



2005

PARLIAMENT OF TASMANIA

**AUDITOR-GENERAL  
SPECIAL REPORT NO. 55**

**GUN CONTROL IN TASMANIA**

**May 2005**

*Presented to both Houses of Parliament in accordance with the provisions  
of Section 57 of the Financial Management and Audit Act 1990*

By Authority:

Government Printer, Tasmania

© Crown in Right of the State of Tasmania May 2005

Auditor-General's reports are available from the Tasmanian Audit Office, HOBART. This report and the recent titles shown at the back of this report can be accessed via the Office's home page. For further information please contact:

Tasmanian Audit Office  
GPO Box 851  
Hobart  
TASMANIA 7001

Phone: (03) 6233 4030, Fax (03) 6233 2957  
Email:- [admin@audit.tas.gov.au](mailto:admin@audit.tas.gov.au)  
Home Page: <http://www.audit.tas.gov.au>

This report is printed on recycled paper.

ISBN 0 9756781 1 6

24 May 2005

President  
Legislative Council  
HOBART

Speaker  
House of Assembly  
HOBART

Dear Mr President  
Dear Mr Speaker

**PERFORMANCE AUDIT NO. 55  
GUN CONTROL IN TASMANIA**

This report has been prepared consequent to examinations conducted under section 44 of the *Financial Management and Audit Act 1990*, for submission to Parliament under the provisions of section 57 of the Act.

Performance audits seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities, thereby identifying opportunities for improved performance.

Yours sincerely



H M Blake  
**AUDITOR-GENERAL**



## Contents

Foreword.....	i
List of acronyms and abbreviations.....	ii
Executive summary .....	2
Management response .....	4
Summary of recommendations.....	5
Introduction .....	8
Findings, conclusions and recommendations.....	14
1 Is the Tasmanian community safer since the <i>Firearms Act 1996</i> came into force? .....	14
1.1 Gun-related crimes .....	14
1.2 Effect on gun-related suicides, accidents and injuries.....	16
1.3 Thefts of firearms .....	19
1.4 Other strategies to reduce the population of firearms .....	21
1.5 Charges under the <i>Firearms Act 1996</i> .....	21
1.6 Conclusion.....	23
2 Are there problems enforcing the <i>Firearms Act 1996</i> ? .....	26
2.1 The level of gun ownership .....	26
2.2 Assessing firearm licence applicants .....	29
2.3 Illegal importation or manufacture .....	30
2.4 Safe-keeping of firearms .....	30
2.5 Dealers' records .....	33
2.6 Managing the firearms database .....	34
2.7 Conclusion.....	37
3 Recent reports .....	40
4 Future projects .....	42

## List of Figures

Figure 1: Crimes Against the Person - Trendlines: 1994 - 2004 .....	15
Figure 2: Proportion of Crimes Against the Person in which a Firearm was Used: 1994 – 2004.....	15
Figure 3: Tasmania Suicides Involving the Use of a Firearm: 1985 – 2003 .....	17
Figure 4: Hospital Admissions for Firearm Trauma: 1990 – 2003 .....	18
Figure 5: Firearm Trauma Hospital Admissions – Accidents: 1990 - 2003.....	19
Figure 6: Annual Average Theft of Firearms: 1994 – 1996 and 1997 – 2004 .....	20
Figure 7: Charges Laid under the <i>Firearms Act 1996</i> Grouped by Type: 1996 - 2003 .....	22
Figure 8: Movements in the Numbers of Firearms and Licences: 1997 – 2004.....	27

## List of Tables

Table 1: Inspection of Firearms Storage Conditions in Tasmania, South Australia, Western Australia and the Australia Capital Territory.....	32
---	----

## FOREWORD

Following the Port Arthur tragedy in 1996, a national re-think on gun control led to revised legislation in all jurisdictions. The Tasmanian Government tightened access to and ownership of guns through the *Firearms Act 1996*. Tasmania Police has the key responsibility for administering this Act.

A key goal of *Tasmania Together* is 'Safer communities' and through this performance audit we examined the impact of the above Act on firearm-related crime and injuries. We also reviewed the performance of Tasmania Police in managing the requirements established by the legislation.

This audit has shown, based on information from Tasmania Police and the Department of Health and Human Services, that since 1996 there has been a substantial decline in the use of firearms whether to commit violent crime or suicide. Additionally, there has been a parallel reduction in hospital admissions for firearm trauma, particularly as a result of accidental shootings.

The *Firearms Act 1996* imposes a large administrative burden on the police, particularly in gathering and managing data on firearm registration and the licensing of shooters. Overall, we found that Tasmania Police effectively fulfils its obligations. However, we identified a number of areas where improvements could be achieved, especially in managing the firearms database. My report contains eight recommendations aimed at providing increased effectiveness.

H M Blake  
Auditor-General  
May 2005

**LIST OF ACRONYMS AND ABBREVIATIONS**

- CIT** Corporate Information Technology
- TAO** Tasmanian Audit Office



## **Executive summary**

---

## EXECUTIVE SUMMARY

### INTRODUCTION

The mass murder at Port Arthur in 1996 provided the impetus for a national re-think on integrated firearms legislation. In May 1996, the Australasian Police Minister's Council reached a Nationwide Agreement on Firearms that embodied a four-pronged approach aimed at:

- Reducing the overall supply of firearms;
- Restricting access to people deemed 'fit and proper';
- Prohibiting particular kinds of firearms; and
- Controlling gun use.

All aspects of gun ownership in Tasmania were tightened up in the *Firearms Act 1996* that replaced the earlier and less stringent *Guns Act 1991* and *Guns Amendment Acts 1993* and *1996*.

Under the new Act the role of Tasmania Police is central in restricting and controlling ownership and access to firearms.

### OBJECTIVE

The objective of the audit was to determine whether the Tasmania Together goal of 'Safer communities' was being furthered by gun control and to identify any areas for improvement. Specifically, it would examine:

- The extent to which the implementation and enforcement of the *Firearms Act 1996* in Tasmania has reduced the number of firearms as well as its impact on gun crime and gun trauma; and
- Whether there are problems regarding enforcement of the Act.

### SCOPE

The scope of the audit was on Tasmania Police's performance of its obligations under the *Firearms Act 1996*.

### AUDIT OPINION

#### *Is the Tasmanian Community safer since the Firearms Act 1996 came into force?*

The impact of the *Firearms Act 1996* has been positive. Tighter legislation, backed by determined law enforcement, has reduced the population of firearms in Tasmania and limited access to those firearms. Statistics that we examined indicated that substantial reductions have occurred in the use of firearms to commit violent

crime and suicide. There has been a similar lessening of hospital admissions for gun trauma, particularly as a result of accidental shootings.

Thefts of firearms have also been lowered with an upswing in the proportion of stolen firearms recovered.

Since 2001 almost 6 000 firearms have been surrendered to police and subsequently destroyed.

### ***Are there problems enforcing the Firearms Act 1996?***

Our audit did identify some areas where enforcement of the *Firearms Act 1996* could be strengthened, viz:

- Tasmania Police do not appear to be able to meet the legislative requirement to assess the mental condition of licence applicants.
- Inspection of licence holders' storage conditions is only done for handgun applicants. Any other inspections are *ad hoc*.
- Firearms Services needs to further develop guidelines for its activities. Also, it does not speedily follow up dealers' returns and deficiencies in returns are not always actioned.
- The narrow range of available reporting options limits the usefulness of the firearms database. In maintaining the database more efficient methods of detecting deceased licence holders and those who become untraceable should be developed to prevent firearms from falling into the wrong hands.
- Firearms Services should liaise more closely with Corporate Information Technology and have greater ownership of the database than is presently the case.

Notwithstanding the above areas for improvement, Tasmania Police's enforcement of the Act has been effective.

## **MANAGEMENT RESPONSE**

The Department of Police and Public Safety was pleased to assist the Tasmanian Audit Office in conducting this performance audit. I am delighted with the audit opinion that the legislation and our enforcement of it have been effective in reducing the number of firearms in Tasmania and limiting access to those firearms. This was one of the primary objectives of the Australian Police Ministers' Council following the Port Arthur tragedy in 1996.

I also note that the enforcement of the *Firearms Act 1996* by Tasmania Police has been effective. It is particularly pleasing to validate strategies implemented by this department that have seen reductions in the use of firearms to commit violent crime. The numbers of suicides, as well as hospital admissions for gun trauma, have also been reduced.

The Department of Police and Public Safety will review the recommendations arising from the report and consider ways in which our effectiveness in those identified areas can be strengthened.

R. McCreadie

Commissioner of Police

## SUMMARY OF RECOMMENDATIONS

The following table reproduces the recommendations contained in the body of this report.

Rec No	Report section	Recommendation
1	2.2	Tasmania Police should review current firearm licensing procedures to ensure that they are taking the mental and physical condition of applicants into account as required by section 29(2)(b) of the <i>Firearms Act 1996</i> .
2	2.4	Police should broaden the scope of ongoing random inspections of storage conditions at licence holders' premises. Results of these inspections should be publicised to encourage compliance.
3	2.5	Police should follow up the receipt of returns from firearm dealers promptly. Police should address shortcomings in firearm dealers' returns expeditiously.
4	2.5	Police should further develop guidelines for Firearms Services to assist the efficiency and effectiveness of the unit. This would also address the potential problem of replacing senior and experienced staff.
5	2.6	To maintain close control over the state's firearm population, Police should arrange to obtain data from Births Deaths and Marriages regularly to enable automated detection of deceased firearm licence holders.
6	2.6	To improve the chances of tracing the licence holders concerned and recovering firearms that may otherwise be lost, follow up action on expired licences where the licence holder's address is unknown should be initiated quickly.
7	2.6	In the firearms database a separate category should be established for untraceable licence holders who still own firearms.
8	2.6	There should be closer liaison between Firearms Services and CIT to expand management reporting from the firearms database.  Firearms Services should have a staff member trained to run custom queries on the firearms database.

This page left blank intentionally

## **Introduction**

---

## INTRODUCTION

### BACKGROUND

Historically, Tasmania had a reputedly very high level of firearm ownership together with one of the highest firearm suicide rates in the country. In the view of experts, both these factors reflected ‘notoriously weak<sup>1</sup>’ gun laws.

Although gun massacres were not unknown in Australia, the scale of the mass murder at Port Arthur in 1996 provided the impetus for a national re-think on integrated legislation. The Australasian Police Minister’s Council reached a Nationwide Agreement on Firearms in May 1996. Essentially, that agreement embodied a four-pronged approach that aimed at:

- Reducing the overall supply of firearms;
- Restricting access to people deemed ‘fit and proper’;
- Prohibiting particular kinds of firearms; and
- Controlling gun use.

All aspects of gun ownership in Tasmania were closely reined in through the *Firearms Act 1996* that replaced the earlier and less stringent *Guns Act 1991* and *Guns Amendment Acts 1993* and *1996*.

The new Act strongly increased the degree of regulation putting the onus squarely on Tasmania Police to tighten access to guns. Various levels of control were applied to both the owners of firearms as well as to the weapons themselves with hefty penalties to be imposed for an extensive assortment of potential breaches.

Ownership of firearms requires possession of a licence (subject to different categories, i.e. user, dealer, museum or heirloom) for which aspiring owners may apply at a *Service Tasmania* outlet. Applicants are subject to rigorous identity requirements and applications have a 28-day cooling off period. In processing applications, Tasmania Police’s Firearms Services carries out checks regarding the applicant’s police record – including any background of restraining orders.

Where a licence is granted, the licence holder may apply for a permit to acquire a firearm. Firearms are grouped by type (Category A, B, C, D and H) with prospective owners required to demonstrate specific needs commensurate with the

---

<sup>1</sup> Warner, K. *Firearm deaths and firearm crime after gun licensing in Tasmania*. 1999



desired category. Again, Firearms Services processes permits and details of the weapon are recorded in the police database that retains details of category, make, model and serial number together with particulars of the registrant. Firearm dealers must furnish quarterly returns to the police outlining their trade in firearms and ammunition. Sale, loss or theft of guns must be reported to the police within a seven-day period.

Restrictions on legitimate ownership and availability of firearms have opened up new opportunities for criminals by making dealing in illegal firearms more lucrative. Consequently, a key condition of firearm ownership is the safe and secure custody of weapons. The Act describes in detail the kinds of storage containers that licence holders have to provide for weapons. Police have powers to seize any firearms or ammunition that are not housed appropriately.

In addition to the penalties that are listed for contravention of the foregoing parts of the Act, a wide range of other offences is also covered. This includes such things as transportation or importation of firearms, firearm parts or ammunition, ownership of ammunition or firearm parts, discharge of firearms in public places, carrying firearms with criminal intent, modifying the construction of firearms and sections relating to licence holders affected by drugs or alcohol.

## **MANDATE**

Under the provisions of section 44(b) of the *Financial Management and Audit Act 1990* the Auditor-General may:

‘Carry out examinations of the economy, efficiency and effectiveness of Government departments, public bodies or parts of Government departments or public bodies’.

The conduct of such audits is often referred to as performance auditing.

## **STANDARDS APPLIED**

This audit has been performed in accordance with Australian Auditing Standard AUS 806 (*Performance Auditing*), which states that:

‘The objective of a performance audit is to enable the auditor to express an opinion whether, in all material respects, all or part of an entity's activities have been carried out economically, and/or efficiently and/or effectively.’

The audit has included such tests and other procedures considered necessary in the circumstances.

## OBJECTIVE

The objective of the audit was to determine whether the Tasmania Together goal of ‘Safer communities’ was being furthered by gun control and to identify any areas for improvement. Specifically, it would examine:

- The extent to which the implementation and enforcement of the *Firearms Act 1996* in Tasmania has reduced the number of firearms as well as its impact on gun crime and gun trauma; and
- Whether there are problems regarding enforcement of the Act.

## SCOPE

The scope of the audit was on Tasmania Police’s performance of its obligations under the *Firearms Act 1996*.

## CRITERIA

To achieve the audit objective, we developed the following audit criteria:

- Did the *Firearms Act 1996* result in reductions of:
  - Gun-related crimes;
  - Gun-related suicides, accidents and injuries;
  - Thefts of firearms; and
  - The population of firearms through other strategies.
- Level of prosecutions for firearms offences.
- Are there estimates of the number of unregistered firearms?
- What is the cost of police resources involved in gun control?
- Are there specific problems in enforcing the *Firearms Act 1996*?

## AUDIT METHODOLOGY

Our audit was conducted through:

- Review of Tasmania Police’s performance under the *Firearms Act 1996*;
- Analysis of data from Tasmania Police; and

- Review of medical and other statistics from Department of Health and Human Services and other relevant sources.

### ***STAKEHOLDER INPUT***

In line with the Audit Office's established practice for the conduct of performance audits, an advisory committee was convened to reflect stakeholder views. The committee provided input to the audit's methodology and reviewed the draft report upon its completion.

Nevertheless, the views expressed in this Report are those of the Auditor-General, and are not necessarily shared by other members of the advisory committee.

The Auditor-General chaired the committee and its members were drawn from the following areas:

- Tasmania Police; and
- University of Tasmania – Faculty of Law

### ***TIMING***

Planning for the performance audit began in June 2004. Field testing commenced in July 2004 and extended through to February 2005. The audit report was completed in March 2005.

### ***RESOURCES***

The total cost of the audit excluding report production costs was approximately \$63 000.

This page left blank intentionally

**1 Is the Tasmanian community safer since the *Firearms Act 1996* came into force?**

---

## FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This section of the Report deals with our findings, conclusions and recommendations made in relation to the previously stated audit criteria.

### 1 IS THE TASMANIAN COMMUNITY SAFER SINCE THE FIREARMS ACT 1996 CAME INTO FORCE?

**In forming an opinion in this part of our audit, we sought to determine whether the *Firearms Act 1996* had led to reductions of:**

- **Gun-related crimes;**
- **Gun-related suicides, accidents and injuries;**
- **Thefts of firearms; and**
- **The population of firearms through other related strategies?**

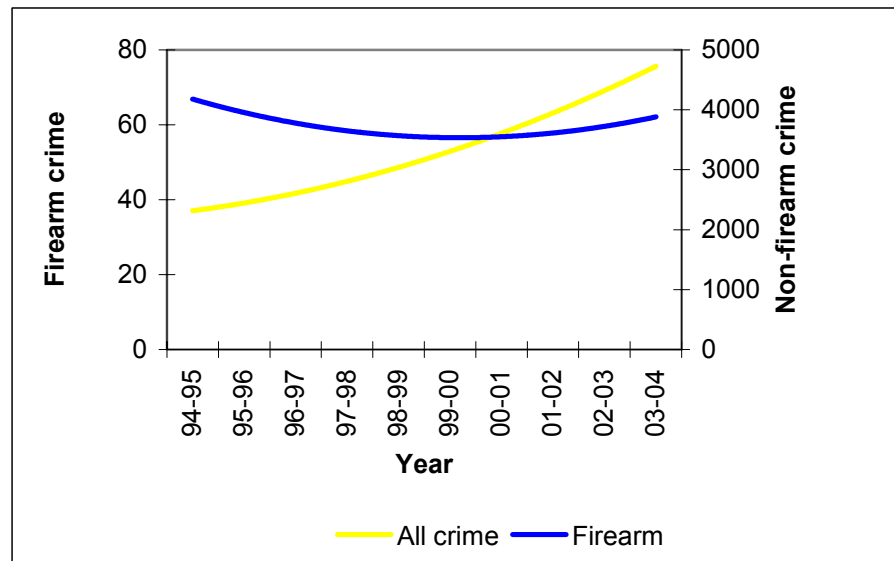
**We also examined the level of prosecutions for firearms offences.**

#### 1.1 GUN-RELATED CRIMES

Using data obtained from Tasmania Police and the Coroner's office, we examined reported usage patterns of firearms in crimes against the person (e.g. armed robbery, assault, murder/manslaughter and wounding) over the ten-year period 1994-95 to 2003-04.

To discern the underlying pattern, we excluded the Port Arthur tragedy because its inclusion distorted the longer-term data. With that adjustment, the reported use of firearms in the above-mentioned crimes was very low. Over the ten-year period, on average firearms were used in just 1.8% of crimes.

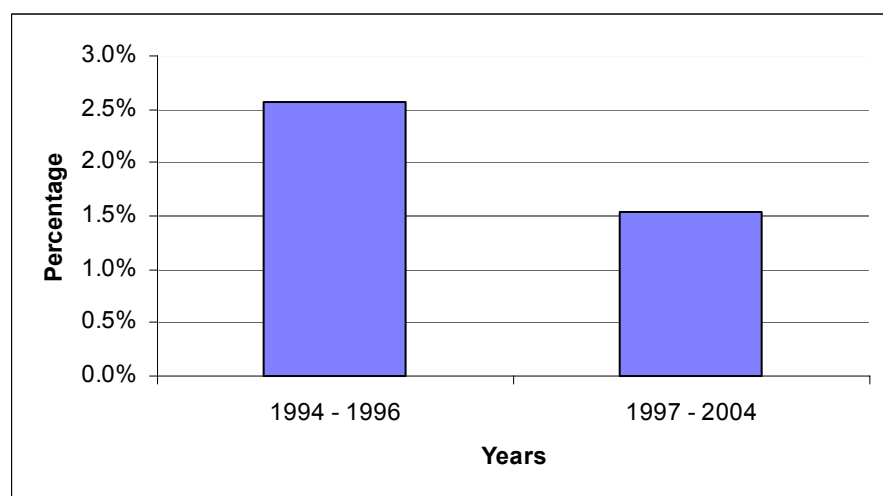
The total number of crimes against the person rose from 2 364 in 1994 to 4 492 in 2004 (increase of 90%), while instances where a firearm was used went down from 69 to 56 (a decrease of 19%). Figure 1 shows the marked upward trend in crimes of this kind generally while the use of firearms has remained at a low level.

**Figure 1: Crimes Against the Person - Trendlines: 1994 - 2004**

Although it was beyond the scope of our audit to ascertain the reasons for the upswing in violent crime, a Tasmania Police spokesperson indicated that the rise is mainly due to an increased rate of reporting, especially of domestic violence.

In absolute terms, the variation that has occurred in firearm use in crimes against the person is small. Because the incidence of these offences is so low in Tasmania it is difficult to form a conclusion based on movements in the numbers of cases.

However, when we analysed the proportion of crimes against the person in which a firearm was used, the impact of the 1996 Act was unequivocal. Figure 2 compares the rates before and after the *Firearms Act 1996* came into effect.

**Figure 2: Proportion of Crimes Against the Person in which a Firearm was Used: 1994 – 2004**

Although the above reduction in the use of firearms in the commission of reported violent crime may appear to be modest, it should be seen

in the light of the large increase of reported violent crime referred to previously.

Even though the overall level of reported offences against the person has increased substantially over the last 10 years, tighter gun control has seen a reduction in those instances where a firearm was used.

## 1.2 *EFFECT ON GUN-RELATED SUICIDES, ACCIDENTS AND INJURIES*

To determine the impact of the *Firearms Act 1996* on accidents, injuries and fatalities we relied on data supplied by the Department of Health and Human Services. Because Tasmania's suicide rate had historically been one of the highest in the country we considered it as a separate category from other gun-related trauma.

### 1.2.1 *SUICIDES*

Commentators on firearm regulation have made a connection between the number of homes with firearms and firearm suicide<sup>2</sup>. Firearms provide an especially lethal means to those contemplating suicide and proponents of gun control hoped that the introduction of legislation would be an effective way to diminish the use of these weapons in suicide and perhaps to lower the number of suicides overall. Such a reduction could be engineered by:

- Imposing a lengthy cooling-off period between applying for a firearm licence and acquiring a firearm;
- Requiring secure storage conditions that would decrease availability of firearms for impulsive acts of suicide; and
- Raising public awareness of the dangers of firearm ownership.

We accessed data relating to suicides for the period 1985–2003. Our analysis, based on whether or not a firearm had been used, grouped the statistics into three time periods that paralleled changes to the legislative framework in respect of gun control.

In the first phase, prior to January 1993, when the *Guns Act 1991* came into force, there was no system of licensing or registration of firearms other than handguns. Next, the *Guns Act 1991* introduced a system of licensing but only handguns and fully automatic guns had to be registered. Finally, with the *Firearms Act 1996* there was much more rigorous control that included a 28-day cooling off period for new licence applications and safe storage conditions.

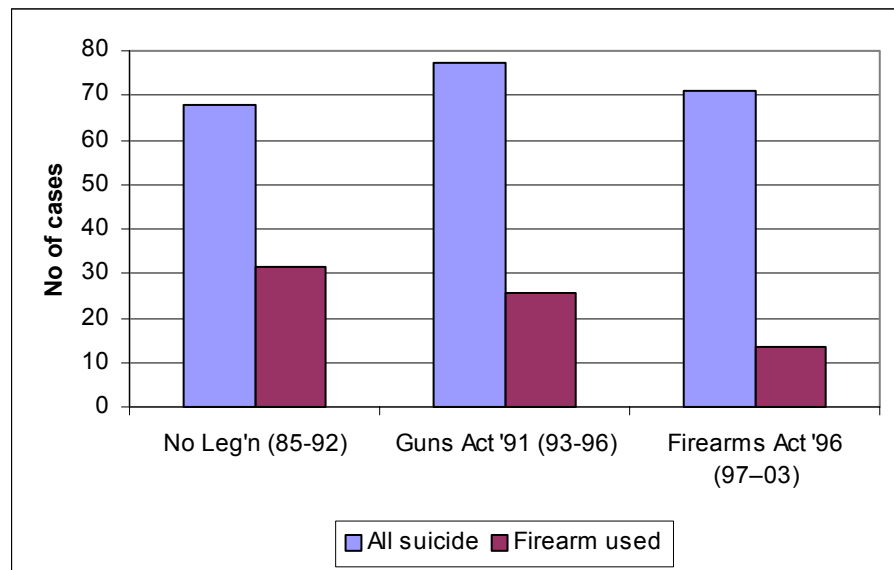
---

<sup>2</sup> Graycar, A. *Crime, Safety and Firearms*, Australian Institute of Criminology, Canberra 2000



Figure 3 illustrates the situation in relation to suicides involving the use of a firearm during each of the above periods.

**Figure 3: Tasmania Suicides Involving the Use of a Firearm: 1985 – 2003**



In the first period, prior to 1993, firearms were used in 46.4% of suicides in Tasmania. In the years when the *Guns Act 1991* was in force that proportion was lowered to 33.2% and since the *Firearms Act 1996* was introduced firearms have been used in 19.1% of suicides.

As can be noted in Figure 3, it is apparent that:

- Any legislative initiative to limit access to firearms has lessened their use in suicides; and
- The downward trend in relation to firearm suicides first appears to manifest itself around the time when the *Guns Act 1991* came into force, 1 January 1993.

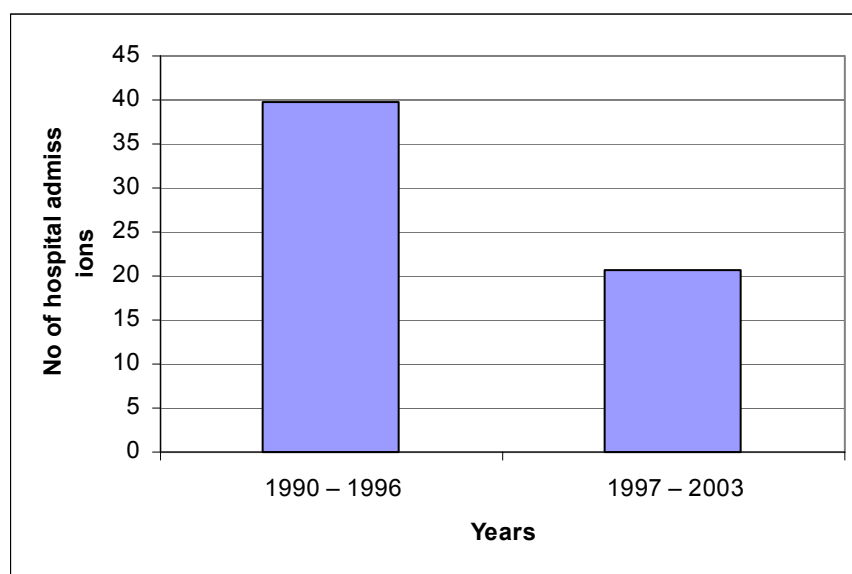
In conclusion, although deficient in other respects, the earlier *Guns Act 1991* appears to have lessened the previous high number of suicides involving firearms. This downward trend was further boosted by the much more stringent *Firearms Act 1996*.

## 1.2.2 ACCIDENTS AND INJURIES

We examined data for people who had been treated in hospital as a result of gunshot wounds<sup>3</sup> in the period 1990–2003.

As noted with suicide data (see section 1.2.1), the introduction of the *Firearms Act 1996* has generated a decline in firearm trauma as indicated by Figure 4 below.

**Figure 4: Hospital Admissions for Firearm Trauma: 1990 – 2003\***



\* Casualties from Port Arthur tragedy not included.

In particular, we looked at injuries caused by accidental discharge that accounted for 67% of hospital admissions since the Act requires new licence applicants to successfully complete firearm safety training. Commentators<sup>4</sup> have made the following observation:

‘Research suggests that properly trained shooters – that is shooters trained in the safe handling and storage of firearms and thus acutely aware of their antisocial propensities – ... have lower accident rates ...’

A marked improvement in the level of hospital admissions for gun trauma as a result of an accidental discharge is apparent when the situation pre- and post-1996 is compared as shown below in Figure 5. Although the earlier legislation had also required some firearms training the *Firearms Act 1996* is more rigorous in this regard.

<sup>3</sup> Data was for ‘separations’, a term defined by the Australian Institute of Health and Welfare (AIHW) as: ‘The administrative process by which a hospital records the completion of treatment and/or care and accommodation of a patient (discharge, transfer, or death).’

<sup>4</sup> Graycar, A. *Crime, Safety and Firearms*, Australian Institute of Criminology, Canberra 2000

**Figure 5: Firearm Trauma Hospital Admissions – Accidents:  
1990 - 2003**

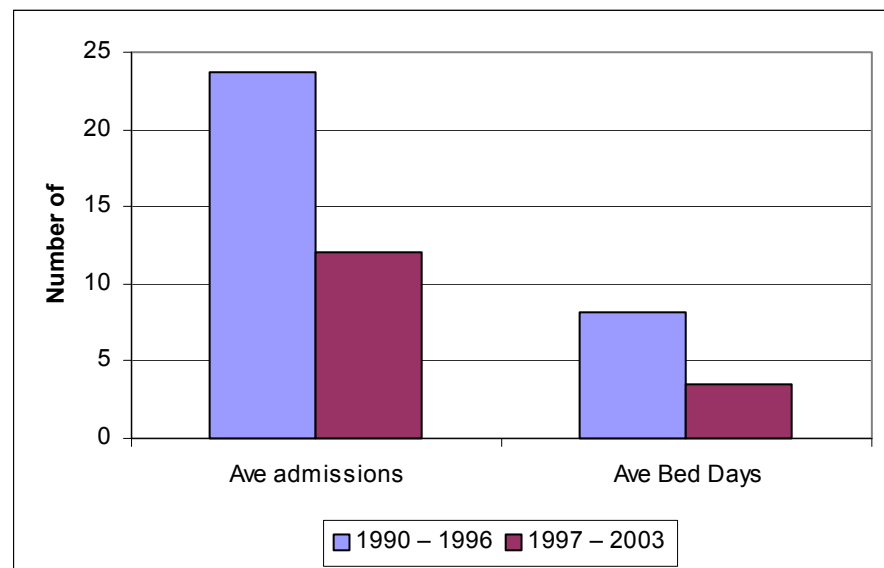


Figure 5 illustrates not just a reduction in the average number of hospital admissions for accidentally caused gun trauma but also a decrease in the length of the stay in hospital as measured in bed days after 1996. Presumably, the decline in bed days at least in part reflects a drop in the seriousness of the injuries involved requiring less extensive treatment. The substantial reductions in both the number and severity of accidental injuries represent significant savings to the community in terms of suffering and costs.

In summary, since 1996, there has been a reduction in the level of hospital admissions for gun trauma. The leading cause of admission was accidents, a trend that was noticeable pre-1996 as well as after. In that category the number and severity of injuries has almost halved.

### 1.3 THEFTS OF FIREARMS

Studies in Australia and overseas have indicated that in countries where regulation of firearm ownership exists, criminals often obtain firearms through theft of legally held firearms. We examined thefts between 1994-95 and 2003-04 using data supplied from the Tasmania Police 'Crime Analysis System'. Our analysis reviewed the situation before and after 1996 and we averaged thefts for three years before the *Firearms Act 1996* and for the seven years after (see Figure 6 below).

**Figure 6: Annual Average Theft of Firearms: 1994 – 1996 and 1997 – 2004**

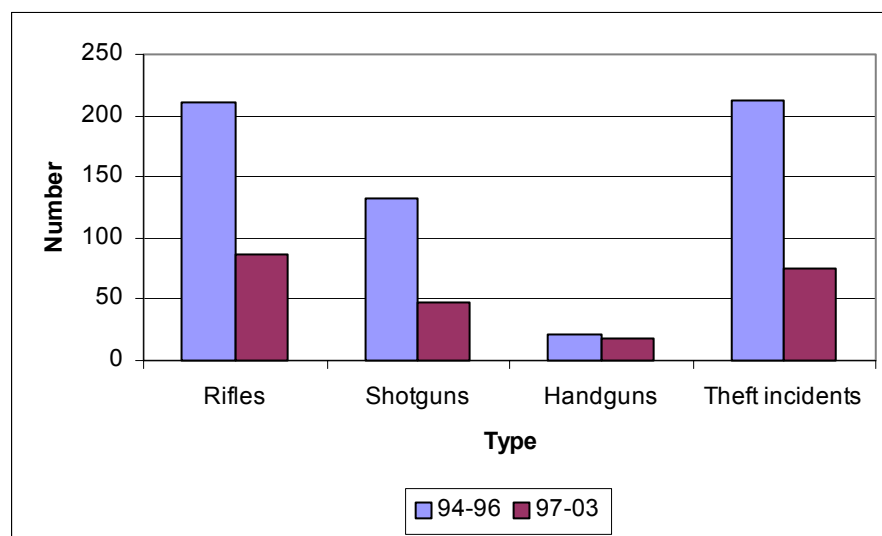


Figure 6 indicates the dramatic effect of the Act, in terms of items stolen and the number of incidents. Comparing the two periods, the average number of incidents has reduced by 65%. As well, the annual average for numbers of firearms stolen has declined from 365 to 153 (58%). Rifles and shotguns stolen have showed the largest reductions while the numbers of handguns stolen each year has remained almost constant.

Two factors could account for the reduction in the volume of thefts:

- The population of firearms has been reduced thus lowering the potential for theft; and
- The *Firearms Act 1996* stipulates that firearms are securely stored and that storage conditions should have made stealing firearms much more difficult.

However, it did appear that some individual incidents had resulted in larger numbers of firearms being stolen in a single incident. It may be that criminals are targeting collections as a more profitable source of supply of illegal arms. Notwithstanding this observation, it appears that since 1997 the level of firearm theft has been lowered significantly.

### **Recovery of stolen firearms**

A review of the reported recovery of stolen firearms (again from the police 'Crime Analysis System') was made for the same period as thefts. The rate of recovery of stolen firearms is more than double for the post-1996 period compared to the earlier time (13.6% to 6.2%). A possible reason is that illegally acquired firearms would be less usable in the hands of unlicensed users because ammunition is only available to licence holders. Thus, without access to ammunition an illegally acquired firearm is ultimately useless. These factors restrict the criminal

market for stolen firearms and thereby reduce the ability of thieves to sell stolen firearms quickly.

Police data on the theft of firearms reveals that the *Firearms Act 1996* has reduced the level of firearms stolen and improved the chances of their recovery.

## 1.4 OTHER STRATEGIES TO REDUCE THE POPULATION OF FIREARMS

### **Surrender**

The *Firearms Act 1996* allows for the surrender of firearms under a number of circumstances. Possible scenarios envisaged by the legislation are:

- Licence holders decide that they no longer need or want a firearm; and
- A person who is not authorised under the Act comes into possession of a firearm.

In the three years since 2001 more than 5 600 firearms were surrendered to Tasmania Police. Of this total 5 000 were destroyed, 100 were transferred to the Tasmania Police forensic library while the balance were held pending further action.

Buy back programs, such as that put in place in 1996 as part of a National Agreement on Firearms, are outside the ambit of state legislation. The original gun buy back scheme and the more recent handgun buy back were coordinated by the Commonwealth.

### **Amnesty**

In addition to the preceding categories, Tasmania Police have also used amnesties as a means of reducing the state's firearm population. The Act allows for a permanent amnesty for people surrendering firearms for which they have no licence. In addition, there have been extra amnesty programs aimed at encouraging the surrender of unwanted or unauthorised firearms. The last such separate amnesty was conducted in 2001 and resulted in 344 firearms being handed over to police.

We note that the Commonwealth also instigated a handgun buy back program in 2003 but this was not reviewed as part of our audit because it fell outside the scope of the *Firearms Act 1996*.

## 1.5 CHARGES UNDER THE FIREARMS ACT 1996

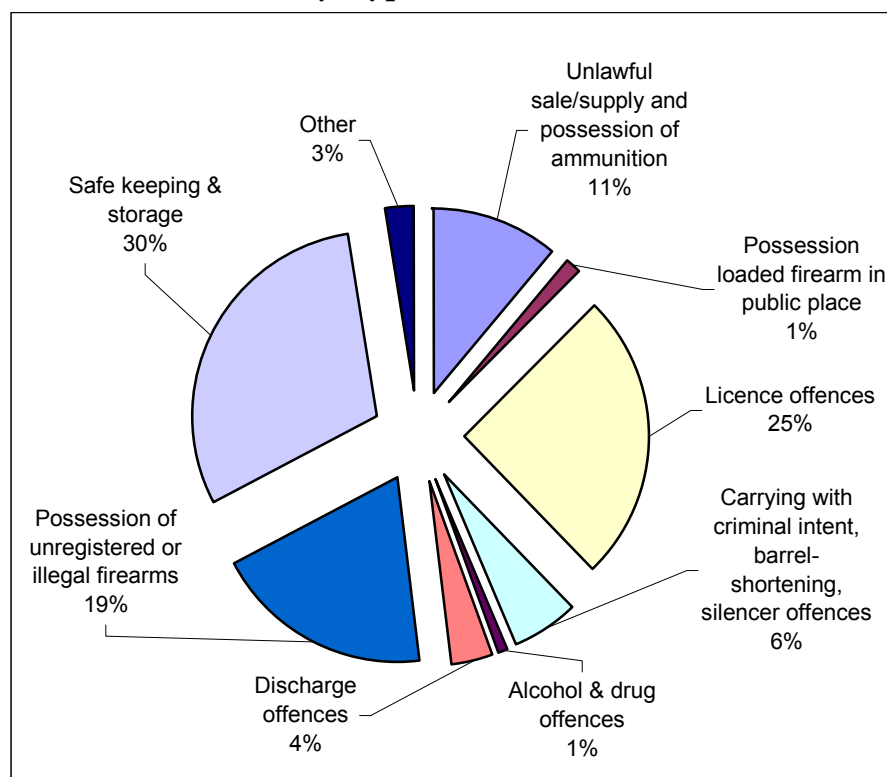
That the *Firearms Act 1996* heralded a much stricter gun control environment than its predecessor is emphasized by the many sections of the Act that impose serious penalties for breaches including fines (of up to \$10 000), imprisonment up to 2 years or both.

Using prosecution data obtained from Tasmania Police, we examined the numbers of charges laid under the *Firearms Act 1996*. Since November 1996 when it came into effect, Tasmania Police has prosecuted offenders for a total of 4 848 charges under 42 sections and subsections of the Act. The following list shows the broad groupings into which those offences fell:

- Unlawful sale/supply and possession of ammunition;
- Possession of a loaded firearm in public place;
- Licence offences;
- Carrying with criminal intent, barrel-shortening and silencer offences;
- Alcohol and drug offences;
- Discharge offences;
- Possession of unregistered/prohibited firearms;
- Safekeeping and storage; and
- Other

The relative proportion of these offences is illustrated in Figure 7.

**Figure 7: Charges Laid under the *Firearms Act 1996* Grouped by Type: 1996 - 2003**



From the Figure on the previous page, the three largest groupings of charges were for:

- Safe keeping and storage – 30% (1,468 charges);
- Licence offences – 25% (1,222 charges); and
- Possession of unregistered/prohibited firearms – 19% (926 charges).

As noted above in section 1.2.1, one of the principal objectives of tougher legislation was to ensure more secure storage of firearms. While it is evident that police are active in relation to prosecuting people who breach firearms storage conditions, it is a matter of concern that safekeeping and storage offences were predominant. Police inspection of licence-holders storage facilities is considered in more detail in section 2.4 below.

During the audit we noted that there were 40 sections or subsections of the Act that have not yet figured in prosecutions. However, possible explanations are that:

- Some parts of the legislation overlap and Tasmania Police find it preferable to use one part rather than another;
- Those sections may be used to issue cautions that would not have been recorded in the statistics that we reviewed; and
- The prescribed offences have yet come to the attention of police.

Largely, it is clear that Tasmania Police has an array of potential offences to enable enforcement of the Act. There has been a preparedness to apply these powers to prosecute offenders.

## 1.6 CONCLUSION

The impact of the *Firearms Act 1996* has been positive. Tighter legislation, backed by determined law enforcement, has reduced the population of firearms in Tasmania and limited access to those firearms. Statistics that we examined indicated that substantial reductions have occurred in the use of firearms to commit violent crime and suicide. There has been a similar lessening of hospital admissions for gun trauma, particularly as a result of accidental shootings.

Thefts of firearms have also been lowered with an upswing in the proportion of stolen firearms recovered.

Since 2001 almost 6 000 firearms have been surrendered to police and subsequently destroyed.

This page left blank intentionally



## **2 Are there problems enforcing the *Firearms Act 1996*?**

---

## 2 ARE THERE PROBLEMS ENFORCING THE *FIREARMS ACT 1996*?

**We profiled firearm ownership numbers in Tasmania.**

**We reviewed police responsibilities under the *Firearms Act 1996* to determine whether there were difficulties in enforcement of the legislation or other obstacles to controlling firearm usage in Tasmania. Specifically, we looked at:**

- **The level of gun ownership;**
- **Assessing firearm licence applicants;**
- **Illegal importation or manufacture;**
- **Safe-keeping of firearms;**
- **Dealers' records; and**
- **Managing the firearms database.**

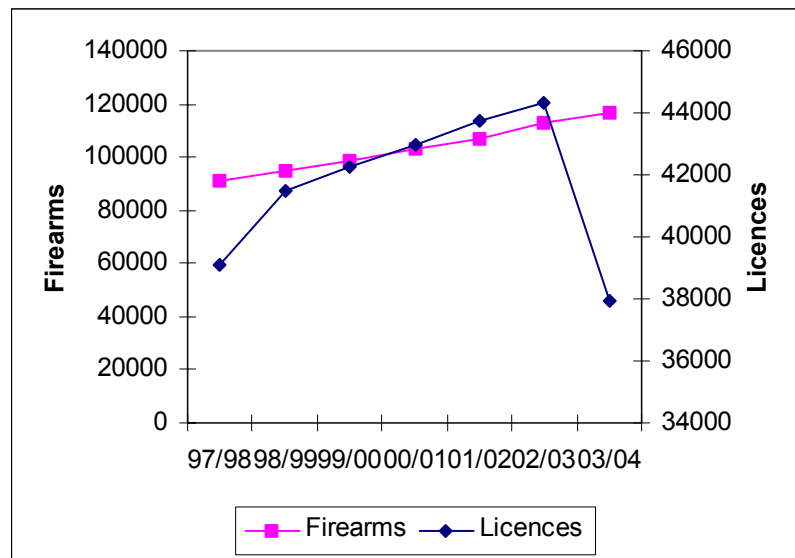
### 2.1 *THE LEVEL OF GUN OWNERSHIP*

Firearm licences were introduced under the *Guns Act 1991* and the last figures for active licences before that Act's repeal in 1996 were:

Gun licences	56 653
Gun dealers	133
<b>Total</b>	<b>56 786</b>

Figure 8 outlines movements in the numbers of firearms and licences since 1997.

**Figure 8: Movements in the Numbers of Firearms and Licences: 1997 – 2004\***



\*Data for 1996–1997 was excluded because the Act came into force part way through that period (i.e. November 1996) and data was incomplete for that reporting period.

Although Figure 8 shows that there has been a steady increase in the number of permitted firearms each year, the acquisition process is closely controlled by Tasmania Police. If a current licence holder wishes to obtain more firearms he or she must seek a permit from Tasmania Police. Firearms can only be obtained from dealers whose stock records are regularly submitted to Firearms Services. In cases where licence holders wish to buy or sell firearms private dealings are illegal and such transactions have to be made through a dealer.

Figure 8 also indicates the continual growth in the numbers of registered firearms without commensurate expansion in the number of licences. Indeed, from a high point in 2002–2003 the number of licences fell by 14.4% in the next year. The timing of that reduction does not align with the non-renewal of 5-year licences issued in 1997 although that would appear to be the most likely cause. Regardless of the reasons for the decline, it can be deduced that the average per capita ownership of firearms by licence holders has increased from 2.32 in 1997–98 to 3.08 in 2003–2004.

### **Unregistered firearms**

On average, according to the data illustrated in Figure 8, each firearms licence holder (excluding dealers and their stock) possesses 2 – 3 firearms.

If that level of ownership (say, 2.5 firearms per licence holder) applied prior to 1996, then the state's firearm population at that time could be estimated by the following calculation:

$$56\,786 \text{ licence holders} \times 2.5 \text{ firearms} = 141\,965.$$

According to figures provided to the Commonwealth at 30 June 1998, the post-1996 buy-back saw 34 564 prohibited firearms handed in. This total is just for those firearms that had become illegal under the *Firearms Act 1996*, viz. machineguns, pump action shotguns, self-loading rifles and self-loading shotguns. A further 4 296 legal firearms were also surrendered (without financial compensation) during the buy-back period. Therefore, the total reduction in the State's gun numbers at that time totalled 38 860.

Based on the foregoing figures, the number of firearms that should have been subject to registration after 1996 would have been:

$$141\,965 \text{ (total)} - 38\,860 \text{ (surrendered/buy back)} = 103\,105.$$

From figure 8, even if the 1998–1999 figure is used (i.e. 94 470) a large discrepancy remains:

$$103\,105 - 94\,470 = 8\,635 \text{ (or 8.4\%).}$$

Nevertheless, estimates of the number of unregistered firearms are predicated on various assumptions and their reliability is limited. The pool of such firearms may be contracting (through surrender or amnesties) or expanding (through theft, illegal manufacture or smuggling). Criminologists<sup>5</sup> have reported that firearms used in crime are frequently unregistered but if the crime goes unsolved (and the firearm is not recovered) then even that assertion cannot be verified.

Various estimates of the State's firearms population can be made and it seems possible that Tasmania may have a considerable number of illegal firearms. However, what is certain is that the *Firearms Act 1996* has successfully reduced that population and entirely eliminated legal ownership of and access to the most lethal kinds of guns. Moreover, confining the purchase of ammunition to licence holders must further restrict the usability of illegal firearms.

---

<sup>5</sup> Mouzos, J. *The Licensing and Registration of Firearms used in Homicide*. Trends and Issues No 151. Australian Institute of Criminology

## 2.2 ASSESSING FIREARM LICENCE APPLICANTS

The Act requires that firearms licences are only granted to applicants who are ‘fit and proper’. In making such determinations, the Commissioner is obliged to consider whether applicants have a criminal record, are the subject of a restraint order and a number of other important matters that are not hard for police to confirm. However, section 29(2)(b) raises some difficulties in that the Commissioner must take into account ‘the mental and physical condition of the person’.

To obtain a licence, applicants complete a form that they lodge at a *Service Tasmania* shop with the prescribed fee<sup>6</sup>. The form requires applicants to disclose personal information including any relevant medical history and there are penalties for providing false or incomplete data.

Forms from *Service Tasmania* are forwarded to Tasmania Police for processing. As part of that practice the applicant’s details are checked against criminal intelligence databases for past offences and current activity. As well, they are also checked against a national database ensuring that the applicant is not currently the subject of any police investigation.

If an applicant satisfies these checks they must next complete firearm training at TAFE. That is a one-day course that deals with:

- The law relating to firearms;
- Firearms safety and operation;
- Hunting law and ethics; and
- Safe firearm handling and storage.

The course is conducted by TAFE personnel and does not have any direct Tasmania Police involvement.

As the current procedures stand there is very limited scope for Tasmania Police to assess applicants for a firearm licence at first hand. Police countered our concerns by pointing out that even if there were to be face-to-face contact with applicants there would be no greater certainty that they would be any better able to assess a person’s ‘mental and physical condition’.

Notwithstanding that view, it is our opinion that such contact with experienced police would at least allow the possibility of identifying applicants who may require more detailed evaluation.

---

<sup>6</sup> Where there is no *Service Tasmania* shop in an area, applications can be lodged at the local police station.

**Recommendation 1**

**Tasmania Police should review current firearm licensing procedures to ensure that they are taking the mental and physical condition of applicants into account as required by section 29(2)(b) of the *Firearms Act 1996*.**

**2.3 ILLEGAL IMPORTATION OR MANUFACTURE**

There are three possible means by which criminals can obtain firearms – theft, smuggling or illegal manufacture. Theft is reported in section 1.4 of this Report. We checked to see what controls were in place to impede illegal acquisition of firearms and ammunition particularly via such means as mail order or Internet purchasing. Importation to Tasmania from interstate involves Australia Post while overseas transactions also concern the Australian Customs Service.

We met with representatives from these organisations to understand how controls are applied and to review communications with these federal entities and Tasmania Police. Although they have differing areas of responsibility Australia Post and the Australian Customs Service work closely together and, while conceding that no system can be foolproof, they have strategies in place to deter and detect traffic in prohibited items including firearms.

The use of cartridge reloading as a means of securing a supply of ammunition for illegal firearms appears to be adequately controlled by the Act. Cartridge reloading equipment (i.e. presses, dies etc.) is not illegal and as such is not regulated. However, the explosive components of ammunition are controlled and sales restricted to licence holders. Sales of these materials have to be reported to police on dealers' returns.

We concluded that controls are in place to prevent the illegal importation or manufacture of firearms and ammunition.

**2.4 SAFE-KEEPING OF FIREARMS**

A key issue in control of firearms is their safe storage. It confers safety benefits not just to licence holders and their families, but also has a positive effect on the number of firearms stolen yearly and reduces the possibility of stolen firearms contributing to the pool of illegally held firearms in Australia.

The Act<sup>7</sup> requires firearms and ammunition to be separately stored in locked receptacles. The need for enforcement of safe

---

<sup>7</sup> Refer to *Firearms Act 1996* sections 85 - 86

storage conditions is obvious if the benefits of secure storage are to be realised. That there have been – and continue to be – deficiencies in storage conditions is supported by the fact that safe keeping and storage breaches have generated 1 468 charges being laid between 1996 and June 2004. As noted in section 1.5, this category of offences under the Act is the largest by a clear margin.

Currently, the only inspections made by police are for new applicants applying for a category H (handgun) licence. Otherwise, inspections are conducted in response to thefts or in the course of investigations. Consequently, licence holders could reasonably expect that they will not receive a visit from the police.

We requested data from Tasmania Police on the number of premises inspected and found that the information was not available back to 1996. Previously, any check was noted on the individual licence holder's file rather than being centrally recorded and it was not possible to ascertain total numbers without a manual check of every file. Data had been kept informally for the last few years and showed the followed inspections had occurred:

- 2003 – 42;
- 2004 – 111.

A database containing all storage checks was commenced mid-2004 – in the course of the audit.

We contacted police in South Australia, Western Australia and the Australia Capital Territory – as jurisdictions of a similar scale to Tasmania – to ascertain their approach to inspection of storage conditions. The results of our survey are given below in Table 1. It is evident that these states are doing more than Tasmania in respect of inspection activities.

**Table 1: Inspection of Firearms Storage Conditions in Tasmania, South Australia, Western Australia and the Australian Capital Territory**

<b>Jurisdiction</b>	<b>Inspection activity</b>
Tasmania	Police do inspect storage for new handgun applicants. Other inspections in response to thefts or in the course of investigations. No routine inspection program.
South Australia	Only <i>ad hoc</i> inspections at present. However, starting this year SAPOL is targeting a 1% inspection of storage conditions. This will be an ongoing, rolling program.
Western Australia	Police do inspect the applicant's storage facilities. This even applies to remote locations where local police are responsible for reporting back to the Firearms Branch on the adequacy of an applicant's storage arrangements
Australia Capital Territory	Anyone who is obtaining a firearms licence for the first time (and intends to register a firearm) is required to allow police to inspect their firearm storage facilities.

As secure storage is a fundamental control in restricting access to firearms, and is required by the *Firearms Act 1996*, monitoring of licence holders' storage conditions should be carried out regularly. A program of ongoing random inspections (such as that proposed by South Australia) either by local police or a specialised audit team would have a number of advantages:

- Quantifying rates of compliance (including comparisons between regions, urban versus rural, etc.);
- Identification of reasons for non-compliance;
- Alert licence holders that police do conduct spot checks; and
- Elimination of common breaches of safe storage regulations.

**Recommendation 2**

**Police should broaden the scope of ongoing random inspections of storage conditions at licence holders' premises. Results of these inspections should be publicised to encourage compliance.**



## 2.5 DEALERS' RECORDS

Firearm dealers are the only legal source of firearms and ammunition. Purchases of firearms, parts and ammunition (and firearm repairs) all require the production of a valid firearms licence. Dealers must maintain records of these dealings and regularly provide information to police. At present, police update ownership records on the basis of registration forms that they receive. Quarterly returns from dealers provide a cross-check that enables the firearms database to be accurately maintained.

Firearms Services keeps a register of dealers and uses it to ensure the receipt of returns (nil returns included). We found that 34.9% of dealer returns had not been received for more than six months and there was no evidence of follow up action by Tasmania Police.

Sample testing of dealer returns indicated that some lacked adequate detail. For instance, returns from a major state-wide business did not comply with legislative requirements:

- Purchasers' name and address not always noted;
- Permit to acquire not detailed on the transaction history; and
- Ammunition and firearm transactions did not have licence number details listed on the report.

We noted that no follow up action had been taken to obtain the missing information.

**Recommendation 3**

**Police should follow up the receipt of returns from firearm dealers promptly.**

**Police should address shortcomings in firearm dealers' returns expeditiously.**

In general, Firearms Services does not have guidelines documenting procedures to be applied in administration of the *Firearms Act 1996*. Instead, there is reliance on staff expertise, especially since several of the staff have worked there since the unit was established in 1996. However, staff turnover will undermine the corporate memory and it is essential that documentation be produced before that knowledge is lost. A manual would confer the following benefits:

- Be a framework for clearly articulated and consistent processes;
- Enable management to analyse the administration and performance of the unit; and
- Become a basis to achieve continual improvement.

**Recommendation 4**

**Police should further develop guidelines for Firearms Services to assist the efficiency and effectiveness of the unit. This would also address the potential problem of replacing senior and experienced staff.**

**2.6 MANAGING THE FIREARMS DATABASE**

Tasmania Police now have information about firearms and licence holders that was not possible to obtain before 1996. Firearms Services has a database that records all relevant particulars of licence holders and firearms registered to them and as such it has the potential to be a powerful management tool. We relied on the database during the audit and conducted some testing to assess the degree to which it is maintained by Firearms Services.

**Deceased licence holders**

When a licence holder dies their licence should be cancelled and any firearms formerly in their possession should be delivered up to Tasmania Police. As the system is described in the Act<sup>8</sup>, the onus to ensure that this happens is on the person who inherits those firearms. This appears to be a less than satisfactory approach and something that could be easily overlooked in a time of bereavement. We were concerned to establish whether Firearms Services was proactive in identifying deceased licence holders and initiating action to secure firearms.

The system in place relies on staff at Firearms Services noting obituaries published in Tasmanian newspapers and checking each one in the firearms database. This appeared to be a laborious and inefficient process. To test the control we conducted sample testing based on data of male deaths recorded by Births Deaths and Marriages for 2003.

---

<sup>8</sup> Refer to *Firearms Act 1996* sections 147

We used a sample of 351 records (from males in the age range 18 to 75 years) for our test. From that group, 61 names were found on the firearms database but only 57 had been cancelled. The outstanding 4 licence holders remained in the database with 'Active' status. These 4 examples equated to an error rate of 6.6%.

A data matching process that compares information from Births Deaths and Marriages against records in the firearms database would be a much more efficient system with a higher degree of accuracy.

#### **Recommendation 5**

**To maintain close control over the state's firearm population, Police should arrange to obtain data from Births Deaths and Marriages regularly to enable automated detection of deceased firearm licence holders.**

#### **Change in licence particulars**

Although the Act requires licence holders to report any change to the particulars of a licence (refer to section 57), this does not always happen. At the time of our fieldwork, Firearms Services had 119 files that had been cancelled because the licence holder could not be found. Usually, these cases had come to light when licence renewal notices had been returned as undeliverable and subsequent efforts to find the person had been fruitless.

We selected a judgement sample of 20 files for examination to reflect a broad representation of the population. Firearms Services use a standard procedure with these cases and extensive efforts are made to locate the licence holders, including accessing police intelligence networks. All state and federal police forces are contacted and requested to check their records.

Of the 20 files examined there was a total of 54 firearms (including 3 handguns) that were unable to be traced. Those firearms were listed on the database with a status of 'Lost/Stolen'. With 4 files (20%) the amount of time that elapsed between licence expiry and the commencement of follow-up action by Firearms Services was more than a year.

**Recommendation 6**

**To improve the chances of tracing the licence holders concerned and recovering firearms that may otherwise be lost, follow up action on expired licences where the licence holder's address is unknown should be initiated quickly.**

There was no specific status category in the database for expired licences of this type. Instead, they were flagged as 'Expired' and included with all other types of expiry. Although they could be found by a data search this cannot be done directly by Firearms Services. Instead, it necessitates a request to the Corporate Information Technology (CIT) branch at Tasmania Police and may be subject to lengthy delays. Creating a separate category would enable these cases to be more easily managed.

**Recommendation 7**

**In the firearms database a separate category should be established for untraceable licence holders who still own firearms.**

**Availability of management reports**

The suite of reports available from the firearms database focuses on day-to-day issues, understandably, but is quite restricted so far as management reporting is concerned.

The limitations of obtaining management information were evident during fieldwork when seemingly routine enquiries (such as numbers of licences by type, categories of firearms, etc) necessitated custom queries being processed via CIT. This situation was not efficient because of resourcing issues at CIT caused by competing priorities from other areas and system protocols. The result from the perspective of Firearms Services was inevitable delays.

Better quality management reports – and increased flexibility in tailoring one-off queries – would not only aid staff of Firearms Services but also be useful for generating performance data.

One way to achieve this end would be for a Firearms Services' staff member to be trained to run custom queries. This would free up resources at CIT and give a greater degree of ownership and flexibility to Firearms Services.

**Recommendation 8**

**There should be closer liaison between Firearms Services and CIT to expand management reporting from the firearms database.**

**Firearms Services should have a staff member trained to run custom queries on the firearms database.**

**2.7 CONCLUSION**

Our audit did identify some areas where enforcement of the *Firearms Act 1996* could be strengthened, viz:

- Tasmania Police do not appear to be able to meet the legislative requirement to assess the mental condition of licence applicants.
- Inspection of licence holders' storage conditions is only done for handgun applicants. Any other inspections are *ad hoc*.
- Firearms Services needs to further develop guidelines for its activities. Also, it does not speedily follow up dealers' returns and deficiencies in returns are not always actioned.
- The narrow range of available reporting options limits the usefulness of the firearms database. In maintaining the database more efficient methods of detecting deceased licence holders and those who become untraceable should be developed to prevent firearms from falling into the wrong hands.
- Firearms Services should liaise more closely with CIT and have greater ownership of the database than is presently the case.

Notwithstanding the above areas for improvement, Tasmania Police's enforcement of the Act has been effective.

This page left blank intentionally

### **3 Recent reports**

---

### 3 RECENT REPORTS

2001	SPECIAL REPORT NO. 35	SOFTWARE LICENSING
2001	SPECIAL REPORT NO. 36	COLLECTION OF RECEIVABLES AND LOANS IN TASMANIAN GOVERNMENT DEPARTMENTS
2001	SPECIAL REPORT NO. 37	ARCHIVES OFFICE OF TASMANIA
2001	SPECIAL REPORT NO. 38	THE IMPLEMENTATION OF GOODS AND SERVICES TAX IN GOVERNMENT AGENCIES AND LOCAL GOVERNMENT ENTITIES
2001	SPECIAL REPORT NO. 39	BANK ACCOUNT RECONCILIATIONS
2002	SPECIAL REPORT NO. 40	ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL
2002	SPECIAL REPORT NO. 41	KEEPING SCHOOLS SAFE
2002	SPECIAL REPORT NO. 42	FOLLOW UP OF PERFORMANCE AUDITS
2002	SPECIAL REPORT NO. 43	ORAL HEALTH SERVICE: SOMETHING TO SMILE ABOUT?
2002	SPECIAL REPORT NO. 44	MANAGING COMMUNITY SERVICE ORDERS
2003	SPECIAL REPORT NO. 45	BUSINESS NAMES AND INCORPORATED ASSOCIATIONS: WHAT'S IN A NAME?
2003	SPECIAL REPORT NO. 46	LEAVE IN GOVERNMENT DEPARTMENTS
2003	SPECIAL REPORT NO. 47	PUBLIC SECTOR WEB SITES
2003	SPECIAL REPORT NO. 48	GRANTS TO THE COMMUNITY SECTOR
2003	SPECIAL REPORT NO. 49	STAFF SELECTION IN GOVERNMENT AGENCIES
2003	SPECIAL REPORT NO. 50	POLICE RESPONSE TIMES
2004	SPECIAL REPORT	EX-GRATIA PAYMENT TO THE FORMER GOVERNOR MR R W BUTLER AC
2004	SPECIAL REPORT NO. 51	SPECIAL PURPOSE AND TRUST FUNDS: DEPARTMENT OF HEALTH AND HUMAN SERVICES
2004	SPECIAL REPORT NO. 52	INTERNAL AUDIT IN THE PUBLIC SECTOR
2005	SPECIAL REPORT NO. 53	FOLLOW UP OF PERFORMANCE AUDITS: 2000 - 2001
2005	SPECIAL REPORT NO. 54	COMPLIANCE AUDITS: 2004 - 2005



## **4 Future projects**

---

## **4 FUTURE PROJECTS**

Details of performance and compliance audits that the Auditor-General is considering or is working on are:

### **PERFORMANCE AUDITS**

PUBLIC HOUSING – MANAGEMENT OF HOUSING STOCK	CURRENTLY UNDER WAY
ASSET MAINTENANCE – BRIDGES	BEING PLANNED

### **COMPLIANCE AUDITS**

FRINGE BENEFITS TAX	CURRENTLY UNDER WAY
PAYMENT OF ACCOUNTS IN GOVERNMENT AGENCIES	CURRENTLY UNDER WAY
DELEGATIONS	BEING PLANNED
BUILDING SECURITY	BEING PLANNED