

Review of the Firearms Act 1996

Introduction

The Firearms Act 1996 (the Act) commenced in May 1997. It gives full effect to the resolutions agreed to by all Police Ministers at their special meetings on firearms control in Canberra in May and July 1996. Details of these resolutions are at Appendix A.

The Act requires that it be reviewed by the responsible Minister to determine whether the policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives. The Minister is to table the report of the review in the Legislative Assembly.

The Firearms Act 1996

The Act repealed the Weapons Act 1991 which already contained a number of the key provisions which were agreed to by the Police Ministers in 1996. These provisions included the requirements for all legitimate firearms in the ACT to be registered and applicants for 'dangerous weapons' licences to satisfy the fit and proper person test; to have an approved reason for possessing a firearm; and to have undertaken an approved course of training. The transition to the new legislative requirements was, therefore, relatively smooth and generally accepted by all shooters' organisations.

The Act applies strict provisions for the ownership, possession, and use, as well as the acquisition and disposal, of all firearms, while recognising the legitimate uses of firearms by fit and proper people for competition shooting, hunting or primary production purposes, as well as for their employment.

The ACT Government has maintained throughout that the Act should continue to uphold and enhance the nationally agreed principles and has vigorously supported a comprehensive national approach to firearms control on this basis.

The Act has only undergone one significant amendment to provide for the issuing of temporary firearms permits to international visitors, as well as the recognition of temporary permits issued to international visitors in other jurisdictions, for shooting competitions. The purpose of this amendment was to facilitate attendance by international shooters at pre-Olympics competition events and at the Sydney 2000 Olympics and all jurisdictions amended their firearms legislation accordingly.

At the commencement of the Act, consistent with all other jurisdictions, the Government declared an amnesty for the surrender of certain categories of prohibited firearms. This was part of the National Buyback Campaign whereby the Commonwealth raised funds through the Medicare levy for jurisdictions to pay compensation to owners of surrendered prohibited firearms according to nationally agreed guidelines which included prices for new and used prohibited firearms.

The results of the buyback campaign in the ACT were that over 5,200 prohibited firearms were surrendered, for which compensation of over \$3.2 million was paid to the owners. In addition, over 1,000 non-prohibited firearms were also surrendered for which no compensation was payable. Apart from a few legal challenges to the

buyback scheme in ACT, which focussed on the disputed value of the surrendered firearms in question, the campaign was regarded as a success.

Other Jurisdictions

It should be noted that the Act, when drafted, was based in large measure on the NSW Firearms Act 1996, which was initially proposed as model legislation for all jurisdictions. The NSW Act has recently undergone a similar review with a report being submitted to the Government in June 2000. Copies of the Report can be obtained from the NSW Ministry for Police, Avery Building, 14-24 College Street, DARLINGHURST NSW 2010.

There are no formal requirements for reviews of the firearms legislation in other jurisdictions.

In some jurisdictions, there are formal advisory bodies such as the Firearms Appeals Committee in Victoria and the Firearms Consultative Committee in South Australia which consider, and advise on, administrative matters. More generally, consultation on firearms related issues takes place between the administering authority, namely the respective police firearms registry, and representatives of shooters organisations and firearms dealers.

Terms of Reference of the Review

The Terms of Reference of the review are as set out in section 128 of the Act, namely to determine:

- (a) whether the policy objectives of the Act remain valid; and
- (b) whether the terms of the Act remain appropriate for securing those objectives.

The principles and objects of the Act are set out in section 3 of the Act, namely:

Principles

- (a) to confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety;
- (b) to improve public safety-
 - (i) by imposing strict controls on the possession and use of firearms; and
 - (ii) by promoting the safe and responsible storage and use of firearms; and
- (c) to facilitate a national approach to the control of firearms.

Objectives

- (a) to prohibit the possession and use of all automatic firearms, self-loading rifles and shotguns (including pump action shotguns), except in special circumstances;
- (b) to establish an integrated licensing and registration scheme for all firearms;
- (c) to require each person who possesses or uses a firearm under the authority of a licence to establish a genuine reason for possessing or using the firearm;
- (d) to provide strict requirements that must be satisfied in relation to the licensing of firearms and the acquisition and sales of firearms;
- (e) to ensure that firearms are stored and conveyed in a safe and secure manner;
- (f) to provide for an amnesty period to enable the surrender of certain prohibited firearms.

Conduct of the Review

In addition to the policy based review pursuant to section 128 of the Act, discussed above, the opportunity is being taken to examine operational issues arising from the implementation of the Act.

Since its commencement, the Act has been subjected to an ongoing assessment of its administrative procedures to ensure that the provisions of the Act are implemented in the most effective fashion.

This process has been informed by shooters and other members of the community through written and informal comments to officials, principally the staff of the AFP's Firearms Registry, and to the Minister. Shooters' organisations have also made submissions to the Government on aspects of the Act which have, in their view, been detrimental to the effective administration of the Act.

Firearms Consultative Committee

In December 1999, the Government established the Firearms Consultative Committee (FCC). The Committee is comprised of representatives from shooters' organisations and the Registrar of Firearms.

The role of the FCC is to advise the Government concerning practical operational issues arising from the implementation of the *Firearms Act 1996*, and any related legislation, recognising the Government's commitment to maintain legislation which gives full effect to the national principles on firearms control agreed to by the Australasian Police Ministers' Council in 1996. It was not the role of the FCC to advise on, or recommend changes to, the current policy on firearms control or the policy objectives of the Act.

The FCC presented its report to the Government in November 2000 and a copy is at Appendix B.

Public Consultation

Interested members of the community are now asked to submit written submissions addressing the statutory terms of reference for the review. Interested persons are also invited to make submissions with respect to operational issues arising out of the operation of the Act.

Submissions should, therefore, focus on whether the policy objectives of the Firearms Act 1996 remain valid and whether the terms of the Act remain appropriate for securing those objectives.

Submissions should be addressed to:

The Executive Director
Policy and Regulatory Division
Department of Justice and Community Safety
GPO Box 158
CANBERRA ACT 2601

Further information concerning the review can be obtained from Mr Keith Simpson on Tel. 6207 0594; Fax. 6207 0582, or Email keith.simpson@act.gov.au.

Written submissions can also be sent to this Email address.

The Firearms Act 1996 is available on the Department of Justice and Community safety web site at www.jcs.act.gov.au. For people who are unable to access the Internet, copies are also available on request from the Department of Justice and Community Safety.

Submissions must be received by Friday, 8 June 2001.