

9. Australasian Police Ministers' Council, Special Firearms Meeting, *Resolutions*, 10 May 1996

AUSTRALASIAN POLICE MINISTERS' COUNCIL

SPECIAL FIREARMS MEETING

CANBERRA

10 MAY 1996

RESOLUTIONS

1. Bans on Specific Types of Firearms

RESOLUTION

Council resolved:

- (a) that all jurisdictions ban the sale, resale, transfer, ownership, possession, manufacture and use of those firearms banned or proposed to be banned from import other than in the exceptional circumstances listed in paragraph 1.2 of the Commonwealth proposal (*see below*).

para 1.2 The only need for the use of an automatic or semi-automatic longarm would be:

- *military;*
- *police or other government purposes; and*
- *occupational categories of shooters who have been licensed for a specified purpose (eg extermination of feral animals).*

- (b) that all jurisdictions ban competitive shooting involving those firearms banned or proposed to be banned from import.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to ban the sale, resale, transfer, ownership, possession, manufacture and use of those firearms banned or to be banned from import other than in the following exceptional circumstances:
 - military use;
 - police or other government purposes; and
 - occupational categories of shooters who have been licensed for a specified purpose (eg extermination of feral animals).
2. **All jurisdictions** to ban competitive shooting involving those firearms banned or proposed to be banned from import.
3. **The Commonwealth** to ban the importation of all semi-automatic self-loading and pump action longarms, and all parts, including magazines, for such firearms, included in Licence Category D, and control the importation of those firearms included in Licence Category C.

2. Effective Nationwide Registration of All Firearms

RESOLUTION

Council resolved:

- (a) that New South Wales, Queensland and Tasmania immediately establish an integrated licence and firearms registration system and that all other jurisdictions review their existing registration systems to ensure that all systems are compatible.
- (b) that these databases be linked through the National Exchange of Police Information (NEPI) to ensure effective nationwide registration of all firearms.

Council noted that there is an urgent need for funds to upgrade NEPI and for additional recurrent funding

Council resolved to implement its resolution via the following action plan:

1. **New South Wales, Queensland and Tasmania** to immediately establish a registration system for all firearms in consultation with NEPI.
2. **Victoria, ACT, South Australia, Western Australia and Northern Territory** to work with NEPI in reviewing existing systems to ensure compatibility.
3. **All jurisdictions** to link their registration systems to NEPI.
4. **New South Wales, Tasmania, Victoria and Western Australia** to immediately place the names of all firearms licence holders in their States on NEPI's Police Reference System.

3. Genuine Reason for Owning, Possessing or Using a Firearm

RESOLUTION

Council resolved:

- (a) that personal protection not be regarded as a genuine reason for owning, possessing or using a firearm.
- (b) that the following classifications be used to define the “genuine reason” an applicant must show for owning, possessing or using a firearm:
 - sporting shooters with valid membership of an approved club (defined as participants in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships);
 - recreational shooters/hunters who produce proof of permission from a landowner;
 - persons with an occupational requirement, eg primary producers, other rural purposes, security employees and professional shooters for nominated purposes;
 - bona fide collectors of lawful firearms; and
 - persons having other limited purposes authorised by legislation or Ministerial approval in writing (for example, firearms used in film production).
- (c) that over and above satisfaction of the “genuine reason” test, an applicant for a licence for the categories B, C, D and H must demonstrate a genuine need for the particular type of firearm.

For Licence Category C:

- application will be limited to primary producers;
 - the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant’s occupation, which cannot be achieved by some other means, and that the need cannot be satisfied by a firearm under Category A or B;
 - a Category C licence holder will be limited to the maximum of one rifle and one shotgun of the types covered by Category C;
 - the application is to be approved by the Commissioner of the Police, who may impose conditions as to the use of the firearm, including as to the geographical location of its use; and
 - licensing authorities will develop uniform guidelines to be approved by Council.
- (d) that firearms collectors should be regulated by means of a licence and permit system designed to test their bona fides. The licensing process

should include a provision for an initial inspection of storage facilities and for subsequent mutually arranged inspections. All such inspections will be subject to the recognition of the individual's right to privacy. The onus of defining "bona fide firearms collector" rests with each State and Territory. However, the following principles should underpin the regulation of bona fide firearms collectors:

- the firearms which are the subject of the collection should be of or above a defined age;
- firearms in a collection which have been manufactured after 1 January 1946 must be rendered inoperable;
- collectors may not possess ammunition for a collection firearm;
- no prohibited firearm may be included in a collection;
- any attempt to restore firearms in the collection to usable condition should be regarded as a serious offence and subject to severe penalties; and
- all operating firearms which are owned by the collector should be subject to the same level of regulation as any other operating firearm.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** confirm that personal protection is not a genuine reason for owning, possessing or using a firearm.
2. **All jurisdictions** to immediately implement a uniform system of testing applicants for firearms licences such that each applicant must establish, to the satisfaction of the licensing authority in the relevant jurisdiction, that he or she has a "genuine reason" for owning, possessing or using a firearm. The classifications used to define "genuine reason" are as follows:
 - (a) sporting shooters with valid membership of an approved club (defined as participants in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships);
 - (b) recreational shooters/hunters who produce proof of permission from a landowner;
 - (c) persons with an occupational requirement, eg primary producers, their licensed employees, other rural purposes, security employees and professional shooters for nominated purposes;
 - (d) bona fide collectors of lawful firearms; and

- (e) persons having other limited purposes authorised by legislation or Ministerial approval in writing (for example, firearms used in film production).
3. **All jurisdictions** to immediately implement a uniform system of testing applicants for firearms licences of categories B, C, D and H such that each applicant must establish, to the satisfaction of the licensing authority in the relevant jurisdiction, that he or she has a “genuine need” for owning, possessing or using a firearm of the nominated type.

For Licence Category C:

- application will be limited to primary producers;
 - the applicant must satisfy the licensing authority that there is a genuine need for the use of the firearm that pertains to the applicant’s occupation, which cannot be achieved by some other means, and that the need cannot be satisfied by a firearm under Category A or B;
 - a Category C licence holder will be limited to the maximum of one rifle and one shotgun of the types covered by Category C;
 - the application is to be approved by the Commissioner of the Police, who may impose conditions as to the use of the firearm, including as to the geographical location of its use; and
 - licensing authorities will develop uniform guidelines to be approved by Council.
4. **All jurisdictions** to immediately implement a uniform system for regulating firearms collectors by means of the licence and permit system as follows:
- (a) the firearms which are the subject of the collection should be of or above a defined age;
 - (b) firearms in a collection which have been manufactured after 1 January 1946 must be rendered inoperable;
 - (c) collectors may not possess ammunition for a collection firearm;
 - (d) no prohibited firearm may be included in a collection;
 - (e) any attempt to restore firearms in the collection to usable condition should be regarded as a serious offence and subject to severe penalties; and
 - (f) all operating firearms which are owned by the collector (ie those not forming part of the collection) should be subject to the same level of regulation as any other operating firearm.

4. Basic Licence Requirements

RESOLUTION

Council resolved:

- (a) that in addition to the demonstration of "genuine reason", a licence applicant should be required to:
 - be aged 18 years or over;
 - be a fit and proper person;
 - be able to prove identity through a system similar to that required to open a bank account, that is, a 100 point system requiring a passport or multiple types of identification; and
 - undertake adequate safety training.
- (b) that the licence:
 - bear a photograph of the licensee;
 - be endorsed with the category of the firearm;
 - be endorsed with the holder's address;
 - be issued after a waiting period of not less than 28 days;
 - be issued for a period of no more than 5 years;
 - contain a reminder of safe storage responsibilities;
 - be issued subject to undertakings to comply with storage requirements, to provide details of proposed storage provisions at the time of licensing, and submit to a mutually arranged (with due recognition of privacy) inspection by licensing authorities of storage facilities;
 - be subject to immediate withdrawal of licence and confiscation of firearms in certain circumstances. (Jurisdictions may wish to consider appropriate penalties - additional to withdrawal or confiscation - for the failure to comply with security and storage conditions.)
- (c) that, within a regime of uniform firearms legislation, all States and Territories recognise, for visiting gun owners, licences issued in other Australian jurisdictions in order to facilitate the lawful pursuit of sporting and other purposes.
- (d) that jurisdictions recognise, for a period of no longer than 3 months, a category A or B firearm licence issued in another jurisdiction to an individual who moves permanently to a new jurisdiction for such an individual with a licence categories C, D and H, a period of recognition will not exceed 7 days.
- (e) that the following categories be used in the licensing of firearms:

Licence Category A:

- air rifles;
- rimfire rifles (excluding self-loading);
- single and double barrel shotguns.

Licence Category B:

- muzzle-loading firearms;
- single shot, double barrel and repeating centre fire rifles;
- break action shotguns/rifle combinations;

Licence Category C (prohibited except for occupational purposes)

- semi automatic rimfire rifles with a magazine capacity no greater than 10 rounds;
- semi automatic shotguns with a magazine capacity no greater than 5 rounds;
- pump action shotguns with a magazine capacity no greater than 5 rounds.

Licence Category D (Prohibited, except for official purposes)

- self-loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance.
- non-military style self-loading centre fire rifles with either an integral or detachable magazine;
- self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds;
- self-loading rim-fire rifles with a magazine capacity greater than 10 rounds.

Licence Category H: (Restricted)

- all handguns, including air pistols

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to establish the following licensing requirements:
 - (a) that in addition to the demonstration of “genuine reason”, a licence applicant should be required to :
 - be aged 18 years or over;
 - be a fit and proper person;
 - be able to prove identity through a system similar to that required to open a bank account, that is, a 100 point system requiring a passport or multiple types of identification; and
 - undertake adequate safety training; and
 - (b) that the licence:
 - bear a photograph of the licensee;
 - be endorsed with the category of the firearm;
 - be endorsed with the holder’s address;
 - be issued after a waiting period of not less than 28 days;
 - be issued for a period of no more than 5 years;
 - contain a reminder of safe storage responsibilities;
 - be issued subject to undertakings to comply with storage requirements, to provide details of proposed storage provisions at the time of licensing, and submit to a mutually arranged (with due recognition of privacy) inspection by licensing authorities of storage facilities;
 - be subject to immediate withdrawal of licence and confiscation of firearms in certain circumstances. (Jurisdictions may wish to consider appropriate penalties - additional to withdrawal or confiscation - for the failure to comply with security and storage conditions.)
2. **All jurisdictions** to consider appropriate penalties - additional to withdrawal of licence or confiscation of firearms - for failing to comply with security and storage conditions.
3. **All jurisdictions** to recognise visiting licensees for sporting purposes and (other than licence categories C, D and H and for a limited period) for individuals moving permanently to a new jurisdiction, as outlined in the following:
 - (a) that, within a regime of uniform firearms legislation, all States and Territories recognise, for visiting gun owners, licences issued in other Australian jurisdictions in order to facilitate the lawful pursuit of sporting and other purposes.
 - (b) that jurisdictions recognise, for a period of no longer than 3 months, a category A or B firearm licence issued in another

jurisdiction to an individual who moves permanently to a new jurisdiction for such an individual with a licence categories C, D and H, a period of recognition will not exceed 7 days.

4. **All jurisdictions** to adopt the categories proposed by Council for the licensing of firearms as follows:

Licence Category A:

- air rifles;
- rimfire rifles (excluding self-loading);
- single and double barrel shotguns.

Licence Category B:

- muzzle-loading firearms;
- single shot, double barrel and repeating centre fire rifles;
- break action shotguns/rifle combinations;

Licence Category C (prohibited except for occupational purposes)

- semi automatic rimfire rifles with a magazine capacity no greater than 10 rounds;
- semi automatic shotguns with a magazine capacity no greater than 5 rounds;
- pump action shotguns with a magazine capacity no greater than 5 rounds.

Licence Category D (Prohibited, except for official purposes)

- self-loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance.
- non-military style self-loading centre fire rifles with either an integral or detachable magazine;
- self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds;
- self-loading rim-fire rifles with a magazine capacity greater than 10 rounds.

Licence Category H: (Restricted)

- all handguns, including air pistols

5. Training as a Prerequisite for Licensing

RESOLUTION

Council resolved:

- (a) that all jurisdictions require the completion of an accredited course in safety training for firearms for all first time licence applicants.

The course should be:

- comprehensive and standardised across Australia for all licence categories;
 - subject to accreditation of the course syllabus, by an appropriate authority, and a system of accredited instructors to bring prospective licensees to the required standard with a focus on firearms law, firearms safety and firearms competency;
 - outlined in a Firearms Safety Code which emphasises both safety and storage issues and is distributed to all new licence applicants prior to attending the course of instruction;
 - monitored as to content of courses and the skills of instructors by firearms regulatory authorities;
- (b) that a specialised course should be established for training of persons employed in the security industry.

Council agreed to implement its resolution via the following action plan:

1. **The Commonwealth** to chair a Working Party, to include representatives of firearms interest groups, to develop an accredited course for safety training in firearms.
2. **All jurisdictions** to introduce a requirement for the completion of an accredited course in safety training for firearms for all new licence applicants
3. **All jurisdictions** to establish a specialised course for training of persons employed in the security industry.

6. Grounds for Licence Refusal or Cancellation and Seizure of Firearms

RESOLUTION

Council resolved:

- (a) that jurisdictions set out in legislation circumstances in which licence applications are to be refused or licences are to be cancelled. The following minimum standards are proposed:
- *general reasons* - not of good character; conviction for an offence involving violence within the past five years; contravene firearm law; unsafe storage; no longer genuine reason; not in public interest due to (defined) circumstances; not notifying of change of address; licence obtained by deception;
 - *specific reasons* - where applicant/licence holder has been the subject of an Apprehended Violence Order, Domestic Violence Order, restraining order or conviction for assault with a weapon/aggravated assault within the past five years;
 - *mental or physical fitness* - reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.
- (b) that in regard to the latter point, a balance needs to be struck between the rights of the individual to privacy and fair treatment, and the responsibility of authorities, on behalf of the community, to prevent danger to the individual and the wider community.
- (c) that a Commonwealth/State working party, including health officials, police and medical representation, be established to examine possible criteria and systems for determining mental and physical fitness to own, possess or use a firearm. The working party should report to the second APMC meeting for 1996, but jurisdictions should not delay the introduction of necessary legislative changes while awaiting its report.
- (d) that jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to immediately implement a uniform minimum standard of circumstances, to be set out in legislation, in which applications are to be refused or licences cancelled.
2. **All jurisdictions** to undertake a review of their legislation to ensure that it is consistent with the uniform, minimum standards as follows:

- *general reasons* - not of good character; conviction for an offence involving violence within the past five years; contravene firearm law; unsafe storage; no longer genuine reason; not in public interest due to (defined) circumstances; not notifying of change of address; licence obtained by deception;
 - *specific reasons* - where applicant/licence holder has been the subject of an Apprehended Violence Order, Domestic Violence Order, restraining order or conviction for assault with a weapon/aggravated assault within the past five years;
 - *mental or physical fitness* - reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.
3. **All jurisdictions** to establish a working party, including health officials, police and medical representation, to examine possible criteria and systems for determining mental and physical fitness to own, possess or use a firearm. The working party should report to APMC's November 1996 meeting.
 4. That jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence.

7. Permit to Acquire

RESOLUTION

Council resolved:

- (a) that a separate permit be required for the acquisition of every firearm.
- (b) that the issue of a permit should be subject to a waiting period of at least 28 days to enable appropriate checks to be made on licensees in order to ascertain whether circumstances have occurred since the issuing of the original licence which would render the licensee unsuitable to possess the firearm or which would render the licensee ineligible for that type of firearm.

Council agreed to implement its resolution via the following action plan:

1. **New South Wales, Queensland, Tasmania, the ACT and the Northern Territory** to require a separate permit to be required for the purchase of every firearm.
2. **All jurisdictions** to require a separate permit for any other method of acquisition of every firearm.
3. **All jurisdictions** to establish a 28-day waiting period prior to the issuing of all firearms permits.

8. Uniform Standard for the Security and Storage of Firearms

RESOLUTION

Council resolved that all firearms and ammunition be stored in secure conditions as follows:

- it should be a precondition to the issuing of a new firearms licence (and on each renewal of licence in respect of existing licence holders) that the licensing authority be satisfied as to the proposed storage and security arrangements;
- legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms;
- measures should be indicated in legislation for the storage of firearms which are specific and clear so that firearm owners and possessors know their obligations and the following minimum basic standards should apply:
 - * *Licence Category A and B*: storage in a locked receptacle constructed of either hard wood or steel with a thickness to ensure it is not easily penetrable. If the weight is less than 150 kilograms the receptacle shall be fixed to the frame of the floor or wall so as to prevent easy removal. The locks fitted to these receptacles shall be of sturdy construction;
 - * *Licence Category C, D and H*: storage in a locked, steel safe with a thickness to ensure it is not easily penetrable, bolted to the structure of a building; and
 - * all ammunition must be stored in locked containers separate from any firearms.
- should a firearms owner or possessor wish to store firearms through measures other than those indicated in legislation, he or she would have the burden of persuading the firearms regulatory authority that he or she can provide the level of security not less than that required by the relevant approved practices;
- in order to govern safekeeping when firearms are temporarily away from their usual place of storage, legislation could provide a statement indicating reasonable precautions to take to ensure the safekeeping taking into consideration situations most likely to be encountered. A basic standard that should be included in the statement is that the holder of the licence "must take reasonable care to ensure that the firearm is not lost or stolen and must take reasonable care to ensure that the firearm does not fall into the hands of an unauthorised person";
- the firearms safety booklet to be distributed to all new licence applicants prior to attending for a course of instruction should also feature clear and precise information on the obligations as regards storage of firearms;

- a reminder of safe storage responsibilities should be on the licence itself;
- security at gun dealer premises will require the dealer meeting such additional requirements as the firearms regulatory authority deems appropriate having regard to the type of activity of the dealer;
- where approval has been given for the possession or use of a firearm for a limited purpose such as film production (see 3.3), the person authorised must meet such requirements as the firearms regulatory authority deems appropriate having regard to the type of activity for which possession has been authorised.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to develop a standard approach to the storage of firearms and ammunition.

9. Recording of Sales

RESOLUTION

Council resolved:

- (a) that firearms sales be conducted only by or through licensed firearms dealers.
- (b) that the following principles should underpin firearms dealer recording of firearms transactions:
 - firearms dealers should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearm to be purchased;
 - firearms dealers should be required to record and maintain details (type, make, calibre and serial number) of each weapon purchased or sold against the identity (name, address and licence number) of the seller or the purchaser;
 - firearms dealers should be required to provide records to the National Register of Firearms through the State/Territory licensing authority;
 - police personnel investigating a crime or checking the compliance of licensed gun dealers with recording responsibilities should have the right to inspect the records of licensed gun dealers without the need to give notice to the licensee; and
 - special provisions may have to be put in place in those jurisdictions which have remote locations where licensed gun dealers may not be readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).
- (c) that jurisdictions legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and that there be limits on the quantity of ammunition that may be purchased in a given period.
- (d) on the purchase of ammunition, the relevant licence must be produced.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to legislate to ensure that firearms sales be conducted only by or through licensed firearms dealers.
2. **All jurisdictions** to adopt the following principles to underpin firearms dealer recording of firearms transactions:
 - firearms dealers should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearm to be purchased;

- firearms dealers should be required to record and maintain details (type, make, calibre and serial number) of each weapon purchased or sold against the identity (name, address and licence number) of the seller or the purchaser;
 - firearms dealers should be required to provide records to the National Register of Firearms through the State/Territory licensing authority;
 - police personnel investigating a crime or checking the compliance of licensed gun dealers with recording responsibilities should have the right to inspect the records of licensed gun dealers without the need to give notice to the licensee; and
 - special provisions may have to be put in place in those jurisdictions which have remote locations where licensed gun dealers may not be readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).
3. **All jurisdictions** to legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and to place limits on the quantity of ammunition that may be purchased in a given period.
 4. On the purchase of ammunition, the relevant licence must be produced.

10. Mail Order Sales Control

RESOLUTION

Council resolved:

- (a) to adopt the following principles in relation to mail order firearms sales:
- mail order arrangements will apply strictly on a licensed gun dealer to licensed gun dealer basis;
 - advertisement of firearms for sale will be prohibited unless the sale is to be conducted by or through a licensed gun dealer;
 - the movement of firearms covered by Licence Categories C, D and H must be in accordance with prescribed safety requirements;
 - the commercial transport of ammunition with firearms will be prohibited; and
- (b) that each jurisdiction pass the necessary legislation to enforce these principles within their borders.

Council agreed to implement its resolution via the following action plan:

1. **All jurisdictions** to develop and introduce legislation to ensure that, within their own borders, -
 - * mail order arrangements will apply strictly on a licensed gun dealer to licensed gun dealer basis;
 - * advertisement of firearms for sale will be prohibited unless the sale is to be conducted by or through a licensed gun dealer;
 - * the movement of firearms covered by Licence Categories C, D and H will be in accordance with prescribed safety requirements; and
 - * the commercial transport of ammunition with firearms will be prohibited.
2. **All jurisdictions** to consider whether they wish to put in place measures to provide for individuals living in remote locations where gun dealers are not readily available.

11. COMPENSATION/INCENTIVE ISSUES

RESOLUTION

Council resolved:

- (a) that a common basis for fair and proper compensation, based on the value of each firearm as at March 1996, be agreed between jurisdictions to prevent gun owners from offering their firearms to the State/Territory which offers the 'best price'.
- (b) that there be a public education campaign to highlight the firearms amnesty and compensation program.
- (c) to note that the Commonwealth will make a financial contribution to the public education campaign.
- (d) that a 12 month national amnesty be established, during which the public education campaign would persuade firearm owners to comply, and warn of severe penalties where firearms are not voluntarily surrendered.
- (e) that, after the amnesty has concluded, each jurisdiction have severe penalties, which to the extent practicable should be uniform, for breaches of the firearms control laws.