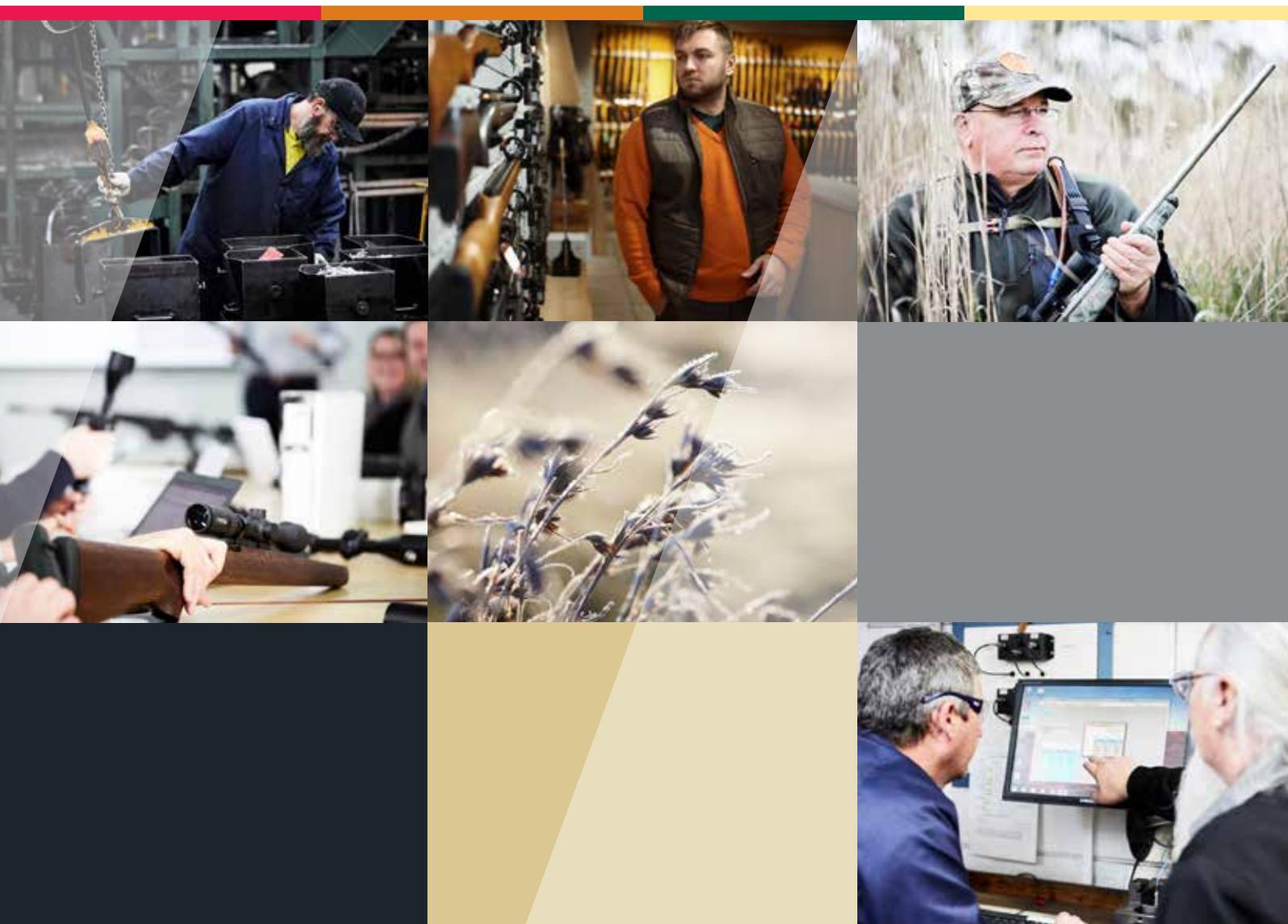


# National Firearms Amnesty SIFA Recommendations

OCTOBER 2020





## Introduction

In November 2019, the Ministerial Council for Police and Emergency Management reached agreement with the States and Territories to implement a permanent national firearms amnesty across Australia. SIFA applauds this decision as we strongly support the idea of a permanent national firearms amnesty, as long as the model chosen, and the relevant enabling regulation ensures utmost success and does not disenfranchise the Australian firearms industry.

The founding principle of firearm regulation in Australia is public safety and the presence of illegal and unregistered firearms in the community detracts from this principle. In this regard, the sole objective of a firearms amnesty should be to facilitate the removal of as many illegal and unregistered firearms from the community as possible.

In seeking to define the best firearms amnesty model to achieve this, many examples of very successful initiatives already exist in Australia's recent history. The 2017 National Firearms Amnesty was promoted as being a highly successful event<sup>1</sup>. However, could it have been even more successful?

SIFA's analysis has concluded that up to 29,053 illegal and unregistered firearms could remain on the street today as a direct consequence of states watering down the best practice amnesty model.

In examining the results of the 2017 national firearms amnesty by jurisdiction, the impact the different regulatory models had on the success of each individual amnesty becomes obvious. It is evident that amnesties with more regulation around the surrender of firearms, and those that did not utilise the licensed firearms dealer network, produced less successful results. This highlights that had all jurisdictions opted for the 2017 Tasmanian, Queensland or New South Wales models, even more firearms would have been surrendered.

Given that Australia is looking to implement a permanent amnesty, it is important that the jurisdictions look to past models and mimic the most successful of these to ensure that any facilitating regulation is nationally consistent, efficient, and effective. To achieve utmost success, the requirements put in place also need to be structured to attract the full and ongoing support of the general public and the firearms industry. Both common sense and public safety demand this.

SIFA welcomes the opportunity to consult with Government on firearms matters and we thank you for allowing us to provide our recommendations for a successful national firearms amnesty.

<sup>1</sup> Pg. 18. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

## The 2017 National Firearms Amnesty

### 2017 Main Amnesty Conditions by Jurisdiction<sup>2</sup>.

#### Australian Capital Territory

- Firearms permitted to be registered or sold as part of the amnesty.
- Unlicensed people may apply for a licence and go through the permit to acquire process.
- No dealers permitted to accept firearms; all items must be taken in the first instance to the police.

#### New South Wales

- Free registration of surrendered firearms
- Firearms can be on-sold through a participating dealer.
- All firearms, firearm parts, ammunition and prohibited weapons can be handed in to participating dealers and police stations during the amnesty.

#### Northern Territory

- Firearms, ammunition, parts and prohibited weapons surrendered to dealers or police stations.
- Registration of surrendered firearms permitted with the cost of the permit to acquire waived.
- Surrendered firearms capable of being registered, may be sold to a third party.

#### Queensland

- The police encouraged people to hand in articles for registration, sale, or destruction to a dealer, rather than a police station.
- Unregistered firearms were permitted to be registered or sold during the amnesty.
- Those registering a firearm to a current licence holder during the amnesty, had permit to acquire fees waived.
- Those who applied for a new licence during the amnesty did not have to apply for a permit to acquire or pay the standard fee.

#### South Australia

- Licence holders permitted to have unregistered firearms added to existing licenses through a dealer with registration fees waived during the amnesty.
- Unlicensed people could surrender firearms to a licensed dealer, with the firearm only able to be registered if it is an heirloom or historically significant.
- Sales of firearms were only permitted for those holding a firearms licence at the time of surrender.
- Unlicensed people must hand the firearm in to a dealer or police station where it will be sent for destruction.

#### Tasmania

- Those who already had a licence for the same category of firearm being surrendered were able to apply for a permit to acquire.
- Unlicensed people surrendering firearms were permitted to apply for a licence.
- Firearms were permitted to be on-sold, with the sale conducted through a dealer.

#### Victoria

- Surrendered firearms could be registered with firearm licence holders required to apply and pay for a permit to acquire.
- Current licence holders permitted to sell items to or via an approved dealer.
- Dealers permitted to accept surrendered items that cannot be registered or sold, which are required to be handed to police for destruction.

#### Western Australia

- Licence holders permitted to register firearms during the amnesty.
- Non-licensed people permitted to hand in articles at a police station and apply for a licence.
- All firearms required to be surrendered to police stations only.

<sup>2</sup> SSAA National - <https://ssaa.org.au/news-resources/politics/ssaa-secures-successful-amnesty-model/>

## Summary of Authorised Surrender Locations by Jurisdiction<sup>3</sup>

| Jurisdiction | Items permitted to be handed in for registration, sale, or destruction to:  |                        |  |
|--------------|---|------------------------|--|
|              | Police Stations   | Mobile Police Stations | Participating licensed firearm dealers |
| <b>ACT</b>   | Yes   | No                     | No                                     |
| <b>NSW</b>   | Conditional – items could be handed in to police stations for destruction (or donation) but not registration or sale.   | No                     | Yes                                    |
| <b>NT</b>    | Yes   | No                     | Yes                                    |
| <b>QLD</b>   | Yes – police stations were approved drop-off locations, though people were encouraged to hand in items to participating licensed firearm dealers (rather than police) where possible. | No                     | Yes                                    |
| <b>SA</b>    | Conditional – items could be handed in to police stations for destruction (or donation) but not registration or sale.   | No                     | Yes                                    |
| <b>TAS</b>   | Yes   | Yes                    | Yes                                    |
| <b>VIC</b>   | Yes – police stations were not advertised as approved drop off locations, but items handed into police were accepted.   | No                     | Yes                                    |
| <b>WA</b>    | Yes   | No                     | No                                     |

<sup>3</sup> Pg. 20. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

## Results of the 2017 Firearms Amnesty<sup>4</sup>

### Total number of items surrendered by category.

| Jurisdiction | Firearms      | Firearm parts and accessories |
|--------------|---------------|-------------------------------|
| ACT          | 699           | 60                            |
| NSW          | 24,831        | 1,898                         |
| NT           | 347           | 12                            |
| QLD          | 16,375        | 107                           |
| SA           | 2,825         | 26                            |
| TAS          | 1,830         | 117                           |
| VIC          | 9,175         | 103                           |
| WA           | 1,242         | 109                           |
| <b>Total</b> | <b>57,324</b> | <b>2,432</b>                  |

### Total number of items surrendered by drop-off point.

| Jurisdiction | Licensed Firearm Dealer | Law Enforcement |
|--------------|-------------------------|-----------------|
| ACT          | 0                       | 699             |
| NSW          | 16,856                  | 7,975           |
| NT           | 41                      | 306             |
| QLD          | 12,441                  | 3,934           |
| SA           | 503                     | 2,322           |
| TAS          | 95                      | 1,735           |
| VIC          | 7,218                   | 1,957           |
| WA           | 0                       | 1,242           |
| <b>Total</b> | <b>37,154</b>           | <b>20,170</b>   |

Subsequently, people who surrendered firearms during the 2017 amnesty were also given the opportunity to complete a voluntary and anonymous survey. This survey polled the reason why people were surrendering their firearms. A total of 743 completed surveys were received<sup>5</sup>.

|   | Selected |      | Not Selected |      | Unknown |     | Total |
|---|----------|------|--------------|------|---------|-----|-------|
|   | N        | %    | N            | %    | N       | %   |       |
| Ability to register firearm               | 390      | 52.5 | 329          | 44.3 | 24      | 3.2 | 743   |
| Did not need or want the firearm any more | 127      | 17.1 | 592          | 79.7 | 24      | 3.2 | 743   |
| To avoid being charged                    | 83       | 11.2 | 636          | 85.6 | 24      | 3.2 | 743   |
| Sense of responsibility                   | 206      | 27.7 | 513          | 69.0 | 24      | 3.2 | 743   |
| Other                                     | 111      | 14.9 | 608          | 81.8 | 24      | 3.2 | 743   |

4 Pg. 6. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

5 Pg. 14. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

## SIFA's Analysis of the 2017 Firearms Amnesty Results:

Jurisdiction in order of success on number of firearms surrendered per 100K of population.

| Jurisdiction | No. of firearms Surrendered <sup>6</sup> | 2017 Population <sup>7</sup> | No. Surrendered per 100K | Potential*    | Shortfall     |
|--------------|--|------------------------------|--------------------------|---------------|---------------|
| TAS          | 1,830                                    | 524,700                      | 348.7707                 | 1830          | 0             |
| QLD          | 16,375                                   | 4,965,000                    | 329.8087                 | 17316         | 941           |
| NSW          | 24,831                                   | 7,915,100                    | 313.7168                 | 27605         | 2774          |
| ACT          | 699                                      | 415,900                      | 168.0692                 | 1451          | 752           |
| SA           | 2,825                                    | 1,728,100                    | 163.4743                 | 6027          | 3202          |
| VIC          | 9,175                                    | 6,385,800                    | 143.6782                 | 22272         | 13097         |
| NT           | 347                                      | 246,700                      | 140.6567                 | 860           | 513           |
| WA           | 1,242                                    | 2,584,800                    | 48.0501                  | 9015          | 7773          |
| <b>Total</b> | <b>57,324</b>                            | <b>24,766,100</b>            | <b>231.4616</b>          | <b>86,377</b> | <b>29,053</b> |

\* Potential calculated using best results (Tas) based on 100K of population, projected across all jurisdictions.

|  |        |   |        |
|--|--------|---|--------|
| <b>National average per 100,000 population</b> | 231    | <b>Shortfall by not using best practice</b> | 29,053 |
| <b>Max potential from best practice</b>        | 86,377 | <b>% effectiveness</b>                      | 66.4%  |

- The jurisdiction (WA) that **opted for a restrictive firearm amnesty model and excluded licensed firearms dealers** from the process, had the least successful results recording only **48 firearms surrendered per 100K of population**, and a total of **1,242 or 2.2% of the total 57,324 firearms surrendered**.
- The jurisdictions (TAS, QLD & NSW) that decided on **less regulation, utilised the established licensed firearms dealer network**, and **retained incentives for people to surrender firearms**, recorded the highest number of firearms surrendered, topping out at **348 firearms surrendered per 100K of population**, and a total of **43,036 or 75% of the total 57,324 firearms surrendered**.
- People surrendering firearms preferred to do so via a licensed firearms dealer, rather than a law enforcement officer. Nationally, **licensed firearms dealers collected 16,987 more** firearms than law enforcement.
- Nationally, **65% of all firearms surrendered in the amnesty were via a licensed firearms dealer**, instead of law enforcement.

**The results of the voluntary and anonymous participation survey highlighted the following attitudes for taking part in the amnesty:**

- **53%** of people surveyed stated that the ability to **register or on-sell an unregistered firearm** was a major **incentive to surrender a firearm** during the 2017 amnesty.
- Only **11%** of those surveyed, surrendered their firearm over **fear of being charged**.
- **28%** of those surveyed indicated a sense of responsibility, was their reason for surrendering.
- **17%** surrendered their firearm as they did not need or want the firearm anymore.
- Overwhelmingly, **89%** of those who surrendered firearms did so for **reasons other than the risk of being charged with an offence**.

6 Pg. 6. National Firearms Amnesty 2017 Report – National Firearms and Weapons Policy Working Group, December 2017

7 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3101.0main+features1Dec+2017>.

## SIFA's Recommendations

SIFA's recommendations have been developed by researching the performance and outcomes of previous successful firearms amnesties and undertaking extensive consultation with the licensed firearms dealer network, who are well versed with jurisdictional firearms regulations.

1. To achieve the maximum effect and success of a firearms amnesty, the process must include the already established, licensed, and trusted firearms dealer network who have the knowledge and systems in place to effectively administer an amnesty.
2. Firearms amnesty regulation must not place any unnecessary requirements or conditions on the surrender of illegal or unregistered firearms.
3. Any amnesty must allow for the unconditional anonymous surrender of illegal and unregistered firearms to licensed firearms dealers.
4. Licensed firearms dealers must be permitted to register all surrendered firearms (assuming they meet legal requirements), so they can attempt to recover their costs incurred for supporting and administering an amnesty.
5. A firearms amnesty must not remove incentives for participation, such as the ability to register and/or commercially transact in surrendered firearms. This is particularly important to encourage those who are in possession of firearms with intrinsic, sentimental/heirloom and/or significant commercial value, to hand them in.
6. The Government must not assume that licensed firearm dealers will support an amnesty at their own expense and for no commercial benefit. It is not the job of licensed firearms dealers to accept, check, record and transport surrendered firearms to the Police, for no commercial return or compensation for the loss of their time.
7. There should be no added burden for an appropriately licensed firearms dealer to support the amnesty.

**SIFA will publicly support a firearms amnesty where the facilitating regulation meets or exceeds the above criteria.**

## Conclusion

If the idea of a firearms amnesty is to increase public safety by removing unregistered and illegal firearms from the streets, then the priority for Government must be to make the facilitation of this as easy as possible, rather than hinder the process.

As demonstrated in the 2017 National Firearms Amnesty results, the accessibility of the vast licensed firearms dealer network is critical to the success of a firearms amnesty. Firearms dealers are already trusted by Governments to manage firearms transactions on a day-to-day basis, and when incorporated into an amnesty correctly, they become a crucial part of the process. It simply does not make sense to exclude them from the process.

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In this regard, **SIFA strongly supports the introduction of a permanent National Firearms Amnesty that is efficient, effective and utilises the already established licensed firearms dealer network.**

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It is vital that jurisdictions implementing regulation to facilitate a firearms amnesty, forgo philosophical or emotive contentions that may lead to the development of ineffective regulation, and remain focused on the sole purpose of the initiative and desired outcomes.

It is disappointing to note that at the time of drafting this paper, there are moves by individual jurisdictions to implement firearms amnesties that consist of overbearing requirements and superfluous regulation, ignore previously successful and proven models of amnesty, and reject the proven positive effect that the licensed dealer network delivers to the objective.

These jurisdictions will reduce the overall success of the national firearms amnesty initiative and in doing so they will risk public safety as their actions will see illegal and unregistered firearms stay in the community. **They are planning for their amnesty to fail!**



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