



SSAA National Submission Paper

Review of the Family Law System: Discussion Paper

November 2018

SSAA National Summary Statement

As the largest membership organisation representing the shooting sports and recreational hunting in Australia, the Sporting Shooters' Association of Australia (SSAA National) welcomes this opportunity to provide comment to Australian Law Reform Commission (ALRC) in response to the Review of the Family Law System: Discussion Paper.

The SSAA was established in 1948 with the aim of promoting the shooting sports and protecting the interests of licensed firearm owners. Today, we represent more than 190,000 members across the country who regularly partake in their chosen sport, recreation and employment, which involves the legitimate use of legal firearms. Within the pool of about 900,000 individual licensed firearms owners, SSAA is the largest shooting organisation in Australia. In addition to this, the SSAA has official Non-Government Organisation (NGO) status with the United Nations and regularly participates in national and international regulatory discussions.

While we acknowledge and sympathise with the victims of domestic violence, the frequency of any problems involving firearms is rare compared to other forms of violence, with firearms recorded as being used in less than seven per cent of domestic violence murders in 2016.

However, the data does not record if the firearm was legally obtained or not. The Australian Institute of Criminology (AIC) has repeatedly found that it is the unlicensed person with an unregistered, illegal firearm who is responsible for crimes involving firearms¹.

We are writing to address *Section 11: Information Sharing*, which suggests ex-partners should be notified when the individual applies for or renews their gun license when family law proceedings are occurring.

The issue of notifying third or other parties, particularly when an existing firearm licence is concerned, raises serious concerns about privacy and democratic freedoms. There should be no barriers to a firearms licence when no adverse history is present.

The SSAA has and always will support evidence-based decision making, and supports measures that combat criminals and their use of illegal firearms. There is no gain to public safety in further legislating against licensed firearm owners who are law-abiding members of the public that are partaking in legitimate sporting and recreational pastimes.

State police are tasked with assessing firearms license suitability to applicants and we encourage registries to be appropriately funded and staffed. With the transition to the Australian Firearms Information Network and the ability for real-time checking of licence holders, we do not believe it is appropriate to have additional external parties taking on quasi police or reporting responsibilities with immunity. We are additionally concerned that the apparent assumptions evident in the Discussion Paper are not based on evidence-based research in regard to licensed firearms owners. The misconception that a firearms licence applicant or someone renewing their licence as required by law, are somehow a risk to public safety is contrary to the fact that a licence holder must be of good character and not have any serious criminal history.

The law in all states requires that a firearms licence holder must have a genuine reason and need to acquire a firearm. A permit to acquire a firearm is refused if there is not a genuine reason and genuine need to attain a particular firearm. If there is a risk of violence to a former spouse or family members, the states' various apprehended violence orders can be utilised to remove or restrict firearms from the individual.

Too often hindsight has revealed a chronic failure of process by law enforcement in carrying out the established vetting and existing legislation to prevent a criminal act of violence. Coronial inquiries and police reports frequently reveal a collective of destructive behaviour involving drugs, alcohol, neglect, intimidation and threats or actual acts of violence. The misuse of a firearm, legal

¹ Dearden, J & Jones, W 2008, 'Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report', Australian Institute of Criminology.
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or illegal, rarely happens in isolation of other criminal behaviours.

SSAA supports the vetting and licensing system for access to firearms in Australia. This system, however, does not restrict potential perpetrators' access to the reported 250,000 unregistered firearms on the 'grey' market. Additionally, the main instruments used in domestic violence, i.e., knives, blunt instruments and hands, cannot be regulated. Police intervention remains the main deterrent to serious acts of violence.

SSAA would welcome further and ongoing consultation into any changes to the family law system to ensure positive outcomes and prevent unintended consequences.

Geoff Jones
SSAA National President

Tim Bannister
SSAA CEO