

AUSTRALIA

AUSTRALIA'S GUN LAWS SINCE 1996

produced by SSAA Inc* Media & Publications

BACKGROUND AND COMPULSORY BUYBACK

In 1996, Australia's gun laws and regulations came to the fore after a mass-shooting incident in Port Arthur, Tasmania, in which 35 people were killed and 37 injured by Martin Bryant with two military-style self-loading rifles. Bryant was a mentally challenged man with a low IQ and had exhibited disturbing behaviour for many years prior. He was ineligible for a firearm licence and had acquired the firearms illegally when he murdered two people with a knife and stole their firearms.

Within a short period of time, newly-elected Prime Minister John Howard pressured the state governments, who control gun laws in Australia, to administer radical, reactionary and sweeping gun laws in the form of the National Firearm Agreement 1996, the crux of which was the compulsory buyback of self-loading longarms. The Federal Government put a 1% increase on the Medicare levy for one year to finance the purchase and destruction of all self-loading rifles including .22 rimfires, self-loading shotguns and pump-action shotguns.

The buyback was implemented at a reported cost of half a billion dollars. Firearm retailers and wholesalers were compensated for their compulsory loss of stock and some businesses were paid to shut their doors. Mandatory gun licences and registration of all firearms and a near-total ban on all self-loading rifles and shotguns and all pump-action shotguns were the result. Some farmers, professional cullers and sportspeople were permitted to own certain self-loading rifles and shotguns, but the majority of licensed firearm owners, including international sporting shooters, were banned from legally acquiring and owning these firearms for recreational target shooting and hunting. The modus operandi of the buyback was to create a safer community through lower crime and suicide rates and to prevent such a mass-shooting occurring again in Australia.

In 2002, international university student Huan Yun 'Allen'



Australia's Matthew Harriman won the Junior Division of the Bianchi International Speed Event at the 2007 NRA Bianchi Cup held at the Green Valley Rifle and Pistol Club's Chapman Academy Range outside Columbia, Missouri.

Secure your gun Secure your sport



SSAA promotes the safe handling and storage of firearms at all times.

has a calibre greater than .38 (the only two exceptions being to participate in SSAA's Single Action or Handgun Metallic Silhouette competitions) and a barrel length less than 120mm for self-loading handguns and 100mm for revolvers and single-shot handguns.

The Federal Government, through the states and territories, also introduced a variety of strict regulations for sporting handgun use. These regulations include undertaking formalised safety training (either through a club framework or external education agency); a probationary period within a club, during which time they are not allowed to purchase a handgun; ongoing safety instruction; a nation-wide personal criminal record check; minimum number of visits per year to a recognised shooting club; waiting periods and police checks when purchasing a firearm and firearm storage regime checks.

THE FALLOUT

The National Firearms Agreement 1996 and the National Handgun Buyback Act 2003 were, in the words of the Federal Government, introduced to curb firearm violence and make the Australian community safer. Since 1996, firearms violence has indeed dropped and the government and many anti-gun groups attribute this to the new strict firearms regulations and buybacks.

However, further research suggests that firearms violence was actually decreasing prior to the buybacks anyway. According to the Homicide in Australia: 2001-2002 National Homicide Monitoring Program (NHMP) Annual Report, despite an overall increase in homicide victimisation in 2001-02, there was a decrease in the number of recorded homicides where the type of weapon used was a firearm.

Xiang shot at his classmates and teacher, killing two and injuring five people, at the Monash University in Victoria. Prior to the shooting, members of Xiang's university had expressed concerns about his mental state. During the trial, the defence and prosecution agreed that Xiang suffered from paranoid delusional disorder. Xiang himself argued that he felt the killings were his destiny. In June 2004, the Victorian Supreme Court jury found Xiang not guilty due to mental impairment and he was subsequently sent to a psychiatric hospital. Once again, a man known to have suffered mental illness committed criminal acts.

Prime Minister John Howard's Government again reviewed the gun laws and tightened the control of handguns used for sport shooting and even those held as part of an historical collection. The Federal Government also introduced another firearm buyback. The National Handgun Buyback Act 2003 came into law on June 30, 2003, and brought new restrictions on maximum calibre, magazine capacity and minimum barrel lengths for single-shot firearms, revolvers and self-loaders. Sporting shooters were, and still are to this day, prohibited from importing, purchasing, possessing or using a handgun which



Australian Double Trap shooters Craig Trembath and Russell Mark were triumphant at the 2006 Commonwealth Games.

Between July 1, 1989, and June 20, 2002, there was a gradual decline in the use of firearms to commit homicide too. Firearms were used in 26 per cent of homicides in Australia in 1989-90, compared to 14 per cent in 2001-02. This represents a 25 per cent decrease and is the lowest proportion of homicides committed with a firearm since the inception of the NHMP in 1990. The most common type of firearms used to commit homicide in 2001-02 were handguns (56 per cent); however, in most cases, the firearm used in the homicide was not registered or licensed to either the victim or the offender.

In 2000, a report by the Australian Institute of Criminology titled 'The Licensing and Registration Status of Firearms Used in Homicide' found that since 1997 licensed firearms owners were not responsible for more than 90% of firearm-related homicides. Indeed, 97% of firearms used in homicides were not registered and almost none of the owners were licensed.

The incidences of suicide committed with a firearm has also dropped. The Institute of Criminology's 2003 report 'Firearm Related Deaths in Australia, 1991-2001' found a 47% decrease in firearm-related death numbers, with a fall in the number of suicides accounting for the largest part of that decrease.

The SSAA's 1999 report, Suicide Update, which contains data from the Bureau of Statistics, found that seven out of Australia's eight states and territories finished the year 1997 with higher standardised death rates from suicide than they had a decade before. There is some evidence, however, to suggest that there has been a gradual decrease in the number of suicides. From the report, it is also evident that the manner in which suicides are carried out has been changing. For instance, where firearms may have been used in the past, methods such as gases, vapours, hanging, strangulation and suffocation are now often used. It is important to also remember that in nations where firearm ownership is heavily restricted, such as Japan, suicide rates continue to be high.

MENTAL HEALTH

According to the Out of Hospital, Out of Mind report by the Mental Health Council, every society will have people who commit suicide...that is a tragic fact of life. However, in order to try and decrease the numbers of people committing suicide, services and education must be available everywhere. The report furthermore states that the personal and social cost of almost two decades of chronic under-funding for mental health-care is immeasurable. In 2001, 2454 people died by suicide, representing 4.4% of all deaths among people aged less than 75. The vast majority of those committing suicide had untreated mental disorders, particularly depression and alcohol or drug abuse. Many of these could have responded to early intervention treatment, reducing the numbers of



Top photo: Australian Rifle Metallic Silhouette shooters Matthew Everingham and Dann Suthern at the 2006 Inaugural Pacific Regional Championships. **Middle photo:** An Australian competitor takes aim in the Rifle Metallic Silhouette competition at the 2006 Inaugural Pacific Regional Championships. **Bottom photo:** New Zealand competitors take to the Field Rifle/3-Positional competition at the 2006 Inaugural Pacific Regional Championships.

mentally-ill people who commit suicide or are incarcerated for criminal acts.

The SSAA, in voice with many international academics and criminologists, have always counselled that money spent on mental health will have far better results on the occurrence of crime than merely restricting gun use to law-abiding citizens. In 2007, the Federal Government allocated \$1.8 billion over five years to its decaying mental health services after years of neglect. The results of this funding are yet to be seen, but will be monitored and examined.

Interestingly, the most recent mass murders were committed not with a firearm, but with matches. In 2000, Robert Paul Long killed 15 backpackers at the Childers Palace Backpackers Hostel fire in Queensland. Long was arrested for lighting the fire and charged with two counts of murder and one count of arson. He was a pathological liar who had been previously convicted of burglary and assault and had a known history of leaving fake suicide notes and unexplained fires. Long was subsequently sentenced to life in prison for the Childers fire and murders. He was not known to have used firearms in any of his crimes.

The issue of mentally ill people being housed in backpacker hostels intended as affordable accommodation for international youth tourists (instead of being housed in accredited and recognised mental health residences) and the potential it brings for conflict has also been raised as an issue.

ORGANISED CRIME

One of the recent law and order issues has been the exposure of outlaw motorcycle groups in firearm-related and organised crime. Surprisingly, the media has generally been responsible of its reporting of firearm-related crimes when those crimes are committed by members of gangs and organised crime syndicates.

In 2007, a shooting in Melbourne raised the issue of handgun ownership again. This time, however, the media took a very different stance of the issue of firearms when it became known that the perpetrator was a member of a bikie gang and had obtained his firearms illegally. The extreme anti-gun lobby, of course, raised arguments against civilian firearm ownership, but their arguments were quickly deflated by the seemingly more reasonable and logical arguments from the media. The media continued to report, and appropriately so, that the tragedy had more to do with law and order issues, than the current firearm ownership regulations for law-abiding citizens.

THE FUTURE OF AUSTRALIA'S GUN LAWS

The SSAA, like many other groups from around the world, have expended a lot of time and money in countering both the Federal and State Government and the media's demonising of law-abiding, licensed and legitimate firearm owners. With the change of Federal Government in late 2007 and the now Prime Minister Kevin Rudd's public acknowledgement of his enjoyment of recreational shooting and his interest in the mechanics of firearms, the opportunity



SSAA actively encourages junior shooters and hunters to become members through their 'Sign Up A Junior' campaigns and supports them with many and varied junior-specific shooting programs and activities.

presents itself for a clean slate to promote recreational shooting and hunting in Australia. However, only time will tell.

Despite expenditure of close to three-quarters of a billion dollars, the reality remains that only the unlawful use firearms in the commission of crime. Australia is and has always been a comparatively safe community and the SSAA will continue to educate shooters in the safe, responsible and lawful manner of firearm use. While Australia has had firearms taken away and stricter regulations have been introduced, sport shooting and hunting remains a valid and important pastime in the Australian culture and continues to attract international firearm enthusiasts.

* **Sporting Shooters Association of Australia**

SSAA National office

Postal address: PO Box 762, Kent Town, South Australia 5071 Australia

Phone number: +61 8 8272 7100

Email: mh@ssaa.org.au

Website: www.ssaa.org.au

Magazine website: www.australianshooter.com.au

References:

Australian Institute of Criminology 2007, 'Criminal Use of Handguns in Australia', Crime and Criminal Justice Statistics, July 2007, http://www.aic.gov.au/stats/crime/keyFacts_handguns.html

Australian Institute of Criminology 2003, 'Decrease in Firearm Homicides', Crime Facts Info, July 22 2003, no. 54, <http://www.aic.gov.au/publications/cfi/cfi054.html>

Groom, G, Hickie, I & Davenport, T 2003, Out of Hospital, Out of Mind: Review of Mental Health Services in Australia, April 2003, Mental Health Council of Australia, <http://www.mhca.org.au/Publications/documents/OutofHospitalOutofMind.pdf>

Mouzos, J & Rushforth, C 2003, 'Firearm Related Deaths in Australia, 1991-2001', Trends & Issues in Crime and Criminal Justice, November 2003, no. 269, <http://www.aic.gov.au/publications/tandi2/tandi269.pdf>

Mouzos, J 2000, 'The Licensing and Registration Status of Firearms Used in Homicide', Trends & Issues in Crime and Criminal Justice, May 2000, no. 151, <http://www.aic.gov.au/publications/tandi/tandi151.html>

SSAA Inc 2007, Melbourne Shootings, June 21 2007, <http://www.ssaa.org.au/newssaa/pressreleases/pr210607.html>

SSAA Inc 2006, Handgun Ownership Facts in Australia, <http://www.ssaa.org.au/newssaa/noticeboardarchive/handgun-ownership-facts.html>

SSAA Inc 2006, Ten Years After the National Firearms Agreement of 1996, <http://www.ssaa.org.au/newssaa/noticeboardarchive/ten-years-Firearms-Agreement.html>

SSAA Inc 1999, Suicide Update, March 1999, <http://www.ssaa.org.au/newssaa/political%20archive/legislativereports/ilamch99.htm>