

Firearms 2017

Preamble

Following the Port Arthur massacre in April 1996, the Commonwealth Government introduced the National Firearms Agreement (NFA),¹ the first adoption of consistent firearms legislation across all Australian states and territories.

The NFA's purpose is to ensure a uniform national approach to the regulation of firearms by restricting possession of automatic and semi-automatic firearms, along with restrictions on magazine capacity. The NFA also committed all states and territories to a firearms registration scheme and licensing of persons in order to legally possess and use firearms.²

The NFA restricted the sale of firearms to Australians who have a "genuine reason for owning, possessing or using a firearm", such as recreational hunters and shooters, collectors and members of sporting shooters clubs.

Since 1998, Federal, State and Territory amnesties have proved an effective measure for the reduction of firearms in the community. Between 1988 and 2015, there were 41 State, Territory and Federal firearm amnesties. The available data shows that a minimum of 1,121,577 firearms were surrendered to police for destruction.³

In the 20 years since the Port Arthur massacre, gun deaths in Australia have halved.⁴ However, inconsistency in State and Territory legislation, the rise in unlawfully held guns in Australia (there are between 260,000 and 6 million guns held unlawfully⁵) and the high number of firearms stolen confirms that illegal gun possession in Australia remains a major health concern.

AMA Position

1. The AMA supports the National Firearms Agreement and a continued consistent legislative approach across all jurisdictions.
2. The AMA supports a reduction in firearms in the community.
3. The AMA acknowledges a legitimate role for firearms in agriculture, regulated sport, and for the military and police.
4. All firearms should be registered.
5. Possession of firearms in the community represents a public health issue.
6. The AMA considers that the prevailing patchwork provisions governing the ownership of firearms in Australia means access to dangerous weapons remains a public health concern.
7. The AMA supports a strengthening of current firearms legislation that prohibits high-powered semi-automatic weapons and pump or lever action rifles, so that they can no longer be circumvented by new or adapted models.
8. The AMA strongly opposes all 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.
9. Citizens should not be able to carry, possess or use firearms or other weapons for the expressed purpose of self-defence, unless authorised.

10. The requirement of 'a genuine reason' to purchase a firearm is open to misuse. The AMA supports tighter restrictions for applications to own a firearm.
11. Greater efforts are needed to restrict weapons from entering Australia illegally.
12. 3D manufacturing technology is likely to enable the production of firearms, and therefore 3D printed weapons should be classified the same as other firearms and weapons.
13. The AMA supports legislation that bans the manufacture and possession of 3D printed firearms.
14. Most firearm-related deaths in Australia are suicides within the families of gun owners. For this reason, restricted access to firearms reduces the impulsive purchase and use of firearms, and their use in intentional acts of violence, including suicide.

AMA Recommendations on Firearm Ownership and Possession

Registration and Compliance

1. Registration should include:
 - name and address of the owner;
 - make, type, action, calibre;
 - serial number of the firearm;
 - owner's compliance with storage requirements;
 - updated and contemporaneous information that has real-time value; and
 - reflect State and Territory registers, noting subsequent annotations and orders.
2. The AMA recognises that gun licensing falls under State and Territory jurisdiction. However, to ensure consistency, a real-time, readily accessible National Firearms Licensing Register should be established that incorporates State and Territory information for all types of firearms and other lethal weapons.
3. Failure by the registered owner of a firearm to notify of his/her change of address or change in location of storage of any weapon should carry a significant penalty, ultimately non-renewal of the licence and confiscation of any weapons.
4. Private ownership of handguns/pistols should be restricted to registered members of official gun clubs.
5. No persons, other than sanctioned, trained military and police personnel specifically authorised to carry such weapons should be permitted to use automatic and high-powered semi-automatic weapons.

Basic Requirements

1. A register system should require:
 - (a) a minimum age;
 - (b) proof of identity through a system requiring a passport or multiple types of identification;
 - (c) a 28-day cooling-off period between application for, and issuing of, a licence, during which period it is illegal to borrow and use a firearm;
 - (d) that licences be refused if investigation of police records reveals current restraining or protection orders, or conviction of an indictable offence involving firearms and/or violence, within the previous five years;
 - (e) background checks similar to those adopted in other countries, which consider the applicant's criminal, mental health, addiction and domestic violence records, whether the applicant has been treated for a mental illness, brain injury, in a hospital, psychiatric clinic or was confined in association with violence or threatened or attempted violence on the part of the person against

- any person; or has a history of behavior that includes violence or threatened violence to themselves or others;
- (f) third party character references;
 - (g) the right to an independent appeal against the refusal of a firearms licence;
 - (h) evidence, at the time of application, that specific firearms storage arrangements are in place; and
 - (i) demonstrated appropriate training and qualification relevant to the firearm to be licensed.
2. A firearms licence should only be issued to a licence holder if he/she meets the basic public safety requirements and is allowed to possess and use firearms.
 3. Licences should be issued for periods of no more than three years, and licences should not be automatically renewed without an assessment of all appropriate requirements, such as criminal and health assessments, storage and residential details.
 4. Licences should be issued, subject to their suspension or cancellation and to confiscation of the firearms, where the threat of violence, particularly domestic violence, is reasonably suspected.

Requirements for Registration

1. Genuine reasons for firearm ownership and possession should be a requirement for the issue of all firearm licences, which should be specific for weapon categories.
2. Genuine reasons include sporting activities with valid membership of an approved club, legal hunting, vermin destruction, occupational requirements and bona fide collection of lawful firearms.
3. Collectors of antique weapons should not possess ammunition for collection firearms, or else should demonstrate that the weapons are inoperable or do not pose a public health risk.

Prerequisite Training

1. Successful completion of a rigorous and standardised accredited training course in firearm safety should be a prerequisite to the issuing of licences for all new licensees.
2. State authorities should be responsible for the accreditation and monitoring of a course syllabus for firearms safety training, and for the accreditation of instructors.
3. Courses should focus on the public health risks associated with owning and using a firearm, firearms laws, firearms competence and safety - particularly the use of, and separate storage of, working parts of firearms and ammunition.
4. Continuing firearms safety education should be required as part of the reissuing of a firearms licence.

Security and Storage

1. Statutory requirements for the storage of weapons, and the owner's arrangements to meet those requirements, should be described on the firearms licence.
2. Failure to store firearms in the prescribed manner should be an offence which could lead to cancellation of the licence and confiscation of the weapons.
3. Firearms should be stored in steel, locked, childproof, safe cabinets. Ammunition should be stored separately, but in a similar manner. Firearms should be rendered inoperable whilst in storage by removal of one working part, which should be stored elsewhere.
4. Licence holders must take all responsible precautions to ensure that their firearms are properly maintained, are not lost or stolen. Loss or theft must be reported immediately to the police; failure to report should attract a significant penalty.

Sale of Firearms

1. There should be no retail mail order sales of firearms within Australia.
2. Sales of modern firearms and ammunition should occur only through licensed firearms dealers, who should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearms to be purchased.
3. Firearms dealers should be required to record and maintain records to the National Firearms Licensing Register through their State/Territory licensing authority.
4. The purchase of firearms by persons in remote locations may require special provisions.
5. Sales of antique weapons should be permitted between licensed collectors.
6. No person should be able to buy ammunition for weapons other than those for which they hold a licence.
7. Police personnel should have the right to inspect the records of licensed gun dealers without the need to give notice to the licensee.

Importation of Firearms

1. The importation of fully automatic and high-powered semi-automatic weapons should be limited to military and police authorities.

Reporting by Doctors

1. Medical practitioners should be familiar with the relevant provisions in the Privacy Act and the AMA's Position Statement *Ethical Guidelines for Doctors on Disclosing Medical Records to Third Parties - 2010. Revised 2015*
2. Medical practitioners should be familiar with the AMA Position Statement on *Family and Domestic Violence 2016*, and be aware of their responsibilities when treating patients who may be at risk of violence or threats to their safety and well-being.

Data on firearms in Australia

Table 1. Jurisdictional Firearm Prevalence

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

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

Table 2. Reported Firearm Theft in Australia 2005 - 2009⁷

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

- In 2012, the Australian Crime Commission estimated that the illicit firearm market in Australia contained around 260,000 firearms⁸

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References

- ¹ Australasian Police Ministers' Council Special Firearms Meeting, Canberra, 10 May 1996: *Resolutions*, (1996), viewed 15 August 2016, <https://www.ag.gov.au/CrimeAndCorruption/Firearms/Documents/1996%20National%20Firearms%20Agreement.pdf>
- ² Australian Institute of Criminology, Legislative reforms (2012), viewed 15 August 2016 http://www.aic.gov.au/publications/current%20series/rpp/100-120/rpp116/06_reforms.html
- ³ Alpers P, Rossetti A, "Australian Firearm Amnesty, Buyback and Destruction Totals". Sydney School of Public Health, The University of Sydney, GunPolicy.Org (2016), viewed 15 August 2016, <http://www.gunpolicy.org/documents/5337-australia-firearm-amnesty-buyback-and-destruction-totals>
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- ⁶ Australian Bureau of Statistics, Causes of Death, Australia 2014 (2016), viewed 15 August 2016 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3303.02014?OpenDocument>
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- ⁸Parliament of Australia, Report: *Ability of Australian law enforcement authorities to eliminate gun-related violence in the community* (2015), viewed 15 August 2016 http://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Illicit_firearms/Report