



**Public Health Association**  
AUSTRALIA

# Public Health Association of Australia submission on Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019 (QLD)

**Contact for recipient:**

Committee Secretary  
Legal Affairs and Community Safety Committee  
A: Parliament House,  
George Street, Brisbane Qld 4000  
E: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

**Contact for PHAA:**

Terry Slevin – Chief Executive Officer  
A: 20 Napier Close, Deakin ACT 2600  
E: [phaa@phaa.net.au](mailto:phaa@phaa.net.au) T: (02) 6285 2373

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# Preamble

## The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia.

The PHAA works to ensure that the public's health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people's health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

## Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

## Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.



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## Introduction

PHAA welcomes the opportunity to provide input to the Legal Affairs and Community Safety Committee inquiry into the Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019. The PHAA is concerned with public health and safety issues around the ownership and use of firearms, outlined in our [policy position statement on firearms injuries](#). Accordingly, we support policies to protect community health and safety.

Firearms injuries and deaths occur due to a combination of the availability of firearms, motivation for use and community attitudes, as well as broader social, environmental and economic factors.<sup>1</sup> Reductions in firearms related deaths can be achieved through the combined use of a range of strategies, including regulatory frameworks, education, comprehensive suicide prevention programs, accessible social and health services, and targeted crime reduction efforts.<sup>2-7</sup>

Governments should address the identified risk factors for intentional firearm injury, recognising in particular the need for preventive mental health services, greater efforts to prevent family and domestic violence, initiatives to support men's health and wellbeing, initiatives to address motivations for firearm use in violent crime and specific programs addressing rural populations.

To address the flow of firearms into the community (both legal and illegal), factors such as licensing and storage of firearms must be stringently and consistently enforced across the country. This is best achieved through compliance with the National Firearms Agreement.

## The Bill

The Bill proposes the strengthening of the legislative framework pertaining to weapon and firearm crime by amending the Criminal Code, the *Police Powers and Responsibilities Act 2000* and the *Weapons Act 1990* to:

- Increase the penalties for certain weapon and firearm offences
- Introduce new offences
- Introduce a new legislative framework to prohibit high risk individuals from acquiring, possessing or using a firearm

### Firearms Prohibition Orders

The Weapons Act will be amended to incorporate new 'Firearms Prohibition Orders' (FPO), aimed at those who, in the opinion of the Police Commissioner, are not fit, in the public interest, to have possession of a firearm, or the person is a participant in a criminal organisation. A person subject to an FPO must not acquire, possess or use a firearm or ammunition, and must not have any firearms or ammunition kept at their place of residence. Those under an FPO also cannot attend a licensed firearm dealer, shooting range or club, or arms fair, and cannot be in the company of someone else who is in physical possession of a firearm.

### Firing at dwelling houses, buildings or vehicles

A new offence will be created for firing at dwelling houses, buildings or vehicles with reckless disregard for the safety of any person, including during a riot or other civil disturbance.

## Possession of digital blueprints for manufacture of firearms

A new offence will be created for possession of digital blueprint and device for manufacture of firearms, with possession of both a blueprint and a 3D printer, electronic milling machine or other device capable of manufacturing the firearms, being an offence. There are defences available, including for public benefit and research purposes.

## Intent to resist arrest

New offences will be created for discharging a firearm or use or possession of a weapon with the intent to resist or prevent the lawful arrest or detention of the person.

## Punishment of stealing firearm or ammunition

Penalties for stealing firearms or ammunition will be increased.

## Particular conduct involving a weapon in a public place prohibited

Penalties for carrying a loaded firearm or weapon capable of being discharged, and for discharging a weapon in, into, towards, over or through a public place will be increased.

# PHAA Response to the Bill

PHAA supports the Bill, with its intention to protect community health and safety, in response to the significant risk posed by firearms. We also note that the creation of FPOs will bring legislation in Queensland into alignment with New South Wales, Victoria, South Australia and Tasmania, thereby increasing national consistency in firearms regulation.

In his evidence presented to the Legal Affairs and Community Safety Committee, Trevor Watts MP, noted that one of the objectives of the Bill was to ensure compliance with the COAG Agreement in 2013. This 19 April 2013 COAG Communique noted:<sup>8</sup>

- Implementation of an Australian Ballistics Identification Network to support efforts by police to link firearms to crimes through advanced ballistics analysis
- Continued cooperation on the establishment of a National Firearms Interface to increase the opportunity for jurisdictions to identify the movement of firearms to the illicit market
- Continued commitment to identifying and remedying gaps and inconsistencies in firearms laws and
- Implementation of additional firearms search powers to target repeat offenders

PHAA notes that there are a number of areas when Queensland's legislation is inconsistent with other jurisdictions, and non-compliant with the 2017 National Firearms Agreement:<sup>9</sup>

- Firearms licensing allows for a minor's licence for those aged 11-17 years
- Proof of identity and photographic identification procedures for firearms licensing are less stringent than for opening a bank account
- The 10 year licences validity period for category A and B is double that agreed in the NFA
- Category C weapons may be stored in minimum security conditions as for category A and B
- Production of a valid firearm licence is not mandatory for the purchase of ammunition
- Authorises the possession of a pistol or revolver during the first six months of a handgun licence
- Specifies in legislation no limit on the quantity of ammunition which may be purchased

- Legislation does not specifically exclude personal protection as a genuine reason for owning, possessing or using a firearm
- Poor compliance with conditions for category D prohibited firearms
- Poor compliance with NFA requirement for an effective national firearms registry, through poor linkage with National Exchange of Police Information.
- Does not require a 28-day waiting period for second and subsequent firearms.
- Allows for possession of ammunition for collection firearms
- Has additional firearms category (W)

PHAA recommends the above inconsistencies be addressed in Queensland's firearms legislation.

## Conclusion

PHAA supports the broad directions of the Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019, in its objectives of ensuring community health and safety. However, we are keen to ensure the opportunity is taken to improve the compliance of Queensland's legislation with the National Firearms Agreement, in line with this submission. We are particularly keen that the following points are highlighted:

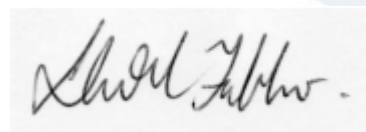
- Public health and safety must always be paramount in firearms legislation
- Queensland's legislation is non-compliant with the National Firearms Agreement in several important areas including licensing and storage

The PHAA appreciates the opportunity to make this submission and the opportunity to contribute to improving the health and safety of Queenslanders.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.



Terry Slevin  
Chief Executive Officer  
Public Health Association of Australia



Letitia Del Fabbro  
PHAA Branch President  
Queensland

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