



# Medics for Gun Control

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## **Submission – House of Assembly Select Committee**

### **Firearms Legislation and Policy**

#### **1 Summary & Recommendations**

Following the Port Arthur Massacre, where 35 people were killed and a further 18 were seriously injured by a lone gunman in 1996, Australia's Commonwealth and State governments introduced a nationally consistent set of minimum regulatory standards – the 1996 National Firearms Agreement (NFA) (1,2). The regulations' overarching goal is to reduce injuries and deaths from firearms in Australia. They have been a highly successful and effective set of standards that have been at the heart of a dramatic reduction in mass shootings and gun related deaths in Australia (3).

The high level public policy goal for gun regulation in Tasmania, and Australia, should be to reduce injuries and deaths from firearms. Hence, policy-makers should view gun regulations through the prism of 'how can we strengthen and uphold existing regulations so as to further reduce injuries and deaths from firearms?'

Australia, fortunately, does not suffer from the gun culture that has crippled effective policy making on guns that the United States suffers with. Australians largely have a practical, non-ideological take on the use of guns (4). Guns have, and should continue to have, a very limited role in Australian society, confined to a very small, strict, defined set of circumstances where their use is necessary and appropriate in certain professions. Gun regulations, as with other public health measures, are a practical and effective manner to reduce unnecessary injuries and deaths (3). Just as drink driving, speeding and driver's licensing requirements are effective public health measures that have dramatically reduced injuries and deaths on the road, gun regulations are a proven and effective manner to reduce and prevent a huge burden of unnecessary injury, death and trauma in our society (3).

The National Firearms Agreement ("NFA") has dramatically reduced injuries and deaths from guns in Australia (3). It is widely supported across Tasmania and Australia. Australia's NFA is viewed as a positive model of public health regulation around the world. The NFA must be upheld and strengthened.

The Hodgman government, through a letter to gun lobby groups in February 2018, put forward a number of policy proposals that would breach the NFA and weaken the Port Arthur gun laws (our legislative council submission including a detailed critique of those proposals is attached below as Appendix A).

We warmly welcome the Hodgman government's subsequent acknowledgement of public concern about any watering down of Tasmania's gun laws, and publicly stated commitment to upholding the NFA and not watering down Tasmania's gun laws.

However, we remain concerned that there is a concerted push from the gun lobby nationally and within Tasmania to chip away at the integrity of the NFA and Australia's gun regulations, and that the government remains under pressure to 'offer something' to the gun lobby in terms of weakened gun regulations, or to attempt to weaken the NFA per se. We strongly urge the State government to resist these pressures and instead to focus on how to ensure that Tasmania fully implements its obligations under the NFA, and in fact looks to how to lead the nation in further reducing gun injuries and deaths by strengthening gun regulations and the NFA. As the state that has suffered so much from Australia's worst gun massacre, we believe that Tasmania can and should lead the nation in terms of strong gun regulations that protect public health and safety.

The areas where we believe Tasmania can strengthen our gun regulations, and in doing so lead the nation in upholding the spirit and intent of the National Firearms Agreement, include but are not limited to:

- i) **Removal of the loophole enabling children to possess and use guns.** The current Tasmanian legislation enables an exception to the NFA principle that a license holder for a gun must be an adult. A 'minor's permit' enables children as young as 12 to possess and use a gun. This is inconsistent with the NFA which specifies a minimum age of 18. The minor's permit provisions should be deleted from the act, to ensure that only adults over the age of 18 are allowed to possess or use a gun under Tasmanian law.
- ii) **License cancellation & seizure of firearms in case of license breaches.** The legislation should explicitly outline that the failure to comply with licensing requirements including the safe storage of the firearms will not just result in an offence, but will result in the cancellation of licenses and seizure of the firearms. The NFA (clause 8) resolved that *"... it should be a precondition to the issuing of a new firearms license (and on each renewal of licence in respect of existing licence holders) that the licensing authority be satisfied as to the proposed storage and security arrangements"* and that *"legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms"*.

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

Our experience shows us that in general, gun owners take these storage requirements seriously and have no problem with them. They are an accepted part of the culture in

Australia now. The NFA clearly states that licences will be cancelled, it will be an offence and firearms will be confiscated, if storage laws are breached. Having unambiguous and strict storage laws is crucial to preventing gun deaths and is a requirement that should be maintained.

- iii) **Seizure of firearms in case of violence orders, Domestic Violence Orders, assault.** Section 51 of the Firearms Act 1996, provides a penalty of seizure of weapons when breaches of licensing and storage requirements occur or upon the issuing of apprehended violence orders, Domestic Violence Orders or other restraining orders against firearm holders. This provision should be made clear and explicit and should be amended to include a conviction or warning for aggravated assault.
- iv) **Reduce license periods for semi-automatic weapons and handguns.** In addition, we would urge the Tasmanian government to use this review of Tasmania's firearm regulations as an opportunity to lead the nation in strong gun regulations that protect public safety, by reducing the license periods for all weapons to 3 years, and for semi-automatic weapons and handguns to annually. The NFA specifies that 5 year license periods should be a maximum and encourages states to apply stronger regulations. Licenses should not be automatically renewed but proceed through the appropriate background checks to ensure that any change in circumstances are fully accounted for. As experienced health professionals, particularly in a primary care setting, we believe that reducing the license periods for these weapons will help to reduce gun deaths from suicides, domestic violence incidents, and other gun related incidents. Having a regular requirement for licensing of these weapons enables deaths and injuries to be prevented through the process of background checks and licensing requirements that are part of needing to apply and re-apply for licenses. People's circumstances change. People whom have never experienced depression before – can fall into deep depression. Similarly, having a regular requirement on the renewal of licenses enables early problems with domestic violence incidents, assaults, AVOs and other warning signs to be picked up early and for harm to be limited by reducing access to weapons.

We are recommending that Category C, D & H weapons' license periods are further reduced as they include weapons that have significant potential to cause harm, and are inclusive of those weapons that are of most concern in relation to mass shootings. Under the NFA, these weapons are prohibited except for occupational purposes. They include semi-automatic rimfire rifles, semi-automatic shotguns, and semi-automatic level action and pump action shotguns, along with handguns. Semi-automatic weapons are weapons with a capacity for shooting in rapid quick fire succession. The spirit and intent of the NFA in the aftermath of the Port Arthur Massacre was that their availability and use should be strictly controlled and limited. For example, the NFA states that Licence Category C weapons should be limited to primary producers, and that (clause 3) "*the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant's occupation, which [our emphasis] cannot be achieved by some*

***other means, and that the need cannot be satisfied by a firearm under Category A or B;***”, and that the licence is to be approved by the commissioner of police.

Clearly both the spirit and intent of the NFA was to severely restrict access to and the total numbers of these types of potentially highly lethal weapons in our community. The NFA intended for these types of weapons to be a last resort for a specific occupational purpose only if the need can’t be met through other means. Clearly, the intent of extending license periods, expanding definitions of primary producers, enabling silencers and expanding the reason to own these weapons to sporting shooters are all changes that are contraventions of the NFA. We do not want to see a recurrence of mass shooting events in Australia. We do not want to see the sort of mass shooting tragedies that we are currently seeing so frequently in the United States. For this reason we strongly urge the Tasmanian government to reject any watering down of the Category C, D and H provisions, and in fact to strengthen them by shortening the license periods.

- v) **Lever Action Shotguns.** The NFA has struggled to keep up with technological changes since first introduced. One of the most striking examples of this is the categorisation of Lever Action Shotguns with magazine capacity no greater than 5 rounds as Category B weapons. The Adler lever action shotgun for example, has a capacity such that when the NFA was originally envisioned it would never have been listed, as it is now, as a Category B weapon. The rapidity of its firing mechanism means that 5 lethal shots can be fired in very quick succession. This weapon must be subjected to more stringent licensing requirements – as a Category C weapon. We urge the Tasmanian government to adopt this position within its regulatory framework, and to push for this requirement to be adopted within the NFA nationally.
- vi) **Banning 3D printed weapons.** Add a component to the existing Tasmanian legislation that explicitly bans the manufacture and possession of 3D printed weapons.
- vii) **Strengthening Background Checks.** We support the view of the AMA on this matter that is to: Ensure that the legislation is explicit in its requirement that comprehensive background checks occur prior to the issuing of licenses. These checks must include assessment of the applicant’s criminal, mental health, addiction and domestic violence records, whether the applicant has been treated for a mental illness or brain injury in a hospital or psychiatric clinic, or was confined in association with violence or threatened or attempted violence on the part of the person against any person; or has a history of behaviour that includes violence or threatened violence to themselves or others. Provision should also be made that a gun license’s application should also include third party character references
- viii) **A broad based expert advisory group.** If there is to be a statutory body to advise government on gun policy, it should be comprised of health experts, first responders, victims groups and criminologists, with a stated policy of advising governments on how to further reduce deaths and harm from guns in Tasmania – similar to the role played by

the Road Safety Taskforce. We strongly reject the proposal for taxpayers' funding to pay the gun lobby to provide formal advice to government on how to further erode the NFA through a statutory 'Tasmanian Firearm Owners Council'. The gun lobby should not be paid to, or have a formal role in advising government on gun policy aimed at reducing gun violence and gun misuse. This would be the equivalent of the tobacco industry having a formal role in advising the government on smoking policy.

- ix) **Encouraging a culture of safety and supporting victims of gun & domestic violence.** Part of the State governments' letter to the gun lobby in February 2018 indicated a promotion of a gun culture in Tasmania, a focus of government funding and resources on quick turn-around times for gun licenses and even the gifting of a parcel of public land as a new shooting range. We encourage the State government to alternatively better fund and support women's shelters, domestic violence support groups and victims of gun violence, and to use government resources to promote a culture of safety and care in relation to the use and regulation of guns.
- x) **Ban weapons industry and gun lobby donations to political parties and candidates in Tasmania.** A recent expose on the tactics of the weapons industry in Australia by 4 corners has revealed a concerted effort by weapons manufacturers to undermine Australia's gun laws through donations to political candidates and political parties and through the funding of shooting groups and campaigns. As political parties have grown to understand and reject the influence of the tobacco industry on public policy through rejecting big tobacco's donations, we urge the Tasmanian political parties and candidates to reject direct or indirect donations from weapons manufacturers and shooting lobby groups, which are clearly designed to corruptly influence public policy and undermine good gun regulations. A ban on political donations from weapons manufacturers and the gun lobby in Tasmania will help to also show critical national leadership in pushing back against the aggressive efforts of the gun lobby to undermine the NFA.

## 2 Medics for Gun Control

Medics for Gun Control is a newly formed incorporated association that was primarily established in response to the Liberal government's proposal to change the Port Arthur Gun Laws in Tasmania.

We are a group of health professionals who work in a wide variety of settings, and our professional experience and policy knowledge tells us that good, strong gun regulations save lives, and the previous proposed changes will lead to more unnecessary injuries and deaths. The impact of poor gun regulations and gun related violence is horrific, tragic and unnecessary. We do not want to witness further unnecessary injuries and deaths from guns in our communities.



We see that as with the efforts to combat health problems and deaths from smoking, drink driving and vaccine-preventable diseases, effective gun regulations are a critical, basic, public health measure and that gun regulations in Australia under the NFA should be upheld and strengthened.

### 3 Background - Gun Laws in Australia leading up to the Port Arthur Massacre

When extremely positive and effective public health measures and regulations are enacted, it can sometimes, within a relatively short period, be easy to start to forget what life was like before those regulations were put into place.

For example, the idea of there being a risk of having to be put into an iron lung to survive infection with polio is a concept completely foreign to most Australians today. Yet this was a reality just a few generations ago, prior to effective wide-scale vaccination that led to the effective eradication of polio in much of the Western world. It would be foolhardy policy today to suggest that it is ok to water down or relax the standard use of polio vaccine in our childhood immunization program. It would be equally foolhardy to put lead back in petrol, to permit DDT, to make opiate medications freely available over the counter through chemists or to de-regulate seatbelt use.

Prior to 1996, Australia had a horrifyingly significant presence of gun violence (2). A definition of a mass shooting is *“one in which greater than five firearm related homicides are committed by one or two perpetrators in proximate events in a civilian setting, not counting any perpetrators (2).”*

In today’s Australia, mass shootings appear to be a tragic phenomenon that largely occur elsewhere, in the United States, for example, but that we ‘luckily’ appear to be immune from. Yet in the 18 years before the National Firearms Agreement was brought into place, there were **13 mass shootings in Australia** (2). It is important to remember this salient fact. The Port Arthur Massacre was not a one-off event, but the very worst of what had been a semi-regular occurrence in Australia.

Leading up to the Port Arthur massacre public health advocates had for a number of years been arguing for effective firearms regulations, but these regulations were fiercely and successfully resisted by a small but loud and effective gun lobby.

It is deeply unfortunate and tragic that it was only after the nation-wide shock of the Port Arthur massacre, resulting in 35 deaths and a further 18 people that were seriously injured, that effective gun regulations were finally brought into place in Australia. These deaths and injuries shattered not just the lives of those directly involved, but inflicted huge medical, psychological and other harm across our community. That harm continues to this day, and for all survivors and those impacted will affect them for the rest of their lives.

### 4 Background - The National Firearms Agreement

Following the Port Arthur Massacre, there was a national outcry for effective regulations to be brought into place to prevent gun deaths in Australia. The State and Commonwealth governments, under the leadership of Prime Minister John Howard, effectively responded with a nation-wide agreement on firearms that has become known as the ‘National Firearms Agreement’ (1). The agreement sought to significantly restrict the sale, distribution and use of firearms within Australia,

particularly automatic and semi-automatic weapons. Key elements of the National Firearms Agreement, included that the agreement (1):

- Banned the use of automatic or semi-automatic firearms except for military, police, and occupational categories of shooters who have been licensed for a specified purpose.
- Resolved to establish an effective Nationwide Registration of all firearms.
- Resolved that a ‘genuine reason’ would be required for owning, possessing or using a firearm in Australia, and that ‘personal protection’ would not be regarded as a genuine reason for possessing a firearm.
- Established basic license requirements, including training as a prerequisite for licensing.
- Established grounds for license refusal or cancellation and seizure of firearms.
- Mandated a 28-day ‘waiting period’ prior to the issuing of all firearms permits.
- Established a maximum 5 year license period.
- Established uniform standards for the security and storage of firearms.
- Established restrictions and requirements on sales of guns.
- Established that after an amnesty period, there would be severe penalties for breaches of the firearms control laws.
- Established a buyback program to buyback and retire guns from circulation.

Each of the different components of the agreement was well thought out, evidence-based, and looked at the different ways in which injuries and deaths from firearms could be curtailed through effective regulations.

## 5 Background - Effects of the National Firearms Agreement

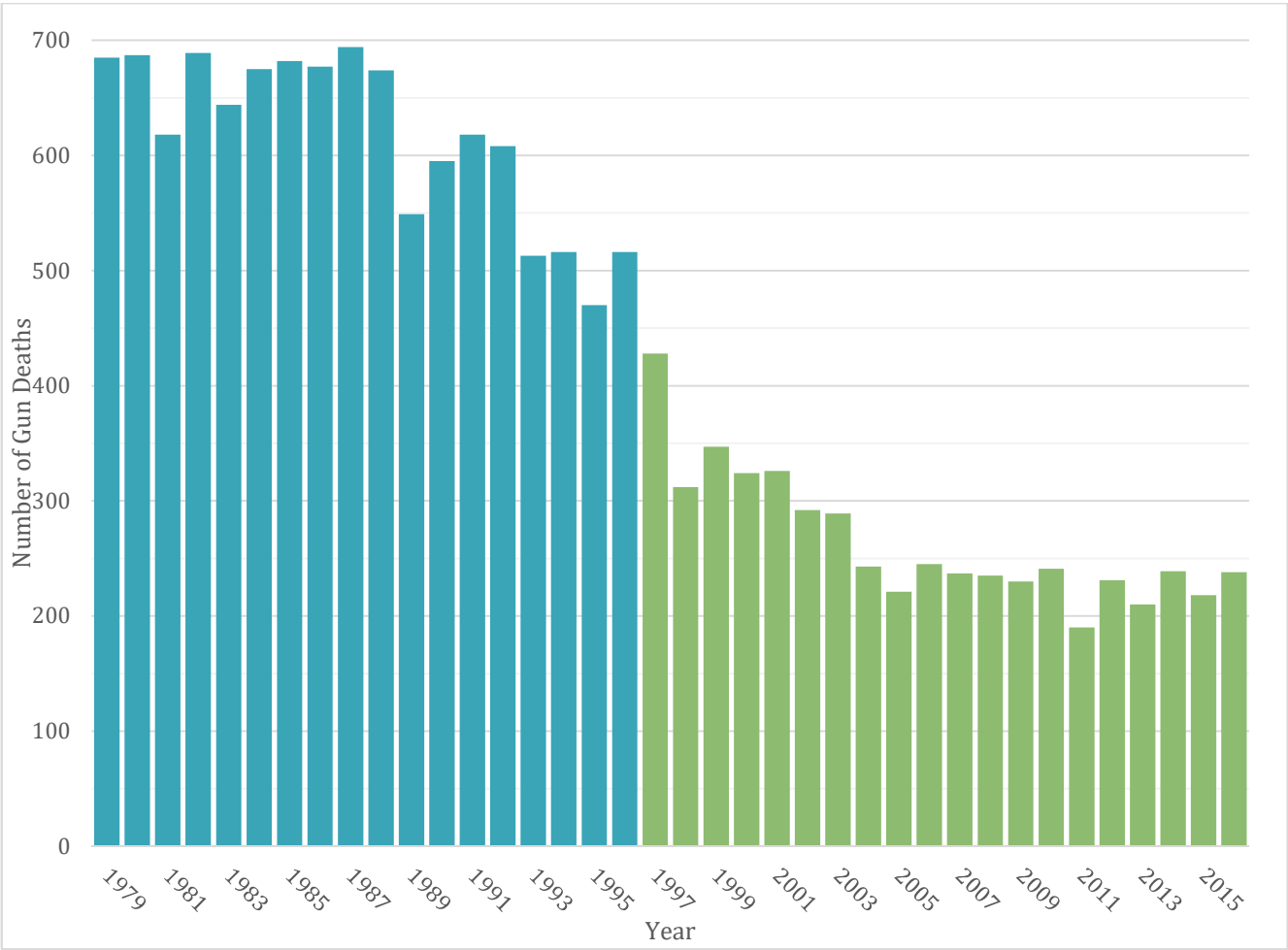
The effect of strict regulations on the use of guns in Australia has been dramatic.

**After 13 mass shootings in Australia prior to the National Firearms Agreement, there were none in the 20 years afterwards.** The first mass shooting in Australia since the National Firearms Agreement was put in place, occurred in Margaret River in May this year (5).

**The rate of decline in firearm-related deaths for total firearm deaths, firearm suicides and firearm homicides has more than doubled after the National Firearms Agreement was put in place (2).**

**In the 20 years following the Port Arthur massacre, gun deaths in Australia have halved (6)**

Figure 1 Total numbers of Gun Deaths in Australia



Source: (6)



## Australia

### Rate of All Gun Deaths per 100,000 People



Source: (6)

However, there is still room for the National Firearms Agreement to be more rigorously implemented and strengthened. A review of Firearms Legislation in Australia by Warner and Sherwood in 2006, found that there were inconsistencies between some of the states. Plus a number of states had failed to fully implement the requirements of the agreement. Tasmania is included in this, where it was found to have failed to:

- Implement a number of the requirements on the National Agreement on handguns (2002) on licensing and on participation in sporting associations.
- comply with the requirements on the regulation of the transport of firearms.
- require that a conviction for aggravated assault should automatically result in a license cancellation.<sup>1</sup>

Whilst there has been a dramatic improvement in gun deaths in Australia, there is still a significant and unacceptable burden of deaths from gun suicide, domestic violence and other causes in Australia. Firearm theft also remains a significant problem. Figures below are taken from the Australian Medical Association's 2017 position statement:-

<sup>1</sup> All listed sourced from Warner & Sherwood, 2006.

**Data on firearms in Australia****Table 1. Jurisdictional Firearm Prevalence**

Jurisdiction*	Registered Firearms	Licensed Owners	Rate of Ownership per 100	Gun Deaths in 2014*	
				Total	Suicide
NSW	793,329 (2016)	223,125	2.92	80	50
VIC	767,304 (2015)	214,936	3.63	59	42
QLD	694,712 (2014)	173,208	3.65	56	47
WA	313,704 (2012)	82,500	3.28	26	20
TAS	134,053 (2016)	84,821	16.41	12	7
SA	273,812 (2010)	64,081	3.94	15	14
ACT	19,200 (2015)	6,083	1.56	0	0
NT	57,804 (2014)	13,000	5.30	5	5
National	2,750,000 (2012)*	730,000 (2012)*	3.32 (2012)*	253	185

\*These figures represent the national total as calculated in 2012. Due to inconsistencies in the collection of data across different jurisdictions there is insufficient data to determine more recent totals.

**Table 2. Reported Firearm Theft in Australia 2005 - 2009<sup>7</sup>**

Jurisdiction	2005-06	2006-07	2007-08	2008-09
NEW SOUTH WALES	401	432	410	592
VICTORIA	211	276	332	302
QUEENSLAND	302	320	352	319
WEST AUSTRALIA	191	232	297	NA
TASMANIA	114	52	107	99
SOUTH AUSTRALIA	198	204	193	211
ACT	9	NA	9	22
NT	19	10	12	25
TOTAL	1445	1526	1712	1570

- In 2012, the Australian Crime Commission estimated that the illicit firearm market in Australia contained around 260,000 firearms<sup>8</sup>

Whilst there has been a dramatic reduction in gun deaths in Australia since the NFA was established, there is still much too high a burden of injuries and death from guns in Australia. The numbers of deaths from guns in Australia have for the past decade hovered at between 190 and 240 per year. Yet this figure represents just a fraction of the human cost, with each number representing families whose lives that have been shattered by suicides, domestic violence homicides and other tragic deaths.

The question for policy-makers is – with the progress that has been made through the NFA – how do we now further reduce injuries and deaths from guns?

A review by Alpers & Rosetti<sup>2</sup> into Australia's gun laws 21 years on from the Port Arthur Massacre is a good start. That review found that even though compliance with the NFA remained largely intact, no Australian State or Territory has at any stage actually fully complied with the 1996 or 2002 Australian Police Minister Council resolutions (the 'National Firearms Agreement'). The report also

<sup>2</sup> 2017, pp1-4

noted that divergences in implementation of the agreement was weakening the efficacy of the agreement, and that two decades of steady lobbying from gun groups had been progressively undermining the NFA's original intent. This review gives a very detailed account of the current areas where Tasmania has fallen short on implementation of the NFA and the subsequent 2002 National Agreement on Handguns.

As the state that suffered so greatly from Australia's worst gun massacre, we urge the Tasmanian government to ensure that Tasmania is at the forefront of upholding the spirit and intent of the NFA nationally. We urge the House of Assembly to use this inquiry as an opportunity to uphold the spirit and intent of the NFA, but also to strengthen the agreement, by fixing the areas where Tasmania is currently falling short.

The standout areas that we are urging be rectified in Tasmania, in addition to the issues we identified in our summary above, as identified by Alpers & Rosetti's review<sup>3</sup> are:

1. That all applicants for a licence be at least 18 years of age.
2. Tasmania must comply with all of the licensing resolutions of the 2002 agreement on handguns.
3. Tasmania must forbid the use of prohibited firearms for competitive shooting
4. Tasmania must comply with a range of other NFA category D prohibited firearm conditions

## 6 Conclusion

We greatly appreciate and welcome the chance to make this submission to this House of Assembly inquiry and for your consideration of our advice and recommendations. In summary we would urge the Tasmanian government to propose nothing that would undermine the spirit, intent and letter of the NFA or that would water down or weaken Tasmania's gun regulations. We ask instead that the focus be on strengthening Tasmania's gun regulations and ensuring that Tasmania is at the forefront of upholding the spirit and intent of the agreement with the aim of minimizing gun death, gun injury and gun misuse.

We would appreciate the opportunity for our organization and the broad cross section of the health sector who have expressed strong views on the importance of upholding our gun laws, to be able to talk to you directly as part of your hearings. We also ask that the inquiry hears directly from victims and first responders to the Port Arthur tragedy, along with those in the profession who continue to deal with the ongoing harm and risk of harm from guns in our community through their work.

With thanks:

Jennifer Brown RN MPH JD

Dr Doug Deveraux

Dr Samuel Maloney

Dr Phillip Pullinger

Fiona Beer Medical Student

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<sup>3</sup> 2017, pp4-6

On behalf of the Medics for Gun Control

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## **APPENDIX A:**

### **Submission – Legislative Council Select Committee**

#### **Proposed Firearms Law Reforms**

##### **1 Executive Summary**

Following the Port Arthur Massacre, where 35 people were killed and a further 18 were seriously injured by a lone gunman in 1996, Australia's Commonwealth and State governments introduced a nationally consistent set of regulations – the 1996 National Firearms Agreement (NFA) (1,2). The regulations' overarching goal is to reduce injuries and deaths from firearms in Australia. They have been a highly successful and effective set of regulations that have been at the heart of a dramatic reduction in mass shootings and gun related deaths in Australia (3).

The high level public policy goal for gun regulations in Tasmania, and Australia, should be to reduce injuries and deaths from firearms. Hence, policy-makers should view gun regulations through the prism of 'how can we strengthen and uphold existing regulations so as to further reduce injuries and deaths from firearms?'

Australia, fortunately, does not suffer from the gun culture that has crippled effective policy making on guns that the United States suffers with. Australians largely have a practical, non-ideological take on the use of guns (4). Guns have, and should continue to have, a very limited role in Australian society, confined to a very small, strict, defined set of circumstances where their use is necessary and appropriate in certain professions. Gun regulations, as with other public health measures, are a practical and effective manner to reduce unnecessary injuries and deaths (3). Just as drink driving, speeding and driver's licensing requirements are effective public health measures that have dramatically reduced injuries and deaths on the road, gun regulations are a proven and effective manner to reduce a huge burden of unnecessary injury, death and trauma in our society (3).

The National Firearm Agreement has dramatically reduced injuries and deaths from guns in Australia (3). They are widely supported across Tasmania and Australia. Australia's NFA is viewed as a positive model of public health regulation around the world. The NFA must be upheld and strengthened.

The Hodgman government, through a letter to gun lobby groups in February 2018, put forward a number of policy proposals that would breach the NFA and weaken the Port Arthur gun laws. If implemented, the Medics for Gun Control believe that these proposals will significantly harm public safety, leading to increased and unnecessary injuries and/or deaths due to firearms.

We congratulate the Legislative Council for investigating the proposed changes. We urge the Legislative Council, through the evidence presented at this inquiry, to work to convince the Hodgman government to drop the proposals to weaken Tasmanian's current gun laws, and instead



to save lives by focusing on how to uphold and strengthen the spirit and intent of the National Firearms Agreement.

## 2 Medics for Gun Control

Medics for Gun Control is a newly formed incorporated association that was primarily established in response to the Liberal government's proposal to change the Port Arthur Gun Laws in Tasmania.

We are a group of health professionals who work in a wide variety of settings, and our professional experience and policy knowledge tells us that good, strong gun regulations save lives, and the proposed changes will lead to more unnecessary injuries and deaths. The costs from poor gun regulations and gun related violence are horrific, tragic and unnecessary. We do not want to witness further unnecessary injuries and deaths from guns in our communities.

We see that as with the efforts to combat health problems and deaths from smoking, drink driving and vaccine-preventable diseases, effective gun regulations are a critical, basic, public health measure and that gun regulations in Australia under the NFA should be upheld and strengthened.

## 3 Gun Laws in Australia leading up to the Port Arthur Massacre

When extremely positive and effective public health measures and regulations are enacted, it can sometimes, within a relatively short period, be easy to start to forget what life was like before those regulations were put into place.

For example, the idea of there being a risk of having to be put into an iron lung to survive infection with polio is a concept completely foreign to most Australians today. Yet this was a reality just a few generations ago, prior to effective wide-scale vaccination that led to the effective eradication of polio in much of the Western world. It would be foolhardy policy today to suggest that it is ok to water down or relax the standard use of polio vaccine in our childhood immunization program.

Prior to 1996, Australia had a horrifyingly significant presence of gun violence (2). A definition of a mass shooting is *“one in which greater than five firearm related homicides are committed by one or two perpetrators in proximate events in a civilian setting, not counting any perpetrators (2).”*

In today's Australia, mass shootings appear to be a tragic phenomenon that occur elsewhere, in the United States, but that we 'luckily' appear to be immune from. Yet in the 18 years before the National Firearms Agreement was brought into place, there were **13 mass shootings in Australia (2)**. It is important to remember this salient fact. The Port Arthur Massacre was not a one-off event, but the very worst of what had been a semi-regular occurrence in Australia.

Leading up to the Port Arthur massacre public health advocates had for a number of years been arguing for effective firearms regulations, but these regulations were fiercely and successfully resisted by a small but loud and effective gun lobby.

It is deeply unfortunate and tragic that it was only after the nation-wide shock of the Port Arthur massacre, resulting in 35 deaths and a further 18 people that were seriously injured, that effective

gun regulations were finally brought into place in Australia. These deaths and injuries shattered not just the lives of those directly involved, but inflicted huge medical, psychological and other harm across our community.

#### 4 The National Firearms Agreement

Following the Port Arthur Massacre, there was a national outcry for effective regulations to be brought into place to prevent gun deaths in Australia. The State and Commonwealth governments, under the leadership of Prime Minister John Howard, effectively responded with a nation-wide agreement on firearms that has become known as the ‘National Firearms Agreement’ (1). The agreement sought to significantly restrict the sale, distribution and use of firearms within Australia, particularly automatic and semi-automatic weapons. Key elements of the National Firearms Agreement, included that the agreement (1):

- Banned the use of automatic or semi-automatic firearms except for military, police, and occupational categories of shooters who have been licensed for a specified purpose.
- Resolved to establish an effective Nationwide Registration of all firearms.
- Resolved that a ‘genuine reason’ would be required for owning, possessing or using a firearm in Australia, and that ‘personal protection’ would not be regarded as a genuine reason for possessing a firearm.
- Established basic license requirements, including training as a prerequisite for licensing.
- Established grounds for license refusal or cancellation and seizure of firearms.
- Mandated a 28-day ‘waiting period’ prior to the issuing of all firearms permits.
- Established a maximum 5 year license period.
- Established uniform standards for the security and storage of firearms.
- Established restrictions and requirements on sales of guns.
- Established that after an amnesty period, there would be severe penalties for breaches of the firearms control laws.
- Established a buyback program to buyback and retire guns from circulation.

Each of the different components of the agreement was well thought out, evidence-based, and looked at the different ways in which injuries and deaths from firearms could be curtailed through effective regulations.

#### 5 Effects of the National Firearms Agreement

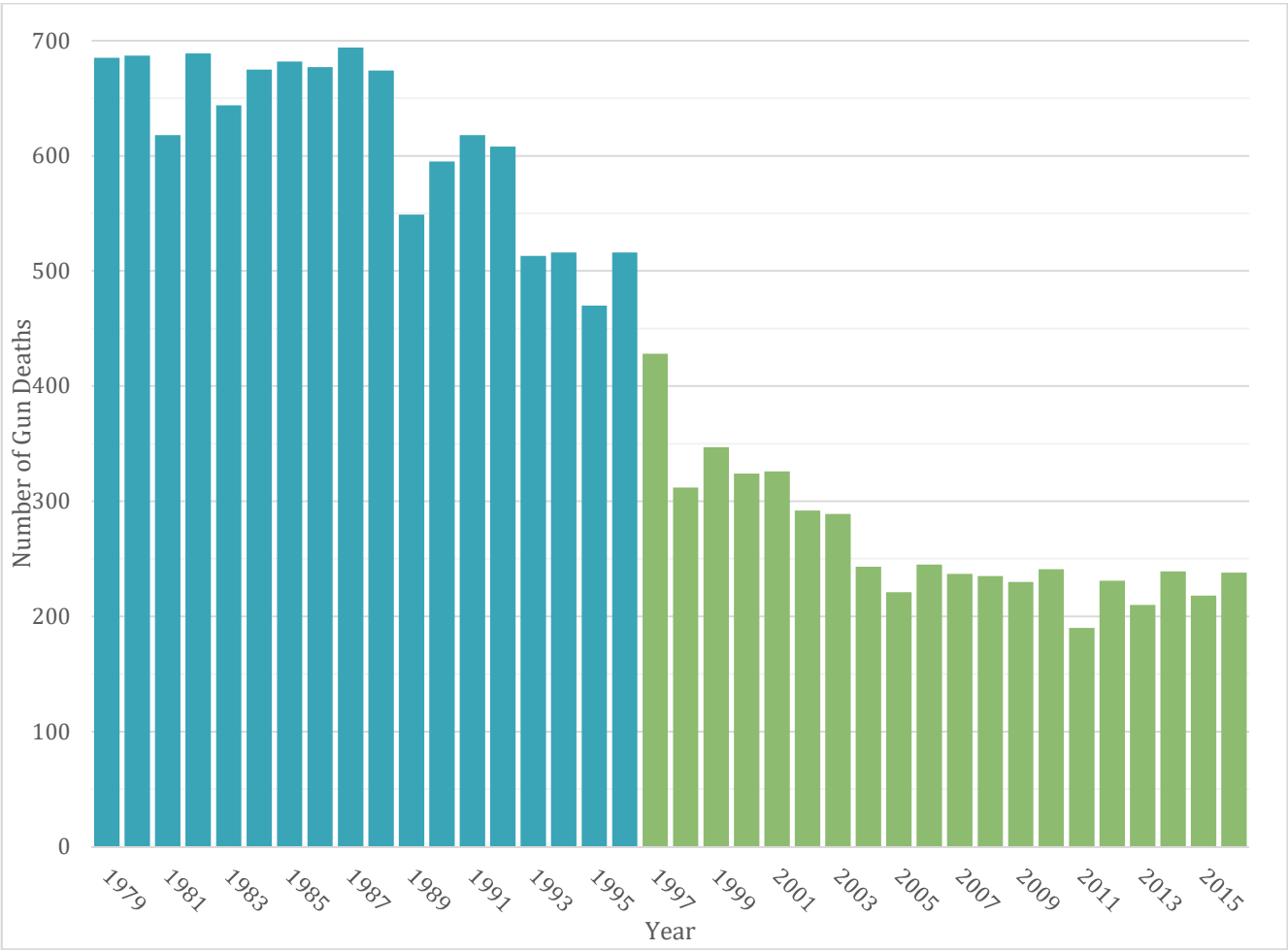
The effect of strict regulations on the use of guns in Australia has been dramatic.

**After 13 mass shootings in Australia prior to the National Firearms Agreement, there were none in the 20 years afterwards.** The first mass shooting in Australia since the National Firearms Agreement was put in place, occurred in Margaret River in May this year (5).

**The rate of decline in firearm-related deaths for total firearm deaths, firearm suicides and firearm homicides has more than doubled after the National Firearms Agreement was put in place (2).**

**In the 20 years following the Port Arthur massacre, gun deaths in Australia have halved (6)**

Figure 24 Total numbers of Gun Deaths in Australia



Source: (6)

## Australia

### Rate of All Gun Deaths per 100,000 People



Source: (6)

However, there is still room for the National Firearms Agreement to be more rigorously implemented and strengthened. A review of Firearms Legislation in Australia by Warner and Sherwood in 2006, found that there were inconsistencies between some of the states. Plus a number of states had failed to fully implement the requirements of the agreement. Tasmania is included in this, where it was found to have failed to:

- Implement a number of the requirements on the National Agreement on handguns (2002) on licensing and on participation in sporting associations.
- To comply with the requirements on the regulation of the transport of firearms.
- To require that a conviction for aggravated assault should automatically result in a license cancellation.<sup>4</sup>

Whilst there has been a dramatic improvement in gun deaths in Australia, there is still a significant and unacceptable burden of deaths from gun suicide, domestic violence and other causes in Australia. Firearm theft also remains a significant problem. Figures below are taken from the Australian Medical Association's 2017 position statement:-

<sup>4</sup> All listed sourced from Warner & Sherwood, 2006.

**Data on firearms in Australia****Table 1. Jurisdictional Firearm Prevalence**

Jurisdiction*	Registered Firearms	Licensed Owners	Rate of Ownership per 100	Gun Deaths in 2014*	
				Total	Suicide
NSW	793,329 (2016)	223,125	2.92	80	50
VIC	767,304 (2015)	214,936	3.63	59	42
QLD	694,712 (2014)	173,208	3.65	56	47
WA	313,704 (2012)	82,500	3.28	26	20
TAS	134,053 (2016)	84,821	16.41	12	7
SA	273,812 (2010)	64,081	3.94	15	14
ACT	19,200 (2015)	6,083	1.56	0	0
NT	57,804 (2014)	13,000	5.30	5	5
National	2,750,000 (2012)*	730,000 (2012)*	3.32 (2012)*	253	185

\*These figures represent the national total as calculated in 2012. Due to inconsistencies in the collection of data across different jurisdictions there is insufficient data to determine more recent totals.

**Table 2. Reported Firearm Theft in Australia 2005 - 2009<sup>7</sup>**

Jurisdiction	2005-06	2006-07	2007-08	2008-09
NEW SOUTH WALES	401	432	410	592
VICTORIA	211	276	332	302
QUEENSLAND	302	320	352	319
WEST AUSTRALIA	191	232	297	NA
TASMANIA	114	52	107	99
SOUTH AUSTRALIA	198	204	193	211
ACT	9	NA	9	22
NT	19	10	12	25
TOTAL	1445	1526	1712	1570

- In 2012, the Australian Crime Commission estimated that the illicit firearm market in Australia contained around 260,000 firearms<sup>8</sup>

Whilst there has been a dramatic reduction in gun deaths in Australia since the NFA was established, there is still much too high a burden of injuries and death from guns in Australia. The numbers of deaths from guns in Australia have for the past decade hovered at between 190 and 240 per year. Yet this figure represents just a fraction of the human cost, with each number representing families whose lives that have been shattered by suicides, domestic violence homicides and other tragic deaths.

The question for policy-makers is – with the progress that has been made through the NFA – how do we now further reduce injuries and deaths from guns?

A review by Alpers & Rosetti<sup>5</sup> into Australia's gun laws 21 years on from the Port Arthur Massacre is a good start. That review found that even though compliance with the National Firearms Agreement remained largely intact, no Australian State or Territory has at any stage actually fully complied with the 1996 or 2002 Australian Police Minister Council resolutions (the 'National

<sup>5</sup> 2017, pp1-4

Firearms Agreement’). The report also noted that divergences in implementation of the agreement was weakening the efficacy of the agreement, and that two decades of steady lobbying from gun groups had been progressively undermining the NFA’s original intent. This review gives a very detailed account of the current areas where Tasmania has fallen short on implementation of the National Firearms Agreement and the subsequent 2002 National Agreement on Handguns.

As the state that suffered Australia’s worst gun massacre, we urge the Tasmanian government to ensure that Tasmania is at the forefront of upholding the spirit and intent of the National Firearms Agreement nationally. We urge the legislative council and the Tasmanian government to use this inquiry as an opportunity to uphold the spirit and intent of the National Firearms Agreement, but also to strengthen the agreement, by fixing the areas where Tasmania is currently falling short.

The standout areas that we are urging be rectified in Tasmania, as identified by Alpers & Rosetti’s review<sup>6</sup> are:

5. That all applicants for a licence be at least 18 years of age.
6. Tasmania must comply with all of the licensing resolutions of the 2002 agreement on handguns.
7. Tasmania must forbid the use of prohibited firearms for competitive shooting
8. Tasmania must comply with a range of other NFA category D prohibited firearm conditions

**RECOMMENDATION #1: STRENGTHEN THE NFA AND CLOSE LOOPHOLES IN AREAS WHERE TASMANIA HAS SO FAR FAILED TO COMPLY.**

We believe the Tasmanian government and legislative council should use this inquiry as an opportunity to fix these key areas of non-compliance with the NFA. We urge the Tasmanian government and Legislative council to ensure that Tasmania remains the strongest State in Australia in relation to implementation of the NFA, and that Tasmania is at the forefront of leading other States to uphold their commitments to the NFA by closing loopholes across the Nation.

## **6 Proposal to weaken and breach the National Firearms Agreement**

On the 9<sup>th</sup> of February 2018, Rene Hidding, the then Minister for Police, Fire and Emergency Management, and Liberal Member for Lyons in Tasmania, wrote to shooting groups in Tasmania, promising several policy changes if re-elected. These proposed policy changes were not put to the broader public in Tasmania until just prior to the election, meaning that there was no meaningful chance to respond to them before the election itself. Similarly, as far as we are aware, health professionals, medical experts, gun control experts and first responders were not given any meaningful chance to respond until now.

A number of these changes would directly breach the spirit & intent of the NFA. We welcome the government’s acknowledgement of the concerns raised by doctors, nurses, paramedics and victims

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<sup>6</sup> 2017, pp4-6



of the Port Arthur tragedy, and recent affirmation of a commitment to uphold the NFA, and not to water down Tasmania's gun laws.

Rather than go through all of the details of the proposals in Rene Hiddings' letter to gun groups, we wish to highlight some of the specific promises that we believe would clearly breach the National Firearms Agreement. We ask the Legislative Council inquiry to recommend against these proposals and for the Tasmanian government to drop them.

The specific proposals that would breach the National Firearms Agreement include:

1. Rene Hidding's Letter's Proposals; Category A weapons. Extending the license periods for category A (air rifles, rimfire rifles, single & double-barrel shotguns) & B (muzzle loading firearms, Single shot, double barrel & repeating centre fire rifles, break action shotguns/rifle combinations) license holders from 5 years to 10 years

The Australasian Police Ministers' Council Special Firearms Meeting 1996 (the NFA), resolved that (clause 4, Basic Licensing Requirements (b), *'be issued for a period of no more than 5 years'*). This proposal is therefore clearly in breach of the NFA and should be rejected.

As experienced health professionals, particularly in a primary care setting, we believe that extending the license periods for these weapons will result in more gun deaths from suicides, domestic violence incidents, and other gun related incidents.

We support the AMA's position that the licensing of Category A weapons should in fact be reduced to a maximum of 3 years. Having a regular requirement for licensing of these weapons enables deaths and injuries to be prevented through the process of background checks and licensing requirements that are part of needing to apply and re-apply for licenses.

People's circumstances change. People whom have never experienced depression before – can easily within a 10 year period fall into deep depression. Similarly, having a regular requirement on the renewal of licenses enables early problems with domestic violence incidents, assaults, AVOs and other warning signs to be picked up early and for harm to be limited by reducing access to weapons.

## 2. Category C Weapons

Rene Hidding's letter's proposals;

- A) Extending the license periods for Category C (semi-automatic rimfire rifles, semi-automatic shotguns, pump action shotguns) agent of a primary producer from one year to two years to 'remove red tape'
- B) Expanding the definition of primary producers allowed to use Category C weapons (semi-automatic rimfire rifles, semi-automatic shotguns, pump action shotguns), enabling the use of silencers for Category C weapons, and reviewing the renewal process and requirements for Category C license-holders

- C) To refer to the Council of Police Ministers the ‘need for amendments to the National Firearms Agreement’ and to ‘expand the “reason to own” a Category C firearm to include competition shooting (semi-automatic rimfire rifles, semi-automatic shotguns, pump action shotguns)’

Category C weapons under the NFA are prohibited except for occupational purposes. They include semi-automatic rimfire rifles with a capacity of up to 10 rounds, semi-automatic shotguns and pump action shotguns with capacities of up to 5 rounds. These are lethal weapons with a capacity for shooting in rapid quick fire succession. These weapons are those that are of greatest concern in their potential involvement in mass shooting events. The spirit and intent of the NFA in the aftermath of the Port Arthur Massacre was that their availability and use should be strictly controlled and limited.

The NFA states that Licence Category C weapons should be limited to primary producers, and that (clause 3) *“the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant’s occupation, which [our emphasis] **cannot be achieved by some other means, and that the need cannot be satisfied by a firearm under Category A or B;**”*, and that the licence is to be approved by the commissioner of police.

Clearly both the spirit and intent of the NFA was to severely restrict access to and total numbers of these types of potentially highly lethal weapons in our community. The NFA intended for these types of weapons to be a last resort for a specific occupational purpose only if the need can’t be met through other means. Clearly, the intent of extending license periods, expanding definitions of primary producers, enabling silencers and expanding the reason to own these weapons to sporting shooters are all changes that are contraventions of the NFA. We do not want to see a recurrence of mass shooting events in Australia. We do not want to see the sort of mass shooting tragedies that we are currently seeing so frequently in the United States. For this reason we strongly urge the Legislative Council and the Tasmanian government to reject any watering down of the Category C provisions.

3. Rene Hidding’s Letter’s Proposals; Water down penalties for breaches of firearm regulations so that an infringement notice rather than a summons could be issued, without removal of firearms

The NFA (clause 8) resolved that *“... it should be a precondition to the issuing of a new firearms license (and on each renewal of licence in respect of existing licence holders) that the licensing authority be satisfied as to the proposed storage and security arrangements”* and that *“legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms”*.

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

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

4. Rene Hidding's Letter's proposals; Ask the new statutory firearms council to advise the government on the potential of a new Category E of firearms to encompass all "prohibited firearms" for 'certain specialists', to review "military appearance" weapons laws, and to look at the restrictions on carriage of ammunition across Bass Strait to 'remove unfair barriers' for travelling competitors and hunters.

Clause 1 of the NFA specifically sets out the provisions for the prohibition of certain firearms, except for military, police or specific occupational shooters who have been licensed for a specific purpose. The creation of a new category of firearms to encompass all prohibited firearms is clearly in contravention of the NFA well outside its scope, and should be rejected outright. Clause 10 of the NFA prohibits the commercial transportation of ammunition with firearms. To change this requirement would breach of the NFA and should be rejected.

#### **RECOMMENDATION #2: RECOMMEND AGAINST THE PROPOSALS THAT BREACH THE SPIRIT, INTENT & RESOLUTIONS OF THE NFA.**

We ask that the Legislative Council make strong recommendations against the proposed changes, and that the Tasmanian government drops any consideration that would be at direct odds with the Tasmanian government's commitment to the NFA.

### **7 Proposals that encourage a gun culture in Tasmania**

We also would like to highlight our concern about some of the proposals contained in Rene Hiddings' letter that relate to a fostering of what we believe would be an unhealthy and unnecessary gun culture in Tasmania.

The portrayal of laws to control and regulate guns in Tasmania as 'red tape' in the letter, we find deeply disturbing. The commitments to try to expedite quick approvals and shorter waiting times for licensing and permits in Tasmania is equally concerning. The Tasmanian government should be quite clear that the requirements to obtain and maintain access to a license for any weapon should be very strict, tightly controlled, and onerous.

Committing a large parcel of Crown land for new shooting ranges is a questionable priority both of public land and funding for government. Currently Tasmania has regular bed-block in hospitals, a crisis in support for mental health and a pressing need to support the mental health of survivors and on tackling domestic violence. We think these areas would be a more appropriate focus for government resources rather than promoting a gun culture through supplying more shooting ranges.

In addition we strongly reject the proposal for the taxpayers funding to pay the gun lobby to provide formal advice to government on how to further erode the National Firearms Agreement through a statutory Tasmanian Firearm Owners Council. If there is to be a statutory body to advise government on gun policy, it should be comprised of health experts, first responders, victims groups and gun control experts, with a stated policy of advising governments on how to further reduce deaths and harm from guns in Tasmania – similar to the role played by the Road Safety Taskforce.

### **RECOMMENDATION #3: DROP PROPOSALS TO FOSTER A GUN CULTURE & FURTHER EROSION OF THE SPIRIT & INTENT OF THE NFA**

**#3A:** If a statutory body is to be created, this body should be a ‘Gun Control Council’, comprised of first responders, health experts, victims groups, police & security experts and experts in gun control and safety. The shooting lobby should not be paid to, or have a formal role in advising government on gun policy. This would be the equivalent of the tobacco industry having a formal role in advising the government on smoking policy. The exception to this would be for example farmers advising on defined occupational uses.

**#3B:** That instead of the proposals aimed at further enabling a gun culture in Tasmania- such as the promises of rapid turn around times for licenses and a large parcel of public land being dedicated to new shooting ranges- the government should instead prioritise resources and funding to provide extra support for victims and survivors of gun violence and domestic violence in Tasmania.

## **8 Conclusion**

We greatly appreciate and welcome the chance to make this submission to this Legislative Council inquiry and to your consideration of our advice and recommendations. In summary we would urge the Legislative Council and Tasmanian government to propose nothing that would undermine the spirit, intent and letter of the National Firearms Agreement. We ask instead that the focus be on ensuring Tasmania is at the forefront of upholding the spirit and intent of the agreement.

We would appreciate the opportunity for our organization and the broad cross section of the health sector who have expressed strong views on the importance of upholding our gun laws, to be able to talk to you directly as part of your hearings. We also ask that the inquiry hears directly from victims and first responders to the Port Arthur tragedy, along with those in the profession who continue to deal with the ongoing risk of harm from guns in our community through their work.

With thanks:

Jennifer Brown RN MPTH JD  
Dr Doug Deveraux  
Dr Samuel Maloney  
Dr Phillip Pullinger  
Fiona Beer

On behalf of the Medics for Gun Control

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