

ACTION ALERT AA16 07: GUN CONTROL IN AUSTRALIA

July 2016

Given recent publicity about gun violence in the USA, this briefing paper focusses on what has been happening in Australia. It draws attention to the review of the National Firearms Agreement and offers suggestions for points that can be taken up with Federal and State/Territory leaders.

Background

In 1996, 35 people were killed (and 18 others wounded) by a lone man, using a high-powered gun, at Port Arthur in Tasmania. The response was strong public support for national gun laws. Australia adopted a National Firearms Agreement, which included a buy-back scheme and a national firearms registry, as well as a 28-day waiting period for firearm sales and tighter licensing rules. As a result some 700,000 weapons were surrendered. States and Territories supported this national initiative by complementary laws and regulations. The National Handgun Control Agreement (2002), by placing limits on the sale of handguns and prohibiting semi-automatic weapons, added to this framework of measures towards building a safer environment for our people. That led to 70,000 handguns being surrendered. As a result, the occurrence of gun violence has been reduced.

In a paper issued in February 2013 written by a senior officer of the Federal Attorney-General's Department, Kelly Buchanan, the following summary was given of progress at that stage:

The restrictions and licensing requirements relating to the purchase, possession, and use of firearms (including imitation firearms) in Australia are currently controlled by the following state and territory instruments:

- New South Wales: Firearms Act 1996, Weapons Prohibition Act 1998, and associated regulations
- Victoria: Firearms Act 1996, Control of Weapons Act 1990, and associated regulations
- Queensland: Weapons Act 1990 and associated regulations
- Western Australia: Firearms Act 1973 and associated regulations
- South Australia: Firearms Act 1977 and associated regulations
- Tasmania: Firearms Act 1996 and associated regulations
- Northern Territory: Firearms Act and associated regulations
- Australian Capital Territory: Firearms Act 1996, Prohibited Weapons Act 1996, and associated regulations

In June 2012, federal, state, and territory governments reached an agreement on major reforms relating to combating the illicit firearms market. The agreed measures include

- a federal offense of aggravated firearms trafficking across national and state borders that would carry a maximum penalty of life imprisonment;
- the national rollout of the Australian Ballistics Identification Network, currently used by the Australian Federal Police and New South Wales Police;
- the establishment of a National Firearms Register;
- expansion of the ACC's firearms tracing capability;
- an assessment of vulnerabilities around the national air stream, including the international mail environment, to be jointly conducted by the ACC, Australian Federal Police, Customs, and NSW Police;
- the development of a "coordinated national operational response to crimes involving firearms including targeted enforcement of high risk groups and improving firearms technical skills capabilities." This will include seeking assistance from the United States Bureau of Alcohol, Tobacco and Firearms to provide training on the latest developments in firearms and technical advice; and
- a national campaign to raise community awareness about unlicensed firearms.

The federal Minister for Home Affairs and Minister of Justice also proposed additional reforms for further consideration by the states and territories. Prior to the agreement, in April 2012, the federal government established a Firearm Intelligence Targeting Team inside Customs and Border Protection to "fuse together all available intelligence from law enforcement agencies and target criminal key groups at the border."

Current Trends

The Australian Institute of Criminology in December 2012 estimated that there were over 250,000 long arms and 10,000 handguns in the illicit firearms market. In 2012, the *Guardian* published new statistics drawn from the [United Nations Office on Drugs and Crime](#) and [Small Arms Survey](#) showing only "30 homicides by firearm" annually in Australia, or "0.14 per 100,000 population."

In recent years there have been steps taken by most States and Territories that weaken the impact of current laws - by allowing shooting in national parks, fewer police checks for gun ownership, shooting in gun clubs without a licence, and wider access to rapid-style firearms. Even the Federal Government has allowed importation of a six-shot Adler lever-action firearm. The gun lobby – which includes hunting and shooting clubs, the Liberal Democratic Party, and the Shooters and Fishers Party - has been increasing pressure on governments to allow more concessions, such as the right to carry handguns, in the lead-up to a review of the National Firearms Agreement by commonwealth and state attorneys-general and COAG.

This is in stark contrast with the policies being adopted by all governments to curb domestic violence across the country. Those with long experience of responding to incidents violence in the home see a close link between access to firearms and danger to women and children, and say that strong anti-gun provisions are essential to reinforce the anti-violence policies being implemented.

Commentary

In an article in *The Sydney Morning Herald* on 28 April 2016, Samantha Lee of the group Gun Control Australia made the following points:

- The number of gun deaths in Australia each year has fallen from 600 in the early 1990s to fewer than 250.
- Elected officials have allowed themselves to be influenced by well-funded minority pro-gun groups. Parliaments on NSW, Victoria and WA now include representatives of the gun lobby.
- In 2015, Australia's leading arms supplier NIOA assisted in the design of a new lever-action shotgun with rapid-fire capacities. Following public concern a sunset ban was imposed on its importation pending a review of the National Firearms Agreement.
- Notwithstanding the review, the Federal Government allowed the importation of the Adler A110, a lever-action firearm and it is estimated that over 7000 have been imported.
- There is a danger that the gun control provisions will be weakened to the point where Australia returns to the pre-Port Arthur days.

John Howard, who as Prime Minister negotiated the National Firearms Agreement in 1996, reflected on that decision in an interview for ABC Radio (Richard Fidler, 2 February 2016) to mark the 20th anniversary of the Port Arthur massacre. He said "I decided this was big enough and important enough to use the authority I clearly had. At that time I'd only been prime minister for six weeks, I had a majority of 45 in a House of 150". He was able to get Tim Fischer and John Anderson of the National Party to go along with the decision despite their warning that it would be difficult for them politically. He said "My allies were the great bulk of people. We had very strong support".

Quaker Response

The Presiding Clerk of Australia Yearly Meeting wrote to the Prime Minister and Premiers/Chief Ministers in the following terms in July 2016 following discussions at the annual gathering of Quakers in Hobart:

I write on behalf of Australian Quakers to urge you to maintain and strengthen the current gun control provisions when COAG reviews the National Firearms Agreement. We believe that the Agreement, made after the Port Arthur massacre in 1996, and the National Handgun Control Agreement on 2002, have helped create a safer environment for our people and reduced the occurrence of gun violence.

We are concerned that in recent years, steps taken by some States and Territories have weakened the impact of the current laws – by allowing shooting in national parks, fewer police checks for gun ownership, shooting in gun clubs without a licence, and wider access to rapid-style firearms. The Federal Government has allowed the importation of a six-shot Adler lever-action firearm. This trend stands in contrast to the policies being adopted by all governments to curb domestic violence.

We urge you to give priority to the prevention of gun violence in your decisions about gun control measures. In particular, semi-automatic handguns (similar to those used in recent shootings in USA) need to be made illegal. We also ask that any revisions of the National Firearms Agreement be consistent with the United Nations Protocol on Manufacturing and Trafficking of Firearms, signed by Australia in 2002 but not yet ratified.

Possible Action

According to Justice Minister Michael Keenan in November 2015, an updated raft of the National Firearms Agreement has been referred to states and territories for comment, before a meeting of the Law, Crime and Community Safety Council later this year, prior to a review by COAG.

It seems clear that most Australians are in favour of strict gun controls as consistent with our traditions for dealing with conflict and crisis using nonviolent means. In making representations and statements, therefore, we are on strong ground. Here are some points that can be made:

- The National Firearms Agreement was a widely accepted response to a particular massacre, and remains a key to ongoing efforts to reduce the threat of violence in our society.
- Government policies to prevent violence against women and children are supported by strong gun control protocols.
- Organisations that lobby for easing of gun controls should be required to make public their reasons, rather than seeking to influence politicians behind closed doors. This especially applies to rapid-fire automatic weapons.
- Parliaments around Australia should have ongoing standing committees to oversee gun laws.
- Australia should ratify the UN Protocol on Manufacturing and Trafficking in Firearms, signed in 2001, which seeks to handicap the illegal trade in firearms.
- When reviewing the National Firearms Agreement, the federal and state/territory attorneys-general and COAG should ensure that there is full consultation with people throughout Australia.
- Buyback and amnesty schemes should be used as a way to reduce the level of gun ownership.

These and other views can be made known to the relevant ministers in the Federal and State/Territory Governments. Here is the current list:

Federal	Senator George Brandis (Attorney-General) senator.brandis@aph.gov.au Michael Keenan MP (Justice Minister) www.ministerjustice.gov.au
NSW	Gabrielle Upton MP www.gabrielleupton.com.au
Vic	Martin Pakula MP martin.pakula@parliament.vic.gov.au
SA	John Rau MP www.premier.sa.gov.au/john-rau-mp
Tas	Vanessa Goodwin MLC www.premier.tas.gov.au/cabinet
WA	Michael Mischin MLC minister.mischin@dpc.wa.gov.au
Qld	Yvette D'Ath MP attorney@ministerial.qld.gov.au
ACT	Simon Corbell MLA www.directory.act.gov.au
NT	Johan Elferink MLA minister.elferink@nt.gov.au

References

Gun Control Australia website www.guncontrolaustralia.org
 Samantha Lee, *Australia's Stringent Gun Laws are Under Attack*, SMH (28 April 16)
 Karlis Salna, *Imports of Adler shotgun pouring into Australia* (The New Daily, 4/3/16)
 Kelly Buchanan report from Federal Attorney-General's Dept (Feb 2013).
 Aust Institute of Criminology, *Illicit Firearms* (Dec 2012)

Canberra
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