



## Gun Control - Report Card



### The 2018 Victorian election

*“Victorian’s know that strong gun laws have made Australia a safer place. But behind the scenes the gun lobby is running a well-resourced campaign to further undermine our strong and sensible gun laws, at great risk to public safety. This Report Card provides a snapshot of the current state of Victoria’s gun laws. In summary, gun numbers have increased, gun laws have been diluted and the gun lobby is on the rise.” – Gun Control Australia<sup>1</sup>*

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<sup>1</sup> Image from iStock by Brad Calkins.

## About this Report Card

### Executive summary

This Report Card provides an analysis of the current status of Victoria's gun laws and how they are travelling after years of political pressure from the gun lobby to water them down. The Report Card addresses: Victoria's compliance with the 1996 National Firearms Agreement (NFA), the level of firearm ownership in Victoria, the number of Game Licence holders, the opening up of National Parks to hunting, gun lobby representation in the Victorian parliament and the policy position that GCA political parties to embrace at the coming Victorian election.

In summary this Report Card reveals:

- Victorian gun laws contain 14 breaches of the 1996 NFA
- Since 1996 the Victorian parliament has passed 12 separate pieces of legislation amending the *Firearm Act 1996* (Vic).
- In 2018 there are 832,154<sup>2</sup> firearms registered in Victoria. That is a total of 64,850 more guns registered compared to the year 2015.
- In 2018 there are 224,618<sup>3</sup> firearm licences in Victoria. That is a total of 9,682 more licences compared to the year 2015<sup>4</sup>.
- In 2017-18 there were 70,967 firearm permit applications approved. That is an increase of 1,280 permits compared to the year 2014-2015.
- There is a total of 50,157<sup>5</sup> Game Licence holders in Victoria. That is a 73 per cent increase in the number of licences since 2014/15.
- In a two-year period, the income of the Game Management Authority (GMA) has increased by \$500,000 to \$5.3 million.
- The Executive Officer of the Shooting Industry Foundation (SIFA) sits on the Board of the GMA.
- Since 2014, governments have opened up nine wildness, coastal and national parks for hunting.
- In 2016 the total number of gun deaths in Victoria was 49 compared to 38 in 2015 and 59 in 2014.
- In 2018 there were 2021 firearm offences - a 50 per cent increase on the 2010 figures.
- In Victoria there were 6,036 firearms stolen for the period 2007 to 2017. The number of firearms stolen in Victoria has more than doubled over 10-year period
- In 2016 the total number of gun homicides increased by more than 80 per cent from 13 deaths, up from a low base of only 2 in 2015 and 8 in 2014.<sup>6</sup>

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<sup>2</sup> As at the 30 June 2018

<sup>3</sup> As at the 30 June 2018

<sup>4</sup> As at the 30 June 2015

<sup>5</sup> As at the 30 June 2017

<sup>6</sup> All the above statistics are from gunpolicy.org.

## Background

It's been twenty-two years since governments across Australia introduced sweeping changes to the regulation of firearms. These changes were established after on the 28 April 1996, a lone gunman, armed with two military-style semi-automatic rifles, opened fire in the historic town of Port Arthur in Tasmania. He killed 35 people, injured 18 others and traumatised many more.

The massacre shocked the nation. In response to this horrific shooting the then Prime Minister, John Howard, had his government draft a set of minimum standards for Australia's gun law. These reforms were set out in a document now known as the 1996 National Firearms Agreement (NFA). The agreement contains eleven resolutions on gun regulation. On 10 May 1996, each state and territory agreed to implement these eleven resolutions.

On 5th December 1996, the Victorian parliament passed new gun laws implementing these NFA resolutions - *Firearms Act 1996 (Vic)*. But as early as 1998, the Victorian government formulated some proposed amendments to its gun laws, and the watering down process commenced.<sup>7</sup> The Victorian government proposed changes included: allowing minor permits, allowing semi-automatic shotguns to clay target shooters and removing the 28-day waiting period for the purchase of second or subsequent firearms.

## Amendments to Victoria's gun law

Since the introduction of the 1996 gun laws the Victorian parliament has passed twelve Firearms Amendment Acts amending the *Firearm Act 1996 (Vic)*. These Acts passed have watered down Victorian gun laws by: introducing minor's permits, removing the 28-day waiting period for second or subsequent firearms, allowing people to shoot unlicensed at gun clubs, widening the criteria for gaining access to high-powered firearms and watering down other significant safe guards.

In February this year, the Victorian parliament passed the *Firearms Amendment Bill 2017 (Vic)*. This bill, amongst other things, allows for the sale of firearms over the internet by those who are not firearm dealers.<sup>8</sup> The amendment is a breach of Resolution 9 of the NFA - Recording of Sales - which only provides for the sale of firearms through a licensed firearm dealer (Resolution 9(a)).

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<sup>7</sup> Chapman, Simon, 1998. 'Over Our Dead Bodies', Sydney University Press pg 254

<sup>8</sup> Firearm Amendment Bill 2017, Explanatory Memorandum, Bill Law Introduction 20/9/2017

In addition, the *Firearms Amendment Act 2018* also allows for the use and possession of a high-powered handguns at gun clubs without a licence.<sup>9</sup> This amendment is a breach of Resolution 4 of the NFA, which requires all persons who possess, own and acquire a firearm to be licensed.

### **Gun Control Australia policy position:**

- Bring Victoria's gun laws into compliance with the 1996 NFA
- Make semi-auto handguns a prohibited firearm
- Make it an offence to possess a firearm with a blood alcohol reading of > .05
- Ban political donations from gun dealers, importers and clubs
- Remove the right to shoot at gun clubs unlicensed
- Develop a system where the Family Law Court Registry is linked up to the Firearm Registry to improve the assessment of gun license applicants to prevent domestic violence shootings
- Have the Victorian Auditor-General's Office to conduct a review into the management Game Management Authority and the ability of the GMA to manage recreational hunters

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<sup>9</sup> Clause 16, Firearm Amendment Bill 2017, Explanatory Memorandum, Bill Law Introduction 20/9/2017



### **Compliance with the 1996 National Firearms Agreement (NFA)<sup>10</sup>**

In 2017, Gun Control Australia (GCA) commissioned a report into jurisdictional compliance with the 1996 NFA. The report prepared by Philip Alpers, Adjunct Associate Professor, Sydney University School of Public Health, University of Sydney, provides a detailed analysis of State and Territory legislation to determine the level of compliance with the 1996 NFA. The report reveals that after two decades of political pressure Australia's gun laws are being undermined.

In regards to Victoria, the report found 13 breaches of the 1996 NFA resolutions. The recent amendment to allow sale of firearms by non firearm dealers puts these breaches at 14. The key breaches for Victoria are:

1. Allowing possession, ownership and acquisition of high-powered automatic handguns for sport shooting
2. Allowing the acquisition of second or subsequent firearms are exempt from the 28-day 'cooling off' period, which allows police to undertake background checks
3. Allowing members of the general public to shoot unlicensed at gun clubs
4. Expansion of genuine reason for ownership and possession of Category D (high-powered firearms)
5. Authorising the possession of a pistol or a revolver during the first six months of a handgun licence
6. Not setting a limit on the quantity of ammunition which may be purchased at any given time
7. Failing to require a 'genuine need' for a category B licence is not required

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<sup>10</sup> Photo from iStock by Davidscar.

8. Failing to fully comply with an NFA requirement for an effective National Firearms Registry
9. Allowing minor permits for ages 12 to 18 years
10. No legislative requirement for firearms safety training for security industry employees
11. Allowing for a Category D (high-powered longarm) licence for three years instead of one year
12. No specific safety requirements for the movement of Category C, D and E firearms
13. Permitting the sale of firearms by those who are not firearm dealers
14. Allowing unlicensed members of the public allowed to shoot high-powered at gun clubs

## Gun ownership

The number of registered firearms has been steadily increasing from 30 June 2015 to the 30 June 2018. As of the 30 June 2018, there were 832,154 registered firearms compared to 767,305 registered firearms as at 30 June 2015. That is an increase of 64,850 registered firearms. As at 30 June 2018, there were: 224,618 Victorian firearm licences. That is an increase of 9,682 licences since 2015.

In 2017-2018 there were 70,967 firearm permit applications approved and 517 firearm permit applications refused. In 2015-2016 there were 69,687 firearm permits approved. That is an increase of 1,280 permits.

Year	No. of firearm licences	No. registered firearms	No. firearm permits approved	No. firearm permits refused
As at 30 June 2018	224,618`	832,154`	70,967*	517*
As a 30 June 2017	222,391`	807,099`	68,866**	345**
As at 30 June 2016	219,005`	792,845`	69,687***	340***
As at 30 June 2015	214,936`	767,304`	Not available	Not available

` The registry can only provide such stats for a point in time

\* For the financial year 2017-18

\*\* For financial year 2016-17

\*\*\* For financial year 2015-16

## Number of Game Licence holders

In 2014 the Victorian government established the Game Management Authority (GMA). The GMA is an independent statutory authority responsible for the regulation of game hunting in Victoria. The GMA Board is made up of a number of representatives including Mr Rob Drew who is the Executive Officer for the Shooting Industry Foundation of Australia (SIFA). SIFA is a gun lobby group heading up the 'Not Happy Dan' election campaign asking voters to put the Labor Party last in the November 2018 election.

As at 30 June 2017, there was a total of 50,157 Game Licence holders. Between 30 June 1996 and 30 June 2017, there has been a 73% increase in the total number of Game Licence holders (source: Game Management Authority, Victoria). The GMA has a budget of \$5.3 million and 20 staff.<sup>11</sup> In two years GMA has gained \$500,000 more in yearly income.

Year	Total No. of Game Licences	Duck	Quail	Deer
As at 30 June 2017 <sup>12</sup>	50,157	26,357	29,441	34,402
As at 30 June 2016 <sup>13</sup>	48,023	25,646	28,545	32,306
As at 30 June 2015 <sup>14</sup>	47,007	25,989	28,890	30,506

Financial Year	Total GMA income from transactions
Financial year ended 30 June 2017 <sup>15</sup>	\$5,437,690
Financial year ended 30 June 2016 <sup>16</sup>	\$4,957,332
Financial year ended 30 June 2015 <sup>17</sup>	\$4,944,804

<sup>11</sup> <https://www.premier.vic.gov.au/board-directors-sought-for-game-management-authority/>

<sup>12</sup> Game Management Authority, Annual Report 2016-2017

<sup>13</sup> Game Management Authority, Annual Report 2015-2016

<sup>14</sup> Game Management Authority, Annual Report 2014-2015

<sup>15</sup> Game Management Authority, Annual Report 2016-2017

<sup>16</sup> Game Management Authority, Annual Report 2015-2016

<sup>17</sup> Game Management Authority, Annual Report 2014-2015

Over the years the GMA has been veiled in controversy for failing to properly tackle illegal hunting and animal cruelty. In 2014, the Victorian government announced it would be marketing Victoria as a tourism destination for overseas trophy hunters which would be managed by the GMA.<sup>18</sup> The government announced it would invest \$17.6 million on game management over the next four years.

On 7 September 2017, the National Member for Ovens Valley, Tim McCurdy, raised in parliament concerns about hunting on Crown land with high-powered firearms in close proximity to homes. Mr McCurdy informed the house during the hunting *“the head was removed as a trophy and the body left in the residential yard.”*<sup>19</sup>

In 2017, the GMA commissioned an independent review of GMA’s compliance and enforcement function. The report was commissioned in response to shooters’ behaviour during the 2017 Victorian duck shooting season. This behavior included: shooting protected species, failing to retrieve shot birds and not following licence regulations. In response to the review the RSPCA Victoria called for a suspension of duck hunting and the issuing of further Game Licences.<sup>20</sup>

## **Opening up of National, State, Wilderness, Coastal and Regional Parks open to hunting**

Game hunting is allowed in State forests, State Game Reserves, Sanctuaries, National Parks, state parks, coastal parks, wilderness parks, regional parks, Crown land and private land.

In 2014 the Victorian government opened up limited hunting in public lands including National Parks. There are currently nine such wilderness and national parks open for hunting. These include: Alpine National Park and Avon Wilderness Park, Baw Baw National Park, Cape Conran Coastal Park, Gippsland Lakes Coastal Park, Lake Albacutya Park, Lake Eildon National Park, Mitchell River National Park, Tara Range Park Deer and Nooramunga Marine and Coastal Park

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<sup>18</sup> <https://www.abc.net.au/news/2014-06-09/victoria-marketed-as-destination-for-trophy-hunters/5509576>

<sup>19</sup> [http://www.timmccurdy.com.au/impact\\_of\\_illegal\\_deer\\_hunting\\_raised\\_in\\_parliament](http://www.timmccurdy.com.au/impact_of_illegal_deer_hunting_raised_in_parliament)

<sup>20</sup> <https://www.rspcasa.org.au/wp-content/uploads/2018/04/A-comparison-of-ducking-shooting-regulation-in-Victoria-and-South-Australia.pdf>

## Stolen firearms

From 2007 to 2017 there were 6036 firearms stolen in Victoria. The number of firearms stolen in Victoria has more than doubled over 10 years. Victoria had the largest national increase of 123 per cent over that period.<sup>21</sup>

## Firearm offences

In 2018 there were 2021 firearm offences, which is over a 50 per cent increase compared to 2010 (957) and 2011 (996). Firearm offences have steadily been increasing since 2010 with over 2000 offences committed for three consecutive years.<sup>22</sup> Victoria has had some horrific drive-by shootings, which have occurred in public places where people are just going about their daily lives; including café precincts and car parks.

## Gun deaths

In 2004, a study found firearm related deaths in Victoria between 1988 and 1995 dropped significantly compared to the rest of Australia. A similar strong acceleration in decline was found to occur following the implementation of the 1996 NFA. Of particular note was the drop in gun suicides.<sup>23</sup> Overall gun deaths remain relatively low in Victoria, reflecting the overall national trend.<sup>24</sup>

The latest firearm deaths figures are for the year 2016. The total number of gun deaths in Victoria for 2016 was 49 compared to 38 in 2015 and 59 in 2014.

In 2016, the total number of gun homicides increased by more than 80 per cent to 13 for the year 2016, up from a low base of only 2 gun homicides in 2015 and 8 in 2014.<sup>25</sup> In comparison, in 1998 there were 76 firearm related deaths in Victoria.<sup>26</sup>

In 2016, the annual firearm suicides in Victoria totaled 34 deaths compared to 35 in 2015 and 43 in 2014.<sup>27</sup>

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<sup>21</sup> Gun Control Australia – Issues Paper – Firearm Theft in Australia 2007-2017. Statistics obtained via FOI.

<sup>22</sup> Crime Statistics Victoria – sourced from ABC News, 20 Sept 2018, 'Victoria's crime rate has fallen again, figure show', Jack Kerr.

<sup>23</sup> The Conversation, October 30, 2017, 'FactCheck Q&A: did government gun buybacks reduce the number of gun deaths in Australia?.'

<sup>24</sup> [http://www.crimestats.aic.gov.au/NHMP/1\\_trends/](http://www.crimestats.aic.gov.au/NHMP/1_trends/)

<sup>25</sup> All the above statistics are from [gunpolicy.org](http://gunpolicy.org).

<sup>26</sup> Mouzos, Jenny, July 2000, 'Firearm-Related Deaths in Australia 1998, Australian Institute of Criminology.

<sup>27</sup> see above



## **Gun lobby parliamentary representation**

In 2014 the Shooters, Fishers and Farmers Party won two Upper House seats in the Victorian Parliament. The Victorian government does not have the majority in the Victorian Legislative Council and in order to pass legislation not supported by the Coalition they need the support of the Greens and two other crossbenchers.

The balance of power in the Legislative Council places the SF&F Party in a position where the government is willing to negotiate away gun laws in order to try and pass legislation through the House.

During this election the SF&F Party are running candidates in all Upper House regions as well as in selected Lower House electorates, including Ricky Muir. The once Federal Senator for the Motoring Enthusiasts Party, is running for the seat of Morwell.

The Victorian SF&F Party appears to have no specific written policies for Victoria on their website and refer to national and NSW policies. The Federal and NSW policies include: ownership of firearm for self-defence, removal of red tape for firearms imports, supporting Australian manufacturing of firearms, fighting for law-abiding gun owners, driving the establishment of shooting ranges and complexes and removing recording of ammunition sales.<sup>2829</sup>

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<sup>29</sup> [https://www.shootersfishersandfarmers.org.au/nsw\\_policies-new](https://www.shootersfishersandfarmers.org.au/nsw_policies-new)

The SF&F party has received funds from the Shooting Industry Foundation of Australia (SIFA) which is an organization headed up by gun manufactures and importers. SIFA is funding an election campaign called 'Not Happy Dan', which asks voters to preference the Labor Party last.<sup>30</sup> SIFA has not disclosed how much it has donated to SF&F Party. In 2015-16, SIFA donated \$23,000 to the party. This year SIFA has spent over close to \$200,000 on the 'Not Happy Dan' campaign.<sup>31</sup>

### **The push to water down gun laws**

In October 2017, the Shooters, Fishers and Farmers Party introduced the *Firearms Amendment (Advertising) Bill 2017*. This bill sought to amend s.101 of the *Firearms Act 1996* (Vic) by removing the prohibition on the advertising of the sale of firearms by a person who is not a licensed firearm dealer.

On 1 November 2017, this bill was passed by the Legislative Council. The bill was introduced to the Legislative Assembly on 1 November 2018, but was not debated. The bill was no longer required because the government, under pressure from shooters behind the scenes included this amendment to the *Firearms Act 1996* within their own *Firearms Amendment Bill 2017* (Vic). This bill was passed by the Victorian Parliament on 6 February 2018 allowing for the sale of firearms over the internet by those who are not firearm dealers.<sup>32</sup> The sale of guns over the internet is a breach of Resolution 9 of the NFA - Recording of Sales - which only provides for the sale of firearms through a licensed firearm dealer (Resolution 9(a)).

In June this year the SF&F Party introduced the *Firearms Amendments (Silencers) Bill 2018*. The purpose of this bill was to allow for the general use, acquisition and ownership of silences by general gun owners. The bill was heavily defeated in the Legislative Council - four votes to thirty-six.<sup>33</sup>

## **Victorian registered lobbyist for gun lobby organisations**

There are currently two main lobbyist registered in Victoria to represent gun organisations. These registered lobbyist include: CPI Strategic representing the Australian Deer Association and Field and Game Australia and the Australian Firearms Management Lobby (W.J.Wilcher Pty Ltd) representing Covenanter Arms and a number of individual clients.<sup>34</sup>

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<sup>30</sup> The Age, 8 November 2018, 'Gun lobby spends big in Victoria election' by Gerard Cockburn

<sup>31</sup> The Age, 8 November 2018, 'Gun lobby spends big in Victoria election' by Gerard Cockburn

<sup>32</sup> Firearm Amendment Bill 2017, Explanatory Memorandum, Bill Law Introduction 20/9/2017

<sup>33</sup> Parliament of Victoria, Parliamentary (Debates) Hansard, Legislative Council, Fifty-Eighth Parliament, First Session, Wednesday 25 July 2018.

<sup>34</sup> <https://vpssc.vic.gov.au/caretaker-lobbyists-register/>