

Gun Control



Edited by Justin Healey

ISSUES
IN SOCIETY

Gun Control

Volume | 428

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INTRODUCTION

Gun Control is Volume 428 in the 'Issues in Society' series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

KEY ISSUES IN THIS TOPIC

Over two decades ago, federal, State and Territory governments united in the wake of the devastating 1996 Port Arthur massacre to reform firearm laws in a concerted bid to reduce gun violence in Australia. The recently updated National Firearms Agreement and ongoing firearms amnesties have consolidated this national approach to gun control. However, Australia's arsenal of private guns is now larger than it was before the Port Arthur massacre, and there have been a number of politically-driven campaigns in various jurisdictions to reduce restrictions in State and Territory gun control legislation.

There are more imported firearms coming into Australia than ever before; at least 260,000 guns are estimated to be currently held illegally in Australia. Crime, terrorism, homicide, suicide – how much do guns actually figure in this deadly mix? Are we at risk of adopting a pervasive and deadly gun culture like that of the United States? Are we going backwards on gun control, or are our gun laws too restrictive?

This book explores the ongoing gun debate, featuring a range of opinions on firearms restrictions from both gun control advocates and the gun lobby. How extensively should the ownership and use of firearms be regulated in Australia?

SOURCES OF INFORMATION

Titles in the 'Issues in Society' series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the 'Issues in Society' series lies in its diversity of content and perspectives.

The content comes from a wide variety of sources and includes:

- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

CRITICAL EVALUATION

As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

EXPLORING ISSUES

The 'Exploring issues' section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

FURTHER RESEARCH

This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The 'Web links' section at the back of this book contains a list of useful websites which you can access for more reading on the topic.

NO MASSACRES AND AN ACCELERATING DECLINE IN OVERALL GUN DEATHS:

THE IMPACT OF AUSTRALIA'S MAJOR 1996 GUN LAW REFORMS

An overview on gun control in Australia by **Professor Simon Chapman**

Twenty years ago, Australian federal, state and territory governments united to reform our firearm laws which had allowed easy access in some states to the military-style weapons of the sort used by the gunman in Orlando, Florida.*

The main provisions of the new laws included:

- A ban on semi-automatic rifles and pump action shotguns, with a market price buy-back of all now-banned guns
- Uniform gun registration
- End of “self-defence” as an acceptable reason to own a gun
- End of mail order gun sales.

So, after 20 years of our new gun laws, what has happened to gun deaths?

Today, our study of intentional firearm deaths in Australia between 1979 and the present has been published in *JAMA (Journal of the American Medical Association)*.

The new gun laws were introduced because of the near-universal outpouring of revulsion Australians felt over the ability of someone to go into a public place and murder lots of people quickly with rapid-fire firearms.

In the 18 years between 1979 and April 1996, Australia saw 13 massacres (five or more victims, not including the perpetrator) where 104 victims died. In the twenty years and nearly two months since the Port Arthur massacre and the passage of the law reforms that followed swiftly afterwards, we have seen precisely none.

The Gun Violence Archive reports that in the United States, the Orlando shootings were the 1,000th mass shooting incident in 1,260 days. In those incidents 1,134 people were shot dead and 3,950 were injured.

Mass killings a small fraction of all gun deaths

Australia's 104 victims of mass shootings represent a small fraction of all people intentionally shot dead in Australia across the years we examined. For every



In the 18 years between 1979 and April 1996, Australia saw 13 massacres (five or more victims, not including the perpetrator) where 104 victims died. In the twenty years and nearly two months since the Port Arthur massacre and the passage of the law reforms that followed swiftly afterwards, we have seen precisely none.

person shot in a mass killing, 139 others suicided or were murdered with guns in incidents where less than five people died (most typically one or two).

While the gun laws were introduced explicitly to reduce the likelihood of mass shootings, we were interested in whether the removal of what turned out to be some 750,000 semi-automatic and rapid fire weapons from the community may have had collateral benefits on trends in these non-mass killings.

By one argument, the outlawing of semi-automatic rifles might have made little difference to the firearm suicide rate because such firearms are irrelevant to suicide: only one shot is generally fired when people try to suicide with a gun, so a semi-automatic is not necessary. But by another argument, any firearm-semi-automatic

or not – can be used, so the removal of a large number of one category of gun might nonetheless have impacts on non-mass killings.

Here's what we found.

From 1979 to 1996 (the year of the gun law reforms), total intentional firearm deaths in Australia were declining at an average 3% per year. Since then, the decline in total firearm deaths accelerated to 5% annually.

With gun suicide deaths, over the same comparison periods, there was a statistically significant acceleration in the downward trend for firearm suicides and a non-significant acceleration in the downward trend in firearm homicides.

We also examined total all-method homicides and suicides data to assess the possibility that reduced access to firearms saw people substitute other lethal methods to commit suicide or homicide. From 1979 to 1996, the average annual rate of total non-firearm suicide and homicide deaths was rising at 2.1% per year. Since then, the average annual rate of total non-firearm suicide and homicide deaths has been declining by 1.4%. This supports a conclusion there has been no substitution of other lethal means for suicides or homicides.

Finally, we found that the post-1996 decrease in the rates of non-firearm suicide and homicide were larger than the decreases for suicide and homicide involving firearms.

There are two likely explanations for this. Another study of the decline in suicide in Australia between

1994-2007 concluded that much of the decline was explained by changes toward the use of less fatal methods. Fewer people killed themselves using motor vehicle exhaust and this explained nearly half of the overall decline in suicide deaths.

Suicide using firearms had the highest fatality rates (74%) with self-poisonings lowest at 1.4%. That study noted that “the decline in firearm deaths over the study period was due primarily to a decline in attempts; lethality remained relatively flat.”

Guns have the highest “completion” or fatality rate in suicides compared to all other methods, so with evidence that suicide method choice is moving more toward less lethal means, it's understandable that overall suicide rates could be falling faster than those for firearms where there has been no change in the completion rate. If you shoot yourself you are highly likely to die, but not so with many other methods.

Another factor, which combined with the high lethality of guns when used in both suicides and assaults, is the proliferation of the mobile phone over the past 20 years. A 1997 study found 12% of 764 cell phone users had used their phone to call emergency services to a road crash and 6% to a non-road medical emergency.

As we wrote in our *JAMA* paper:

With increasing cell phone use over the past 20 years, it is plausible that ambulances will have increasingly attended traumatic incidents like assaults and suicide attempts earlier than in previous times when landlines were only or more commonly used to make such calls. There have also been improvements in emergency care, and the lower lethality of non-firearm assault and suicide may explain the greater reductions in non-firearm homicide and suicide rates.

When it comes to firearms, Australia is a far safer place today than it was in the 1990s and in previous decades. We have the leadership of John Howard to thank for this.

Today, politicians like the National Rifle Association's local Australian hero Senator David Leyonhjelm are doing what they can to water down aspects of our gun laws as occurred with Leyonhjelm's deal with the government to allow the importation of the massacre-ready Adler shotgun. Will the Prime Minister after the July 2 election have sufficient Howard-like leadership to ban the Adler?

* On 12 June 2016, Omar Mateen, a 29-year-old security guard, killed 49 people and wounded 58 others in a terrorist attack/hate crime inside Pulse, a gay nightclub in Orlando, Florida, United States.

Simon Chapman is Emeritus Professor in Public Health, University of Sydney.

THE CONVERSATION

Chapman, S (23 June 2016). *No massacres and an accelerating decline in overall gun deaths: the impact of Australia's major 1996 gun law reforms*. Retrieved from <https://theconversation.com> on 22 February 2017.



NATIONAL FIREARMS AGREEMENT

In February 2017, the Law, Crime and Community Safety Council agreed to an updated National Firearms Agreement. The updated agreement amalgamates the 1996 National Firearms Agreement and 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia.



Opening statement

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

Provision to maintain fundamental aspects of the national firearms agreement

4. The Council of Australian Governments and its subordinate bodies will periodically consider emerging issues relating to this Agreement, including, for example, improvements and advancements in firearm technologies. Issues for consideration will be those which will ensure that the Agreement remains true to its fundamental aspects, being: the requirement for a genuine reason for possessing or using a firearm, the appropriate categorisation of firearms, the registration of firearms, firearms licensing (including fit and proper person requirements), the requirement for a permit to acquire each firearm, the safe and secure storage of firearms, the recording of firearms sales, and suitable firearms transaction practices.

Restrictions on certain firearms

5. The Commonwealth will restrict the importation of:
 - (a) All semi-automatic long arms and pump action shotguns, and all parts – including magazines – for such firearms, included in Licence Categories C and D
 - (b) Magazines with a capacity greater than thirty for long arms and magazines with a capacity greater than twenty for handguns
 - (c) All handguns for sporting shooting purposes other than those which meet the prescribed characteristics – including barrel length, magazine capacity and calibre – in paragraph 14(b)(i)
 - (d) Handgun parts for sport shooting

purposes (for example slides, barrels, receivers and frames) which could be used to assemble a prohibited handgun or convert a permitted handgun into a prohibited handgun.

6. Jurisdictions will ban the sale, resale, transfer, possession, manufacture and use of those semi-automatic long arms and pump action shotguns included in Licence Category C and D other than in the following exceptional circumstances:
 - (a) Military use
 - (b) Police or other government purposes
 - (c) Occupational categories of licence holders who have been licensed for a specified purpose, including
 - i. The extermination of animals
 - ii. Film and theatrical armourers
 - iii. Firearm dealers
 - iv. Firearm manufacturers
 - v. Additional occupational needs and other limited purposes as authorised by legislation or Ministerial discretion
 - (d) Collectors
 - (e) In the case of Category C shotguns
 - i. Members of the Australian Clay Target Association or clubs affiliated with the Australian Clay Target Association with a medical need to use a Category C shotgun due to a lack of strength or dexterity, or
 - ii. Individuals who were on 15 November 1996 registered shooters with the Australian Clay Target Association and who, at that time, possessed a semi-automatic shotgun or pump action repeating shotgun for use in clay target events.
7. Jurisdictions will restrict the importation, possession and use of handguns for sporting purposes to individuals meeting recognised sporting shooter classifications in the Olympic and Commonwealth Games and for other accredited events that meet the conditions in paragraph 14(b)(i).
8. Jurisdictions will ban competitive shooting involving those long arms which are restricted from import, except for those individuals who meet the conditions in paragraph 13(b)(iii).

Genuine reasons and need for acquiring, possessing or using a firearm

9. Individuals must demonstrate a genuine reason for acquiring, possessing or using a firearm.

The genuine reasons and relevant qualifying statements are listed in paragraphs 13-23.

10. Personal protection is not a genuine reason for acquiring, possessing or using a firearm.
11. Over and above satisfaction of the “genuine reason” test, an applicant for a licence must demonstrate a genuine need for the particular type of firearm (excluding Category A firearms).
12. Only certain categories of firearms can be acquired, possessed or used under each genuine reason. Categories of firearms are listed in paragraphs 25-29.

Genuine reasons

13. Sports shooters – long arms
 - (a) Sports shooters must have a valid membership with an approved club (defined as clubs participating in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships).
 - (b) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category A
 - ii. Category B
 - iii. Category C shotguns, limited to
 1. Members of the Australian Clay Target Association or clubs affiliated with the Australian Clay Target Association with a medical need to use a Category C shotgun due to a lack of strength or dexterity, or
 2. Individuals who were on 15 November 1996 registered shooters with the Australian Clay Target Association and who, at that time, possessed a semi-automatic shotgun or pump action repeating shotgun for use in clay target events.
14. Sports shooters – handguns
 - (a) Sports shooters must have a valid membership with an approved club.
 - (b) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category H – the firearm must be designed or adapted for competition target shooting, or must have a barrel length of at least 120mm for a semi-automatic handgun or 100mm for a revolver or a single shot handgun. If the firearm is fitted with a firearm magazine or cylinder, it must have a capacity of not more than 10 rounds. The calibre of the firearm must not exceed .38” (with the exception of cases listed under paragraph 14(c)).
 - (c) Handguns with a calibre greater than .38” but no greater than .45” are permitted only where shooters are competing in the two accredited events known as Metallic Silhouette and Single (Western) Action.
15. Recreational shooters/hunters
 - (a) Recreational shooters/hunters must produce proof of permission from a landowner.
 - (b) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category A
 - ii. Category B
16. Primary producers
 - (a) Primary producers must satisfy the licensing authority that there is a genuine need for the use of the firearm which pertains to the applicant’s occupation and which cannot be achieved by some other means. The application is to be approved by the Commissioner of the Police who may impose conditions as to the use of the firearms, including as to the geographical location of its use.
 - (b) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category A
 - ii. Category B
 - iii. Category C – where the licensing authority is satisfied that there is a genuine need for the use of the firearm which cannot be achieved by some other means (including the use of Category A or B firearms). Primary producers are limited to one Category C shotgun and one Category C rifle.
 - iv. Category D – where the licensing authority is satisfied that there is a genuine need for the use of a Category D firearm for the purposes of controlling vertebrate pest animals in the course of primary production activities. Jurisdictions may require individuals to meet additional requirements (for example, and marksmanship) to qualify for Category D acquisition, possession or use, or to establish certain facts (for example, lack of other pest control options) in order to demonstrate need.
17. Occupational requirement (other rural purposes and professional shooters for nominated purposes)
 - (a) Persons with an occupational interest must satisfy the licensing authority that there is a genuine need for the use of the firearm which pertains to the applicant’s occupation and which cannot be achieved by some other means. The application is to be approved by the Commissioner of the Police who may impose conditions as to the use of the firearms, including as to the geographical location of its use.
 - (b) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category A
 - ii. Category B
18. Security employees
 - (a) Firearms permitted for acquisition, possession or use under this genuine reason are:
 - i. Category A
 - ii. Category H
19. Collectors

- (a) Collectors will be regulated by means of a licence and permit system which tests their bona fides.
 - (b) Firearms permitted for acquisition and possession under this genuine reason are:
 - i. Category A – must be rendered temporarily inoperable
 - ii. Category B – must be rendered temporarily inoperable
 - iii. Category C – must be rendered temporarily inoperable
 - iv. Category D – must be rendered permanently inoperable
 - v. Category H – must be rendered temporarily inoperable
 - (c) For the purposes of handguns, jurisdictions agree that they will accredit historical societies. Historical societies are required to notify police of a member's expulsion as well as the reasons for expulsion. Accredited historical societies will be indemnified from civil or legal liability where they notify police in good faith of their belief that a person is unfit to hold a collector's licence.
- 20. Heirlooms**
- (a) Jurisdictions agree that where the owner of an heirloom firearm is unable to establish a genuine reason for possession of that firearm and/or does not qualify for a collector's licence, jurisdictions may issue the heirloom owner with a special category of licence. The requirements of that heirloom licence must be that:
 - i. Before the licence is issued, the owner provides sufficient proof of inheritance of the heirloom
 - ii. The licence apply only to a single gun, or a matched pair or set
 - iii. All heirloom firearms be rendered permanently inoperable
 - iv. The licence not authorise the discharge of the heirloom firearm or firearms in any circumstance.
- 21. Firearm dealers**
- (a) Jurisdictions must have regulations addressing firearm dealers.
- 22. Firearm manufacturers**
- (a) Jurisdictions must have regulations addressing firearm manufacturers.
- 23. Film and/or theatrical armourers**
- (a) Jurisdictions must have regulations addressing film and theatrical armourers.

Categories of firearms

- 24.** The following categories are to be used in the licensing of firearms.
- 25. Licence Category A**
 - (a) Air rifles
 - (b) Rimfire rifles (excluding semi-automatic)
 - (c) Shotguns (other than semi-automatic, pump action or lever action)

- (d) Rimfire rifle/shotgun combinations
- 26. Licence Category B**
 - (a) Muzzle-loading firearms
 - (b) Single shot, double barrel and repeating centrefire rifles
 - (c) Centrefire rifle/shotgun combinations
 - (d) Lever action shotguns with a magazine capacity no greater than five rounds
- 27. Licence Category C**
 - (a) Semi-automatic rimfire rifles with a magazine capacity no greater than 10 rounds
 - (b) Semi-automatic and pump action shotguns with a magazine capacity no greater than five rounds
- 28. Licence Category D**
 - (a) Semi-automatic centrefire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance
 - (b) Non-military style self-loading centrefire rifles
 - (c) Semi-automatic, pump action and lever action shotguns with a magazine capacity greater than five rounds
 - (d) Semi-automatic rimfire rifles with a magazine capacity greater than 10 rounds
- 29. Licence Category H**
 - (a) All handguns, including air pistols.

Nationwide registration

- 30.** Jurisdictions agree to the nationwide registration of all firearms. Jurisdictions will record sufficient information to be able to uniquely identify each firearm, including details prescribed by the national information-sharing hub.
- 31.** Jurisdictions agree to store registrations on a system which is able to share information with the national information-sharing hub.

Licensing

- 32.** Jurisdictions agree to maintain a uniform system of testing applicants for firearms licences.
- 33.** In addition to the demonstration of genuine reason, a licence applicant must be required to:
 - (a) Be aged 18 or over
 - (b) Be a fit and proper person
 - (c) Be able to prove identity through a 100-point system requiring a passport or multiple types of identification
 - (d) Undertake adequate safety training (see paragraph 35).
- 34.** A licence must:
 - (a) Bear a photograph of the licensee
 - (b) Be endorsed with the category of the firearm
 - (c) Be issued after a waiting period of not less than 28 days
 - (d) Be issued for a period of no more than five years
 - (e) Contain a reminder of safe storage responsibilities
 - (f) Be issued subject to undertakings to comply with storage requirements, to provide details

of proposed storage provisions at the time of licensing, and to submit to a mutually arranged (with due recognition of privacy) inspection by licensing authorities of storage facilities.

35. Requisite training

- (a) Jurisdictions agree that first time licence applicants must complete an accredited course in safety training for firearms. The course must be:
 - i. Comprehensive and standardised across Australia for all licence categories
 - ii. Subject to accreditation of the course syllabus, by an appropriate authority, and a system of accredited instructors to bring prospective licensees to the required standard with a focus on firearms law, firearms safety and firearms competency
 - iii. Monitored as to content of courses and the skills of instructors by firearms regulatory authorities.
- (b) Jurisdictions agree to have a separate specialised training course for individuals employed by the security industry.

36. Sports shooters – handguns

- (a) Sports shooters must have a valid membership with an approved club.
 - i. Clubs will have the power to request a police check on a person prior to accepting them as a member of a club.
 - ii. A person applying to join a club must provide that club with two character references from people they have known for at least two years.
 - iii. Clubs must endorse a member's application to acquire a handgun. In endorsing the application, clubs should:
 - 1. Confirm that the licensee has adequate storage arrangements in place
 - 2. Specify for which competition shooting discipline the handgun is required.
 - iv. To prevent 'club shopping', a person wishing to join a club must provide to that club details of any other shooting clubs to which they belong and details of the firearms they possess. In addition, clubs are empowered to request information from licensing authorities on a member's or applicant's possession of handguns and their membership of other clubs.
 - v. Shooting clubs are required to provide licensing authorities with an audited annual report providing member details, firearms possessed, and participation rates.
- (b) Jurisdictions agree to a system for graduated access to handguns for legitimate sporting shooters based on training, experience and event participation. The system will be based on graduated access to handguns over a period of 12 months and will incorporate the following principles:

- i. A person is required to obtain a police check and submit this with their application to join a shooting club
 - ii. During the first six months a person will not be permitted to own a handgun, must satisfactorily complete a firearm safety training course and meet minimum participation rates
 - iii. If a club certifies that a person has satisfactorily complied with the conditions attached to the first six months' probation, then during the second six months a person will only be permitted to own one .22" calibre rimfire pistol and one .177" air pistol, or one centrefire pistol and one .177" calibre air pistol.
- (c) After the initial period of 12 months, acquisition of additional handguns is subject to demonstration of genuine need, confirmation that the licensee has adequate storage arrangements in place, and specification of the competition shooting discipline for which the handgun is required.

37. Collectors

- (a) The licensing process must include a provision for an initial inspection of storage facilities and for subsequent mutually arranged inspections. All such inspections will be subject to the recognition of the individual's right to privacy. The onus of defining 'bona fide firearms collector' rests with each State and Territory. However, the following principles must underpin the regulation of bona fide firearms collectors:
 - i. The firearms which are the subject of the collection should be of or above a defined age
 - ii. Firearms in a collection which have been manufactured after 1 January 1946 must be rendered inoperable (whether or not they are otherwise only required to be rendered temporarily inoperable according to paragraph 19(b))
 - iii. Collectors may not possess ammunition for a collection firearm
 - iv. Any attempt to restore firearms in the collection to usable condition should be regarded as a serious offence and subject to severe penalties
 - v. All operating firearms which are owned by the collector under separate licensing arrangements should be subject to the same level of regulation as any other operating firearm
 - vi. For the purposes of the collection of Category H firearms, genuine historical collectors must
 - 1. Be a member of a State or Territory accredited historical firearm collectors society
 - 2. Have their licence application endorsed by an accredited historical firearms collectors society

3. Comply with strict storage requirements
 4. Display a commitment as a student of arms in order to collect or retain post-1946 handguns.
38. Grounds for licence refusal or cancellation and seizure of firearms
- (a) Jurisdictions agree to set out in legislation the circumstances in which licence applications (including renewals) are to be refused, licences are to be cancelled, or firearms are to be seized. The following minimum standards must apply:
 - i. General reasons – not of good character, conviction for an offence involving violence within the past five years, unsafe storage, contravention of firearms law, where it can be shown that the loss or theft of a firearm was due to negligence or fraud on the part of the licensee, no longer has a genuine reason, not in public interest due to (defined) circumstances, not notifying of change of address, or licence obtained by deception
 - ii. Specific reasons – where applicant/licence holder has been the subject of an Apprehended Violence Order, Domestic Violence Order, restraining order or conviction for assault with a weapon/aggravated assault within the past five years
 - iii. Mental or physical fitness – reliable evidence of a mental or physical condition which would render the applicant unsuitable for acquiring, possessing or using a firearm.
 - (b) In regard to 38(a)(iii), a balance is to be struck between the rights of the individual to privacy and fair treatment, and the responsibility of authorities – on behalf of the community – to prevent danger to the individual and the wider community.
 - (c) Jurisdictions may impose appropriate penalties, in addition to licence cancellation or seizure of firearms, for failure to comply with security and storage conditions.
 - (d) Jurisdictions will establish an appeal process for refusal of a licence application or cancellation of a licence.
 - (e) Specifically in relation to the cancellation of Category H licences, jurisdictions agree:
 - i. To introduce or maintain laws allowing the Commissioner of Police to refuse and revoke handgun licences and applications on the basis of criminal intelligence or any other relevant information with consideration to appropriate safeguards including expert advice
 - ii. That members of approved shooting clubs be required to attend a minimum number of shooting events offered by the club, and that failure to meet the minimum participation level will make a person liable to have their licence revoked
- iii. That sporting shooters meet minimum participation rates annually, specifically that a sports shooter must participate in a minimum number of six club organised competitive shooting matches, and for each different type of handgun owned for different events the sporting shooter must undertake at least four club organised shoots
 - iv. That clubs must notify licensing authorities of concerns about club members' suitability to hold a licence, and indemnify clubs for providing such information to licensing authorities about the suitability of club members to hold a licence. In particular, jurisdictions will
 1. Require sporting shooting clubs to report to police their concerns that a person may pose a danger if in possession of a handgun
 2. Require sporting shooting clubs to notify police of a member's expulsion and the reasons for expulsion
 3. Indemnify sporting shooting clubs from civil or legal liability if they notify police in good faith of matters identified in paragraphs 38(e)(iv)(1) and 38(e)(iv)(2)
 4. Require sporting shooting clubs to ensure that a person whose licence has been revoked or suspended does not use a handgun at the sporting club
 - v. To support the operation of the fit and proper person test throughout the life of the licence allowing for the licensing authorities' revocation of a person's licence and seizure of handguns on grounds of not being a fit and proper person at any time
 - vi. To require suspension/cancellation of licences and seizure of firearms immediately upon the issue of an Apprehended Violence Order or Domestic Violence Order to a firearm licence holder.
39. Medical authorities reporting model
- (a) Jurisdictions agree that reporting provisions for medical authorities be improved or maintained by indemnifying medical authorities from civil or criminal liability for reporting in good faith to police their concerns that a person may pose a danger if in possession of a firearm or applying for a firearm licence. This is providing that 'medical authorities' include medical practitioners, nurses, social workers, psychiatrists, psychologists and professional counsellors.
40. Mutual recognition
- (a) Jurisdictions will recognise visiting licensees for the following firearms and purposes:
 - i. Category A and B – sporting, recreational hunting and any other lawful purpose
 - ii. Category C – sporting and any other lawful purpose

- iii. Category H – sporting and any other lawful purpose
- (b) Category D and other categories of firearms not listed in this Agreement are not subject to mutual recognition provisions.
- (c) Where an individual is moving permanently to a new jurisdiction, that jurisdiction will recognise:
 - i. For a period no more than three months, a Category A or B licence issued in another jurisdiction
 - ii. For a period no more than seven days, a Category C, D or H licence issued in another jurisdiction.

Permit to acquire

- 41. Jurisdictions agree that a separate permit is required for the acquisition of every firearm.
- 42. Jurisdictions agree that each applicant must establish, to the satisfaction of the licensing authority, that they have a genuine need for acquiring, possessing or using the firearm of the nominated type (excluding Category A firearms).
- 43. Jurisdictions agree that the issuing of a permit must be subject to a waiting period of at least 28 days to enable appropriate checks to be made on licensees in order to ascertain whether circumstances have occurred since the issuing of the original licence which would render the licensee unsuitable to possess the firearm or which would render the licensee ineligible for that type of firearm.

Storage

- 44. Jurisdictions agree that firearms and ammunition must be stored in secure conditions as follows:
 - (a) It must be a precondition to the issuing of a new firearms licence (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
 - (b) Legislation must 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
 - (c) Clear and specific measures must be indicated in legislation for the storage of firearms so that those who possess firearms know their obligations. The following minimum basic standards must apply:
 - i. Licence Category A and B – storage in a locked receptacle constructed of either hard wood or steel with a thickness to ensure it is not easily penetrable. If the weight is less than 150 kilograms, the receptacle shall be fixed to the frame of the floor or wall so as to prevent easy removal. The locks fitted to these receptacles must be of sturdy construction

- ii. Licence Category C, D and H – storage in a locked, steel safe with a thickness to ensure it is not easily penetrable, bolted to the structure of a building
- iii. All ammunition must be stored in locked containers separate from any firearms
- (d) Should individuals possessing a firearm wish to store firearms through measures other than those indicated in legislation, they must have the burden of persuading the firearms regulatory authority that they can provide the level of security not less than that required by the relevant approved practices
- (e) In order to provide for the safekeeping of firearms when they are temporarily away from their usual place of storage, legislation must include a statement that the holder of the licence “must take reasonable care to ensure that the firearm is not lost or stolen and must take reasonable care to ensure that the firearm does not fall into the hands of an unauthorised person”
- (f) The firearms safety booklet – which is to be distributed to all new licence applicants prior to attending a course of instruction – must also feature clear and precise information on the obligations of firearms storage
- (g) Security at gun dealer premises must require the dealer meeting such additional requirements as the firearms regulatory authority deems appropriate having regard to the type of activity of the dealer
- (h) Where approval has been given for the possession or use of a firearm for a limited purpose, such as film production, the person authorised must meet such requirements as the firearms regulatory authority deems appropriate having regard to the type of activity for which possession has been authorised.
- 45. Jurisdictions should consider imposing greater storage requirements where multiple firearms are kept on the same property.
- 46. Jurisdictions agree to periodically consider the adequacy of their educational literature on storage to ensure that it emphasises the risk of firearms theft and the legislated requirements for safe storage, and that it highlights compliance monitoring activities and the jurisdiction’s rigorous prosecution policy for non-compliance.
- 47. Jurisdictions must include a declaration in all licence/permit/renewal application forms which requires the applicant to state that they understand the firearm storage and security requirements as required by legislation.
- 48. Jurisdictions must have a strategic inspection and audit program for storage requirements.
- 49. Security industry storage
 - (a) Jurisdictions agree that the following minimum storage requirements represent an

appropriate standard for storage of firearms used in the security industry:

- i. Up to five handguns
 1. Metal safe to be securely fastened to solid floor or wall by internal/hidden bolts and hidden within premises
 2. Individual disabling locks such as barrel or trigger locks to be fitted to the firearm when stored
 - ii. Six to fifteen handguns
 1. Safes to be a minimum weight of 150kg
 2. Safes to be secured to or within brick or concrete walls and floors
 3. Premises to be fully intruder alarmed, monitored by a graded control room with back-to-base polling via a secure line (or, if unavailable due to remoteness, with radio or GSM backup)
 4. Panic switches/duress facility to be installed in the premises
 - iii. Over fifteen handguns
 1. Safes to be a minimum weight of 500kg, with dual key locks
 2. Safes to be secured to or within brick or concrete walls and floors
 3. Premises to be fully intruder alarmed, monitored by a graded control room with back-to-base polling via a secure line (or, if unavailable due to remoteness, with radio or GSM backup)
 4. Panic switches/duress facility to be installed in the premises
 5. Vaults, control rooms, safes, perimeter and internal premises to maintain 24-hour monitoring and recording by CCTV, which is secured and inaccessible.
50. Jurisdictions may adopt the above standards either by way of legislative requirement or by introducing the standards as guidelines which provide Police Commissioners with limited flexibility for special or unique circumstances.
51. There should be at least one annual inspection of firearms and firearms storage facilities used in the security industry.

Recording of sales

52. All firearms sales are to be conducted only by or through a licensed firearms dealer.
53. Jurisdictions agree to the following principles to underpin firearms dealer recording of firearms transactions:
- (a) Firearms dealers are obliged under penalty to ensure that purchasers are appropriately licensed for the firearm being purchased
 - (b) Firearms dealers are required to record and maintain details (type, make, calibre and serial number) of each weapon purchased or sold against the identity (name, address and licence number) of the seller or the purchaser

- (c) Firearms dealers are required to provide records to the national register of firearms through the State or Territory licensing authority
 - (d) Police personnel investigating a crime or checking the compliance of licenced gun dealers with recording responsibilities should have the right to inspect the records of licensed gun dealers without the need to give notice to the licensee
 - (e) Jurisdictions may put in place alternate options for individuals living in remote locations where firearms dealers are not readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).
54. Jurisdictions will legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed, and impose limits on the quantity of ammunition that may be purchased in a given period.
55. On the purchase of ammunition, the relevant licence must be produced.
56. Jurisdictions should consider requiring dealers to provide their register of transactions to a relevant authority once that dealer's licence is no longer valid. This should occur within an appropriate timeframe after the licence has become invalid.

Sale and transport of firearms

57. Jurisdictions will introduce or maintain legislation to ensure that, within their own borders:
- (a) Mail order arrangements (irrespective of how those orders were placed, for example via the telephone or internet) will apply strictly on a licenced firearm dealer to licenced firearm dealer basis
 - (b) Advertisement of firearms for sale
 - i. Be prohibited unless the sale is conducted by or through a licenced firearms dealer
 - ii. List the licence number of the licensed firearms dealer and the owner selling the firearms, and include the serial number by which the firearms are registered
 - (c) The movement of firearms covered by Licence Categories C, D and H must be in accordance with prescribed safety requirements
 - (d) The commercial transport of ammunition with firearms is prohibited
 - (e) Packages containing firearms are able to be tracked
 - (f) Packages containing firearms must not be packaged or labelled in such a way as to expressly or otherwise indicate their contents.
58. Jurisdictions may put in place alternative options for individuals living in remote locations where firearms dealers are not readily available.

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Attorney-General's Department (February 2017). *National Firearms Agreement*. Retrieved from www.ag.gov.au on 28 February 2017.

Firearm legislation in Australia 21 years after the National Firearms Agreement

Australia's world-leading gun laws are again being questioned in the wake of a recent deadly mass shooting in Las Vegas, in which Stephen Paddock killed 58 people, including himself, and injured 489 others. A new report authored by Adjunct Professor Philip Alpers from Sydney University and funded by Gun Control Australia has found that Australia's gun laws are being watered down due to political pressure, with no State or Territory currently fully compliant with the National Firearms Agreement.

INTRODUCTION

At an historic Special Meeting of the Australasian Police Ministers' Council (APMC) of 10 May 1996 and in two subsequent meetings that year, all Australian Governments agreed to a 10-point plan for the regulation of firearms. Amongst other things, the resolutions of the National Firearms Agreement (NFA) prohibited and made provision to buy back and destroy specific types of firearms; established firearm registration systems in all jurisdictions; established 'genuine reason' and 'genuine need' provisions for owning, possessing or using a firearm and developed uniform standards for the security and storage of firearms.

The 'perfect storm' of tragedy, outrage, law and leadership which in a mere 12 days saw nationwide policy reversal, sudden acceptance of two decades of public health research and the surrender and destruction of more than 1.1 million privately owned firearms is described elsewhere (Alpers, 2017).

One year after the NFA, the Australian Institute of Criminology commissioned Professor Kate Warner to produce a detailed analysis of State and Territory legislation to determine the level of compliance with the APMC resolutions (Warner and Moller, 1997). In 2006 Professor Warner completed a further 'ten-year review' in the same format, this time published by the National Coalition for Gun Control (Warner and Sherwood, 2006). Both are used as the basis for this review.

In 2002, the National Agreement on Handguns committed all States and Territories to further restrict certain revolvers, pistols and similar firearms. Comparable provisions in legislation are included here, and in Warner and Sherwood, 2006.

All three of these reports, as well as two others (Rath and Griffith, 1999; Davies and Mouzos, 2007) found that no Australian State or Territory has at any stage fully complied with the 1996 or 2002 APMC resolutions (see Executive Summary).

The aim of this 2017 analysis is to revisit all current State and Territory legislation and consider: first, whether any of the jurisdictions have attempted to address the areas of non-compliance identified in four

previous reports; and secondly, whether there has been any "watering down" of the legislation by any of the jurisdictions.

This report finds that on balance, both non-compliance from day one and two decades of political pressure have steadily reduced restrictions and undermined the NFA's original intent.

The findings of this review are summarised in the Executive Summary which follows.

EXECUTIVE SUMMARY

Four consecutive formal reports have now found that no Australian State or Territory has at any stage fully complied with the 1996 or 2002 firearm resolutions which collectively formed the National Firearms Agreement. All authors did note that compliance with the most important provisions of the NFA remained substantially intact. Yet each report sounded early warnings, for example: "the spirit and intent of the [NFA] resolutions have not been fully implemented" (1997); "no jurisdiction fully complies" (1999); "there are facets of some jurisdictions' schemes that do not adequately comply with the Agreement" (2006); and "divergence from the resolutions of the firearm agreements has significantly weakened the national framework for the control of firearms." (2007).² The 21-year analysis which follows both confirms and reinforces each of these findings.

In the wider public debate, observers on all sides note that in important areas, State and Territory legislation has been blocked or revised to dilute the effect of the NFA. This report finds that on balance, both non-compliance from day one and two decades of political pressure have steadily reduced restrictions and undermined the NFA's original intent.³

Standout examples of current non-compliance with the National Firearms Agreement include:

Children and guns

Despite the NFA requirement that all applicants for a licence be at least 18 years of age, every State and Territory allows minors to possess and use firearms. The licensing age for children varies from 10 to 16 years, and at club shoots, Western Australia stipulates no minimum age at all. With this nationally agreed NFA resolution, no jurisdiction complies.

Australian Capital Territory

- Does not comply with a range of NFA resolutions on category D prohibited firearms.

New South Wales

- Now allows the use of firearm silencers, which are a prohibited weapon
- Exempts all antique firearms except revolvers from firearm registration
- Extends permission for the use of semi-automatic firearms to shooters whose occupation is not pest control
- Permits people to be trained in the use of firearms without undergoing firearm licensing
- Permits people to use firearms on safari tours without undergoing firearm licensing
- Exempts from firearm licensing children 12 years of age or over, shooting under supervision
- Adds membership of a hunting club as a 'genuine reason' for firearm possession
- Exempts from the NFA's 28-day 'cooling off' period a permit to acquire second or subsequent A or B category firearms
- Does not require good reason for a permit to acquire more firearms of a category already held
- Permits the use of pistols of higher calibre than the NFA allows in two handgun competitions
- Specifies in legislation no limit on the quantity of ammunition which may be purchased.

Northern Territory

- Authorises the possession of a pistol or revolver during the first six months of a handgun licence
- Permits to acquire second or further firearms may be exempt from the 28-day waiting period
- Although personal protection is not regarded as a genuine reason for owning, possessing or using a

firearm in any jurisdiction, this is still not stated in Northern Territory legislation.

Queensland

- Firearm licensing proof of identity and photographic identification procedures are less stringent
- The 10-year licence validity period for category A and B is double that agreed in the NFA
- Category C weapons may be stored in the minimum security conditions for category A and B
- Production of a valid firearm licence is not mandatory for the purchase of ammunition
- Authorises the possession of a pistol or revolver during the first six months of a handgun licence
- Specifies in legislation no limit on the quantity of ammunition which may be purchased
- Although personal protection is not regarded as a genuine reason for owning, possessing or using a firearm in any jurisdiction, this is still not explicitly stated in Queensland legislation.

South Australia

- Authorises the possession of a pistol or revolver during the first six months of a handgun licence
- Does not fully comply with the licensing resolutions of 2002 to regulate pistol club members
- Production of a valid firearm licence is not mandatory for the purchase of ammunition.

Tasmania

- Does not comply with any of the licensing resolutions of 2002 to regulate pistol club members.



Victoria

- Permits to acquire second or further firearms are exempt from the 28-day 'cooling off' period
- Authorises the possession of a pistol or revolver during the first six months of a handgun licence
- Specifies in legislation no limit on the quantity of ammunition which may be purchased.

Western Australia

- Gun owner safety training is not required by law, except for handgun licences
- Permits to acquire second or further firearms are exempt from the 28-day 'cooling off' period
- Firearm sales are not limited to licensed firearm dealers, and not all particulars must be recorded
- Although interstate mail order firearm transfers are prohibited except for licensed firearm dealers, non-dealer firearm mail orders do not appear to be prohibited within the State
- Does not require that collector's firearms be rendered permanently inoperable
- Does not fully comply with the licensing resolutions of 2002 to regulate pistol club members
- Specifies in legislation no limit on the quantity of ammunition which may be purchased.

Higher-category firearms

Where NFA non-compliance occurs above 'entry level,' or category A firearms, in most cases requirements for B, C, D and H firearms (handguns and larger-calibre, or semi-automatic rifles and shotguns) are now less stringent than they were in 1996. For example:

- A 'genuine need' for a category B licence is still not generally required in South Australia, Victoria or the Northern Territory

- Queensland only poorly complies with the NFA conditions for category D prohibited firearms
- NSW permits the use of prohibited firearms more widely than do other jurisdictions
- South Australia permits the use of fully automatic and self-loading firearms
- Tasmania does not forbid the use of prohibited firearms for competitive shooting
- Victoria allows private ownership of automatic handguns
- Tasmania, Victoria and the ACT also do not comply with a range of other NFA category D prohibited firearm conditions
- The only State to restrict category D prohibited firearms more tightly than the NFA is Western Australia, where such firearms are limited to Commonwealth or State government use.

National Firearm Registry

Western Australia, Queensland, Victoria and New South Wales either do not, or only obliquely comply in legislation with an NFA requirement for an effective national firearm registry, a goal now delayed for over two decades.

More examples of non-compliance with NFA resolutions apply to firearm collectors, ammunition collectors, museums and heirloom firearms, interstate recognition of firearm licences, firearm safety booklets, security for interstate firearm transfers, among other provisions.

It is important to reiterate that current legislation in most States and Territories complies with most NFA resolutions. As is true of any form of firearm regulation, the examples above apply only in limited circumstances. Yet each exception to the NFA arguably opens the door to further dilution of the national agreement, as flagged on a regular basis by interest groups and politicians catering to firearm owners. Attempts to undermine and circumvent the provisions of the NFA are persistent, and have often been successful.

1. Also known as the Nationwide (or National) Agreement on Firearms 1996, or the NFA.
2. Warner and Moller (Australian Institute of Criminology, 1997); Rath and Griffith (NSW Parliamentary Library, 1999); Warner and Sherwood (National Coalition for Gun Control, 2006); Davies and Mouzos (Australian Institute of Criminology, 2007).
3. A notable exception to this trend is that in all jurisdictions, laws have been tightened to mandate the refusal or cancellation of a firearm licence in cases of domestic or aggravated violence, as required under the NFA.

Research Commissioned by Gun Control Australia. By **Philip Alpers** Adjunct Associate Professor, Sydney School of Public Health and **Amélie Rossetti**, GunPolicy.org.



Alpers, P and Rossetti, A (October 2017). *Firearm Legislation in Australia 21 years after the National Firearms Agreement*, pp. 3-6. Retrieved from www.gunpolicy.org on 11 October 2017.

A NATIONAL AMNESTY WILL NOT RID AUSTRALIA OF VIOLENT GUN CRIME

The government claims an amnesty will help get illegal guns off Australian streets, however Samara McPhedran begs to differ in this opinion piece first published by The Conversation

After 18 months of false starts, Australia is about to hold another gun amnesty for three months from July 1. Last week, Justice Minister Michael Keenan claimed the amnesty would take illegal guns off Australian streets. He went on to link the amnesty with terrorism, citing the Lindt Cafe siege and the murder of Curtis Cheng as examples.

In a time when the spectre of terrorism is increasingly used as both a shield to prevent scrutiny of policies and a sword to attack anybody who criticises government decisions, we would do well not to accept at face value Keenan's claims. So, are gun amnesties an effective way of tackling serious criminal activity?

Each State and Territory is responsible for its own amnesty. It is likely they will look similar to the many amnesties that have run around Australia on a periodic – and sometimes permanent – basis in the last 20 years.

WHAT IS AN 'ILLEGAL GUN'?

To legally own a firearm in Australia, you must have a licence. Since 1996, all firearms must be registered. Unregistered firearms are illegal.

Anyone who possesses a firearm without holding a licence, or without the appropriate category of licence



Over 50,000 firearms handed in during national amnesty

- Australia's National Firearms Amnesty ran for 3 months from 1 July to 30 September 2017, and aimed to improve public safety by reducing the number of unregistered firearms and firearm-related articles in our community. As a result of this amnesty, there are now 50,000 fewer firearms on the streets.
- Although the amnesty has been declared a success and has now finished, the government is encouraging people who still have an unregistered firearm, or who come into possession of an unregistered firearm, to contact their local police station or firearm registry.
- Outside of the amnesty period, anyone caught with an unregistered firearm could face a fine of up to \$280,000, up to 14 years in jail, and a criminal record.

JURISDICTION	FIREARMS RECEIVED	JURISDICTION	FIREARMS RECEIVED
New South Wales	24,965	South Australia	2,648
Queensland	16,000	Australian Capital Territory	709
Victoria	3,654	Western Australia	1,242
Tasmania	1,924	Northern Territory	322

Please note that some States and Territories may have an ongoing amnesty in place. If you have questions regarding ongoing amnesties, or unregistered firearms in general, you should contact your local police station or State or Territory firearms registry at: <https://firearmsamnesty.ag.gov.au/Pages/contact.aspx>

Source: Australian Government, 11 October 2017.

for that firearm, is in illegal possession.

“Illegal guns” occur in many different situations. These range from licence holders who may have registered some – but not all – of their firearms after that requirement was introduced, to people whose licence has expired but who still have registered guns, to people who would never be able to obtain a firearm licence but nevertheless possess prohibited firearms.

HOW WILL THE AMNESTY WORK?

Each State and Territory is responsible for its own amnesty. It is likely they will look similar to the many amnesties that have run around Australia on a periodic – and sometimes permanent – basis in the last 20 years.

There has been no modelling of how many firearms are likely to be handed in, and the numbers collected under past amnesties vary greatly. Unlike 1996, there will be no government-funded compensation scheme.

Although guesstimates abound, there is no way of knowing how many illegally owned firearms exist. There are no accurate records of how many firearms were in Australia before gun laws changed in 1996.

Even though there are figures for the number of guns handed in under previous amnesties, we cannot say what that translates to as a percentage of the total pool of illegal firearms.

We also have no knowledge about how many guns flow into the black market through means such as illegal manufacture or illegal importation.

DO AMNESTIES REDUCE GUN CRIME?

Despite talking up the amnesty, Keenan also said it is:

... probably not going to be the case [that] we would have hardened criminals who have made a big effort to get a hand on illegal guns [who] would necessarily be handing them in.

This explains why gun amnesties are not a particularly effective response to firearm crime. Australian and international evidence suggests the people who respond to amnesties are characteristically “low risk”: they are not the ones likely to be involved in violence.

It may sound clichéd to say that “high risk” people do not hand in their guns, but it also appears to be correct.

By all means run amnesties. There is no harm in them. They provide a great means for people who want to obey the law to get rid of guns that are unwanted or that they may not legally possess. But let’s be realistic about what amnesties are, and are not, likely to deliver.

WHAT ABOUT ORGANISED CRIME AND TERRORISM?

Illegal firearms are found in a range of criminal activities, including organised crime and incidents described as “terrorism”.

The argument runs that by reducing the number of guns, amnesties will reduce the number that are stolen and curtail the ability of high-risk individuals – “hardened” criminals or otherwise – to get their hands on black market guns.

However, available evidence does not support arguments about theft as a key source of crime gun supply. Although little data is publicly released about crime gun sources, what we know suggests theft accounts for less than 10% of guns traced in relation to criminal activity.

Problematically, many guns come from “unknown” sources. For example, there was no record of the sawn-off shotgun used in the Lindt Cafe siege ever legally entering the country, and it seems the revolver used to murder Curtis Cheng has equally vague origins.

We also know from international studies that criminals are resourceful and highly adaptable. When one source of firearm supply closes off, they typically have networks enabling them to switch to alternative sources. This is part of the reason why tackling criminal possession of firearms is so challenging. And when we think about the drivers of demand for illegal guns as well as supply, responding becomes even more difficult.



STATE AND TERRITORY FIREARMS AMNESTIES

The table below summarises the 28 State and Territory-based amnesties since the 1996 Port Arthur massacre, using information drawn from GunPolicy.org (compiled by the Sydney School of Public Health at the University of Sydney).

STATE/TERRITORY	NUMBER OF AMNESTIES SINCE 1996
QLD	3 (2002; 2004; 2013)
NSW	4 (1998; 2001; 2003-2004; 2009)
ACT	3 (2001; 2009; 2014)
Vic	5 (1998-2002; 2008; 2009; 2010; 2012)
Tas	1 (A permanent amnesty is in place)
SA	7 (1996-1999; 2001; 2006; 2009; 2010; 2012; 2015). An amnesty which commenced December 2015 and was to conclude 30 September 2017, joined the national amnesty (July-Sept 2017).
WA	3 (2001-2004; 2006; 2013)
NT	2 (2001; 2015)

Source: GunPolicy.org (compiled by the Sydney School of Public Health, University of Sydney), May 2016.

This is why it is disappointing that Australian thinking follows such predictable, well-trodden paths. It seems politicians and bureaucrats tasked with developing firearm policies have little interest in new, innovative, and evidence-based responses to complex problems, and would rather just do more of what they have been doing for decades.

By all means run amnesties. There is no harm in them. They provide a great means for people who want to obey the law to get rid of guns that are unwanted or that they may not legally possess.

But let's be realistic about what amnesties are, and are not, likely to deliver.

Disclosure statement

Samara McPhedran does not work for, consult to, own shares in or receive funding from any company or organisation

that would benefit from this article. Dr McPhedran has been appointed to a number of firearms advisory panels and committees, most recently as a member of the Queensland Ministerial Advisory Panel on Firearms, and as a previous member of the Commonwealth Firearms Advisory Council. She does not receive any financial remuneration for these activities. She holds memberships with, and volunteers for, a range of not-for-profit firearm-related organisations and women's advocacy groups. She is not a member of any political party.

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THE CONVERSATION

McPhedran, S (19 June 2017). *A national amnesty will not rid Australia of violent gun crime*. Retrieved from <https://theconversation.com> on 19 June 2017.

Oversimplifying gun control issues can pose a real threat to community safety

Compliance with firearms legislation requires co-operation between lawmakers, police, gun dealers, and those with a legitimate interest in using firearms, cautions **Suzanna Fay-Ramirez** and **Emma Belgrove**

America's worst mass shooting in recent history has left some in the US looking to Australia for lessons on how best to implement gun control (*see box next page*).

While there are important questions we should be asking about the current state of gun control in Australia, many of the claims about how well or poorly it is working oversimplify the issues of control and compliance.

Left up to the States and Territories

Australia has largely been considered the global poster child of gun legislation since the Port Arthur massacre in 1996 inspired the National Firearms Agreement.

The agreement is a national guideline; each State and Territory has the responsibility and jurisdiction to implement their own legislation. Differences between States are therefore inevitable.

Like all legislation, firearms laws also evolve and change over time. This is the right course of action: policymakers ought to respond to society's changing needs. In some instances, this may mean tightening restrictions. In others, it may mean loosening restrictions that are not contributing to community safety.

Some of these similarities and differences between Australian jurisdictions include:

- All States list possession of a restricted firearm as an offence
- In all States, it is illegal to manufacture a firearm without permission
- All States prohibit the modification of a firearm that would deface or de-identify a firearm (this helps keep track of firearms and allows for a gun registry)
- The use and attachment of bump fire stocks, like that used in the Las Vegas shooting, is restricted across all Australian States and Territories in some way, shape or form
- Firearms suppressors (commonly referred to as silencers) are also restricted. In some States, suppressors can be used with a licence.

Each State must decide how best to implement the National Firearms Agreement in ways that allow them to enforce it and foster compliance. Each will have its own capacity to do so, as well as its own political, social, and community contexts that shape the State's laws.

The agreement's most pertinent provisions remain intact. One of its primary benefits is not the specific ways in which it has been implemented, but that it provides a basis for the socialisation of firearms. It

Like all legislation, firearms laws also evolve and change over time. This is the right course of action: policymakers ought to respond to society's changing needs. In some instances, this may mean tightening restrictions. In others, it may mean loosening restrictions that are not contributing to community safety.



provides important norms about how and why firearms should be used, how to store them safely, and how to prevent them from getting into the hands of those who pose a danger.

A recent report claimed that despite restrictions, all Australian States and Territories allow minors access to firearms. In general, a minor's access to firearms is allowed under specific conditions, and this is a departure from the original 1996 agreement and its revision in 2017. However, this is an oversimplification of reality.

In Queensland, for example, minors can obtain a licence for shooting sports or rural primary production (the only instances where minors can obtain a licence) provided they:

- Undertake a firearms safety course
- Have written approval from a parent or guardian, and
- Be able to state why and where their firearms use will take place.

Young people growing up on rural farms will inevitably need knowledge of firearms to use them responsibly. Early socialisation under adult supervision is hardly problematic in this instance. If people choose to take up firearms for sport or use on the land, we should want them socialised into responsible users of these firearms from an early age.

Responsible behaviour is learned, just as deviant behaviour is learned. Young people who have a legitimate interest in shooting sport or primary production need responsible



For co-operation to continue, discussion of firearms legislation, implementation and compliance must refrain from extreme views at either end of the spectrum.

teachers and mentors to demonstrate responsible behaviour.

There is no peer-reviewed evidence we know of that suggests minors with access to firearms under these conditions in Australia is problematic.

Compliance hinges on co-operation and a commonsense debate

Compliance with firearms legislation requires co-operation between lawmakers, police, gun dealers, and those with a legitimate interest in using firearms.

There are many instances of this type of co-operation working well. For example, the recent firearms amnesty, which aimed to reduce the number of unregistered firearms in Australia, was supported by

several groups that represent legal gun owners.

For co-operation to continue, discussion of firearms legislation, implementation and compliance must refrain from extreme views at either end of the spectrum.

Extreme views do not allow a commonsense debate to take place. Instead, they restrict the ability of law enforcement and policymakers to respond to concerns about gun-related crime and violence.

DISCLOSURE STATEMENT

Suzanna Fay-Ramirez consults with Queensland Police Service, NSW Police Service, and the Sporting Shooters Association of Australia. She receives funding from Sporting Shooters Association of Australia and The University of Queensland.

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THE CONVERSATION

Fay-Ramirez, S and Belgrove, E (11 October 2017). *Oversimplifying gun control issues can pose a real threat to community safety*. Retrieved from <https://theconversation.com> on 11 October 2017.

LAS VEGAS MASS SHOOTING

- On the night of 1 October 2017, Stephen Paddock of Mesquite, Nevada opened fire on a large crowd of concertgoers at the Route 91 Harvest music festival on the Las Vegas Strip, leaving 58 people dead and 489 injured.
- Within 10 minutes Paddock fired hundreds of rifle rounds from his suite on the 32nd floor of the nearby Mandalay Bay hotel.
- About an hour after Paddock fired his last shot, he was found dead in his room from a self-inflicted gunshot wound. His motive is unknown.
- The incident is the deadliest mass shooting committed by an individual in the United States. The crime reignited the debate about gun laws in the US, with attention focused on bump firing, a technique Paddock used to allow his semi-automatic rifles to fire at a rate similar to that of a fully-automatic weapon.

Source: Wikipedia (11 October 2017), https://en.wikipedia.org/wiki/2017_Las_Vegas_shooting

Fact check: have firearm homicides and suicides dropped since Port Arthur

AS A RESULT OF JOHN HOWARD'S REFORMS?

Have gun-related homicides fallen significantly since Mr Howard's reforms, with gun-related suicide rates dropping by 74 per cent? And is that evidence of the effect of the reforms? **ABC Fact Check** investigates



The claim

Crowds are expected to gather on April 28, 2016, to mark the 20th anniversary of the Port Arthur massacre. A service will be held at the historical penal colony site to remember the 35 people killed and others injured by Martin Bryant using a semi-automatic rifle in 1996.

The tragedy prompted extensive reforms to gun regulations by federal, State and Territory governments.

In an interview on American television network CBS on March 13, 2016, the prime minister who drove the reforms, John Howard, said: "It is incontestable that gun-related homicides have fallen quite significantly in Australia, incontestable."

Asked to respond to critics who say changes in gun deaths are not a result of his reforms, Mr Howard said there has been a "74 per cent fall in the gun-related suicide rates, isn't that evidence?"

Have gun-related homicides fallen significantly since Mr Howard's reforms, with gun-related suicide rates dropping by 74 per cent? And is that evidence of the effect of the reforms? **ABC Fact Check** investigates.

The verdict

Mr Howard's claim is not cut and dried. Data from the Australian Institute of Criminology shows the rate of homicide victims dying from a gunshot wound has dropped since the reforms came into force, but not

consistently in every year.

ABS data indicates the rate of assault by firearm causing death has also declined since the reforms, but not in every year.

Data from the ABS also indicates the rate of suicide by firearm fell by 67 per cent from 2.1 deaths per 100,000 of the population in 1996 to 0.7 deaths in 2014.

However, experts consulted by *Fact Check* said the impact of Mr Howard's reforms on those declines is debatable.

Some research argues the reforms did not significantly influence firearm homicide rates or already falling rates of firearm suicide.

Other research argues the reforms accelerated the rates of decline, with one study suggesting firearm suicides dropped by 74 per cent from the 1990-95 average following the buyback scheme.

While it is accurate for Mr Howard to assert that gun-related homicides and suicides have dropped since his reforms were implemented, there is more to it.

Studies on the impacts of his reforms have come to varied conclusions and experts contacted by *Fact Check* said other factors would have influenced the drops, even though the reforms are likely to form part of the story.

The National Firearms Agreement

In response to the Port Arthur massacre in 1996, the Howard government brokered a National Firearms Agreement with the States and Territories.

A 2012 report by the Australian Institute of Criminology report summarised the reforms:

The agreement resulted in restricted legal possession of automatic and semi-automatic firearms and further restricted the legal importation of non-military centrefire self-loading firearms to those with a maximum magazine capacity of five rounds. The agreement further committed all States and Territories to a firearms registration scheme and licensing of persons in order to legally possess and use firearms. Previously, only handguns needed to be registered; obligations around long-arm registration varied between jurisdictions. In addition was the introduction of laws that were designed to minimise the legal acquisition of firearms by unsuitable persons.

The agreement was implemented by the States and Territories in stages in the years after 1996, including

a 12-month national amnesty and buyback scheme allowing gun owners to sell newly banned firearms to the federal government.

The federal legislation relating to Commonwealth funding for the reforms came into force on September 4, 1996. Federal, State and Territory governments began a review of the reforms in 2015.

Data sources

An Australian Institute of Criminology report on sources of homicide data said “there are three main data collection systems that produce largely independent sets of statistics on homicide” in Australia. They are: the National Homicide Monitoring Program (NHMP) managed by the institute, and the Causes of Death and Recorded Crime collections managed by the Australian Bureau of Statistics (ABS).

The NHMP uses data derived from police offence reports and data is recorded on a financial year basis.

Data in the Causes of Death collection is recorded on a calendar year basis and compiled from information on death certificates, provided to the ABS by State and Territory registrars of births, deaths and marriages.

This collection also includes data on suicides by firearm.

The ABS Recorded Crime collection uses data from police offence reports, recorded on a calendar year basis. Relevant figures from this collection are not publicly available.

Suzanna Fay-Ramirez, a criminologist in the School of Social Science at the University of Queensland, said that would not affect the assessment of Mr Howard’s claim, as the relevant data from police reports would be reflected in data from the NHMP.

She added that the Causes of Death collection is “the most comprehensive” source of data on suicides by firearm.

Samantha Bricknell, research manager, violence and exploitation, at the Australian Institute of Criminology, said: “The Causes of Death data and the NHMP data should be sufficient.”

Rick Sarre, a professor of law and criminal justice at the University of South Australia, had a similar view.

National Homicide Monitoring Program data

The most recent NHMP report, published in 2015, said the term “homicide” refers to a person killed unlawfully, resulting in a charge of murder or manslaughter, with the exception of most driver-related fatalities.

The Australian Institute of Criminology provided *Fact Check* with NHMP data on homicide victims whose cause of death was a gunshot wound for each financial year from 1989-90 to 2011-12.

Fact Check has graphed the data below.

The graph shows the rate was falling until 1992-93, when it increased to 0.56 deaths per 100,000 of the population from 0.43 deaths in 1991-92.

The figure dropped to 0.38 deaths in 1993-94 and rose to 0.50 deaths the following year.

It peaked at 0.61 deaths in 1995-96 – the financial year of the Port Arthur massacre and the year before the reforms began.

The rate has fallen since then, but not consistently in every year.

ABS homicide data

The explanatory notes for the ABS Causes of Death collection said deaths recorded as “assault” are, in other words, murder or manslaughter.

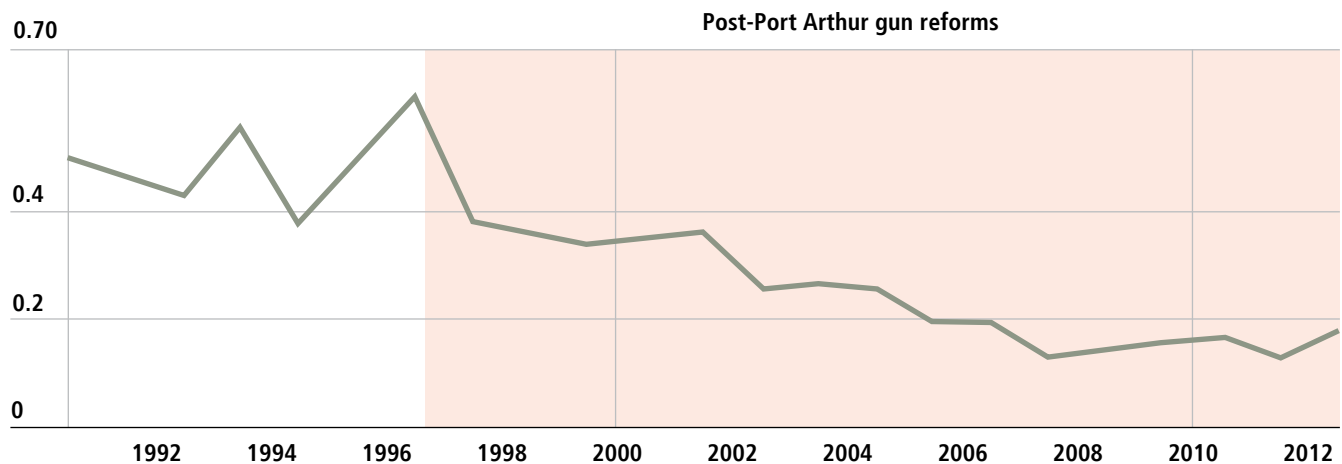
The ABS provided *Fact Check* with data derived from this collection on the rates of assault by firearm causing death in each year from 1990 to 2014.

The graph (*see page 20*) shows the rate was steady at 0.5 deaths per 100,000 of the population in 1991 and 1992, rising to 0.6 deaths in 1992.

The figure dropped to 0.4 deaths in 1993 and remained constant until 1996 – the year the reforms began – when it peaked at 0.6 deaths. The rate fell to 0.4 deaths in 1997 and 0.3 deaths in 1998, remaining constant until 2000.

It dropped to 0.2 deaths in 2001, remaining constant in 2002, then rising to 0.3 deaths in 2003.

HOMICIDE VICTIMS, CAUSE OF DEATH FROM GUNSHOT WOUND (RATE PER 100,000)



Data points are to the end of each financial year – e.g. 30/06/1996 = FY 1995-96.

Source: Australian Institute of Criminology, National Homicide Monitoring Program.

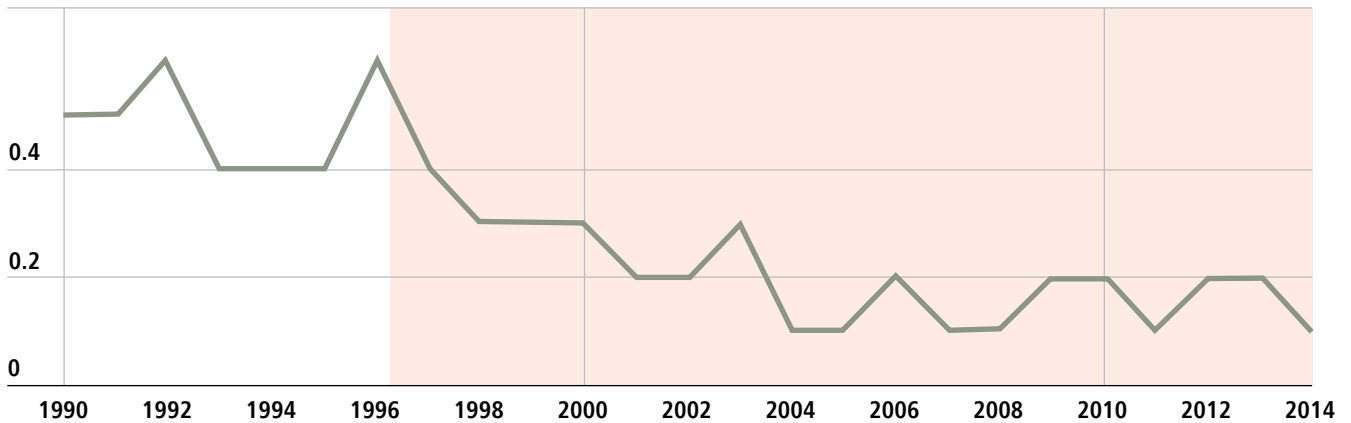
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CAUSE OF DEATH: ASSAULT BY FIREARM

Age standardised death rate per 100,000 of the population

0.70

Post-Port Arthur gun reforms



Source: ABS Causes of Death collection.

The rate fell to 0.1 deaths in 2004 and has remained fairly steady at 0.1 or 0.2 deaths per 100,000 of the population in every year since.

ABS suicide data

The ABS provided *Fact Check* with data derived from the Causes of Death collection on the rate of suicides by firearm in each year from 1990 to 2014.

Fact Check has graphed the data below (see page 21).

The graph shows the rate was declining fairly steadily from 1991 until 1996 – the year Mr Howard’s reforms came into force.

The rate dropped more sharply until 1998, before increasing slightly in 1999, dropping slightly in 2000 and rising by a similar scale in 2001.

The figure fell at a fairly steady rate until 2005 and then increased slightly in 2006.

The rate has been fairly steady since 2006, despite a slight lull in 2011.

The data indicates the rate fell by 67 per cent from 2.1 deaths per 100,000 of the population in 1996 to 0.7 deaths in 2014.

Cause and effect

Experts contacted by *Fact Check* said the impact of Mr Howard’s reforms on the decline in firearm homicides and suicides is subject to debate.

Professor Sarre said: “It is incontestable that

gun-related homicides and suicides have fallen since 1996, what is contestable is how much you can attribute that to [the reforms].”

Dr Fay-Ramirez said: “What we determine as significant and not significant is probably the part that’s more up for debate, rather than the actual declines in and of themselves.”

Dr Bricknell said: “There is a debate and the different analyses that have been done have demonstrated that either there was a significant decrease post reforms or there wasn’t.”

A spokesman for Mr Howard referred *Fact Check* via email to two studies in support of his claim.

The first was a study by Simon Chapman, an emeritus professor in the School of Public Health at the University of Sydney, Philip Alpers, an associate professor in the same school and university, Kingsley Agho, a senior lecturer in biostatistics in the School of Science and Health at Western Sydney University, and Mike Jones, associate dean (research) in the Faculty of Human Sciences and deputy head of the Psychology Department at Macquarie University.

The study, published in the peer-reviewed journal *Injury Prevention* in 2006 and republished in the same journal in 2015, examined whether the 1996 gun law reforms were associated with changes in rates of firearm homicides and suicides.

“The rates per 100,000 of total firearm deaths, firearm homicides and firearm suicides all at least doubled their existing rates of decline after the revised gun laws,” the study said.

The authors concluded that the 1996 gun law reforms were followed by “accelerated declines in firearms deaths, particularly suicides”.

The second was a 2010 study by Christine Neill, an associate professor of economics at Wilfrid Laurier University in Canada, and Andrew Leigh, then a professor of economics at the Australian National University and now federal Labor’s Shadow Assistant Treasurer.

The study, published in the peer-reviewed journal

The impact of Mr Howard’s reforms on those declines is debatable. Some research argues the reforms did not significantly influence firearm homicide rates or already falling rates of firearm suicide. Other research argues the reforms accelerated the rates of decline, with one study suggesting firearm suicides dropped by 74% from the 1990-95 average following the buyback scheme.

The American Law and Economics Review in 2010, tested whether the reduced stock of firearms resulting from the buyback affected firearm homicide and suicide rates.

It said the reduction in firearm suicides following the buyback “represents a 74 per cent decline from the 1990-95 average”.

The authors found “the buyback led to a drop in the firearm suicide rates of almost 80 per cent” and “the estimated effect on firearm homicides is of similar magnitude, but is less precise”.

Contradictory research

Dr Bricknell co-authored a study with Frederic Lemieux, a professor in the Department of Sociology at the George Washington University in the US, and Tim Prenzler, a professor of criminology and justice at the University of the Sunshine Coast, published in 2015 in the peer-reviewed *Journal of Criminological Research, Policy and Practice*.

The study discussed the debate over the impacts of Mr Howard’s reforms on firearm homicides and suicides. It said one side of the debate, including the studies Mr Howard’s spokesman referred to, argues the rates of decrease in firearm homicides and suicides – “particularly suicides” – were “more pronounced” after the reforms than before.

On the other side, it referred to studies concluding that “there was little evidence that firearm reforms (including the gun buyback) produced any significant effect on firearm homicide or firearm suicide,” largely written by Samara McPhedran, a senior research fellow in the violence research and prevention program at Griffith University and chair of the International Coalition for Women in Shooting and Hunting, and Jeanine Baker, research co-ordinator at the International Coalition for Women in Shooting and Hunting.

Dr Bricknell and her colleagues said the research on both sides of the debate had limitations, including “the small number of incidents (particularly homicide), the variable nature of the data, the absence of control groups and the consequent, apparent ‘fragility’ of



some/all of the tests applied”.

Some of the authors of the studies under review acknowledged that “at best, associations might be inferred from these data, even if specific effects cannot be agreed upon,” they said.

One of the studies reviewed, written by Dr McPhedran and Dr Baker, was published by the peer-reviewed *British Journal of Criminology* in 2006.

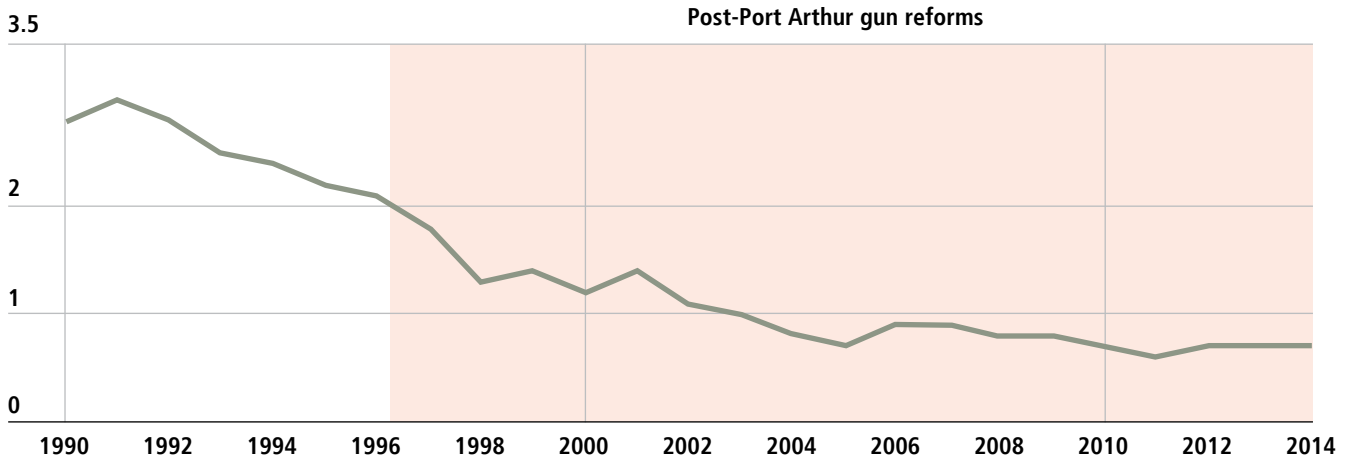
It concluded that “the only category of sudden death that may have been influenced by the introduction of the NFA was firearm suicide”, adding that “societal factors could also have influenced observed changes”.

“It is probable that other factors affecting suicide, such as increased funding for suicide prevention programmes in various jurisdictions, would have contributed to the social factors that influence suicide by all methods, given that such programs focus on general intervention techniques rather than specific suicide methods,” the study said.

“Homicide patterns (firearm and non-firearm) were not influenced by the NFA, the conclusion being that the gun buyback and restrictive legislative changes had

CAUSE OF DEATH: SUICIDE BY FIREARM

Age standardised death rate per 100,000 of the population



Source: ABS Causes of Death collection.

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no influence on firearm homicide in Australia.”

A more recent study by the same authors, published in the peer-reviewed journal *Health Policy* in 2008, examined whether the rate of decline in national suicide trends differed for males and females.

“Given that declines in non-firearm suicide occurred post-1996, it is unclear whether the accelerated rate of decline in firearm suicide after the introduction of strict legislation can be attributed to legal reform. It is possible that the accelerated rate of decline was simply in keeping with the more general patterns of decline that began to emerge in the late 1990s,” the study said.

Dr McPhedran authored a systematic review of five studies – including the two referred to *Fact Check* by Mr Howard’s spokesman – to examine the impacts of legislative reform on firearm homicide in Australia.

The review, published by the peer-reviewed journal *Aggression and Violent Behaviour* in 2016, said none of the studies examined “found evidence for a statistically significant impact of Australia’s 1996 legislative changes on firearm homicide rates”.

The review also highlighted “the general absence of studies which undertake detailed consideration of whether specific elements of legislative change – rather than legislative change overall – may have had effects that were not apparent from the overall firearm homicide trends”.

What the experts say

Dr Fay-Ramirez said: “These studies perhaps have different results, not because of data quality or difference, but because of the approach they take to understanding the crime drop”.

“The Neill and Leigh paper has focused on the effect of the gun buyback on gun-related deaths and they did indeed find some unexpected effects. However, gun reform is much more than just the buyback scheme. It is also the constant effort of enforcement by State firearms registries over a sustained period of time – something very difficult to measure and account for in studies like these,” she said.

“Very little academic research has focused on the more intricate and complex nature of gun law compliance and enforcement.”

She said increases in social support or government investment in social welfare are common factors that help depress crime rates and could be linked to the drop in firearm homicides and suicides.

“In light of the broader societal factors that may be influencing the crime rate, Australia’s gun reforms are likely part of the reason we have seen a sustained decrease,” she said.

“Even where there are debates on the effect of Australia’s gun reform, generally speaking almost all of them that I’ve seen accept that there has been at least some minimal benefit of that gun reform.”

Professor Sarre said suggesting Mr Howard’s reforms “caused” the declines is “a very difficult assertion to make”, but “you can make a broad assertion to say we’re

better off in terms of gun suicides and gun homicides”.

“Whether you can say we’re 20 per cent better off, 80 per cent better off, is subject to debate ... But the bottom line is, if [the reforms] had the effect of reducing the number of guns that are available to Australians, it is strongly correlated with the gun homicide and suicide deaths on the wane.”

He said the reforms were “a strongly and highly influential contributing factor”, but other factors would have come into play, such as “the way in which we treat guns – we don’t revere guns”.

Dr Bricknell, who could only speak to the homicide claim, said Mr Howard is “not incorrect” as “we have had a significant decrease in firearm homicides since the reforms”.

“Whether that decrease is so significantly different to the drop prior to [the reforms] is debatable and is still yet to be resolved because we’ve had all these different analyses done that have come up with quite different responses,” she said.

If you or anyone you know needs help, call Lifeline on 13 11 14.

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Australia's gun laws save lives – but are we now going backwards?

We must jealously guard our success in order to prevent future gun-related deaths, injuries and trauma, warn **Rebecca Peters** and **Chris Cunneen**

Gun violence has halved in Australia since laws were changed under the National Firearms Agreement adopted in the wake of the 1996 Port Arthur massacre.

Before the killing of 35 people by 28-year-old Martin Bryant at Port Arthur in Tasmania, each State and Territory had different gun laws. Western Australia had the strongest laws and lowest rates of gun violence; Queensland had the weakest laws and gun violence was high.

In 1987, five people in the Northern Territory and Western Australia were killed because Queensland's laws allowed the sale of assault rifles. German tourist Joseph Schwab, named the Kimberley Killer by the press, drove across State borders for his killing spree.

HOLES IN OLD LAWS

Despite Australia's patchwork of laws, no State was as bad as the free-for-all prevailing in most of the United States. All Australian jurisdictions at least required someone wanting to buy a gun to obtain a licence.

As well as a criminal background check, the licence application process asked for a "good reason" for possessing firearms. The provided list of possible reasons did not include self-defence.

Handguns (revolvers and pistols) had to be registered, enabling police to trace them back to their last legal owner. These guns were generally subject to stricter regulation than rifles and shotguns, and only about 5% of guns in Australia were handguns.

Still, by 1996, every Australian jurisdiction had yawning gaps in their gun laws.

In most jurisdictions, for instance, the "good reason" cited when



The buyback of semi-automatics initially removed 640,000 guns from circulation, rising to more than a million with subsequent State, Territory and national gun amnesties. It was the most comprehensive reform of firearm laws anywhere in the world.

applying for a rifle or shotgun licence didn't require proof. Someone who wanted a gun for reasons such as impressing friends, frightening an ex-girlfriend, or self-defence, simply had to tick "hunting" on the application form.

This was what 33-year-old Wade Frankum, the perpetrator of the 1991 Strathfield massacre, did even though he was not known ever to hunt and told friends he'd bought the assault weapon for self-protection. He killed eight people (including himself) and wounded six in a ten-minute shooting spree at Strathfield Plaza.

The perpetrators of both the 1987 massacres at Hoddle Street (where

19-year-old Julian Knight killed seven people and injured 19 others) and Queen Street (when 22-year-old Frank Vitkovic killed nine people, including himself, and injured five) did the same.

Only Western Australia required proof of reason for all guns.

PROBLEMS WITH THE PATCHWORK

Another problem with Australian laws was that semi-automatic rifles and shotguns were permitted to some degree in all jurisdictions, with variations based on design features and magazine capacity.

The ACT prohibited "military-style" weapons in 1991. In Western



While progress has been made, such complacency jeopardises public safety. The pro-gun lobby has succeeded in watering down the laws in several States.

Australia centrefire semi-automatics that could hold more than eight rounds of ammunition had been banned since 1973.

But Queensland and Tasmania treated rapid-fire guns no more restrictively than a single-shot .22 rifle, thus permitting the Port Arthur killer to acquire his assault weapons.

Rifles and shotguns were required to be registered in most jurisdictions, but not in New South Wales, Queensland or Tasmania. This loophole favoured gun traffickers and other people wishing to evade the law, because a clean-skin purchaser could buy and pass on weapons without a record being made.

The absence of registration also made it extremely difficult for police to remove guns from people who became disqualified, whether by conviction for a crime or becoming subject to a domestic violence restraining order. The law said these people couldn't have firearms – but without any record of ownership, the police didn't know whether they did.

This was demonstrated by the 1992 Central Coast massacre. Police had earlier searched 45-year-old Malcolm Baker's house and seized several guns, but they had no idea how many they ought to be looking for. Baker used a gun they hadn't found to kill his ex-girlfriend and

five other people, and injure another.

In 1996, NSW was the only State that barred gun possession for people who'd committed domestic violence in the previous ten years. Most other jurisdictions prohibited possession while a restraining order was in place. But once the order had expired, past violence was just one factor for police to take into account when deciding on a gun licence application.

In Tasmania, even a current restraining order was simply a factor to take into account – rather than grounds for disqualification.

DANGERS OF COMPLACENCY

The National Firearms Agreement dramatically raised standards by imposing minimum requirements drawing on the best elements in the existing laws and on the recommendations of a series of expert inquiries, including the National Committee on Violence.

The buyback of semi-automatics initially removed 640,000 guns from circulation, rising to more than a million with subsequent State, Territory and national gun amnesties.

It was the most comprehensive reform of firearm laws anywhere in the world. So much so that, 20 years after Port Arthur, many people think we no longer have to worry about

gun violence.

While progress has been made, such complacency jeopardises public safety.

The pro-gun lobby has succeeded in watering down the laws in several States. Weakening the rules on pistols so that unlicensed shooters can walk into a club and shoot without any waiting period for background checks has resulted in at least one homicide in NSW.

And the post-Port Arthur ban on rapid-fire weapons is under threat from the push to legalise the Adler A110 shotgun. While it is not technically semi-automatic, it can still fire eight rounds in as many seconds.

This is a dangerous trend for a country that has some of the best gun laws in the world. Guns are designed for the purpose of killing. We must jealously guard our success, not only to honour the Port Arthur victims, but also to prevent future deaths, injuries and trauma caused by these lethal implements.

Rebecca Peters is Research Student in Disability, University of Sydney.

Chris Cunneen is Professor of Criminology, UNSW.

THE CONVERSATION

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Australia's gun numbers climb: men who own several buy more than ever before

Philip Alpers asks: after a 16-year surge in gun buying, can we hold onto the gains made by the laws introduced 20 years ago?

The proud claim that Australia may have “solved the gun problem” might only be a temporary illusion. In recent years, arms dealers have imported more guns than ever before. And last year we crossed a symbolic threshold: for the first time in 20 years, Australia's national arsenal of private guns is larger than it was before the Port Arthur massacre.

This increase must be seen in context. Australia's population grew by five million in the same period, so per-capita firearm ownership remains 23% lower than it was before Port Arthur.

But after a 16-year surge in gun buying, can we hold onto the gains made by the laws introduced 20 years ago, after Martin Bryant's rampage in Port Arthur killed 35 people?

The story so far

From the late 1970s, gun deaths in Australia have trended downwards. The risk of an Australian dying by gunshot remains less than half what it was before Port Arthur. Research shows that murderers did not move to other methods.

But although Australia hasn't seen a public mass shooting since 1996, we have no shortage of firearm-related crime. Gun owners who know each other well

– be they family members or gang members – have always been the ones to kill each other most frequently.

Then there's the killer already in the room. About 80% of gun deaths in Australia have nothing to do with crime. Instead, they're suicides and unintentional shootings.

Although Australia destroyed rapid-fire weapons, most gun deaths take only one shot. We have yet to discover how swapping semi-automatic weapons for single-shot firearms – always the most common tools in fatal shootings – might affect overall gun deaths in the long term. In fact, that's largely what the change has been – a gun swap.

The 1996 firearm laws were immediately followed by a buying spree, as banned rapid-fire rifles and shotguns were replaced with freshly imported single-shot firearms. By 1999, civilian gun imports had dropped to a record low. And most gun dealers closed their doors.

In the years that followed, gun-buying climbed steadily to new heights. By 2015, the arms trade had broken all previous records. Last financial year Australia imported 104,000 firearms.

The million guns destroyed after Port Arthur have been replaced with 1,026,000 new ones. And the surge only shows upward momentum.



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In recent debates, we've seen little but reinforcement for the public health and safety measures forced on us two decades ago by the rampage of a solitary male, enabled with a couple of guns.

More and more

But here's the thing: fewer Australians now own guns. Since 1988, the proportion of households with a firearm fell by 75%.

The same holds true in the United States, where researchers now see household gun ownership as the most reliable indicator of firearm distribution.

The reason? Those who already possess several guns have bought more. Until recently, the average Australian shooter owned three to five firearms. The same people now keep a larger collection, and a proportion of their guns continue to leak into the illicit market.

Although rumours of large-scale gun smuggling to Australia are common, almost all such stories are evidence-free. Apart from an enterprising criminal band that ran a post office to import Glock pistols, no interdiction agency can point to a sizeable batch of guns smuggled to Australia since the 1980s.

Certainly, there's an "ant trade" in single guns and parts smuggled by post. But studies by the Australian Crime Commission, the Institute of Criminology and several others point to a much more common source.

When guns found in crime are traced back to their point of origin, experts agree that most are found to have leaked from licensed gun owners and rogue firearm dealers. This is usually by way of the "grey market", a large pool of illicit firearms created by Australian gun owners who did not register their firearms after the laws changed in 1996.

Australians continue to speak as though the 1996-97 Australian Gun Buyback was the key factor in the

country's national about-turn on guns. But several simultaneous, largely unheralded changes could have more effect in the long term.

In the 1996 National Firearms Agreement, Australia installed a holistic suite of firearm-related public health interventions. These spanned from compulsory firearm seizure in domestic violence cases to the requirement to show "genuine reason" for owning each firearm (now rolled back in several States); universal firearm registration; enforced safe storage regulations; definitive denial of the "right to bear arms"; and many others.

Dangerous backsliding

By my own analysis of 350 jurisdictions worldwide, Australia has in place the most comprehensive and perhaps the most effective mesh of gun control measures on the planet.

As no law is effective until taken seriously, enforcement and resistance to backsliding are now key. Realising the potential of our toughened firearm legislation, police have led two decades of national attitude adjustment reminiscent of the 1980s turnaround on drink-driving enforcement.

These days, dedicated gun-crime taskforces target armed career criminals; firearm-related prosecutions have soared; police launch "nationwide blitzes" on gun owners' homes and seize thousands of firearms; lethal weapons are removed from violence-prone or suicide-risk households; and actual sanctions are imposed on shooters who ignore safe storage regulations.

All this adds up to a new generation of police and political awareness.

But perhaps the most profound change has been in public attitude. At this 20th anniversary of the Port Arthur massacre, we've seen in media coverage a resurgence of public scepticism about the motives of self-interested groups seeking to wind back gun laws.

Dedicated, single-issue political potency remains theirs; surely we're the only country in the world with two State political parties built and run by the gun lobby.

But in recent debates, we've seen little but reinforcement for the public health and safety measures forced on us two decades ago by the rampage of a solitary male, enabled with a couple of guns.

Philip Alpers is Adjunct Associate Professor, Sydney School of Public Health, University of Sydney.

THE CONVERSATION

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Explainer: what is the Adler shotgun? And should restrictions on it be lifted?

Gun control is easy – all it involves is passing laws – but gun violence control is difficult, explains **Samara McPhedran**

The controversy whether Australia should allow the importation of the Adler A110 lever-action shotgun has certainly delivered some over-the-top political theatre. If you believe hyperventilating sectors of the media, the Adler is a newly invented death machine. If you believe some politicians' rhetoric, allowing the Adler into the country dramatically waters down Australia's 1996 gun laws.

This sounds ominous. But is any of it true?

The Adler has been incorrectly described as “new” or “advanced” technology. In fact, lever-action shotguns have been around for well over a century.

The Adler looks modern on the outside, but on the inside there is nothing new.

The most contentious feature of the gun, and the reason for the parliamentary angst, is its magazine – the part of a gun that holds extra ammunition. Again, this is nothing new. Various models of lever-action shotgun with magazine capacities of five or more rounds have been on the market in Australia for decades.

Claims the Adler A110 somehow weakens Australian gun laws are pure fiction. Lever-action shotguns have always been permitted in Australia. For the past 20

years, they have been available to “Category A” firearm licence-holders.

Some say this is the “easiest” category for obtaining firearms, making it sound as if someone can instantly get a licence and go out and buy a gun. The truth is more complex.

What is a Category A licence? And who can get one?

A Category A firearm licence authorises a person to possess “rimfire” rifles (the .22, or “rabbit gun”) that are not semi-automatic, and shotguns that are not semi-automatic or pump-action.

To obtain a licence, a person must be over 18 years of age, complete approved safety training, and prove they have a “genuine reason” for owning firearms. “Genuine reasons” include purposes like target shooting, hunting, or primary production. Self-defence is expressly prohibited.

A person must be “fit and proper” – or, in other words, meet certain standards of character and behaviour. The standards rule out anyone with a history of, for example, violence (including domestic or family violence), illicit drug use, misuse of weapons, or other criminal activities.



It is mandatory for police to conduct background checks into licence applicants to ensure they are fit and proper.

It is an offence to provide false or misleading information, and penalties apply. A 28-day waiting period applies before a licence will be issued.

If a person is approved to hold a Category A licence, and wants to purchase a firearm, they must apply to police for an individual “Permit to Acquire” for each gun they want to own (and pay a fee). All sales must occur through a licensed firearms dealer, and all firearms must be registered with State authorities. Guns must be locked in a safe when not in use.

Politics dominates debates around guns

The hyperbole about the Adler simply does not match the facts. This is symptomatic of the generally poor quality of debate around firearm policy in Australia.

This, in turn, is rooted in Australia’s ongoing obsession with the concept of “gun control”.

The current furore is a holdover from beliefs that were fashionable in the 1980s. Back then, it was assumed that more guns mean more crime, and that certain types of guns are “more dangerous” than others. Although both assumptions have since been dispelled by Australian and international evidence, advocating for gun control has become more about signalling moral virtue than about a search for good policy.

For politicians, “being seen to be good” often trumps evidence-based decision-making.

Australia’s fixation with gun control has come at the expense of gun violence control. The two are not synonymous. Depending on the specific legislative measures and types of violence, they can certainly be related – but they are not identical.

Gun control is easy – all it involves is passing laws.

Gun violence control is difficult. It goes far beyond law and order, encompassing complex elements of human society and behaviour: poverty, disadvantage, unemployment, connections with illicit drugs and

other forms of criminal activity, social fragmentation, cultural factors, and a host of broader social and justice policy challenges.

Tackling gun violence takes evidence-based, cohesive, and collaborative efforts that adopt a whole-of-community perspective. It needs long-term thinking and commitment.

Tackling gun violence takes evidence-based, cohesive, and collaborative efforts that adopt a whole-of-community perspective. It needs long-term thinking and commitment.

Canada, the UK, and even the US have all implemented effective gun violence reduction programs. Australia has a lot of catching up to do. But it seems our politicians would rather keep shouting at each other about old guns than talk seriously about new approaches to improving public safety.

Samara McPhedran is Senior Research Fellow, Violence Research and Prevention Program, Griffith University.

THE CONVERSATION

McPhedran, S (19 October 2016). *Explainer: what is the Adler shotgun? And should restrictions on it be lifted?* Retrieved from <https://theconversation.com> on 22 February 2017.

Postscript: States agree to tough Adler shotgun classification

- 9 December 2016: After a lengthy deadlock in which the federal government banned imports of the seven-shot Adler lever-action shotgun until a classification could be agreed on, State and Territory leaders agreed to assign the shotgun a Category D classification (the most restricted category), paving the way for imports to resume.
- It means the federal government’s import ban on the seven-round Adler is lifted, however only professional shooters will be allowed to own one. The decision has angered the pro-gun lobby and the Nationals, as the higher-capacity Adler will essentially be limited to professional shooters with an occupational need for the gun.
- As part of a strengthened National Firearms Agreement, all lever action shotguns with a capacity of up to five rounds will be moved from Category A to Category B.
- The import ban will not be lifted until the States and Territories have changed their regulations, however some believe that could prove difficult in Queensland.
- Nationals MPs, including deputy prime minister Barnaby Joyce, had been publicly lobbying for the looser Category B classification for the seven-shot Adler, and were upset with the decision.

ENHANCING THE NATIONAL PICTURE OF ILLICIT FIREARMS

The **Australian Criminal Intelligence Commission** has released its first unclassified assessment of the illicit firearms market

Minister for Justice, the Hon. Michael Keenan MP, launched the *Illicit Firearms in Australia* report alongside Australian Criminal Intelligence Commission Chief Executive Officer, Chris Dawson, in Melbourne.

“The use and movement of illicit firearms by criminals is a serious national problem. It impacts every Australian jurisdiction and affects the safety of our community,” said Australian Criminal Intelligence Commission Chief Executive Officer, Chris Dawson.

The Australian Criminal Intelligence Commission continues to conservatively estimate that there are more than 250,000 long-arms and 10,000 handguns in the illicit market.

The Australian Criminal Intelligence Commission continues to conservatively estimate that there are more than 250,000 long-arms and 10,000 handguns in the illicit market.

“One illegal firearm in our community is one too many,” Mr Dawson said.

“The Australian Criminal Intelligence Commission supports any efforts, including both local and national

firearm amnesties, which reduce the number of, and access to, illegal or unregistered firearms in the community.”

Firearms and organised crime are inextricably linked, with strategies needed to address both the illicit supply chain for firearms and the underlying activities of organised crime groups. Criminals use firearms to protect their illicit interests, such as drugs, or commit acts of violence and intimidation.

The report shows that firearms are entering the illicit market through a range of methods. In most instances, the method for how the firearm becomes illicit can be categorised as either historical or contemporary.

Historical methods of diversion include the grey market and legislative loopholes. Contemporary methods include theft, illicit assembly, illicit manufacture and illegal importation.

The report’s findings include:

- An increasing number of organised crime groups, including outlaw motorcycle gangs are trafficking illicit firearms.
- A conservative estimate of more than 250,000 long-arms and 10,000 handguns in the illicit market, although it could be much higher.



ILLICIT FIREARMS IN AUSTRALIA



AUSTRALIAN
CRIMINAL
INTELLIGENCE
COMMISSION



While Australia has some of the **strongest firearm controls in the world**, illicit firearms remain a **desirable commodity** and **enabler for criminal activity**.

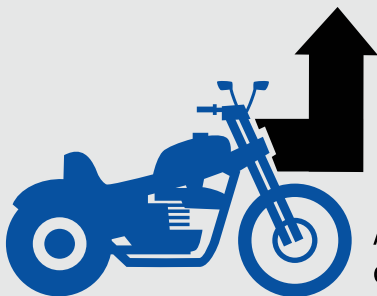
There are more than **250,000** long-arms



and **10,000** handguns



in the illicit market.



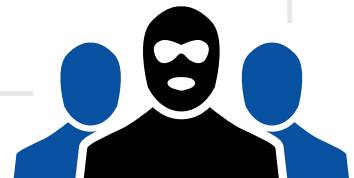
An **increasing number** of organised crime groups, including outlaw motorcycle gangs are **trafficking illicit firearms**.



One illegal firearm in our community is one too many.

Chris Dawson, ACIC CEO

Firearms enable **organised crime groups** to be **more lethal** in their activities.



2004-2016



ACIC received **6,874** requests for domestic firearm traces.

ACIC holds more than

1.8 million



historical records of firearm transactions.

There are more than **2.89 million** legally registered firearms in Australia and approximately

816,000 firearm licences.



www.acic.gov.au

Australian Criminal Intelligence Commission (21 October 2016). *Illicit firearms in Australia factsheet*. Retrieved from www.acic.gov.au on 27 February 2017.



- Firearm enthusiasts with no previous criminal involvement influence demand by sourcing rare items from the illicit market.
- The illegal movement of firearms is compounded by the high degree of anonymity the online environment offers firearm vendors and purchasers.
- Between 2004 and 2016 the ACIC received 6,874 requests for domestic firearms traces from its Australian law enforcement partners. The greatest proportion of illicit firearms traced was identified as coming from the grey market.
- To date, the Australian Criminal Intelligence Commission holds more than 1.8 million historical records of firearms transactions. These records ensure that the Australian Criminal Intelligence Commission's firearm trace capability is the most comprehensive program available to law enforcement in Australia.

agency also undertakes criminological research and communicates the findings through the Australian Institute of Criminology. Bringing these three agencies together will continue to enhance the national picture of firearms in the Australian community.

The full *Illicit Firearms in Australia* report is available on the Australian Criminal Intelligence Commission website.

Australian Criminal Intelligence Commission (21 October 2016). *Enhancing the national picture of illicit firearms* (Media statement). Retrieved from www.acic.gov.au on 27 February 2017.

Firearms and organised crime are inextricably linked, with strategies needed to address both the illicit supply chain for firearms and the underlying activities of organised crime groups.

“New trends in methods of acquiring and moving illicit firearms continue to evolve. The collection of national intelligence on illicit firearms with our partners assists all law enforcement agencies and governments to effectively discover, understand and respond to criminal activities where firearms are used,” Mr Dawson said.

The *Illicit Firearms in Australia* report is the unclassified version of updated classified intelligence products provided to the Australian Criminal Intelligence Commission's law enforcement partners in 2015.

The report details the current understanding of the nature and extent of illicit firearms in the Australian community.

The Australian Criminal Intelligence Commission was established 1 July 2016 following a merge between the Australian Crime Commission and CrimTrac. The

Gun culture alive and well in Australia, ranking sixth in firearm imports: expert

The findings from the latest Small Arms Survey show that Australia is about the sixth biggest importer of weapons, including rifles, revolvers, pistols and ammunition. A report for ABC News by **Kim Landers**

The survey, which tracks the global trade in weapons, also showed that the United States has remained the biggest importer and exporter of weapons.

Philip Alpers, a public health researcher at the University of Sydney and the founding director of the GunPolicy.org website, said Australia had ranked “surprisingly high” on the list of countries, coming in between sixth or eighth in the world depending on the year.

“We import a lot of firearms, but that’s largely because we don’t manufacture any of our own,” he said.

Mr Alpers said the high figures that emerged from the survey also included ammunition.

“We are a country of high use of firearms, we have a lot of the

“We’ve now got to the point where we’ve replaced, more than replaced, the million guns that were destroyed [post Port Arthur].”

KEY POINTS

- Small Arms Survey shows the US remains biggest importer and exporter of weapons.
- Rise in firearm purchases since Port Arthur massacre.
- Law enforcement makes up 5 per cent of arms imports.
- Arms industry growing and becoming more profitable.

indicators: we’re an agricultural society, we have high disposable income, we have very robust sporting and shooting organisations,” he said.

“There are many legitimate uses for firearms in Australia, largely primary production, and so it’s no surprise that we ... consume and buy and import quite a lot of firearms.”

Firearms destroyed post Port Arthur have been replaced

Mr Alpers said the number of weapons being bought in Australia had been climbing since the Port Arthur massacre.

“Of course there was a big collapse in the gun industry after Port Arthur, when the initial rush [was] to replace the semi-automatics

“So those figures are civilian firearms and civilian ammunition. The gun culture is alive and well in Australia.”

with single-shot firearms, long guns,” he said.

He said the rush subsided around 1998, and since then there had been a gradual climb back, with roughly 120,000 firearms now imported per year into Australia.

“We’ve now got to the point where we’ve replaced, more than replaced, the million guns that were destroyed [post Port Arthur],” Mr Alpers said.

“But you have to remember that within those 20 years the population of Australia increased by about 23 per cent.

“So we now have almost a quarter fewer firearms per head of population per capita than we had at the time of Port Arthur.”

Mr Alpers said fewer than 5 per cent of weapons imported into Australia were for law enforcement.

“Law enforcement ... completed its re-equipping of police officers back in 2011 when they replaced old revolvers with semi-automatic hand guns, and since then it’s just very small numbers,” he said.

“Military imports are largely off the books, they are not included in the Customs data, State-to-State transfers, and so on.

“So those figures are civilian firearms and civilian ammunition.





The gun culture is alive and well in Australia.”

Arms industry is resurging

Mr Alpers said the people who were importing the weapons were arms dealers.

“They’re the people who know they can make a profit out of guns. This industry is resurging, it’s becoming much more profitable than it used to be,” he said.

He said after the post-Port Arthur collapse, several big players emerged who were importing “more and more guns”.

“They’re finding more and more innovative ways of bringing guns into the country, too – for example, the Adler shot gun, and a new one which emerged this week,” Mr Alper said.

“And that’s a way of filling a niche of gun enthusiasts who really want a rapid fire weapon.

“And they found a loophole in the law which allows them to bring in a limited number of these guns.

“They may bring in a lot more of them depending on a decision to be made sometime.”

Orlando killer used ‘weapon of choice’

One of the weapons used in the

Orlando massacre was an AR15 semi-automatic, and Mr Alper said that weapon could no longer be purchased in Australia.

He said it was the weapon of choice for the killer at Port Arthur and for most mass killers in the United States.

“The reaction in America is to pray and then to blame somebody else, and then to buy more guns.”

“It’s the most popular rifle in the USA, it was designed to kill as many people as possible in a very short time,” Mr Alpers said.

“It’s a derivative of the M16 military weapon that was invented... for Vietnam. The estimate is that around four million American households have one or more AR15s.

“And strangely, ironically, there’s been a sales boom in these firearms for the past eight years, because the gun lobby in America has built up this fear that Barrack Obama is going to take them away from everybody.

“So we all know that he can’t possibly do that, but he has himself said, ‘I’m the best salesman there is for these weapons’ – because the

rumour is that he is going to take them away.

“So there’s been an eight-year boom in these firearms.”

Mr Alpers said after a massacre, such as the one in Orlando, firearm sales “always increase”.

“The reaction here in Australia to something like Port Arthur is, ‘we’ve got to do something, let’s do it quickly, let’s do it now’.

“The reaction in America is to pray and then to blame somebody else, and then to buy more guns.”

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Landers, K (14 June 2016). ‘Gun culture alive and well in Australia, ranking sixth in firearm imports: expert’, *ABC News*. Retrieved from www.abc.net.au/news on 22 February 2017.

THE LEGAL MINEFIELD OF 3D PRINTED GUNS

3D printed guns currently occupy a grey area in terms of their legality in many jurisdictions around Australia, observes **Richard Matthews**

3D printed guns are back in the news after Queensland set a legal precedent for giving Kyle Wirth a six-month suspended sentence for fabricating a number of gun parts.

As presiding Judge Katherine McGuinness acknowledged, Wirth didn't produce an entire gun – it took police to add a few key parts in order for the gun to successfully fire a bullet – but he was “trying to make a gun”.

If it's illegal to build a gun via conventional means without a licence, what's the concern over making guns using 3D printers in particular?

As such, she said “there is a real need to deter and protect the public from such offending”.

But if it's illegal to build a gun via conventional means without a licence, what's the concern over making guns using 3D printers in particular?

And for those who are either researching the capabilities of 3D printers – a form of additive manufacturing – or using them at home or in their business, it's important to understand the legal boundaries under which they can be used.

3D printed firearms in Australia

3D printed guns currently occupy a grey area in terms of their legality in many jurisdictions around Australia. For example, the South Australian Police released a guide outlining which kinds of imitation firearms are considered legal.

The distinction between a “regulated imitation firearm” and a children's toy is significant, as a South Australian man discovered in 2015. He was charged with a firearms offence after police found a toy gun in a box along with a single shotgun shell.

The judge acquitted him because the gun was clearly a child's cap gun and could not be modified to fire the shell.

However, according to the South Australian Police's guide, the “gun”, although non-functional, is technically neither a “moulded imitation firearm” nor is it an “imitation firearm carved from timber, plastic or other material”. This means it's unclear how it would be regarded by police or the courts.

New South Wales takes a different approach on the issue. The *Firearms and Weapons Prohibition Legislation Amendment Bill 2015* made it illegal to possess digital files that can be used to manufacture firearms on “3D printers or electronic milling machines”.

The act was amended “to create a new offence of possessing digital blueprints”, although the definition of a “digital blueprint” is a little ambiguous. As defined, it captures “any type of digital (or electronic) reproduction of a technical drawing of the design of an object”. As written, this could even mean a photograph of a technical drawing. But technical drawing files are not always needed for 3D printing.

In 3D printing, drawing files are used to create GCode, a computer control language used to guide the print head and the amount of plastic to extrude. Is GCode a digital reproduction? Even if it is, it does not stop someone 3D printing gun parts in another jurisdiction in Australia or overseas where they're not illegal and then posting it back to NSW.

It was this fear that drove the Queensland Palmer United Party to introduce a bill in 2014 to make 3D printing of firearms illegal. It was rejected by the parliamentary committee and never reintroduced.

When Labor took power in Queensland following the 2015 election, it defended the move and released a statement stating that “Queensland already has legislation dealing with the unlawful manufacture of weapons that carries with it some of the harshest penalties in Australia”.

Hence Kyle Wirth was charged in 2015 with manufacturing offensive weapons, including a plastic knuckle duster. He was not charged under any legislation that





prevented him from 3D printing parts, as the PUP bill would have outlawed.

Plastic or not, it is illegal under nationally unified gun laws to make a gun without a licence. If this is the case, why did NSW feel the need to ban digital blueprints? The answer could come from the future prospects of 3D printing.

Plastic or not, it is illegal under nationally unified gun laws to make a gun without a licence. If this is the case, why did NSW feel the need to ban digital blueprints? The answer could come from the future prospects of 3D printing.

Towards the future

In the next 20 years we will be able to print drugs, metals and substances at an atomic level – possibly all at home.

Regulation of these things is currently predicated on the idea that producing them typically required expertise and specialised equipment. But that may no be the case for long.

This will mean we need a new unified approach to legislation that specifically speaks to the capabilities of 3D printers, and the distribution of the files they use.

New South Wales is the only State that has started outlawing the digital blueprints needed for additive manufacturing of illegal objects. This is a step in the right direction.

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However, we need a classification of digital blueprints. Australian Classification is already responsible for passing judgement on a wide array of media. In the future we will likely see such an agency extended to cover digital blueprints available or for sale to the public.

Richard Matthews is PhD Candidate, University of Adelaide.

THE CONVERSATION

Matthews, R (3 February 2017). *The legal minefield of 3D printed guns*. Retrieved from <https://theconversation.com> on 5 April 2017.

CHAPTER 2

The gun control debate

GUN OWNERSHIP: A RIGHT OR PRIVILEGE?

The question of whether gun ownership is a right or privilege recently came up on Australian Hunting Podcast and again in an online discussion on a provision in SA law that says gun ownership is not a right. Or is it? The Combined Firearms Council of Victoria's **Neil Jenkins** and **Tristen Fremlin** go head-to-head on that question

MY RIGHT TO BUY A GUN

– Neil Jenkins

If I want to buy bread at the supermarket, I can. I may have to pay a price and line up at the checkout, but it's something I have the right to do.

It's the same with a firearm. If I want to buy a shotgun, I can. I need to have the right licence and permit, but the law does allow me to buy a shotgun if I wanted one.

It's the same with flying a plane or driving a car. I have to get licences to do these, but I can do them if I want to.

It's unlikely that I would be able to buy a Category D firearm but it's also the case I'm not going to be able to fly an Airbus. The interesting thing about these is that these are rights which can be attained, however they would require career changes that are beyond me. Are these still rights? I'm not sure.

However for the more simple case of legally obtaining a Category A or B firearm, the argument of a right is more clear-cut. Any accountant, mechanic, retired or unemployed person can buy a side-by-side shotgun if they are willing to meet some basic criteria. In other

words, these are rights – but with some conditions attached to them.

My good friend Tristen will argue buying a gun is not a right, but a privilege. He will argue that free speech is a right because the right is unconditional.

However I would say that isn't true. My day job as a public servant binds me to the *Official Secrets Act*. Not that I have anything exciting to share with you, but my 'right' to say what I want has more freedom than buying a gun, but isn't without limitation.

The only difference between my right to get a gun and my right to have free speech is how high the bar is set.

Privilege

I would argue that privilege, is a right that not everyone has access to. One dictionary definition defines privilege as:

“a right, immunity, or benefit enjoyed only by a person beyond the advantages of most.”

The only difference between my right to get a gun and my right to have free speech is how high the bar is set. – Neil Jenkins



No matter what I do, I won't be able to inherit James Packer's fortune. Nor will I be able to ride in the royal carriage next time it's in Australia.

That's beyond the ability of most people do to. For those, you have to be born in the right family. You might be less deserving of those things than other people, but it's a right you don't have to pursue and cannot lose. Surely that's privilege.

The South Australian Police recently said owning a gun is not a right. That would be true if the law said South Australians cannot own any firearm, however that is not the case.

I'm not familiar with the detail of firearm laws in South Australia but you can buy a gun there if you get a licence. That makes owning a firearm a right. Even if the police say otherwise.

PRIVILEGES OF THE MODERN SOCIETY

– *Tristen Fremlin*

Neil believes that "If I want to buy bread at the supermarket, I can. I may have to pay a price and line up at the checkout, but it's something I have the right to do. It's the same with a firearm".

In order to define our rights, we cannot look to our everyday lives or to dictionaries. To define our rights, we must look to the one thing that protects them, and enables laws to be made. The *Commonwealth Constitution of Australia Act* (known as the "Constitution" moving forward).

Our Constitution does not include a "Bill of Rights" like the American Constitution, as such it has been criticised for its ability to protect the rights of Australian's. However, it does allow us two types of rights: Express Rights and Implied Rights.

Express Rights are those that are named in the Constitution. These include: the right to trial by jury, the right to just compensation, the right against discrimination on the basis of out-of-State residence. For any of these rights to be changed, we would need to take the change to a referendum.

Additional, to this, we also have the protection of "Implied Rights", these rights are ones that are not written explicitly into the wording of the Constitution, but that the High Court has found to be implied by reading two or more sections together.

So what does this mean for firearms?

Well while I can't say I have read the entire Constitution, I can guarantee you that the Constitution does not have any explicit firearms ownership laws. I can also tell you that Section 51 of the Constitution has provided the power of legislation to the state.

Now we need to consider the following: I mentioned above that the Constitution has no express firearms rights and that firearms law is the responsibility of the states. So our final hope of firearms rights must be within the implied rights ... right?

Well, sorry to break your hearts. The principle function of the High Court of Australia is to interpret the Constitution and to interpret its meaning. Its pretty



Consider this; if ownership of a firearm was a right, you would not need to apply for a licence or permit to acquire to own firearms. – *Tristen Fremlin*

clear that the Constitution does not have any firearm ownership rights, and the High Court of Australia has not awarded us any Implied Gun Rights.

If we then look at our State-based laws, we don't need to look very far to see that the free ownership of firearms does not exist. Our gun laws are exceptionally restrictive.

Consider this; if ownership of a firearm was a right, you would not need to apply for a licence or permit to acquire to own firearms.

Looking at what we have and how the constitution works and comparing this to Neil's assumption that I will counter his argument with the right to free speech.

Australians are given the right to free speech, however under certain circumstances, we may make the decision to waive this right in regards to certain subjects. In this case, Neil's inability to freely discuss matters under the *Official Secrets Act* is a condition of his employment. It does not effect his ability to be a pro-gun lobbyist, nor to argue for or against any other matter.

So, unless we can convince a majority of voters that firearm ownership should be a right (and a right worth fighting for in a referendum), our guns will remain a privilege.

© Combined Firearms Council of Victoria.

Jenkins, N and Fremlin, T (13 November 2015). *Gun ownership: A right or privilege?* Retrieved from www.firearmscouncil.org.au on 28 February 2017.

Shooters and Fishers goes head-to-head with The Greens on gun control

New South Wales politicians **David Shoebridge** (Greens) and **Robert Brown** (Fishers and Shooters) clash over gun control in Australia. Article courtesy of *SBS News*

'LAW-ABIDING FIREARMS OWNERS ARE NOT CRIMINALS.'

Robert Brown, Fishers and Shooters Party NSW

It's impossible to have a sensible conversation about firearms law and firearms-related crime without the anti-gun groups peddling hysteria in search of an easy headline. Much of the debate about firearm crime has unfortunately led to legislation which penalises and demonises law-abiding firearms owners and treats them as criminals because they're an easy and visible target.

The reality is that the 1996 National Firearms Agreement, gun buybacks, and onerous regulations have not prevented gun deaths or gun crime. Almost all of these incidents involve black market, illegally-sourced firearms that are outside the public view, or reach of authorities.

To combat this situation the Shooters and Fishers Party in New South Wales have sponsored a bill in Parliament since 1998 to introduce mandatory sentences for any crime committed by a person possessing a firearm. For 20 years this bill has laid dormant on the Upper House notice paper because nobody is willing to support it – be they from the Labor Party or the Coalition.

The NSW Police Minister Troy Grant brought some sense to the debate on November 5 last year when he spoke about the gun crime situation during discussions

with the Federal Justice Minister on the National Firearms Agreement:

"The New South Wales Government has made it clear ... that our problem in relation to firearms and crime is not registered firearms, it is an illegal firearms – illegal guns – issue that we face.

Greater than 97% of firearm incidents reported in New South Wales relate to unregistered, unbranded, unlicensed firearms.

Victims of gun crime ... are victims of illegal guns and unregistered guns – not the ones you buy at firearms dealers."

Case in point: the firearm used in the tragic shooting of NSW Police worker Curtis Cheng in Parramatta last year was an illegally-sourced firearm. Pistols have been registered in New South Wales since 1927, and it was nowhere on the official record, except for the records with the manufacturer overseas. Yet, a law-abiding firearm owner is often subject to excessive and punitive regulations that operate under the assumption that they are a potential criminal.

In fact, any target shooter, farmer or hunter possessing a firearm has to hold themselves to a higher standard of conduct in their everyday lives. – Robert Brown



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Anybody wishing to obtain a firearms licence has to complete an approved firearms safety course, aimed at ensuring that their firearm is handled and stored in the proper legal manner.

In fact, any target shooter, farmer or hunter possessing a firearm has to hold themselves to a higher standard of conduct in their everyday lives. This is because of the discretionary power in the legislation that allows police to deem somebody no longer a “fit and proper person” to possess their firearm.

Licensed hunters in New South Wales must complete training and abide by a Code of Conduct from the Game Licensing Unit which not only covers safety matters, but also legal responsibilities and animal welfare issues.

These firearm education measures have been very effective, but there’s more to do to get the balance right.

The Shooters and Fishers Party – soon to be Shooters, Fishers and Farmers Party – have long championed increased penalties for criminals using firearms.

Licensed, law-abiding firearms owners are not criminals. Governments should concentrate on crime, not the demonisation of licensed firearms owners. The two are not one and the same.

‘GUN CONTROL – THE DANGERS OF DEALS.’

David Shoebridge, The Greens NSW

There are some simple facts that every politician should get their head around. One of these is the fact that guns kill people. The more guns we have in society and the more lethal those guns, the more people who will be killed and maimed by them. Once these facts are well established, we can start legislating to make society safer.

Political expediency and in particular deals with pro-gun MPs ... have weakened gun laws. – David Shoebridge

Of course this doesn’t mean banning all guns. People can have legitimate reasons to own a gun. Farmers often need access to guns to be able to deal with injured livestock or remove invasive species that threaten and kill stock. Others have a legitimate interest in target shooting or a niche interest in collecting 19th century blackpowder weapons.

Effective firearms laws are about getting these competing interests right. However it also means that, where there is any real doubt, community safety must come first.

Australia on the whole has been getting this balance right, and stands in stark contrast to America where the pro-gun lobby has been so powerful that it is legal to open-carry weapons into universities and schools in many states. This proliferation of weapons also sees America as the world capital of mass shootings and a world leader in accidental shootings by children and even animals.

Almost exactly 20 years ago the Port Arthur massacre was a turning point for gun control in Australia, with then Prime Minister John Howard responding to this unimaginable tragedy with a gun buyback and the National Firearms Agreement.

The 1996 National Firearms Agreement harmonized gun laws across the country, requiring all weapon holders to have a firearms licence, to register all weapons they owned and to store them in a secure locker. Around 643,000 firearms were removed from circulation as a result of this move.



Since then Australia has not suffered the tragedy and loss of another mass shooting. Firearms-related suicides have fallen dramatically, especially among young men in rural and regional Australia. Basically, the place has been a hell of a lot safer as a result of sensible gun laws.

Since this time however, political expediency and in particular deals with pro-gun MPs like the Shooters Party have weakened gun laws. In 2012 the NSW the Coalition government wanted to get legislation through Parliament to privatise the State's electricity generators. So they cut a deal with the Shooters MPs that exchanged their vote for privatisation in return for opening up National Parks for recreational hunting.

Unfortunately, those types of deals have become a common feature of New South Wales politics. Both the Coalition and the former Labor Government have cut these kinds of deals. These deals have consequences – the overarching one being the slide towards a pro-gun and hunting culture.

The State's former Labor government gave millions of dollars of public money to gun clubs, created a bizarre taxpayer-funded hunting authority called the Game Council and weakened key gun controls. All of this was in return for consistent support from minority Shooters MPs to get unrelated legislation through Parliament.

Between just 2008 and 2010 the NSW Labor government made more than 30 amendments to gun control laws, including the introduction of the notorious section 6B of the *Firearms Act*, which enables people to handle and be trained in the advanced use of firearms without any kind of background check.

Since then, in addition to allowing shooting in National Parks the NSW Coalition government has given hunters access to silencers, snuck pro-hunting materials into primary schools and even proposed allowing children as young as 12 to hunt unsupervised on public land. Not satisfied with this they have

legislated for night time duck hunting and opened up more than 140 State Forests to recreational hunters.

This isn't all just a response to a few well-placed Shooters MPs. It also reflects the opinion of a good many National Party and Liberal Party MPs who have swallowed the US line of a "right to bear arms". Pro-gun zealots come in most political colours and are found in most parliaments.

In the Federal Parliament the "colourful" Queensland MP Bob Katter is often heard pushing for laxer gun laws. No doubt he gets support for these calls around the family dinner table with his son-in-law one of the country's largest gun importers. Meanwhile, in the Federal Senate David Leyonhjelm has said he would love the US National Rifle Association (NRA) to become more active in Australia to tear down the nation's gun laws. He has appeared in NRA promotional material declaring Australia to be a "nation of victims" because we have sane gun laws.

These Federal MPs are currently working on the Federal Coalition to overturn the importation ban on the dangerous Adler 500 8-shot rapid-fire shotgun. What is really troubling is that they have such a willing audience amongst Coalition and Labor MPs.

We know what works. Strict gun controls keep us safer. Reflecting today on the political cost that John Howard paid in 1996 when he brought in the National Firearms Agreement we need to remember a valuable lesson. It's not just guns that pose a threat to public safety, it's also weak-kneed politicians who give in to the powerful gun lobby. Society needs to be protected from both.

Robert Brown has been a Shooters, Fishers and Farmers Party member of the New South Wales Legislative Council since 2006.

David Shoebridge has been a Greens member of the New South Wales Legislative Council since September 2010.

Robert Brown and David Shoebridge appeared on *Insight's* look at gun control in Australia: www.sbs.com.au/news/insight/tvepisode/guns

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WHAT DOES HUMAN RIGHTS LAW SAY ABOUT GUN CONTROL?

Authored by **Adam Fletcher** for the Castan Centre for Human Rights Law

Opponents of gun control in the United States have a powerful ally in domestic law, because their Constitution contains a right to 'keep and bear arms.' Since the Heller Supreme Court case in 2008, this has been interpreted as an individual right which can trump legislative gun bans.

In the context of the 2016 Presidential primaries, gun control is once again being hotly contested in the US, and Australia has been drawn into the debate. In 2016, then Prime Minister John Howard ramped up Australia's already strict handgun controls by effectively banning private ownership of 'long guns' (especially [semi-] automatic and self-loading rifles and shotguns) and initiating a huge national buyback in the wake of the Port Arthur massacre. Spurious claims by US presidential hopefuls about the effectiveness of such measures have led him to defend this policy, which is one of his Government's most important legacies. In his CBS interview (which, by the way, is not as entertaining as his fantastic one with John Oliver on the same subject), Howard said:

People used to say to me, 'You violated my human rights by taking away my gun', and I'd (say), 'I understand that. Will you please understand the

argument, the greatest human right of all is to live a safe life without fear of random murder.'

Q: So is there really a human right to own a gun?

No there isn't. John Howard was probably just being polite. The US Constitution is alone (at least amongst democracies) on this one.

According to the preamble to the *International Covenant on Civil and Political Rights* (ICCPR), human rights 'derive from the inherent dignity of the human person' and are aimed at achieving 'freedom from fear and want.' Human rights are essentially the opposite of guns.

Amnesty International, as it happens, has called gun violence in the US a human rights crisis.

Even the pro-gun Independence Institute, which argues that gun confiscation has led to increases in human rights abuses in some countries, does not claim that there is a right to possess arms or defend yourself with them at international law.

Q: Isn't it a government's duty to keep people safe? What if they just want to defend themselves from criminals?

Well yes, governments have a duty under the ICCPR to ensure people are secure (article 9) and that they



are not arbitrarily deprived of life (article 6). That's what police are for (or, *in extremis*, the military). A government acting in accordance with its human rights obligations, along with criminological evidence, would seek to maximise the chances of personal safety for its citizens by minimising circulation of deadly weapons. The deadlier the weapon, the more control is likely to be justified.

In Australia, guns are not completely banned. The line has been drawn at rocket launchers, flame throwers, portable artillery assault rifles, sawn-off shotguns and (essentially) any other gun without a demonstrably legitimate purpose (such as target shooting, farming or hunting). There are also background checks and other precautionary measures.

Does this provide a 100% guarantee of safety? No – for example, in 2002 there was a tragic shooting event in which two people died right here at Monash University, just metres from the office in which I'm writing this post. The student had obtained his weapons legally through membership of a pistol club. Overall though, the chances of being killed by gunshot in Australia are very low – around 1/10th of

the US rate. In countries such as South Korea and Japan, which have even stricter laws, the rates are an order of magnitude lower again.

Given that the right to self-defence is not really an individual 'right' at all (legally speaking, it's just a defence which negates what would otherwise be a violent crime), it does not make sense to prioritise it over gun control policies which are a reasonable, rational means of ensuring (or at least promoting) collective safety and security.

On the other hand, policies which seek to ensure security but which restrict freedom (broadly defined) unduly are anathema on an instinctive level for some. For example, one of our Senators portrays Australia as a 'nation of victims' when it comes to gun crime. On the whole, our political leaders after 1996 (like those in the UK after similar trauma) made an assessment that the majority of Australians would be willing to trade some freedom to defend themselves for greater collective safety, yet they have still taken a more libertarian approach than South Korea or Japan. All other things being equal, it could be argued that those nations are better fulfilling their ICCPR art.6/art.9 obligations in this regard, but as we know international law is not the only consideration in national policy-making.

Given that the right to self-defence is not really an individual 'right' at all (legally speaking, it's just a defence which negates what would otherwise be a violent crime), it does not make sense to prioritise it over gun control policies which are a reasonable, rational means of ensuring (or at least promoting) collective safety and security.

Q: OK I get the picture – human rights law wants the Government to take care of the gun-toting criminals ... but what if I need to protect myself from the Government?

History has shown that only the rule of law can protect you from your Government. The police and military have more guns and almost infinitely more resources than you do. Even if you have your own militia and lots of guns, you cannot win.

Finally, it is worth noting that a growing number of nations (78 at last count) are now party to the *Arms Trade Treaty*, which links their gun sales to trading partners' human rights records. This treaty represents a historic step in the struggle between human rights protection and the proliferation of guns.

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If government comes for Adler guns today, it'll come for your hobby tomorrow

THIS OPINION PIECE BY LIBERAL DEMOCRATS SENATOR **DAVID LEYONHJELM** WAS FIRST PUBLISHED IN THE 'AUSTRALIAN FINANCIAL REVIEW'

In July 2015, the Abbott government introduced a customs regulation to prohibit imports of seven-shot lever-action shotguns. The announcement by the prime minister made clear it was part of the government's one-announcement-per-week terrorism strategy. It was also said to be temporary, pending a review of the National Firearms Agreement involving the States and Territories.

About two weeks later the government was seeking my support to oppose an amendment to a bill relating to migration. Labor's amendment raised no questions of rights or freedoms – it was to increase from one to two the number of independent people present when biometric data was collected from minors – and I was indifferent as to its fate.

That led to the now-famous – or infamous – agreement in which the government agreed in writing to apply a sunset clause to the shotgun import ban, in exchange for my vote on the amendment.

We both acted on the deal. I voted with the government, and the government introduced a new regulation placing a limit of 12 months on the import ban. The ban was to be lifted on August 7 this year.

A week before the import ban was due to be lifted, it was reimposed. The Minister for Justice, Michael Keenan, told me that he never had any intention of allowing the shotguns to be imported. In other words, there had never been any intention of keeping to the bargain. When Tony Abbott chimed in – once it had been linked in the media to my vote on the reinstatement of the ABCC – it was clear that whether he knew about the deal or not, he would also have failed to honour it.

This places the government in a tricky position. Following the election, the government now requires the support of nine of the 11 crossbench senators for its legislation to pass. Securing that support is obviously more difficult if it cannot be trusted to negotiate in good faith. It sets the tone of negotiations before they have even begun.

Political cut-and-thrust

Some in the media see this as part of the cut-and-thrust of politics. I do not, and nor do most (but not all) of my parliamentary colleagues.

There was cut-and-thrust in negotiating the agreement, from which the government could have chosen to withdraw at any time. Instead it gave its word, which it then broke.

As for the merits of the import ban itself, it only applies to seven-shot lever-action shotguns. The

five-shot version can be imported and legally owned by sporting shooters. It is also possible to convert a five-shot Adler into seven or more, simply by fitting a longer magazine tube under the barrel. It is not illegal, and plenty of people are doing it.

The import ban achieves nothing, and is not preventing the ownership and use of seven-shot lever-action shotguns ... Not that there is anything to fear from seven-shot lever-action shotguns.

The import ban achieves nothing, and is not preventing the ownership and use of seven-shot lever-action shotguns.

Not that there is anything to fear from seven-shot lever-action shotguns. The presence of two extra rounds in the magazine does not transform it from a safe to a dangerous firearm. Neither a mass murder nor a terrorist attack is more likely because of those two extra rounds.

Relatively few firearm owners want to own a lever-action shotgun, and even fewer care whether it holds five rounds or seven. However, every one of them knows the implications of creeping regulation on their sport. They know if it's lever-action shotguns today, it will be something else tomorrow. The Firearms Section in the Attorney-General's Department has had an agenda of incremental restrictions on firearms for over a decade. Semi-automatic pistols, pump-action rifles, lever-action shotguns and lever-action rifles are on their list.

Disarming law-abiding Australians

The government's behaviour in relation to its deal with me is not only about trust, but also about what's being done to sporting shooters. It is yet another step in the process of disarming law-abiding Australians, of preventing them from enjoying their sporting, hunting and collecting activities, and towards the end envisaged by John Howard in 1996 in which only the police, military and security guards have guns.

And if the government can't be trusted to keep to a deal with me, how can it be trusted if it owns all the guns?

David Leyonhjelm is a senator for the Liberal Democrats.

This article was first published in the *Australian Financial Review*.

Leyonhjelm, D (9 December 2016). *If government comes for Adler guns today, it'll come for your hobby tomorrow*. Retrieved from <http://davidleyonhjelm.com.au> on 27 February 2017.

GUN LAWS SHOULD BE TOUGHER, NOT WEAKENED IN ANY WAY

AUSTRALIAN MEDICAL ASSOCIATION RELEASES POSITION STATEMENT ON FIREARMS



Background

- Figures from 2012 showed that there were about 2,750,000 registered firearms and 730,000 licensed firearm owners in Australia.
- In 2014, 253 people died from gunshots, of which 185 were determined to be suicide. About 1,500 firearms are reported stolen each year.
- More than 1,121,000 firearms have been handed in to police in a series of amnesties held between 1998 and 2015.

Gun ownership laws should be tightened, and a national, real-time firearms register should be established, the AMA said today in its new *Position Statement on Firearms 2017*

AMA President, Dr Michael Gannon, said that the AMA was concerned at ongoing attempts by some groups to water down the National Firearms Agreement, introduced after the Port Arthur massacre in 1996.

“There is a legitimate role for guns in agriculture, regulated sport, and for the military and police, but gun possession in the broader community is a risk to public health,” Dr Gannon said.

“In the nearly 21 years since Port Arthur, gun deaths in Australia have halved, thanks to the National Firearms Agreement.

“However, it is estimated that there are anywhere between 260,000 and six million guns held illegally in Australia, and most gun-related deaths in Australia are suicides within the families of gun owners.

“Restricting access to firearms reduces the risk of impulsive purchase and use of guns, and their use in

intentional acts of violence, including suicide.”

Dr Gannon said that it was concerning that some groups and people, including Members of Parliament, were agitating for changes to allow newer models of pump or lever action rifles to be imported into Australia.

“The AMA commends the decision of State and Territory leaders at the December Council of Australian Governments (COAG) meeting to withstand political pressure and impose stricter controls over the lever action Adler shotgun,” Dr Gannon said.

“We also welcome their agreement to a national gun amnesty this year. Gun laws should be tougher, and not watered down in any way.

“The AMA supports a strengthening of current laws banning high-powered semi-automatic weapons and pump or lever action rifles, so that they cannot be circumvented by new or adapted models.

“We strongly oppose any campaigns or policies that seek to dilute or relax the restrictions on firearm purchase and ownership, such as winding back the mandatory ‘cooling off’ period between applying for and buying a gun.”

The Position Statement calls for tighter restrictions on the definition of a ‘genuine reason’ to purchase a firearm, and greater efforts to restrict weapons from entering the country illegally.

It also calls for a real-time, readily accessible National Firearms Licensing Register to be established, incorporating State and Territory information for all types of firearms and other lethal weapons.

It recommends that if a registered owner of a firearm fails to notify the register of a change of address or change in location of storage for any weapon, they should lose their licence and have their weapons confiscated.

Licence applications should be refused if the person is subject to a current restraining or protection order, or a conviction of an indictable offence involving firearms and/or violence within the past five years.

The Position Statement also calls for laws banning the manufacture and sale of 3D printed weapons.

“With advances in 3D manufacturing technology, it is increasingly likely that people will be able to produce firearms and other weapons,” Dr Gannon said.

“Therefore, 3D weapons should be classified in the same way as other firearms and weapons.”

The AMA *Position Statement on Firearms 2017* is available at:
<https://ama.com.au/position-statement/firearms-2017>

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THE AMA HAS A POOR AIM ON GUN LAWS

Its latest initiative misses the target, writes **Brad Emery** in the *Huffington Post*

The Australian Medical Association is the backbone of ... well, bones, along with every other facet of the anatomy. It represents trusted professionals in the various fields of medicine and over the years has made some positive contributions to health policy in Australia.

However, like a GP trying to fly a jumbo, the AMA should stick to what it's good at. This week the industry body released a policy statement, arguing that if we don't tighten our gun laws and remain vigilant, "... we will head down the US path".

Unfortunately, it seems the AMA isn't too sure at which windmill they're actually tilting. They start by acknowledging that in the "... 21 years since Port Arthur, gun deaths in Australia have halved, thanks to the National Firearms Agreement".

True. The initiatives taken by the Howard Government to tighten gun ownership regulations have had an undeniable impact on our society. There has not been a mass murder by a single gunman in this country since 1996. They go on to claim that "if guns are not known to the authorities they are at a much greater risk of being misused". Apart from 'paging Doctor Obvious' the AMA believes that a national register of legally held firearms, either over-and-above or as a replacement for the current state government registers, is the necessary step forward.

The simple fact is our gun laws are working as far as regulating who can have legal access to legal firearms. They have done since Prime Minister Howard oversaw their implementation in 1996, resulting in fewer gun deaths from registered firearms.

So current state gun registries aren't catching illegal firearm owners, therefore we need a national registry, because obviously willful owners of illegal firearms will be immediately swayed by the kangaroo-and-emu-adorned federal crest on the front cover of the new legislation and throw up their arms, 'I surrender'. Pardon?

In the AMA's own statement, it's illegal firearms that are responsible for the vast majority of gun violence. Therefore the answer is to further tighten gun regulations for those abiding by the current laws?

As the national president of the Sport Shooting Association of Australia Geoff Jones alluded to in his response to the AMA's initiative, surely the focus should be on encouraging greater funding and resources for law enforcement specialists attempting to combat illegal gun ownership, rather than new laws to find guns that are already registered.



There is an argument to be made for restricting or curtailing the proliferation of high-powered, high ammunition capacity, rapid loading or semi-automatic weapons. In the '90s, it was the widespread legal ownership among weekend shooters of cheap, military style, high-calibre, semi-automatic weapons, like the Chinese and Eastern European versions of the 7.62mm SKK and SKS, that led to these types of weapons being used in horrific acts of violence like the Strathfield Plaza massacre and, of course, Port Arthur.

More recently, debate has ensued regarding the importation of the Adler lever-action shotgun, which really just came down to the rapid reload rate of a lever-action gun matched with a high magazine capacity. The Adler isn't the only lever-action weapon on the market, however it is the only lever-action .12-gauge that can hold seven shells in the magazine and another up the pipe.

Since the debate started, a compromise has been reached on the magazine size, along with State-by-State restrictions on who can own the weapon, which has allowed its importation.

The simple fact is our gun laws are working as far as regulating who can have legal access to legal firearms. They have done since Prime Minister Howard oversaw their implementation in 1996, resulting in fewer gun deaths from registered firearms.

The AMA is right in that we cannot afford to see our gun laws watered down. However, claiming we need to have tighter gun ownership regulation in order to combat illegal ownership of firearms is, at best, a poorly conceived policy pie that needed a little more time in the oven.

Brad Emery is a freelance writer and former Howard Government staff member.

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THE ARGUMENTS THAT CARRIED AUSTRALIA'S 1996 GUN LAW REFORMS

Simon Chapman distills the main arguments which led to key reforms which are largely sustained by Australia's continued stance on gun control

Former Prime Minister John Howard and all Australia's States and Territories united to introduce sweeping gun law reforms just 12 days after the then world's worst civilian firearm massacre. When they did so, they acted on a platform of policy reforms that had nearly all been advocated for many years by gun control advocates.

The Port Arthur massacre was the 13th in Australia in 18 years where five or more victims (not including the perpetrator) had died. In the 20 years since there have been none.

John Howard had only been in office for 57 days when, on the day after the massacre, he declared his intention to push through the reforms. The reforms were announced by a national meeting of unanimous police ministers on May 10.

The police ministers did not have to call for any special filibustering inquiry or glacial expert report on what needed to be done. For years, advocates for gun control both in Australia and internationally had made sure that whenever gun violence was news and questions were being asked about what needed to be done in response, a set of policy reforms were repeatedly rolled out.

These were well captured in the main reforms:

1. A ban on the importation, ownership, sale, resale, transfer, possession, manufacture or use of:
 - All self-loading centre-fire rifles, whether military-style or not
 - All self-loading and pump-action shotguns
 - All self-loading rim-fire rifles.
2. A compensatory "buyback" scheme funded through a temporary increase in the Medicare levy, whereby gun owners would be paid the market value of any

prohibited guns they handed in.

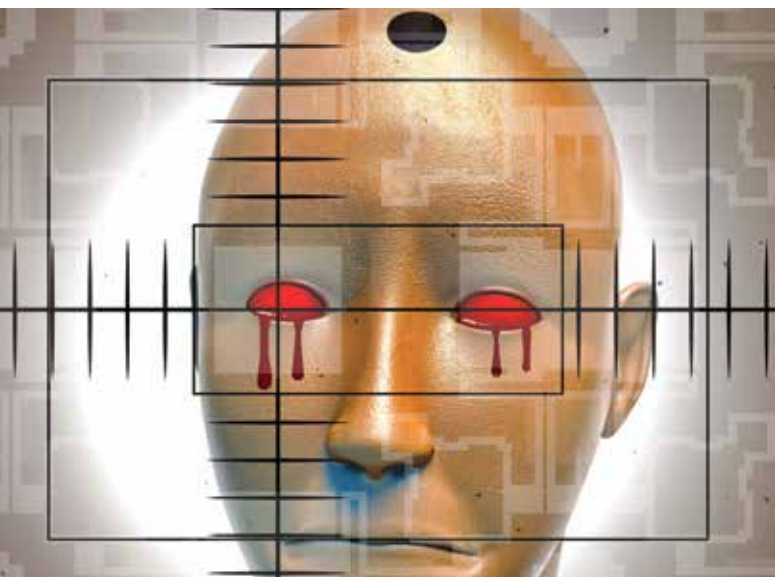
3. The registration of all firearms as part of an integrated shooter licensing scheme, maintained through the computerised National Exchange of Police Information.
4. Shooter licensing based on a requirement to prove a "genuine reason" for owning a firearm. Genuine reason could include occupational uses such as stock and vermin control on farms; demonstrated membership of an authorised target shooting club; or hunting when the applicant could provide permission from a rural landowner. Significantly, the agreement explicitly ruled out "personal protection" or self-defence as a genuine reason to own a gun.
5. A licensing scheme based on five categories of firearms, minimum age of 18, and criteria for a "fit and proper person". These criteria would include compulsory cancellation or refusal of licences to people who have been convicted for violence or subject to a domestic violence restraining order within the past five years.
6. New licence applicants would need to undertake an accredited training course in gun safety.
7. As well as a licence to own firearms, a separate permit would be required for each purchase of a gun. Permit applications would be subject to a 28-day waiting period to allow the licensee's genuine reason to be checked.
8. Uniform and strict gun storage requirements, backed with heavy penalties.
9. Firearm sales could be conducted only by or through licensed firearms dealers, thus ending private and mail-order gun sales. Detailed records of all sales would have to be provided to police.
10. The sale of ammunition would be allowed only for firearms for which the purchaser was licensed and limits would be placed on the quantity of ammunition that may be purchased in a given period.

In the years before the historic reforms, and in the months after their announcement when the gun lobby tried but failed to push back, we relentlessly used these arguments:

Semi-automatic weapons are frightening killing machines

Front and centre of the reforms was the outlawing of citizen access to semi-automatic rifles and pump-action shotguns. Fully automatic weapons had long been banned in Australia.

When someone plans to as kill many people as quickly as possible, today they tend to use bombs. But they



certainly don't choose a broken bottle, a baseball bat, a knife or a machete, means often raised by outraged shooters. They also don't choose a single shot or bolt action rifle. They prefer to carry a semi-automatic firearm that allows rapid firing, fitted with a large magazine capacity, to minimise opportunities for them to be shot or overpowered during reloading.

Australians were revolted by the idea that military-style weapons could be easily obtained by malevolent people. A referendum question added to the ballot paper at the 1995 local government election in North Sydney before Port Arthur tellingly saw 93.1% vote in favour of gun law reform.

'Guns don't kill people, (bad and mad) people kill people' ... oh really?

The seductive simplicity of the National Rifle Association mantra got a good workout in Australia. It carried the subtext that gun control should be only about identifying and controlling people who anyone with commonsense would know was likely to be a problem. The task should be one for doctors, police and social workers who should do their job and identify and report all those likely to shoot people. Easy as that.

But all of these frontline groups were united in pointing out that most people who committed gun violence had no criminal or psychiatric record. Most were hitherto "law abiding shooters" until they shot or threatened people. Even Martin Bryant, the Port Arthur killer, was known in Hobart to be just very "strange".

We also pointed out that guns were ultra-lethal. There was simply no comparing the carnage of a person running amok with a semi-automatic gun and another with a knife.

Gun registration

Selling the virtues of "registration" was always going to be hard work. But on we plugged. Most people associated the word in those days with dull bureaucracy and a dreary hour at the motor registry that they would never get back.

One day during a TV interview in 1995, we said as we always did "We register cars. We register boats". But this time we added "We even register dogs. So what's the problem in registering guns?" It was the perfect sound bite. The next day a senior police official repeated the very same line on national television. From that point on, the air seemed to go right out of the gun lobby's tyres on that one.

An insult to law-abiding citizens?

Gun lobbyists often went apoplectic at the implication that they should ever be considered a danger to the community. Most of course would not. It was always a tiny number of dangerous "others" (criminals and the deranged) who were the problem (see above).

In an issue of the gun magazine *Australian Gun Sports*, a statement signed by John Tingle and 11 other gun lobbyists said:

There are almost 1.8 million licensed firearm owners in Australia ... and 99.9% of them never broke the law.

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By this admission, there were 1,800 people we needed to be very worried about. They also invoked sentimental narratives about soon-to-be-banned firearms that had been in their families for generations, painting Howard and his lot as being the equivalent of heirloom vandals.

We sought to counter these arguments by pointing to the understanding that every reasonable person has over other "treat with suspicion" actions where authorities regard us all as potential offenders in the effort to reduce danger.

We argued by analogy that we were not offended by being assumed to be a potential terrorist by having to go through airport security, a drink-driver by being pulled over for random breath testing, or a thief at bag inspection at supermarkets.

More guns make communities safer through deterrence

This argument was typically accompanied by valorous gun lobby anecdotes about men who had protected their families from murderous and violent intruders in home invasions. If far more people were armed, these miscreants would think twice, apparently.

This argument was easily sent packing by reminding everyone of the daily gun carnage reports in the news about US gun violence: a nation which is the apotheosis of an armed society. As Sam Kekovich might have said, "You know it makes sense".

Frothing gun advocates

The Coalition for Gun Control had spokespeople from domestic violence prevention, health, medicine, psychiatry, law, the church and most importantly, the loved ones of those who had been shot.

We were often asked by journalists about who they should speak to on "the other side". There was quite a selection to choose from, with Queensland providing the best talent. The frothing Ian McNiven who infamously said "The only currency that you can purchase freedom back with is blood" and gun dealer Ron Owen who called for an end to the "homosexual Gestapo" responsible for the new laws were hard to go past.

These and other regular ambassadors for opposing the new laws were immensely effective in galvanising public and political opinion even more strongly in support of the laws.

Australia today is the envy of many nations struggling with out-of-control gun violence. John Howard's leadership was nothing but magnificent.

Simon Chapman is Emeritus Professor in Public Health, University of Sydney.

THE CONVERSATION

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Creeping firearm ownership regulations remain problematic for farmers

A 'FARM ONLINE' OPINION PIECE BY SENATOR **DAVID LEYONHJELM**



LAST week the Council of Australian Governments (COAG) decided to make the National Firearms Agreement more stringent by placing lever-action shotguns of more than five rounds into Category D, while lever-action shotguns of up to five rounds will be placed in Category B.

For most of Australia's 800,000 licensed firearm owners, Category D firearms are simply unavailable. Category D is restricted to professional shooters, of which there are only a few hundred in the entire country.

Moreover, those holding a Category D licence have access to semi-automatic firearms and no interest in lever actions. This means there will be no demand for lever-action shotguns of more than five rounds. For the rest of us, shotguns are currently in Category A and available to most licensed shooters, while Category B covers centrefire rifles.

Once the COAG decision is enacted into State law, lever-action shotguns will join them in Category B. If you think this is a bit weird, that's because it is.

It all began when the Adler seven-shot shotgun was portrayed as a 'rapid fire' firearm. When then Prime Minister Tony Abbott was looking for a terrorist announcement each week, Justice Minister Michael Keenan came up with the Adler. Just imagine if a terrorist got hold of one, he said.

To ignorant politicians, media and commentators, not even that amount of justification was required. While most wouldn't know a lever-action shotgun from a pump-action water pistol, any action short of a complete ban (unless belonging to a government official) equates to taking Australia down the American path. And of course everyone is an expert on America because what happens on television and in the movies is real, right?

If evidence or reason were relevant, it would be immediately apparent that a five-round restriction on the magazines of shotguns, which are only dangerous

to about 70 metres, is absurd when 303 rifles from the First World War are available with 10-round magazines and lethal to more than 500 metres.

Or that other shotguns, including straight-pull actions with up to five round magazines, are to remain in Category A. Or that pistols, for those licensed to own them, are allowed with 10-round magazines.

Moreover, lever-action firearms are never used in crime. They are old technology, clunky to use and virtually useless if sawn off. A shotgun of the type used in the Olympic Games, when sawn off, is far more attractive to criminals.

In truth, not many sporting shooters are all that interested in lever-action shotguns. There is far more interest in lever-action rifles – the trusty 30-30 being a favourite for shooting pigs.

Some farmers would find them useful though; eliminating a mob of pigs in a paddock of lambing ewes would be far easier with a seven-shot Adler, for example. Pinpoint accuracy, necessary with a rifle, is not as crucial with a shotgun and a mob of pigs can be big enough to require multiple shots.

It will still be possible to convert a five-shot Adler into seven or more, simply by fitting a longer magazine tube under the barrel, but whether that remains legal is unclear. It is also unclear what will happen to the lever-action shotguns already in use which have magazines that hold more than five rounds.

Unless there is a buyback, all those political terrorists planning to cause mayhem with a lever-action shotgun (which is presumably what we are supposed to fear) may still be able to get their hands on them.

What the COAG decision signifies is that creeping regulation of firearm ownership remains a problem, for farmers as well as hunters and sporting shooters.

The Firearms Section in the Attorney General's Department has had an agenda of incremental restrictions on firearms for over a decade, with semi-automatic pistols, pump-action rifles, lever-action shotguns and lever-action rifles on its list. Their objective is the ultimate disarming of law-abiding Australians, of preventing them from enjoying their sporting, hunting and collecting activities, towards the end envisaged by John Howard in 1996 in which only the police, military and security guards have guns.

That's not an outcome we should welcome and fear, imaginary threats and ignorance are not a basis for sound government.

David Leyonhjelm is a senator for the Liberal Democrats.

Leyonhjelm, D (15 December 2016). 'Creeping firearm ownership regulations remain problematic for farmers', *Farm Online*. Retrieved from www.farmonline.com.au on 28 February 2017.

TARGETING HANDGUN COMPETITORS

An opinion piece from the **Sporting Shooters' Association of Australia**

Handguns have been tightly regulated in Australia since World War I – long before the 1996 National Firearms Agreement, subsequent National Handgun Control Agreement in 2002 and further regulations deriving from the 2006 December Council of Australian Governments (COAG) meeting.

The 2002 handgun-specific resolutions resulted in no fewer than 28 controls affecting the legitimate sporting shooter, while the 2006 COAG rulings restricted new handgun club members to an initial purchase of a small-calibre target pistol. Today, Australia's keen pistol shooters still feel the tentacles of governments closing in on our long-held legally owned handguns, with everything from calibres to barrel lengths to the handguns themselves targeted – all in the name of 'public safety'.

The SSAA is privy to a seemingly continuous flow of anecdotal stories regarding how regulations across the states negatively affect handgun shooting disciplines. Most recently, SSAA National learned that the current legislative environment has resulted in deterring international competitions and international competitors from coming to Australia for some handgun events – a startling finding for a country that just last year won two gold and two bronze medals in pistol events at the Commonwealth Games in Glasgow.

The SSAA coordinates three main disciplines for competitive handgun shooting: Action Match, Target Pistol and Handgun Metallic Silhouette. The Combined Services, Long Range Precision, Muzzle-

loading, Practical Shooting and Single Action, disciplines also include handgun matches, along with the SSAA-affiliated discipline of International Practical Shooting Confederation (IPSC). The latter of the disciplines has reported major issues with the legislation. SSAA IPSC National Discipline Coordinator Greg Moon said restrictions on calibres specifically have “effectively halted all international IPSC competitions in Australia”.

IPSC competitors can only use 9mm handguns up to .38 calibres in most States, with a rare exception allowing up to .45-calibre in Victoria. Calibres up to .45 are allowed in every other nation that shoots IPSC events. Greg pointed to the IPSC Level IV Australasian Regional Championships, which was destined for Australia in 2013, but had to relocate to New Zealand because the legislation on calibres and even magazine capacities meant international competitors could not bring a majority of their handguns into the country.

“We ran a match of 700-plus competitors in Rotorua and had over 1,000 people stay in the place for a week and half. The only reason we went there was because of the legislation in Australia,” he said.

“A similar problem arises when Australians go overseas. Our competitors are seriously disadvantaged, as the highest calibre we can use is the .357 SIG. Ammo for this is not readily available overseas and the cartridges are fussy.” Greg said despite the challenges, IPSC is “slowly making inroads” and governments are starting to listen.

Another Australian event affected by the legislation was the Arafura Games, a multi-sport competition that



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was held every two years in Darwin from 1991 until its cancellation in 2013. The games saw developing athletes of all abilities across the Asia Pacific region gather to compete in events, including clay target IPSC pistol and ISSF pistol. Competitor numbers dwindled, however, due to the restrictions placed on the pistols used.

“Currently, we cannot run any .45 events, as they are still restricted in most States. This causes us a huge problem, in that we have to choose a national team from competition with only two of the guns, and then go overseas and shoot the three guns.”

On a grassroots level, the SSAA handgun disciplines are also feeling the ramifications of restrictive government policies. International Action Match champion and SSAA member Richard Siebert raised two issues currently affecting this fast-paced discipline: costs and magazine capacity. “Action Pistol went from a four to eight magazine requirement in the last buy-backs, which meant we had to spend \$500-plus modifying our guns to meet this,” he said.

This change also affected the attractiveness of Australia for international competitors, who are allowed to have a variety of magazine capacities in their home countries. “International competitors aren’t going to spend \$1,000-plus on their guns to go and shoot in Australia,” Richard said. “The legislation in that sense discourages international shooters coming to Australia to compete.”

Richard also pointed to the last buy-backs in 2003, which took many entry-level pistols out of the picture. “New shooters couldn’t get a secondhand pistol because the buy-backs took all the entry-level handguns out of the system, making it cost-prohibitive,” he said.

He estimates the number of participants shooting Action Match in Australia has halved since he began

competing in the mid-1990s, and the number of junior participants is worryingly low.

Another SSAA international discipline affected by current regulations is Target Pistol. This sees competitors shoot at a three-gun 3 x 90-shot event, with a total score out of 2,700 using any .22, any centrefire and any .45 pistol. SSAA Target Pistol National Discipline Chairman Greg Riemer said that although he doesn’t attribute the current regulations to having any adverse effects on the sport, issues have certainly arisen surrounding .45-calibre pistols, mirroring the IPSC’s concerns.

“Currently, we cannot run any .45 events, as they are still restricted in most States,” said Greg. “This causes us a huge problem, in that we have to choose a national team from competition with only two of the guns, and then go overseas and shoot the three guns.” Greg said no overseas competitors have participated in the SSAA National event so far, but if they did and it was held outside of Victoria, they “would be taken aback”.

“Because you can also use the .45 in the Any Centrefire 900 match, most people spend their money on a really accurate hand-built .45, and use it for both matches,” he explained. “We won’t have a competitive National team until we can shoot all three guns in a majority of States. Victoria is luckily one of the places we can, and they have the Nationals next year, and we will be shooting a 2700 [match].” Greg’s goal is to get approval for the use of .45s in all States. “Slowly, we are making headway ... If we were all allowed to have .45 wad guns for Target Pistol, we would be happy,” he said.

Handgun Metallic Silhouette shooters are also thankfully less affected, with this discipline one of only two competitions in Australia allowing calibres greater than .38. SSAA Handgun Metallic Silhouette National Discipline Chairman Russell Mowles said there “are a couple of issues with .45-calibre pistols”, but most of the pistols used in the discipline are all available. “Calibre wise, the calibres that we use are all available,” he said.

SSAA National Chief Executive Officer Tim Bannister said competitive handgun disciplines have and will remain an integral part of the SSAA. “As the Greens finish another attack on handguns with their recent Senate inquiry – another thinly-veiled attempt to ban handguns – there is no doubt that any attack on legitimate sporting shooters will remain a key priority for the SSAA,” he said.

“We will continue to publish our popular *Australian & New Zealand Handgun* magazine and promote the many benefits of shooting to ensure our sport is not tainted by politicians who would like to see it shut down for no greater good.

“We will also continue our tireless work with the SSAA State and Territory branches and the National Discipline Chairmen to resolve the issue of higher calibre restrictions.”



Sporting Shooters’ Association of Australia (5 February 2015). *Targeting handgun competitors*. Retrieved from <https://ssaa.org.au> on 28 February 2017.

EXPLORING ISSUES

WORKSHEETS AND ACTIVITIES

The Exploring Issues section comprises a range of ready-to-use worksheets featuring activities which relate to facts and views raised in this book.

The exercises presented in these worksheets are suitable for use by students at middle secondary school level and beyond. Some of the activities may be explored either individually or as a group.

As the information in this book is compiled from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Is the information cited from a primary or secondary source? Are you being presented with facts or opinions?

Is there any evidence of a particular bias or agenda? What are your own views after having explored the issues?

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Brainstorm, individually or as a group, to find out what you know about gun control.

1. What is a gun amnesty, and why are they used?

2. What makes a firearm 'illegal'? (Provide examples)

3. What is a Category A firearm licence, and who can get one?

4. What is a 3D printed gun, and are they legal in Australia?



Complete the following activity on a separate sheet of paper if more space is required.

“Australia’s gun laws are being watered down due to political pressure, with no State or Territory currently fully compliant with the National Firearms Agreement.” Prof. Philip Alpers

In the spaces below explain the ways in which the firearms laws in each State and Territory currently do not currently comply with the National Firearms Agreement.

QUEENSLAND

WESTERN AUSTRALIA

NEW SOUTH WALES

SOUTH AUSTRALIA

NORTHERN TERRITORY

VICTORIA

NEW SOUTH WALES

TASMANIA



MULTIPLE CHOICE

Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of the following page.

- 1. In what year did Australian Prime Minister John Howard introduce sweeping gun law reforms?**
 - a. 1906
 - b. 1976
 - c. 1986
 - d. 1996
 - e. 2006
 - f. 2016

- 2. What type of weapon is the 'controversial' Adler A110?**
 - a. Fully automatic weapon
 - b. Revolver
 - c. Single shot lever-action shotgun
 - d. Semi-automatic
 - e. Multi-shot lever-action shotgun
 - f. Pump-action shotgun

- 3. In what year did Martin Bryant kill 35 people at Port Arthur in Tasmania?**
 - a. 1906
 - b. 1976
 - c. 1986
 - d. 1996
 - e. 2006
 - f. 2016

- 4. Shooter licensing is based on a requirement to prove a 'genuine reason' for owning a firearm. Which of the following are considered 'genuine' reasons for owning a firearm? Select any that apply)**
 - a. Membership of a target shooting club
 - b. Personal protection
 - c. Stock control on farms
 - d. Member of gun enthusiasts group
 - e. Self-defence
 - f. Hunting
 - g. Just for fun

- 5. Which of the following weapons – popular with mass killers in the United States and used at both the Port Arthur and Orlando (USA) massacres – is no longer able to be purchased legally in Australia?**
 - a. A110 shotgun
 - b. 30-30 lever-action rifle
 - c. .45-calibre pistol
 - d. M2 machine gun
 - e. AR15 semi-automatic rifle
 - f. .22 air rifle



MULTIPLE CHOICE

6. Respond to the following statements by circling either 'True' or 'False':

- a. About 80% of gun deaths in Australia have nothing to do with crime as they are either suicides or unintentional shootings. **True / False**
- b. The weapon used in the Lindt Cafe siege in Sydney was a registered weapon. **True / False**
- c. The use and attachment of bump fire stocks, like that used in the 2017 Las Vegas shooting, is restricted across all Australian States and Territories. **True / False**
- d. In the 18 years between 1979 and April 1996, Australia saw 13 massacres where 104 victims died. **True / False**
- e. Despite the National Firearms Agreement requirement that all applicants for a licence be at least 18 years of age, every State and Territory allows minors to possess and use firearms. **True / False**
- f. The chances of being killed by gunshot in Australia are approximately as high as that of the United States. **True / False**
- g. The million guns destroyed after the 1996 Port Arthur massacre have been replaced with more than a million new ones. **True / False**

MULTIPLE CHOICE ANSWERS

1 = d; 2 = e; 3 = d; 4 = a, c, f; 5 = e; 6 = T, b = F (There was no record of the sawn-off shotgun used in the Lindt Cafe siege ever legally entering the country), c = T, d = T, e = T, f = F (The chances of being killed by gunshot in Australia are very low – approximately one tenth of the US rate), g = T.

- In 1996, Australian federal, State and Territory governments united to reform our firearm laws. The main provisions of the new laws included: a ban on semi-automatic rifles and pump-action shotguns, with a market price buy-back of all now-banned guns; uniform gun registration; end of “self-defence” as an acceptable reason to own a gun; end of mail order gun sales (Chapman, S, *No massacres and an accelerating decline in overall gun deaths: the impact of Australia’s major 1996 gun law reforms*). (p.1)
- In February 2017, the Law, Crime and Community Safety Council agreed to an updated National Firearms Agreement. The updated agreement amalgamates the 1996 National Firearms Agreement and 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia (Attorney-General’s Department, *National Firearms Agreement*). (p.3)
- Four consecutive formal reports have now found that no Australian State or Territory has at any stage fully complied with the 1996 or 2002 firearm resolutions which collectively formed the National Firearms Agreement (Alpers, P and Rossetti, A, *Firearm Legislation in Australia 21 years after the National Firearms Agreement*). (p.10)
- Attempts to undermine and circumvent the provisions of the National Firearms Agreement are persistent, and have often been successful (*ibid*). (p.12)
- To legally own a firearm in Australia, you must have a licence. Since 1996, all firearms must be registered. Unregistered firearms are illegal. Anyone who possesses a firearm without holding a licence, or without the appropriate category of licence for that firearm, is in illegal possession (McPhedran, S, *A national amnesty will not rid Australia of violent gun crime*). (pp. 13-14)
- Australia’s National Firearms Amnesty ran from July to September 2017 to improve public safety by reducing the number of unregistered firearms in our community. As a result, there are now 50,000 fewer firearms on the streets (*Over 50,000 firearms handed in during national amnesty*, Australian Government). (p.13)
- Compliance with firearms legislation requires co-operation between lawmakers, police, gun dealers, and those with a legitimate interest in using firearms ... For co-operation to continue, discussion of firearms legislation, implementation and compliance must refrain from extreme views at either end of the spectrum (Fay-Ramirez, S and Belgrove, *Oversimplifying gun control issues can pose a real threat to community safety*). (p.17)
- The impact of John Howard’s 1996 reforms on the declines in homicide and suicide is debatable. Some research argues the reforms did not significantly influence firearm homicide rates or already falling rates of firearm suicide. Other research argues the reforms accelerated the rates of decline, with one study suggesting firearm suicides dropped by 74% from the 1990-95 average following the buyback scheme. Studies on the impacts of the reforms have come to varied conclusions and experts say other factors would have influenced the drops, even though the reforms are likely to form part of the story (ABC News, *Fact check: Have firearm homicides and suicides dropped since Port Arthur as a result of John Howard’s reforms?*). (p.20)
- The (1996) buyback of semi-automatics initially removed 640,000 guns from circulation, rising to more than a million with subsequent State, Territory and national gun amnesties (Peters, R and Cunneen, C, *Australia’s gun laws save lives – but are we now going backwards?*). (p.24)
- Although Australia hasn’t seen a public mass shooting since 1996, we have no shortage of firearm-related crime. Gun owners who know each other well – be they family members or gang members – have always been the ones to kill each other most frequently. Then there’s the killer already in the room. About 80% of gun deaths in Australia have nothing to do with crime. Instead, they’re suicides and unintentional shootings (Alpers, P, *Australia’s gun numbers climb: men who own several buy more than ever before*). (p.25)
- The million guns destroyed after Port Arthur have been replaced with 1,026,000 new ones. And the surge only shows upward momentum (*ibid*). (p.25)
- After a lengthy deadlock in which the federal government banned imports of the seven-shot Adler lever-action shotgun until a classification could be agreed on, State and Territory leaders agreed to assign the shotgun a Category D classification (the most restricted category), paving the way for imports to resume. It means the Federal Government’s import ban on the seven-round Adler is lifted, however only professional shooters will be allowed to own one (*Postscript: States agree to tough Adler shotgun classification*). (p.28)
- The Australian Criminal Intelligence Commission estimates that there are more than 250,000 long-arms and 10,000 handguns in the illicit market (Australian Criminal Intelligence Commission, *Enhancing the national picture of illicit firearms*). (p.29)
- Firearms and organised crime are inextricably linked, with strategies needed to address both the illicit supply chain for firearms and the underlying activities of organised crime groups. Criminals use firearms to protect their illicit interests, such as drugs, or commit acts of violence and intimidation (*ibid*). (p.29)
- 3D printed guns currently occupy a grey area in terms of their legality in many jurisdictions around Australia. (Matthews, R, *The legal minefield of 3D printed guns*). (p.34)
- In 2012 there were about 2,750,000 registered firearms and 730,000 licensed firearm owners in Australia (Australian Medical Association Limited, *Gun laws should be tougher, not weakened in any way*). (p.44)
- In 2014, 253 people died from gunshots, of which 185 were determined to be suicide. About 1,500 firearms are reported stolen each year (*ibid*). (p.44)
- The Port Arthur massacre was the 13th in Australia in 18 years where five or more victims (not including the perpetrator) had died. In the 20 years since there have been none (Chapman, S, *The arguments that carried Australia’s 1996 gun law reforms*). (p.46)

Action, automatic

Firearm that loads then fires and ejects cartridges as long as the trigger is depressed and there are cartridges available in the feeding system (i.e. magazine or other such mechanism).

Action, lever

Firearm, typically a rifle, that is loaded, cocked and unloaded by an external lever usually located below the receiver.

Action, pump/slide

Firearm that features a moveable forearm that is manually actuated to chamber a round, eject the casing and put another round in position to fire.

Action, self-loading

Firearm in which each pull of the trigger results in a complete firing cycle, from discharge to reloading. It is necessary that the trigger be released and pulled for each cycle. These firearms are also called 'self-loaders' or 'semi-automatics'. The discharge and chambering of a round is either recoil-operated or gas-operated.

Automatic weapon

Weapon which fires rounds continuously as long as the trigger is depressed and ammunition remains in the magazine or belt e.g. machine guns, assault rifles. A semi-automatic, or self-loading firearm, is one that not only fires a bullet each time the trigger is pulled, but also performs all steps necessary to prepare it to discharge again – assuming cartridges remain in the firearm's feed device.

Firearm

Weapon, especially a portable gun or pistol, from which a projectile can be discharged by an explosion caused by igniting gunpowder, etc.

Gun control

Gun control (also referred to as firearms regulation) is the set of laws or policies that regulate the manufacture, sale, transfer, possession, modification, or use of firearms by civilians. Most countries have a restrictive firearm guiding policy, with only a few legislations being categorised as permissive.

Gun lobby

A group of people who argue for the right of members of the public to be able to own guns.

Gun-related violence

Violence committed with the use of a gun. Gun-related violence may or may not be considered criminal. Criminal, includes homicide (except when and where ruled justifiable), assault with a deadly weapon, and suicide, or attempted suicide, depending on jurisdiction.

Illicit firearms

A licence is legally required to own a firearm in Australia. Since 1996, all firearms must be registered. Unregistered firearms are illegal. Anyone who possesses a firearm without holding a licence, or without the appropriate category of licence for that firearm, is in illegal possess-

ion. The illicit movement, trafficking and use of firearms is a serious national threat and a significant community safety concern. The demand for and supply of illicit firearms in Australia is driven by a range of entities, from organised crime groups to low-level individual criminals.

National Firearms Agreement

In response to the 1996 Port Arthur massacre, the Howard government brokered a National Firearms Agreement with the States and Territories. In February 2017, an updated National Firearms Agreement was agreed to, in the process amalgamating the 1996 National Firearms Agreement and 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia.

National Firearms Amnesty

Australia's national amnesty ran for 3 months from July to September in 2017, to improve public safety by reducing the number of unregistered firearms and firearm-related articles in the community; over 50,000 firearms were handed in. Although the amnesty has ended, the government is encouraging people who still have an unregistered firearm, or who come into possession of an unregistered firearm, to contact their local police station or firearm registry.

Pistol

Term for a hand-held firearm with a single chamber. A revolver has at least five chambers.

Pump-action

Rifle or shotgun which uses a manual pump mechanism under the barrel of the weapon to chamber another round into the breech ready for firing. Pump-action rifles are classed as repeating weapons, in the same licence category as bolt-action or lever-action rifles.

Repeating action

Weapon which uses a manual bolt, lever or pump action to chamber another round into the breech ready for firing.

Revolver

Firearm with a cylinder having several chambers arranged to rotate around an axis and be discharged successively by the same firing mechanism. A self-loading pistol is not a revolver because it does not have a revolving cylinder.

Rifle

Firearm having spiral grooves in the bore and designed to be fired from the shoulder.

Shotgun

Smoothbore shoulder firearm designed to fire shells containing many pellets or a single slug.

Small arm

Firearm capable of being carried by a person and fired without additional mechanical support.

Weapon

Instrument used in combat. The term is never used when referring to sporting firearms.

Websites with further information on the topic

Australian Criminal Intelligence Commission www.acic.gov.au
 Combined Firearms Council www.firearmscouncil.org.au
 Gun Control Australia www.facebook.com/Gun-Control-Australia-692563310760109/
 Gun Policy.org (Sydney University) www.gunpolicy.org
 Shooters Union Australia <https://shootersunion.com.au>
 Sporting Shooters' Association of Australia <https://ssaa.org.au>
 The Conversation <https://theconversation.com/au>

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