practical to fence the whole boundary?

**Mr JONES** - No, we have 300 kilometres of fencing and it would cost about \$1.5 million to do that and that is to keep them off our neighbours only.

**Dr BROAD** - So there would have to be internal fencing as well to keep them off paddocks?

**Mr JONES** - Yes, and that is what we are trying to do. The only experience I have had with fencing - and due respects to Rosalie - they tried that in the 1980s in Mt William National Park in the north-east and it got to the point that they fenced the national park and controlled them but then the animals were starving and we actually had to spread fertilizer on it, which was against your thing, to feed them and then we had to have a cull.

**Dr WOODRUFF** - So why you haven't employed professional shooters to deal with it?

**Mr JONES** - Number one, we have a duty of care and professional liability with our farm. We also have -

**Dr WOODRUFF** - I'm sorry but I don't understand why that's a problem.

**Mr JONES** - If you come onto my property without permission you're trespassing. If you come on with our permission I have to induct you to the potential dangers of within the property. My opinion about the hearing muffs and shooting is that in our rural history they are called 'widow-makers' because you must be able to hear the sounds of the bush and the sounds of the creaking trees and that's why definitely they are the widow-makers.

**Dr WOODRUFF** - You are talking about being in paddocks, though, and shooting.

**Mr JONES** - Our property has 1060 acres of high-intensity farming and the rest we have kept as bushland with clearing and everything else - more like park areas than open-slather clearing.

## PUBLIC

**CHAIR** - A quick question on the fencing. It has been put to me that fencing is fine, you put a new fence up and a month down the track the wombats have been through them, so it is maintenance as much as anything if fencing is going to be appropriate in an area. How much time and effort would need to go maintaining that wallaby-proof fencing in order to make it operational all the time? It is the maintenance that people tell me is the issue.

**Mr JONES** - We are not building the wall against Mexico but we need something similar and when you are controlling some animals that don't burrow underneath and destroy the fence that way and so on, with labour costs and material costs at the moment it is prohibitive, absolutely. It has failed on the deer enquiry.

**Dr BROAD** - You should be very proud of what you have done in terms of Rural Alive and Well. You talked about the impact of suicide in rural areas and so on but this is the firearms inquiry. Is it economic stress in rural areas from drought and other issues that is driving it? I am trying to get you to explain where firearms sit in that spectrum as to causing people to have suicidal ideation rather than actually using firearms to carry out -

**Mr JONES** - I haven't found that with firearms in all the study that we've done. We did have one person who threatened but he wanted attention and I and the police helped him at 6 o'clock in the morning. The other most common one is single-car accidents - the number of accidents where they have searched for four hours looking for a truck, and also the coroner's report is not given for two years. Copycat killing is the other one but single-car accidents are one of the most common things. At Sorell, Deloraine - I can tell you every part of the highway that they have been.

**Mr TUCKER** - Mr Jones, you have obviously used guns or firearms from a young age and there have been a few questions in other submissions about the age young people should be able to access firearms. Would you be able to talk about your experiences and what you believe is a good age for people to use firearms?

**Mr JONES** - I have found that women have the best reflexes; they are faster than a man at an early age. I know that because I used to train the police service. I was a judo and jujitsu expert and I ran the academy here in Hobart and before the Rokeby College. The reflexes are a big thing. It is like driving: you have to have judgment, and that comes from instructions and respect for those doing it. Not every one of you around this table would have the same ability in one particular field as another, and that's the most important thing. I came up in the Victorian age where if you didn't do as you were told you were either kicked up the backside or slapped around the head. You didn't defy the army, you didn't defy the headmaster, and you didn't defy your parents. That is the best training.

**CHAIR** - Two quick questions. We talked about fencing and the native wildlife on the ground but we haven't really talked about anything that flies. Being a marksman with shotguns, have you got any comments around pests that fly, like cockatoos? We looked at it from a farmer's point of view, but from a sporting shooter's point of view using a firearm for sport such as shooting a clay target, would you like to identify any real issues in the firearms legislation?

**Mr JONES** - I will try to address those two things quickly. The Firearms Service might have the best intent but is absolutely out of control and no longer interprets the sense of the legislation. I have been a firearms owner for my farm and also own a shotgun. I have had a weapon which I thought I had approval for and it has been seized, and I have been dealing with them for three years.

## **PUBLIC**

There is no oversight committee or group talking about them and, like a High Court judge said, they interpret it as they see fit.

That is not what you are here to do. You are here to represent our community for the best. We had to go from one person to another, seven phone calls, seven months, renewing the licence. If you don't have a licence you are fined the next day because you are breaking the law, and then to be told it may be seven to 12 weeks before they get your licence out. I have won skeet championships with a Remington 1100 26-inch barrel especially for skeet, and that is a prize ornament to me, as well as serving a purpose, but I do not use it on the farm - no way - to be knocked about and dented and so on. There is discretion under the act to do that, and I have only just got confirmation in this last week to say I can I have two - one for sporting shooting, and I've been a member of the Clay Target Association for 40 to 50 years, and one for farming. That is not acceptable to anyone.

We expect due diligence and, in my world, you have to have induction. What is the difference when you are going in there and you are dealing with a person? It is no different with health. You want to talk about early intervention and like council, you are to assist people to navigate the system in the best interest of the community, not you personally.

I feel very strongly about that. It should also have an independent oversight committee to check that they are doing it. As Franklin D Roosevelt said years ago, 'It is easy to run a farm from a desk when you are a thousand miles from the farm', and nothing has changed.

**CHAIR** - Thank you very much for your time, Mr Jones.

**Mr JONES** - Thank you. As you know, I am quite passionate about people, I really am. Even though I might disagree with some of you, I still don't take it personally.

**THE WITNESS WITHDREW.**