



Public Health Association
AUSTRALIA

Reform of firearms laws in Western Australia (2023)

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Traditional custodians - we acknowledge the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

Introduction

PHAA welcomes the opportunity to provide input to this consultation.

Firearms are a major cause of injury and death in Australia. Firearm harms occur due to a combination of the availability of firearms, motivation for use and community attitudes, and broader social, environmental, and economic factors.¹

Reductions in firearm related deaths and injuries can be achieved through the combined use of a range of strategies including policy, legislative and 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.

These WA Government's proposed gun reforms will not inhibit the legal privilege of licensed firearm users from legitimately pursuing rural management or sporting activities. But the reforms will protect the rights of all members of the community to be protected from harm from the misuse of firearms.

We urge the Government to investigate all means by which to reduce the number of firearms in the community, including firearms which enter the illegal market in Western Australia. The regulatory regime should place particular emphasis on understanding how firearms that come to be used in homicides and other violent crimes are obtained.

The Western Australian Government's package is historic. After this round of consultation we hope that the Government will settle on sound, evidence-based policy settings that go as far as possible to ensure the safety of all Western Australians from guns, including legitimate gun users, their immediate families, and others in the community who might be harmed by another person's gun – and most especially, children.

PHAA's response to the Firearms Act reforms is therefore positive and supportive of the Government's efforts. It seems very clear that WA will have the most modernised and reformed regime in Australia upon their adoption.

However, we nonetheless make some key points in this submission to push the Government to go even further to protect the safety of the community. We urge the Government to consider:

- the need to tighten the age restrictions proposed in the published reform package
- the need to tighten the limits on numbers of firearms that an individual may possess
- the need for stronger community-level support, particularly focussing on suicide prevention, with extra emphasis on rural and regional communities
- the need to establish a maximum blood alcohol level of 0.5 for any person handling a firearm
- the opportunity to establish Australia's first 'Firearms Safety Research Institute'.

The presence and use of firearms in the community

Stemming the flow of guns into the community

The absolute quantity of guns in the community is one of the major drivers of the extent of harmful misuse. To every extent that is possible – while still leaving reasonable space for legitimate use – every gun that can be removed should be.

The Government should as a priority adopt measures to reduce the flow of firearms into the community, including the ‘grey market’ created by non-compliance with the NFA.² Key measures should include:

- Ensuring that people who own firearms only own the number they require, and regulating a maximum number which can be stored safely at a home or business (other than those which are related to law enforcement) to reduce the number of firearms which could potentially enter the illegal market from a household.
- Ensuring accurate records of stolen firearms and working across jurisdictions to follow and remove these firearms from the community.
- Continuation of the permanent firearms amnesty.

In addition to measures that are directly within the Western Australian Government’s role, the Government should also contribute to national cross-jurisdictional measures including:

- Consistent application of firearm legislation across all states and territories to ensure that there is a strong consistent response to firearms in Australia, including compliance with the National Firearms Agreement (1997, 2017) by all Australian jurisdictions.
- A National Firearms Register that enables first responders and other approved agencies access to real time data on firearms and firearm owners.

Number of permitted firearms

Under the Government’s proposals, Western Australia would become the first jurisdiction in the country to impose a limit on the number of firearms a licensed firearm holder can own. This is a very welcome policy. But it can be tightened further than that which is proposed so far.

We note that the number of permitted firearms that an individual may register is proposed to be 5 for recreational shooters, and 10 for a variety of categories of property owners where firearms have a legitimate usage. We can see no sound reason why these numbers need to be so high. Every additional firearm is an additional responsibility which every gun owner must monitor, and every additional firearm carries a potential for misuse.

We propose tighter limits of 3-5 firearms per licensed owner.

Age restriction

We have a major concern with the package in that it continues to contemplate any form of firearm use by children (see section 4.4). Firearms are not in any sense devices for recreational use by children, nor should firearms use be normalised at an age where adult responsibility is not yet expected, or expectable.

Given the inherent role of firearms in being capable of taking life, either deliberately or accidentally, the legal uses of firearms – either for sporting shooting or for rural property management – are activities which

should only be taken up in mature adulthood. A clear signal should be sent – through the strict adoption of an age requirement – that firearms must be associated with the most serious degree of user responsibility. The minimum age at which an individual can use firearms should be 18, without exception, as stipulated in the National Firearms Agreement.

Licensing and secure storage of firearms

We note and welcome the strengthened regulations for the safe storage of firearms, including the improvements in the requirements for the transport of a firearm in a vehicle. Improved regulation of the possession, storage are paramount reform goals. Key measures should include:

- improving the storage of firearms to reduce their ability to be stolen and used by those without a licence
- fixing gun safes, so they are harder to be removed from the premises
- separate storage of the ammunition
- where possible, storing firing mechanisms in a different location from the firearm.
- alarm systems

There must also be strong and consistent enforcement of firearm regulations and safety protocols, including:

- ensuring that firearms are stored according to the law and where possible in a secure facility like a police station
- ensuring that people who hold firearms hold a licence
- ensuring that the sale of firearms is recorded, and that each of the persons who sell and purchase the firearm are licenced.

An effectiveness review after (say) 4 years of these detailed arrangements should be written into the legislation.

A 28-day cooling off period should be mandatory for all firearms purchases, together with strict proof that purchasers are over the age of 18 years.

Restricting firearms promotion, especially to children

There are no circumstances where firearms should be promoted or marketed for the attention or interest of children. Whether for rural property management uses, or for sporting activity, firearms should not be used by children, and there is no safe approach to giving children ‘preparatory’ access to firearms before the age of 18.

In regard to promotional ‘come and try’ facilitation, we urge that such promotional practices must have an element of making an advance booking, such that on-the-spot impulse marketing no longer happens. Recreational firearms use should be limited to individuals who have a considered desire to take up the sport, under supervision, and not be open to ‘impulse buying’.

Training and mandatory health assessments

Compulsory firearms training is a welcome introduction to licence application process.

Likewise, the mandatory health assessments are a welcome initiative. These should include mental health assessments, as well as age-related requirements for older users, as outlined by the Government paper.

We welcome these aspects of the reform package, which will add to the ongoing safeguards against accidental use, or misuse, of firearms.

Use of the term 'intoxication'

The reform paper's material on firearms offences refer to "intoxication", both in regard to persons using a firearm, and in respect of a person giving a firearm to a person who is intoxicated.

We simply query whether the broad term 'intoxicated' carries an adequately precise meaning. The WA Criminal Code (s27) provides only a limited defence of intoxication that can be relied on only under very particular circumstances, namely that a person "was so intoxicated that they were unable to understand what they were doing". If a person freely consumes alcohol (or other drugs) and becomes intoxicated, they cannot use intoxication as a defence.

However, this severe degree of intoxication, and the framing of the question in a scenario of defending a criminal charge, is not the only appropriate application of intoxication as a limitation on the use of firearms.

A person should no more be moderately impaired by alcohol while in charge of a firearm than when in charge of a vehicle. In relation to driving offences, a relatively low blood alcohol level is standard in the definition of the degree of intoxication relevant to a driving offence being committed. The law is not so lax in respect of driving as to require the Criminal Code standard of being "unable to understand what they were doing."

We propose a similar use of the concept of blood alcohol levels for the Firearms Act. This should also greatly assist on occasions where police are in a situation where they must question the conduct of a person possessing a firearm. Specifically, the law should provide that any person with a blood alcohol level exceeding 0.5 would commit an offence if they have immediate physical control of a firearm.

Addressing driving factors of firearm injury and death

Reduce driving factors of violence

PHAA calls for the Commonwealth, State and Territory governments to work in unison to address the identified risk factors for intentional firearm injury, recognising the need for:

- preventive mental health services (including suicide prevention)
- greater efforts to prevent family and domestic violence.
- initiatives to support men's health and wellbeing
- initiatives to prevent firearm use in crime
- greater efforts to support safer firearm use by rural populations
- an increased research focus on the role of the above issues and their intersection with firearm use.

Suicide prevention

Suicide accounted for 79.8% of the firearm-related deaths in 2019-20, with 81.7% of all male firearm deaths being from suicide.³

Recognising the need for appropriate and cost-effective investment of resources, the Government should address the risk factors for intentional injury, recognising the need:

- for preventive mental health services to reduce suicide through training programs and referral of those at risk of suicide.
- to adequately fund support, treatment and rehabilitation programs for people who are at risk of suicide, especially those in rural locations.
- for greater efforts to prevent family and domestic violence in all its forms.
- to develop initiatives to support men's health, wellbeing, and participation in society.
- to address motivations for firearm, use in violent crime through education campaigns.

Programs focussed on rural populations

Firearm death rates remain higher in rural and remote regions than in urban areas, reflecting the higher overall rates of suicide in rural and remote regions.^{4,5,6}

Recognising this fact, programs for addressing misuse of firearms should have extra emphasis in respect of rural communities, and in particular men who have access to firearms.

Data to inform injury prevention

Ongoing effort and the investment of resources by Commonwealth, State and Territory governments is required to improve the quality, availability, and dissemination of data to inform firearms injury prevention in Australia, including:

- where possible, ensuring that information on death certificates includes the type of firearm used, as per World Health Organisation ICD-11 categories.
- publishing information about the source/s of firearms used in crimes.
- publishing statistics around firearm-related injury cases presenting to hospitals.
- reviewing current processes and systems for registering firearms including National Firearms Register.
- publishing information on the legal status of firearms used in domestic homicides or domestic violence incidents.

Ongoing regulatory policy framework

Limiting the role of industry advice

As with so many harmful industries, the firearms manufacture and retail lobbies, as well as shooting businesses, have developed a variety of methods to exercise a great deal of political influence to minimise regulation of their products and services.

As a matter of state government policy, we strongly recommend that any industry-based firearms advisory council should have its role restricted to advice on technical and enforcement matters, with policy issues excluded from the remit of such bodies. Any group that does advise government on firearms policy should not include representation from firearms and shooting industry sectors.

Establishing a Firearms Safety Research Institute

There is a troubling – if poorly understood – unintended consequence of the National Firearms Agreement that followed that awful event in Port Arthur, Tasmania in 1996. Based on state laws, the Sporting Shooters' Association of Australia (SSAA), a prominent Australian pro-gun lobby group, and gun clubs and organisations at local and state level, came to be assured of millions of dollars in annual income.

Following the reforms precipitated by that event, people wishing to obtain a firearms licence in Australia had to prove they had a “genuine reason” to own a gun. Sufficient reasons include primary production (an occupation-related reason) and others. However, for many firearm owners who do not fit other listed ‘genuine reasons’, the remaining option is to become a member of an approved sporting shooting club.

This requirement was beneficial for gun safety and for public health, as well intended and tightly managed sporting shooting clubs can legitimately educate on gun safety and supervise firearm owners' behaviour.

However, as a result of this requirement, membership of gun clubs of various kinds, and the resulting financial resources available to such clubs, have increased enormously since 1996. There are now more than 440 such clubs in Australia. The national umbrella body, the Sporting Shooters Association of Australia, had approximately 50,000 members in 1996, but this number has grown to more than 200,000.

In 2015, annual combined revenue for state and territory and the national Sporting Shooters Associations exceeded \$20 million, and assets exceeded \$34 million. With various government grants and other income, it is reasonable to assume a significant increase on those figures by 2023.

An illustration of the government funds flowing to the shooting sector is found in a report by Gun Control Australia showing that a minimum of \$77 million had been allocated via government grants schemes to fund improvements to gun clubs and build and renovate shooting complexes over a five-year period (2014/15 to 2018/2019).⁷ This trend has continued, indeed probably increased, with the Victorian government announcing \$4 million in funding in 2022, and the infamous NSW allocation to one shooting club of \$5.5 million in 2021. That revenue has resulted in dramatically increased capacity to contribute to influencing public policy relating to firearms.

This is also illustrated at the electoral level by the growth of ‘shooters’ political parties of various kinds. Shooters Fisher and Farmers parties, or similarly named political parties, now exist in NSW, Western Australia, Queensland, Victoria, South Australia, Tasmania and the Northern Territory. Their strategy is to focus on state upper houses (where they exist) in the hope of gaining balance of power status, and hence a disproportionate influence on public policy, relative to the number of votes they receive, which is typically less than 2% of votes cast.

Australians look to their governments at national and jurisdictional level to undertake the necessary work of ensuring gun safety legislation and its enforcement, as well as administrative infrastructure such as proper and consistent registers recording the ownership and whereabouts of the more than 3.5 million guns in Australia. We also need governments to keep up with and regulate technical advances and developments in the weapons industry. In so doing governments necessarily consult with stakeholders. Given the enormous growth in resources gathered at gun clubs existing policy has – no doubt unintentionally – created a loud and persistent voice for those supporting the interests of shooters and shooting. These resources are routinely applied to efforts to prevent firearm safety reforms.

Epidemiological evidence is a fundamental foundation stone that should drive sound public policy, on gun regulation as on many other topics. However, there is no clear funding mechanism to support Firearm Safety related monitoring or research in Australia. Competition among the increasingly contested research funding systems in Australia often results in mundane and non-innovative efforts to measure and analyse firearm safety data. The subject too often falls to the bottom of the research funding priority list.

There is thus a growing imbalance in the continually contested sphere of public policy relating to gun safety policy in Australia.

PHAA therefore proposes the establishment of the 'Firearms Safety Research Institute'. We propose this both at national level and, or initially, for each state and territory. Such an Institute, or several state ones, would have the purpose of capturing data relevant to firearms laws as a means of evaluating their efficacy in achieving their stated purpose in respect of public safety.

Such an institute would be an independent body which would gather and report information on gun safety related matters, metrics and trends on ownership, and on accidents and injuries relating to firearms. It could provide independent policy advice on any new developments such as new types of firearms, silencers and other developments, based on the best available evidence, to the government of the day and as information for the broader public.

The institute(s) could be funded by a marginal additional levy of as little as \$10 for each annual firearm license in WA. This would be justified as a legitimate cost of the changes to the law and so consistent with the powers and responsibilities of State Governments. We recommend that Western Australia establish such an institute through this mechanism.

Conclusion

PHAA strongly supports the broad directions being taken by the WA Government. Where we call on the Government to go further, we do so to achieve even better safety for the community. In that regard, we again highlight the following points:

- the need to tighten the age restrictions proposed in the published reform package
- the need to tighten the limits on numbers of firearms that an individual may possess
- the need for stronger community-level support, particularly focussing on suicide prevention, with extra emphasis on rural and regional communities
- the need to establish a maximum blood alcohol level of 0.5 for any person handling a firearm
- the opportunity to establish Australia's first 'Firearms Safety Research Institute'.

There is an urgent need to press on quickly to implement this package of reforms. With over 3.5 million guns in the Australian community in 2022, it is only a matter of time before another tragic mass shooting occurs in our country. We urge the WA Government to support efforts to promptly put better machinery in place to promote stronger firearm safety regulation and capacity, all the more so as we are witnessing the continued expansion of the resources and influence of the firearms lobby.

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



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