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Cabinet Submission 8325 - Commonwealth position on firearms controls - Decision 15879

C A B I N E T M I N U T E

Canberra, 9 October 1991

No. 15879

Submission 8325 - Commonwealth Position on Firearms Controls

The Cabinet agreed:-

- (a) to the Commonwealth position on common firearms controls set out at Attachment A to the Submission, to be put to the 23 October 1991 meeting of the Australian Police Ministers' Council (APMC), in relation to restrictions on particular types of firearms, licensing, permits to purchase, registration, restriction on ammunition sales, security requirements, provisions for suspension of licences, amnesty and compensation;
- (b) to the banning of:-
 - (i) all private domestic sales of self-loading firearms, their components and parts from the Small Arms Factory, Lithgow; and

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No. 15879 (contd)

- (ii) the private domestic sale of Defence surplus firearms, other than those rendered irreversibly inoperable;
- (c) that the Australian Rifle Club Regulations be repealed;
- (d) in principle, to the concept of assistance to Australian Automatic Arms Pty Ltd, with details to be settled by the Minister for Justice and Consumer Affairs in consultation with the Minister for Finance;
- (e) that, if at the 23 October APMC meeting the States/Territories indicate that their agreement to join a significantly strengthened national firearms control regime is conditional upon Commonwealth contribution to compensation payments to persons surrendering firearms, the Minister for Justice and Consumer Affairs may indicate that the Commonwealth is prepared to consider appropriate cost sharing arrangements;
- (f) that the Commonwealth contribute up to \$3 million of additional funding to a media campaign in 1992-93 to reduce firearms holdings in the community, subject to agreement of a co-operative arrangement with the States/Territories; and

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3.

No. 15879 (contd)

- (g) to additional funding of \$90,000 in 1991-92 for consultancy services in relation to optimal means of linking firearms registries and providing access to information in support of licensing decisions.



for Secretary to Cabinet

CABINET-IN-CONFIDENCE

CORRIGENDUM TO
Submission No. 8325

FOR CABINET

Copy No. 0047

Title COMMONWEALTH POSITION ON FIREARMS CONTROLS

Minister Senator the Hon Michael Tate, Minister for Justice and
Consumer Affairs 8 October 1991

Purpose/Issues



Relation to existing policy

Sensitivity/Criticism

Please replace existing Attachment C with replacement Attachment C which includes amended co-ordination comments from the Department of Defence.

Legislation involved

Agency: Political/significant dates

Consultation: Ministers/Depts consulted

• Is there agreement?

Timing/handling of announcement

Cost Fin Yr (—) Fin Yr (—) Fin Yr (—)

CORRIGENDUM

CO-ORDINATION COMMENT - CABINET SUBMISSION ON COMMONWEALTH POSITION ON FIREARMS CONTROLSDepartment of Defence

The Department strongly supports the proposed ban of the private domestic sale of self-loading firearms, their components for manufacture and spare parts, and the proposed ban on the private domestic sale of any Defence surplus firearms unless rendered irreversible inoperable.

2. The Department also strongly supports the repeal of the Australian Rifle Club (ARC) Regulations. They are a relic of a long outdated concept that sporting shooting contributes significantly to defence preparedness.

3. The continued existence of the regulations could confuse the Commonwealth's position on control of military style weapons. The exemption provided by the regulations from State/Territory requirements for a firearms licence applies equally to the element of the National Rifle Association of Australia (NRAA) that engages in military style shooting, using military weapons. Where there is a State/Territory prohibition against a particular type of weapon (eg. military) the regulations do not operate; but there is a widespread misconception, even among State administrations, that the exemption provided by the regulations is total. The NRAA believes that projected exemptions for rifle club members from prohibitions on semi-automatics proposed by NSW and Tasmania are because of the existence of the ARC Regulations. Any case for sporting shooters to be granted firearms exemptions should be argued on its own merits.

Department of the Prime Minister and Cabinet

4. The Department supports the Submission, with the exception of the recommendations for compensation, the ruling out of a possible mail order ban and the position on import controls.

Compensation

5. PM&C notes that compensation arrangements are principally a State and Territory responsibility but considers that there is a strong national interest in promoting a less violent society and that a firearms surrender scheme which would include compensation may be an essential element of a more rigorous approach to gun control.

6. Accordingly, PM&C suggests that Ministers might consider agreeing in principle to a Commonwealth contribution of, say, up to 25% towards compensation under any appropriate firearms surrender scheme agreed to by the States and Territories but only in the context of a significantly tougher and national approach to gun control.

7. Such an approach would be for the purpose of allowing Senator Tate to negotiate with the States and Territories at the Australian Police Ministers' Council Meeting and then bringing forward a further Submission on the details of any compensation scheme proposed, including the best information available on the likely cost.

8. PM&C considers that compensation by the Commonwealth for Australian Automatic Arms Pty Ltd is not warranted. Many Australian companies, which have been similarly affected by Government decisions and which could make an equally strong case, have not been compensated.

Mail Order Bans

9. PM&C notes that the Commonwealth has the power under the Constitution to ban the carriage of firearms between States and Territories by mail, courier or similar means. While conscious of the difficulties involved, especially those for people in remote areas, PM&C considers that the Commonwealth position should be to seek the views of the States and Territories on this issue, having mentioned the problems, rather than proposing at the outset that a mail order ban not be pursued.

Import Controls

10. PM&C notes that the Submission does not propose to strengthen import controls unless the States and Territories so request. PM&C considers that the Commonwealth should keep open the option of unilateral action, for example to place a complete ban on all self-loading firearms, if agreement cannot be reached with the States and Territories. Further consideration could be given by the Commonwealth to tighter import restrictions on handguns whether or not there is agreement by the States and Territories.

Department of Transport and Communications

11. The Department supports the Commonwealth position on common firearms controls set out at sections L and M of Attachment A to the Submission. The Department agrees that restrictions on the carriage of firearms by mail or courier services are unnecessary as the improvements proposed to the licensing regime would be more effective.

12. Effective controls at point of sale or entry into Australia would remove any need to regulate the carriage of firearms through the post and regulation of post and courier services would be difficult, expensive and probably easy to avoid.

Department of Finance

13. Finance suggests that Ministers be mindful of the budgetary outlook for the 1991-92 and 1992-93 financial years and not enter into open-ended commitments of the sort proposed in the Submission.

14. In particular, Finance draws Ministers attention to the following:

- . to introduce a comprehensive and fully effective licencing system as proposed is likely to be an expensive exercise;
- . the Submission does not quantify the potential cost of compensation to gun owners (nor does it address the effectiveness of such a proposal in halting violent acts); and
- . the costs of establishing an on-line national computerised firearms registry, linking all jurisdictions could be substantial depending on the option pursued. In this regard, Finance notes that the recently proposed Law Enforcement Access Network (an on-line central data base of land and corporate data) is estimated to cost \$20m to establish with recurrent costs of some \$7m per annum. Finance also points out the significant costs involved in establishing the expanded on-line Cash Transaction Reports Agency facility (about \$24m over the 5 year period commencing in 1991-92).

15. Finance suggests that it is highly likely that the States/ Territories will press for financial assistance from the Commonwealth to implement such initiatives. The potential cost of a Commonwealth contribution towards compensation for gun owners could be very significant. This is a State responsibility.

16. Regarding the proposal for a media campaign, Finance considers that an equitable cost-share arrangement between the Commonwealth and the States/ Territories should be established before the Commonwealth commits funds.

17. Finance further considers that any in-principle decision to compensate Australian Automatic Arms P/L (AAA) should be deferred pending further advice from the Minister outlining the basis the proposed compensation and addressing the following matters:

- . whether AAA could still retain access to the supply of barrels, but production be for export only; and
- . whether other business is available perhaps by restructuring AAA's operations.

18. Finance also considers that the cost of any consultancy services should be funded from within existing running costs resources.

19. The measures proposed that do not appear to have significant financial implications for the Commonwealth are those to achieve a tighter regime in relation to the control, licencing and registration of firearms and ammunition, as well as those covered by recommendations (b) and (c) of the Submission.

Department of Industry, Technology and Commerce

20. No comment.

Department of the Arts, Sport, the Environment, Tourism and Territories

21. DASETT supports the Submission.

22. DASETT notes the statement in the Submission that gun controls are principally matters for the States/Territories to determine, and points out that in respect of the non-self-governing Territories, this responsibility remains with the Commonwealth Government, which has plenary legislative powers in respect of the Territories. In this context, DASETT makes the following further comments:

- if the proposed Commonwealth position is considered to require legislative action in respect of the non-self-governing Territories, this would require further consideration by the Minister for the Arts, Sport, the Environment, Tourism and Territories (in respect of the Antarctic territories) and the Minister for the Arts, Tourism and Territories (in respect of other territories);
- in the case of the Indian Ocean Territories (Christmas Island and the Cocos (Keeling) Islands), it should be noted that the Government has recently decided (CM 15778) to apply Western Australian law, as in force from time to time, to the Indian Ocean Territories, with effect from 1 July 1992; accordingly, decisions by the Western Australian Government will be expected to determine the legal situation with regard to gun control in the Indian Ocean Territories (though the Commonwealth will retain an ordinance-making capacity);
- in the case of Norfolk Island, firearms is a matter within the control of the Norfolk Island Legislative Assembly, and decisions on gun control should be left to the Norfolk Island Government; given that Norfolk Island is not represented in the Australian Police Ministers' Council, decisions of the October meeting will need to be specifically conveyed to the Norfolk Island Government, through DASETT; and
- in the case of the Antarctic territories, the laws of the Australian Capital Territory, and the criminal laws in force in the Jervis Bay Territory, apply; accordingly, decisions by the ACT Government will be expected to determine the legal situation with regard to gun control in the Antarctic territories (though the Commonwealth retains an ordinance-making capacity).

23. The Australian Sports Commission (ASC) has had insufficient time to consult with all affected national sporting organisations on the recommendations of the Submission, and therefore is not able to provide a co-ordination comment.

24. In the short time available for consultation it is the ASC's understanding that the National Rifle Association would not object to its members' activities coming under State/Territory legislation provided State/Territory gun laws are uniform.

Treasury

25. While supporting the development of a uniform national policy on firearms, Treasury considers that the cost of implementing the proposals set out in the Submission requires further development before they can be sensibly assessed.

26. For example, the Submission is silent on the costs of compensating existing firearm owners, of a comprehensive licensing system and of a national firearms registry. Treasury also considers that a memorandum providing an assessment of all options regarding the future of Australian Automatic Arms P/L would be desirable before any decisions are taken regarding compensation and closure.

27. Finally, it considers that the Commonwealth should not make a firm commitment on a contribution to a media campaign to reduce firearm holdings in the community until the States have also made commitments.

Australian Customs Service

28. The ACS supports any proposal which would establish a common approach to firearms control throughout Australia, including import control.

29. The ACS emphasises that any new controls which would depend on administration of new provisions under the Customs (Prohibited Imports) Regulations must be capable of effective administration. To a significant degree this will require the existence of complimentary controls on domestic manufacture and possession of firearms.

30. Customs officers do not have the expertise to scrutinise firearms at a professional level to determine their import status. For this reason the ACS believes that the Australian Federal Police should advise it on such matters.

31. The Submission points out that amendments to the Customs (Prohibited Imports) Regulations will be required. The coverage in the existing Regulations suffers from complexity and fragmentation with prohibitions referred to in Regulations 2(1) and 4D as well as Schedules 1, 2 and 3. For this reason the ACS would propose that all firearms controls be consolidated into a single Regulation.

32. The ACS will need to be consulted on all aspects of import administration prior to the Commonwealth's final position being put to the Special Premiers' Conference (SPC).

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Submission No. 8325

FOR CABINET

Copy No. 0047

Title	COMMONWEALTH POSITION ON FIREARMS CONTROLS												
Minister	Senator the Hon Michael Tate, Minister for Justice and Consumer Affairs												
Purpose/Issues	<p>To determine positions to be put to a meeting of the Australian Police Ministers' Council on 23 October 1991: in relation to all aspects of firearms possession, where the Commonwealth should take a firm lead in proposing a uniform national strategy; and in relation to matters where the Commonwealth has legal authority to control the availability of firearms.</p> <p>A further paper for submission to the Special Premiers' Conference in November will be brought to Cabinet after the October meeting of the Australian Police Ministers' Council.</p>												
Relation to existing policy	The position proposed is consistent with decisions by previous meetings of Premiers and the Australian Police Ministers' Council, and with recommendations of the National Committee on Violence.												
Sensitivity/Criticism	Shooters' organisations may criticise tightened controls. Other groups may criticise controls as insufficient. In both cases the point to be made is that controls are principally matters for the States/ Territories to determine.												
Legislation involved	Yes. Repeal of the Australian Rifle Club Regulations under the Defence Act 1903. Amendment to the Customs (Prohibited Imports) Regulations under the Customs Act 1901.												
Agency: Critical/significant dates	The Commonwealth position paper is to be considered by a Special meeting of the Australian Police Ministers' Council on 23 October 1991 and must be circulated to the States/ Territories by 11 October.												
Consultation: Ministers/Depts consulted	Departments of Defence; Industry, Technology and Commerce; Finance; Transport and Communications; Prime Minister and Cabinet; Department of the Arts, Sport, the Environment, Tourism & Territories; Australian Customs Service; Treasury.												
Is there agreement?	A number of concerns have been raised, the most significant of which relate to financial implications (Finance, Treasury, PM&C). Refer <u>Attachment C</u> for detail.												
Timing/handling of announcement	Announcement of an agreed position to be put to the Special Premiers' Conference will follow the special meeting of the APMC, but cannot be formulated until that meeting has been held.												
Cost	<table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: center;">Fin Yr (91 — 92)</td> <td style="text-align: center;">Fin Yr (92 — 93)</td> <td style="text-align: center;">Fin Yr (93 — 94)</td> </tr> <tr> <td>Cost*</td> <td style="text-align: center;">\$0.09M</td> <td style="text-align: center;">\$3.0M</td> <td style="text-align: center;">Nil</td> </tr> <tr> <td>Additional ASL</td> <td style="text-align: center;">Nil</td> <td style="text-align: center;">Nil</td> <td style="text-align: center;">Nil</td> </tr> </table> <p>*See costing at <u>Attachment B</u></p>		Fin Yr (91 — 92)	Fin Yr (92 — 93)	Fin Yr (93 — 94)	Cost*	\$0.09M	\$3.0M	Nil	Additional ASL	Nil	Nil	Nil
	Fin Yr (91 — 92)	Fin Yr (92 — 93)	Fin Yr (93 — 94)										
Cost*	\$0.09M	\$3.0M	Nil										
Additional ASL	Nil	Nil	Nil										



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BACKGROUND

On 2 September the Prime Minister wrote to Premiers and Chief Ministers indicating his intention that gun controls and the wider issues of violence in the community should be discussed at the Special Premiers' Conference (SPC) in Perth in November 1991. A report to the SPC in relation to violence will be brought separately to Cabinet.

2. Following the multiple shootings in Strathfield in August, I called a special meeting of the Australian Police Ministers' Council (APMC) to discuss firearms controls and report to the SPC. This submission seeks approval of the elements of a Commonwealth position paper ('the Commonwealth paper') to be put to the APMC - Attachment A. I will bring a further submission to Cabinet following the APMC.

CONSIDERATION OF THE ISSUES

3. The principle underlying the Commonwealth paper is that the possession of firearms is not a right but a conditional privilege, and that the contribution of firearms to the risk of violent death demands a substantially more rigorous approach than has prevailed hitherto.

4. State/ Territory governments are responsible for legislation regulating the possession and use of firearms in Australia. Controls can only be fully effective if there is substantial commonality of approach in each jurisdiction. Under the Constitution, the Commonwealth has powers which may be used to supplement and encourage particular State/Territory initiatives. The basis of the Commonwealth paper is that nationally agreed arrangements are preferable, and would limit the need to use Commonwealth powers.

Use of Commonwealth powers

5. Overseas trade. With the agreement of the States/ Territories, the Customs (Prohibited Imports) Regulations are already used to prohibit (inter alia) the import of certain self-loading firearms, including military style rifles. The initial proposal of the Commonwealth paper (section A of Attachment A) is that the ban on self-loading firearms be absolute - recognising certain exceptions for government use (police, corrective services). If the States/ Territories persist in the view that non-military self-loading firearms should remain available, the Commonwealth paper proposes a

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series of options, the least of which includes more stringent controls than now apply in some jurisdictions.

6. Defence Rifle Clubs. Defence has progressively disengaged itself from rifle club activities since 1959. Club members are exempt from State/ Territory firearms controls. Legislation repealing the Australian Rifle Club Regulations was disallowed by the Senate in 1988. I am strongly of the view that the repealing legislation should now be reintroduced, with the effect that club members will be required to comply with normal licensing arrangements. The Minister for Defence agrees. Further details are at section K of Attachment A.

7. Defence Surplus Weapons and Defence Manufacturing. The Commonwealth has already banned the domestic sale of self-loading firearms from the Small Arms Factory (SAF), Lithgow, other than to State/ Territory governments. It has also banned the domestic sale of Defence surplus self-loading firearms unless rendered irreversibly inoperable. It is now proposed to ban the private domestic sale from the SAF of components for manufacture and spare parts for self-loading firearms, and the private domestic sale of any Defence surplus firearm unless rendered irreversibly inoperable. I do not believe any other position on the part of the Commonwealth is defensible.

8. Compensation for Factory Closure. Either an outright ban on the possession of self-loading firearms or a ban on the sale of components from the SAF will result in the closure of Australian Automatic Arms P/L (AAA) at Kempton, Tasmania. AAA was established in 1985, produces 800 self-loading weapons per annum, and sells 57% of its output in Australia. Barrels are currently purchased from the SAF. AAA employs 7 persons full and 20 part time. Its current overdraft is approximately \$250,000, current stock (parts) valued at approximately \$500,000, and capital investment approximately \$2.5m.

9. AAA has long standing connection with Australian Defence Industries (ADI), and was encouraged by ADI to enter the commercial market and develop prototype military weapons. The Commonwealth position at the 1987 SPC on firearms contemplated contribution to compensation for AAA if bans forced its closure. It is the only significant private manufacturer of

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firearms in Australia - and may be quarantined on that basis. If bans are imposed, I believe the Commonwealth has an obligation to consider compensation to the proprietors, and to employees through redundancy payments.

10. There are two principal options. The first (longer term) is to consider compensation to AAA in the context of possible wider arrangements with the States to compensate individual firearms owners (paragraph 15 below). The second is to deal with AAA as a separate case. I prefer the second option. AAA's loss of business will follow immediately upon the imposition of bans. Consideration in the context of wider arrangements would come too late, especially for the employees. If Cabinet agrees in principle to the payment of compensation to AAA, I propose to settle relevant details with the Ministers for Finance and Industry, Technology and Commerce for inclusion in a further submission to Cabinet after the APMC meeting on 23 October.

11. Use of other Commonwealth Powers. At the request of the SPC on firearms in December 1987, a special APMC meeting in 1988 examined the question of banning the carriage of firearms by mail and courier services, and the banning of manuals relating to the construction of firearms. In both instances Commonwealth powers would enable the total or partial implementation of such bans, with State/ Territory legislation providing supplementation where required. I regard the first as unnecessary because the same result can be achieved more effectively by a national licensing regime, and the second as impractical, given the difficulty of implementation. (Sections L and M of Attachment A refer).

Commonwealth position on common firearms controls

12. The principal elements of the Commonwealth paper derive from the 1987 SPC on firearms, the 1988 special APMC and the recommendations of the NCV. Many are already incorporated in the legislation of individual jurisdictions, and I am confident that agreement can be achieved to implement common controls by the date proposed - 1 July 1992. I do not expect significant adverse reaction for the Commonwealth. The actual controls introduced in each jurisdiction are demonstrably the responsibility of the relevant government.

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13. Details of each element are set out at sections A-I of Attachment A. In summary, agreement is sought from all jurisdictions that the following regime should apply:

- licensing on a 'needs' basis to own a firearm, classes of licence, and certain records to be carried on the licence;
- a 'permit to purchase' requirement for each firearm, a 28 day cooling-off period and registration of all firearms;
- restrictions on the sale of ammunition, recording of sales, mandatory safe-keeping requirements;
- provisions for seizure of firearms and the cancellation of licences in certain circumstances.

14. The proposals for cancellation of licences and seizure of weapons arise from recommendations of the National Committee on Violence Against Women endorsed and supported by the Commonwealth/ State Ministers' Conference on the Status of Women. These proposals are that, where a protection order is made against an allegedly violent offender, all firearms and other dangerous weapons in his possession be confiscated automatically; all licences suspended; and issue and renewal of licences prohibited - the same to apply to other violent offenders. It is also proposed that police have discretion to seize firearms temporarily in appropriate circumstances.

15. Compensation for surrender of firearms. The Commonwealth paper supports the concept of amnesties as a means of reducing the number of firearms in the community, and notes that payment of compensation is essential to ensure a worthwhile response. Compensation is principally a State/ Territory responsibility. Precise numbers of firearms in the community are not known. Estimates range from 3.5 million to over 10 million. On this basis, compensation costs could be substantial. The Commonwealth paper does not volunteer a contribution. I propose that the Commonwealth consider such action on the condition that the States/ Territories meet appropriate firearms control standards, noting that this was contemplated at the 1987 SPC.

16. Media Campaign. A concerted effort by all jurisdictions to reduce the number of firearms would be a significant step toward realising the objectives of a less violent society, and would be considerably advanced by a co-ordinated national media campaign in 1992/3 coinciding with the implementation of

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tightened controls. I believe the Commonwealth should lead by undertaking to participate in the development of a co-operative funding arrangement with the States/ Territories and to contribute up to \$3M toward such a campaign. Details should be settled following State/ Territory agreement at the SPC. By comparison - the annual allocation for the Tax File Number campaign is about \$5.4M; a recent four month AIDS campaign cost \$2.7M; and the Federal election enrolment campaign cost in the order of \$15M.

17. Consultancy Costs. The NCV recommends the establishment of a national computerised firearms registry. Introduction of registries in those jurisdictions which do not have them is a feature of the Commonwealth paper (section D of Attachment A). Access to basic information bearing on assessment of the suitability of applicants for firearms licences - whether there are outstanding protection orders, convictions for violence etc. - is an essential element of the registry and checking process. Estimates for full implementation of the NCV recommendation with national access to all relevant information are as high as \$3M.

18. Supplementation of existing arrangements to link registries in all jurisdictions electronically appears likely to achieve substantially the same result at lower cost. There are several alternatives - supplementation of the existing National Exchange of Police Information (NEPI) system; use by NEPI of capacity which could be created by the AFP; or development of an appropriately sophisticated 'intelligent message switch' able to comprehensively interrogate information held in each jurisdiction. In my view, the relative costs and benefits of these alternatives can only be assessed adequately by high level consultants. The estimated cost for this work is \$90,000 and I seek additional funding for that purpose. It is intended that the consultant report to the May 1992 meeting of the APMC.

RECOMMENDATIONS

19. I recommend that Cabinet:

- (a) agree to the Commonwealth position on common firearms controls set out at Attachment A to be put to the 23 October meeting of the APMC in relation to restrictions on particular types of firearms, licensing,

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- permits to purchase, registration, restriction on ammunition sales, security requirements, provisions for suspension of licences, amnesty and compensation;
- (b) agree that all private domestic sales of self-loading firearms, their components and parts from the Small Arms Factory, Lithgow, and the private domestic sale of Defence surplus firearms other than those rendered irreversibly inoperable be banned;
 - (c) agree that the Australian Rifle Club Regulations be repealed;
 - (d) agree in principle to the payment of compensation to Australian Automatic Arms P/L, subject to a further submission to Cabinet seeking approval of quantum;
 - (e) agree that, if at the 23 October APMC meeting the States/Territories indicate that their agreement to join a significantly strengthened national firearms control regime is conditional upon Commonwealth contribution to compensation payments to persons surrendering firearms, the Minister for Justice and Consumer Affairs may indicate that the Commonwealth is prepared to consider appropriate cost sharing arrangements;
 - (f) agree that the Commonwealth will contribute up to \$3M of additional funding to a media campaign in 1992/3 to reduce firearms holdings in the community in the context of a co-operative arrangement with the States/Territories;
 - (g) agree to additional funding of \$90,000 in 1991/92 for consultancy services in relation to optimal means of linking firearms registries and providing access to information in support of licensing decisions.

27 September 1991

Michael Tate

CABINET-IN-CONFIDENCE

COMMONWEALTH POSITION PAPER ON REGULATION OF FIREARMS FOR
CONSIDERATION BY THE SPECIAL MEETING OF THE AUSTRALIAN POLICE
MINISTERS' COUNCIL (APMC) - 23 OCTOBER 1991

OVERVIEW

Stringent national controls on the availability, possession and use of firearms are essential to enhance the safety of the public and reduce the level of violence in our society.

2. The principle upon which the Commonwealth has approached this matter is that the possession of firearms in Australia is not a right but a conditional privilege. Consistent with the findings of the National Committee on Violence, the Commonwealth believes that the prevalence of firearms in the community, and their undoubted contribution to the risk of violent death, whether accidental or deliberate, demands a substantially more rigorous national approach to their control than has prevailed hitherto.

3. The Commonwealth urges the co-operation of all States and Territories to that end, recognising that controls can only be fully effective if there is substantial commonality of approach in all jurisdictions. Controls introduced by one or more jurisdictions are substantially weakened if they can be circumvented by traffic across borders from States or Territories with less stringent provisions.

4. An appropriate regime of firearms control should restrict possession and use to persons who are able to demonstrate a vocational or recreational need for a firearm and, indeed, for a particular type of firearm. It would deny possession in all other cases, and require the introduction of an integrated licensing and registration system common in all jurisdictions, incorporating the features discussed in this paper.

5. State and Territory governments have powers to regulate the possession and use of firearms within their jurisdictions. The Commonwealth has certain powers under the Constitution which may be used to supplement that regulation and actively to encourage the States and Territories to commit themselves to appropriate national arrangements. It is clearly preferable that the respective powers be used in a co-operative manner for the benefit of all jurisdictions.

6. Consistent with past resolutions of the APMC, and recognising that individual jurisdictions may have particular requirements, it is acknowledged that precise uniformity in the drafting of legislation is unlikely. The necessary level of commonality may, however, be achieved if each jurisdiction sets in place arrangements which are the equivalent of those in other jurisdictions in relation to the following key issues, which are further discussed at sections A-I below:

- . restrictions on particular types of firearms;
- . licensing;
- . permit to purchase;
- . registration of all firearms;
- . restrictions on ammunition sales;
- . recording of sales;
- . security requirements;
- . provisions for suspension of licences and seizure of firearms in certain circumstances;
- . amnesty and compensation.

7. This paper also deals with matters within Commonwealth control (sections J-M).

8. The Commonwealth proposes that a target date of 1 July 1992 be accepted for implementation nationally of common control arrangements.

A. RESTRICTIONS ON PARTICULAR TYPES OF FIREARMS

[Note: handguns (pistols, automatics, revolvers etc) are dealt with separately at paragraph 12 below].

9. Clearly, all firearms are dangerous. Equally clearly, self-loading firearms, particularly rifles, are capable of inflicting significantly greater damage than other models, and have featured in recent mass shootings. A genuine need to possess a self-loading firearm is sometimes confused with a mere inclination or preference to do so. Uses such as some professional forms of feral pest eradication are an example of need. The Commonwealth considers many of the other justifications commonly put forward for possessing self-loading firearms to be contrived or otherwise less than acceptable.

10. It is understood that the Northern Territory has banned competitive shooting which requires self-loading rifles. This approach is strongly supported on the basis that such competitions follow the availability of such weapons, and are therefore preferential and artificial rather than necessary uses. The Commonwealth urges all jurisdictions to give the most serious considerations to a total ban on ownership and possession of self-loading firearms.

11. Acknowledging that options exist as to detail, the Commonwealth proposes the following alternative positions for consideration by the APMC, noting that these positions are founded on the complementary use of both Commonwealth and State/ Territory controls:

- a. A total ban on the importation and possession of self-loading firearms.
- b. While maintaining the existing provisions in relation to other weapons dealt with under the Customs (Prohibited Imports) Regulations, a total ban on the importation and possession of self-loading rifles.

In both cases, the Commonwealth recognises that certain government and government authorised uses - e.g. police, corrective services, feral pest eradication - have a legitimate requirement for self-loading rifles, and accepts there is a case for limited imports to meet that

need. Exceptions to import controls could be made in those cases on the basis of a certificate issued by the relevant Commonwealth or State/ Territory Minister.

- c. While maintaining the existing provisions in relation to other weapons dealt with under the Customs (Prohibited Imports) Regulations, a total ban on the importation and possession of self-loading rifles, except for non-military rim-fire self-loading rifles on the basis of a Ministerial permit issued in the relevant jurisdiction.
- d. While maintaining the existing provisions in relation to other weapons dealt with under the Customs (Prohibited Imports) Regulations, a total ban on the importation and possession of self-loading rifles, except for non-military centre-fire and rim-fire self-loading rifles on the basis either of a Ministerial permit issued within the relevant jurisdiction or of a requirement that owners have a special class of licence (see section B below as to permits and licence conditions).

12. Handguns pose obvious special threats, and are the subject of strict licensing in all jurisdictions. The Commonwealth does not propose to strengthen existing import controls unless the States or Territories so request, but urges that all reconsider whether present licensing arrangements require tightening. Reference is also made to section B below.

13. Under the Customs (Prohibited Imports) Regulations, provision is made limiting detachable magazine capacity for centre-fire self-loading rifles and for self-loading shotguns to 5 rounds. Such a provision is clearly of limited value if owners can attach a larger capacity magazine once the relevant firearm has been imported. The Commonwealth therefore proposes, for consideration by all jurisdictions, a ban (other than in the case of government or government authorised users) on the sale, possession and use of detachable magazines of more than 5 rounds capacity for centre-fire and rim-fire self-loading rifles, and for shotguns.

Outcome considered essential:

- that all jurisdictions agree to implement a common approach to the possession of self-loading firearms.

B. LICENSING

14. Licensing provides an essential mechanism for evaluating the character and thus the suitability of a person to possess a firearm. A licence should only be issued by the jurisdiction in which the applicant is permanently resident.

15. Recognising that certain firearms are inherently more dangerous than others, the Commonwealth proposes that classes be established within the licensing system such that an applicant's justification for possessing a particular class of firearm may be scrutinised.

16. In the event that a total ban on self-loading firearms is accepted, two classes of licence are suggested - handguns; and all other firearms.

17. In the event that States and Territories do not accept a total ban on the possession of self-loading firearms, it is the Commonwealth's view that these weapons should be the subject of a separate (third) class of licence.

18. Licensing should depend on the establishment of 'need' on the part of the applicant to possess a firearm of the type in question. Rural property owners and their employees, genuine professional hunters and members of recognised shooting clubs are examples. In the case of both handguns and self-loading firearms, if these are to be permitted, it is the Commonwealth's view that a particularly stringent test of 'need' should apply, and that a Ministerial permit should be required for the possession of both handguns and centre-fire self-loading firearms.

19. The definition of 'need' is clearly a matter for individual jurisdictions. It is noted, however, that consistency between jurisdictions is essential to the success of a national system of firearms control. It is therefore recommended that all jurisdictions agree to the detail of identical criteria, and as to uniform interpretation of these and other elements of firearms controls, and that this be achieved through consultation between Police Ministers, to be completed within two months of the Special Premiers' Conference in November.

20. The requirement to demonstrate 'need' provides an opportunity to assess the suitability of a particular firearm for the stated purpose, and to code licences by reference to a schedule of permitted uses. In this way lawful use may be limited to the stated purpose, and different use would be unlawful.

21. In addition to the demonstration of 'need', a licence applicant should be required to prove identity, be of fit and proper character, and should undertake adequate training to demonstrate safety consciousness. Licences should bear a photograph of the licensee and be endorsed with a description of the firearm for which the holder is licensed. They should be issued for a period of no more than three years, in order to permit evaluation of changed circumstances, such as retirement in the case of a farmer, and should be conditional upon the licensee undertaking to keep firearms in secure storage.

22. Provision should be made for the immediate withdrawal of a licence and confiscation of relevant firearms in the event the holder comes to the attention of the licensing authority in circumstances constituting loss of fitness - domestic violence, criminal activity etc. (see section H below) - or breach of licensing conditions.

14.

23. In order to facilitate lawful pursuit of sporting and other purposes, it is recommended that all States and Territories recognise licences and permits to purchase issued in other jurisdictions.

Outcome considered essential:

- that all jurisdictions agree that licences
 - . be issued only to residents of proven identity;
 - . be issued on the basis of appropriate character, qualification and 'need' (uniform definition to be agreed between jurisdictions);
 - . be endorsed with a description of the firearm(s) for which the holder is licensed.

Outcomes considered desirable:

- that all jurisdictions agree that handguns and centre-fire self-loading firearms require the issue of a Ministerial permit;
- that licences be issued for periods of no more than 3 years;
- that a licence bear a photograph of the holder.

C. REQUIREMENT TO OBTAIN A PERMIT TO PURCHASE EACH FIREARM

24. Assessment of the validity of a claim that a firearm is needed is substantially related to the question of what other firearms the applicant already possesses. The requirement of a permit therefore has significant potential to limit the total number of firearms in the community.

25. The issue of a permit should be subject to a 28 day cooling-off period, which also enables appropriate checks to be made on licensees in order to discover whether circumstances have occurred since the issuing of the original licence which would render the licensee unsuitable.

Outcome considered essential:

- that all jurisdictions agree to require a 'permit to purchase' incorporating a 28 day cooling off period.

D. REGISTRATION OF ALL FIREARMS

26. The registration of all firearms - by serial number and type matched to the name of the licence holder - is a fundamental element of a comprehensive licensing system. The Commonwealth urges jurisdictions which do not already have such arrangements to agree to their immediate introduction. Clearly there will be benefits for all jurisdictions if new registry arrangements are developed on a uniform basis, and the Commonwealth urges consultation to that end.

27. As soon as practicable, it is highly desirable that all registries be linked in a manner which provides ready access by each jurisdiction to registries in other jurisdictions, and which offers a means of checking certain basic information bearing on the assessment of the suitability of applicants for licences - whether there are outstanding protection orders, convictions for violence, loss of licence in another jurisdiction etc.

28. There are clearly several options for linkage and provision of a central information base, including use of the National Exchange of Police Information system (when properly developed), use by NEPI of AFP network and capacity which could be made available by the AFP on a bureau basis, and the development of an appropriately sophisticated message switch able to interrogate information held in each jurisdiction.

29. In the Commonwealth view, insufficient information is available at this time to provide a sound basis for a final decision in favour of any of these alternatives. It is therefore proposed that an appropriate high level consultant be retained to report to the May 1992 meeting of APMC as to preferred options and costs. The Commonwealth would meet the cost of such a consultancy to an amount of \$90,000.

Outcome considered essential:

- that all jurisdictions agree:
 - . to require that all firearms be registered, recording the names of licence holders, the serial number and type of firearms held by each;
 - . that a national linkage of registries be established with capacity to interrogate relevant information holdings.

E. RESTRICTIONS ON THE SALE OF AMMUNITION

30. The sale of ammunition and its components other than to the holder of a current firearms licence should be prohibited, and the ammunition sold should be consistent with the type of weapon endorsed on the licence. It is recognised that a licensee could still purchase ammunition or components with the intention of providing it to another person or using it in other than a licensed firearm. The restriction on sale is nevertheless considered an important means of limiting unlicensed shooting and motivating individuals who may not be licensed to join the controlled regime. Retailers of ammunition and components should be required to record the licence number, the amount and type of ammunition purchased, with a view to periodic inspection of records by police.

Outcome considered essential:

- that all jurisdictions agree to limit ammunition and its components sales to licence holders, for the firearms endorsed on the licence.

F. RECORDING OF SALES

31. The National Committee on Violence recommended that firearm sales be limited to licensed gun dealers, and that change of ownership be notified to registration authorities.

32. Noting that failure to do so must weaken the integrity of the licensing and registration regime, the Commonwealth supports the introduction of obligations, under penalty, on both sellers and purchasers (whether business or private) to ensure that the purchaser is appropriately licensed and holds a permit to purchase, and that the change of registered ownership is effected.

Outcome considered essential:

- that all jurisdictions impose an obligation on business and private sellers and purchasers of firearms to ensure that purchasers are appropriately licensed and hold a permit to purchase, and that the change of ownership is registered.

G. SECURITY REQUIREMENTS

33. In the Commonwealth's view all firearms and ammunition should be stored in locked repositories. The granting and continuation of a licence should be conditional on compliance with this requirement, and police should have appropriate powers of inspection.

34. The Commonwealth also notes that a number of options are available to States and Territories to encourage the storage of firearms in central secure locations such as secure club premises. These might include offering reductions in licence, permit, registration, inspection and other fees; or introducing a requirement that all firearm owners pay a third party insurance fee similar to that paid by the owners of motor vehicles, and permitting deductions to those who choose to meet particular standards.

Outcome considered essential:

- that all jurisdictions agree to require the storage of firearms and ammunition in locked repositories.

H. SUSPENSION OF LICENCES AND SEIZURE PROVISIONS

35. The Commonwealth advocates that relevant legislation in all jurisdictions set out the circumstances in which licences are to be cancelled and all relevant firearms seized - eg. if it is shown that a licence holder has breached licence conditions or is otherwise no longer suitable to possess a firearm.

36. In particular, and on the basis of recommendations by the National Committee on Violence Against Women, endorsed and supported by the Commonwealth/ State Ministers' Conference on the Status of Women, the Commonwealth proposes that, where a protection order is made against an alleged violent offender in any jurisdiction, all firearms and other dangerous weapons in the possession or control of that person be confiscated automatically, all firearm licences issued to that person be suspended, and the issue and renewal of licences to that person be prohibited - the same to apply to other violent offenders.

37. Police should also have discretion to seize firearms temporarily where such action is warranted, eg. where there is a complaint of domestic violence.

Outcome considered essential:

- that all jurisdictions require the suspension of relevant firearms licences, prohibit the issue or renewal of licences, and require the seizure of all firearms in the possession or control of persons against whom a protection order is made or other violent offenders.

I. AMNESTY AND COMPENSATION FOR SURRENDER OF FIREARMS

Amnesty

38. Reduction in the total number of firearms is a central element in the campaign to reduce violence in the community.

Amnesties are a necessary strategy to that end, and may be expected to reduce the total number of firearms and to encourage owners to apply for licences.

39. The National Committee on Violence recommended a permanent amnesty. Whether jurisdictions favour this option or prefer a finite period, significant effort should be made at the outset to persuade firearm owners to comply with relevant controls, warning of strict application of penal provisions where firearms are not voluntarily surrendered.

Media Campaign

40. The Commonwealth suggests that all States and Territories consider participation in a co-ordinated national media campaign to reduce the number of firearms held in the community by promoting their surrender. The Commonwealth would participate in the development of a co-operative funding arrangement, and would contribute up to \$3M for this purpose.

Compensation

41. It is recognised that many owners are unlikely to surrender firearms unless they receive monetary compensation. Consistent with this view, if the surrender of firearms is judged to be in the public interest, then public funds should be applied for this purpose, regardless of whether or not the weapons were legally procured.

42. In the case of self-loading firearms, consideration might be given to offering sums calculated in part with reference to the date of purchase, given changes in values following introduction of amendments to the Customs (Prohibited Imports) Regulations on 19 December 1990. Consideration could also be given to offering compensation only in the first three months of an amnesty.

43. The most dangerous weapons widely held in the community (legally and otherwise) are self-loading rifles. The Commonwealth believes there would be merit in limiting offers

of compensation to those firearms. No reliable figures of total numbers of self-loading or other firearms in Australia are available. Estimates vary from above 10 million to the 3.5 million suggested to the National Committee on Violence.

44. If it is decided to offer compensation, the Commonwealth believes that each jurisdiction should be responsible for the costs incurred, noting that Victoria has acknowledged that responsibility in making payments for surrendered weapons since December 1988, and similar acknowledgement in the terms of recent A.C.T. legislation.

45. If offered, a common basis for compensation as between jurisdictions appears essential. If not achieved, it is probable that gun owners will surrender their firearms in the State/Territory which offers the best 'price'.

Outcome considered essential:

- that all jurisdictions agree to participate in a national amnesty and media campaign.

J. SALES FROM COMMONWEALTH SOURCES

46. The Commonwealth has already banned the sale of automatic and self-loading firearms from the Small Arms Factory (SAF), Lithgow other than to government authorities. It has also banned the domestic sale of Defence surplus self-loading firearms unless rendered irreversibly inoperable. It will now ban the private domestic sale from the SAF of components for manufacture and spare parts for these firearms, and of all Defence surplus firearms unless rendered irreversibly inoperable.

K. RIFLE CLUBS ESTABLISHED UNDER DEFENCE LEGISLATION TO BE BROUGHT UNDER STATE/TERRITORY LICENSING LAWS

47. Consistent with a recommendation by the National Committee on Violence, and as indicated to the 1987 Special Premiers' Conference, the Commonwealth is of the view that the immunity

of members of rifle clubs established under Defence legislation from relevant State and Territory controls is anomalous and an unnecessary use of Defence powers.

48. Much of the legislation regulating the association between Defence and the rifle shooting movement has fallen into disuse since the late 1950's, when there was official recognition that rifle clubs were of marginal relevance to Defence training. At Defence insistence, rifle clubs have become progressively self-managing. The greater part of the Australian Rifle Club Regulations ('the Regulations') are concerned with the administration of clubs and the structure of governing bodies. Most of these provisions are inoperative.

49. The precise nature of the association between Defence and rifle clubs is clouded by widely held misconception. It is mistakenly believed by many persons that the relationship is governed by what are known as 'Instructions for Rifle Clubs 1960'. These were issued (as transitional arrangements only) following the then government's decision in 1959 that Defence should disengage from rifle club activities. The 'Instructions' have no legal status, and most obligations envisaged by them are no longer recognised by Defence.

50. The provisions of the Regulations of most interest to rifle clubs are evidently those conferring exemption from State liquor and firearms legislation. There are no orders currently in force under the Regulations or the Defence Act governing the conduct of activities on a range, the conditions under which a rifle club member may possess, use or carry a firearm, or the standards of safety on a range.

51. One of the main arguments raised by rifle clubs to justify Defence legislation has been that national and international rifle shooting competition would be put in jeopardy if rifle shooters were subject to differing State laws when interstate for competition. Recently the APMC agreed that all jurisdictions would recognise on a reciprocal basis licences

held by rifle shooters who are interstate for competition, subject to all jurisdictions having in place licensing or registration requirements.

52. Legislation repealing the Australian Rifle Club Regulations was disallowed by the Senate in 1988. The Commonwealth believes that rifle clubs should be required to comply with controls in force in relevant jurisdictions, and will reintroduce repealing legislation.

53. Acknowledging that there is uncertainty as to precise numbers of members of Defence rifle clubs, the following approximate membership figures are provided for the National Rifle Association of Australia (NRAA) and the Australian Smallbore and Air Rifle Association (AS & ARA):

	NRAA	AS & ARA
New South Wales	2500	800
Victoria	1520	850
Queensland	1070	300
South Australia	760	300
Western Australia	1570	300
Tasmania	170	100
Northern Territory		30

L. CARRIAGE OF FIREARMS BY MAIL, COURIER ETC

54. It is presently not illegal to send firearms through the mail, although it is illegal (in order to protect the safety of postal workers) to send ammunition. There is no restriction on carriage of firearms by courier or equivalent services.

55. The Commonwealth has the power under the Constitution to ban the carriage of firearms between jurisdictions by mail, courier or similar means.

56. The transfer of firearms between Australian jurisdictions by these methods is relevant for present purposes only where

the transfer is intended to avoid controls or to obtain weapons illegally, eg. by a person in a jurisdiction which requires licensing, registration etc. from a jurisdiction which does not. These means of transfer are also used quite legitimately for the movement of firearms without the intention to circumvent controls - eg. by persons in remote areas seeking repairs or parts for firearms.

57. The difficulty perceived at the time of the March 1988 Special APMC was to distinguish legitimate from illegitimate use of the mail etc, and to frustrate only the latter - without imposing a complex checking regime. The restriction considered in 1988 was on the carriage of automatic and self-loading firearms only. Because it was clearly not feasible to have Australia Post or a courier judge the character of the firearm in question, a complex system of certification appeared necessary, and the restriction was not implemented.

58. Regulation of post and courier services would be difficult, expensive and probably easy to avoid. As far as Australia Post and its competitors are concerned, firearms are treated as normal freight as, by themselves, they pose little danger to employees. To require carriers to administer the complex system of checks and authorisations envisaged under the 1988 exercise would be oppressive and costly.

59. Effective controls at the point of sale and/or importation into Australia offer much greater prospects of stopping the spread of firearms and would be a more logical approach.

60. Implementation of common legislation in all jurisdictions would cast considerable doubt on the value of a ban conceived as a means of preventing the evasion of controls in particular jurisdictions, because that commonality would itself remove the basis on which evasion was possible.

61. A further consideration inclining the Commonwealth away from a total ban on carriage by mail services etc is the burden which this would impose on persons in remote

locations. The Commonwealth suggests that this matter be taken no further.

M. AVAILABILITY OF MANUALS RELATING TO THE CONSTRUCTION OF FIREARMS

62. Consistent with a request from the Special Premiers' Conference of December 1987 that Police Ministers report back on this subject, the Special APMC in March 1988 resolved, inter alia, to support the imposition of restrictions on the availability of manuals relating to the construction of weapons, requesting each jurisdiction to take whatever action it considered necessary. This did not include publications dealing with the assembly of firearms, parts and maintenance and operating instructions which are necessary for the proper and safe use of firearms.

63. Under the Constitution there are a number of options available to the Commonwealth to restrict the availability of manuals - including the customs power, the corporations power and in the area of interstate trade. It is clear, nevertheless, that fully effective action would require complementary State and Territory legislation.

64. The Commonwealth has doubts, however, that a useful purpose would be served by restriction, and proposes that this matter be taken no further. Reasons for this include:

- . the difficulty in distinguishing between parts of a publication which may and may not infringe a restriction;
- . the extreme difficulty in many instances of distinguishing a publication which deals (legitimately) with assembly, repair and operation from one which might be interpreted as a 'construction manual';
- . the general unavailability of parts for construction because of import controls and the prohibition on sales from the SAF, Lithgow; and

. the improbability that individuals would in fact seek to construct firearms to an extent which warranted the considerable burdens imposed in administering restrictions of this type.

COMMONWEALTH POSITION ON FIREARMS CONTROLS

- DETAILS OF COSTINGS:**
- . CONSULTANCY ON FIREARMS REGISTRY AND INFORMATION LINKAGE (\$0.09M)
 - . COMMONWEALTH CONTRIBUTION TO NATIONAL MEDIA CAMPAIGN (\$3.0M)

	1991-92	1992-93	1993-94	1994-95
PROPOSAL ELEMENTS				
ATTORNEY-GENERAL'S PORTFOLIO				
6.1 Australian Federal Police (\$M)	0.09	Nil	Nil	Nil
6.5 Admin (\$M)	Nil	3.0	Nil	Nil
Subtotal	0.09	3.0	Nil	Nil
Included in Above. Salary Costs (\$M)	Nil	Nil	Nil	Nil
ASL (Staff Years)	Nil	Nil	Nil	Nil
OFFSETTING SAVINGS				
	Nil	Nil	Nil	Nil
Subtotal (\$M)	Nil	Nil	Nil	Nil
Net Cost (\$M)	0.09	3.0	Nil	Nil
Revenue (\$M)	Nil	Nil	Nil	Nil

CO-ORDINATION COMMENT - CABINET SUBMISSION ON COMMONWEALTH POSITION ON FIREARMS CONTROLSDepartment of Defence

No comment.

Department of the Prime Minister and Cabinet

2. The Department supports the Submission, with the exception of the recommendations for compensation, the ruling out of a possible mail order ban and the position on import controls.

Compensation

3. PM&C notes that compensation arrangements are principally a State and Territory responsibility but considers that there is a strong national interest in promoting a less violent society and that a firearms surrender scheme which would include compensation may be an essential element of a more rigorous approach to gun control.

4. Accordingly, PM&C suggests that Ministers might consider agreeing in principle to a Commonwealth contribution of, say, up to 25% towards compensation under any appropriate firearms surrender scheme agreed to by the States and Territories but only in the context of a significantly tougher and national approach to gun control.

5. Such an approach would be for the purpose of allowing Senator Tate to negotiate with the States and Territories at the Australian Police Ministers' Council Meeting and then bringing forward a further Submission on the details of any compensation scheme proposed, including the best information available on the likely cost.

6. PM&C considers that compensation by the Commonwealth for Australian Automatic Arms Pty Ltd is not warranted. Many Australian companies, which have been similarly affected by Government decisions and which could make an equally strong case, have not been compensated.

Mail Order Bans

7. PM&C notes that the Commonwealth has the power under the Constitution to ban the carriage of firearms between States and Territories by mail, courier or similar means. While conscious of the difficulties involved, especially those for people in remote areas, PM&C considers that the Commonwealth position should be to seek the views of the States and Territories on this issue, having mentioned the problems, rather than proposing at the outset that a mail order ban not be pursued.

Import Controls

8. PM&C notes that the Submission does not propose to strengthen import controls unless the States and Territories so request. PM&C considers that the Commonwealth should keep open the option of unilateral action, for example to place a complete ban on all self-loading firearms, if agreement cannot be reached with the States and Territories. Further consideration could be given by the Commonwealth to tighter import restrictions on handguns whether or not there is agreement by the States and Territories.

Department of Transport and Communications

9. The Department supports the Commonwealth position on common firearms controls set out at sections L and M of Attachment A to the Submission. The Department agrees that restrictions on the carriage of firearms by mail or courier services are unnecessary as the improvements proposed to the licensing regime would be more effective.

10. Effective controls at point of sale or entry into Australia would remove any need to regulate the carriage of firearms through the post and regulation of post and courier services would be difficult, expensive and probably easy to avoid.

Department of Finance

11. Finance suggests that Ministers be mindful of the budgetary outlook for the 1991-92 and 1992-93 financial years and not enter into open-ended commitments of the sort proposed in the Submission.

12. In particular, Finance draws Ministers attention to the following:

- . to introduce a comprehensive and fully effective licencing system as proposed is likely to be an expensive exercise;
- . the Submission does not quantify the potential cost of compensation to gun owners (nor does it address the effectiveness of such a proposal in halting violent acts); and
- . the costs of establishing an on-line national computerised firearms registry, linking all jurisdictions could be substantial depending on the option pursued. In this regard, Finance notes that the recently proposed Law Enforcement Access Network (an on-line central data base of land and corporate data) is estimated to cost \$20m to establish with recurrent costs of some \$7m per annum. Finance also points out the significant costs involved in establishing the expanded on-line Cash Transaction Reports Agency facility (about \$24m over the 5 year period commencing in 1991-92).

13. Finance suggests that it is highly likely that the States/ Territories will press for financial assistance from the Commonwealth to implement such initiatives. The potential cost of a Commonwealth contribution towards compensation for gun owners could be very significant. This is a State responsibility.

14. Regarding the proposal for a media campaign, Finance considers that an equitable cost-share arrangement between the Commonwealth and the States/ Territories should be established before the Commonwealth commits funds.

15. Finance further considers that any in-principle decision to compensate Australian Automatic Arms P/L (AAA) should be deferred pending further advice from the Minister outlining the basis the proposed compensation and addressing the following matters:

- . whether AAA could still retain access to the supply of barrels, but production be for export only; and
- . whether other business is available perhaps by restructuring AAA's operations.

16. Finance also considers that the cost of any consultancy services should be funded from within existing running costs resources.

17. The measures proposed that do not appear to have significant financial implications for the Commonwealth are those to achieve a tighter regime in relation to the control, licencing and registration of firearms and ammunition, as well as those covered by recommendations (b) and (c) of the Submission.

Department of Industry, Technology and Commerce

18. No comment.

Department of the Arts, Sport, the Environment, Tourism and Territories

19. DASETT supports the Submission.

20. DASETT notes the statement in the Submission that gun controls are principally matters for the States/Territories to determine, and points out that in respect of the non-self-governing Territories, this responsibility remains with the Commonwealth Government, which has plenary legislative powers in respect of the Territories. In this context, DASETT makes the following further comments:

- if the proposed Commonwealth position is considered to require legislative action in respect of the non-self-governing Territories, this would require further consideration by the Minister for the Arts, Sport, the Environment, Tourism and Territories (in respect of the Antarctic territories) and the Minister

for the Arts, Tourism and Territories (in respect of other territories);

- in the case of the Indian Ocean Territories (Christmas Island and the Cocos (Keeling) Islands), it should be noted that the Government has recently decided (CM 15778) to apply Western Australian law, as in force from time to time, to the Indian Ocean Territories, with effect from 1 July 1992; accordingly, decisions by the Western Australian Government will be expected to determine the legal situation with regard to gun control in the Indian Ocean Territories (though the Commonwealth will retain an ordinance-making capacity);
- in the case of Norfolk Island, firearms is a matter within the control of the Norfolk Island Legislative Assembly, and decisions on gun control should be left to the Norfolk Island Government; given that Norfolk Island is not represented in the Australian Police Ministers' Council, decisions of the October meeting will need to be specifically conveyed to the Norfolk Island Government, through DASETT; and
- in the case of the Antarctic territories, the laws of the Australian Capital Territory, and the criminal laws in force in the Jervis Bay Territory, apply; accordingly, decisions by the ACT Government will be expected to determine the legal situation with regard to gun control in the Antarctic territories (though the Commonwealth retains an ordinance-making capacity).

21. The Australian Sports Commission (ASC) has had insufficient time to consult with all affected national sporting organisations on the recommendations of the Submission, and therefore is not able to provide a co-ordination comment.

22. In the short time available for consultation it is the ASC's understanding that the National Rifle Association would not object to its members' activities coming under State/Territory legislation provided State/Territory gun laws are uniform.

Treasury

23. While supporting the development of a uniform national policy on firearms, Treasury considers that the cost of implementing the proposals set out in the Submission requires further development before they can be sensibly assessed.

24. For example, the Submission is silent on the costs of compensating existing firearm owners, of a comprehensive licensing system and of a national firearms registry. Treasury also considers that a memorandum providing an assessment of all options regarding the future of Australian Automatic Arms P/L would be desirable before any decisions are taken regarding compensation and closure.

CABINET-IN-CONFIDENCE

31.

25. Finally, it considers that the Commonwealth should not make a firm commitment on a contribution to a media campaign to reduce firearm holdings in the community until the States have also made commitments.

Australian Customs Service

26. The ACS supports any proposal which would establish a common approach to firearms control throughout Australia, including import control.

27. The ACS emphasises that any new controls which would depend on administration of new provisions under the Customs (Prohibited Imports) Regulations must be capable of effective administration. To a significant degree this will require the existence of complimentary controls on domestic manufacture and possession of firearms.

28. Customs officers do not have the expertise to scrutinise firearms at a professional level to determine their import status. For this reason the ACS believes that the Australian Federal Police should advise it on such matters.

29. The Submission points out that amendments to the Customs (Prohibited Imports) Regulations will be required. The coverage in the existing Regulations suffers from complexity and fragmentation with prohibitions referred to in Regulations 2(1) and 4D as well as Schedules 1, 2 and 3. For this reason the ACS would propose that all firearms controls be consolidated into a single Regulation.

30. The ACS will need to be consulted on all aspects of import administration prior to the Commonwealth's final position being put to the Special Premiers' Conference (SPC).