Australian Government
NATIONAL ARCHIVES OF AUSTRALIA
Your story, our history

These copies are provided for research or study purposes. Before making use of the material for other purposes (for example publication) you should familiarise yourself with any copyright obligations.

NAA: A14039, 8399

Series number: A14039
Control symbol: 8399
Barcode: 31750850
Number of pages: 23

Cabinet Submission 8399 - Special Premiers' Conference November 1991 - national firearms controls - Decision 15980

CABINET - IN - CONFIDENCE

Copy No. 47

CABINET MINUTE

Canberra, 7 November 1991

No. 15980

Submission 8399 - Special Premiers' Conference November 1991: National Firearms Control

The Cabinet noted:-

(a) the Australian Police Ministers' Council (APMC) paper on a national approach to firearms controls for submission to the November 1991 special Premiers' Conference (SPC); and

(b) that the Minister for Justice and Consumer Affairs would bring forward for Cabinet consideration a further submission on assistance to Australian Automatic Arms Pty Ltd.

2. The Cabinet agreed that the Prime Minister, while proposing to Premiers and Chief Ministers at the SPC that the APMC recommendation on the issue of firearms licensing, seizure and re-licensing during the currency of a protection order should be endorsed, should also seek agreement:-

.../2

This document is the property of the Australian Government and is not to be copied or reproduced
CABINET - IN - CONFIDENCE

CABINET - IN - CONFIDENCE

Copy No. 47

No. 15980 (contd)

(a) that the APMC be directed to consider immediately extending the period after the expiration of a protection order, before a person subject to the order may apply for a firearm licence; and

(b) to more far-reaching national firearms controls including:-

(i) an Australia-wide ban on possession of semi-automatic weapons banned from import;

(ii) a scheme of compensation for compulsory surrender of semi-automatic firearms, including the possibility of funding by a State levy on gun licences;

(iii) a requirement that a "permit to purchase" be obtained for each new firearm; and

(iv) recording by each jurisdiction of the particulars of firearms held by gun licence-holders.

3. The Cabinet also agreed that the Australian Customs Service be involved at an early stage in settling any details required to give effect to the final position agreed at the special Premiers' Conference.

M. Codd

Secretary to Cabinet

This document is the property of the Australian Government and is not to be copied or reproduced
CABINET - IN - CONFIDENCE

Submission No. 8399

FOR CABINET

Copy No 0047

Title

SPECIAL PREMIERS' CONFERENCE NOVEMBER 1991: NATIONAL FIREARMS CONTROLS

Minister

Senator the Hon Michael Tate, Minister for Justice and Consumer Affairs.

Purpose/Issues

To note a paper on a national approach to firearms control agreed by the Australian Police Ministers' Council for consideration at the Special Premiers' Conference (SPC) in November.

RECEIVED
- 1 NOV 1991
CABINET OFFICE

Relation to existing policy

The position proposed is consistent with previous decisions by meetings of Premiers, the Australian Police Ministers' Council (APMC) and Cabinet.

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

No.

Agency: Critical/significant dates

The paper is to be considered by the Special Premiers' Conference on 20/21 November and must be lodged with the Commonwealth/ State Relations Secretariat by 6 November.

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; Treasury; Australian Customs Service.

- **Is there agreement?**

No. PM&C raises concerns about bans on particular firearms and other controls. PM&C, Finance and Treasury refer to the compensation issue. DASETT raises the issue of an uniform registration system. Refer Attachment B for detail.

Timing/handling of announcement

The elements of the paper were the subject of a media release following the APMC meeting on 23 October. A further announcement should follow the Special Premiers' Conference in November.

Cost

Fin Yr (91 — 92)	Fin Yr (92 — 93)	Fin Yr (93 — 94)
Nil	Nil	Nil

This document is the property of the Australian Government and is not to be copied or reproduced

BACKGROUND

By Decision Number 15879 of 9 October 1991, Cabinet agreed the terms of a Commonwealth position paper on firearms controls (Submission 8325) to be put to a special meeting of the APMC on 23 October. The Commonwealth position paper was circulated to all jurisdictions and formed the basis of discussion by the APMC.

PAPER ON NATIONAL FIREARMS CONTROLS

2. The paper at Attachment A flows from the APMC meeting, and constitutes the joint advice of Police Ministers to Premiers as to the minimum standard of firearms controls which should be adopted by all jurisdictions.

3. Positions taken in the paper differ from those proposed in the Commonwealth's paper to the APMC in that:

(a) the APMC has resolved to ban the sale, transfer or exchange rather that the possession of military-style self-loading firearms, and self-loading centre fire-rifles and self-loading shotguns with detachable magazine capacity exceeding 5 rounds;

(b) the APMC did not accept a proposed resolution that a 'permit to purchase' be required for each firearm; and

(c) three States (New South Wales, Queensland and Tasmania) did not accept that all firearms should be registered.

4. I believe, nevertheless, that the agreed minimum national firearms controls outlined in the paper constitute a significant advance over the position previously applying. In my judgement, the level of agreement achieved was the highest that could reasonably be expected in all the circumstances, and warrants Cabinet's support.

5. All jurisdictions confirmed the existing prohibition on the possession of fully automatic firearms other than for official purposes, and the existing tight restrictions on the importation and possession of all handguns. All have agreed to prohibit the sale, transfer or exchange of:

(a) military-style self-loading firearms; and
(b) all self-loading centre-fire rifles and self-loading shotguns which have a detachable magazine capacity of more than 5 rounds;

with exceptions to import restrictions for government or government approved uses on the basis of a Ministerial certificate, and exceptions to the prohibition on sale, transfer or exchange on the basis of a Commissioner's permit.

6. Other elements of the agreed policy include:

(a) a strict licensing regime based on "genuine reason";
(b) restriction on the sale of ammunition to licence holders and recognised collectors;
(c) obligations on both seller and purchaser (business or private) to ensure the purchaser is licensed;
(d) a requirement for separate secure storage of firearms and ammunition;
(e) provision for seizure of firearms and suspension of licences when there is a breach of licence conditions, where a protection order is made against an alleged violent offender, and in other cases of violence;
(f) participation by all jurisdictions in a public awareness campaign with the object of increasing safety consciousness and reducing the number of firearms held in the community by promoting their surrender; and
(g) the establishment of amnesties by all jurisdictions to promote the surrender of firearms.

7. By Decision 15879, Cabinet agreed that I could indicate to APMC members that the Commonwealth would consider appropriate cost sharing arrangements in relation to persons surrendering firearms, provided States and Territories indicated that their

agreement to join a significantly strengthened firearms control regime was conditional upon Commonwealth contribution to compensation. The agreed controls set out in Attachment A are not conditional. Indeed, given the decision to ban sale, transfer and exchange of certain firearms rather than their possession, the requirement for compensation will be much reduced.

8. I believe, however, that consideration could be given to compensation in two classes of case:

(a) where a person previously licensed to possess a military-style self-loading rifle or a non-military style self-loading centre-fire rifle or shotgun with a detachable magazine capacity of more that 5 rounds fails the more stringent licensing test proposed by APMC; and
(b) in cases of voluntary surrender of the firearms mentioned above in circumstances where they are otherwise legally held.

9. The APMC is considering the question of compensation out of session with a view to providing an agreed recommendation by the time of the SPC. I anticipate the Premiers will be briefed to seek a commitment from the Commonwealth, but do not believe it would be appropriate at that stage to offer more than an undertaking to consider the matter.

10. Further consideration is also being given by the AMPC out of session to the details of licence categories, 'genuine reason' criteria for licensing purposes, possible fee structures for licensing and related purposes, and the recording of certain information either by registries or possibly by licensed firearms dealers.

AUSTRALIAN AUTOMATIC ARMS P/L (AAA)

11. Cabinet's decision in principle to assist AAA followed acknowledgement that the decision to ban private domestic sales of components from the Small Arms Factory, Lithgow would

effectively close the company. Even if continued manufacture was possible, APMC's agreed limitations on the company's sole product (self-loading rifles) would severely limit viability.

12. Cabinet agreed that assistance to AAA should be settled by the Minister for Finance and me. It will not be possible to conclude an examination of all relevant factors for some weeks, and I ask Cabinet to note that a further submission will be made on this matter.

RECOMMENDATIONS

13. I recommend that Cabinet agree:

(a) to note the Australian Police Ministers' Council paper on a national approach to firearms controls for submission to the Special Premiers' Conference; and

(b) to note that I will bring a further submission to Cabinet on assistance to Australian Automatic Arms P/L.

28 October 1991

Michael Tate

CABINET-IN-CONFIDENCE

A PAPER ON A NATIONAL APPROACH TO

THE CONTROL OF FIREARMS FOR THE SPECIAL

PREMIERS' CONFERENCE 21/22 NOVEMBER 1991

CABINET-IN-CONFIDENCE

CABINET-IN-CONFIDENCE

INTRODUCTION

The purpose of this paper is to obtain endorsement, at the highest political level, of the minimum standard elements of a common national approach to firearms controls, together with agreement that all necessary legislative and administrative changes to implement agreed controls will be in place by 1 July 1992.

2. Following the Hoddle and Queen Street massacres of 1987, a Special Premiers' Meeting was called on 22 December 1987 to discuss means of limiting the spread of firearms and controls on their possession. The Meeting identified a number of issues for further examination by the Australian Police Ministers' Council (APMC), and agreed to the establishment of a National Committee on Violence (NCV) to examine the causes of violence in Australia.

3. At a meeting of the APMC in March 1988, a number of proposals for the reform of firearms controls were agreed, but have not been uniformly implemented.

4. The NCV reported in January 1990. Responses to its recommendations other than in relation to firearms are the subject of a separate submission to the Special Premiers' Conference. The NCV's recommendations in relation to firearms are substantially adopted in the proposals set out below. Those proposals constitute the agreed position of the APMC, reached at a special meeting on 23 October 1991.

B. BACKGROUND

5. 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.

CABINET-IN-CONFIDENCE

6. The principle upon which the APMC has approached this matter is that the possession of firearms in Australia is not a right but a privilege and, as such, is subject to certain conditions.

7. Consistent with the findings of the National Committee on Violence, the APMC 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 rigourous national approach to their control than has prevailed hitherto.

8. All members of the APMC recognise that controls can only be fully effective if there is substantial commonality of approach in all jurisdictions. Controls are substantially weakened if they can be circumvented by traffic across borders from States or Territories with less stringent provisions.

9. An appropriate regime of firearms control should restrict possession and use to persons able to demonstrate a genuine reason for requiring a firearm. It would deny possession in all other cases, and require the introduction of an integrated system incorporating licensing and other controls common in all jurisdictions.

10. 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. It is clearly preferable that the respective powers be used in a co-operative manner for the benefit of all jurisdictions.

11. 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 and meet the minimum standards set out at sections C and F below in relation to the key issues.

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

C. RESTRICTIONS ON PARTICULAR TYPES OF FIREARMS

13. Clearly, all firearms are potentially dangerous. Self-loading firearms, particularly those with large magazine capacity, are capable of inflicting significantly greater damage than other models. Self-loading centre-fire rifles have featured in recent mass shootings. A genuine reason for possessing a self-loading firearm is sometimes confused with a mere inclination or preference to do so.

14. The APMC confirms the existing and longstanding prohibition on the import and possession of fully automatic firearms other than for official purposes - noting that Tasmania and South Australia will further consider the position in relation to collectors in those States.

15. In relation to military style self-loading firearms, the APMC resolved:

- that existing provisions of the Customs (Prohibited Imports) Regulations be supplemented by the enactment of legislation in all jurisdictions to prohibit the sale, transfer or exchange of any firearm that is fitted with a folding or detachable stock, or that is a self-loading centre-fire rifle or carbine of a kind that is designed or adapted for military purposes or substantially duplicates those firearms; and

- that exceptions to the prohibition on imports for government or government authorised purposes be made on the basis of a Minister's certificate and that exceptions to the prohibition on sale, transfer or exchange be made on the basis of a Commissioner's permit.

16. In relation to non-military style self-loading firearms the APMC resolved:

- that the existing provisions of the Customs (Prohibited Imports) Regulations be supplemented by the enactment of legislation in all jurisdictions to prohibit the sale, transfer or exchange of all self-loading centre-fire rifles and self-loading shotguns which have a detachable magazine capable of holding more than 5 rounds;

- that exceptions to the import prohibition for government or government authorised purposes be made on the basis of a Minister's certificate; and

- that exceptions to the prohibition on sale, transfer or exchange be made on the basis of a Commissioner's permit issued against strict criteria.

17. The APMC also resolved to confirm existing Australia wide restrictions on the importation and possession of handguns.

D. LICENSING AND OTHER CONTROLS

Licensing

18. Licensing provides an essential mechanism for evaluating the character and thus the suitability of a person to possess a firearm and should depend on the establishment of 'genuine reason' on the part of the applicant to possess a firearm of particular type.

19. Recognising that certain firearms are inherently more dangerous than others, the APMC proposes that categories be established within the licensing system such that an applicant's justification for possessing a particular class of firearm may be scrutinised - ie. that firepower is shown to be relevant to the 'genuine reason' given for possessing a

firearm. A particularly stringent test of the need to possess handguns, centre-fire self-loading rifles and self-loading shotguns should apply.

20. The APMC notes that consistency between jurisdictions in defining categories and 'genuine reason' is essential to the success of a national system of firearms control, and members have accordingly agreed that these matters be settled through consultation to be completed by the time of the APMC meeting on 22 November 1991.

21. The APMC proposes that firearms licences be issued, after a 28 day cooling off period, only to residents of proven identity on the basis of appropriate qualifications and training, and a character check undertaken with the assistance of all jurisdictions. Licences should be endorsed with a description of the category of firearm(s) for which the holder is licensed, preferably bear a photograph of the holder, and be issued for periods of no more than 6 years. (Queensland and Tasmania have noted that they may issue lifetime licences for the lowest category of firearms).

22. In order to facilitate lawful participation in competitions and authorised hunting it is proposed that all States and Territories recognise licences issued in other jurisdictions.

Registration of firearms

23. The registration of all firearms - by serial number and type matched to the name and address of the licence holder - is considered an important element of a comprehensive licensing system by members of the APMC other than New South Wales, Queensland and Tasmania.

24. Registration does not require the establishment of a database separate from comprehensive licensing arrangements of the kind referred to above. It would require only the addition of serial numbers of firearms owned or purchased, to licence records.

25. In the view of New South Wales, Queensland and Tasmania, information similar to that available from registries may be obtained from the records of licensed dealers, and they do not believe the benefits of registration, per se, are established. These three states require recording of sales by licensed dealers.

26. It is desirable that licensing and related records be linked in a manner which provides ready access by each jurisdiction to those 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.

27. There are several options for linkage and provision of a central information base, including use of the National Exchange of Police Information (NEPI) 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.

28. 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 commission and meet the reasonable cost of such a consultancy.

Restrictions on the sale of ammunition

29. 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 category of firearm 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. Special provision should be made for collectors of ammunition.

Recording of sales

30. 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.

31. The APMC does not agree with the first element of that recommendation, but does support the introduction of obligations, under penalty, on both sellers and purchasers (whether business or private) to ensure that the purchaser is appropriately licensed.

Security Requirements

32. The secure storage of firearms is a significant factor in reducing accidents, violence and theft. The APMC proposes that the separate secure storage of all firearms and ammunition be required, and that minimum Australian standards be developed. The granting and continuation of a licence should be conditional on compliance with this requirement, and police should have appropriate powers of inspection.

Suspension of licences and seizure provisions

33. The APMC 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.

34. In particular, the APMC supports recommendations by the National Committee on Violence Against Women, endorsed by the Commonwealth/ State Ministers' Conference on the Status of Women 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 during the currency of the order, 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.

35. Police should also have discretion to seize firearms temporarily where they believe such action warranted, eg. where there is a serious apprehension of violence.

E. PUBLIC AWARENESS CAMPAIGN

36. The APMC proposes that the Commonwealth and all States and Territories participate in a co-ordinated national public awareness campaign with the object of increasing firearms safety consciousness and reducing the number of firearms held in the community by promoting their surrender. The Commonwealth has indicated that it would participate in the development of a co-operative arrangement, and would contribute funding for this purpose.

37. Details of the campaign should be settled at the May 1992 meeting of the APMC.

F. 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. The APMC proposes that all jurisdictions participate in amnesty arrangements to promote the surrender of firearms.

Compensation

40. The original proposal taken to APMC suggested a prohibition on the possession of military-style self-loading firearms. Had this position been adopted, there might have been significant implications in terms of compensation payments. Given the position finally agreed by APMC, there will be a much reduced requirement for compensation as it is not proposed to ban the possession of any firearms which are not already prohibited.

41. In light of this, APMC believes that further consideration could be given to the question of compensation in at least two classes of case:

- the payment of compensation may be appropriate where a person previously licensed to posses a military-style self-loading rifle, or a non-military style self-loading rifle or a self-loading shotgun with a detachable magazine capacity of more than 5 rounds fails the more stringent licensing test proposed by APMC; and

- the payment of compensation may be appropriate in cases of voluntary surrender of the firearms mentioned above in circumstances where they are otherwise legally held.

42. The APMC is urgently considering these matters out of session with a view to providing an agreed recommendation by the time of the Special Premiers' Conference.

G. RELATED MATTERS

Sales from Commonwealth sources

43. The APMC noted that 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.

Rifle clubs established under defence legislation to be brought under State/Territory licensing laws

44. Consistent with a recommendation by the National Committee on Violence, the Commonwealth is of the view that the immunity of members of rifle clubs established under Defence legislation from State and Territory controls is anomalous, and that rifle clubs should be required to comply with controls in force in relevant jurisdictions.

45. Much of the legislation regulating the association between Defence and the rifle shooting movement has fallen into disuse since the late 1950's, when it was recognised that rifle clubs were of marginal relevance to Defence training.

46. The Commonwealth proposes the repeal of the Australian Rifle Club Regulations. New South Wales and Queensland have expressed reservations as to the resource implications of repeal. The matter will be further discussed by the APMC on 22 November.

Carriage of firearms by mail, courier etc

47. 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.

48. 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. Mail and courier services 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.

49. Regulation of post and courier services would be difficult, expensive and probably easy to avoid. 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.

50. The APMC notes that implementation of common firearms control arrangements 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.

Availability of manuals relating to the construction of firearms

51. 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.

52. 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 that fully effective action would require complementary State and Territory legislation.

53. The APMC has doubts, however, that a useful purpose would be served by restriction, and proposes that this matter be taken no further.

CABINET-IN-CONFIDENCE

CO-ORDINATION COMMENT - CABINET SUBMISSION
ON COMMONWEALTH POSITION ON FIREARMS CONTROLS

Department of Defence

No comment.

Department of Industry, Technology and Commerce

2. No comment.

Department of Transport and Communications

3. The Department supports the national approach to firearms control agreed by the Australian Police Ministers' Council for consideration at the Special Premiers' Conference. We agree that restrictions on the carriage of firearms by mail or courier services are unnecessary.

Department of Prime Minister and Cabinet

4. The Department recognises that the agreement reached by the Australian Police Ministers' Council represents a significant advance over the position currently applying in some jurisdictions. The Department does not consider, however, that the positions taken in the paper go far enough in securing comprehensive Australia-wide controls over gun ownership.

5. The Department is particularly concerned that the controls proposed will leave large numbers of military and military-style semi-automatics legally present in the Australian community, at least for some time. It is instructive to note, for example, that introduction of these measures before the Strathfield Plaza massacre would not have required Wade John Frankum to surrender his SKS carbine.

6. The Department considers that the opportunity should be taken at the Special Premiers' Conference to seek further movement by the relevant States towards:

- a ban on possession of semi-automatics which are banned from import;
- an appropriate scheme of compulsory surrender of such weapons;

CABINET-IN-CONFIDENCE

- a requirement that a 'permit to purchase' be obtained for each new firearm; and

- the recording by each jurisdiction of the particulars of firearms held by licence-holders.

7. In respect of the latter, the Department notes that New South Wales, Queensland and Tasmania strongly oppose a formal system of gun registration and that a possible fallback position might be for the Commonwealth to advocate to Queensland and Tasmania the system of record keeping proposed by New South Wales which effectively provides for prospective registration of guns.

8. In respect of the question of compensation for surrender of semi-automatic firearms (those banned from import), the Department considers that the Commonwealth view should be that it should be funded by a State levy on gun licences, but with a preparedness to offer a Commonwealth contribution of, say, up to 25% towards any shortfall.

9. The Department is concerned that the APMC resolution for automatic confiscation of firearms and suspension and renewal of licences in relation to situations of alleged domestic violence is expressed to apply only for the currency of the protection order. The recommendation of the National Committee on Violence Against Women, as endorsed by the Commonwealth/ State Ministers' Conference on the Status of Women, is not limited to the currency of a protection order.

10. Although the APMC is to be commended in its approach, the Department is concerned that the APMC resolution does not appear to take into account that there may be very good reasons for confiscation of firearms and restrictions on the ability to obtain a licence past the period of a protection order. These reasons are primarily related to the safety of the victims of violence, police who may intervene and the wider community. For example, it is not uncommon for protection orders to be withdrawn as a result of duress; this does not mean that the violence is over, nor is it an appropriate indicator of whether or not a person is a fit and proper person to be in possession of a firearm. In fact, these situations are notoriously volatile.

11. We note that APMC is considering the matter of compensation for surrendered firearms out of session with a view to producing a recommendation for the Special Premiers' Conference and consider that there would be value in the Submission stimulating further Cabinet consideration of the detail of any appropriate cost sharing arrangements. This would assist both Senator Tate and the Prime Minister in dealing with the States and Territories in each forum.

Australian Customs Service

12. The ACS supports the proposal that the Cabinet note the position taken by the Australian Police Ministers' Council for consideration at the Special Premiers' Conference (SPC).

13. The ACS wishes to emphasise again that it sees potential for fine-tuning the Customs (Prohibited Imports) Regulations to fully meet the objectives of the Government's position, and to give effect to any variations or refinements arising from the SPC. For this reason the ACS will need to be involved in settling any details required to give effect to the final position taken at the SPC.

Department of Finance

14. Finance supports the recommendations of the Submission.

15. On the question of compensation to gun owners, Finance notes that the Minister intends to do no more at the Special Premiers' Conference than give an undertaking to consider the matter. This is a State responsibility and Finance considers that the Commonwealth should not readily commit itself to the provision of funding. The Department also considers that the States should contribute to the cost of any compensation to AAA P/L.

Treasury

16. Treasury supports the Submission's recommendations and, on the issue of compensation, endorses the position that the Commonwealth should offer only to consider whatever proposals the States bring forward.

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

17. The Department notes the paper and that while much of the legislation regulating the association between Defence and the rifle shooting movement may have fallen into disuse, members of the National Rifle Association (NRA) still reply on Defence as a substitute mechanism for State/ Territory licensing of their firearms. The NRA would like to see a national uniform registration system in place before the Defence regulations are repealed.