



Australian Government

Australian Government response to the
Senate Legal and Constitutional Affairs References Committee
report:

Ability of Australian law enforcement authorities to eliminate
gun-related violence in the community

June 2021

Introduction

On 19 June 2014, the Senate referred the following matter to the Senate Legal and Constitutional Affairs References Committee (the committee) for inquiry and report:

The ability of Australian law enforcement authorities to eliminate gun-related violence in the community, with reference to:

- (a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;
- (b) the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;
- (c) the adequacy of current laws and resourcing to enable law enforcement authorities to respond to technological advances in gun technology, including firearms made from parts which have been imported separately or covertly to avoid detection, and firearms made with the use of 3D printers;
- (d) the extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held;
- (e) the effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia;
- (f) stricter storage requirements and the use of electronic alarm systems for guns stored in homes;
- (g) the extent to which there exist anomalies in federal, state and territory laws regarding the ownership, sale, storage and transit across state boundaries of legal firearms, and how these laws relate to one another; and
- (h) any related matters.

The committee tabled its report, 'Ability of Australian law enforcement authorities to eliminate gun-related violence in the community', which included nine recommendations, on 9 April 2015. The report included a supplementary report titled 'Report by a majority of Senators attending the inquiry', which included a further five recommendations.

The Australian Government's response to the report is set out below. The response addresses all 14 recommendations contained in the report and the supplementary report.

Preamble

The Australian Government is committed to keeping our communities safe through the fair regulation of firearms.

Whilst the regulation of firearms in Australia is primarily the responsibility of State and Territory governments, the National Firearms Agreement sets out a national approach that should be followed by all jurisdictions.

The technical elements of the Agreement were updated in 2017 following a recommendation of the Joint Commonwealth-NSW Martin Place Siege Review.

The objective of the update was to ensure that Australia's firearms regulations, which had not been substantively reviewed for almost two decades, keep pace with advancements in technology and changes to the firearms market.

In addition to incorporating advice from all Commonwealth, State and Territory law enforcement and justice agencies, the review of the Agreement involved consultation with the firearms community (industry and recreational groups), community safety organisations and individuals to produce sensible, practical changes where required.

The updated Agreement amalgamates the 1996 National Firearms Agreement and the 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia. The Agreement articulates a commitment by the Commonwealth, state and territory governments to a set of minimum standards for the regulation of firearms.

In 2017, the then Law, Crime and Community Safety Council agreed to hold a national firearms amnesty from 1 July to 30 September 2017. The aim of the amnesty was to reduce the number of unregistered firearms in Australia. The amnesty did not target legally registered firearms and did not involve a buyback. The amnesty provided an opportunity for those individuals who possess an unregistered firearm to hand it in without fear of being prosecuted.

The amnesty resulted in over 57,000 unregistered firearms being handed in for registration, sale or destruction. This represents a significant reduction in the number of unregistered firearms in the Australian community and contributes to a safer Australia.

At the November 2019 meeting of the then Ministerial Council for Police and Emergency Management, Council Members agreed to establish a permanent national firearms amnesty to commence in the second half of 2020 (delayed due to COVID-19 to the second half of 2021), which will be supported by regular information campaigns led by the Commonwealth.

Recommendations

Recommendation 1:

The committee recommends the Commonwealth government provide funding to allow programs, such as the National Firearms Monitoring Program and the National Firearm Theft Monitoring Program, and reports, such as those in the Firearm Theft in Australia series, to continue on an ongoing basis.

Response:

The Government notes this recommendation.

The Australian Institute of Criminology is undertaking a one off study on firearm theft employing 2018 data. The study is funded using an existing appropriation.

Recommendation 2:

The committee further recommends the Australian Institute of Criminology conduct within three years a review of current data collection and reporting arrangements, with a particular focus on:

- **the need for more accurate data on firearm thefts, the recovery of stolen firearms and seizures of illegally imported firearms**
- **the quality and comparability of data provided to Commonwealth agencies by state and territory police; and**
- **greater inter-agency co-operation with regards to data sharing.**

Response:

The Government notes this recommendation.

In 2017, the Australian Institute of Criminology consulted with members of the Firearms and Weapons Policy Working Group about the feasibility of re-establishing the National Firearm Theft Monitoring Program. At the time it was determined that State and Territory police resources were not available to provide data to an ongoing Monitoring Program. The Government will continue to work with States and Territories regarding the provision of data.

The Australian Firearms Information Network (AFIN) is designed to provide a consolidated national view of information on each known firearm in Australia, from the point of manufacture or importation through to destruction or exportation.

Recommendation 3:

The committee recommends that the National Firearms Agreement be updated to implement nationally consistent regulation in the following areas:

- **firearms, firearm parts and firearm accessories;**
- **ammunition; and**
- **the storage of firearms**

Response:

The Government notes this recommendation.

Following a recommendation of the Joint Commonwealth-NSW Martin Place Siege Review, the Commonwealth, states and territories undertook an update of the technical elements of the 1996 National Firearms Agreement. The then Minister for Justice and Minister Assisting the Prime Minister for Counter-Terrorism, the Hon Michael Keenan MP, released the updated Agreement on 17 February 2017.

The updated Agreement amalgamates the 1996 National Firearms Agreement and 2002 National Handgun Agreement into a single point of reference for firearms regulation in Australia. The review of the 1996 Agreement considered the advice of the Firearms and Weapons Policy Working Group, which took into account the issues raised in consultations with the firearms industry and community groups.

At the November 2019 meeting of the then Ministerial Council for Police and Emergency Management, Council Members agreed that the National Firearms and Weapons Policy Working Group would identify and develop solutions to areas of inconsistency with the National Firearms Agreement, and areas of inconsistency between jurisdictions that adversely affect public safety or the firearms community. The National Firearms and Weapons Policy Working Group is working to improve consistency with the Agreement.

The Government undertakes broader reforms to the regulation of firearms to maintain community safety. In 2020 the Government amended the *Customs (Prohibited Imports) Regulations 1956* to restrict the importation of bump stocks. The Government also worked closely with State and Territory governments to regulate bump stocks in their jurisdictions.

Recommendation 4:

The committee recommends that the Commonwealth government, together with state and territory governments, establish national standards for the security of membership data held by gun clubs.

Response:

The Government notes this recommendation.

Recommendation 5:

The committee recommends that an ongoing, Australia-wide gun amnesty is implemented, with consideration given to ways in which this can be done without limiting the ability of police to pursue investigative leads for serious firearm-related crimes.

Response:

The Government agrees to this recommendation.

At the November 2019 meeting of the then Ministerial Council for Police and Emergency Management, Ministers agreed to establish a permanent national firearms amnesty to commence in the second half of 2020 (now delayed due to COVID-19), which will be supported by regular information campaigns led by the Commonwealth.

The permanent national amnesty will build on the success of the previous national firearms amnesty, which ran from 1 July to 30 September 2017. The amnesty reduced the number of unregistered firearms in Australia by encouraging Australians to surrender firearms in their possession for either registration or destruction. It successfully resulted in more than 57,000 firearms being handed in for registration, sale or destruction.

As with previous amnesties, a permanent national amnesty would make it easier for those who are in possession of an unregistered firearm to hand it in without fear of prosecution and improve public safety by reducing the number of unregistered firearms in Australia.

Recommendation 6:

The committee recommends that all jurisdictions update their firearm data holdings and ensure the data is transferred to the National Firearms Interface.

Response:

The Government agrees to this recommendation.

At the November 2019 meeting of the Ministerial Council for Police and Emergency Management, Ministers agreed to take a coordinated approach to address firearms registry issues.

In response to a recommendation of the Joint Commonwealth-NSW Martin Place Siege Review, the Australian Criminal Intelligence Commission undertook a data quality audit of the firearms information available in the National Firearms Licensing and Registration System. The audit identified issues with data quality, such as duplicate records, incorrect recording of serial numbers and missing fields. This information has been provided to the states and territories which administer the data.

In response to another recommendation of the Review, the National Firearms Interface, now known as the Australian Firearms Information Network, has been implemented. The Australian Firearms Information Network is an information sharing system that provides a

national view of each known firearm in Australia, assisting police and other law enforcement agencies manage registration, licensing and movement of firearms entering Australia and moving between states and territories. Whilst the Australian Firearms Information Network provides a nationwide ability to track firearms from import or manufacture through to destruction or legal export, it is reliant upon quality data submitted to it by the states and territories. The National Firearms Licensing and Registration System was fully decommissioned in November 2019, making the Australian Firearms Information Network the source of national firearms data.

The benefits of the Australian Firearms Information Network as a national firearm system will be realised once all partners complete integration, which is expected to occur in July 2021.

Recommendation 7:

The committee recommends that Australian governments investigate the requirement for uniform regulations in all jurisdictions covering the manufacture of 3D printed firearms and firearm parts.

Response:

The Government agrees to this recommendation.

The manufacture of firearms and firearm parts by any means, including 3D printing, is regulated by existing state and territory government measures.

At the October 2018 meeting of the Ministerial Council for Police and Emergency Management, Council Members endorsed a nationally consistent approach to offences for the illegal manufacture of firearms.

Recommendation 8:

The committee recommends that Australian governments continue to monitor the risks posed by 3D manufacturing in relation to the manufacture of firearms and consider further regulatory measures if the need arises.

Response:

The Government agrees to this recommendation.

The regulation of firearms manufacturing is primarily a matter for state and territory governments. The Australian Government will continue to work with state and territory police and justice agencies to identify risks relating to 3D manufacturing of firearms and firearm parts, and to identify any appropriate nationally consistent measures that could be implemented as necessary.

Recommendation 9:

The committee recommends that Australian governments consider committing further funding and resourcing to assist in implementing the preceding recommendations.

Response:

The Government notes this recommendation.

The Government will continue to allocate funding and resources to priority areas which address crime in the community. The allocation of funds and resources by States and Territories is a matter for the governments of those jurisdictions.

Recommendations contained in supplementary report titled
Report by a majority of Senators attending the inquiry

Recommendation 1:

The majority of Senators attending the inquiry recommend that the Commonwealth commission a study into the social, economic and environmental benefits of hunting across Australia, similar to the report that was released by the Victorian Government in 2013.

Response:

The Government agrees to this recommendation.

In 2018, the Department of Health commissioned a report into the economic and social impacts of recreational hunting and shooting to:

- estimate the gross economic contribution (i.e. the economic 'footprint') of recreational hunting and sport shooting in Australia
- estimate the net economic contribution of recreational hunting and sport shooting in Australia, and
- explore the impact of recreational hunting and sport shooting activity on health and wellbeing of hunters and sport shooters.

The report, subsequently published in 2019, found the Australian economy is \$335m (0.02% of Australian GDP) and 3,300 jobs (0.03 per cent of Australia's total full time equivalent employment) larger as a result of the contribution of recreational hunting and sports shooting.

Recommendation 2:

The majority of Senators attending the inquiry recommend the Commonwealth establish a formal mechanism for industry and firearm user groups to be consulted on issues relating to firearms regulation.

Response:

The Government agrees to this recommendation.

The Government previously consulted through the Firearms Industry Reference Group, which comprised representatives from the firearms industry. The then Minister for Justice and Minister Assisting the Prime Minister for Counter-Terrorism, the Hon Michael Keenan MP, chaired the Group's meetings.

The Assistant Minister for Customs, Community Safety and Multicultural Affairs, the Hon Jason Wood MP, conducted consultation meetings with the firearms community and gun control advocates in September 2019, February 2020 and September 2020. The Assistant Minister has committed to regular and ongoing consultation.

The Australian Government is committed to consultation to ensure the importation and regulation of firearms balances the interests of the broader Australian community to live safely and securely with the interests of those with a genuine reason and need to access a firearm.

Recommendation 3:

The majority of Senators attending the inquiry recommend the Commonwealth continue to pursue improvements in border control for detecting illegal imports of firearms and firearms parts.

Response:

The Government agrees to this recommendation.

The Government is committed to reducing gun-related violence in the community by continuously improving the capability of authorities to detect illegal imports of firearms and firearms parts. This is a key priority for the Government.

Recommendation 4:

The majority of Senators attending the inquiry recommend the Commonwealth review its contribution to firearms regulation in the context of the Reform of the Federation White Paper.

Response:

The Government does not agree to this recommendation.

The Government continues to work with State and Territory governments to appropriately and sustainably manage the division of responsibilities for firearms regulation between the Australian Government and state and territory governments.

Recommendation 5:

The majority of Senators attending the inquiry recommend state and territory governments investigate avenues to decrease regulation of the firearm industry to ease the economic burden on governments, industry and legal firearm users.

Response:

The Government notes this recommendation.

The National Firearms Agreement is now the single point of reference for firearms regulation in Australia, as it amalgamates the 1996 National Firearms Agreement and 2002 National Handgun Agreement.

The Commonwealth and the states and territories work closely together to develop a consistent national approach to the regulation of firearms, including minimising unnecessary

regulatory burdens. The Government also works with stakeholders to address current issues faced by the firearms community.