

MINISTERIAL COUNCIL ON THE ADMINISTRATION OF JUSTICE

AUSTRALASIAN POLICE MINISTERS' COUNCIL

**SPECIAL MEETING
ON FIREARMS (HANDGUNS)**

NOVEMBER 2002 SYDNEY NEW SOUTH WALES

CONSOLIDATED RESOLUTIONS

DELEGATES

Senator the Hon Chris Ellison Minister for Justice and Customs	Commonwealth Chair
Mr Ted Quinlan MLA ACT Deputy Chief Minister, Minister for Police, Corrections and Emergency Services	Australian Capital Territory
The Hon Michael Costa MLC Minister for Police	New South Wales
The Hon Paul Henderson MLA Minister for Police, Fire and Emergency Services (represented by Acting Deputy Commissioner Mark McAdie)	Northern Territory
The Hon Tony McGrady Minister for Police and Corrective Services	Queensland
The Hon Patrick Conlon Minister for Police and Emergency Services	South Australia
The Hon David Llewellyn MHA Minister for Police and Public Safety	Tasmania
The Hon André Haermeyer Minister for Police, Emergency Services and Minister for Corrections (represented by Mr Peter Harmsworth, observing for Victoria in caretaker mode)	Victoria
The Hon Michelle Roberts MLA Minister for Police	Western Australia

AUSTRALASIAN POLICE MINISTERS' COUNCIL FIREARMS (HANDGUNS) RESOLUTIONS NOVEMBER 2002

There was broad agreement to progress further measures to restrict the availability and use of handguns. Specifically, APMC agreed to:

Prohibition/Buyback

1. Restrict the classes of legal handguns that can be imported or possessed for sporting purposes to those meeting recognised sporting shooter classifications in the Olympic and Commonwealth Games and other accredited events.

Approved Sporting Shooters Handguns

Subject to decision on the preferred option APMC agreed that on the issue of access by sporting shooters to handguns:

- a. the Commonwealth prohibit the importation of handguns for sporting shooting purposes in accordance with the preferred option; and
- b. jurisdictions prohibit the sale, ownership, possession, manufacture and use of handguns for sporting shooting purposes other than those permitted by the preferred option.

Description of handguns and handgun parts which will be prohibited imports

APMC recommends the following approach to implementing the above recommendation:

- a. The *Customs (Prohibited Imports) Regulations 1956* be amended to prohibit the importation of all handguns for sporting shooting purposes other than those which meet the prescribed physical characteristics, including barrel length, calibre and shot capacity.
- b. It is not appropriate to describe the handguns to be banned by a list which uses make and model numbers as this can be readily subverted by manufacturers. A list of prohibited handguns based on physical characteristics will be prepared for administrative and communication purposes.
- c. The *Customs (Prohibited Imports) Regulations* be amended to prohibit the importation of handgun parts for sporting shooting purposes (for example slides, barrels, receivers and frames) which could be used to assemble a prohibited handgun or convert a permitted handgun to a prohibited handgun.

Recovery and Disposal

2. Pursuant to Clause 1 notes the need to develop a recovery and disposal process for handguns, and will explore options which include consideration of a handgun buyback scheme. APMC agreed to note:
 - a. that at this stage none of the buyback options have been able to be costed;
 - b. the Commonwealth offer to apply \$15M from the 1996 buyback and that there be a 50/50 sharing of costs between the Commonwealth and the States and Territories in each jurisdiction; and
 - c. the States' and Territories' position that the Commonwealth should fund in toto any buyback.

APMC has agreed to note the information paper and forward it for consideration by COAG.

Historical Collectors

3. APMC agreed that collectors may acquire all handguns but all newly prohibited handguns under resolution 1 will need to be temporarily deactivated:
 - a. the Commonwealth absolutely prohibit the importation of handguns in accordance with this resolution; and
 - b. jurisdictions absolutely prohibit the sale, ownership, possession, manufacture and use of handguns for historical collection purposes other than those permitted under this resolution.
4. APMC agrees that:
 - a. States/Territories will accredit historical societies;
 - b. historical societies be required to notify police of a member's expulsion and the reasons for expulsion; and
 - c. accredited historical societies be indemnified from civil or legal liability where they notify police in good faith of their belief that a person is unfit to hold a collector's licence.
5. APMC agrees that a genuine historical collector:
 - a. be a member of a State/Territory accredited historical firearm collectors' society;
 - b. have his/her licence application endorsed by an accredited historical firearms collectors' society;
 - c. comply with strict storage requirements; and
 - d. to collect or retain *post 1946* handguns, must display a commitment as a *student of arms*.
6. APMC agrees that all handguns other than pre-percussion handguns be registered.

Registration of Firearms

7. Accelerate uniform national standards for registering and tracking firearms through Crimtrac's development of the National Firearms Licensing and Registration System.

Licensing Requirements

8. Develop a system for graduated access to handguns for legitimate sporting shooters based on training, experience and event participation.

Specifically introduce a system of graduated access over a period of 12 months be introduced by jurisdictions under the following conditions:

- a. a person is required to obtain a police check and submit this with their application to join a shooting club (NSW agreed that police checks are required but reserved the right to determine the process);
- b. during the first six months a person will not be permitted to own a handgun, must satisfactorily complete a firearm safety training course and meet minimum participation rates; and
- c. If a club certifies that a person has satisfactorily complied with the conditions attached to the first six months probation, then during the second six months a person will only be permitted to own one .22" calibre pistol and .177" air pistol or one centrefire pistol and .177" calibre air pistol.

After the initial period of 12 months acquisition of additional handguns is subject to demonstration of genuine need and confirmation that the licensee has adequate storage arrangements in place and specification of the competition shooting discipline for which the handgun is required (in accordance with resolution 8 of the APMC meeting on 5 November 2002).

9. Confirm that a sporting shooter must be a member of a club in order to obtain a licence and provide clubs with the power to request a police check on a person prior to accepting them as a member of a club.
10. To prevent "club shopping" introduce requirements that a person wishing to join a club provide details to the club of any other shooting clubs to which they belong and firearms they own. In addition, clubs to be empowered to request information from the licensing authorities on a member's or applicant's ownership of handguns and membership of other clubs.

11. Develop a requirement that a person applying to join a shooting club must provide the club with two character references from people they have known for at least 2 years.
12. Require that clubs endorse a member's application to acquire a handgun. In endorsing the application clubs should confirm that the licensee has adequate storage arrangements in place and specify for which competition shooting discipline the handgun is required.

Revocation of Licence

13. National adoption of laws allowing the Commissioner of Police to refuse and revoke handgun licenses and applications on the basis of criminal intelligence or any other relevant information with consideration to appropriate safeguards including expert advice.
14. Require that members of approved shooting clubs be required to attend a minimum number of shooting events offered by the club. Failure to meet the minimum participation level will make a person liable to have their licence revoked. Specifically jurisdictions require sporting shooters to meet minimum participation rates annually:
 - a. a sports shooter must participate in a minimum number of six club organised competitive shooting matches; and
 - b. for each different type of handgun owned for different events the sporting shooter must undertake at least four club organised shoots.
15. Require clubs to notify licensing authorities of concerns about club members suitability to hold a licence. Indemnify clubs for providing such information to licensing authorities about the suitability of club members to hold a licence. In particular jurisdictions will:
 - a. require sporting shooting clubs to report to police their concerns that a person may pose a danger if in possession of a handgun (firearm);
 - b. require sporting shooting clubs to notify police of a member's expulsion and the reasons for expulsion;
 - c. indemnify sporting shooting clubs from civil or legal liability if they notify police in good faith of matters identified in (a) and (b) above; and
 - d. require sporting shooting clubs to ensure that a person whose licence has been revoked or suspended does not use a handgun (firearms) at the sporting club.
16. Support the operation of the fit and proper person test throughout the life of the licence allowing for the licensing authorities' revocation of a person's licence and seizure of handguns on grounds of not being a fit and proper person at any time.
17. Require suspension/cancellation of licences and seizure of firearms immediately upon the issue of a DVO or AVO to a firearm licence holder.
18. Jurisdictions should cancel a licence where it can be shown that the loss or theft of a firearm was due to negligence or fraud on the part of the licensee.

Medical authorities reporting model

19. Reporting provisions for medical authorities be improved by:
 - a. indemnifying medical authorities from civil or criminal liability for reporting in good faith to police their concerns that a person may pose a danger if in possession of a firearm or applying for a firearm licence; and
 - b. providing that "medical authorities" include medical practitioners, nurses, social workers, psychologists and professional counsellors.

Firearms Safety Training

20. Develop a national firearms safety training program in consultation with key stakeholders as a matter of priority.

Reporting Requirements

21. Require that shooting clubs provide licensing authorities with an audited annual report providing member details, firearms owned, and participation rates.

Secure Storage Requirements

22. Jurisdictions will review the adequacy of their compliance audit arrangements for safe storage of firearms.
23. Jurisdictions will consider the adequacy of their educational literature on storage to ensure that it emphasises the risk of firearms theft, the legislated requirements for safe storage, and highlights compliance monitoring activities and the jurisdictions rigorous prosecution policy for non-compliance.
24. APMC noted the report on the progress of the review of firearms storage and security requirements and procedures and resolved that:

- a. jurisdictions should complete the firearms storage and security questionnaire and provide the additional data for the AIC research as a matter of priority;
- b. the FPWG should submit its report on firearms storage and security, with recommendations, to Council at its first meeting in 2003.

Security Industry

25. APMC resolved that the FPWG consult with security industry regulatory authorities and industry representatives:
 - a. to develop recommendations on industry firearms allocation and storage practices for consideration by Council at its first meeting in 2003; and
 - b. report to Council at its first meeting in 2003 on the progress of development of national standards for industry training, competency and licensing particularly in those security industry sectors where firearms are regularly carried.

Penalties for Illegal Possession

26. Having regard to the National Firearms Trafficking Policy Agreement of July 2002, jurisdictions agree, as a matter of priority, to establish substantial penalties for the illegal possession of a firearm.

Education

27. The need for general education and an awareness campaign to implement agreed changes, and specifically to develop suitable education and awareness programs for medical authorities and licensed sporting shooting clubs.

Reporting

28. APMC requests a final report from SOG with recommendations for further action to be presented to APMC at its first meeting in 2003.

The determination of Victoria's position on all of the above is constrained by the caretaker regime.