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### **THE HOUSE OF ASSEMBLY SELECT COMMITTEE ON FIREARMS LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON FRIDAY 10 MAY 2019.**

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**Mr JONATHAN HIGGINS, Mr ADRIAN BODNAR, Mr KERRY SHEPHERD AND  
Ms CLAUDIA TAYLOR, TASMANIA POLICE - FIREARMS SERVICES, WERE CALLED,  
MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

**CHAIR** (Mr Shelton) - Welcome. I would like to reiterate some of the important aspects of the guide sent to you by the committee secretary. A committee hearing is a proceeding of parliament and you will receive the protection of parliamentary privilege. This important legal protection 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 and it applies to ensure 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 parliamentary proceedings.

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

**WITNESSES** - Yes.

**CHAIR** - It is a pleasure to have you here before us. The Firearms Committee is looking at a number of things as a direction of parliament. You are welcome to make opening statements.

**Mr HIGGINS** - Thank you for the invitation to participate in these proceedings. I would like to provide an opening statement on proposed reforms and may refer some of the more detailed and technical questions to Kerry Shepherd, Manager of Firearms Services, or Claudia Taylor, Policy Officer of Firearms Services, or perhaps Commander Bodnar, in charge of Operations Support.

After the horrific events at Port Arthur in 1996 in which 35 people tragically lost their lives and many others were seriously injured, the National Firearms Agreement was endorsed by all Australian jurisdictions. The National Firearms Agreement provides principles for the ownership and use of firearms in Australia. The National Firearms Agreement performs the basis on which all jurisdictions drafted and implemented their respective firearms legislation at the time. In Tasmania, that legislation is the Firearms Act 1996, which is administered by the Department of Police, Fire and Emergency Management through our Firearms Services branch. Following the review of Firearms Services operations in 2017, the following guiding principles were endorsed by the Commissioner of Police in August 2018 and now provide the foundation for Firearms Services decision-making.

- (1) Community safety is our paramount priority.
- (2) A risk-based approach will be applied to decision-making.
- (3) Only fit and proper people have access to firearms.
- (4) People only have access to firearms they need.
- (5) Tasmania Police values constructive stakeholder relationships.

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- (6) The regulatory processes will comply with legislative requirements and, as far as possible, be fair, reliable, consistent and efficient.

Since the inception of the Firearms Act in 1996 the social, economic and technical environment in which the firearm owners operate and the department administers the legislation has evolved. In response to the Port Arthur incident, legislation was developed to address what seemed most important at the time. Over the years, the limitations of the Firearms Act have been recognised by stakeholders and Tasmania Police alike. The act and regulations have undergone several periods of amendment. The latest amendments have seen, amongst others, changes to the age range for minors' permits, legalising paintball war games and strengthening storage requirements, particularly for owners of handguns and people with a larger number of firearms.

Since 1996, amendments to the legislation have sought to address issues raised by firearms owners' representatives. In administering the legislation the department at times has found gains for some firearms owners have resulted in unintended consequences for other licence holders. These consequences require careful management, are time-consuming to administer, and compound existing problems. For example, the two-week grace period under section 36A of the act was introduced to provide licence holders with additional time to renew after expiry of their licence. Unfortunately the change does not provide the commissioner with the ability to use discretion when making a determination on a renewal application. This has seen experienced shooters having to complete the firearms safety training course because this forms a compulsory part of the new application process.

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

If the Government was to pursue changes to the firearms legislation, the department would like to see these types of anomalies addressed and changes to the act to improve public safety, accommodation of modern administrative practices, such as an online service delivery, and consideration of ways to futureproof the legislation in the face of technical advances - for example, other new firearms technology.

Further, to address these anomalies, the department supports the development and implementation of a digital service platform for firearms licence activities, a project to address the major relicensing peak that happens every five years on the anniversary of the commencement of the legislation and affects service delivery outcomes for all stakeholders during that period, and continuous improvement that would transform Firearms Services into a contemporary, responsive regulatory body. This includes resourcing a structural review of Firearms Services.

Strengthening firearms legislation, removing the major licensing peak, modernising business practices and using more sophisticated technology to manage licence requirements would reduce red tape and provide better customer service outcomes, less inconvenience through dated paper-based form processes and a more efficient workplace that is better equipped to deal with future challenges.

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The department wishes to acknowledge that with a strong primary production sector and an active sporting shooters' community in this state, many Tasmanians have lawful reasons to possess firearms and use firearms. At the heart of the National Firearms Agreement and the Firearms Act, there is a desire to provide access to lawful firearms to members of the community who have genuine reasons for the use of firearms whilst providing the wider community with reassurance that access to firearms is denied to those who are not fit and proper to possess them.

In reviewing submissions to the committee and some of the proposed changes, it is the view of the department that many are sensible and would result in no negative impact on community safety. In some cases, it is unclear what the proposed change is, what it is trying to achieve or even if a change is required at all because the issue may be the result of a misunderstanding of current legislative provisions. In order for the department to provide formal comment, we would require further clarifications and time to assess our position on those matters.

Finally, there are a few suggestions that the department does not support, either because they conflict with the objectives of the Firearms Act, the National Firearms Agreement or are considered to pose an unjustifiable risk to community safety.

Thank you for providing the opportunity to make the opening statement.

**Dr BROAD** - One of the major issues people have raised is that peak in licence renewals. Obviously, over time that will wash out but it will take a long time. What sort of strategies do you think we could realistically put in place to work our way through that peak?

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

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

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

**Dr BROAD** - Would that be something along the lines of some people renewing it at four years, some at five and some at six in a one-off?

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

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

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**Dr BROAD** - Would that be an opt-in process or would you randomly select people?

**Mr SHEPHERD** - Potentially it would not be so much random, but we would need to work through that. We haven't dug that deeply into that level of detail.

**Dr BROAD** - If part of the process was offering a reduced rate for that period to incentivise people to renew early, would that be enough to halve that peak?

**Mr SHEPHERD** - Easily, but it would take us two to three years to do it. That is the sensible way to do it. Our workload internally would increase by proportion. We could easily resource for that; for those two to three years we would do 6000 licence renewals a year rather than the 3000 we do now, gradually taking chunks off that peak.

There is a visual of what it looks like. I will provide it to you because it illustrates the dramatic difference for us every five years.

**CHAIR** - The committee has had discussions with a number of people about the impact of their licensing. If you could table that, that would be fantastic.

We have been asked to look at that issue and whether, as Dr Broad initially indicated, it was a matter of a three-, four- or five-year period and extending that so we get over the hump for a one-off situation. How many licence holders altogether?

**Mr SHEPHERD** - It is approximately 35 000 at the moment. We have 35 000 licence holders and 18 000 of those 35 000 renew in one year.

**CHAIR** - In one year?

**Mr SHEPHERD** - Yes.

**CHAIR** - So, over five years it is 35 000, that is 7000 a year, which you could handle if it were plateaued. If it were flattened out, you would still need to be resourced for around 6500 or 7000 per year?

**Mr SHEPHERD** - There is some natural attrition, but that is a 20-year natural attrition to deal with that. That will never resolve the issue. The issue will be here for a very long time.

**Dr WOODRUFF** - Why do you say that? Sorry, I don't understand that.

**Mr SHEPHERD** - Some people give up their firearm licence from time to time. They no longer wish to have firearms. Some of our licence holders pass away, some move interstate or overseas, and they can be out of that bracket of 18 000 so it trickles down, but at the same time we get applications in the same period.

I don't expect that other than doing something proactive, it will change quickly in any time period.

**Dr BROAD** - Another issue raised is the time taken to process things like new firearms registrations but also annual renewals of those. Is that because of issues with the peak?

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**Mr SHEPHERD** - It is a good question. It is a multifaceted answer. I have been in the role since December 2017 and, prior to that, I worked for Consumer Affairs. I was involved with setting up the registration to work with vulnerable people process. If you have any awareness of it, it is a completely online digital process. After that I was involved with setting up licensing for all the building trades: plumbers, electricians, gas fitters, builders, building surveyors, et cetera. Again, that is a completely digital process.

What Firearm Services has is an almost completely paper-based process. It is horrendously time consuming to work through compared to a digital process. In the case of a digital process to renew a licence, a person can sit on their couch at home and renew their licence using their phone. If a person wishes to renew their licence for a firearm, in most cases they have to travel to a Service Tasmania outlet. There are plenty of Service Tasmania outlets for people around Hobart and this region, but if you are on the east coast of Tasmania, I think St. Helens is the only Service Tasmania outlet. You have considerable journeys to get there if you are in Bicheno or Swansea. It is the same on the west coast. That is that side of it, let alone what happens in our corridors.

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

**CHAIR** - Given your experience in setting up these programs, the security of the firearms licence has always been an issue for firearm owners. You do not see any problem with the security?

**Mr SHEPHERD** - I think it improves.

**CHAIR** - It improves?

**Mr SHEPHERD** - Yes. At the moment, if I walk into Service Tasmania to pay for a PTA, a new application or renew, I am standing in the line holding that piece of paper with my details on it. I am handing that over the counter. Service Tasmania is brilliant at protecting people's identity and security but there is period of time when that piece of paper is potentially viewable by people. If you are doing it online, the only people who see it are the people who are looking at the screen at the time and it is generally only that person. My belief is that security significantly improves, if that is the case.

**Dr WOODRUFF** - Thank you for your introductory statement. I particularly noted your comments about the special kind of experiences so many people in Police and Firearms Services have because of the ripple effect of Port Arthur. I note the comments from Detective Inspector Colin Riley on the ABC radio a few weeks ago when he was talking about the offer of the Police Association to send Tasmanian Police to Christchurch after the mass murder by shooting over there. He was very emotional when he spoke about the ongoing impact people experience in Tasmania.

You spoke about mental health and mental health checks and post-traumatic stress injury. I wonder whether you could speak about that in relation to applications and the process of applications and in any other way it impacts on the work you do in processing and looking after the safety of the community?

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**Mr SHEPHERD** - It is a big part of what we do. It is a great question because it is a really significant part of our work that is probably not understood by the broader community. On any given day, we can receive a phone call or correspondence from a medical practitioner saying that they believe their patient is at risk. More often than not, it will come from a family member who says, 'My Dad is at risk. Mum and Dad have split up. Dad is on his own. I am really worried about him having access to firearms at the moment'. We can receive advice from members of police who have interviewed or had contact with a member of the public who is exhibiting risky or mental health concerns. We have a unit that constantly deals with those matters. We have between 300 and 400 matters under management at any point in time.

**Dr WOODRUFF** - At any one point?

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

We are starting a body of work. We'll meet with the coroner on Monday to talk it through. We need some data and some information about people who have used a firearm to take their own life and what the pathway was that led to that moment and what can we learn from that. From that, we can learn some things that might help us to understand when we should be returning a firearm. I am sure you will appreciate it is a really tricky thing to return a firearm to a person exhibiting mental health concerns. We would generally request a report from a psychologist and from their GP as well. In some cases, we will not return the firearm immediately. We will wait for a subsequent assessment before we return them. If you are in primary production and that is something you need to use every day that is a very difficult thing, and it weighs heavily on us when to return that firearm. Our concern is primarily about community safety. We are really concerned about our licence holders as well. Does that answer your question?

**Dr WOODRUFF** - Yes, thanks. In relation to the GPs, there has been a lot of testimony to the committee about how this is managed in terms of the law and what is prescribed. GPs might ring you up one-on-one and have an informal chat about the concern. What can you do with that information?

**Mr SHEPHERD** - We can use it. The law allows us to use any information we have access to. Depending upon who the source is, and how valid that source is, we will treat the next decision in accordance with that. More often than not it is in writing from doctors but we will occasionally get a phone call.

**Dr WOODRUFF** - Do you think all doctors know they could take that approach, or is that something a bit more discussion about how that can or should happen might be helpful?

**Mr SHEPHERD** - I think promoting it a little bit more broadly might be helpful. Definitely.

**CHAIR** - Regarding family violence, whenever an AVO is put in place, if the male concerned has a firearms licence, it is restricted from that point on.

**Mr SHEPHERD** - That is right. Correct.

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**CHAIR** - That is the law, as such. As soon as that order has been given.

**Mr BODNAR** - Generally, within a police family violence order or a family violence order issued by the court, there is always a provision in there about the surrendering of firearms. The operational police will seize those firearms and they will be held in safekeeping throughout the duration of that order unless there is an application lodged to amend that order.

**CHAIR** - Looking at the statistics, how many firearm owners and firearms were in the state when the law came in during 1996 and how many are there now?

**Mr SHEPHERD** - I do not have that statistic. I will see if we can find out and we will send that through.

**CHAIR** - It has increased since 1996.

**Mr SHEPHERD** - That is my understanding.

**CHAIR** - That is my understanding as well, and I was looking for further information. The statistics shown to us suggest the level of incidents with firearms fell dramatically after 1996. Port Arthur was part of that and there were other issues, education and so on, and it has plateaued and stayed at that level for a number of years.

**Mr SHEPHERD** - That is also my understanding. At the moment we have between 15 and 25 unlawful discharge incidents a year. That is down on what it was three years ago.

**Dr BROAD** - How many was that?

**Mr SHEPHERD** - Between 15 and 25 unlawful discharge incidents. It is the way our statistics are recorded. It gives a reasonable indication. We have had between 40 and 70 incidents where a firearm is used as a weapon. This is through until the end of March, from 1 July last year. Between 40 and 60 firearm theft incidents in that period as well. All of those statistics are down in recent times.

**Dr BROAD** - That is even with what has been happening in Launceston and then the shooting at the -

**Mr SHEPHERD** - I am not saying that the nature of them is any nicer, but as far as a statistic, they are down.

**CHAIR** - From a police perspective, and firearm thefts is an issue that the legal firearm owner who is doing the right thing and then the law changes and an incident - or a few - creates a bigger nightmare for a lawful firearm owner. In Tasmania, and you would think being an island state we have restricted opportunities for anybody that steals a firearm to transfer that into profit somewhere along the line. Where do they go? Can anybody enlighten us on this?

**Mr BODNAR** - It is an interesting question, Mr Shelton, to be honest with you. When I look at the figures for the firearms stolen going back over the last four financial years, we go back to 2014-15 we were looking at 257 firearms stolen; 2015-16, 260 firearms stolen; 2016-17, 207; and for 2017-18, 124. Over the last three financial years there is a gradual decline in the actual number of firearms that have been stolen.

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As for where they go to, that is a very interesting question. As the committee probably appreciates, with some of the criminal element that we deal with in the community, they are not necessarily forthcoming with information as to where these firearms are going to.

If we look at the example of the shooting at Pablo's Cocktails and Dreams bar back in mid last year, the firearm that was used there, we do not know the origins of that particular firearm. We know it was unregistered but how that particular gentleman came to have possession of that firearm, we do not know.

**CHAIR** - Everybody who talks about the risk to the community talks about the legal firearms that are out there and the risk. I am wondering what the risk is from the illegal firearms? I would consider that a bigger risk than that from the legal firearm owners, the ones who are doing the right thing. We are talking about them of course but not about the others at this point.

**Mr SHEPHERD** - Yes, absolutely. It is fair to say from a simplistic perspective, with firearms law you have the illegal firearms market and if we call it the legal firearms environment, the laws principally are about trying to stop firearms finding their way into people's hands who are not fit and proper. As a result of that, it impacts on those who are fit and proper to have a licence because of the restraints and systems that are put in place. Invariably it is a matter of continuously listening and understanding what is happening to understand if the law and our administrative practices are hitting the mark. It is a complex environment and, yes, they do find their way into the wrong hands.

**Mr HIGGINS** - Yes, they do. Certainly, they are worth more on the black market than they are for a legitimate person to buy so, on occasion, they do end up on the mainland as well with criminal entities and they are used much like you are talking about in Launceston. They are not legitimate firearms or legitimate firearm owners.

**Dr BROAD** - Would it be fair to say that the vast majority of unlawful discharge and the use of firearms as a weapon for robberies and so on are illegal firearms but also unlicensed perpetrators?

**Mr HIGGINS** - It would be absolutely fair to say that. Modified as well.

**Mr TUCKER** - How do the criminals find out where the weapons are stored? Obviously they are targeting a certain number of places which have weapons stored. How do they find out that the weapons are there?

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

There would be a number of scenarios you could put forward as to how people may become aware of firearms in particular dwellings but again, I would be hypothesising to be honest with you. You could link that into, say, a number of sporting shooters clubs. I could drive past and observe



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things I suppose if I wanted to. I am not saying that is the case, but that is one simple scenario that would come to my mind now.

**Dr BROAD** - Social media and stuff as well?

**Mr BODNAR** - That is a possibility, Dr Broad, to be honest, certainly.

**Dr WOODRUFF** - In terms of circulating firearms and the question of firearms that are used in violent incidents, such as robberies and so on, you said there is a predominance of illegal firearms or unregistered firearms that are used in those situations. The statistics that were compiled by Gun Control Australia last year showed that Tasmania, relative to other states, has a much higher rate of gun thefts. We have only 2 per cent of the population but 8 per cent of gun thefts. We have a higher number of guns in the population, but surely there is a relationship between those gun thefts which were several hundred a year on, average, over the last 10 years which you said were down to 124 this year -

**Mr BODNAR** - Yes. For the figures I have for the 2017-18.

**Dr WOODRUFF** - Shows that it has dropped down from 260 the previous year.

**Mr BODNAR** - Yes, 260 in 2015-16; 207 in 2016-17 and 124 for 2017-18.

**Mr HIGGINS** - Sorry, that is the number of firearms stolen. The number of actual incidents is far less than that. A particular household may have multiple firearms in a gun safe.

**Dr WOODRUFF** - Yes. We are talking about the idea of risk of legal and illegal firearms. From my point of view, a firearm is a firearm and it is the firearms that can be used to kill people, whether they have been legal or illegal.

I am concerned about the circulating firearms from theft. How many of the ones that have been stolen are retrieved? What is the retrieval rate over each of those years, and what is your best guess about the circulating remaining stolen guns that have not been retrieved over maybe a 10-year period or something?

Basically, part of this is looking at gun storage and the circumstances around gun theft. If you could go to the question about retrievals.

**Mr BODNAR** - Certainly. For the financial year 2017-18 as I mentioned, there were 124 firearms stolen. The statistics that I have say 31 of those firearms were recovered. The previous year for 2016-17, of the 207 firearms that were stolen, 41 were recovered. If we go back even further, 2015-16, there were 70 firearms recovered.

**Dr WOODRUFF** - Out of 260?

**Mr BODNAR** - Out of 260. In the year prior to that there were 73 stolen firearms recovered from 257 that were reported as stolen.

As Mr Higgins correctly points out, that is firearms stolen and firearms recovered, not actual thefts.

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If you talk about incidents, in 2017-18 there were 36 reported incidents, yet there were 124 firearms stolen. You might have one house broken into and three or four firearms stolen, if that makes sense.

**Dr WOODRUFF** - Yes, thank you. That is a lot of illegal firearms still out in the community, stolen from presumably legally certified firearm owners. There is the issue about the circumstances of theft and gun storage. Can you comment on whether there needs to be a tightening up of gun storage regulations?

**Mr BODNAR** - I do not have all the technical knowledge about them, but the provisions around the storage of firearms seem to be quite good. That is my opinion.

**Mr SHEPHERD** - In 2017, these were made more stringent. We are currently working through a significant transition for firearms owners, most of which would have updated their storage by now. We inspect everyone's storage at some point or another and when we do, we make sure it is up to standard.

**Dr WOODRUFF** - Do you think there is any relationship with this lower number stolen and this increase, or is it too early to say the tightening up the -

**Mr BODNAR** - It might be too early to say, Dr Woodruff.

**Dr WOODRUFF** - Okay, but it seems pretty clear that is something we can do to reduce the number of thefts. Those regulations are good and so you would think -

**Mr SHEPHERD** - We find amnesties are effective in drawing firearms out of the community. The legislation has a continuous and ongoing amnesty, so any person can at any time phone their police station and say, 'I have a firearm I wish to hand in for destruction', and can go to the police station. If people are doing that, we suggest they do not walk in with a firearm, because they might receive a security response. If they go to the police station with the firearm in their car, if they walk into the station without the firearm and say, 'I have a firearm I wish to hand in', then the police officer will come out, grab the firearm, get you to fill out some paper work and it will be later destroyed.

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

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

**Dr BROAD** - The amount stolen compared to the numbers actually in the community is actually vanishingly small. Obviously, we do not want any stolen, but how many category C weapons are stolen, and are there any category D weapons stolen?

**Mr BODNAR** - That might be a question we will need to take on notice, Dr Broad, if we can. I do not have the specifics of firearms under each category.

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**Dr BROAD** - You do not keep those statistics?

**Mr BODNAR** - To be honest, I do not know if we do drill down that far. It is more around the numbers stolen. It is something we would need to take on notice if we could.

**Dr BROAD** - Another issue raised a number of times in these committee hearings is the desire, by primary producers especially, to have access to suppressors. Do the police have a view on the safety or benefits of having suppressors as opposed to the risks.

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

At this point of time, in our legislation it is an umbrella no, but to be forthright with the committee there are states that allow it. At the moment ours does not.

**CHAIR** - The arguments put to the committee about safety and someone who uses a firearm significantly, particularly in the reduction of wildlife and that sort thing around a property. There is a health and safety issue and they put the argument that, yes other states do and other countries allow sound suppressors on firearms. Farmers also put the argument it was more efficient to use a suppressor when shooting wallaby, because one shot and they are gone, otherwise the possibility of two shots or three shots if there is a number of them around and you do not scare them off. That is the argument put to the committee.

What the committee would like to hear is an argument from the police side of why that would not be allowable?

**Mr HIGGINS** - I am from a farm. My view is I understand the proposal, I understand why it has been asked, but it would need much further research to understand what positives would be gained by the primary producers. I do not suspect it is the primary producers actually doing the shooting. I think it is people brought in to shoot on primary production land. Not all farmers are shooters.

**CHAIR** - In a report done a few years ago - Alternatives to 1080 Program - suppressors were part.

**Dr BROAD** - Could the issue of the potential to remove a suppressor from the firearm be alleviated if suppressors were to be allowed, but only if they were integrated into the firearm? In other words they cannot be removed.

**Mr SHEPHERD** - It is one approach, yes. To be honest, it is multi-faceted issue. Different ammunition can be used in order to reduce sound. It is a multi-faceted issue all states that have introduced them have struggled with. In general, only limited approvals provided. In some cases, where approval has been refused, those matters have been appealed in the Administrative Appeals courts of those jurisdictions and in the most part the refusal is upheld. There are settings there

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around it that would need to be investigated. There are arguments for and against. As you would always understand, if you have a position on something, you will provide research that supports your position. My understanding is we have not done that research as an agency to understand what is our position.

**Dr BROAD** – Can you outline to us of some of your potential concerns if suppressors were to be in the community?

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

**CHAIR** - There is the opportunity for the Commissioner to grant permission to use a suppressor. They have been allowed and there are some out there for special purposes?

**Mr SHEPHERD** - That is right. They were approved previously for Parks and Wildlife to do a cull of an introduced species. To my knowledge, that is the only time they have been approved. Are they out there? Yes, they are found as part of police operations from time to time.

**CHAIR** - South Australia has had them for years. There are some suppressors in Tasmania because they have been imported from the mainland. If there are illegal firearms, there would be illegal suppressors too.

**Mr SHEPHERD** - The suppressors used by DPIPWE on Macquarie Island are now with us. They were purchased by Tasmania Police. They were provided to DPIPWE for that operation and they were passed back to us. That was the control we placed on them for that exemption. It was a sensible solution to the issue and used in a very controlled way.

**CHAIR** - Why would you need a suppressor on Macquarie Island? It would not have worried the residents of Macquarie Island, I would not imagine.

**Mr SHEPHERD** - I think it was probably about cull rates.

**CHAIR** - It was seen to be efficient?

**Dr BROAD** - Was that for goats or cats?

**Mr BODNAR** - I wasn't there at the time.

**Dr WOODRUFF** - In your opening statement you made reference to aspects of the Liberals' policy provided to their stakeholders before the election that conflicted with the National Firearms Agreement, that the Firearms Service would not support because they conflict. Sound suppressors have been discussed and you have already made the statement that is in conflict. Could you please confirm for the committee what else would be in conflict with the National Firearms Agreement and whether, to your knowledge, you were consulted in the preparation of that policy and information for stakeholders?

**Mr HIGGINS** - In relation to whether we were consulted, no, we weren't. That has been said before. From memory, it was in caretaker mode so it is not unusual for that not to happen.

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**Dr WOODRUFF** - So there wasn't any advice from the Police and Firearms Services about that policy provided to the minister?

**Mr HIGGINS** - No, but it was during the caretaker mode and it is not unusual for it to be outside that.

**Dr WOODRUFF** - Prior to the caretaker mode, no advice was provided either.

**Mr SHEPHERD** - There had been a lot of periods of consultation with stakeholders leading in to that time. Maybe not recently into that time, but the agency was involved in stakeholder meetings in periods before that.

**Mr BODNAR** - The former minister used to head up the Firearms Consultative Committee, from memory.

**Mr SHEPHERD** - Many of those, if we call them policy positions, in that letter were not necessarily a surprise because they were matters that were often raised as part of those consultation discussions.

**Dr WOODRUFF** - It had been on the wish list for different groups for a long time, but the actual policy, as presented - okay. Shall we go back to the other questions I raised?

**Mr HIGGINS** - Yes. In relation to that, the areas we thought were quite sensible suggestions were the digital service platform, the action to reduce delays in waiting times for licensing and permits, and infringement notices for minor foreign storage matters.

**Dr WOODRUFF** - Could you define 'minor'?

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

**Dr WOODRUFF** - It is not a case of coming back in two weeks.

**Mr SHEPHERD** - No, that is right. There are different circumstances, but 50 storage charges were laid a year, on average, for the last five years. Most firearms owners are doing the right thing. You see it over and over. Occasionally, people get it wrong. It is not as prolific as you might think.

**Dr WOODRUFF** - You are talking about storage. What about this issue of ammunition lying around?

**Mr SHEPHERD** - That could be a situation where an infringement might be issued.

**Dr WOODRUFF** - In order for 'minor' to be defined under legislation, there would need to be a definition.

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**Mr HIGGINS** - Yes.

**Dr WOODRUFF** - Okay. Has the Firearms Service come up with anything? No. I interrupted your list. You had a few other things to say.

**CHAIR** - Before we went to the minor breach side of things, is it illegal - because there is no minor breach component of the law at the moment - say, if a farmer is out spotlighting and happens to lose a piece of ammunition and it is on the floor and the police are there the next day for whatever reason and it flips out on the dash. If you took that to the courts at the moment, would it carry any weight or does there need to be some discretion?

**Mr HIGGINS** - I don't think we can speak on what the courts may make of it, but police officers have the discretion to perform a more educative view. There are probably many farmers who have casings, bullets, whatever, in their cars. Each case would have to be looked at by the officer. We allow our officers to have discretion to be educative in that.

**Dr WOODRUFF** - It is a bit of a red herring to want to change the law because that discretion is already available to police and they use it sensibly in the course of service, in education.

**Mr HIGGINS** - That is not just in firearms cases. That happens with traffic matters and other things as well. I know traffic can be just as serious but there needs to be a level of discretion.

**CHAIR** - Nevertheless, the issue with the law presented to us is that if you did find that and/or a packet of bullets or something, it means facing the full consequences of the law?

**Mr HIGGINS** - Technically, yes.

**Mr SHEPHERD** - If we use this statistically, more than 3500 storage inspections occur each year. On average, 50 charges are laid each year for storage inspections. Very few of those come out of storage inspections only. The majority of those come from other crimes. If you are looking at the proportion, police must be constantly using their discretion.

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

**Dr WOODRUFF** - Common sense. People have come up with what I consider to be pretty far-fetched concerns. What you are saying is that police exercise common sense and they are reasonable about such things so we don't need to change the law in order to make sure people aren't caught out when it has been an honest mistake.

**Mr HIGGINS** - I believe we have those mechanisms in place with the discretion that can be used.

**Mr SHEPHERD** - The statistics are clearly showing that.

**Mr HIGGINS** - Are there situations where an infringement notice might be an efficient means of dealing with an issue? Absolutely, there would be. That would then fall into the tools that could

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be used by a police officer in a situation. Rather than taking a matter through the court, a fine might be a reasonable outcome. It makes sense. It is multifaceted and it would potentially save time.

**Mr TUCKER** - In 2015, there were some upgrades to storage requirements in the legislation. Could you provide us with details of the changes since then?

**Ms TAYLOR** - The storage requirements were introduced a little bit later. You are right that the amendments were completed in 2015 but there was a gradual introduction of the amendments.

One of the later ones was the storage changes. Every firearms licence holder received a letter to inform them of those upcoming amendments six months prior to them being introduced in December 2017.

**Mr TUCKER** - Do you believe with the figures improving so much that they have played an important part in that?

**Ms TAYLOR** - Like Kerry was saying earlier, it is probably a little bit early to really analyse the data. There is not enough available yet but a trend seems to be occurring. It is probably a matter of reviewing it in a couple of years' time again.

**Dr BROAD** - I have had a number of constituents raise with me the issue of military appearance standards, that being somewhat arbitrary in their view. Do you think there is still a place for the military appearance provisions and if so, is it possible to codify them a bit better?

**Mr SHEPHERD** - Appearance base controls is how we refer to them. They come out of the National Firearms Agreement. They are a requirement of the National Firearms Agreement. However, in saying that there are jurisdictions in Australia that no longer have that appearance base control, we still do.

In relation to that assessment, how that occurs is a firearm that a person wishes to obtain is identified by one of our staff as potentially being similar in appearance to a machine gun. We then form a panel made up of a ballistics expert from Tasmania Police, Claudia and myself, and an interstate impartial expert in firearms. We do an assessment of the firearm and all its characteristics and then, on that basis, it is assessed as to whether it is similar visually to a machine gun.

That does not answer your question, I realise that. I wanted to talk about the process. Obviously, at the end of the day, that is a decision for parliament as to whether they wish to change the laws in that respect and for government in the first instance to make that decision. There are states that don't do it at all. The argument is that if it looks like a machine gun, then a police officer may take a different approach to whether it looks like something else. I am not sure what people's assessment of that argument is.

**CHAIR** - Is there any difference in strategy as far as the policing goes, if a person is identified with potentially a semiautomatic or potentially a single shot firearm? It only takes one bullet at the end of the day. Is there anything from the policing side of it -

**Mr HIGGINS** - I do think it does. Under the operational skills and defensive options that we have not everybody would know the difference between firearms. If a particular person knew that one looked like a semiautomatic or a machine gun-type, the risk is certainly heightened, let alone confronting someone with a firearm. If you are confronting someone with a firearm in that sort of

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space, it would not be under good circumstances I would imagine so it may not matter whether it is single shot or semiautomatic, but if it looks like a machine gun, it is going to heighten the risk again because police carry pistols.

As far as a machine gun goes, a semiautomatic can have multiple rounds coming whereas with a single shot there is a different mechanism to that and a different level of time between. It is not a one-case-fits-all. We have a number of defensive options to defuse situations and all the information coming in, if a particular person looks at a firearm and it looks like a machine gun, there may be a different mechanism in their minds as they are going through their forced options.

**Mr BODNAR** - Really, it is about the threat. It is about what can our members do to mitigate that threat at that time. That is what it really comes down to.

**Mr TUCKER** - With target rifles because they seem to be the ones that look like that, I have had a bit of experience with target shooting in New Zealand. How do you think we can mitigate so that people can use target rifles in that space?

**Mr SHEPHERD** - One of the challenges that we have in Australia is the gun manufacturing industry is not going to change its practices because of the laws in Australia. Invariably the market is not that great. What people have to purchase and at their disposal to purchase generally comes out of countries that really do not care too much about appearance-based controls. It is a challenge.

**CHAIR** - You can have as typical semiautomatic or even a single shot with a pistol group with a chassis on it with a raised stock and things that are simply single shots.

**Mr SHEPHERD** - As I say, this feeds out. It is a requirement of the National Firearms Agreement. The Government's commitment is to the National Firearms Agreement. From our perspective the criticism in that space has a nonsensical nature to it sometimes, it does.

**Mr HIGGINS** - In New Zealand at the moment they have had their disaster so they will be reviewing what they do from this point as well and we will not know where that goes.

**Dr WOODRUFF** - They have made a strong commitment.

**Mr HIGGINS** - I have just come back from New Zealand last night and it is a very topical conversation at the moment.

I do have a couple of other things that relate to your first question if you want me to finish that. I think it was useful though to flesh that out. Just probably three more. I am not sure what time we have, whether we have reached it.

Sensible things we think as well is the development of a protocol between Tasmania Police and the antique firearms and military groups for the operations of shows and re-enactment type events. Also, the development of a publication for the carriage of firearms in public places and vehicles, and a review of 36A which is the 14-day grace period where the licence expiry provisions we think are all quite sensible.

**Dr WOODRUFF** - I am glad you mentioned the carriage of firearms in vehicles. That is being used in testimony as a real concern and an argument for weakening the laws in order to alleviate people's concerns about that. It would be very helpful to have some quite clear guidelines. One



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person in a submission wrote, can you go to the supermarket with it being in the car? Those sort of basic things about moving things around. It is there in the legislation but it is not easy to extract it and think through real-life situations, so that would be very helpful.

**Mr HIGGINS** - If we can make it clearer and help in that space I think that is really important.

**Dr WOODRUFF** - Yes. Thank you very much.

**Dr BROAD** - In your opening statement you mentioned the need for the firearms legislation to keep pace with future developments in firearms and so on. Could you give a little bit more detail on that? Are you referring to things like lever action shotguns or are you thinking of being able to use a 3D printer? I would like some detail on how to futureproof the legislation.

**Mr SHEPHERD** - Certainly. Both examples you have given are good examples but there are other technologies and sometimes it is difficult in an open forum to talk about those technologies. We probably will not talk about the examples because it is almost like promoting them. There are technologies available much like a firearm that currently will not fit within the definitions of the Firearms Act. They do not use an explosion or they do not use gas to propel the projectile. Therefore, they would not be considered a firearm under the Firearms Act.

**Dr BROAD** - Like a slug gun is and that is propelled by a spring?

**Mr SHEPHERD** - Potentially, but generally the spring provides compression to gas to propel the slug. In short, there is that side of things but there is also the side of things that firearms come onto the market place that do not always fit into the categories that are currently there. Therefore, the legislation currently does not adapt very well to new types of firearms that do not neatly fit. In some states they have an ability for the Commissioner of Police to classify the firearm for a six-month period while the regulation is made in order to fit the firearm into a specific classification. They are still very similar in nature to firearms in those classifications, they just don't neatly fit.

**Mr HIGGINS** - To follow, as things are developing now and our current threat climate around the world, particularly what we are experiencing say nationally, in the latest New Zealand case, keeping up with our firearms, making sure we are contemporary in what we are doing. As the threat environment changes, we need to be able to review and look to make sure we are still current and keeping up with our public perception fear and so forth as well. That is particularly important.

**CHAIR** - Ladies and gentlemen, I know there are some other questions but unfortunately, we have run out of time and we have other people coming before us.

Before you leave the table, I need to advise you that as 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 privilege does not attach to comments you may make to anyone including the media, even if they are only repeating what you have said to us here today. Do you understand that?

**Mr HIGGINS** - Yes, we do.

**CHAIR** - Thank you very much for your attendance.

**THE WITNESSES WITHDREW.**

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**Mr ROLAND BROWNE**, GUN CONTROL AUSTRALIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Welcome, Mr Browne. Do you have a prepared opening statement?

**Mr BROWNE** - I do. We arrived at this inquiry, this lower House committee where the previous police minister had struggled to implement the amendments to the Firearms Act in 2015, one of the most important amendments of which was the improvement in minimum storage requirements in Tasmania. Those amendments came about because gun theft in Tasmania had skyrocketed and appeared to be the highest rate of gun theft in the country. It was a significant problem that was getting worse.

Unfortunately, many of the shooting lobby groups hated the new storage requirements and persistently opposed it in every forum within the minister's office, within the consultative committee, with the police and with their local members.

At the same time, we know that the shooting groups have been pressing the consultative committee that the minister had set up for a range of measures that would weaken Tasmania's gun laws and would also be in breach of the National Firearms Agreement. For example, the issue of silencers had been on the agenda for a while, so had handgun hunting and a variety of other amendments to appease farmers who continued to resist some of the regulatory requirements of the Firearms Act.

What happened was that we eventually got the amendments to the Firearms Act in 2015 and then the minister had to struggle to bring in the new storage requirements that were made possible by the act. Those storage requirements amounted to a best practice for storage of guns in Australia. The minister struggled to get agreement from the various shooting groups and those new storage requirements did not come into effect until December 2017. We know now that only two months after those requirements came in the then police minister released his now notorious letter to the members of the consultative group proposing a weakening, not only of various laws across Tasmania, but a weakening of the very firearm storage requirements that he had only brought in after a long struggle two months previously.

I am not here today to criticise what the minister did in terms of that letter in February 2018. That is a matter of history. What the actions of the minister represent and represented was a trading of positions on firearms laws and, in our opinion, that is reprehensible. I thought we had left that behind in 1996.

Before 1996, the firearms laws in this state were kept in a holding pattern which was effectively non-existent regulation of long guns and more by the powerful groups at the time, such as the Tasmanian Farmers and Graziers Association, the firearm owners and others. My group addressed the TFGA in the early 1990s and received an extremely hostile reception at the prospect of limits being placed on semiautomatic military style weapons. The Farmers and Graziers maintained they knew best and they regarded the proposals we put forward as having a disastrous impact on their ability to work as farmers and to control animals they regarded as pests.

Push the fast-forward button to 2017 and 2018 and, largely, farmers have coped quite okay with the new regime of gun laws. However, some are still maintaining that the gun laws are unworkable and need to be changed to enable them to control animals they regard as pests and manage their stock. When we come to look at the TFGA submission on the costs of these problems

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that they identified, the submission tells us nothing. It amounts to nothing more than a poor attempt at arguing that they are suffering inconvenience.

Like cars, boats, tobacco and the like, all users experienced what the farmers described as 'inconvenience'. This inconvenience, also known pejoratively as 'red tape', is what our society does to ensure the safety of the members of the entire community. So-called inconvenience arises from regulations around using firearms in the same way as we are inconvenienced by the requirement that we have to use seatbelts; that we have to strap our babies into cars; that we can't drive while we have exceeded the prescribed concentration of alcohol. We have a mountain of regulatory requirements for building, that we need lifejackets on boats, and the range of prohibitions on the use of tobacco or opioids, the list goes on.

This committee is looking into the prospect of establishing a consultative committee on firearms. Tasmania has had a consultative committee on firearms for a considerable period of time. Like the other states in the Commonwealth, these committees were set up with no apparent or stated objective, but in our view were set up to appease shooters and to give them an avenue to express their dissatisfaction with firearm laws. That may or may not be an appropriate use of the committee.

No committee, especially a Tasmanian firearms consultative committee, has ever had as its objective; ensuring increased public safety, minimal threat to law enforcement and, for example reducing the gun suicide rate. No, the committees have not really moved past channelling dissatisfaction with the regulatory regime, under the guise of technical advice.

My question to this parliamentary committee is to ask if there is going to be a consultative committee, what should its objectives be? What use is technical advice if the committee is ignoring or not dealing with the public health consequences, the threat to law enforcement, reducing the gun suicide rate, reducing rates of violence related to guns in the home and theft of guns?

We had a committee of shooters advising the government on firearms. I suggest that would not have been tolerated, if somebody had proposed the government or tobacco industry set up a committee, of tobacco industry representatives to advise the government on cigarette packaging or sales or promotion restrictions. It is a nonsense.

Why would there be any benefit to the entire community, if this consultative group was a statutory authority? Perhaps, the shooters would be paid to express their disaffection about firearms laws. Perhaps, the process would become formalised but it would lead to no enhancement in public safety. The notion the committee or a committee, could be compromised of not only shooters, but representative of a range of other community groups could be beneficial, but only with a clear mandate to ensure effective public outcomes. One has to ask why firearms laws are only regarded as something shooters should have an input into. If you do not have a clear objective and you do not have some balance on a committee, you end up with a tennis match where the shooters will propose amendments to the laws and the remainder of the members would have to justify why such amendments are not a good idea. Perhaps it should be the reverse.

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

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The matrix of laws generated as a result of the National Firearms Agreement should not be whittled away. We are bitterly opposed to the watering down of the National Firearms Agreement, as it is implemented in Tasmania and bitterly opposed to the availability of silencers and to category C firearms being used for target shooting. Further, we are opposed to semi-automatic hand guns being available in the community. We would like to see police as the only people in the community with semi-automatic hand guns.

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

This would not be advanced by trying to find a way to appease the TFGA and other shooters groups, but to look at how Tasmania can complete the task of implementing the National Firearms Agreement and what other steps can be taken to enhance public safety.

Our submission to this committee identified the published work by Lee and Neil concluding that 4400 people are alive today, thanks to the National Firearms Agreement. I would have hoped one single life saved would have been sufficient to justify the conclusion of the success of the National Firearms Agreement, yet the debate goes on.

I have not read all the submissions to this committee and I admire the members of the committee for embarking upon that task, but I would like to make some observations about some of the submissions.

The farmers and graziers and firearm dealers have reasonably identical submissions. They want to create a new category of firearms. That is category E. That would breach the National Firearms Agreement. They want silencers. That would breach the National Firearms Agreement. They want to ease up the availability of category C firearms. That would breach the firearms agreement. They want a consultative group, when curiously, they have had one for many years. These submissions are out of touch with the other 92 per cent of the population who either are content with the toughness of the firearms laws across Australia as we have now or they want tighter gun laws. Contrary to that, these groups want more guns, they want more availability of more powerful guns, and want guns with silencers.

As I said before, these and other groups, including the Firearm Owners Association, held Tasmania back for at least the decade before 1996, even when Tasmania had the highest rate of gun suicides. When the Government proposed tightening storage requirements in 2015 and beyond, the shooting groups opposed it. Why they opposed it is a mystery. It was their members' guns being stolen, yet they were not going to go along with tighter requirements to reduce the thefts under way in Tasmania, up until 2017.

A major issue in the submissions of these group is they say they are representing those affected by the Firearms Act, that is 10 per cent of the population. In fact, we are all affected by the Firearms Act. We all benefit from the matrix of regulations it presents. The rest of us want to feel safe. This is not the United States and a vision for normalising gun use and the like must be resoundingly rejected.

There has to be observed in their submission, the Shooters, Fishers and Farmers Party say we need to wind back the laws brought into force by the National Firearms Agreement, by reference to

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the New Zealand example. They say everything was okay in New Zealand. Of course, history has shown just how wrong they were.

Finally, Stephen Bendle from the Alannah and Madeline Foundation, who seemingly had read all of the submissions to this inquiry - and I take my hat off to them - said 85 per cent of the submissions to the inquiry supported tighter gun laws. That is on par with the poll results in our submission. In fact, a poll conducted soon after the introduction of the National Firearms Agreement in 1996, also had something like 87 per cent of Australians supporting tougher gun laws. That is the conclusion of my statement.

**Dr BROAD** - You mentioned the consultative committee as it was previously and a proposal before this committee to expand or modify that. Were you asked to participate in a consultative committee?

**Mr BROWNE** - Yes.

**Dr BROAD** - You didn't participate. What was your rationale for not participating?

**Mr BROWNE** - There were two reasons. One was that I didn't regard myself as having technical expertise. I wanted to see the committee representative of people affected by misuse of guns. That would have seen people like groups involved in animal welfare, other conservation groups, groups involved with violence in the home and the like, and criminologists, getting a seat on the committee well before me. The reason that I gave was the dealings of the committee were to be confidential and I wasn't prepared to be involved in a confidential discussion about what were or were not good gun laws within this group.

**Dr BROAD** - Do you think, as you have given in your evidence, there is no need or desire to have any form of consultative committee? Do you think it should not be discussed in that form?

**Mr BROWNE** - I haven't said that at all. What I have said is that if the committee, this consultative group, is going to be established it has to have clear objectives. Those objectives need to be enhancing public safety, protection of police, protection of women in the home, the prevention of the theft of guns, and things like that. That needs to be what it is set up for and it needs to be the objective and people need to come to the committee, if it is going to be established, who can feed into that.

**Dr BROAD** - If it did have those terms of reference, would you participate? Do you think there are other people better qualified?

**Mr BROWNE** - Quite honestly, I don't see I bring much to a consultative committee. I think my role in it would probably be provocative, having me sitting around the table with other people representing shooters groups. There are plenty of other people who have qualifications in the area, as I have talked about, people who work with survivors of violence, people who will have understanding of controlling animals such as wild deer, and criminologists and the like. They are much better placed than me.

**Dr WOODRUFF** - I will preface my comments by acknowledging - not formally on behalf of the committee, although I am sure members would probably agree - that you have been an outstanding person in the history of the Australian National Firearms Agreement development and you were here in the early days in Tasmania. You provided advice and, through your role in Gun

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Control Australia, which has all been off the side of your desk for the last 22 years, you have been carrying the light and keeping the spirit of the National Firearms Agreement in tact as it is today. You are not personally responsible for saving 4400 lives but you have contributed enormously. So thank you.

I have a question about the evidence. We have heard testimony to the hearings, some of which has included independent, quantitative and robust evidence, and some of which is based on personal experience, subjective evidence and qualitative assessments done by farmers about their eyeballing of animal numbers and changing rates of deer.

I am interested in the evidence that has been commissioned and done, the review of the National Firearms Agreement that Gun Control Australia has done one - a massive tome, and Her Excellency the Honourable Kate Warner did a major review in 1997 within her previous role.

**Mr BROWNE** - She did a review in 2007 as well.

**Dr WOODRUFF** - Right, so she has done two. There have been major reviews of the National Firearm Agreement in 1997, 2007, and 2017. Can you speak to where Tasmania has fallen behind in complying with the National Firearms Agreement, and where we should be strengthening the laws where they currently are, if you think we should be?

**Mr BROWNE** - In terms of the major compliance issues, which are attached to the submission we lodged, the permission or allowance of minor's permits is contrary to the National Firearms Agreement. That is not only our interpretation. That came forward in the very first review of the National Firearms Agreement that Kate Warner did for the Institute of Criminology in 1997. She made the point that the minimum age for a gun licence is 18, full stop, and there was no role for people of the age of 10 or 12. In Western Australia, there is no minimum age for a child to use a gun. That is resolution 4.

There is no specific requirement in the Tasmanian legislation for training of security guards and that was a requirement under resolution 5. A conviction for a firearms offence is not listed as a requirement for automatic cancellation of a gun licence in Tasmania. In Tasmania, it works through the Police Commissioner or his delegate exercising a discretion to cancel the licence. The National Firearms Agreement required that the licence be cancelled immediately.

In terms of the National Firearms Agreement as it relates to handguns, I list through in table 2, a number of resolutions are not complied with. For example, the National Firearms Agreement says that if you are applying for a handgun licence and you are joining a club, which is a prerequisite to the obtaining of the licence, you have to give details of your clubs and the firearms they own. There is no requirement for that in Tasmania. You have to provide, according to the National Firearms Agreement under resolution 11, character references from people you have known for at least two years. There is no specific requirement for that. There is also a requirement under resolution 12 that the clubs actually check out the person's storage requirements. There is no requirement for that to occur under the Tasmanian legislation.

The final one is that resolution 14 imposes these minimum participation requirements for handgun owners but our legislation does not identify what the minimum participation requirements are.

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To come back to your question, what we would like to see changed in the National Firearms Agreement is a ban on semiautomatic handguns. When I say semiautomatic handguns, I mean your classic semiautomatic of the type the police use, that you see on every American TV drama; it has a magazine in it, can carry up to 10 rounds in Australia, and reloads itself. We also include semiautomatic handguns and revolvers in the description, which usually takes six rounds and it reloads itself each time you pull the trigger and it is ready to fire again.

**CHAIR** - That is what you would like, but do you have any evidence to show there is a problem with Tasmanian law in that regard?

**Mr BROWNE** - Can I come back to that in a moment? I would like to finish getting through the change that I would propose to happen and then I will come back to that.

What I want to make clear is that under the National Firearms Agreement and Tasmanian legislation it is not lawful to use a semiautomatic rifle for target shooting. That was ended in 1996 yet for some reason that I have never understood in 1996 when the agreement was reached it was made possible for people to use handguns for target shooting. Handguns can have magazines of up to 10 rounds; they get stored in the home; they are easily concealed; and traditionally they have been subject to theft. They present a significant risk and they are the weapon of choice for criminals.

To complete what I am saying, I want to reiterate that we are quite content for handgun use to be permitted for single shot handguns. If you keep in mind, and I make clear I am not talking about police use; I am not talking about security guard use; I am talking about handguns for target shooting. If people want to participate in target shooting events with handguns they can do so with a single shot handgun. If it is all about accuracy and the sport they can participate with a single shot handgun.

I will also acknowledge that there are some competitions run under the Commonwealth Games umbrella and the Olympic umbrella that require and can only be entered into with semiautomatic handguns. That would be the casualty of this policy shift, that people could only enter into Olympic and Commonwealth Games competitions with single shot handguns. If they want to fire at targets with handguns they can do so just as capably with a single shot handgun.

Mr Shelton, you asked me about the risk. I think you asked me if there is evidence. There is no evidence that semiautomatic handguns are going to be used inappropriately in Tasmania as opposed to a single shot handgun. However, we will have that evidence one day, I'm afraid, when a semiautomatic handgun is used in a mass shooting.

What I have just said is a considered statement and it is a considered statement for this reason. There was no evidence of a risk, if you like, from high-powered semiautomatic rifles or even semiautomatic shotguns in Tasmania before the Port Arthur shootings in 1996. If I had been having this conversation with the committee then, I would give you the same answer. I would say to you these firearms represent a risk. In fact, I said that before the shooting because in March 1996 there was a shooting in Dunblane in Scotland where 18 children were shot by a bloke who had two semiautomatic handguns and he had a licence for those. If this had been the British Parliament in 1995 it probably would have been a similar discussion where there was no evidence of that risk.

In fact, if you look at the English example it is telling because the Hungerford shooting was in 1985 where a number of people were shot in a public place in Hungerford in Britain. They conducted a review but they did not deal with handguns. Hand guns were left untouched by that

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review until what happened in March at Dunblane in 1996, the consequence of which was that handguns were banned in Britain and there has not been a mass shooting like that in Britain since that time with handguns. They have largely been taken out of circulation.

I would like to pick up on your question but broaden it because a lot of the debate about the National Firearms Agreement that has found its way into the submissions that I have read poses this question: what do we have for the \$658 million we spent buying back all these rifles and shotguns after 1996? Whilst there are many studies that look at the effectiveness of the National Firearms Agreement - and I would suggest largely conclude that it has been successful - what those studies do not assess and cannot assess is that the level of risk across Australia from being shot with a semiautomatic rifle has diminished and perhaps it has almost evaporated.

That was not how it was in the 1980s. You could buy a semiautomatic rifle. My colleague in our gun control group in 1987 bought a semiautomatic SKS rifle with a banana magazine taking 30 rounds with a bayonet on it for \$120 on Mastercard because they were available and you did not need a licence in those days.

Those guns just are not around anymore and if you get out into - I am sorry, that sounded disrespectful. If you assessed how the community felt about it you would find that people feel that the risk has diminished a lot and that is an important factor.

We can go down to Port Arthur and be pretty confident that nobody is going to turn up there with a semiautomatic or, I'm sorry, two semiautomatic military rifles and a large magazine semiautomatic shotgun.

**CHAIR** - I can only suggest that 99.9 per cent of the population out there agrees with military style firearms not being available to the general public and of course that is a good outcome from this whole thing. However, we get down now to the practical issues of being part of the rural environment and having to deal with wildlife and so on. Therefore, the arguments that have been put that there should not be any change and/or strengthening and, to me, that comes back to the point that the only way you can ever guarantee it is to take firearms completely out of the market.

The problem with that is that as we found in Britain, you mentioned the Britain experience, is that then three crazed men with machetes drive a car through a crowded street and do that. No matter where we go with this, we are always going to have a situation where - and who knows what is in the mind of individuals who do this - but they will find a way whether it is firearms or a vehicle or whatever. That is the position that you come back to where are we in this whole debate and where do we draw the line.

I was at a road safety session at the Deloraine School and we have 36 people killed every year on the roads in cars, but we have to keep driving our cars and we need to get from one place to the other. The reality is that in the rural community firearms, as the TFGA has stated, are tools of trade. So how do we get to a point where we maintain public safety and also provide the tools of trade that the rural sector needs?

**Mr BROWNE** - You have stated my position as if I am saying there should be a ban on all firearms. I am not saying that.

**CHAIR** - No, I said that. The only way you can guarantee there is never going to be an issue is to take firearms out of the market, as far as firearm deaths go.



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**Mr BROWNE** - I am not proposing a guarantee. I would never put it higher than trying to manage and minimise the risk. I don't come before this committee - and have not, in all of my time as a gun control advocate, pushed a position to ban firearms. I don't know if that is the suggestion underlying what you are putting to me?

**CHAIR** - No, I never said that.

**Mr BROWNE** - I don't have that view. I am quite comfortable with some groups of firearm collectors. I have friends who have guns. I don't have a problem with guns per se. My position is that you have to minimise the risk, not by saying 'we can't ban guns so we have to do this'. With respect, my position is not that simple and regulation of firearms is not that simple.

The issue that seems to fall through the cracks time and again is that there is this pressure to drill down to some particular aspect of the regulation and say, well, we don't really need that so we will get rid of it, when, like cars, it is a matrix of regulations. It all has to work together to be effective. You can take a little bit out of it today and find out down the track that performed an important role, which was what was recognised in 1996.

Back to farmers, you won't hear me opposing farmers having access to guns. If you have to deal with problems from farmers, and this was the point I was trying to make in my opening statement, farmers have been resisting these firearms laws for a long time and now they want to loosen them up. It is time for other options to be explored. If you want to look at problems with deer, my view is that we should not be arming farmers with semiautomatic, high-powered rifles to control deer. That should be the province of animal population control experts, who are recognised under the law with the ability to be engaged to do that. We need to look at other ways rather than taking away the protection for the community.

**Dr BROAD** - In your opening statement you mentioned that the NFA is against suppressors. I can't remember the exact language you used but, from my reading of the National Firearms Agreement, it does not mention suppressors or it does not cover the issue of suppressors and so on.

**Mr BROWNE** - Agreed.

**Dr BROAD** - In your opening statement, did you say it did?

**Mr BROWNE** - No. I said that silencers are contrary to the National Firearms Agreement. They are not permitted by it.

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

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

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**Dr BROAD** - The resolutions you were reading previously, what document do they come from?

**Mr BROWNE** - The 2002 agreement.

**Dr BROAD** - Okay. If, for whatever reason, you had the ability to do a complete rewrite of firearms legislation in Tasmania, how would you like to see that? What would you like in it if you had carte blanche to rewrite the whole thing?

**Mr BROWNE** - That is a great question. I wish I had come here -

**CHAIR** - We only have 10 minutes left.

**Dr BROAD** - You have mentioned some things already, is there anything you haven't?

**Mr BROWNE** - I wish I had some time to think about it. I am not critical, but I don't know that I can do it justice without having time to think about it.

I have talked about semiautomatic hand guns. I would like to see them prohibited and only single-shot handguns available. I would like to see a much more rigorous assessment of eligibility for firearm licences with a minimum of three years' requirement to talk to family members and be satisfied. I acknowledge that provides multiple challenges to those people who have firearms licences and feel they shouldn't have to go through that kind of assessment. But if you read the coroner's findings on the Lockyer shootings in 2015, which I forwarded to the committee on the afternoon the Alannah and Madeline Foundation representatives were giving evidence - I hope it has found its way to you. From the coroner's findings, you have a sense of how some dysfunction in this family reached a tipping point. This guy lost his guns and then they came back and he used his firearms to kill his wife and three children. That kind of tragedy could possibly be avoided with more rigorous licencing tests conducted by police.

I have talked about handguns. I would like the particular shortcomings in the National Firearms Agreement that I have talked about to be addressed in the legislation but, generally, the Tasmanian legislation, as a framework, is really good and just needs to have these adjustments made to it.

Another thing I would like is that everybody who has a firearm has an alarm system fitted to it. At the moment it is only a requirement for somebody who has more than 10 firearms.

**CHAIR** - And/or one handgun.

**Mr BROWNE** - You are perfectly correct, yes. I would like to see that as well. I wouldn't be surprised if I have left off something really important but that is all I can think of at the moment.

**Mr TUCKER** - Roland, you mentioned in answering Rosalie's question you wanted the age children can get licences to be moved to 18. What do you propose to educate those young boys and girls that want to have guns and want to get a licence? What are you proposing to do at that age and how are we going to educate young adults with guns, if we are moving the age to 18 from where it is now?

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**Mr BROWNE** - I don't know if I am answering your question but is it any different to someone who decides they want to have a gun licence and acquire a gun at 25? They have to go through training, testing, apply for the licence, and then get a permit to acquire?

**Mr TUCKER** - Yes. When someone is younger, and this is for their whole schooling and before peer pressure sets in and all those other things when younger people become adults, I wonder if we can provide the basics. It is a lot easier to teach a young child the proper way of doing something at a young age than it is to try to teach someone at an older age when bad habits could have already set in. Do you agree with that?

**Mr BROWNE** - Perhaps, partly. Certainly, people can learn better when they are young, but I just cast my mind back to road signs all around Australia and Tasmania in particular that have been shot out. These are people with guns in rural areas who, whether they hold guns legally or illegally -

**Mr TUCKER** - Are you saying that these are young children that are shooting these signs?

**Mr BROWNE** - I was about to speculate that is more likely to be younger people, but I don't know.

**Mr TUCKER** - In what age bracket are you saying? Are you saying in the 13 to 14 age bracket, or 16?

**Mr BROWNE** - I do not know, but it is going to be young people. My point is this: we are not seeing the inculcation of a good culture in rural areas for firearms. We still do not have it. New road signs go up and get shot out quite quickly.

**Mr TUCKER** - I'm living in the wrong area.

**CHAIR** - I need to put a point of view there and as a member of the rural community you may be correct if you go back to the 1980s and so on where there was a culture. That culture was changing and it has been years since I saw a recent shot up sign, so I will just lay that on the table.

There has been evidence put to the committee that the culture around firearms was changing prior to 1996. The evidence indicates that the number of deaths through firearms was coming down prior to 1996 and, therefore, there was a change of culture and the education that came along with that period of time, I believe, had a significant impact on the culture.

**Dr WOODRUFF** - I do have a question about the term 'minor'. You are a lawyer so I thought you would be able to provide your views on this. It has been discussed and the Liberals' policy had proposed changes to storage and to other firearms infringements and a loosening around things that were called 'minor' without being defined in that policy.

There has been testimony to the committee about people inadvertently making mistakes like just leaving a cartridge lying around, or inadvertently leaving their gun in the car when they are going somewhere and so on, and that those sorts of what people have termed 'minor' situations should be legally given the tick off. We have just heard the evidence from the Firearm Services this morning that, in their view, police exercise the discretion that they are enabled to do in the course of their duty. They are able to use those sorts of examples that people have given, that they

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will make their best judgment and either use it as a form of education to the person and remind them about those mistakes or they might have an infringement notice.

Their view is that they have the tools in front of them to deal with those situations reasonably. But can you see any space for a change in introducing the term 'minor' and in terms of the National Firearms Agreement, do you think there is a way of talking about 'minor' infringements on any of the areas that have been discussed in the Liberal's firearm policy or is that opening the door to a slippery slope?

**Mr BROWNE** - I thought they had abandoned that policy position, but in answer to your question that phrase arose in the context of storage and the National Firearms Agreement says that the firearms have to be confiscated for any breach of storage requirements because the philosophy behind it is that effectively there is no 'minor' breach of storage. If you leave a gun out of the gun cabinet it is potentially there to be used, for example, by a child in the house. If you do not store it with the gun safe locked it is the same. If you leave it loaded in the car it is the same. I do not know that there are any 'minor' breaches that can justify being regarded as for want of a better word, trivial.

To answer your question, the reality is that police will exercise a discretion, as you say, when they are on the site. If they go ahead and charge the person, or issue an infringement notice, the next stage is that the infringement notice can be reviewed by a letter to the Police Commissioner. If it is a prosecution it is not uncommon for lawyers to write to police prosecutions - and I have done it in relation to various things not firearms - and say, 'Here are the Director of Public Prosecution's policy requirements for persisting with a criminal charge'. We address those and they will be, for example, the person's background, their lack of prior convictions, the circumstances, what the charge is going to mean to them, and what the consequence is going to be. Not infrequently, at a prosecution level, the prosecution will make a decision, in consultation with the officer who charged the person, to abandon the charge and drop it. There are a number of stages where a discretion comes into it and, for my part, I think maintaining the position that people have to have a very strict and tight attitude towards storage of firearms is really important.

**Dr WOODRUFF** - Just to be clear, there are a couple of opportunities there. If a person has made a genuine mistake then it can either be reasonably understood by the police officer who attends and sees that and it can be used as an educative tool and nothing happens. Or that police officer could issue an infringement notice and if the person thought that was really unreasonable they could make application to the Police Commissioner to have that waived and they could provide the background and the reasons and they could argue their case.

So really, any weakening of the laws in that area would mean that we would be providing essentially an opportunity for people to not pay the close attention that they need to pay to things like storing their gun properly, making sure that ammunition is separate and put away safely, making sure the bolt is nowhere near the gun, those sorts of things that are keeping the community safe, would be weakened. However, a person does now have the opportunity to not be charged unreasonably if they make their case.

**Mr BROWNE** - Yes, and I have great faith in the police because they are the ones that have to respond if it is misused, and they have the experience to assess the person that they found not storing the firearm properly and to make a judgment about whether it might occur again or whether they actually need to be charged for something to happen.

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**CHAIR** - No disrespect to the lawyers involved in these things, but you consider it reasonable then because the National Firearms Agreement when it talks about storage, it talks about the storage of a firearm and/or parts. It has been put to the committee that you may have taken a worn-out part that does not work out of a firearm and replaced it with another and that the storage of that piece, I do not know whether cracked stocks are in it, but it is part of the firearm. So, an individual part that cannot make up a firearm, and you mentioned ammunition and firearms, but this is a part of a firearm and it comes down to police discretion, I understand that. However, the reality is the law says at the moment that if the police find that piece of the firearm outside its inappropriate storage then they can have all their firearms confiscated. Is it not reasonable to say there should be something in there, before it gets to that stage? Before lawyers have to start writing letters to the Police Commissioner and so on, is it not reasonable, there should be something there to prevent that from happening?

**Mr BROWNE** - But there is. Is it not up to the officer there who exercises a discretion and says to that person, 'I have found your bolt lying on the bench, it is a firearms part, I will make a note of it, but do not do it again'.

**CHAIR** - But this is about tidying up the law. It is fine to say police have discretion, but this is about people understanding what is and what is not appropriate. You are saying that is reasonable if the police see it is sitting around and that policeman is having a bad day, can then go through the process and then the person has to engage a lawyer and to write to the Commissioner to extract out of it. I do not disagree with total firearms in the storage, but when it comes to, and again we use the term minor, minor infringements there should not be something that allows a lesser offence than the total removal of the firearms from the person.

**Mr BROWNE** - Putting that back to you, if a police officer pulls me up and I am not wearing my seatbelt, that is considered minor, I should simply be allowed to keep driving, because at the moment it is a matter of discretion. A police officer can pull me over and say, 'I know you, you do not have your seatbelt on'. He might book me because, as you say he is having a bad day, or he might say to be, do not do it again. I do not see there is room for a relaxation of storage requirements.

**CHAIR** - I totally understand that from your position.

**Mr TUCKER** - I wanted clarity from you: are you talking about having a demerit system, which you propose is like what we have with the laws on the roads. We have a demerit system and you lose so many demerit points for a minor incident.

**CHAIR** - I have only had conversations. And do not know whether that evidence has been put before the committee at this point in time. I have heard people talk about a fine rather than total removal of firearms and the issues that causes.

**Mr BROWNE** - There might be some confusion here because the breach of the National Firearms Agreement the Liberals' policy envisaged, related to the confiscation of the firearms. That is what the Liberals wanted to relax, because at the moment under the law, if you breach storage requirements your guns are confiscated full stop.

There is no scope for it and I do not understand the policy was just trying to change the law so that there were no consequences or police had a discretion, or minor offences simply disappeared. I do not know how it was going to work. This is a one-off for me.

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Can I respond to a point you made before Dr Woodruff asked her question which was the rates of gun death had been declining before the 1996 shootings. That has been put forward by a number of academics to prove there was decline in place. What happened with the National Firearms Agreement was not going to make any difference. The reason there was a decline in gun deaths before 1996, was because after the Hoddle Street and the Queen Street massacres in Victoria in 1987, Victoria and other states started tightening their firearms laws. The decline in gun deaths across Australia can be traced back to restrictions in Victoria, especially on semiautomatic rifles and the like, storage and things like that. So the point, with respect, is very important.

**CHAIR** - Thank you very much, Mr Browne. 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 privilege does not attach to comments you make to anyone including the media even if you are just repeating what you have said to us today, do you understand.

**Mr BROWNE** - Yes.

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

**Mr BROWNE** - Thank you.

**THE WITNESS WITHDREW.**

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**Ms MARGARET CHANDLER AND Ms ROCHELLE MAINWARING**, LEGAL AID COMMISSION OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Welcome, ladies. Thank you very much for your time. Before you begin giving your evidence, have you received and read the guide sent to you by the Committee Chair? I would like to reiterate some important aspects of the document. A committee hearing is a proceeding of 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 parliamentary proceedings.

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

**Ms CHANDLER and Ms MAINWARING** - Yes, thank you.

**CHAIR** - I appreciate that we moved you forward from 3 p.m. to 1 p.m. Thank you for accommodating that. Do you have an opening statement to make?

**Ms CHANDLER** - No. We put most of what we thought we should put forward in the submission.

**CHAIR** - Thank you. Do you need to talk to your submission or shall we go to questions?

**Ms CHANDLER** - We would like questions, thank you.

My name is Margaret Chandler. I am the manager of the Safe at Home section of the Legal Aid Commission of Tasmania. The professional address is 158 Liverpool Street, Hobart. My role is primarily in relation to providing legal advice and representation to victims of family violence.

**Ms MAINWARING** - I am Rochelle Mainwaring. I am from the same address, 158 Liverpool Street, Hobart, the Legal Aid Commission. I am the Southern Criminal Practice Manager.

**Dr BROAD** - As to your visibility in issues with firearms and so on, could you give us some de-identified examples of periods when you have had issues with perpetrators of family violence with access to firearms?

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

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email. Sometimes it is that the person will have a firearm around while they are being angry and that is frightening to the person.

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

**Dr BROAD** - In your experience or the experience of Legal Aid, is the police response appropriate and carried out in a timely manner when firearm threats are raised?

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

**Dr BROAD** - Is their response, like other incidents you know of when it hasn't happened in a timely manner? Do you think the way this is being handled by the police, using the current legislation, is appropriate?

**Ms CHANDLER** - I'm not quite sure. Yes, I think it is appropriate. What you have to keep in mind is that there is a big range, from somebody sending someone an emoji of a little gun and that is a different thing from somebody actually handling a firearm and pointing it at somebody. Yes, they do react seriously to firearms and in a timely way. They do have powers to do that and they exercise those powers.

**CHAIR** - From a practical sense, you are dealing with a client and a threat has been made. When that threat happens, is it normally a practice for the legal fraternity to move through the AVO process? The way I understand the law, is once there is a family violence order or AVO placed then, of course, the police can act and if the person has firearms or firearms licence, then they can act on that.

In your processes, is there an issue with what happens? This is leading on from where Dr Broad was going. That all seems to work appropriately and the legislation allows you enough movement to keep people safe.

**Ms CHANDLER** - Yes. It is even more proactive in that police have a number of powers to intervene and issue police family violence orders, without going to court if they have reason to suspect a family violence offence has been or is likely to be committed. For example, if I had a client come in who had not reported a threat to police, we would recommend they report it to police straight away, particularly if it involved a firearm. Police would then decide on their response from that point and would be able to go, for example, and search where the firearm was.

**CHAIR** - Therefore if that is appropriate, then it leads me to the next question of a threat. Does it necessarily have to involve firearms? Generally speaking, males are bigger than females and there are other weapons that could be used as a threat. Where do firearms fit in to the whole gamut of threats?

**Ms CHANDLER** - I am not aware of any specific research on that point. Certainly, I am aware of threats having been made with all sort of objects. Everything from vehicles through to



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knives, blunt weapons, everything. The police have the ability to seize any weapon used in a family violence incident. The powers exist to deal with other objects.

**CHAIR** - Therefore, what can you offer the committee as far as evidence or statements that will assist us in our deliberations? Nobody wants to make a community more unsafe than it is now, but the reality is it is not perfectly safe, no matter who you are and what you doing, whether you are driving a car, walking down the street, crossing the road, or whatever. As far as firearms go, apart from saying banning all firearms, given the legislation where it is and that firearms are part of the community and particularly part of the rural community, have you any information as far as city people versus rural people? Something the committee might be able to deliberate on.

**Ms CHANDLER** - Unfortunately, all we can really say is we do not keep the figures on those things, so we cannot give you specifics. I am not aware of any research having been carried out. That makes it very hard at this stage to make an evidence-based response. We do know from the experience firearms are being referred to and used in some circumstances, but it is very difficult to be specific about prevalence and how you should balance it. The absence of research causes us great difficulty in putting forward any reasoned, absolute position.

**Ms MAINWARING** - Obviously, from a criminal perspective, I deal with accused people charged with offences involving firearms. Both police and the courts would have or could provide statistics in terms of the question of prevalence. This would obviously only bear to the matters proceeded with and for example, not the matters initially charged with and may not have proceeded. The people who have been dealt with there would be statistics to be made available by the court or police.

**CHAIR** - Legal Aid has assisted firearm owners who have been found on the wrong side of the law about their firearms licence or the compliance with the act. This leads us into another line of questioning and we talked earlier today about the ability to talk about minor infringements, rather than full confiscation of the firearms. I guess you would have dealt with people who have -

**Ms MAINWARING** - Failure to store firearms appropriately for example, and breaches of licence infringement.

**CHAIR** - Yes, storage of firearms and now they are going through the courts and ultimately the firearms are removed from them in that case.

**Ms MAINWARING** - Yes.

**CHAIR** - From a lawyer point of view, should every case be taken down that track, or do you see the police have discrepancy in the conviction, rather than take the person down that path. Once they have chosen to go down that path, is it a big stick in some instances for a little problem. I understand storage of firearms.

**Ms MAINWARING** - Are you talking about whether the police should have the discretion to charge everyone or not with certain breaches?

**CHAIR** - They have the discretion to charge or not to charge on storage breaches.

**Ms MAINWARING** - That is right.

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**CHAIR** - If they charge, then the ultimate outcome is the removal of firearms from that person. Is there room in the law to say this is a minor breach and therefore you should accept the fine for a minor breach of storage requirements, rather than the full confiscation of the firearms and the problems associated.

**Ms MAINWARING** - I think there is and already exists, but I cannot quote exactly the legislation right now. There are minor breaches the court deals with and fines in relation, as opposed to the full confiscation of all firearms.

**Dr BROAD** - I thought there was no discretion. If you are charged, you do not get fined, you are confiscated.

**Ms CHANDLER** - We might take the question on notice. We might have to get back to you, because there might have been some amendments.

**Ms MAINWARING** - Yes.

**CHAIR** - As we understand, at the moment, this been part of the argument. Ultimately, if you have done the wrong thing and have a breach of the storage requirements, if the police book you, it is a removal of your firearms.

**Ms MAINWARING** - Are you only interested in storage requirements in relation to this breach or other breaches in terms of licensing obligations.

**CHAIR** - Under the NFA it talks about any breach and that is where this discussion has come in of firearms and ammunition. Even though you would not be able to talk about any specific cases, have you had a case where this big stick has been applied, whereas in reality it should have been something lesser.

**Ms MAINWARING** - No, and I have to say as managing the southern practice and allocating the matters, I have not seen a charge like that come across our desk for a very long time. I would have to chase the information, but can provide it at a later stage.

**Dr BROAD** - What sort of changes would you like to see in legislation, or proposed changes prevented?

**Ms MAINWARING** - The proposal referred to in our submission, from a criminal law perspective, is simply offences involving assault with firearms ought to be amended to be included into the criminal code, given it encapsulates all the crimes committed against a person in our state.

Of course, there is the issue we deal with sometimes in the criminal court of trafficking in firearms. It might be seen given that offence against a person or if there is no victim as such, that ought to be kept under the firearms act itself. In many ways, the trafficking in drugs is kept under the Misuse of Drugs Act, but certainly aggravated assault with the use of a firearm ought to be encapsulated in the code connected to section 182 and 183, making it an aggravated feature it is either used or reference is made to the use of a firearm in the course of an assault.

**CHAIR** - One particular submission, talks about making the theft of firearms a criminal offence separate to the theft of an angle grinder, for instance. It is a firearm, it can be used as a weapon and it comes from the shooting fraternity, which says they are being targeted because it is

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a saleable item on the black market. If it were a criminal offence, elevating that theft above an angle grinder theft, it may deter some people.

**Ms MAINWARING** - I can see valid reasons for that submission. I don't know whether it ought to encapsulate a certain type of weapon. The theft of a firearm could be seen as a particularly aggravating feature. I would accept that submission.

**Dr BROAD** - In terms of sentencing, or do you think it should be a separate charge?

**Ms MAINWARING** - There would have to be knowledge. For example, if someone has gone into a shed and stolen a bag of items and doesn't know a firearm might be present in the bundle of whatever is in that bag, there needs to be certain precursors.

**CHAIR** - There are stories of some petty thief charged with the theft of an angle grinder, for instance, punished by so much, yet stealing a firearm attracts no further punishment because the law doesn't elevate it enough. The firearm owners would be saying it should be elevated above that as people are breaking into their property, remembering that all firearms have to be stored in a particular manner in a particular firearm storage vessel. You are not going to break into that safe and steal firearms without you knowing it is a firearm safe.

**Ms MAINWARING** - If there was that deliberate intent to break in and steal that item, I can accept there would be good argument to have that as a more aggravating feature than stealing an item that is an angle grinder.

**Ms CHANDLER** - Rochelle, would you agree with me that there are two ways to go about it? There is either having it as an aggravating aspect of the offence or there is having a separate offence.

**Ms MAINWARING** - Either/or.

**Dr BROAD** - In your submission, you also talk about greater background checks of mental health and family violence history. Do you want to give us a few comments on that?

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

We are aware that there are certain people who do declare mental illnesses and that there is a process that involves medical opinion, which they also have to do in order to get a licence if the opinion is that they are safe with those weapons. It would be a question of policy whether there is a particular test you need to go through, whether there is psychological testing and so forth, before a firearm was granted. That may be a step too far. It may not be justified by the prevalence of the issues; however, it is something that is an option for dealing with it. The difficulty with family violence, as with everything generally, is that people don't end up with a criminal conviction until they have one and it can be difficult to know what is happening prior to that.

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

**CHAIR** - That is an illegal act.

**Ms CHANDLER** - Yes. I don't know what the level of education is, or what the level of repeat education is, to firearms holders of their obligations. People generally tend to do better if they are reminded from time to time and it makes it easier for them to say 'no' when people ask them for things too.

**Dr BROAD** - You talk about mental health for example. One of the points that has been put to us is that if there is a component of mandatory reporting that aspect leading to the confiscation of firearms that could result in the under-reporting of mental health issues, a disincentive for people to seek help. Have you any comment in that regard?

**Ms CHANDLER** - I don't think I can comment on the balance to be reached there. A mental health condition by itself doesn't mean that you are any more likely to use a firearm inappropriately necessarily than another person. It is a question of the nature of that mental illness and how it manifests for that person.

**CHAIR** - Family violence is not acceptable in any society, particularly the threat that might be associated with that. In hindsight it is easier to say we should have done this, we should have done that. From the committee's point of view - and we come back to the original question about the police and their action - are there enough triggers there to make sure that when someone suspects there might be an issue, that the police can get involved and remove that danger, remove that firearm from the household or wherever? If the answer is, they are doing really well and we are happy with that, we are happy with that.

**Ms CHANDLER** - Yes. The difficulty with family violence is you have the response but the focus is also on prevention. At present the system is working on everything from primary prevention right through to the end responses. This is simply seen as an opportunity for consideration to be given to see what can and what should be built into the protectiveness under the Firearms Act.

**CHAIR** - There is no need to keep you any longer than you need to be here unless you have something else to say, anything else to add.

**Ms CHANDLER** - I am sorry if we are raising problems rather than giving solutions. I realise the reference to there not being a great deal of research that exists yet about how some of these things work or could work. Unfortunately, it doesn't provide any concrete pathway.

**CHAIR** - Thank you for your time. 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 to anyone, including the media, even if you are just repeating what you have said to us today. Do you understand that.

**Ms CHANDLER and Ms MAINWARING** - Yes.

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**Ms CHANDLER** - How do you prefer to receive information on the question we took on notice?

**CHAIR** - Through to the secretary, to Todd. There should be an email trail somewhere.

**THE WITNESSES WITHDREW.**

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**Mr PETER McGLONE**, TASMANIAN CONSERVATION TRUST, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - I know that you have been before other committees, Peter, but as the process we need to make sure that we do everything appropriately. Just before you begin your evidence I would like to ask whether you received and read the guide sent to you by the Committee Secretary and if so I would like to reiterate some important aspects of the document. A committee hearing is a procedure of parliament. This means that 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 inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory or repeated or referred to by you outside the confines of the parliamentary proceeding. 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 that you make that request and given an explanation prior to giving that particular part of the evidence or that relevant evidence.

Do you understand?

**Mr McGLONE** - I do, yes.

**CHAIR** - Do you have an opening statement?

**Mr McGLONE** - Yes, I do and I will try to be very brief. I wanted to do this because my submission got sent in rather late and covers a wide range of issues.

Just to reiterate, the TCT made a submission to the Legislative Council committee of inquiry and essentially our concerns relate to the proposal in the Liberal election policy to extend the eligibility for category C firearms and sound suppressors to agents of primary producers. We believe that this risk allowing thousands of recreational shooters potentially having access to these with potential dramatic increase in browsing animals being shot but not necessarily any benefits.

The policy did not make it clear what 'agents' meant and the consequences for browsing animals. The policy provided no evidence that such a change would make browsing animal control more effective or that the current methods, if properly applied, are not effective but also did not refer to any other new methods.

After the state election I wrote to the Primary Industries minister twice asking for evidence about the impact of the changes and effectiveness of current approaches and received no evidence. To date I have received no response to my letters. The Government abandoned its election policy but I fear that these changes are still likely to be supported.

Coming to my current submission I want to flag first of all the DPIPWE annual spotlighting surveys of browsing animals that are undertaken. I have reviewed quite a lot of the *Hansard* and read some of the key submissions and have not seen any other reference to these. The surveys are not measuring the impact of browsing animals on pastoral crops, but they provide critical information about broad regional and long-term trends of these primary problem species.

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

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

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

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

I noticed that quite a number of representors referenced the New South Wales report but did not reference this Tasmanian report.

A few comments on the Browsing Animal Management program with DPIPW. They have run the program since the end of the Alternatives to 1080 Program to help landholders and have published a series of guidelines and toolkits. DPIPW informed me that there have never been the resources to actually monitor although there has been a large take-up by farmers, meaning they have attended field days and received the toolkits but there are no resources to monitor actual implementation or the actual effectiveness of approaches that are recommended. Informal feedback that I have received through DPIPW about the changes are that: farmers understand the limits of shooting better, especially gun-shyness; the scepticism around fencing has decreased; they understand the need for multiple tools; and monitoring of the actual crop and pasture loss is done by some farmers under the guidelines provided but there is no collation or reporting of that monitoring. I make a recommendation in my submission that resources be allocated to review the actual implementation effectiveness and approaches.

There are not going to be any defamatory comments here, it is about the organisational position of the TFGA. I read very closely the *Hansard* and their two representations. They did not support the extension of eligibility of sound suppressors to agents or farmers. I could not find any words that said that. They did not state their support for an extension of the eligibility of category C firearms when they presented to this committee and made only cursory mention in two submissions.

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TFGA did not provide any recent quantitative evidence in regard to the impact of browsing animals. They have not provided any evidence that the proposed changes to category C firearms and sound suppressors would benefit browsing animal control. They provided no evidence of the effectiveness or otherwise of currently applied methods.

**Dr BROAD** - In your most recent submission you put forward evidence debunking the idea that the number of browsing animals in the state is increasing. This is based on spotlight surveys.

**Mr McGLONE** - I am not debunking anyone else's claims. I am putting it forward as an alternative picture placed on DPIPWE's surveys.

**Dr BROAD** - From what I understand, and correct me if I am wrong, these are based on spotlight transects. You repeatedly go back to the same area to do spotlighting and counting.

**Mr McGLONE** - It has been done for 40 years or more. This report refers to 2002 onward.

**Dr BROAD** - Anecdotally, the number of browsing animals had less impact in the past. My father had a farm at Tewkesbury and when he first started farming there in the 1960s, he did not have any issues with wallabies. Now, I imagine if you wanted to farm at Tewkesbury, you would have a massive problem with wildlife. Increasingly now, even from my own observations seeing road kill, wallabies now being run over in town. I was near the hospital in Launceston and there was a dead wallaby on the road. I was in the West Park Football Oval in Burnie -

**Mr McGLONE** - I have seen possums on the bridge here in Hobart.

**Dr BROAD** - Yes, which is incredible and something I have never seen and increasingly am seeing, especially from roadkill, right in the centre of towns. How do those observations align with the spotlighting surveys showing there has been little change?

**Mr McGLONE** - My expression was there has been no clear movement or it is mixed. The biggest upward trend is with Bennetts wallabies, across all regions, except the centre region. There are seven different regions. Six regions showed either a slight, moderate or high level of increase in density. What you refer to are anecdotal observations. The DPIPWE reports are based upon thousands of hours combined for each annual survey. It is rigorously designed and peer reviewed, to enable us to come up with the best possible results. They are only results that show valid outcomes in terms of long-term trends. I make that clear.

What we are talking about here today, is whether a particular farmer or farming area is having a problem, meaning the problem may be getting worse and not something spotlight surveys are designed to assess. From the Alternatives to the 1080 Program report I read out, was the most compelling result of that four- or five-years' research is you can't rely on, as a measure of success, how many animals you kill. You can't rely on measuring the number of animals you have by using spotlight surveys. If you are not measuring actual loss of pasture crop, you cannot possibly know whether you are being effective. It is the key thing.

In terms of strange observations of animals, that could be to do with urban development. For instance, more animals are being killed on the road partly because of cars becoming lower to the ground. That is one factor. There are all sorts of factors that could cause the observations you are coming up with. The fundamental is, if you are not measuring the actual impact on your pasture crop or whatever you are wanting to protect, you are probably not going to know whether you are



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being effective and you could be wasting a huge amount of time and resources. There were some of the other studies demonstrated applying properly designed shooting methods, using a professional shooter, outdid what recreational shooters and farmers were doing over much longer periods of time and they could measure the impact.

**Dr BROAD** - One argument for there being more runover in towns, et cetera, is because it is an abundance thing. Even in my time, I have seen on our farm, where I grew up 3 km from Ulverstone, there were virtually no wallabies there when I was young. Now they are very abundant, but maybe there are issues with the methodology of transect, especially if you continually go to the same transect, you are not seeing a spread. You are confirming there is a certain presence where you are doing those transect so if those areas are at capacity, then every time you do the transect you won't see increases.

**Mr McGLONE** - They are not used to determine what is happening in a particular place at a particular time. Some of the reasons have shown very consistent long-term upward trends, along with some of the Bennetts wallabies, as well as some of the other species. I am not saying there aren't trends. It is just that those trends are mixed across the state. Some regions are showing significant drops in some species. Moderate decline in brushtail possums across half the state. When these things happen consistently over 20 years with only the occasional blimp, that is when they start to become a valid source of information.

**CHAIR** - Peter, the report that you are referring to, is a DPIPW report?

**Mr McGLONE** - Yes, it is produced every year. That is the most recent. The 2018-19 one isn't completed yet.

**CHAIR** - Does it indicate where the sample is in the report?

**Mr McGLONE** - Yes, it shows you a map of, and I can't remember how many different sites there are, but there are scores of sites where they drive certain transects. I am going to try to find it right now.

**CHAIR** - I will declare an interest in this. My brother and I own some property at Bracknell and I can look at it anecdotally again and agree with you with the Bennetts wallaby. When we were kids and running around the place chasing wallaby, there were literally no Bennetts wallabies. You had to go to a specific place about 5 kilometres out the back out to the sheoak hill and you might be able to spy some. Now they are on my back lawn and I am 5 kilometres away from there. The Rufus wallaby and so on are so abundant it is unbelievable and why I would like to look at DPIPW's report and try to understand where they have taken this angle from and what is happening in the vicinity because I know in our area, anecdotally it is huge numbers.

**Mr McGLONE** - There are unusual results like very large increase in Bennetts wallaby on Flinders Island, while also a large decrease in pademelon on Flinders Island. Are they connected? I do not know.

**Dr BROAD** - More than likely.

**CHAIR** - There are lots of reasons. The reduction in the devil over the last 15 years has to have more of an impact on Rufus wallaby than Bennetts wallaby.

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**Dr BROAD** - An absence of a fur trade.

**CHAIR** - Absence of a fur trade and skins.

**Mr McGLONE**- This is since the year 2002. There may have been other impacts going back 40 years.

**CHAIR** - As far as the anecdotal evidence on what it costs you can lose up to 20 per cent or more of a paddock of oats you have put in and there is no way of determining how much it would have produced or how much it would have run, compared to the loss.

**Mr McGLONE** - There are techniques.

**CHAIR** - You can do a mathematical approach.

**Mr McGLONE** - One of the projects under the Alternatives to the 1080 Program, produced the BITE program. I cannot remember what the acronym stands for, but it gives you a capacity, you do have to take measurements from the field and it gives the capacity to work out what the value of the loss was and what the comparative cost of exclusion might be.

**CHAIR** - You do not have to be Einstein to work out when -

**Dr BROAD** - When you lose three or four acres of ground.

**CHAIR** - There is a significant loss.

**Mr McGLONE** - Yes, but I think it is something the program showed really clearly, unless you are actually measuring it with the simple exclusion devices, you cannot know that for sure.

There were examples flagged at field days where farmers actually believed it was wallabies and possums doing the damage and they put some intensive study into those properties and it was not. It was actually poor soil, for example in one case, so it can be your anecdotal observations can be wrong. A lot of them were the opposite. Farmers often did not know a level of impact and it was proved to be higher than they thought. It is very hard to generalise, because you have to know the specifics of the site.

**CHAIR** - Again, you do not have to be Einstein to look over the fence and you can see 20 metres out from the fence there is nothing growing as far as oats go and as you get further out onto the paddock you get oat growth.

**Mr McGLONE** - I am not sure what your conclusion from that is though.

**CHAIR** - I am saying you do not have to put a study in to know what wildlife are having an impact.

**Mr McGLONE** - They have an effect, but the key thing is to know how big an effect and then when you control them, whether you see the benefit. Measuring it with something that is certain, like an exclusion device is devised so nothing can come in that can eat the grass. Whereas with fences you would have to be observing the fence to know if it was working. Fences allow some animals in. You can have some animals within the fence.

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**CHAIR** - I understand all that.

**Dr WOODRUFF** - Mr McGlone, can I summarise one of the positions you put forward in your two submissions, which is you are making a distinction between testimony and subjective assertions and evidence based on hard data or studies that have been, scientifically developed studies. Your argument leads to a number of the changes proposed to weaken the gun laws is there is not the evidence to back up the changes that are required. What essentially we are being asked is to make a comparison between thousands of hours of rigorously collected information over a couple of decades with anecdotal observations in order to be able to weaken gun laws that may benefit some farming conditions in certain situations.

**Mr McGLONE** - Can I clarify something? I think the annual DPIPW surveys are important but I qualify that there are great limitations to them. The information that is most important that is absent - and if someone comes along today and gives it to me I will be happy - is we do not have a really clear picture of the impact of browsing animals today and farmers do that in a very mixed way. The most important thing that is missing is that we do not know whether current best practice, if it is being applied, is being effective. That is not just the elephant in the room it is a herd of elephants.

We do not know whether the current tools are working in any scientific way. There is some anecdotal evidence that I cited that there are some directions in which people are going and they are satisfied but that is not objective. There are subjective surveys done by the TFGA asking farmers what is happening, what is happening with the browsing animals and what methods of work they are applying and I would ask whether they are effective. That is the herd of elephants in the room. Before we rush off and say, take this additional tool, that is going to make everything right, we need to know whether the current tools are working. We would also like to think the Government would think, is there another tool? The one that I have raised is more encouragement or incentives to build better fences. That is the thing that I most want to emphasise is we do not know what tools are working well.

**Dr WOODRUFF** - The point you are making, and other people today have made the point in a different way is, what is the outcome that we are trying to achieve here? Is the outcome that we are trying to achieve here without changing gun laws or making any inquiry into gun laws to strengthen public health safety and to improve farming practice which might be another part of it. How do we improve farming practice? How do we improve pasture management? How do we work with farmers to get the best outcomes? How do we improve efficiency and effectiveness and humaneness which are those three things?

**Mr McGLONE** - From my organisation's point of view both minimise lethal controls where possible and to maximise humaneness.

**Dr WOODRUFF** - We also had a submission that was just supplied lately to the committee by a person on Flinders Island who has said, for example, that the stock safe fencing is excellent fencing which is proving very effective on Flinders Island. He does not understand and he thinks it obviates any argument for the need to shoot animals because it is so effective.

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

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

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

**Dr WOODRUFF** - To be clear, you are not advocating a no shooting of native animals position?

**Mr McGLONE** - I do not think farmers can generally cope without it at the moment. We need to aim for negating the need for shooting into the long term.

**Dr WOODRUFF** - It is just that this is a misguided destruction. The idea that this is going to fix the problem whereas really it is fundamentally a bit of a Government resourcing of the browsing animal management program to help farmers do the work that they need to do.

**Mr McGLONE** - In response to that submission, lots of people like silver bullets and there ain't no silver bullet. The TFGA quite sensibly said, and I think a lot of people have said, we need multiple tools and every new tool that comes along you do not forget all the other tools. I don't think anyone said that but you get the impression from reading some of the *Hansard* that, not particularly the TFGA, people are saying, give us firearms that can fire more rapidly and sound suppressors and the job will be done. None of them referred to the limitations of those firearms. None of them referred to the irony that one of the category C firearms they want access to is a centrefire rifle. The department gave really good reasons as to why they didn't do a trial of using them and sound suppressors.

**Dr WOODRUFF** - Because?

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

**Dr WOODRUFF** - Any changes being proposed by some of the stakeholders might not be seeking to achieve what they want to because they are avoiding looking at the complexity of the situation.

**Mr McGLONE** - Yes. What is the take-up of these new firearms? You asked the question of Mr Donald Riddell who represents an organisation with 5000 members and you raised a concern that, under the proposed laws, thousands of people might get access to these rapid-fire shotguns and rifles. He answered by saying that because of cost and the need to secure the firearm, 100 people

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in Tasmania would probably take up that right. That may not be right. It may turn out to be a whole lot more people, but if 100 additional shooters in Tasmania who were mainly deer shooters decided to get those additional firearms - and I understand there are 2000-plus farming operations in Tasmania - they are not going to cover much of Tasmania. The added benefit of giving 100 more people one new tool is going to be negligible, you would think. I would like to hear them actually respond to that.

**CHAIR** - Conversely to that, the risk to the public is also negligible in that respect.

**Dr WOODRUFF** - Why is that?

**CHAIR** - It is only 100 is what we are saying.

**Dr WOODRUFF** - Well 100 is still 100.

**Mr McGLONE** - Relative to 5000, yes. I don't come here to address that issue but as an individual, I am concerned as well. It is guesswork and he relayed an example from Victoria with changing licence requirements with some sidearm, I don't know what it was, and he said only 50 people took it up. That was the only evidence he provided to suggest that coming up with a change to what weapons were available would not be taken up by many people.

**CHAIR** - You might like to make a comment but it is more of a statement. Dr Woodruff mentioned the letter from Flinders Island. If one person fences, it is good for that individual. All that does is force the problem onto other people. Therefore, you all have to do it or other strategies have to come into place. On larger properties, it is fine talking about the boundaries, but if it is a 1000-acre property or 5000-acre property, boundary fencing is not a benefit and is a huge cost.

**Mr McGLONE** - One thing I recall from that Alternatives to 1080 Program, and I checked this with DPIPW recently, were some trials done to try to work out best practice for getting whole catchments or regions of farmers to cooperate. NRM North did some trial projects and they picked examples of locations where the benefits of combining landholders were extraordinary. The surrounding properties were Crown land so you could isolate this little island. The trouble is, people don't do it without some intervention. I haven't heard of any other examples. Even the idea of property management planning, which used to be critical to forming how farmers do browsing animal control, hasn't gone by the wayside but it has greatly declined. These systematic approaches don't seem to be picked up by farmers and are declining in the absence of facilitation. The NRM North project needed a lot of work from outside people to get it to happen. There are places in the landscape where, with natural features controlling them, combining efforts of all the landholders have massively greater impacts.

**CHAIR** - We have had evidence from a person, I don't know whether they represented a group, that the use of sound suppressors in spotlighting would make the process a lot more efficient for those people participating in that. The browsing animal tends not to run away at the first crack of the firearm and therefore you can get a number of shots in a location before you need to move on. Do you have any comments as far as that?

**Mr McGLONE** - Mr Allen said it would help me to take more wildlife. I refer you back to the Alternatives to 1080 trial. It said it was an additional tool that should be looked at but pointed out a number of constraints. The constraint about sound suppressors that wallabies are not going to notice them, but over time they do notice the sounds associated with the shooter. They will notice

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the impact of the bullet on the ground or the wallaby next to them. They will notice the smell of the people, the sound of the car, the shine of the spotlight. It is not invisible to them. They just do not get alarmed at it. They recommend all sorts of techniques for countering those cues, including relocate. The best one is relocating every now and then. It is a classic strategy of shooters is that you come in from another direction where the wallabies will not be expecting you. You can change the colour of the light from white to red.

**CHAIR** - Not stating the obvious, but of course, coming up wind, from an animal and every time you go out to him the wind might be blowing in a different direction so therefore it is a different approach.

**Mr McGLONE** - Definitely using different vehicles is another one.

**Mr TUCKER** - With the fencing, do you believe that there is an animal welfare issue with fencing?

**Mr McGLONE** - It can be. I remember that some of the studies found the running of wires along really close to the ground could be effective but they were finding that echidnas were being caught in them and being eventually killed by the electric pulse. Whether other animals get caught? I have heard there is a much bigger problem on the mainland of birds colliding with fencing. I know bats - but I don't believe it is a big problem in Tasmania. I have heard of it happening.

**Mr TUCKER** - What about wombats? If you have electric fences there, depending on the voltage, and they get stuck and they can't go backwards.

**Mr McGLONE** - As opposed to an echidna, they will probably scoop out enough ground. They will get an earth shock and if they survive that they will probably work out how to dig deeper before they hit it. I couldn't give you any data on that.

**Mr TUCKER** - Another question on the fencing is my experience with fencing is it is more a maintenance issue than the actual building of the fence where the costs are. Has there been any studies done by yourself or anyone on the maintenance costs in maintaining these fences?

**Mr McGLONE** - I am pretty sure the baits program developed by TIA goes into all of that. It looks at the costs and benefits, both for construction and ongoing versus the benefits of retaining your crop or pasture. That program again, I would love to have come here and told you how many people have accessed that computer program, used it and endorsed it but there is no resourcing to tell us that. It was a good piece of work. I remember seeing it presented and for someone who did not like computers, databases and crap, I found it easy to follow. It was a useful piece of work.

In terms of animal welfare and fences, wombats to this day were found to be quite a unique problem in terms of digging under fences. The thing about fencing is the wallabies eventually give up, either find a way through or give up. They will relocate away. I don't think there are too many experiences of wallabies getting electrocuted on these fences. They will not try to dig much. The wombat issue has many different aspects where we can't give good answers.

**Mr TUCKER** - Also on the fences, with the wallaby issue you are fencing them out of their food supply and sometimes you are talking thousands of animals and putting them into an area where they don't have a food supply. Do you see that as an animal welfare issue?

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**Mr McGLONE** - Across large properties on the mainland of Tasmania I have never heard of that being a significant problem. The area where it is known to be a critical problem - and I don't know how much science has been applied - is King Island where a relatively small proportion of the island is native vegetation. People are excluding the animals from their pasture or crops and you are pushing more numbers of animals into small areas of bush that either cannot provide enough food, or they cannot provide enough food and you have degradation of the bushland.

That is a factor of a number of things not unique to King Island, but King Island is exceptional. There is a lot of cleared land in comparison to bush. It is very fertile. It is the most amazing habitat for wallabies. All combined, you have a really extreme problem.

King Island was centred out in the program for a lot of attention and I think they still have the problem. They still have a big problem.

**Mr TUCKER** - One final question, you have put in your submission, given that primary producers and professional shooters have access to category C firearms and professional shooters may obtain approval to use sound suppressors it begs the question why a trial using them has not been undertaken to support the need for their wider use. Are you stating that you believe that we need to do a trial?

**Mr McGLONE** - No, I am not an advocate for these weapons at all but there are a lot of people that have advocated for these firearms, but they have not done those studies and I find that is an important question to put to them. If these people want access to them and currently every farmer in Tasmania has the right to apply for a category C firearm. Professional shooters can currently own and use sound suppressors. They could easily have combined to do a trial.

One of the points -

**Mr TUCKER** - Are you advocating for a trial?

**Mr McGLONE** - No, I am asking the question, why if farmer groups and shooter groups wanted access to these things that they have not done it? In particular, I quite plainly question the veracity of the TFGA's support for these changes and this is one additional reason for questioning them. They should have advocated and run such a trial and gone to the last election saying 'look, it works'. They did not do it and the shooter groups would not be expected to do it. They are not as resourced, but why didn't the TFGA do it? I don't think the TFGA really want it.

**CHAIR** - A qualification, you indicated that professional shooters can have sound suppressors, are you aware of any? To our knowledge and in the evidence this morning the only sound suppressor licence was given to Parks and Wildlife who used it on Macquarie Island and then the sound suppressors were given back. I do not believe and other members of the committee might add to this, but I do not believe -

**Mr McGLONE** - I do not know if anyone is currently using them. I understand you simply have to apply to the Police Commissioner. I have spoken to a professional animal controller who, I might be misremembering. I know he told me he had permission to use dart guns in urban areas, tranquillisers, and I thought he told me he used sound suppressors. This is going back 15 years. I am willing to take advice on that, but it is possible. You can ask for permission.

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**Dr BROAD** - You have presented evidence that there is no compelling argument for the use of sound suppressors. Why does the TCT have a view on this in terms of what are the potential negatives from the use of sound suppressors? Putting aside the argument that there has been no evidence presented, why does the TCT have a view that they should not be rolled out? What are the problems that you could see if farmers, professional shooters and their agents were using sound suppressors?

**Mr McGLONE** - In fact my position as stated here is that I am simply pointing to evidence that came forward in the trial done back in 2011 that identified the very serious limitations and it provides a lot of really useful advice about if sound suppressors were to be used, how they are to be used and how to mitigate the limitations. It is the way they are presented and the way the arguments about category C firearms are presented is that it is going to be the silver bullet. I am just wanting people to qualify what they think the benefits are and actually present the evidence that has been provided and is easily publicly available about the limitations of them. Until they do present that information and, more critically, show that they are actually needed because current methods are not working, then I will not support it.

I am not saying you cannot see any benefit into the future from using them, I am just saying give me the evidence the current approaches are not working and that sound suppressors can be used in a way that is effective. I find it somewhat ironic that the people that want to use it cannot point to the methods of using them.

**Dr BROAD** - I suppose what I am trying to get to is that you don't have a fundamental problem with sound suppressors per se. You are saying that there is no evidence they will be of benefit.

**Mr McGLONE** - In effect, yes. I am not supporting them.

**Dr BROAD** - Thank you.

**Dr WOODRUFF** - You have mentioned the game management unit's programs and toolkit in your submission and the range of tools to assist landowners in managing browsing animals and there is a number of them. You also refer to enthusiasm from farmers but the department has provided insufficient resources to make that available and to do the follow up work needed to help farmers. Is that correct? Can you talk a bit more about the change in resourcing and support or the department's view? You also mention undertaking a review. Maybe you could speak about that.

**Mr McGLONE** - The key limitation to resourcing is that it would have been really nice once this program was established, following the 1080 alternatives program, to have had resourcing available to monitor actual implementation and actual effectiveness or lack thereof. That has not been available. It is not available for a lot of areas of government. Given we are talking about a priority of the government and of previous governments, it is really sad that \$6 million or \$8 million was spent on the alternatives program. It was a lot of money and there was not that follow up funding provided to test it. You can come up with the best thing in the world and people may not use it, they may not use it properly or when they use it properly and it doesn't work. That is the fundamental thing that is missing and that is what I advocate for resources for, to look in a comprehensive, systemic way at what farmers are currently doing to manage browsing animals, whether it is working, whether they are applying it properly and whether it is working.



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**Dr WOODRUFF** - Good work was done in developing the background data and evidence for the toolkit and taking it out to farmers and there was a good uptake, but we don't really know what the problems with applying it are, where it works and where it doesn't work.

**Mr McGLONE** -Yes, and fencing is the classic problem because you are trying to control more than the three main animals, you are trying to control wombats, rabbits, hares, all sort of things in lots of different circumstances, different environmental types and different farming operations. Fencing in particular would be fantastic and I am sure the companies would love it if someone was able to go out there and find out for real how people were using it and whether it was being misapplied or whether it was being applied as it was intended and not working. You are talking about a lot of different fencing types as well. These things, to make them work, could benefit from the millions of dollars spent a year on fencing. You are only talking about small amount of money per year to work out whether these things are working effectively.

**Dr WOODRUFF** - Some of the weakening of the firearms laws proposed in the Liberals' policy before the election, which the Government has now said they have walked away from, would have run -

**Mr McGLONE** - I still fear they will go back to it.

**Dr WOODRUFF** - That is another question.

**Mr McGLONE** - Abandoning a policy does not mean they won't go back to it.

**Dr WOODRUFF** - They would have run counter to the good work done by the game management unit, and there was no evidence those policy proposals to amend the gun laws would be effective. Your point is that before any changes are made in relation to weakening the gun laws to allow farmers, their agents or producers to have access to different category weapons or sound suppressors or anything like that, we don't have the evidence to support it and a review needs to be done of the existing toolkit and the Browsing Animal Management program to see where the gaps are and what changes would be the most effective.

**Mr McGLONE** - Yes. The other thing that is quite sad about the whole election issue is that you can judge how big a political stunt you think it was but if it wasn't a political stunt, if they really believe that this was the most important change to make to help farmers with browsing animals, that is the most cynical interpretation of all. Why in God's name wouldn't you think of saying, 'and we are going to help farmers improve how they deal with browsing animals in other ways'. It makes me really cynical that the exercise was purely political to get the attention of the 8000 people in Tasmania that shoot wallabies and the 5000 people that shoot deer and it wasn't really about a fair dinkum attempt to improve browsing animal management. If they were fair dinkum, they would have promised money to improve the current program, working out what worked and doing more of it, working out what didn't and redirecting it.

The other question you asked was why this sort of work doesn't happen. We took an enormous step forward in browsing animal management with the Alternatives to 1080 Program and it only happened as a result of the supplementary Regional Forestry Agreement. It was one of the programs supported in that, thank you to John Howard and perhaps Paul Lennon, the premier at the time, and without that external funding these programs don't get done and they don't get reviewed. It is how you said, with a lot of programs. The forest practises system struggles really badly to - it does pretty well in working out whether people actually do what they're required, it does pretty well, not

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perfect - but they can't work out in a comprehensive way whether what they recommend, what they require, is actually effective. It happens across the board. Having small amounts of money on an ongoing basis would have enormous benefits down the track.

**CHAIR** - Going back to sound suppressors for a moment and from a humane perspective, is it not more humane to aim and shoot at a wallaby standing still rather than trying to put multiple shots in once you have had your first, trying to make the process -

**Mr McGLONE** - Do you know, I have never shot at anything. I tried to stop a few duck shooters from shooting things, but I don't think I am the man to answer that. I would have thought that any professionalism would require you to shoot at an animal that was still. You can't stop it moving after you pull the trigger but I would have thought that would be standard practise, to shoot at a still animal.

**CHAIR** - It is. That is my point, a sound suppressor allows more multiple shots at multiple animals, with reduced opportunity to fire at any more without a sound suppressor because they are on the move. Some people may believe they have the skill to shoot at an animal on the run. I would have thought, from a humane position, sound suppressors make sense.

**Mr McGLONE** - It seems so on the surface of it but what I would like to see is it be implemented for real, or at least think about how it would be implemented. The problem with life is that you can explain to people how a particular thing should be used and they just don't read or follow the instructions. The 1080 program reminded shooters of a whole lot of basic things. If you don't have the right weapon to go with the sound suppressor, it isn't going to work. If you aren't trained in that firearm, it is not going to work. If you don't understand how to do best practise shooting in the field, it's not going to help. There are all the other issues, if not aware of the fear cues, it isn't going to work. If you give a new tool to a tradesman that is badly trained or doesn't understand his trade, it isn't going to help. That is the biggest problem.

One of the extraordinary things is that the TFGA, and tell me if I am wrong, did not support the right for recreational shooters to access sound suppressors. If we are talking about farmers, I would like it clarified that if that's all people are considering it is a bit of a different area, but there are still issues to deal with whether particular farmers are capable of applying that new tool properly. I think they are important issues to consider. If the broader community heard there were key advocate groups not wanting broad access to those sound suppressors, maybe they would have a different view.

Farmers still have to think about whether they use them effectively and safety.

**Mr TUCKER** - Could you clarify things for me. You were saying you would support sound suppressors for farmers and not for recreation? Is that what you are saying?

**Mr McGLONE** - No, I was pointing out what TFGA said, that is all. I am not going to get caught into saying sound suppressors are a good thing. I am trying to identify the limitations of the arguments put by others. People come here and their prime responsibility is to represent shooters and they choose to ignore this DPIWE report and not refer to it.

This is a trial in Tasmania with Tasmanian animals and they pick up a New South Wales report and give it to you. These people need a bit of a shake-up and asked what are they are really trying to convince you of. Do they really think ignoring all that good advice is going to convince you

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their members are going to use sound suppressors in a safe and effective way? I don't think they will.

Maybe there are people out there, I would trust and some of the people I know at DPIPWE and Parks and Wildlife can use them effectively and safely. But if we start to widen the group, I am really worried about shooters, farmers might be able to put a case. That is their case to put, not mine.

**Dr WOODRUFF** - It is interesting some people have presented testimony and provided evidence from other jurisdictions to back-up by virtue of the fact because something exists in another jurisdiction as evidence for why we would change or weaken our gun laws here. Many people have pointed to New Zealand. Tragically, since we heard that testimony in November and December last year from a number of people, we can see New Zealand's gun laws have not protected people there and they are looking at changing it.

Because something is happening in another jurisdiction, does not necessarily mean we should copy it when it is a breach of the National Firearms Agreement.

I am interested in your comments in your second submission you provided about controlling bird. Mr Jones from the TFGA felt semi-automatic shotguns are essential for controlling birds. I wondered whether the TCT has any comments about birds, crops and firearms.

**Mr McGLONE** - I note that was his comments about how to control starlings or sparrows, one of those common birds was what drew my attention to the fact he was talking about him doing it. Him using a Category C firearm, which he could already use. That is what drew my attention to the fact the farmers were not advocating to the non-farmers to use sound suppressors. I have lost track of the question.

**Dr WOODRUFF** - This wasn't in relation to sound suppressors. This was in relation to Mr Jones from the TFGA making the case semi-automatic shotguns are an essential tool for managing the control of certain birds and leaving aside what he thought should happen. What is the TCT's view and what does DPIPWE recommend as methods for control.

**Mr McGLONE** - I have to admit I came here prepared to talk about possums and wallabies. I thought he did recommend using sound suppressors, so he could continue to shoot at very large flocks.

**Dr WOODRUFF** - Maybe he did. You didn't refer to that in your statement.

**Mr McGLONE** - First of all, some of the bird species we are talking about are feral. It is often confused the sulphur-crested cockatoo isn't, but some of the corellas are, also starlings, sparrows and blackbirds. It is whole different argument to be talking about controlling ferals. Deer sit in the middle, don't they? If people want to come to this committee and recommend improved feral animal control including feral birds, that is a whole different case. He wasn't limiting it to only the introduced birds.

**Dr WOODRUFF** - No.

**Mr McGLONE** - That is where I had the problem.

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**CHAIR** - Going back to a previous point you made about the farmers and the fact there are tools there. I don't believe I have heard through this committee that sound suppressors and/or increasing the access to semiautomatics would be a silver bullet to the problem.

What I have heard through the committee is it is an efficiency and a benefit to the tools they have available to them in order to control the problem that is, in their view, getting out of hand. I do not believe I have heard anybody say there is one silver bullet, because most people have referred to the Alternatives to 1080 Program and the fact considerable study has been done and there is no silver bullet. It is a matter of what fits best in different areas and even then, there is no best practice for a specific area. Where do we go? 1080 use has been reducing over the years. The reality is with the 1080 program.

**Mr McGLONE** - It is on the way up over the last four or five years.

**CHAIR** - But the Alternatives to 1080 proved there is no alternative to 1080. That was basically the outcome of the whole investigation. Very expensive fencing.

**Mr McGLONE** - It didn't conclude we could live without it, yet in some circumstances was their view. But it did for example find, and I heard one of the shooters identify this, that best practice shooting could deliver an equivalent outcome as 1080. That was repeated many times in the final report. Your question was going to be about where do we go to improve, I think?

**CHAIR** - Taking my hat off as Chair and putting my farmer's hat on, where do farmers go when there is this issue out there about browsing animals and trying to increase the efficiency of what they do. Every farmer, no matter whether they look at their tractor work, stocking rates, or whatever, it is all about improving the efficiency. There is a certain amount you can do, but it is the efficiency of the farm and allowing 50 per cent to 100 per cent more browsing animals is an area where they will be looking. What alternatives do you offer them?

**Mr McGLONE** - I am not going to say anything different than repeat the key points I made before. People have to become better at measuring the actual impact and farmers need help to review how their currently applied practices are working. The obvious role for a government department is not to let 2000 farmers all try and assess how their practices are going to efficiently use government resources to observe what they are doing and measure the effectiveness. They are the two simple things. We need to find out as accurately as possible, what the actual impact of browsing animals is in all the different range of farming circumstances and reassess whether people are applying best practice and, if so, how effective they have been. It is not only efficiency, it is effectiveness. They are obvious things. If you are fighting a war, you want to work out whether you are winning. You want to work out whether you are using the best weapons. Whether your soldiers are using the weapons properly. It applies throughout life. The reason we made a big step up, and it wasn't the end of the process, it was a big step up in effectiveness during the Alternatives to 1080 Program, is we had directed funding looking at a whole range of things from theoretical right through to practical trials, with all sorts of techniques.

**CHAIR** - So you would not speak against then when there are the proposed efficiencies of a sound suppressor, you would not speak against a trial for instance to allow that to develop some of this information?

**Mr McGLONE** - I didn't write that in my presentation and quite frankly, will have to go away and think about it. We are on tricky ground politically and I don't want to be endorsing that without

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thinking about it. What I did say is, if you consider the animal welfare impacts of sound suppressors, the trial in 2011 identified potential downside as well. For instance, it said you should not use them for Bennetts wallabies, not recommended for Bennetts wallabies. That is a big call.

**Dr WOODRUFF** - That is the biggest group farmers have talked about in this enquiry.

**Mr McGLONE** - That is the group of animals the evidence is clearest about increasing. I would say if we go down this track, and it is to do with the type of ammunition used.

**CHAIR** - Sorry for butting in, but for the benefit of *Hansard*, I can only imagine that was talking about sound suppressors on .22s. If you were shooting Bennetts wallabies, then you would be using a high powered firearm than a .22. I appreciate the fact that they would say it may not kill unless you are close enough. I guess whether it is referring to spotlighting or shooting in the open where you can't quite get as close to them so there would a distance that is operable as far as the 'kill' range.

**Mr McGLONE** - At the time they used a .22 because that was the firearm of choice for most farmers and what have you. They were trying to work out for the average farmer whether it would have benefits and they found that there was a definite problem with using it for Bennetts wallabies. You would have animal welfare problems.

**Dr WOODRUFF** - Chair, for the record, we should be clear that there has not been a unanimous view presented to the committee at hearings that sound suppressors are needed or useful. I am sure it was the Recreational Shooters Association in their testimony in Launceston - I may need to check this to be confident of the group - but they definitely said that a sound suppressor is not no sound. Animals are very sensitive to hearing the sound and they also made the point that when animals are in large groups if the firearm is fired just once you can have a sound suppressor or not a sound suppressor and in that person's view that is still a sound that the animals will shy from. He also made the point that it is not required for OH&S in terms of hearing and that there are other types of ear protection that their association uses and that is already useful and effective in terms of protecting the ear.

**Mr McGLONE** - Mr Allen had a dozen reasons why he could not wear ear muffs. It was extraordinary how committed he was to not using ear muffs.

**Dr WOODRUFF** - We do have to think about changing the law for one person. I guess my point is I wanted to put on the record that it has not been a unanimous view that sound suppressors are what is required or even what is needed to base a trial on. Basically, it is a lack of evidence and there are a lot of assertions.

**Mr McGLONE** - The key limitation, and correct me on the technology if I am wrong, is that the reason that there is the animal welfare issue for Bennetts is that you have to use subsonic ammunition in order to avoid the noise of the actual bullet leaving the barrel. The suppressor basically deals with the noise of the bullet exploding but you need subsonic ammunition to limit the noise of the bullet in flight. That means it is travelling slower so you are going to have less kill power.

**CHAIR** - It means, again, the distance. You need to be closer in order to guarantee.

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**Mr McGLONE** - That is the reason for it. That provides a very major limitation. People gave evidence. I have heard that they were able to use a .22 with amazing efficiency without a sound suppressor.

**Dr WOODRUFF** - That is exactly what the recreational shooters said. Going out you could shoot upwards of 100 a night. He did not think it would make a very significant difference to the number of animals.

**Mr McGLONE** - The thing that people get out of it is that they can shoot a lot in a short period of time but they are not measuring the downside that comes from the animals starting to get all those other fear cues. If you shoot with a .22 and it is most efficient it is probably going to be better without a sound suppressor. It is probably going to be better than using a sound suppressor in the wrong way. I did not get that evidence from the shooters that they knew how to use them.

One thing I wanted to finish on, if you want to finish, is to emphasise the evidence that was provided on offer by the TFGA. I thought in the absence of evidence provided by the TFGA in relation to impact of browsing animals and the potential benefits of extending category C firearms the committee, I think, needs to come to an adjudication about whether that evidence exists. I have looked everywhere. I have asked two ministers, I have asked everyone I can in DPIPWE, I have looked at their website, I have read all these reports. I do not think there is such evidence. The fact that the TFGA came and sat here for a very long period of time and was asked and could not point to that evidence suggests that we need to come to an adjudication on, no we do not have that evidence that this new tool will be significant. We don't have the evidence that the current tools are, or are not, working or whether there is some third alternative we are not looking at.

There is ample evidence that we need to go back before making any changes that we look at the current approaches being used by DPIPWE and see what the take-up is and the effectiveness.

**CHAIR** - Nevertheless, from a TFGA point of view I would expect if they are representing their members. If all of their members are saying the one thing and asking the same question, then the subject of your question becomes very objective if you have a high percentage of people saying that the current tools are not adequate to what is happening out there.

**Dr WOODRUFF** - It is still highly subjective.

**Mr McGLONE** - If you go to the surveys they did - and I put this as an assumption - I assume they were opt-in. They did not go out and hire a company to do a random sample of farmers.

When you have an opt-in survey, this is something we are told when we design surveys, is an opt-in survey won't solicit a representative sample. With these two surveys, one on birds and one on browsing animals, the people with problems undoubtedly would do the survey more than people that didn't.

You are possibly missing out on finding out which farmers are having great success and what methods they are using.

**CHAIR** - Ladies and gentlemen, the time is now 3.06 p.m. I will bring this to a conclusion. Thank you very much for your time, Mr McGlone.

**Mr McGLONE** - Thank you for being generous.

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**CHAIR** - As I advised at the commencement of your evidence, what you have said to us 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 only repeating what you have said to us today. Do you understand that?

**Mr McGLONE** - I do. To clarify, I assume I cannot publish this submission until your committee publishes it?

**CHAIR** - Your new submission? It is the property of the committee.

**Mr McGLONE** - I made that mistake with a submission once. I will never make it again.

**THE WITNESS WITHDREW.**