

Your Ref:
Our Ref:

26 October 2018

The Secretary
Select Committee on Firearms Legislation and Policy
Parliament of Tasmania
Parliament House
HOBART TAS 7000

Dear Secretary

Select Committee on Firearms Legislation and Policy

As Interim Commissioner for Children and Young People in Tasmania, I welcome the opportunity to make a submission to the Select Committee on Firearms Legislation and Policy.

The office of Commissioner for Children and Young People is established under the *Commissioner for Children and Young People Act 2016* (CCYP Act). Pursuant to section 8 of the CCYP Act, the functions of the Commissioner for Children include:

- advocating for all children and young people in the State generally;
- researching, investigating and influencing policy development into matters relating to children and young people generally; and
- promoting, monitoring and reviewing the wellbeing of children and young people generally.

In performing my functions, I am required to:

- do so according to the principle that the wellbeing and best interests of children and young people are paramount; and
- observe any relevant provisions of the United Nations *Convention on the Rights of the Child* (UNCRC).¹

In addition, section 3(2)(a) provides that the CCYP Act is to be administered according to the principle that children are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation.

¹ Section 3 (1) of the *Commissioner for Children and Young People Act 2016* (Tas).



Comment

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

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

- from 1979 to 1996, 13 fatal mass shootings (involving five or more deaths) occurred, while over the years 1997 to May 2016 no fatal mass shootings occurred; and
- from 1979 to 1996, the mean rate of total firearms deaths was 3.6 per 100,000 population, while from 1997-2013 the mean rate was 1.2 per 100,000.²

I strongly advocate for the continued commitment by the Tasmanian Government to the resolutions of the NFA, as a means to continue to improve the protection of all Tasmanians, and particularly children and young people, from the harmful impacts that access to firearms in the community can have. In saying this, I note that the Australian Medical Association considers the possession of firearms in the community to be a public health issue and that access to dangerous weapons remains a public health concern.³

While public debate focusses largely on firearm-related homicide, the potential impacts of access to firearms in the community on the wellbeing of Tasmania's children and young people extend also to the effects of firearm suicide, accidental firearm deaths and firearm-facilitated crime. I draw your attention to the links between access to firearms and increased severity of intimate partner violence, and the particular psychological damage that this abuse generates for women and children.⁴

I note that it would appear that Tasmania is already non-compliant with some elements of the NFA.⁵ Submissions to the Legislative Council Select Committee's Inquiry into Firearms Law Reforms reflect general consensus that the Tasmanian Government's firearms policy reform document of 9 February 2018⁶ would lead to further movement away from the terms of the NFA.⁷

The current inquiry represents the opportunity for the Select Committee on Firearms Legislation and Policy to make recommendations to the Tasmanian Government to further align our firearms laws with the terms of the NFA.

² Chapman S., Aplers P., and Jones, M., 2016, *Association Between Gun Law Reforms and Intentional Firearm Deaths in Australia, 1979-2013*, JAMA, 2016; 316(3): 291-299, doi: 10.1001/jama.2016.8752.

³ <https://ama.com.au/position-statement/firearms-2017>;

⁴ Tracey McLeod Howe, CEO White Ribbon Australia, Submission No 79 to Legislative Council Select Committee, *Inquiry into Firearms Law Reforms*, 3 August 2018.

⁵ Alpers P. and Rossetti A, 2017, *Firearms Legislation in Australia 21 Years After the National Firearms Agreement*, Research Commissioned by Gun Control Australia, viewed 22 October 2018, <https://www.gunpolicy.org/documents/6936-firearm-legislation-in-australia-21-years-after-the-national-firearms-agreement/file>

⁶ Letter from Rene Hidding MP, Liberal Member for Lyons, to Consultation Group Members, 9 February 2018, viewed on 22 October 2018, <https://www.tas.liberal.org.au/sites/default/files/Firearms%20Consultative%20Committee%20Member%20letter.pdf>

⁷ For example, refer to submissions 22, 64, 71, 74, 78 and 87.



I believe that this is an important step that will ensure the continuing protection of Tasmanians, and reduce the impacts that access to firearms and their misuse can have on the wellbeing of Tasmania's children and young people, their families and communities.

Yours sincerely

David Clements

Interim Commissioner for Children and Young People

cc Hon Roger Jaensch MP, Minister for Human Services.

cc Hon Elise Archer MP, Attorney-General and Minister for Justice.

cc Hon Michael Ferguson MP, Minister for Police, Fire and Emergency Management.