

Firearm Policy Announcement

In line with Core Value's #10 and #11 of the Katter's Australian Party (KAP) constitution, the KAP is pleased to make the following firearm-related Policy Announcement:

Core Value #10: Australians must have the freedom to pursue outdoor recreational activities of their choice including hunting, shooting, fishing, boating, camping, 4-wheeldriving, horse riding, rock climbing and bushwalking without unnecessary limitations and restrictions.

Core Value #11: Vacant land such as State Forests and some unallocated lands and seas now designated as "off-limits" are to be owned and accessible by the people. They are not the exclusive domain of the "Crown".

A KAP Government will:

1. Establish a statutory authority known as the "Queensland Fish and Wildlife Authority". The charter of the Authority will be to promote and facilitate safe and sustainable fish and wildlife activities throughout the State.
2. Sponsor amendments to the 16 year old National Firearms Agreement aimed at refocusing licensing efforts in-line with modern community expectations, and take advantage of improvements in government information exchange technologies since its original inception.
3. Complete the current rewrite of the Queensland *Weapons Act* and shift police resources away from administering licensed firearm owners and focus instead on illegal firearm activity.
4. Enhance the Queensland Police Service's detection and intervention capabilities for illicit firearms distribution and drug trafficking.

1. The Queensland Fish and Wildlife Authority

The charter of the Queensland Fish and Wildlife Authority will be to promote and facilitate safe and sustainable fish and wildlife activities throughout the State. The Authority will:

- Re-establish and manage a licensed duck hunting season in the State.
- Establish a system of using licensed and accredited shooters to provide humane feral pest culling and control on government lands where it is safe and appropriate to do so. The overriding objective of the program will be to avoid the use of poisoning programs wherever possible and ensure government lands are not used to provide uncontrolled breeding areas for disease carrying feral pests. Active protection of native flora and fauna will be central to the program's ethos.
- Support private organisations with objectives consistent with the Authority's charter.
- Avoid government-funded culling or eradication programs if volunteer networks can be more cost effectively deployed.
- Support a wild venison industry.
- Support export of wild game products.
- Promote fish and wildlife tourism.
- Establish and promote "Net Free" or "Recreational Only" fishing areas around all large cities and towns on the coast, and smaller communities if desired.
- Manage tailor, Australian salmon and all trevally species as recreational-only fishing.
- Develop freshwater fisheries to a higher standard in order to grow regional tourism.
- Remove existing green zones where there is no evidence-based justification for their existence.
- Implement and promote a "one line one hook" fishing policy in remaining green zones and marine parks where there is no threat to biodiversity.

Initial staff recruiting for the newly created Authority will be sourced from existing Queensland public servants. This will provide new career opportunities for public servants with a genuine passion for fish and wildlife activities, whilst ensuring no additional wage burden for the people of Queensland.

Upon forming government, the KAP will undertake a survey of available Queensland government office space and a final decision will be made on the physical location of the authority based on relevant proximity to key stakeholders, proximity to managed resources, overall benefit to a particular community and the consideration of best value for the Queensland tax payer.

A legislative review team will be established to identify required amendments to existing Queensland legislation and changes to other departmental jurisdictions to ensure the free and effective functioning of the Authority.

2. Amendments to the National Firearms Agreement (NFA)

A KAP government will seek the following and attached amendments to the NFA. These amendments have been sought by the firearm community's peak user and industry groups for the past five years from governments in all States. KAP will commit to table the requested amendments at the APMC and lobby for national agreement and adoption.

KAP believes the requested amendments will be received favourably by other States as they represent moderate changes with significant community safety benefits.

The highlights of the amendments are:

- No changes to restrictions on firearms central to community concerns at the time of drafting the original NFA.
- National efficiency savings for police administration, freeing between 100,000 and 200,000 policing hours nationally - allowing police to focus on areas of current community concern.
- A real-time firearm licence verification system allowing licensed firearm owners, who are already in possession of firearms, to purchase subsequent firearms without delay whilst providing real-time interception of "people of concern".
- Re-categorisation of Category C firearms (largely restricted to farmers) to allow access by sporting shooters. These include low capacity semi-auto .22's, low capacity pump shotguns, and low capacity semi-auto shotguns.
- Scrapping of registration requirements for low powered air rifles and BB guns.

A detailed breakdown of specific amendments is included as Attachment 1.

3. Complete the Current Rewrite of the Queensland *Weapons Act*

The KAP will complete the rewrite of the current *Weapons Act* which was initiated by the Bligh Labor government three years ago. Recent amendments to the old *Act* passed unanimously by the ALP and LNP have created confusion and uncertainty for those wondering whether they should comply with new draft provisions, the old *Act* or current amendments to the old *Act* yet to be enacted.

In order to complete the rewrite, the KAP will reform and empower the same Ministerial *Weapons Act* Review Committee appointed by then Police Minister Judy Spence. This will ensure retention of corporate knowledge in this complex rewrite process.

The committee will:

- Oversee the writing of a new Queensland *Weapons Act*. In doing so, it will consider the current *Act*, the recent amendments to the current *Act* passed by parliament but yet to be enacted, and the most recent publically released draft legislation.
- Rename the new legislation to the Queensland *Firearms and Weapons Act*, thereby acknowledging that firearms held by licensed firearm owners are not weapons unless used illegally.
- Review all existing, proposed and draft legislation and regulations, to ensure that all such provisions are aimed at delivering effective community safeguards. Any provisions which simply add administrative or compliance burden on police or the community without demonstrating any community benefit will, where practicable, be identified and removed.
- Identify issues requiring urgent or immediate legislative intervention including rescinding the recent knife legislation passed unanimously by the ALP and LNP, which requires tradespeople, fishermen and farmers to pay \$79.50 for a licence to use a folding pocket knife at work.
- Draft legislation to enable and recognise the newly formed Queensland Fish and Wildlife Authority, thereby implementing a system of continuous legislative and regulatory development to ensure the Authority is able to deliver on its charter.
- Give advice on the mechanisms required to adopt the KAP's proposed amendments to the National Firearms Agreement.

- 4. Enhance the Queensland Police Service's detection and intervention capabilities for illicit firearms distribution and drug trafficking, by reallocating cost and efficiency savings identified in points 2 and 3 above, to direct drug and illicit firearm trafficking enforcement and education.**

A special task force will be established within the Queensland Police Service to ensure all efficiencies gained by the police are retained and reallocated within the department in line with a more proactive policy of detection and intervention of illicit firearm activities, drug related violence, and organised crime.

More detail on specific policing initiatives will be released separately as they do not directly relate to this announcement, which is focused on licensed firearm use within the State.

Summary of Amendments Sought

Introduction

The APMC resolutions of 10 May 1996 contained ten key proposals relating to the control of firearms in the Australian community, and one resolution in relation to loss of business compensation for firearm dealers as a result of the implementation of the initiatives.

The ten resolutions covered the following functional areas:

1. Bans on Specific Types of Firearms
2. Effective Nationwide Registration of All Firearms
3. Genuine Reason for Owning, Possessing or Using a Firearm
4. Basic License Requirements
5. Training as a Prerequisite for Licensing
6. Grounds for License Refusal or Cancellation and Seizure of Firearms
7. Permit to Acquire
8. Uniform Standard for the Security and Storage of Firearms
9. Recording of Sales
10. Mail Order Sales Control
11. Arrangements for compensation of business losses

Resolution number 11, relating to loss of business compensation, has no enduring relevance and requires no further comment.

Proposed Amendments:

1. No change to bans or restrictions on semi-automatic or automatic centrefire rifles.
2. Re-categorisation of air-rifles, some 22's and some shotguns to allow maximum police resources to be devoted to the administration, tracking and control of semi-automatic centrefire rifles which were always the central focus of the 1996 APMC resolutions.
3. No change to the nationwide registration of all firearms.
4. "Genuine reason" and "Genuine Need" provision for owning, possessing and using a firearm remain.
5. No changes to basic licensing requirements.
6. No changes to training requirements as a prerequisite for licensing.
7. No changes to grounds for license refusal, cancelation and seizure of firearms.
8. Permits to Acquire (PTA's) remain. System enhanced to allow:
 - a. More streamlined process for category A&B permits subsequent to initial purchase of firearms, i.e. where a licensee is already in possession of other category A&B firearms.
 - b. Real time verification of PTA's introduced nationally providing a new law enforcement tool for police agencies.
9. No changes regarding uniform standard for the security and storage of firearms.
10. No changes to recording of sales
11. No changes to mail order sales control.

Enhanced Australian Firearm Controls.

Proposed Amendments to the APMC Meeting Resolutions of 10 May 1996

EXECUTIVE SUMMARY

No changes are sort to the core provisions of the 1996 resolutions. Strict personal licensing, registration of firearms, bans on AK47's and the like, safe storage requirements, national safety training requirements, grounds for licence refusal, etc, all stay in place. After 16 years of operation, there are, however, some simple enhancements that can provide significant community safety benefits.

The current labour-intensive paper-based Permit to Acquire system places an enormous burden on police resources to administer air rifles and the like. This prevents adequate police focus on the types of firearms and provisions of the original resolutions, which are central to good policing, community safety and community expectations.

Adopting the resolution amendments will allow police to:

- Focus on the illicit import, manufacture and distribution of firearms.
- Focus on other weapons controlled by the various State and Territory Weapons Acts.
- Focus on evolving youth violence trends involving weapons such as knives.
- More heavily scrutinise applications for handguns, high capacity self-loading rimfire rifles, high capacity self-loading shotguns and self-loading centrefire rifles.
- Pro-actively investigate the status of current licence holders to ensure they remain fit and proper people to keep possession of their existing firearms, regardless of whether they are trying to acquire additional firearms or not.
- Look for untoward purchasing trends by any licensed individual seeking to undermine the legal framework for ownership of firearms.
- Identify real-time breaches of the *Weapons Act* by people who are subject to DVO's, restraining orders or criminal charges. Early detection of "individuals of concern" will be facilitated by swiping electronic licences at gun shops throughout the State.
- Undertake more physical inspections of storage requirements at licensed shooters registered addresses to prevent criminals or children having easy access to firearms.
- Re-allocate resources to other front line general duties policing tasks.

Where does the time and resources come from? This is achieved by replacing the old paper-based application for a Permit to Acquire (for category A and B applications only) with a real time verification of licence status at the firearm dealership for licensed firearms owners who already have possession of a firearm/s. The licence simply becomes the Permit to Acquire and is verified in real time at the shop front. The process for first time purchasing of Category A and B firearms and for all purchases of Category C, D, H and R firearms remains unchanged.

Using Queensland as a case study, this initiative, along with the re-categorisation of some firearms outlined below, will save 18,000 police hours per annum (even on the most conservative of estimates). Nationally, the initiative would provide for close to 100,000 man-hours of additional policing. More optimistic assessments put the figure higher than 200,000 policing man-hours.

Central to the above initiative is the refocusing of licensing efforts on handguns and self loading centrefire rifles in line with community expectations. Removing the registration requirement for low-powered air rifles, and re-categorising low capacity self-loading rimfire rifles, low capacity pump action, and self loading shotguns (which have never been the subject of wide spread community concern), provides significant time savings in police paperwork and administration.

Licensed firearm owners fully support the initiatives as it simplifies access to certain categories and types of firearms that are not subject to general community concern, whilst tightening controls on those types of firearms which were always central to the intent of the original APMC firearms resolutions.

This initiative also addresses the core problem with paper based systems developed in the 80's and 90's – that once a paper permit is in the hands of the recipient, it can be used to obtain a firearm and ammunition regardless of whether the permit or licence has been subsequently revoked. This is a serious community concern that several Police Ministers are very aware of.

The amendments recognise the objectives of the original drafters whilst acknowledging 16 years of advancement in technology, the increased pressures on effective allocation of police resources, and the contemporary issues of today's community.

DETAILED ANALYSIS

Proposed Amendments to the APMC Meeting Resolutions of 10 May 1996

*Note: A copy of the **original** APMC meeting resolutions is attached to this proposal.*

Objectives of the APMC resolutions

Prime Minister, John Howard, following the 10 May 1996 meeting of the Australasian Police Ministers Council (A.P.M.C.) issued a press release in which he said “*The Commonwealth and the States and Territories today agreed on a uniform and tougher approach to gun laws which will make Australia a safer place to live.*”

The two aims or goals of the agreement were to achieve uniform national gun laws and reduce firearms crime (ie “...make Australia a safer place... “)

Tougher Gun Laws (“make Australia a safer place”)

Unfortunately, the main impact of the new legislation has been on legitimate licensed firearm owners and there is no evidence of any significant impact on criminal use despite several studies¹. Key findings of Baker & McPhredron’s 2006 paper² were that the reforms [APMC agreement] did not affect rates of firearm homicide in Australia, nor could they be shown to alter the rates of suicide in Australia because suicide using means other than firearms had already started falling in the late 1990s.

Wang-Sheng Lee and Sandy Suardi’s paper³ concludes that “*using a battery of structural break tests, there is little evidence to suggest that it [the National Firearms Agreement or APMC agreement] had any significant effects on firearm homicides and suicides. In addition, there also does not appear to be any substitution effects – that reduced access to firearms may have led those bent on committing homicide or suicide to use alternative methods.*”

Indeed there is no clear evidence that the new laws have had the desired effect. It is however certain that the legislation has had significant negative impact on legitimate firearm owners, increased government administration costs, and harmed businesses catering to sports shooters, hunters and those using firearms in their workplace with no demonstrable offsetting improvement in public safety.

Uniform Legislation

The second goal of the APMC agreement was the introduction of “uniform legislation”. Whilst legislation across jurisdictions may be said to be similar – it is not uniform.

While Mr Howard’s statement of 10 May 1996 refers to ‘a uniform and tougher approach to gun laws’, no agreement was reached between states and federal governments at that time, or since, for the development of uniform legislation for the regulation of firearms in Australia. The NSW Parliamentary Counsel’s Committee “Protocol on Drafting Uniform National Legislation”^{4 1} published July 2008 sets out the protocols for uniform national legislation, and in an appendix to that document lists all those areas where uniform national legislation has been put in place. Regulation of firearms ownership is not mentioned anywhere on that list. There is no overarching agreement that requires uniformity of legislation between States and Territories.

Legislative Review

All jurisdictions have processes in place to ensure the periodic review of legislation. However, over the last decade objective review of firearms legislation in some states has been stifled by commitment to the APMC agreement.

In negotiations with State Governments over the past decade representatives of several shooting associations have been told that their requests for legislative change cannot be agreed to, however good and logical the arguments that may be put, because “it’s part of the APMC agreement”. The fallacy that because something is in the APMC agreement means it can’t be touched has been used by states where convenient, and ignored where the government or police department concerned decides that it can support the requested changes. This practice has hindered the effectiveness of reviews conducted in NSW, Qld, SA and Victoria over the last decade.

Implementation of the APMC National Firearms Agreement has seen legislative changes in States and Territories that:

- ban self-loading rifles and self-loading and pump action shotguns, subject to exceptions which vary between jurisdictions
- require the registration systems for many (but not all) firearms with inconsistent exemptions for various categories of antique firearms
- require firearms users to establish a genuine reason to own, possess or use a firearm – however personal protection is specifically excluded as a genuine reason
- require that a permit be obtained for the acquisition of each firearm and impose a 28 day waiting period (for all firearms in a minority of states, and only for the first in others)
- require first-time applicants for a firearms licence to undertake safety training,
- introduce some common grounds for refusal or cancellation of firearms licences (though once again there are significant differences in some states)
- introduce minimum standards for the security and storage of firearms
- restrict the sale of firearms other than through licensed firearms dealers
- impose varying restrictions on the use of mail for the transport of firearms

PROPOSED AMENDMENTS TO THE APMC AGREEMENT

1. Bans on Specific Types of Firearms

This resolution banned the sale, resale, transfer, ownership, possession, manufacture and use of automatic or semi-automatic long arms, except in some very specific cases including sales to government departments. It should be noted that a ban on civilian use of automatic long arms was already in place so the intent of the resolution was to prevent civilian use of semi-automatic long arms.

The mechanism for identifying the particular firearms to be banned or controlled was by identifying them as either category D or category C, with the greater controls being applied to category D.

Right from the start states recognised that implementation of this resolution as written was not practical. Farmers and some other categories of workers demonstrated a need for continued access to semi-automatic shotguns and centrefire rifles for vertebrate pest control. Competitors in clay target events were also able to demonstrate a positive benefit in continued use of semi-automatic and pump action shotguns. In the light of this continued need for this type of firearm, a blanket ban on the importation of these firearms was impractical.

Proposed Amendments

- The semi-automatic rimfire rifles (.22's) previously defined as category C be moved to category A
- The semi-automatic shotguns and pump action shotguns previously defined as category C be moved to category B
- The semi-automatic shotguns and pump action shotguns previously defined as category D be moved to category C

The above firearms were needlessly included in the initial categorisation. Public opinion and debate at the time focussed on military type centrefire semi-automatic firearms, and the community did not feel strongly about restricting shotguns or rimfire rifles.

The same level of licensing, storage, ownership and use provisions for centre fire rifles was applied in a broad brush approach to all firearms, including "air-rifles". There was no community debate or expectation focused on restricting access and use of air rifles at the time of the resolutions. Indeed Australia is one of a small minority of countries to impose registration of air rifles, to the extent that air rifles manufactured for export to Australia must be specially stamped with a serial number. As most other countries do not require registration of air rifles, no serial number is usually required.

In the United Kingdom, Canada and Germany a license is not required to own an air rifle providing it is not capable of exceeding certain power limits. Air rifles that exceed the power limits must be held under licence. Currently in New Zealand persons over 18 years old can own and use an air rifle or pistol without a licence. Persons 16 to 17 years of age are required to obtain a licence to own one, but can shoot under the supervision without a licence. Power restrictions for unlicensed possession are likely to be introduced in New Zealand shortly.

Proposed Amendments

- Category A air-rifles be exempt from registration requirements.

2. Effective Nationwide Registration of All Firearms

No amendment is sought in relation to this resolution. Not all firearms are required to be registered – most states exempt at least some antique firearms from this requirement. However information on those firearms that are registered are shared across all jurisdictions.

3. Genuine Reason for Owning, Possessing or Using a Firearm

Resolution 3 establishes that an individual is required to demonstrate a genuine reason for ownership of any category of firearm. Additionally, the resolution requires owners of category B, C, D and H firearms to establish a genuine need for ownership of each firearm on their licence. In practice the requirement to establish a genuine need for each category B firearm just adds another unnecessary section to the paperwork.

Proposed Amendments

- Remove category B firearms from the list of those requiring a genuine reason and a genuine need for ownership. Category B firearms were not and are not the subject of widespread community concerns, and a genuine reason should be sufficient for ownership.

A genuine need for a particular category B firearm is frequently subjective. Devoting public or police time and effort to genuinely enforcing this requirement would provide no benefit to the community. Efforts should remain focussed on the category C, D and H firearms in line with community expectations.

4. Basic Licence Requirements

No amendment is sought in regard to this resolution.

5. Training as a Prerequisite for Licensing

No amendment is sought in regard to this resolution.

6. Grounds for License Refusal or Cancellation and Seizure of Firearms

No amendment is sought in regard to this resolution however it is noted that there is great variation in the way that jurisdictions have complied with this. In NSW and the ACT appeal of some decisions can be made to the Administrative Appeals Tribunal, in Queensland and Tasmania it is the Magistrates Court, in Victoria and the Northern Territory appeals are made to a Firearms Appeal Tribunal.

It is not only a matter of having an avenue of appeal that is of concern though, it is also important to provide decision makers with appropriate powers of discretion. NSW legislation for example provides that the Commissioner *may* revoke a firearms licence for any reason for which the licensee would be refused a licence, while another section of the Act sets out reasons for which a licence application *must* be refused. There have been instances where the Commissioner has used his discretion not to revoke a licence, or where his decision to revoke has been overturned on appeal and the revoked licence restored. Yet when these licences become due for renewal the Commissioner must refuse the application for renewal as the Act does not give him the discretion to approve it, despite the revocation of that persons licence having been overturned after the AVO was issued. In these instances there is no avenue for any appeal to overturn the licence refusal. South Australia, Tasmania and WA give the Commissioner some discretion in such matters

7. Permit to Acquire

Proposed Amendments

- In relation to purchases of category A and B firearms “*subsequent to an initial purchase*” an amendment is sought to recognise a current licence as a Permit to Acquire.

Purchasers in the circumstances outlined above have already:

- Established bonafides
- Completed an approved safety course
- Satisfied safe storage requirements
- Taken and have possession of at least one firearm
- Satisfied the requirements for a genuine reason for ownership
- Been deemed to be a fit and proper person which includes assurances that they:
 - Are of good character
 - Have not been convicted of an offence involving violence within the past 5 years
 - Have not contravened firearm laws
 - Are not the subject of an apprehended violence order, domestic violence order, or restraining order.
 - Have not been convicted of assault with a weapon/aggravated assault within the past five years
 - Are mentally and physically fit to own, possess and use a firearm.
- Repeated all of the above during any subsequent licence renewal process.

The justification in Resolution 7 for a separate Permit to Acquire for each firearm appears to be that all checks carried out for a first time licensee should be repeated each time the licensee wishes to acquire an additional firearm.

Given the licensee is already in possession of a firearm, adding an additional firearm of the same category should be of little consequence. The Western Australia legislation already recognises a firearms licence as a permit to acquire and a licensee cannot purchase their first firearm within 28 days of issue of the licence. New South Wales, Northern Territory, Victoria, Queensland and Western Australia already do not apply the 28 day waiting period for an application for a permit to acquire for where the licensee already has a firearm of that category registered to them.

The intent of the 28 day cooling off period is to prevent someone legally obtaining a firearm in the heat of a dispute. Once a person owns a registered firearm, requiring further permits to acquire for subsequent firearms does nothing to achieve this purpose.

Proactive policing procedures already provide for the physical confiscation of licence and firearms from any licensee who no longer satisfies the conditions of their licence, whether they were seeking to purchase an additional firearm or not.

All checks are carried out for each licensee at time of licence renewal in any case.

- It is recommended that all states implement a simple real-time licence verification process (similar to a credit card authorisation). This could be a '1800 number' telephone service offered by jurisdictions. The dealer phones the service, quotes a licence number, and is advised if the license is current. Similarly, a basic internet system that provides a green or red indicator based on current licence status could be used for those dealers with ready internet access.
- No change is requested in relation to Permits to Acquire for categories C, D or H.

8. Uniform Standard for the Security and Storage of Firearms

No amendment is sought sort in regard to this resolution.

9. Recording of Sales

No amendment is sought sort in regard to this resolution.

10. Mail Order Sales Control

No amendment is sought sort in regard to this resolution.

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- ¹ McPhedran, S., & Baker, J. (2008). The Impact of Australia's 1996 Firearms Legislation: A Research Review with Emphasis on Data Selection, Methodological Issues, and Statistical Outcomes. *Justice Policy Journal*, 5(1).
- ² Baker, J. and S. McPhedran. (2006). "Gun Laws and Sudden Death: Did the Australian Firearms Legislation of 1996 Make a Difference?" *British Journal of Criminology*, Advance Access published on October 18, 2006.
- ³ Wang-Sheng Lee† and Sandy Suardi (2008) The Australian Firearms Buyback and Its Effect on Gun Deaths, Working 'Paper No. 17/08, University of Melbourne
- ⁴ Protocol on Drafting National Uniform Legislation, July 2008, Parliamentary Counsel's Committee, http://www.pco.nsw.gov.au/uniform_legislation.htm

ATTACHMENT

Australasian Police Commissioner's Resolutions - Australasian Police Ministers' Council (APMC) 10th May 1996

Australasian Police Ministers' Council Special Firearms Meeting Resolutions

1. Bans on Specific Types of Firearms

RESOLUTION

Council resolved:

- that all jurisdictions ban the sale, resale, transfer, ownership, possession, manufacture and use of those firearms banned or proposed to be banned from import other than in the exceptional circumstances listed in paragraph 1.2 of the Commonwealth proposal (see below).

para 1.2

The only need for the use of an automatic or semi-automatic longarm would be:

- i. military,
 - ii. police or other government purposes, and
 - iii. occupational categories of shooters who have been licensed for a specified purpose (eg extermination of feral animals).
- that all jurisdictions ban competitive shooting involving those firearms banned or proposed to be banned from import.

Council agreed to implement its resolution via the following action plan:

1. All jurisdictions to ban the sale, resale, transfer, ownership, possession, manufacture and use of those firearms banned or to be banned from import other than in the following exceptional circumstances:

- i. military use,
- ii. police or other government purposes, and
- iii. occupational categories of shooters who have been licensed for a specified purpose (eg extermination of feral animals).

2. All jurisdictions to ban competitive shooting involving those firearms banned or proposed to be banned from import.

3. The Commonwealth to ban the importation of all semi-automatic self-loading and pump action longarms, and all parts, including magazines, for such firearms, included in Licence Category D, and control the importation of those firearms included in Licence Category C.

2. Effective Nationwide Registration of All Firearms

RESOLUTION

Council resolved:

- that New South Wales, Queensland and Tasmania immediately establish an integrated licence and firearms registration system and that all other jurisdictions review their existing registration systems to ensure that all systems are compatible.
- that these databases be linked through the National Exchange of Police Information (NEPI) to ensure effective nationwide registration of all firearms.

Council noted that there is an urgent need for funds to upgrade NEPI and for additional recurrent funding

Council resolved to implement its resolution via the following action plan:

1. New South Wales, Queensland and Tasmania to immediately establish a registration system for all firearms in consultation with NEPI.

2. Victoria, ACT, South Australia, Western Australia and Northern Territory to work with NEPI in reviewing existing systems to ensure compatibility.

3. All jurisdictions to link their registration systems to NEPI.

4. New South Wales, Tasmania, Victoria and Western Australia to immediately place the names of all firearms licence holders in their States on NEPI's Police Reference System.

3. Genuine Reason for Owning, Possessing or Using a Firearm

RESOLUTION

Council resolved:

- that personal protection not be regarded as a genuine reason for owning, possessing or using a firearm.
- that the following classifications be used to define the "genuine reason" an applicant must show for owning, possessing or using a firearm:
 - i. sporting shooters with valid membership of an approved club (defined as participants in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships),
 - ii. recreational shooters/hunters who produce proof of permission from a landowner,
 - iii. persons with an occupational requirement, eg primary producers, other rural purposes, security employees and professional shooters for nominated purposes,
 - iv. Bona fide collectors of lawful firearms, and
 - v. persons having other limited purposes authorised by legislation or Ministerial approval in writing (for example, firearms used in film production).
- that over and above satisfaction of the "genuine reason" test, an applicant for a licence for the categories B, C, D and H must demonstrate a genuine need for the particular type of firearm.

For Licence Category C:

- i. application will be limited to primary producers,
 - ii. the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant's occupation, which cannot be achieved by some other means, and that the need cannot be satisfied by a firearm under Category A or B,
 - iii. a Category C licence holder will be limited to the maximum of one rifle and one shotgun of the types covered by Category C,
 - iv. the application is to be approved by the Commissioner of the Police, who may impose conditions as to the use of the firearm, including as to the geographical location of its use, and
 - v. licensing authorities will develop uniform guidelines to be approved by Council.
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- o that firearms collectors should be regulated by means of a licence and permit system designed to test their bona fides. The licensing process should 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 should 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,
 - iii. collectors may not possess ammunition for a collection firearm,
 - iv. no prohibited firearm may be included in a collection,
 - v. any attempt to restore firearms in the collection to usable condition should be regarded as a serious offence and subject to severe penalties, and
 - vi. all operating firearms which are owned by the collector should be subject to the same level of regulation as any other operating firearm.

Council agreed to implement its resolution via the following action plan:

All jurisdictions confirm that personal protection is not a genuine reason for owning , possessing or using a firearm.

All jurisdictions to immediately implement a uniform system of testing applicants for firearms licences such that each applicant must establish, to the satisfaction of the licensing authority in the relevant jurisdiction, that he or she has a "genuine reason" for owning, possessing or using a firearm. The classifications used to define "genuine reason" are as follows:

- o sporting shooters with valid membership of an approved club (defined as participants in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships),
- o recreational shooters/hunters who produce proof of permission from a landowner,
- o persons with an occupational requirement, eg primary producers, their licensed employees, other rural purposes, security employees and professional shooters for nominated purposes,
- o bona fide collectors of lawful firearms, and
- o persons having other limited purposes authorised by legislation or Ministerial approval in writing (for example, firearms used in film production).

All jurisdictions to immediately implement a uniform system of testing applicants for firearms licences of categories B, C, D and H such that each applicant must establish, to the

satisfaction of the licensing authority in the relevant jurisdiction, that he or she has a "genuine need" for owning, possessing or using a firearm of the nominated type. For Licence Category C:

- application will be limited to primary producer,
- the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant's occupation, which cannot be achieved by some other means, and that the need cannot be satisfied by a firearm under Category A or B,
- a Category C licence holder will be limited to the maximum of one rifle and one shotgun of the types covered by Category C,
- the application is to be approved by the Commissioner of the Police, who may impose conditions as to the use of the firearm, including as to the geographical location of its use, and
- licensing authorities will develop uniform guidelines to be approved by Council.

All jurisdictions to immediately implement a uniform system for regulating firearms collectors by means of the licence and permit system as follows:

- the firearms which are the subject of the collection should be of or above a defined age,
- firearms in a collection which have been manufactured after 1 January 1946 must be rendered inoperable,
- collectors may not possess ammunition for a collection firearm,
- no prohibited firearm may be included in a collection,
- any attempt to restore firearms in the collection to usable condition should be regarded as a serious offence and subject to severe penalties, and
- all operating firearms which are owned by the collector (ie those not forming part of the collection) should be subject to the same level of regulation as any other operating firearm.

4. Basic Licence Requirements

RESOLUTION

Council resolved:

(a) that in addition to the demonstration of "genuine reason", a licence applicant should be required to:

- be aged 18 years or over,
- be a fit and proper person,
- be able to prove identity through a system similar to that required to open a bank account, that is, a 100 point system requiring a passport or multiple types of identification, and
- undertake adequate safety training.

(b) that the licence:

- bear a photograph of the licensee,
- be endorsed with the category of the firearm,
- be endorsed with the holder's address,
- be issued after a waiting period of not less than 28 days,
- be issued for a period of no more than 5 years,
- contain a reminder of safe storage responsibilities,
- be issued subject to undertakings to comply with storage requirements, to provide details of proposed storage provisions at the time of licensing, and submit to a mutually

arranged (with due recognition of privacy) inspection by licensing authorities of storage facilities,

- be subject to immediate withdrawal of licence and confiscation of firearms in certain circumstances. (Jurisdictions may wish to consider appropriate penalties - additional to withdrawal or confiscation - for the failure to comply with security and storage conditions.)

(c) that, within a regime of uniform firearms legislation, all States and Territories recognise, for visiting gun owners, licences issued in other Australian jurisdictions in order to facilitate the lawful pursuit of sporting and other purposes.

(d) that jurisdictions recognise, for a period of no longer than 3 months, a category A or B firearm licence issued in another jurisdiction to an individual who moves permanently to a new jurisdiction for such an individual with a licence categories C, D and H, a period of recognition will not exceed 7 days.

(e) that the following categories be used in the licensing of firearms:

Licence Category A:

- air rifles,
- rimfire rifles (excluding self-loading),
- single and double barrel shotguns.

Licence Category B:

- muzzle-loading firearms,
- single shot, double barrel and repeating centre fire rifles,
- break action shotguns/rifle combinations,

Licence Category C (prohibited except for occupational purposes)

- semi automatic rimfire rifles with a magazine capacity no greater than 10 rounds,
- semi automatic shotguns with a magazine capacity no greater than 5 rounds,
- pump action shotguns with a magazine capacity no greater than 5 rounds.

Licence Category D (Prohibited, except for official purposes)

- self-loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance.
- non-military style self-loading centre fire rifles with either an integral or detachable magazine,
- self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds,
- self-loading rim-fire rifles with a magazine capacity greater than 10 rounds.

Licence Category H: (Restricted)

- all handguns, including air pistols

Council agreed to implement its resolution via the following action plan:

1. All jurisdictions to establish the following licensing requirements:

(a) that in addition to the demonstration of "genuine reason", a licence applicant should be required to :

- be aged 18 years or over,
- be a fit and proper person,
- be able to prove identity through a system similar to that required to open a bank account, that is, a 100 point system requiring a passport or multiple types of identification, and
- undertake adequate safety training, and

(b) that the licence:

- bear a photograph of the licensee,
- be endorsed with the category of the firearm,
- be endorsed with the holder's address,
- be issued after a waiting period of not less than 28 days,
- be issued for a period of no more than 5 years,
- contain a reminder of safe storage responsibilities,
- be issued subject to undertakings to comply with storage requirements, to provide details of proposed storage provisions at the time of licensing, and submit to a mutually arranged (with due recognition of privacy) inspection by licensing authorities of storage facilities,
- be subject to immediate withdrawal of licence and confiscation of firearms in certain circumstances. (Jurisdictions may wish to consider appropriate penalties - additional to withdrawal or confiscation - for the failure to comply with security and storage conditions.)

2. All jurisdictions to consider appropriate penalties - additional to withdrawal of licence or confiscation of firearms - for failing to comply with security and storage conditions.

3. All jurisdictions to recognise visiting licensees for sporting purposes and (other than licence categories C, D and H and for a limited period) for individuals moving permanently to a new jurisdiction, as outlined in the following:

(a) that, within a regime of uniform firearms legislation, all States and Territories recognise, for visiting gun owners, licences issued in other Australian jurisdictions in order to facilitate the lawful pursuit of sporting and other purposes.

(b) that jurisdictions recognise, for a period of no longer than 3 months, a category A or B firearm licence issued in another jurisdiction to an individual who moves permanently to a new jurisdiction for such an individual with a licence categories C, D and H, a period of recognition will not exceed 7 days.

4. All jurisdictions to adopt the categories proposed by Council for the licensing of firearms as follows:

Licence Category A:

- air rifles,
- rimfire rifles (excluding self-loading),
- single and double barrel shotguns.

Licence Category B:

- muzzle-loading firearms,
- single shot, double barrel and repeating centre fire rifles,
- break action shotguns/rifle combinations,

Licence Category C (prohibited except for occupational purposes)

- semi automatic rimfire rifles with a magazine capacity no greater than 10 rounds,
- semi automatic shotguns with a magazine capacity no greater than 5 rounds,
- pump action shotguns with a magazine capacity no greater than 5 rounds.

Licence Category D (Prohibited, except for official purposes)

- self-loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance.
- non-military style self-loading centre fire rifles with either an integral or detachable magazine,
- self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds,
- self-loading rim-fire rifles with a magazine capacity greater than 10 rounds.

Licence Category H: (Restricted)

- all handguns, including air pistols

5. Training as a Prerequisite for Licensing

RESOLUTION

Council resolved:

(a) that all jurisdictions require the completion of an accredited course in safety training for firearms for all first time licence applicants. The course should be:

- comprehensive and standardised across Australia for all licence categories,
- 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,
- outlined in a Firearms Safety Code which emphasises both safety and storage issues and is distributed to all new licence applicants prior to attending the course of instruction,
- monitored as to content of courses and the skills of instructors by firearms regulatory authorities,

(b) that a specialised course should be established for training of persons employed in the security industry.

Council agreed to implement its resolution via the following action plan:

1. **The Commonwealth** to chair a Working Party, to include representatives of firearms interest groups, to develop an accredited course for safety training in firearms.
2. **All jurisdictions** to introduce a requirement for the completion of an accredited course in safety training for firearms for all new licence applicants
3. **All jurisdictions** to establish a specialised course for training of persons employed in the security
that jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence.

6. Grounds for Licence Refusal or Cancellation and Seizure of Firearms

RESOLUTION

Council resolved:

(a) that jurisdictions set out in legislation circumstances in which licence applications are to be refused or licences are to be cancelled. The following minimum standards are proposed:

- general reasons - not of good character; conviction for an offence involving violence within the past five years, contravene firearm law; unsafe storage; no longer genuine reason; not in public interest due to (defined) circumstances; not notifying of change of address; licence obtained by deception,
- 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,
- mental or physical fitness - reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.

(b) that in regard to the latter point, a balance needs 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) that a Commonwealth/State working party, including health officials, police and medical representation, be established to examine possible criteria and systems for determining mental and physical fitness to own, possess or use a firearm. The working party should report to the second APMC meeting for 1996, but jurisdictions should not delay the introduction of necessary legislative changes while awaiting its report.

(d) that jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence.

Council agreed to implement its resolution via the following action plan:

1. All jurisdictions to immediately implement a uniform minimum standard of circumstances, to be set out in legislation, in which applications are to be refused or licences cancelled.

2. All jurisdictions to undertake a review of their legislation to ensure that it is consistent with the uniform, minimum standards as follows:

- general reasons - not of good character; conviction for an offence involving violence within the past five years; contravene firearm law; unsafe storage; no longer genuine reason; not in public interest due to (defined) circumstances; not notifying of change of address; licence obtained by deception,
- 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,
- mental or physical fitness - reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.

3. All jurisdictions to establish a working party, including health officials, police and medical representation, to examine possible criteria and systems for determining mental and physical fitness to own, possess or use a firearm. The working party should report to APMC's November 1996 meeting.

4. That jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence

7. Permit to Acquire

RESOLUTION

Council resolved:

- (a) that a separate permit be required for the acquisition of every firearm.
- (b) that the issue of a permit should 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.

Council agreed to implement its resolution via the following action plan:

1. **New South Wales, Queensland, Tasmania, the ACT and the Northern Territory** to require a separate permit to be required for the purchase of every firearm.
2. **All jurisdictions** to require a separate permit for any other method of acquisition of every firearm.
3. **All jurisdictions** to establish a 28-day waiting period prior to the issuing of all firearms permits.

8. Uniform Standard for the Security and Storage of Firearms

RESOLUTION

Council resolved that all firearms and ammunition be stored in secure conditions as follows:

- it should 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,
- legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms,
- measures should be indicated in legislation for the storage of firearms which are specific and clear so that firearm owners and possessors know their obligations and the following minimum basic standards should 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 shall 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; and
 - iii. all ammunition must be stored in locked containers separate from any firearms.
- should a firearms owner or possessor wish to store firearms through measures other than those indicated in legislation, he or she would have the burden of persuading the firearms regulatory authority that he or she can provide the level of security not less than that required by the relevant approved practices,

- in order to govern safekeeping when firearms are temporarily away from their usual place of storage, legislation could provide a statement indicating reasonable precautions to take to ensure the safekeeping taking into consideration situations most likely to be encountered. A basic standard that should be included in the statement is 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",
- the firearms safety booklet to be distributed to all new licence applicants prior to attending for a course of instruction should also feature clear and precise information on the obligations as regards storage of firearms,
- a reminder of safe storage responsibilities should be on the licence itself,
- security at gun dealer premises will require the dealer meeting such additional requirements as the firearms regulatory authority deems appropriate having regard to the type of activity of the dealer,
- where approval has been given for the possession or use of a firearm for a limited purpose such as film production (see 3.3), 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.

Council agreed to implement its resolution via the following action plan:

All jurisdictions to develop a standard approach to the storage of firearms and ammunition.

9. Recording of Sales

RESOLUTION

Council resolved:

(a) that firearms sales be conducted only by or through licensed firearms dealers.

(b) that the following principles should underpin firearms dealer recording of firearms transactions:

- firearms dealers should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearm to be purchased,
- firearms dealers should be 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,
- firearms dealers should be required to provide records to the National Register of Firearms through the State/Territory licensing authority,
- police personnel investigating a crime or checking the compliance of licensed 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, and
- special provisions may have to be put in place in those jurisdictions which have remote locations where licensed gun dealers may not be readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).

(c) that jurisdictions legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and that there be limits on the quantity of ammunition that may be purchased in a given period.

(d) on the purchase of ammunition, the relevant licence must be produced.

Council agreed to implement its resolution via the following action plan:

All jurisdictions to legislate to ensure that firearms sales be conducted only by or through licensed firearms dealers.

All jurisdictions to adopt the following principles to underpin firearms dealer recording of firearms transactions:

- firearms dealers should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearm to be purchased,
- firearms dealers should be 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,
- firearms dealers should be required to provide records to the National Register of Firearms through the State/Territory licensing authority,
- police personnel investigating a crime or checking the compliance of licensed 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, and
- special provisions may have to be put in place in those jurisdictions which have remote locations where licensed gun dealers may not be readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).

All jurisdictions to legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and to place limits on the quantity of ammunition that may be purchased in a given period.

On the purchase of ammunition, the relevant licence must be produced.

10. Mail Order Sales Control

RESOLUTION

Council resolved:

(a) to adopt the following principles in relation to mail order firearms sales:

mail order arrangements will apply strictly on a licensed gun dealer to licensed gun dealer basis;

advertisement of firearms for sale will be prohibited unless the sale is to be conducted by or through a licensed gun dealer;

the movement of firearms covered by Licence Categories C, D and H must be in accordance with prescribed safety requirements;

the commercial transport of ammunition with firearms will be prohibited; and

(b) that each jurisdiction pass the necessary legislation to enforce these principles within their borders.

Council agreed to implement its resolution via the following action plan:

All jurisdictions to develop and introduce legislation to ensure that, within their own borders,

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- mail order arrangements will apply strictly on a licensed gun dealer to licensed gun dealer basis,
- advertisement of firearms for sale will be prohibited unless the sale is to be conducted by or through a licensed gun dealer,
- the movement of firearms covered by Licence Categories C, D and H will be in accordance with prescribed safety requirements, and
- the commercial transport of ammunition with firearms will be prohibited.

All jurisdictions to consider whether they wish to put in place measures to provide for individuals living in remote locations where gun dealers are not readily available.

11. Compensation/Incentive Issues

RESOLUTION

Council resolved:

- (a) that a common basis for fair and proper compensation, based on the value of each firearm as at March 1996, be agreed between jurisdictions to prevent gun owners from offering their firearms to the State/Territory which offers the 'best price'.
- (b) that there be a public education campaign to highlight the firearms amnesty and compensation program.
- (c) to note that the Commonwealth will make a financial contribution to the public education campaign.
- (d) that a 12 month national amnesty be established, during which the public education campaign would persuade firearm owners to comply, and warn of severe penalties where firearms are not voluntarily surrendered.
- (e) that, after the amnesty has concluded, each jurisdiction have severe penalties, which to the extent practicable should be uniform, for breaches of the firearms control laws.