Public Health Association of Australia

Submission on Proposed Firearms Regulation 2017 and Weapons Prohibition Regulation 2017

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Introduction

The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public’s health in Australia. The PHAA works to ensure that the public’s health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people’s health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.
Preamble

The PHAA welcomes the opportunity to provide input to the NSW Government on the Proposed Firearms Regulation 2017 and Weapons Prohibition Regulation 2017. However, it is also appropriate to understand that the PHAA does this in the context of broader issues. The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. The Australian Government, in collaboration with the States/Territories, should outline a comprehensive national cross-government framework on promoting a healthy ecosystem and reducing social and health inequities. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

PHAA Role and Experience regarding gun control

The PHAA took a very active role in gun control following the time of the Port Arthur massacre and the original intergovernmental agreement on firearms that was spearheaded by Prime Minister John Howard. Since that time the PHAA has maintained a policy on gun control and consistent with our approach (with over seventy policies) we have renewed the policy every three years in consultation with our members. In this case the reviews have been through the Special Interest Group on Injury Prevention prior to circulation to all members before being considered by our Board and then being presented at the Annual General Meeting. The current Firearms Injury Policy was adopted in 2015 and may be found at https://www.phaa.net.au/documents/item/1450

The PHAA works with other health groups on this and many other policies in order to ensure that we remain consistent with groups that are seeking better public health outcomes. In the case of firearms the overview of the PHAA is:

“Reductions in firearm related deaths can be achieved through the combined use of a range of strategies, including regulatory frameworks, education, comprehensive suicide prevention programs, accessible social and health services, and targeted crime reduction efforts. The greatest potential to reduce firearm related deaths in Australia lies in the prevention of suicides”.

With this background in mind, while supporting efficiency in regulation through methods such as more effective use of Information Technology, the PHAA is keen to ensure that there is no watering down of the impact of regulation on the availability and use of firearms.
PHAA Response to the proposed regulation

Reducing red tape vs protecting public safety
How do the changes reflect the needs of the NSW community?

The most important statement in the discussion papers is “The remake will not consider any roll back of the 2017 National Firearms Agreement”. The PHAA considers it critical that the Commonwealth in conjunction with the States and Territories maintain appropriate restrictions on ownership and use of firearms.

With this in mind, the PHAA strongly opposes Option (a). The “do nothing” option will result in repeal of the regulations and an immediate increase in firearm related harm. It would be an untenable position, for example, the NSW Police Force need to have legislative framework by which they monitor and control firearm possession and use in NSW. The PHAA also opposes Option (b) ‘remake the regulation without amendment”. The review of the regulation provides an appropriate opportunity to ensure that the legislation is operating efficiently while not losing its impact. For example, as the Firearms Registry IT systems are currently being upgraded in a manner that will automate a number of existing processes, there is an opportunity for more efficiency while maintaining the protection of the public.

The PHAA agrees with Option (c) “remake the existing regulations with amendment”.

Part 2 Licences and Permits – general provisions
‘Offences that disqualify applicants’
The PHAA agree with increasing the number of offences which impact on a person’s ability to obtain a firearm license. Of particular concern is the use of weapons in intimate partner and family violence. The 2012 Australian Bureau of Statistics Personal Safety Survey found that 17% of women reported experiencing intimate partner violence.1 Being pregnant, having young children, and the availability of weapons have been linked to increased risk of DFV.2,3 The PHAA has a carefully developed Domestic and Family Violence Policy that is pertinent to this consideration. It may be found at https://www.phaa.net.au/documents/item/1708

Therefore, the PHAA recommends that people who have a domestic violence order taken out against them should also be subject to having a licence disqualified. The PHAA is aware that Section 5 (1) (d) (i) of the Firearms Regulation includes the clause “a community service order, a good behaviour bond” which may be interpreted by some as covering this issue. However, the PHAA believes it appropriate that a domestic violence order ought to be included to make very clear to those with a firearm licence the unacceptable nature of the danger. In making this recommendation, the PHAA notes that a domestic violence order is only granted if it goes through an appropriate legal process.
Part 3 Licences - additional provisions

“Sighting in”.
The current restriction on “sighting in” is appropriate. Removing this restriction will allow a much broader use of weapons than currently exists. Monitoring of licenced firearms users will become much more difficult and it will be almost impossible for police to ensure that it is licenced shooters that are using the firearms.

Relaxing this regulation has the potential to see a mushrooming of unofficial ‘gun clubs’ that have not been approved under Clause 100-103. The requirement to “sight-in” at a gun club provides the opportunity for engagement around appropriate use of firearms such as shot guns and rifles. Additionally, relaxing this legislation would also make the job of the police much more difficult regarding unlicenced firearms. Where an unlicenced firearm is brought to a club for “sighting-in” it is much more likely to be detected. This provides a disincentive for people to have unlicenced firearms that are unlikely to have the accuracy that a shooter would favour.

Arrangements for inspection of firearms
The refusal of a licence holder to allow an inspection of firearm storage is simply not appropriate. The PHAA supports the addition of appropriate penalties under these circumstances.

Requirement for storage of firearms on residential premises
Public safety is the prime concern of the PHAA and this has been echoed in the broader community. Our emphasis in our 2015 policy is on accidental and self-harm associated with firearms. Suicide accounted for 77% of the firearm related deaths in 2014, with homicide accounting for 13%. There were 3 deaths (1%) recorded as unintentional (i.e., accidental discharge of firearms). The rest of the 18 deaths (7%) were classified as undetermined.4

Where firearms are transported from one property to another there is a minor risk. However, this risk does not compare to the risk of theft from holiday homes and hobby farms that are not the prime premises. Additionally, self-harm associated with firearms when someone is away from the prime home, carries the risk of not being able to speak with others at a time of stress or anxiety.

Therefore, the PHAA supports restrictions of firearms being stored at the prime residence at all times other than when being used at the second residence. To allow for the movement and use of the firearms on the farm we would also like to see appropriate storage at any of the locations, as well as during transit.
Clause 43 Authority conferred by firearms dealer extends to certain employees

The intention to ensure that a minor is accompanied by an adult when responsible for dealing in firearms does not go far enough. The proposed amendment already recognises the importance of level of maturity in dealing with firearms.

The potential exposure to threatening situations or theft is identified in the Regulatory Impact Statement. However, it does not identify simple intimidation. Adults are identified as reaching that status at the age of 18 years in Australian law. Although there may be some debate around level of maturity and responsibility for some at that age, the PHAA accepts that this is adulthood.

The PHAA contends that anyone employed in dealing with firearms ought not to be a minor and that employment of minors within a licenced firearms premises is not appropriate. Therefore the PHAA considers that Clause 43 proposed amendment does not go far enough and recommends the amendment precludes the employment of minors by firearms dealers.

Clause 62 Museum Firearm Permits

The PHAA believes that where items identified as having significant historical interest are surrendered for destruction the items should be able to be held for public museums. The view of the PHAA is that protection of the public through injury from firearms is the purpose of the regulations. Provided firearms of historical interest are stored appropriately museums should be able to have access. Protection of the public could be enhanced by ensuring such firearms are disabled in case of theft.

Conclusion

PHAA supports the broad directions of the Regulatory Impact Statement in seeking to operate more efficiently on the one hand while ensuring that the highest priority is public safety.

The PHAA is keen to ensure that actions taken as a consequence of the RIS are in line with this submission. We are particularly keen that the following points that have the potential to undermine public safety are highlighted:

- The PHAA agrees with Option (c) “remake the existing regulations with amendment”
- The PHAA believes a domestic violence order should be specifically identified as grounds for disqualification of a firearm licence under Part 2 5 (1) (d) (i),
- The PHAA opposes relaxing the current restriction on “sighting-in”
- Appropriate powers are adopted or maintained:
  - To allow for inspection of firearm storage by the police
  - Appropriate storage of firearms
- The PHAA believes that firearms dealerships should NOT be able to employ minors
The PHAA accepts sensible arguments that appropriately recognised museums should have access to and be able to store or display weapons of historical significance – even when they have been handed in under amnesty as such an approach does not have an impact on public safety.

The PHAA appreciates the opportunity to make this submission and would be very pleased to answer any further questions.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.

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References