



auditor general
western australia

Performance Examination

**Surrender Arms?
Firearm Management
in Western Australia**

Report No. 7 September 2000





**auditor general
western australia**

4th Floor Dumas House
2 Havelock Street
West Perth WA 6005
Telephone: (08) 9222 7500
Facsimile: (08) 9322 5664
E-mail: info@audit.wa.gov.au
<http://www.audit.wa.gov.au/>
National Relay Service TTY: 13 36 77
(to assist persons with hearing and voice impairment)

PURPOSE

of the

Office of the Auditor General

Serving the Public Interest

MISSION

of the

Office of the Auditor General

*Enable the Auditor General
to meet Parliament's need
for independent and impartial information
regarding public sector
accountability and performance.*

The Office of the Auditor General is a customer focused organisation and is keen to receive feedback on the quality of the reports it issues.

On request this report may be made available in an alternative format for those with visual impairment.

Surrender Arms? Firearm Management in Western Australia

Report No. 7 September 2000



auditor general
western australia



auditor general
western australia

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

**THE PRESIDENT
LEGISLATIVE COUNCIL**

PERFORMANCE EXAMINATION: Surrender Arms? Firearm Management in Western Australia

This report has been prepared consequent to an examination conducted under section 80 of the *Financial Administration and Audit Act 1985* for submission to Parliament under the provisions of section 95 of the Act.

Performance examinations are an integral part of my overall Performance Auditing Program and seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities thereby identifying opportunities for improved performance.

The information provided through this approach will, I am sure, assist Parliament in better evaluating agency performance and enhance Parliamentary decision-making to the benefit of all Western Australians.

A handwritten signature in blue ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
September 13, 2000



Contents

Executive Summary	4
Background	4
Overall Findings and Conclusions	4
Firearm Legislation	4
Firearm Administration	5
Trends in Firearm Related Crime	6
Summary of Recommendations	7
Introduction	8
Background	8
Examination Focus and Approach	9
Firearm Legislation	10
Background	10
Restrictions and Prohibition	11
Eligibility Requirements	14
Genuine Reason and Need	14
Fit and Proper	15
Secure Storage	16
Pre-requisite Training	18
Photographic Extract of Licence	19
28 Day 'Cooling Off' Period	19
Recommendations	20
Firearm Administration	21
Firearm Licensing System	21
National Register of Firearms	22
Firearms Branch	23
Recommendations	24
Trends in Firearm Related Crime	25
Introduction	25
Impact on Crime	26
Murder and Attempted Murder	27
Armed Robbery	28

Executive Summary

Background

Following the tragedy at Port Arthur, Tasmania in April 1996 where 35 people were killed with semi-automatic firearms, all States and Territories endorsed a Commonwealth proposal for a national gun control strategy. The 1996 'Nationwide Agreement on Firearms' introduced stringent limitations to firearm ownership and required the nationwide registration of firearms and licensing of firearm owners. A Commonwealth funded 'Buy Back' scheme was also agreed whereby compensation would be paid to persons surrendering newly restricted and prohibited firearms.

The Western Australian Parliament responded by enacting amendments to the *Firearms Act 1973* (the Act) that were proclaimed in December 1996. In October 1996 the 12 month 'Buy Back' scheme commenced in Western Australia by the end of which a total of 53 000 firearms had been surrendered. An amnesty from prosecution, which ran in conjunction with the 'Buy Back' to encourage persons to surrender their unlicensed firearms for destruction or licensing, has continued in Western Australia.

In February 2000, a Parliamentary Committee was established to review the effectiveness of the *Firearms Act 1973* and consider amendments.

Overall Findings and Conclusions

Firearm Legislation

The 1996 amendments to the Act introduced stringent limitations to firearm ownership which restricted or prohibited high-powered firearms including self-loading rifles and self-loading and pump-action shotguns. The legislation also introduced a range of firearm controls related to eligibility, safety training and firearm storage. However, some four years later, measures to reliably administer the stricter provisions are still to be fully implemented. Findings include:

- ◆ WAPS are unable to demonstrate that all licensed holders of restricted and prohibited firearms have been assessed for eligibility against the 1996 requirements:
 - ▲ available information indicates an unknown, though significant number of pre 1996 licence holders of restricted and prohibited firearms have not



been required to surrender their weapons or meet the new eligibility requirements; and

- ▲ the description of a known 2 200 firearms and a further unknown number licensed prior to 1989 is incomplete in regard to features such as reloading action, magazine capacity or number of barrels. Consequently, classification of these firearms cannot be determined and therefore eligibility for ownership is uncertain.
- ◆ Following identification of the above two findings, the WAPS developed a draft plan to inspect all registered firearms so that an accurate description may be obtained and where necessary restricted or prohibited firearms seized. However, for legal and procedural reasons the timing of such inspections is yet to be determined.
- ◆ The WAPS are consistently assessing eligibility for new firearm licence applications. However, legal advice indicates that current WAPS' procedures for assessing public safety in relation to recreational shooting are not consistent with the Act.
- ◆ Reliable determination of whether an applicant is a 'fit and proper' person was impeded by deficiencies in the process of checking for Violence Restraining Orders and documentation of criminal history and conclusions reached in relation to such records.
- ◆ Reported theft of firearms has decreased by 46 per cent since the 1996 amendment which required secure storage.
- ◆ WAPS' procedures for ensuring secure storage are not consistently applied.
- ◆ Firearm safety training for new applicants and the photographic extract of licence have not yet been implemented.
- ◆ Preliminary evidence suggests that the 28 day 'cooling off' period has reduced the number of new licences issued by between 20 to 25 per cent.

Firearm Administration

Effective administrative support is essential to assuring legislation works as intended. Currently, the effectiveness of the Act is hampered by administrative difficulties. Findings include:

Executive Summary

- ◆ Completion of the Firearm Licensing System (FLS) is significantly overdue and the project is over budget. However, once completed the system should provide an effective tool to enhance firearm licensing and management.
- ◆ Inaccurate and incomplete data on the FLS has seriously impacted on the overall efficiency and effectiveness of firearm control procedures in Western Australia. System deficiencies include:
 - ▲ duplication of 'unique' firearm identification numbers;
 - ▲ inability to issue invoices for 'safe keeping' of firearms resulting in revenue foregone of \$110 000 over the last two financial years; and
 - ▲ limited capacity to provide basic management information and statistics.
- ◆ Western Australia's link to the national register of firearms became operational in August 2000.
- ◆ Core functions of the Firearms Branch are either not undertaken or not done in a timely manner. These include:
 - ▲ follow-up of hundreds of firearms belonging to deceased estates and hundreds of overdue firearm infringement notices;
 - ▲ audit and inspections of firearms dealers and shooting ranges; and
 - ▲ monitoring of licensing procedures at police stations across the State.

Trends in Firearm Related Crime

The main argument for the tightening of firearm controls in Australia has been to reduce firearm related crimes by decreasing the number of firearms in the community. Relevant information available includes:

- ◆ Firearm licence holders have declined by 24 per cent since the introduction of the amended firearm legislation. However, the overall number of licensed firearms in the community has declined by only four per cent.
- ◆ It is too early to determine the impact on crime arising from the implementation and management of the 1996 amendments to the *Firearms Act 1973*.
- ◆ There has been a downward trend in the proportion of armed robberies using firearms since 1993 though a corresponding increase in the use of weapons other than firearms over the same period is evident.



Summary of Recommendations

The WAPS should:

- ◆ ensure that all pre 1996 licence holders with licensed category C and D firearms meet the new eligibility requirements;
- ◆ develop an effective regulatory framework to ensure authority for police to inspect licensed firearms;
- ◆ address licensing difficulties for category B recreational shooting applicants by integrating the requirement to provide for public safety with the determination of 'genuine need';
- ◆ ensure that decisions regarding issue of licences to persons with a criminal record are documented;
- ◆ ensure that a statutory declaration regarding secure storage is received from all new licence applicants and implement a consistent procedure across Districts to inspect secure storage of firearms by licence holders;
- ◆ be in a position to implement a safety training course immediately upon endorsement by the APMC of the national training framework criteria;
- ◆ give priority to systematically addressing faults, deficiencies and inaccuracies in the Firearm Licensing System;
- ◆ implement and maintain an effective firearm licensing and management regime; and
- ◆ monitor trends in firearm registration and the use of firearms in violent crime.

Introduction

Background

Western Australia has traditionally had the most stringent firearm management and control regime and the lowest rate of firearm ownership in Australia. However, Western Australia's capacity to enforce this regime was affected by a lack of uniform firearm laws across Australia¹. This changed in 1996.

On 28 April 1996, thirty-five people were murdered by a gunman armed with semi-automatic firearms at Port Arthur, Tasmania. As a consequence of this tragedy the Commonwealth initiated a proposal for a national gun control strategy that was endorsed by all the States and Territories at a special meeting of the Australasian Police Ministers' Council (APMC) in May 1996.

The APMC agreed to a coordinated national approach to the regulation of firearms which effectively banned self-loading rifles and self-loading and pump-action shotguns; introduced stringent limitations to firearm ownership and established a nationwide registration of firearms. A 'Buy Back' scheme was also introduced where compensation, based on the value of the firearm, was paid to all persons voluntarily surrendering restricted category C or prohibited category D firearms², parts and ammunition during a 12 month amnesty.

The Western Australian Parliament responded to the APMC resolutions by enacting amendments to the *Firearms Act 1973* (the Act) that were proclaimed in December 1996. From October 1996 to September 1997 the State also implemented its 'Buy Back' scheme. A total of 53 000 firearms were surrendered with compensation payments of \$19 million made to gun owners. An amnesty excluding compensation has continued in Western Australia to encourage persons to surrender unlicensed firearms for destruction or licensing.

In February 2000, a Parliamentary Committee was established to review the effectiveness of the *Firearms Act 1973* and consider amendments.

¹ Dixon, O. Review of Firearm Legislation of Western Australia, 1981.

² Refer to page 11 for a description of these firearms.



Examination Focus and Approach

This examination reviewed firearm management and control procedures subsequent to the 'Buy Back' scheme and the extent to which amended legislation and regulations³ have been implemented.

Preliminary assessment was also made of the frequency of firearm use in violent crime, though the short time since the 1996 legislative changes were implemented does not allow emerging trends to be interpreted with confidence.

The methodology included:

- ◆ discussions with police and review of documentation regarding implementation of the 1996 legislative changes;
- ◆ analysis of the WAPS firearms registry and licensing processes; and
- ◆ consultation with key stakeholders including the Chair of the Firearm Advisory Committee and the Director of the Crime Research Centre.

The extent of unlicensed firearms in the community or the social consequences and costs of firearm related crimes in Western Australia were not examined.

³ *Firearms Regulations 1974.*

Firearm Legislation

- ◆ *WAPS are unable to demonstrate that all licensed holders of restricted and prohibited firearms have been assessed for eligibility against the 1996 requirements.*
- ◆ *Reported theft of firearms has decreased by 46 per cent since the implementation of requirements for secure storage.*
- ◆ *WAPS' procedures for ensuring secure storage are not consistently applied.*
- ◆ *Firearm safety training for new applicants has not yet been implemented as the Commonwealth, States and Territories are yet to agree on a national training framework.*
- ◆ *Preliminary evidence suggests that the 28 day 'cooling off' period has reduced the number of new licences issued by between 20 to 25 per cent.*

Background

The 1996 legislative amendments to the *Firearms Act 1973* (the Act) aimed to restrict and more effectively control firearm ownership, key aspects of which included:

- ◆ prohibition and restricted licensing of certain types of firearms;
- ◆ tighter eligibility requirements for holding a licence;
- ◆ requirement for licence holders to maintain secure storage of firearms and ammunition;
- ◆ provision for pre-requisite training for licence holders on safe use and storage;
- ◆ inclusion of a photograph on an extract of a firearm licence for identification; and
- ◆ provision for a 28 day 'cooling off' period for new applicants.

The Western Australia Police Service (WAPS) is responsible for the administration of the firearm legislation, the implementation of firearm controls and the management of firearms in this State.



Restrictions and Prohibition

The 1996 amendments to the Act introduced restrictions and prohibitions over community access to high-powered and military type firearms. Under the Act, firearms are classified into categories that largely reflect their relative power:

- ◆ Category A – air and rim fire rifles, single shot and repeating shotguns with a lever or bolt action. Qualified⁴ applicants (applicants) must satisfy the Commissioner of Police (the Commissioner) that they have a 'genuine reason' for owning a firearm.
- ◆ Category B – centre fire rifles and muzzle loading longarms. In addition to showing a 'genuine reason', applicants must also show that a 'genuine need' exists for which a category A firearm would be inadequate or unsuitable.
- ◆ Category C - semi-automatic firearms and automatic self-loading and pump-action shot guns and rifles with a magazine capacity of five rounds or less. These firearms are restricted. Applicants that meet the restrictions must show that a 'genuine need' exists for which a category A or B firearm would be inadequate or unsuitable, in addition to showing 'genuine reason' to possess the firearm.
- ◆ Category D - automatic self-loading and pump-action shot guns and rifles with a magazine capacity of more than five rounds. The acquisition, sale, possession or use of a firearm or ammunition classified as category D is prohibited unless the applicant is able to satisfy the Commissioner that the firearm is required for Commonwealth or State Government purposes.
- ◆ Category E - a cannon, captive bolt, line thrower or tranquilliser device.
- ◆ Category H – handguns and underwater explosive devices. These firearms are restricted. Applicants meeting the restrictions must satisfy the Commissioner that a 'genuine need' exists for which a category A or B firearm would be inadequate or unsuitable for the purpose, in addition to showing 'genuine reason' for possession of the firearm.

⁴ Applicants are required to meet a range of eligibility requirements to qualify for a firearms licence.

Firearm Legislation

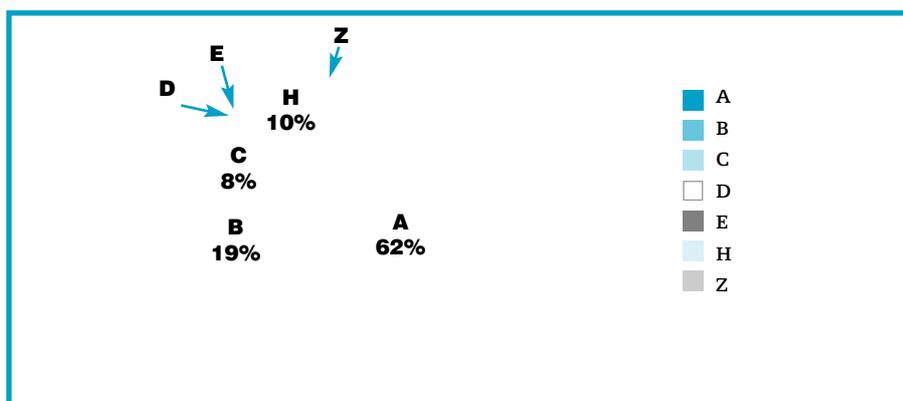


Figure 1: Number of firearms licensed in each category in Western Australia

Notes:

1. At the end of 1999 there were 259 540 licensed firearms in Western Australia registered to 85 414 licence holders. This is an average of three firearms per licence holder.
2. The majority of these firearms are licensed as category A or B. 19 975 are licensed as category C, 828 as category D and 25 031 as category H.
3. Two thousand two hundred firearms are nominally listed as category Z as insufficient information is available for correct classification.

Source: WAPS

Many restricted weapons were handed in or re-licensed during 'Buy Back'.

Eligibility for many firearms may not have been assessed.

The category of some weapons is not known.

The 'Buy Back' scheme in 1996 and 1997 contributed to the removal of over 53 000 three thousand of the newly restricted category C and prohibited category D firearms from the community. At the end of 1999, approximately 20 000 category C and 800 category D firearms were recorded as being licensed on the WAPS database.

Police have been unable to confirm that all licence holders of the remaining category C and D firearms have been assessed against the 1996 eligibility requirements. Known information does not account for all of the restricted and prohibited firearms currently registered. This includes, the number of new licences issued, informal estimates of category C and D firearms owned by State government agencies and advice from the WAPS that only approximately 4 500 pre 1996 licence holders of category C firearms have requalified.

The WAPS have also not taken sufficient action to accurately identify and if necessary seize firearms for which an accurate description is not recorded. The WAPS database system utilised prior to 1989 did not include a level of descriptive coding to enable correct categorisation of all firearms under the new requirements. For instance, a firearm coded as a single barrel shotgun could be a single shot, semi-automatic or automatic. Approximately 2 200 firearms have been given the nominal classification of category Z as there is insufficient information held for correct classification.



In addition, some other firearms have been categorised based on the limited information held. As a consequence, a single barrelled shotgun may, for instance, be classified as a category A when its re-loading action should make it a category C firearm.



WAPS plan to inspect all firearms.

Following the raising of these issues during this examination, the WAPS developed a draft plan to conduct an audit (inspection) of all registered firearms. This is an essential step towards developing an accurate description of all firearms as well as the seizure of restricted or prohibited firearms where necessary. Thereafter, the WAPS should maintain a regime that ensures continued compliance.

WAPS' provisional approach is to require licence holders to present their firearms for inspection at a Police Station. Conducting the WAPS audit will require considerable resources and some legislative change. A Crown Solicitor's opinion obtained by Audit and forwarded to WAPS advised that there is capacity under the Act for the audit but that it will require "...the making of a (specific) regulation to cover this checking situation".

Currently, the audit is being considered by the WAPS in conjunction with a plan to extend the licensing period for firearms from one to five years, though an audit of category Z firearms commenced on May 23, 2000. Incorporation of the audit with extension of the licensing period could delay the progress of the audit as both require legislative change and have potential political implications. Regardless of whether the change in licensing occurs, the WAPS should have a clear project plan for the timely undertaking of the audit.

Eligibility Requirements

Prior to 1996, applicants for a firearm licence in Western Australia were required to be at least 17 years of age and able to show 'good reason' to possess a firearm. The legislative amendments of 1996 introduced new, stricter eligibility requirements. These raised the minimum age to 18, required applicants for certain prescribed categories of firearms to demonstrate a 'genuine need' as well as 'genuine reason' and required that the applicant be a 'fit and proper' person to possess a firearm.

Genuine Reason and Need

The legislation provides a range of valid reasons for holding a licence, such as a member of a shooting club, approved recreational shooting or a genuine firearm collector. Personal protection is not a valid reason for possession of a firearm⁵.

For category B, C and H firearms, an applicant is also required to demonstrate a 'genuine need' for why a lower category firearm would be inadequate for the purpose required.

New Licences

In 1999, approximately 2 000 applications for new licences were approved by the WAPS. For all of the approved applications examined, the police consistently verified that there was a 'genuine reason' and where applicable a 'genuine need' for the type of firearm sought.

However, the WAPS may experience problems in providing for public safety whilst assessing 'genuine need' for category B firearms for recreational shooting. Following a recent appeal against a rejected application, the Crown Solicitor advised the WAPS that their current practice for determining 'genuine need' in conjunction with an assessment as to whether the shooting can be done safely, is not consistent with the Act.

Addressing this problem should be a matter of some urgency for the WAPS, the nature of which would appear to be within the scope of the Parliamentary Committee reviewing the Act. The WAPS have agreed and have advised that the matter will be referred to the Committee.

Renewed Licences

Section 20 of the Act allows the Commissioner to revoke a licence issued prior to the 1996 amendments if satisfied that the person would not be successful in applying for a licence under the new eligibility requirements. The WAPS has partially fulfilled this requirement:

⁵ Section 11A of the *Firearms Act 1973* inserted in 1996.

Reason and need is checked for new applications but ...

... WAPS face licensing obstacles for category B firearms ...

... and continued eligibility of many pre 1996 owners is still to be determined.



- ◆ Continued eligibility of category B licence holders has not been checked. However, the WAPS advised that a procedure to assess 'genuine need' was consistently followed for high-powered firearms prior to the implementation of the legislation.
- ◆ Category C and D firearms – 53 000 of these weapons were surrendered through the 'Buy Back' scheme or re-licensed, though the WAPS were unable to demonstrate that all remaining licence holders have met the 1996 eligibility requirements.
- ◆ Continued eligibility of category H licence holders has been checked by the WAPS.

Fit and Proper

Section 11 of the legislation states that the Commissioner cannot issue a licence if of the opinion that applicant is not a 'fit and proper' person to hold a licence. The Commissioner can deem a person unsuitable to hold a licence if the applicant:

- ◆ has been issued with a violence restraining order;
- ◆ has a conviction for an offence involving violence or assault with a weapon;
- ◆ has a conviction for offences against the *Firearms Act*; or
- ◆ fails to meet standards of mental or physical fitness.

Violence Restraining Orders

Over 7000 Violence Restraining Orders (VROs) were taken out in Western Australia during the six month period from January to June 1999. Legislation included in the *Restraining Orders Act 1997* and the *Firearms Act* prohibits a person bound by a VRO from holding a firearm licence. Information related to all VROs is input to the WAPS database and accessible to police across the State.

A weakness in procedural controls for current WAPS licensing processes was found in regard to persons bound by a VRO who apply for a new firearm licence. As a consequence, there is some small risk that a person bound by a VRO may successfully apply for a firearm licence. The WAPS have advised that they are implementing a system enhancement to overcome this problem.

*Procedural weakness
poses a risk but
WAPS to take
corrective action.*

Criminal Records

Where an applicant for a firearm licence has a criminal record, the Commissioner has the discretionary power to decide if the nature of the offence makes the person unsuitable to hold a licence.

Procedural weaknesses in checking for criminal history.

Procedural control in regard to this requirement is inadequate. When an application for a licence is made, the WAPS should note on the application report that a check of criminal records has been made and, if a record exists, a determination of the significance of that record. However, in ten per cent of approved applications examined, applicants were found to have a criminal record that was not referred to in the file documentation. Consequently, it is not possible to determine if a check was done and that the police simply failed to record their determination of a lack of seriousness or currency of the offence or more seriously but less likely, that they failed to check for a criminal record.

Following identification of this issue, the WAPS have advised that procedures will be implemented to address this procedural weakness.

Physical and Mental Fitness

The Commissioner has power to request evidence to confirm that an applicant meets a standard of mental and physical fitness required to hold a licence and possess a firearm. This evidence may include a certificate from a medical practitioner.

Reliable assessment of physical and mental fitness is difficult.

When assessing an application, the WAPS rarely make a determination of physical or mental fitness. The WAPS advised that "...checks are carried out of the mental or physical health of applicants on the basis of presentation (appearance at point of application) or on intelligence held (by the WAPS about the applicant)".

The impracticality of requesting proof of physical and in particular mental fitness from every applicant makes difficult the blanket use of this criterion by the WAPS. Nevertheless, guidelines or criteria should be developed against which consistent and reliable judgements can be made.

Secure Storage

The 1996 legislative amendments require owners to store firearms and ammunition in secure cabinets and to complete a statutory declaration that the Cabinet meets the prescribed specifications⁶.

Theft of firearms has decreased.

The primary objective of this requirement is to reduce the number of incidents involving misuse or theft of firearms. The incidence of reported theft of firearms has decreased by 46 per cent since the 1996 amendments.

⁶. This requirement came into effect from July 1, 1998.

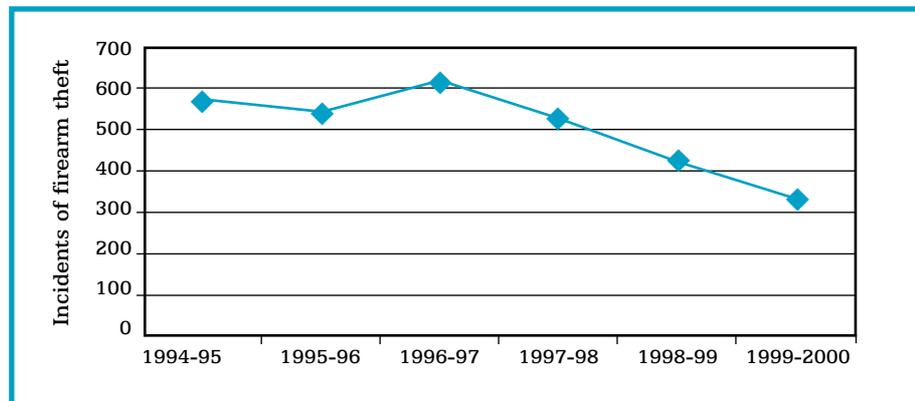


Figure 2: Reports of stolen firearms in Western Australia

Notes:

1. Reports to WAPS of stolen firearms have decreased 46 per cent since the 1996 amendment requiring secure storage.
2. Each incident may involve one or more firearms.

Source: WAPS

New Licences

Secure storage not assured.

WAPS often issue new licences to applicants without any assurance that the applicant has secure storage. Examination of a sample of approved applications revealed that 17 per cent of applicants were issued licences although a statutory declaration from the applicant regarding their having secure firearm storage had not been provided.

Actual inspections of storage facilities had been conducted for eight per cent of new applications, though these inspections were not based on documented inspection criteria. Proper management of inspections requires development of suitable guidelines for assessing the provision of secure storage arrangements.

Renewed Licences

Eighty per cent of inspections were conducted in just three districts.

In 1999, the WAPS conducted over 1 900 inspections (about 2.3 per cent) of the firearm storage facilities of existing licence holders. Of these, the storage facilities of 101 licence holders did not comply with requirements. WAPS inspection of storage facilities is not governed by a structured program. Rather, it is conducted on an ad hoc basis in the course of other duties such as in serving Violence Restraining Orders, or Firearm Infringement Notices, in the course of attending domestic crises or when making other inquiries when it was believed that firearms were present. As a consequence, the conduct of inspections is not consistent across the State's 15 police districts with 80 per cent of inspections conducted by just three country districts.

Firearm Legislation

Storage inspection program requires expanded authority.

Police at some District Offices advised that uncertainty as to their powers to inspect storage facilities and the requirements under the Act to place any request to inspect storage of firearms in writing and allow 'reasonable time' for that request to be granted hindered implementation of a program of random checks. A Crown Solicitor's opinion sought by Audit confirmed police concern. However, the advice also indicated that "*the Act permits the making of a regulation to cover this checking situation*". This opinion has been referred to the WAPS who have advised that the matter has been referred to both the Firearms Advisory Committee and the Parliamentary Committee reviewing the legislation.

Pre-requisite Training

Safety training program not yet in place.

At the Australasian Police Ministers Council in 1996, all jurisdictions agreed to implement an accredited course in safety training for firearms for first time licence applicants. This course was to be standardised across Australia and accredited by an appropriate authority. Subsequently, Western Australian legislation was amended to include provision for applicants for a firearms licence to successfully complete an accredited course of training before issue of a licence.

Training programs are now conducted in all jurisdictions with the exception of the Australian Capital Territory, Northern Territory and Western Australia, though the courses in Victoria and South Australia were in place before the APMC resolutions. The role of the police in implementation of training varies across jurisdictions and includes coordination, accreditation, and provision.

A draft National Training Framework, which received input from Western Australia, has been developed by the Commonwealth and was endorsed in November 1999 by the APMC for public consultation. The WAPS have advised that pending finalisation of the national core standards for a firearms safety training program the WAPS will undertake discussions with potential training providers and the training should be available in mid 2001. However, whether the training requirement will be enforced from this time is not clear. The extent of WAPS' role in implementing training has not yet been confirmed.

In the meantime the only WAPS assessment of the knowledge of firearm safety required of an applicant is the completion of a very simple, ten question, multiple choice questionnaire. However, many firearm holders in Western Australia do receive training through clubs and associations where completion of training is a condition of membership.



Accreditation of Instructors

In order to provide a consistent standard of instruction and to comply with the provision in the amended legislation, firearms safety training courses need to be conducted by accredited instructors. In three of the other five States this accreditation is the responsibility of the police.

The WAPS is yet to resolve its role in providing accreditation though it has established a framework for the accreditation of instructors and some consideration has been given to using the Police Academy for providing accreditation.

Photographic Extract of Licence

The 1996 amendments to the Act required licence holders to carry a photographic extract of licence whilst in possession of their firearm. This control enables police to confirm the identity and entitlement of the firearm holder to possess the weapon.

*Photographic
extract of licence
not yet in place.*

At July 1, 2000, the photographic extract of licence was not in place. The WAPS advised that the delay has been due to "...*incongruities between management of the card and the Firearm Licensing System*". The WAPS have advised that negotiations with the Department of Transport to produce the card are well advanced and that "*the phased implementation of cards will commence in early 2001*".

28 Day 'Cooling Off' Period

The 1996 amendments introduced a 28 day 'cooling off' period between initial application and the earliest point for issue of a licence. At the end of the 28 days, applicants must communicate to the WAPS their desire to proceed with their application.

*Twenty-eight day
'cooling off'
appears to work.*

Preliminary evidence suggests that the 28 day 'cooling off' period has reduced the number of licence applications that proceed to issue. Across sampled metropolitan police stations, 25 per cent of applications lodged in 1999 lapsed, whilst in the first three months of 2000, 20 per cent had lapsed. However, it is not possible to determine the number of applicants who subsequently reapplied.

Recommendations

The WAPS should:

- ◆ ensure that all pre 1996 licence holders with licensed category C and D firearms meet the new eligibility requirements;
- ◆ develop an effective regulatory framework to ensure authority for police to inspect licensed firearms;
- ◆ address licensing difficulties for category B recreational shooting applicants by integrating the requirement to provide for public safety with the determination of 'genuine need';
- ◆ ensure that decisions regarding issue of licences to persons with a criminal record are documented;
- ◆ ensure that a statutory declaration regarding secure storage is received from all new licence applicants and implement a consistent procedure across Districts to inspect secure storage of firearms by licence holders;
- ◆ be in a position to implement a safety training course immediately upon endorsement by the APMC of the national training framework criteria.



Firearm Administration

- ◆ *Completion of the Firearm Licensing System (FLS) is significantly overdue and over budget. However, once completed the system should provide an effective tool to aid in firearm licensing and management.*
- ◆ *Inaccurate and incomplete data on the FLS has seriously impacted on the overall efficiency and effectiveness of firearm control procedures in Western Australia.*

Firearm Licensing System

New FLS is overdue and over budget.

A key requirement for effective firearm control is a database system that enables police to record details of firearm ownership. Federal funding provided to the State through the 'Buy Back' scheme was utilised to develop a new firearm licensing system. Expenditure of \$245 000 was planned to be spent over two years to develop and implement the Firearm Licensing System (FLS). Design and development of the system commenced in July 1997 with a targeted completion date of December 1997. The aim was to provide an on-line inquiry and licensing system with various levels of read/write access for all police stations across the State by February 1998.

In October 1998 the new system was launched, though use was restricted to the Firearms Branch, with roll out to District Offices delayed until system development was fully completed.

At June 2000, system completion continues to be delayed by numerous system faults. Expected completion is now the end of 2000, over two years late and an estimated \$135 000⁷ (55 per cent) over budget. Nevertheless, the FLS should provide an effective tool to enhance firearm management once development is finalised and police districts trained in its use.

In the meantime, system deficiencies are heavily impacting on firearm controls, with Audit testing showing that up to 50 per cent of the Firearms Branch's time was devoted to the correction of database errors. Deficiencies of the FLS include:

System deficiencies are impacting on the effectiveness of firearm controls.

- ◆ Unreliable description of firearms. In addition to the inaccurate description of the 2 200 category Z firearms, the description of other categorised firearms is also unreliable. For instance, a shotgun may be described as double-barrelled but whether the barrels are 'under and over' or 'side by side' is not described. The extent of this problem is unknown.

⁷ Excludes administrative costs.

Firearm Administration

- ◆ Changes in licence holder PO Box addresses are not automatically updated resulting in some out of date records. This creates inefficiency in processes for dispatch of firearm licence infringement notices and duplication of renewal processes. One-third of infringement notices are subsequently withdrawn and renewals re-issued as a consequence of database inaccuracies.
- ◆ Duplication of 'unique' firearm identification numbers with instances recorded of up to 14 different firearms identified by the same number. A consequence can be the automatic deletion from the system of multiple firearm records when a weapon with a duplicate number is sold or destroyed.
- ◆ A system fault that does not facilitate the issuing of 'safe keeping' invoices to some 1 500 owners whose guns are held on their behalf by the WAPS. As a result, estimated revenue of \$110 000 has been forgone over the last two financial years.
- ◆ Limited capacity to provide basic information for internal management or external reporting. General management statistics are not routinely produced and significant delays are experienced in accessing both current and historical data. For instance, information requested by the Minister's Office as to the current number of licence holders and firearms licensed could not be supplied within a month. A request for a demographic break down of licence holders for purposes of this examination was withdrawn after advice that it would necessitate 20 days of programming time. The WAPS have however developed a comprehensive statistical inquiry and reporting system but it is yet to be implemented.

There is minimal capacity for reporting of information.

National Register of Firearms

At the APMC meeting in May 1996 it was agreed that a National Exchange of Police Information (NEPI) database would be developed to allow information about persons and firearms to be accessible across Australia. In addition to the NEPI database, all Australian Governments agreed to the establishment of a National Firearm Licence Registry System (NFLRS). This system will enable police to access details of licence holders and registered firearms held in the registries of other States and Territories.

Like the FLS, implementation of the NEPI and NFLRS suffered long delays. However, as of early August 2000, the WAPS link to these systems became operational.



Firearms Branch

In line with the WAPS' policing reform initiatives of the 1990's (Delta), day to day firearm management rests with local police stations and District Offices. This includes acceptance of firearm applications and approval of category A applications, inspection of storage facilities and serving of infringement and revocation notices.

Responsibility for firearm management across districts in Western Australia rests with the Firearms Branch of the WAPS. Responsibilities include, maintenance of the firearms registry through the FLS, provision of firearms licensing advice to the WAPS and the public, administration of licensing procedures including firearm applications and dealers licences, processing of infringements, and notification of District Offices where action is required to revoke licences or seize firearms.

However, many of the duties of the Firearms Branch are either not being undertaken or not done in a timely manner. The major reason for this being inefficiencies in practices primarily caused by faults and deficiencies in the FLS. It was also noted that WAPS documentation indicates that the Firearm Branch staffing levels have impacted on the provision of services. Staffing levels consistently ranged from 10 to 25 per cent below that approved over the 12 month period from July 1999 to June 2000. Duties delayed or not undertaken include:

- ◆ Organising the seizure or alternate licensing of firearms belonging to deceased firearm licence holders. At April 30, 2000 over 200 notices of advice of deceased licence holders were in backlog.
- ◆ Lack of follow-up of hundreds of firearm infringement notices that are returned to the WAPS marked, 'not at this address'. Most of these infringements relate to expired licences.
- ◆ Lack of WAPS inspections of firearm dealers to check the accuracy of sales and stock data supplied to the WAPS in monthly returns. In addition, the submission of monthly returns is not being recorded meaning that non-compliance by dealers may go unnoticed. Currently there are approximately 270 licensed dealers in Western Australia.
- ◆ Minimal firearm range inspections to verify compliance with safety requirements. Currently, 194 shooting ranges are registered, seven of which were inspected between January 1999 and April 2000. Inspection of ranges is not governed by a program, rather inspections occur on an ad hoc basis.

*Time spent correcting
database problems
impacts on provision
of services...*

*...with core duties
delayed or not
undertaken.*

Firearm Administration

- ◆ Minimal checking of licensing procedures at police stations to ensure compliance with required procedures. Audit review of licensing procedures found frequent instances of omission of documentation and key information such that compliance with procedures could not be confirmed (Figure 3). Little difference was found between metropolitan and country compliance.

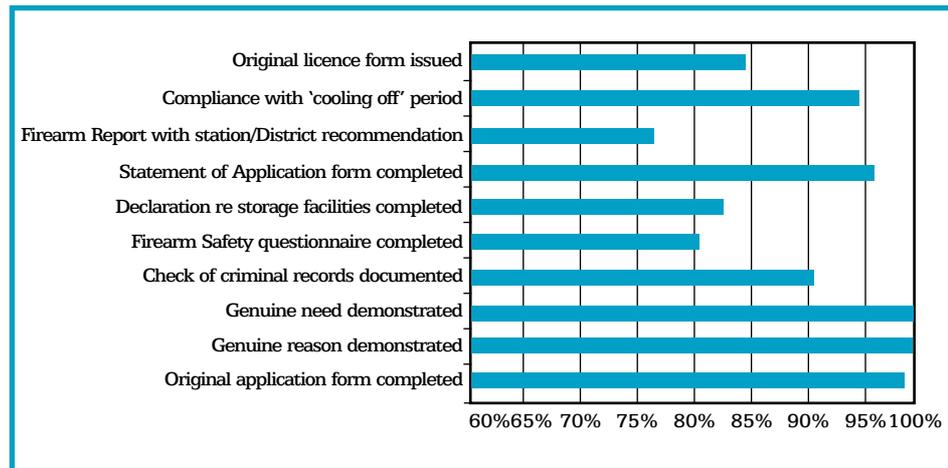


Figure 3: Original Licence Application Procedures

Compliance with application procedures was not evident in all files.

Source: WAPS & OAG

Recommendations

The WAPS should:

- ◆ give priority to systematically addressing faults, deficiencies and inaccuracies in the Firearm Licensing System;
- ◆ implement and maintain an effective firearm licensing and management regime; and
- ◆ monitor trends in firearm registration and the use of firearms in violent crime.



Trends in Firearm Related Crime

- ◆ *Firearm licence holders have declined by 24 per cent since the introduction of the amended firearm legislation. However, the overall number of licensed firearms in the community has declined by only four per cent.*
- ◆ *It is too early to determine the impact on crime arising from the implementation and management of the 1996 amendments to the Firearms Act 1973.*
- ◆ *There has been a downward trend in the proportion of armed robberies using firearms since 1993 and a corresponding increase in the use of weapons other than firearms over the same period.*

Introduction

The main reason for the tightening of firearm controls in Australia has been to reduce firearm related crimes by decreasing the number of weapons in the community.

*Less people hold
firearm licences...*

The number of firearms in the community has not decreased at the same rate as the number of firearm licence holders. In the year prior to the implementation of the new firearms laws, 270 371 firearms were registered to 112 620 firearm licence holders, an average of 2.4 firearms per licence holder. Currently 259 540 licensed firearms are registered to 85 414 licence holders, an average of three firearms per licence holder. This suggests that those licence holders that owned only one or two firearms prior to the 1996 amendments were less likely to renew their licence. In addition, the annual number of new firearms licences issued in Western Australia has decreased by 30 per cent from over 3 000 to less than 2 000 since 1995-96.

*...and less licences
are being issued
and renewed.*

Trends in Firearm Related Crime

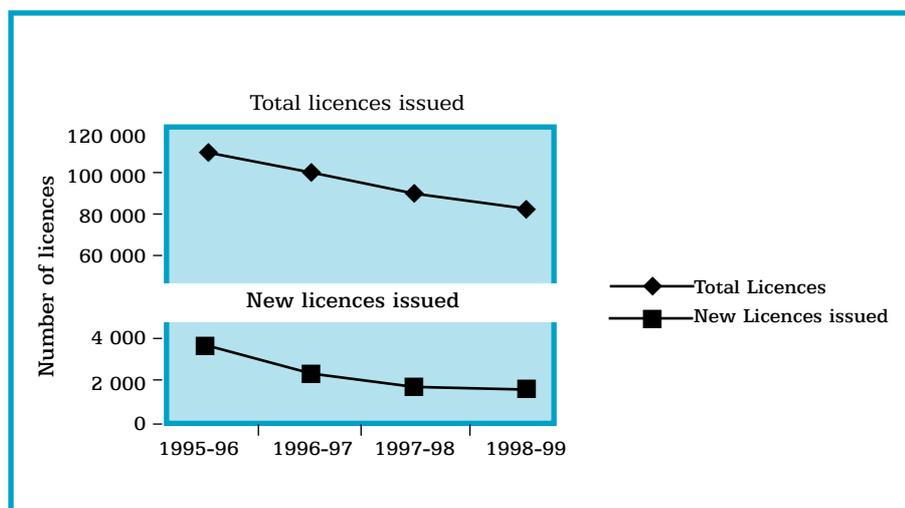


Figure 4: Firearm Licences Issued 1995-1999

Total licences have declined 24 per cent and approved new licences by 30 per cent since the introduction of the amended firearm legislation in 1996.

Source: Record of Parliament (Hansard) and WAPS

Impact on Crime

It is too soon to determine the impact of the legislation on crime.

Only preliminary conclusions are possible about the impact of the new legislation on crime and only then at the national level. Reasons for this include:

- ◆ Any trends cannot be attributed exclusively to the implementation of the new legislation.
- ◆ The short period since the introduction of the new laws.
- ◆ The relatively small number of incidents in Western Australia means a few incidents can invalidate results when viewed over a short time-scale.
- ◆ Differing dates of implementation of legislation across States and Territories affects national figures and prevents interstate comparisons.
- ◆ Available statistics do not distinguish between violent crime committed with licensed and unlicensed firearms.
- ◆ Reliable conclusions require detailed assessment of issues related to displacement, that is, where another type of weapon is substituted for a firearm⁸. This has not been done.

⁸ For a further discussion of these issues see Mouzos, J. *Firearm-related Violence: The Impact of the Nationwide Agreement on Firearms*, No.116. Australian Institute of Criminology, May 1999.



Clear trends for homicide related offences are not apparent.

Murder and Attempted Murder

The Australian Bureau of Statistics (ABS)⁹ figures show that there has been a national decline in the proportion of offences using firearms since the introduction of the national firearm legislation. However, whilst incidents of murder using firearms have declined since 1996, the decline is not inconsistent with rises and falls in prior years. There is no apparent trend for attempted murder.

Annual recorded counts of murder victims in Australia have remained steady over the period 1993-1999. This pattern is reflected in each of the States and Territories, with the exception of Tasmania in 1996 when the Port Arthur incident occurred. In 1993, 20 per cent of murders involved the use of a firearm. In 1999 the figure was only slightly lower at 18 per cent. Over 90 per cent of the firearm related homicides since 1997 were committed with unlicensed firearms¹⁰.

In 1999, 32 per cent of the 358 attempted murders involved the use of a firearm, a percentage that was greater than for murder. This is an increase from the 19 per cent recorded in 1998. During the period 1993-1998, the use of weapons other than firearms has risen from 50 per cent to 65 per cent of incidents. However, the use of other weapons decreased slightly in 1999 to 48 per cent.

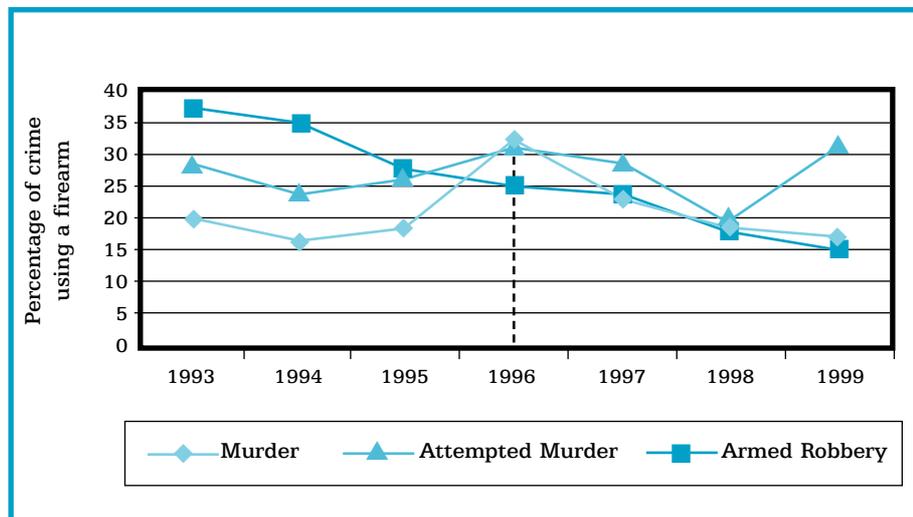


Figure 5: National use of firearms in violent crime 1993-1999

There has been a downward trend in the proportion of armed robberies using firearms since 1993. Firearm use in murder and attempted murder shows no clear trend.

Source: ABS statistics

⁹ Australian Bureau of Statistics, 1999 Recorded Crime Australia, 2000.

¹⁰ Mouzos, J. *The Licensing and Registration Status of Firearms Used in Homicide*, No.151. Australian Institute of Criminology, May 2000.

Trends in Firearm Related Crime

Armed Robbery

Use of firearms in armed robbery is decreasing.

There has been a national decline of about ten per cent in the proportion of armed robbery offences using firearms since the introduction of the national firearm legislation. However, no conclusion can yet be reached about the impact of the new legislation on the involvement of firearms in robberies, as a downward trend was apparent prior to 1996.

The proportion of armed to unarmed robberies has remained stable from 1993 to 1999. However, whilst the use of weapons other than firearms has increased by 18 per cent, the use of a firearm as a weapon decreased by 22 per cent over this time.

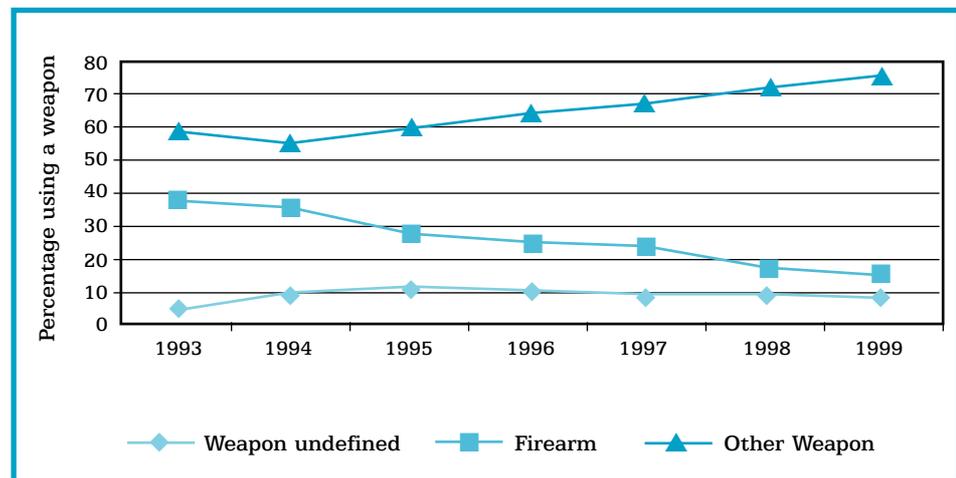


Figure 6: National use of weapons in armed robbery 1993-1999

There has been a downward trend in the proportion of armed robberies using firearms since 1993 and a corresponding increase in the use of weapons other than firearms over the same period.

Source: ABS statistics

Performance Examination Reports

1996

Improving Road Safety	May 1, 1996
The Internet and Public Sector Agencies	June 19, 1996
Under Wraps! – Performance Indicators of Western Australian Hospitals	August 28, 1996
Guarding the Gate – Physical Access Security Management within the Western Australian Public Sector	September 24, 1996
For the Public Record – Managing the Public Sector’s Records	October 16, 1996
Learning the Lessons – Financial Management in Government Schools	October 30, 1996
Order in the Court – Management of the Magistrates’ Court	November 12, 1996

1997

On Display – Public Exhibitions at: The Perth Zoo, The WA Museum and the Art Gallery of WA	April 9, 1997
Bus Reform – Competition Reform of Transperth Bus Services	June 25, 1997
Get Better Soon – The Management of Sickness Absence in the WA Public Sector	August 27, 1997
Waiting for Justice – Bail and Prisoners in Remand	October 15, 1997
Public Sector Performance Report 1997	November 13, 1997
Private Care for Public Patients – The Joondalup Health Campus	November 25, 1997

1998

Selecting the Right Gear – The Funding Facility for the Western Australian Government’s Light Vehicle Fleet	May 20, 1998
Weighing up the Marketplace – The Ministry of Fair Trading	June 17, 1998
Listen and Learn – Using customer surveys to report performance in the Western Australian public sector	June 24, 1998
Do Numbers Count? – Educational Financial Impacts of School Enrolment	August 19, 1998
Public Sector Boards – Boards governing statutory authorities in Western Australia	November 18, 1998
Send Me No Paper! – Electronic Commerce – purchasing of goods and services by the Western Australian public sector	November 18, 1998
Accommodation and Support Services – for Young People Unable to Live at Home	November 26, 1998

1999

Proposed Sale of the Central Park Office Tower – by the Government Employees Superannuation Board	April 21, 1999
Lease now – pay later? The Leasing of Office and Other Equipment	June 30, 1999
Getting Better All The Time – Health sector performance indicators	June 30, 1999
Fish for the Future? Fisheries Management in Western Australia	October 13, 1999
A Stitch in Time – Surgical Services in Western Australia	November 24, 1999

2000

A Means to an End – Contracting Not-For-Profit Organisations for the Delivery of Community Services	June 14, 2000
Private Care for Public Patients - A Follow-on Examination of the Joondalup Health Campus Contract	June 21, 2000
Bus Reform: Further down the road - A follow-on examination into competition reform of Transperth bus service	June 28, 2000

On request these reports may be made available in an alternative format for those with visual impairment.