

11 March 2003

Mr Robert Terkelsen
44 Kensington Street
BUNDABERG QLD 4670

Dear Mr Terkelsen

Thank you for your petition concerning proposed changes to the law in relation to handguns.

As you are aware, on 24 October 2002, at a meeting of the Council of Australian Governments (attended by Premiers and Chief Ministers), the Prime Minister announced a broad proposal to place further restrictions on firearm use and ownership, with particular emphasis on handguns. The impetus for this was current international terrorist concerns and also the tragic incident at Monash University.

In response to the Commonwealth's proposal, the Premier requested that I consult with all groups who may have an interest in these matters. I subsequently met with 14 stakeholder groups, covering the areas of sporting and competition shooters, collectors, the RSL, rural representatives, victims of crime and the security industry. This was a particularly fruitful process, and all groups provided sensible input on behalf of their respective members.

With the feedback from these meetings, I attended the Australasian Police Ministers' Council meeting in Darwin on 5 November 2002. At this meeting the Prime Minister's proposals were discussed in some detail.

Following examination of the relevant proposals by Police Ministers, the Council of Australian Governments met on 6 December 2002 to consider a number of recommendations on handgun controls submitted by the Police Ministers.

The Council agreed to a range of legislative and administrative measures, including limiting handguns to a maximum of 0.38 calibre, except for specially accredited sporting events, where handguns up to 0.45 calibre will be permitted. Commonwealth and State and Territory authorities are currently considering, as a matter of urgency, which events might fall into this category.

In addition, semi-automatic handguns with a barrel length of less than 120 millimetres, and revolvers and single shot handguns with a barrel length of less than 100 millimetres will be prohibited. The Council of Australian Governments considered that this restriction was necessary to remove more easily concealable handguns from the community.

Highly specialised target pistols, some of which have a barrel length of less than 120 millimetres, will still be allowed. Authorities are currently considering which pistols might fall into this category.

These reforms reflect public concerns about access to concealable weapons. The changes do not affect the ability of legitimate sporting shooters pursuing their sport in the Olympic and Commonwealth Games and other accredited events.

Persons affected by the decision to prohibit certain handguns will receive appropriate compensation.

Other measures to be introduced include:

- a system of graduated access to handguns for legitimate sporting shooters, based on training, experience and event participation;
- requiring a prospective shooting club member to produce a police clearance prior to being accepted as a member;
- providing shooting clubs with better access to information from licensing authorities;
- allowing the Commissioner of Police, subject to appropriate safeguards, to refuse and revoke firearms licences and applications on the basis of criminal intelligence and other relevant information; and
- increasing the penalties for illegal possession of a firearm.

Some of the details are still to be worked out and key stakeholders will be consulted throughout this process to ensure an appropriate balance is struck between the rights of legitimate sporting shooters and the safety of the broader community.

Measures were also introduced in relation to historical collectors. Historical societies will be accredited and collectors will need to have licence applications endorsed by those societies.

Overall, the intention of the changes is to make weapons less available in the community generally. This follows the success of the longarms buy-back after the Port Arthur tragedy. Research by the Australian Institute of Criminology indicates that nationally the number of deaths by firearms decreased by half for the two years (most recent reported period) following the implementation of the uniform national firearms laws. Additionally there have been no mass murders with the types of weapons used in the Port Arthur incident.

The nationally agreed controls on the possession and use of handguns are aimed at improving public safety while taking into account the interests of legitimate sporting shooters and collectors.

I can assure you that departmental consultation with stakeholders will occur prior to consideration of the proposed changes by the Queensland Cabinet.

The Queensland Government is also committed to the National Firearm Trafficking Policy Agreement and is actively participating in national measures to control the illegal firearms trade. These measures include ensuring substantial penalties for the illegal possession of a firearm and establishing the National Firearms Trafficking Intelligence Desk.

Commonwealth, State and Territory leaders have agreed to undertake, as a matter of priority, work in the area of the illegal importation of firearms and firearms trafficking. The Queensland Government and the Queensland Police Service are working with other governments and law enforcement agencies to eliminate legal and administrative barriers to the pursuit of criminals operating across State and Territory borders.

In addition, the recent establishment of the Australian Crime Commission has strengthened the fight against the illegal trade in firearms. The Commission commenced operating on 1 January 2003, with its first priority being illegal handgun trafficking both into and within Australia.

Officers of the Major Crime Unit within the Queensland Police Service's Organised Crime Investigation Group also are specifically targeting the illicit trade in banned and stolen firearms. The work of this Unit is ongoing and it has recently successfully concluded a number of major investigations involving firearms offences.

Another initiative that will assist in removing banned weapons from the community is the recent passage of amendments to the Queensland weapons laws through State Parliament that will toughen up gun trafficking laws and pave the way for a second weapons amnesty.

It is anticipated that a second weapons amnesty will be underway within the next few months, allowing firearm owners the opportunity to surrender or register illegal weapons without being prosecuted.

The amendments to the Queensland weapons laws will provide a mechanism for the Commissioner of Police, with the approval of the Minister for Police and the Queensland Cabinet, to conduct a weapons amnesty.

During the amnesty, people in possession of illegal firearms can surrender an illegal firearm to the State or a licensed dealer for disposal, register a firearm to an existing firearm licence or apply for a firearms licence to lawfully possess that firearm, without fear of prosecution.

Queensland has tough firearms laws, and the vast majority of firearms owners obey these laws and pose no threat to public safety.

This amnesty is aimed at weapon owners who may have neglected to register their weapons or have old weapons that they wish to dispose of. It will provide a unique opportunity for affected firearm owners to do the right thing and register their weapons, thereby decreasing the number of illegal weapons throughout the community.

New administrative amendments introduced as part of the legislative changes will also benefit weapons licence holders. The changes will cut red tape in relation to renewing weapons licences to make this process as easy as possible for firearm owners, having regard to the necessary checks required. These changes include extending the date that licence renewal applications will be received to the day prior to licence expiry and creating an exemption so that people who have held a weapons licence within the previous 6 months do not have to undergo a weapons safety and competency course to be eligible to apply for a new licence.

The legislation surrounding weapons trafficking has also been tightened to enable police to more effectively institute proceedings against people illegally trafficking in weapons.

An offence has also been created relating to making false or misleading entries in a weapons register. This is aimed to deter weapons dealers and armourers from fraudulently registering a firearm certified as being permanently inoperable and then re-activate that firearm.

In addition, the legislative amendments will clarify that a licence holder must remain a fit and proper person to possess a weapon, for the life of the licence. An authorised officer must consider things including the mental and physical fitness of the person, whether a domestic violence order has been made against the person, whether the person has stated anything false or misleading in their application and the public interest. If these conditions are not met, an existing licence can be revoked or suspended.

The existing laws will also be clarified to clearly provide that a school is a 'public place' for the purposes of the offence of physical possession of a knife in a public place without reasonable excuse.

The effect of these changes will be to streamline the weapons licensing process to ensure re-licensing is as smooth a transition as possible, while toughening up legislation covering those who are not fit to possess a weapon, or who engage in the trafficking of illegal weapons.

These amendments to the Queensland weapons laws provide further evidence of the Beattie Government's solid commitment to gun control in the interests of the Queensland community.

I trust this information is of assistance to you and your fellow petitioners.

Yours sincerely

TONY McGRADY
Minister for Police and Corrective Services
and Minister Assisting the Premier on the
Carpentaria Minerals Province

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