

16 August 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

By email: lacsc@parliament.qld.gov.au

Dear Committee Secretary,

**Re: *Weapons and Other Legislation (Firearms Offences)
Amendment Bill 2019***

Introduction

1. Rape & Domestic Violence Services Australia thank the Legal Affairs and Community Safety Committee (**'the Committee'**) for the opportunity to comment on the *Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019*.
2. Rape & Domestic Violence Services Australia is a non-government organisation that provides a range of specialist trauma counselling services to people who have been impacted by sexual, domestic or family violence¹ and their supporters. Our services include being a referral option for Queensland Police when they attend domestic violence incidents. In the 2018/19 year, Rape & Domestic Violence Services Australia provided 1,645 occasions of service to those who had experienced domestic violence in Queensland and were referred to us by Queensland Police. Other services offered include NSW Rape Crisis counselling service for people in NSW who have been impacted by sexual violence and their professional or non-professional supporters; Sexual Assault Counselling Australia for people accessing the Redress Scheme resulting from the Royal Commission into Institutional Responses to Child Sexual

¹ Generally, Rape & Domestic Violence Services Australia prefer the term *people who have experienced sexual assault and/or domestic and family violence* to describe individuals who have suffered this type of violence, rather than the terms survivors or victims. This is in acknowledgement that, although experiences of sexual assault and/or domestic and family violence are very significant in a person's life, they nevertheless do not define that person. However, in this submission, Rape & Domestic Violence Services Australia will sometimes use the term victims as this accords with the language used in the legislation.

Abuse; and the Domestic and Family Violence Counselling Service for Commonwealth Bank of Australia customers and staff who are seeking to escape domestic or family violence. Our services operate from NSW; however, they are available for individuals around Australia who may have experienced sexual, domestic or family violence

3. Rape & Domestic Violence Services Australia support the policy objective of this Bill whereby there will be harsh penalties in place *“for people who want to use a firearm as a weapon.” “A firearm becomes a weapon when someone seeks to take power and control over someone else’s situation;”*² with the introduction of a legislative framework that will prohibit high-risk individuals from acquiring, possessing or using a firearm, and the introduction of harsher penalties for these individuals.³

Good intentions sometimes lead to unintended consequences

4. Rape & Domestic Violence Services Australia acknowledge that the Inquiry into this Bill has a focus on the prevention of terrorism and/or organised crime gun violence. However, unfortunately, statistics show that gun use in domestic violence settings is common. A recent study released by the *Australian Institute of Health and Welfare* confirms that gunshot wounds are the third most common cause of death in a domestic violence context.⁴ This finding is also consistent with the most recent NSW Domestic Violence Death Review Report.⁵
5. Further, research suggests that perpetrators who use or threaten use of a weapon against an individual experiencing sexual, domestic or family violence are 20 times more likely to be killed, as compared to perpetrators who did not use weapons.⁶
6. Rape & Domestic Violence Services Australia urge the Committee to ensure that there are no unintended consequences through the enactment of this legislation as gun violence occurs in a range of contexts, including sexual, domestic and family violence. We would not want any weakening of domestic violence orders and those orders capacity to reduce or eliminate perpetrators’ access to weapons.
7. Rape & Domestic Violence Services Australia recommends that if any changes are made to the existing legislation then there should be a mechanism for ongoing monitoring and evaluation of these changes. The process for ongoing monitoring should include an opportunity to examine the effectiveness of any change to the legislation and ensure that no unintended consequences have arisen.

² Queensland Parliament Legal Affairs and Community Safety Committee, *Public Briefing – Inquiry into the Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019* 13 May 2019, 3.

³ *Ibid*, 1.

⁴ Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia* (2018) <<https://www.aihw.gov.au/getmedia/d1a8d479-a39a-48c1-bbe2-4b27c7a321e0/aihw-fdv-02.pdf.aspx?inline=true>> at 77.

⁵ NSW Domestic Violence Death Review Team, *Report 2015-2017* (2017), <[http://www.coroners.justice.nsw.gov.au/Documents/2015-2017_DVDRT_Report_October2017\(online\).pdf](http://www.coroners.justice.nsw.gov.au/Documents/2015-2017_DVDRT_Report_October2017(online).pdf)>

⁶ National Domestic and Family Violence Bench Book, (2018) <<http://dfvbenchbook.aija.org.au/dynamics-of-domestic-and-family-violence/factors-affecting-risk/>>

Recommendation 1: That there be a further mechanism for ongoing monitoring and evaluation of any changes to law and legal processes, with an opportunity to examine the effectiveness of any such changes, including seeking to address any unintended consequences.

Efficiency of a Firearms Prohibition Order Register

8. Rape & Domestic Violence Services Australia encourages a Firearms Prohibition Order Register where all firearms prohibition orders can be centrally recorded, and this information can easily be accessed by law enforcement officials and interagency departments. This would be of particular benefit when a domestic violence order is first made, and Police may be able to access this Register to see if the respondent is subject to a Firearms Prohibition Order.

Consideration of National Firearms Register

9. Rape & Domestic Violence Services Australia would also encourage the Queensland Government to take the proactive step in further developing the National Firearms Identification Database.⁷ This Register could assist law enforcement officials and other Government Departments in a variety of ways. Most importantly, this central Register could contain information regarding any domestic violence related orders or charges of the individual as well as their firearms history.
10. Further development of a National Firearms Register would also be in keeping with the objectives of the *National Firearms Agreement* further developed by the Council of Australian Governments in February 2017.⁸
11. Rape & Domestic Violence Services Australia strongly supports any initiative that will place a greater emphasis on the safety and interests of victims, including people who have experienced sexual, domestic or family violence.

Recommendation 2: That the Queensland Government consider taking the lead on further developing a National Firearms Database where crucial information can be recorded regarding firearms, including an individual's history with firearms as well as domestic violence related orders or charges.

Conclusion

12. In conclusion, Rape & Domestic Violence Services Australia urge the Committee to consider the above and consider those impacted by sexual, domestic and family violence when making any amendments or additions to the current legislation.
13. We again thank the Committee for the opportunity to comment on the *Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019*.

⁷ Australian Criminal Intelligence Commission, *National Firearms Identification Database* (2019), <<https://www.acic.gov.au/our-services/firearms-services/national-firearms-identification-database>>

⁸ Council of Australian Governments, *National Firearms Agreement* (February 2017), <https://www.dnrm.qld.gov.au/_data/assets/pdf_file/0010/1399510/17-257.pdf>

If you have any questions or would like to discuss further, please do not hesitate to contact me on (02) 8585 0333 or by email at karenw@rape-dvservices.org.au.

Yours faithfully,

Karen Willis

Executive Officer

Rape & Domestic Violence Services Australia