

## FIREARMS OWNERSHIP AND ACCIDENTAL MISUSE IN WESTERN AUSTRALIA

Firearms use is a legitimate source of concern to police,<sup>1</sup> politicians,<sup>2</sup> shooters<sup>3</sup> and citizens generally. Guns are daily tools for pioneers opening up a country, and Australians have grown up in a culture where they are normal, not abnormal, objects.<sup>3a</sup> State legislatures have reflected this value, and only recently has firearms control legislation shown any marked response to the switch from a pioneer to a developed community, from a rural to a predominantly urban population.<sup>4</sup>

Consequently, although we should be able to get a pretty clear line on firearms acquired in the future, we really have no idea at all of the existing numbers of guns in the community. Nor do we have any worthwhile notions of the types of guns, the characteristics of gun-owners, the accessibility of guns to persons other than owners, the

---

<sup>1</sup> See, eg, the statement of Mr F Hanson, NSW Police Commissioner, on 21 June 1972 with regard to chain-store gun sales: 'There must be tighter restrictions on the sale of firearms.' See also the view 'of Mr R M Tremethick, Secretary of the Federation of Australian Police Associations, that 'firearms control is one of the community's most pressing priorities': 27 February 1973 (*The Australian*). These are standard and very understandable viewpoints

<sup>2</sup> For example, in July 1973, the then Attorney-General of Australia, Senator L K Murphy, announced that he would try to introduce uniform gun control legislation throughout Australia. The main thrust of his proposal was for universal registration of ownership, serial number and ballistics tests details. The purported aim was as a significant deterrent to crime. This ignores the point that a great deal of criminal conduct involving the use of firearms is carried out by persons who, before the incident in question, would not be considered as criminals: see NSW Bureau of Crime Statistics and Research, Report No. 9, Gun and Knife Attacks.

<sup>3</sup> Since becoming involved in this research I have received a great deal of correspondence from members of shooters' organizations. Whilst I do not agree with all the points of view expressed, the letters are invariably extremely well-informed about the subject. The same can be seen by examination of correspondence columns in newspapers: see eg, *The West Australian*, 18 April 1973; 7 May 1973; 21 August 1973; 10 September 1973. These letters arose out of the passage through Parliament of the Firearms Act 1973 (WA).

<sup>3a</sup> See Table 5.

<sup>4</sup> All States except Tasmania have made major adjustments in their firearms legislation during the seventies: see, eg, Firearms Act (Vic), No. 8288 of 1972; Firearms and Dangerous Weapons Act 1973 (NSW).

safety consciousness of owners or a host of other factors. Yet until we know these sorts of thing, we cannot begin to assess how dangerous guns are. For example, whilst it is true to say that more Australians have been killed in the last decade by the accidental misuse of firearms than were killed during the military adventure in South Vietnam,<sup>5</sup> this in itself tells us very little. We need to know how much gun use there is in the community, what the age distribution of users is, what their educational and socio-economic status is, etc. before we can assess the true dangerousness of firearms and the means by which this can be diminished. It is stabbing in the dark to legislate in such a way as to place general barriers in the way of obtaining firearms; such legislation is little more than a ritualistic indication of social concern. Comparable points are true with regard to the criminal use of firearms.

For the foregoing reasons, the present writer sought and obtained a grant from the Australian Criminology Research Council to conduct a national survey into patterns of firearms ownership in Australia. Pre-testing of the questionnaire was carried out in Perth. Area probability samples were then drawn for the Perth Metropolitan area and the rural areas of the State, and the survey was carried out in December 1973 (Metropolitan) and June-July 1974 (rural). The results are set out in this article.<sup>6</sup>

Meanwhile, Australian Police Departments, between July 1973 and June 1974, had been using a common Firearms Casualty Report Form with a view to obtaining standardized information about incidents involving the misuse of firearms. A similar exercise had been carried out in 1960. The 1973-74 information, insofar as it relates to Western Australia, is also set out below<sup>7</sup> and some attempt made to relate it to the ownership data.

One final point by way of introduction. Western Australia was chosen for the pilot project not simply because it was most convenient for the present writer but because it was the State with regard to

---

<sup>5</sup> See NSW Bureau of Crime Statistics and Research, Statistical Report 1, Series 2—Accidental Shootings, p 10. A total of 426 Australian servicemen were killed in Vietnam between 1962 and 1972; in the same period approximately 460 deaths occurred in Australia because of accidental shootings.

<sup>6</sup> The Australian Bureau of Statistics and the Swan Brewery Ltd Research Section gave invaluable assistance in drawing samples. My personal thanks are also due to Mrs June Durston for her unflinching guidance throughout this project.

<sup>7</sup> For access to this information, the writer's thanks are expressed to the Firearms Branch of the W.A. Police Department, and in particular to Supt Woods, Supt Daniels, Sgt E Brown and Sgt Pashley.

which there was the best opportunity to check whether the crucial question—“Do you own or possess a firearm?”—would be answered truly. This is because, unlike other Australian States, Western Australia has had strict firearms legislation for a substantial period—since 1931—and it is not unreasonable to suppose that the community generally operates more or less within the parameters set by the law. The number of registered firearms is accurately known. Moreover, some reasonably reliable information can be obtained as to the number of unregistered firearms there are in the community. This can be done in two ways: first, by reference to the number of unregistered firearms surrendered to police during periodic “amnesties”;<sup>8</sup> second, by analysis of accidents and suicides to see whether the firearm used was or was not registered. There is no reason to suppose that unregistered guns are any more or any less likely to be involved in accidents or suicides than registered guns; the distribution *prima facie* will be random. If the sample is large enough—and probably figures based merely on 1973-74 experience are not statistically sufficient—the patterns should be reliable.

This point will be developed in detail later, but the main factor is that the pilot project appeared to work successfully; registered owners will give truthful information in a registration State about their guns. This offers hope that, in a non-registration State, non-registered owners will likewise give information about gun ownership. At any rate, the Australian Bureau of Statistics was evidently sufficiently sanguine about the prospects to be prepared, at the request of the present writer and his co-researchers,<sup>9</sup> to take over the project as part of its 1975 General Social Survey. This was carried out during April-May 1975, and results are expected to become available early in 1976.<sup>10</sup>

---

<sup>8</sup> Amnesties are periods during which unregistered firearms may be surrendered to Police Departments without prosecution. They now take place on a synchronized national basis every three years.

<sup>9</sup> The original research grant application was made by the present writer in conjunction with Associate Professor Gordon Hawkins of the Sydney University Institute of Criminology. Subsequently, Mr Paul Ward, also of Sydney University Institute of Criminology, has become associated with the project. Dr Tony Vinson, Director of the New South Wales Bureau of Crime Statistics and Research, has been pursuing related interests in both an official and a personal capacity.

<sup>10</sup> The first tabulations will be as requested by the present researchers. Our thanks are due to Dr J G Miller, Acting Commonwealth Statistician, and members of his staff. In particular, the WA non-Metropolitan survey could not have been completed so successfully without the assistance of Mr Colin Proud, Director of the WA Office of the Australian Bureau of Statistics.

## THE WESTERN AUSTRALIA SURVEY

The questionnaire used is set out in Appendix I. For Perth Metropolitan respondents it was administered by a post and collect/interview method; for rural respondents by a pure interview method. Response rates were as follows.

|       | <i>Households<br/>in sample</i> | <i>Households<br/>contacted<sup>11</sup></i> | <i>Completed<br/>questionnaires</i> | <i>Refusals<br/>to answer</i> |
|-------|---------------------------------|--|-------------------------------------|-------------------------------|
| Perth | 1000                            | 831  | 728                                 | 103                           |
| Rural | 1096                            | 792  | 760                                 | 32                            |

It can thus be seen that the response rate, expressed as a proportion of households contacted, was higher in the rural area (95.9%) than in the Metropolitan area (87.6%). This is doubtless a reflection of the preferable technique adopted in the rural areas. Interviewers gained the impression that those who refused to answer were more motivated by a general reluctance to answer *any* questions of a personal nature than by a particular resistance to questions about firearms. Alternatively, it is possible that the group refusing to answer contained persons owning unregistered firearms, a possibility which is fortified by the fact that if non-respondents had the same gun ownership rate as respondents this would increase the number of firearms revealed by the survey to approximately the number one would expect if registered *and* unregistered firearms had been revealed in the answers.

*Gun Ownership Rates*

The questionnaire was addressed primarily to householders. They were asked whether or not they owned or possessed a firearm. They were also asked whether any other member of their household owned or possessed a firearm. If the answer to the latter question was yes, an Individual Questionnaire was used to ascertain details of gun ownership and the characteristics of the owner. By this means, it was thus possible to ascertain the number of households in which someone owned or possessed a firearm (the number of 'house-guns').

|       | <i>Number of<br/>respondents</i> | <i>Number and %<br/>of house-guns</i> |
|-------|----------------------------------|---------------------------------------|
| Perth | 728                              | 104 (14.3%)                           |
| Rural | 760                              | 325 (42.9%)                           |

<sup>11</sup> A household was categorized as not having been contacted (i) if no one was at home during three calls, (ii) if the lot was vacant, or (iii) if no one in the household spoke English. As regard the latter, there were 12 such cases in the course of the whole survey, all of them being in the Metropolitan area. Vacant blocks or unused dwellings abounded in the non-Metropolitan area, accounting for 249 non-contacts.

The number of guns per gun-owning household was also ascertained: 1.43 per Metropolitan household and 2.20 per rural household. It thus became apparent that registered gun ownership was being comprehensively revealed by the survey:

TABLE 1

|  |                |
|--|----------------|
| Number of separate weapons covered by 77,521 private <sup>12</sup> firearms licences in Western Australia (1/7/74) . . . . . | 136,236        |
| Number of Metropolitan households in total Metropolitan population (760,000) . . . . .                                       | 240,000        |
| Number of Metropolitan gun-owning households (14.3% x 240,000) . . . . .   | 34,320         |
| Number of Metropolitan firearms (34,320 x 1.43) . . . . .  | 49,078         |
| Number of rural households in total rural population of 259,000 . . . . .  | 85,000         |
| Number of gun-owning rural households (42.9% x 85,000)   | 36,465         |
| Number of rural guns (36,465 x 2.2) . . . . .  | 80,223         |
| Total number of guns revealed by the survey as existing in Western Australia (49,078 + 80,223) . . . . .                     | <u>129,301</u> |

Rural gun-ownership rates contained internal variations based on population patterns:

TABLE 2

| <i>Area</i>                 | <i>Number Surveyed</i> | <i>Number and % of house-guns</i> |
|-----------------------------|------------------------|-----------------------------------|
| Goldfields                  | 90                     | 18 (20%)                          |
| 10,000 + conurbations       | 154                    | 42 (27.3%)                        |
| 5,000-10,000 + conurbations | 278                    | 101 (36.3%)                       |
| Less than 5,000             | 238                    | 164 (68.9%)                       |
|                             | <u>760</u>             | <u>325 (42.9%)</u>                |

#### *Types of weapon*

In this respect the survey reflected rather imprecisely known patterns of registered ownership.

TABLE 3

| <i>Weapon</i>             | <i>Metropolitan Sample</i> | <i>Rural Sample</i> | <i>Total Sample (adjusted)</i> | <i>Registered Firearms</i> |
|---------------------------|----------------------------|---------------------|--------------------------------|----------------------------|
| Shotgun                   | 21.4%                      | 28.0%               | 23.1%                          | 10.9%                      |
| Rifle                     | 66.2%                      | 58.0%               | 64.5%                          |                            |
| Combination Rifle/Shotgun | —                          | 0.8%                | 0.2%                           | 86.4%                      |
| Air Rifle                 | 9.6%                       | 6.2%                | 8.8%                           |                            |
| Handgun                   | 2.8%                       | 4.8%                | 3.4%                           | 2.7%                       |

<sup>12</sup> It should be stressed that the survey related to privately owned firearms. Thus guns owned by the police, members of the military, firearms dealers and commercial institutions were excluded. With regard to the latter, some 14,500 firearms are owned by banks and similar institutions. At any given moment, dealers stocks amount to some 70,000 weapons.

*Unregistered guns, unlicensed shooters*

The law of Western Australia requires both guns and shooters to be licensed, and any given shooter is only licensed in relation to firearms specified in his license. If any particular firearm is specified on any licence, it is for present purposes a registered firearm; but if it is being used by a person other than the one whose licence specifies that firearm he is, for present purposes, an unlicensed shooter. That is not to say he may not be a licensed shooter in relation to other firearms; though, of course, he may have no kind of firearms licence at all.<sup>13</sup>

Unregistered guns clearly were not picked up in the survey. They may represent a further 10-15% over and above registered weapons. This estimate is based upon the following data. First, during 1973-74, 5 of the 51 incidents reported on the uniform Firearms Casualty Report Forms involved unregistered firearms (i.e. a firearm specified on no shooter's licence). Second, well-publicised amnesties over the last 20 years have produced the surrender of relatively few unregistered weapons:

| <i>Year</i>  | <i>Weapons<br/>surrendered</i> |
|--|--------------------------------|
| 1953 (1st amnesty since licensing started in 1931) | 2,849                          |
| 1966   | 65                             |
| 1967   | 98                             |
| 1969   | 9                              |
| 1970   | 366                            |
| 1973   | 233                            |

This all amounts, admittedly, to slender information, but it seems more readily to support the suggested interpretation of a low unregistered figure than a contrary sort of interpretation.

The 1973-74 Firearms Casualty Report data also reveal that in 28 of the 51 incidents, the firearm in question (registered or unregistered) was being used by an unlicensed shooter. Whether this means by a person not licenced in regard to any firearm or by a person holding a shooter's licence in relation to other firearms is not, unfortunately, brought out. However, in 11 of those 28 cases the age of the shooter (less than 16) makes it clear that he could not have been licensed with regard to *any* firearm,<sup>14</sup> and in a further 3 cases the sex and age of the shooter (elderly women) and the particular circum-

<sup>13</sup> Firearms Act (WA) 1973, s 16 (a). See also Firearms and Guns Act 1931-71, s 5 (3) (a).

<sup>14</sup> Firearms Act (WA) 1973, s 10 (2).

stances of the shooting make it highly probable that the shooter was completely unlicensed. Be that as it may, it is evident that a major problem is access to firearms by persons other than the licensed owner. This point will be developed later, when questions relating to the safety-consciousness of gun-owners are analysed.

### CHARACTERISTICS OF GUN-OWNERS

With regard to both Metropolitan and non-Metropolitan respondent gun-owners, no significant patterns, in contrast to non-owners, were detected with regard to age, educational attainments or social stability (as shown by marital status and residential habits).

Occupational status and country of birth did, however, appear to be significant.

TABLE 4  
*Occupational status*<sup>15</sup>

|                               | <i>Metropolitan<br/>gun-owners</i> | <i>Metropolitan<br/>non-owners</i> | <i>Non-<br/>Metropolitan<br/>gun-owners</i> | <i>Non-<br/>Metropolitan<br/>non-owners</i> |
|-------------------------------|------------------------------------|------------------------------------|---|---|
| Professional                  | 15.2%                              | 11.4%                              | 3.5%  | 7.0%  |
| Administrative/<br>Managerial | 28.3%                              | 22.3%                              | 4.2%  | 9.9%  |
| Sales                         | 10.1%                              | 8.4%                               | 2.8%  | 4.2%  |
| Primary                       | 5.1%                               | 1.1%                               | 56.6%                                       | 14.5%                                       |
| Transport                     | 11.1%                              | 5.7%                               | 8.8%  | 5.5%  |
| Process                       | 19.2%                              | 21.9%                              | 16.8%                                       | 16.0%                                       |
| Service                       | 8.0%                               | 6.8%                               | 3.2%  | 6.4%  |
| Not in work force             | 3.0%                               | 22.4%                              | 4.1%  | 36.5%                                       |
|                               | 100.0%                             | 100.0%                             | 100.0%                                      | 100.0%                                      |
|                               | N=98                               | N=630                              | N=305                                       | N=455                                       |

These results, although they appear to be skewed with regard to the gun-owning propensities of primary and transport workers in both Metropolitan and non-Metropolitan areas, are only statistically significant ( $p = > 0.05$ ) with regard to Metropolitan transport workers. The larger sample of the General Social Survey 1975 will serve better to reveal whether in the other respects these apparent patterns are significant. However, with regard to the non-owning propensities of persons not the work force, this was significant ( $p = > 0.05$ ) with regard to the adjusted total sample.

<sup>15</sup> Only householder-owners and householder-non-owners could be compared, since the survey methodology meant that the occupational status of non-householders was not able to be ascertained. The Australian Bureau of Statistics General Social Survey will, however, ascertain such information.

TABLE 5

|           | <i>Country of birth<sup>16</sup></i> |                                    |   |   |
|-----------|--------------------------------------|------------------------------------|---|---|
|           | <i>Metropolitan<br/>gun-owners</i>   | <i>Metropolitan<br/>non-owners</i> | <i>Non-<br/>Metropolitan<br/>gun-owners</i> | <i>Non-<br/>Metropolitan<br/>non-owners</i> |
| Australia | 75.0%                                | 58.4%                              | 85.7%                                       | 74.8%                                       |
| U.K.      | 7.7%                                 | 19.5%                              | 5.0%  | 11.9%                                       |
| Italy     | 6.7%                                 | 4.7%                               | 2.2%  | 3.1%  |
| Other     | 10.6%                                | 17.4%                              | 7.1%  | 10.2%                                       |
|           | N=98                                 | N=630                              | N=305                                       | N=455                                       |

On the basis of an adjusted Metropolitan and non-Metropolitan sample, these results are significant with regard to the gun-owning propensities of native-born Australians ( $p = > 0.05$ ) and the non-owning propensities of immigrants from the U.K. ( $p = > 0.05$ ). It was interesting to note that the gun-ownership rate of English migrants appeared on the basis of this small sample, to be more akin to the domestic U.K. gun-owning rates.<sup>17</sup>

#### *Age, training and experience of gun-owners*

It was considered that these factors would give some indication of the probable competence of the gun-owner in the use of his weapon.

TABLE 6

|              | <i>Age of Gun-Owners</i> |                              |
|--------------|--------------------------|------------------------------|
|              | <i>Metropolitan</i>      | <i>Non-<br/>Metropolitan</i> |
| Less than 21 | 4.5%                     | 11.6%                        |
| 22-25        | 6.4%                     | 8.0%                         |
| 26-35        | 23.7%                    | 26.0%                        |
| 36-45        | 32.8%                    | 23.2%                        |
| 46-55        | 18.1%                    | 15.5%                        |
| 56-65        | 11.8%                    | 9.9%                         |
| 65 +         | 2.7%                     | 5.8%                         |
|              | N=101                    | N=353                        |

<sup>16</sup> This question was asked, rather than one concerning legal nationality, inasmuch as it was considered that, Australia being an immigrant nation wherein naturalization is encouraged, it would be a more reliable indicator of ethnic and cultural background.

<sup>17</sup> Greenwood, *Firearms Control*, pp 220-221, gives registration figures in England and Wales which indicate that approximately one household in 23 is a gun-owning one. There are, of course, large regional variations. The rate of gun-ownership of households of UK immigrants in the total adjusted sample is approximately one in twelve.



TABLE 7  
*Training of Gun-Owners*

|                 | Metropolitan | Non-Metropolitan |
|-----------------|--------------|------------------|
| Military        | 63%          | 42.9%            |
| Police          | 4%           | 1.1%             |
| Friend/Relative | 22%          | 26.0%            |
| Gun Club        | 3%           | 8%               |
| No Training     | 9%           | 22%              |
|                 | N=100        | N=353            |

Respondents may, of course, have received training from more than one source, but the questionnaire did not serve to elicit such information. Nor does the bare rubric, 'Military' or 'Friend/Relative', necessarily indicate the *quality* of the training; in either example, it could be excellent or it could be inadequate in any given case. Nevertheless, one's expectation is that persons trained in the military, the police or in a gun club will tend to be more aware of what *not* to do with guns than persons who have no training at all or who are trained by a friend or relative. It is noteworthy that in the Metropolitan sample 31% of respondents and in the non-Metropolitan sample 48% of respondents fell into the two latter categories. As regards experience, the questionnaire was not apt to elicit precise data.

#### *Safety consciousness of gun-owners*

It was considered that data relating to how and where firearms kept when not in use, cross-tabulated with data relating to the availability of ammunition, would give some indication of the potential danger of weapons being available to persons other than the owner.

In the Metropolitan area, 70% of house-guns were kept in a usable state in some obvious and accessible place (wardrobe, storage cupboard, bedroom etc.). When cross-tabulated with availability of ammunition (a surprisingly high 30% of respondents possessed none at all at the time of the survey), it emerged that 58% of house-guns were potentially accessible to and usable by anyone in the household. This is very important information when it is borne in mind that more than half of the incidents reported to police in Western Australia during 1973/74 concerned use of a firearm by someone other than the licensed shooter.

In the non-Metropolitan areas, the general trend was similar. Approximately 73% of firearms were kept in a readily-accessible place, and when information as to availability of ammunition and the state in which the gun was kept was cross-tabulated it emerged that

57% of house-guns were potentially accessible to and usable by anyone in the household.

No discernible trend emerged regarding the relationship of safety-consciousness to the presence of children in the household. But it was found that gun-owners tend to have more children living in the household than non-owners:

TABLE 8

|   | <i>Metropolitan</i> | <i>Non-Metropolitan</i> |
|---|---------------------|-------------------------|
| Number of children in gun-owning households     | 1.30                | 1.56                    |
| Number of children in non-gun-owning households | 1.18                | 1.10                    |

### ACCIDENTAL MISUSE

Of the 51 incidents recorded by W.A. police on the uniform Firearms Casualty Report form during 1973-74, 30 were accidents. Five of these resulted in death. Although this is a small sample, it will be reported with confidence inasmuch as the data revealed are closely similar to those reported in New South Wales with regard to a sample of 136 accidents.

#### *Victims*

Almost 57% were under 20 years of age (N.S.W.—60%). Males constituted 90%, females 10%.

#### *Shooters*

The age distribution of the users involved in the accidents was as follows:

TABLE 9

|          | <i>W.A.</i> | <i>(N.S.W.)</i> |
|----------|-------------|-----------------|
| Under 10 | 10.3%       | (2.3%)          |
| 10-14    | 24.2%       | (18.6%)         |
| 15-19    | 17.3%       | (38.0%)         |
| 20-24    | 24.2%       | (15.5%)         |
| 25-29    | 10.3%       | (9.3%)          |
| 30-34    | 3.3%        | (7.0%)          |
| 35-39    | —           | (3.0%)          |
| 40 +     | 10.3%       | (6.2%)          |

The close relationship between the age of victims (57% less than 20) and the age of shooters (52.8% less than 20) is partly explained by the high proportion of self-inflicted injuries: 43.3% (42.6%, N.S.W.).

As can be seen from Table 6, only 4.5% of Metropolitan and 11.6% of non-Metropolitan gun-owners are less than 21 (adjusted % = 6.3). It is thus quite apparent that, whether users under 20

involved in accidents are drawn from licensed shooters or from persons gaining access to other persons' firearms, this age-group is grossly over-represented.

#### *Firearms experience of shooters*

As in New South Wales, there appeared to be a strong association between inexperience and involvement in an accident.

TABLE 10

| <i>Experience</i> | <i>Number</i> | <i>%</i> | <i>Adjusted %</i> | <i>N.S.W.</i> |
|-------------------|---------------|----------|-------------------|---------------|
| Less than a year  | 9             | 30%      | 47.4%             | (36.0%)       |
| 1-4 years         | 6             | 20%      | 31.6%             | (35.2%)       |
| 5-9 years         | 2             | 6.7%     | 10.5%             | (9.0%)        |
| 10 +              | 2             | 6.7%     | 10.5%             | (19.8%)       |
| Not specified     | 11            | 36.6%    | —                 | —             |

This is an indication of the inadequacy of whatever training the shooter has received. It can be assumed that, with the abolition of compulsory military service and with the projected cessation of school cadet force training, more and more new shooters are likely to receive their training, if any, from a friend or a relative. Nothing in present licensing legislation requires an applicant to demonstrate in a practical way his grasp of elementary safety rules.

#### *Circumstances of the accident*

The data showed that the majority of accidents occurred in a favourable environment—good visibility and open country.

TABLE 11

|            | <i>Visibility</i> |          | <i>Adjusted %</i> | <i>N.S.W.</i> |
|------------|-------------------|----------|-------------------|---------------|
|            | <i>Number</i>     | <i>%</i> |                   |               |
| Clear      | 20                | 66.7%    | 74.0%             | (83.6%)       |
| Overcast   | 1                 | 3.3%     | 3.7%              | (N.S.)        |
| Poor       | 2                 | 6.7%     | 7.4%              | (8.6%)        |
| Dark       | 3                 | 10.0%    | 11.1%             | (N.S.)        |
| Spotlight  | 1                 | 3.3%     | 3.7%              | (5.5%)        |
| Not stated | 3                 | 10.0%    | —                 | —             |

TABLE 12

|              | <i>Location</i> |          | <i>N.S.W.</i> |
|--------------|-----------------|----------|---------------|
|              | <i>Number</i>   | <i>%</i> |               |
| Dense cover  | 2               | 6.7      | (2.9%)        |
| Light cover  | 3               | 10.0     | (7.1%)        |
| Open country | 18              | 60.0     | (54.4%)       |
| Building     | 3               | 10.0     | (24.3%)       |
| Vehicle      | 4               | 13.3     | (10.3%)       |

As 90% (N.S.W. 82.3%) occurred at close range (i.e. direct contact or less than 10 yards), as alcohol was irrelevant as a factor in 100% of cases, and as defects in weapon or ammunition were causative factors in only 10% of cases (N.S.W. 3.6%), it seems likely

that shooter error was a major factor in many accidents. When the police-nominated causes of accidents are analysed, this supposition is confirmed.

TABLE 13

| Cause                                     | Number | %    | N.S.W.  |
|---|--------|------|---------|
| 1. Victim moved into line of fire         | 3      | 10.0 | (8.0%)  |
| 2. Victim out of sight of shooter         | —      | —    | (3.0%)  |
| 3. Shooter stumbled and fell              | 2      | 6.7  | (11.8%) |
| 4. Weapon fell from insecure rest         | 1      | 3.3  | (4.5%)  |
| 5. Ricochet                               | 2      | 6.7  | (7.3%)  |
| 6. Trigger caught on brush, other object  | 3      | 10.0 | (5.1%)  |
| 7. Transferring weapon in/out of vehicle  | 3      | 10.0 | (8.0%)  |
| 8. Riding in vehicle with loaded firearm  | 1      | 3.3  | (3.7%)  |
| 9. Horse-play                             | 4      | 13.3 | (11.8%) |
| 10. Crossing obstacle with loaded firearm | —      | —    | (4.5%)  |
| 11. Mishandled weapon: loading            | 3      | 10.0 | (3.7%)  |
| 12. Mishandled weapon: unloading          | 2      | 6.7  | (6.7%)  |
| 13. Defective weapon                      | 2      | 6.7  | (2.2%)  |
| 14. Defective ammunition                  | 1      | 3.3  | (1.4%)  |
| 15. Other                                 | 2      | 6.7  | (16.1%) |
| 16. Not stated                            | 1      | 3.3  | (2.2%)  |

It is not unreasonable to characterise the first twelve causes in the foregoing Table as being examples of shooter mishandling, due to inexperience or inadequate grasp of basic knowledge about firearms. This can be seen if one sets out simple, common sense rules about gun handling:

- Do not point a gun at another person;
- Do not take a loaded gun indoors;
- Never assume that a gun is unloaded;
- Do not fire past or near to other people;
- Do not make any awkward or unbalanced movement, such as climbing through a fence, with a loaded gun;
- Do not leave a loaded gun in an unstable position;
- Do not fire at a flat, hard surface;
- Do not remove the safety catch before use of the gun is imminent.

Such rules as these are standard practice at all good gun clubs. Breach of them is *prima facie* an indicator of incompetence in the handling of firearms. As stated, causes 1-12 in Table 13 apparently proceed from breach of one or more of the foregoing rules. On that basis, 24 out of 30 (80%) of accidents occurring in Western Australia in 1973-74 were caused by shooter incompetence. In New South Wales, the comparable figure was 82%.

It was pointed out earlier that a substantial proportion of accidents appeared to have been caused by a person other than the licensed

shooter to whom the firearm belonged. Many of such persons (at least 11 out of 28 such cases in the total accident/suicide sample of 51) were children under 16. An extremely important rule for the shooters is that they should not permit others an opportunity to demonstrate their incompetence:

Do not store weapons or ammunition in a place where others, particularly children, may gain access to them.

As mentioned, 58% of Western Australia shooters systematically breach this elementary prohibition.

### *Conclusions*

Because of the use of firearms by persons who are not properly competent to handle them, five deaths and twenty-five non-fatal accidents<sup>18</sup> occurred in 1973-74. Data for 1960 showed comparable patterns (6 deaths and 29 accidents), and data for future years will doubtless do the same. Western Australia's firearms legislation, re-furbished in 1973, partly but not sufficiently addresses itself to the problems indicated in this paper.

The Firearms Act provides that a person of sixteen years or more is eligible for a Firearms Licence, other than one relating to a handgun. The Commissioner of Police shall not, however, grant a licence to a person if in his opinion—

- (a) it is not desirable in the public interest; or
- (b) that person is unfit to hold a licence; or
- (c) that person does not have a good reason for acquiring or possessing the firearm or ammunition to which the application relates.<sup>19</sup>

With regard to factor (b), the Firearms Regulations 1974 provide that—

For the purposes of enabling the suitability of the applicant to be assessed, the applicant may be required to answer a written questionnaire relating to the Firearms Act 1973 and Regulations, and knowledge of firearms safety.<sup>20</sup>

---

<sup>18</sup> No information is available in WA as to the seriousness of the accidents. If the NSW pattern were repeated, however, many of them would be very serious: see NSW Bureau of Crime Statistics and Research, Statistical Report 1, Series 2—Accidental Shootings, pp 4-5.

<sup>19</sup> Firearms Act 1973, s 11 (1).

<sup>20</sup> Firearms Regulations 1974, No 7 (6).

Such a questionnaire is in fact being used, but present information does not suggest that it is in itself a frequent basis for refusal of a licence. Moreover, this approach is subject to the obvious defect that theoretical knowledge is a far cry from practical competence. In reality, the overwhelming majority of applicants are granted a licence more or less automatically after this simple hurdle has been cleared or circumvented. It is as if driving licences were dependent upon ability to answer an examination about the rules of the Highway Code.

What the data in this paper have revealed is that some system of practical training is necessary, and that it should take place at the outset of a person's career as a shooter. That is the time when he poses the greatest danger to himself and others. The problem, as always, is cost; though it may be doubted whether the visible costs of a proper training scheme would be as great as the invisible costs of the avoidable deaths and injuries caused by firearms misuse at present. One possible approach would be to harness the skills and knowledge of those groups who appear to be the most safety-conscious in the community—members of shooters' clubs. Although the survey revealed a surprisingly low figure of 7% of shooters as being members of gun clubs, this number may well be sufficient to be utilised in a training scheme. In outline, one could perhaps legislate that a firearms licence should only be issued to a shooter if he can produce a certificate of competence from an approved gun club or from the Police Department itself. An increase in the firearms licence fee (from \$3 to, say \$5) could raise sufficient revenue to finance training schemes at club premises and, for those parts of the State where no such clubs are convenient, to set up some alternative arrangement.

This proposal merely takes on further the spirit of a new provision of the 1973 Firearms Act whereby it is provided that, if the Commissioner of Police is satisfied that a person—

is a financial member of an approved club . . . providing facilities for and giving instruction in the use of the firearm to which the application relates, who participates or will participate regularly in the activities of that club or organisation . . . that person shall be taken to have a good reason for acquiring or possessing a firearm or ammunition of a kind suitable to the circumstances.<sup>21</sup>

---

<sup>21</sup> Firearms Act 1973, s 11(2) (a).

As regards access of persons other than the licensed shooter to the latter's firearm, the 1973 Act re-enacted a provision of the 1931 Act whereby it is an offence to 'fail or omit to take all reasonable precautions to ensure the safe-keeping' of a firearm.<sup>22</sup> Between 1949 and 1973 there had been 313 prosecutions under this heading, i.e. an average of nearly 13 a year. Clearly, when they come across such situations, the police treat them as worthy of prosecution, and doubtless they will continue to do so. But usually the harm has already been done when the police become involved; the problem is how to forestall such negligence. This, in turn, leads back to the need for thorough, practical training, both for new licence-holders and existing ones. Training is the best means by which we can influence the continuing social problem of accidental misuse of firearms in the community.

R. W. HARDING\*

---

<sup>22</sup> Firearms Act 1973, s 25 (9) (a); Firearms and Guns Act 1931-71, s 12, paragraph 10.

\* Associate Professor of Law, University of Western Australia.





## c. WHY DID YOU ACQUIRE OR RETAIN IT?

For Souvenir or collection  Sport  Protection of self or household   
 Protection of business  As part of job  Other   
 If other, please specify.....

## 8a. WHERE IS YOUR FIREARM NORMALLY KEPT? (Please specify)

.....

## b. HOW MUCH AMMUNITION DO YOU HAVE AT PRESENT.....rounds

## 9a. HAVE YOU EVER BEEN TRAINED IN FIREARMS HANDLING?

Military  Gun Club  By a friend or relation   
 As a policeman  Other  No training   
 If other, please specify.....

## b. ARE YOU AT PRESENT A MEMBER OF A GUN CLUB OR SHOOTERS' ORGANISATION

Yes  No