CENTRE FOR
Women's Safety
and Wellbeing

Preventing violence
Promoting health
Advancing gender equality

Firearms Act 2024

Submission to Standing Committee on Legislation

Centre for Women's Safety and Wellbeing

22 July 2025

Acknowledgement of Country

The Centre for Women's Safety and Wellbeing acknowledges the Whadjuk Nyoongar people as the Traditional Owners of the land where our office is located. We acknowledge Aboriginal and Torres Strait Islander peoples of this nation, and we pay respect to Elders past and present. We acknowledge the continued deep spiritual attachment and relationship of Aboriginal and Torres Strait Islander peoples to this country and commit ourselves to the ongoing journey of reconciliation.

Recognition of Victims and Survivors

The Centre for Women's Safety and Wellbeing recognises the strength and resilience of adults, children, and young people who have experienced domestic, family, and sexual violence and acknowledge that it is essential that responses to domestic, family, and sexual violence are informed by their expert knowledge and advocacy. We pay respect to those who did not survive and acknowledge friends and family members who have lost loved ones to the preventable and far-reaching issue of domestic, family, and sexual violence

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About the Centre for Women's Safety and Wellbeing

The Centre for Women's Safety and Wellbeing is the leading voice for women and children affected by gender-based violence in Western Australia and the peak body for domestic, family and sexual violence services and community-based women's health services in WA.

The Centre for Women's Safety and Wellbeing (CWSW) works to prevent domestic, family and sexual violence against women and their children; promote women's health and wellbeing; and advance gender equity. The Centre works to ensure that the evidence is taken up in policy and practice to further the safety, health and wellbeing of women and their children. We advocate for systems and structures that enable and support the safety, wellbeing and economic security of women. The Centre for Women's Safety and Wellbeing also promotes non-violent and respectful attitudes and behaviours towards women and girls in the broader community, and community responsibility for violence prevention.

Position Summary

The Centre for Women's Safety and Wellbeing appreciates the opportunity to provide feedback to the Committee on the Firearms Act 2024. CWSW supports the complete implementation of the Firearms Act 2024 and encourages Committee members to support in full this significant public safety measure.

While the Terms of Reference for the Committee refer largely to the implementation of the Firearms Act 2024, CWSW wishes to take the opportunity to emphasise the importance of the reforms being fully implemented, particularly in relation to users of family and domestic violence and removal of access to firearms by those who use violence.

In summary, our position for the Committee's consideration:

- CWSW commends the specific inclusion of family and domestic violence considerations in the new legislation, which puts a clear focus on victim-survivor safety and accountability those who use violence.
- We welcome the introduction of mandatory cancellation/ suspension or refusal to renew a firearms licence when a licence holder uses family and domestic violence.
- We commend other restrictive measures in the Act, such as the restriction on the number of firearms an individual may hold and Firearms Prohibitions Orders.
- Consider future reform, including a ban on 3D-printed weapons and a requirement to complete national police records checks prior to granting firearms licence.

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Submission detail

CWSW strongly supports the implementation of the full range of protections and restrictions this Act brings into effect. If allowed to operate as intended, it is the position of CWSW that the Act will keep firearms out of the hands of those who use violence, increase victim-survivor safety and reduce risk to police officers.

Since the previous firearms regime came into force in the 1970's, societal and government attitudes and understandings of family and domestic violence have far advanced. No longer considered a 'private matter' in a relationship, we now understand the breadth of behaviours that constitute family and domestic violence, the devastating impact that violent behaviours wreak on individuals and the community, and the highly effective measures that can be implemented to prevent, reduce or heal from family and domestic violence, and prevent family and domestic violence homicide.

Women and children living with family and domestic violence live daily with devastating fear and anxiety. When a perpetrator is known to have access to firearms, that fear is only amplified. A 2018 report by the Australian Institute of Health and Welfare found that gunshot wounds were the third most common cause of death for Australian victims of family and domestic violence.[1] Far too recently in Western Australia we have had a horrifying demonstration of how weapons in the hands of a known user of violence wreak terror and tragedy on our families and community. Lawmakers have the power and responsibility to ensure all steps are taken to stop further, preventable deaths. The reforms to the Firearms Act are a crucial part of this work.

Focus on family and domestic violence within the Act

CWSW applauds the clear inclusion within the Objects of the Act the need to prevent access to firearms by a person who pose a risk of violence, family violence or intimidating behaviour. Specifically naming family and domestic violence within the Objects recognises the overwhelmingly common and devastating occurrences of family violence in Western Australia and the specific need to ensure those who use violence cannot gain lawful access to firearms as a tool to terrorise or kill their partners/ex-partners, family members or friends of victim-survivors.

We are also pleased that the definition of 'family violence' used in the Firearms Act is consistent with the definition contained in the Restraining Orders Act 1997. The Restraining

[1] Australian Institute of Health and Welfare (2018) *Family, domestic and sexual violence in Australia, 2018,* Australian Government.

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Orders Act uses a definition of family violence that reflects the diversity of behaviours that we now understand constitute family violence. Rather than restrict the definition to physical harm or property damage, or threats thereof, the definition in use includes; patterns of behaviour that coerces or controls or causes a person to be fearful; financial abuse; preventing contact with friends and family; deprivation of cultural engagement; emotional and psychological abuse; and distributing or threatening to distribute intimate images. The adoption of this definition also has the impact of ensuring consistency of understanding and application between these two legislative regimes.

User of violence not 'fit and proper person'

The reforms make clear that a person who uses family and domestic violence cannot be considered a 'fit and proper person' to hold a firearms licence.

Specifically, we note with approval section 154, that gives the Commissioner sufficient grounds to find an applicant is not a 'fit and proper person' if that person has a history or tendency towards family violence. This explicit and unequivocal acknowledgement that family violence and firearms should never mix is important. However, we note that in order to accurately determine a 'history or tendency' towards family violence, decision makers will need to have access to a range of information sources, beyond just a state-held criminal history.

A majority of perpetrators of family and domestic violence will never face criminal charges, as most victim-survivors do not report abuse to police.[2] To ensure full operation of these provisions, we would encourage the Commissioner, in carrying out inquiries to assess 'fit and proper person' status, to cast the net further than simply law enforcement records and seek input from other statutory agencies such as the Department of Communities (Child Protection), and non-statutory agencies such as the specialist family and domestic violence sector.

The importance of the Family and Domestic Violence System Reform Plan, which aims to enhance collaboration and information sharing across all parts of the family and domestic violence system, will, if fully realised, be hugely supportive of these provisions of the Firearms Act. They would enable the Commissioner to seek information on a history of family and domestic violence beyond law enforcement, including information held by the Child Protection system, or specialist family and domestic violence support services. While beyond the scope of the Committee's consideration, CWSW wishes to underline the importance of

[2] Col Blanch warns surge in domestic violence largely hidden as statistic reveals 70pc of cases go unreported | The West Australian

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these information sharing regimes being fully implemented and resourced, to ensure crucial decisions about safety, such as the decision to revoke a firearms licence, are made with full knowledge of the risks at play.

Mandatory loss of licence

The Act now includes clear, mandatory cancellation/ suspension of or refusal to renew a firearms licence where a person has been made subject to a disqualifying order (Family Violence Restraining Order, whether interim or final, or Police Order), or when a person has proceedings pending in relation to disqualifying offences (which include family violence offences, pursuant to section 128 of the *Criminal Investigation Act 2006* (WA)).

CWSW supports the mandatory and immediate cancellation/suspension or refusal to renew a firearms licence in this context. These provisions, and the removal of any discretionary considerations, right of appeal to SAT and capacity of the Courts to allow that person to retain firearms, are enormously supportive of victim-survivor safety, and reflect that you cannot be a person who uses violence and also be considered 'fit and proper'.

CWSW is particularly supportive of the mandatory cancellation/suspension when a Family Violence Restraining Order is in place, including interim or temporary orders. This ensures protections are available to the majority of victim-survivors who do not report their abuse to police but seek the protection of a Restraining Order. The measure also acknowledges the importance of decisive and swift action to ensure safety, even when a Court is yet to make a final determination on the facts.

There were 11,704 applications for family violence restraining orders lodged in WA courts in the 2022-2023 financial year.[3] This number does not include the number of '72-hour' police-issued orders. While more recent figures are not publicly available, we can only expect this number will have increased, as the rates of reported violence continue to rise. In 2023-2024, WA Police recorded 31,569 family violence assault offences and 7, 563 offences of threatening behaviour in the context of family and domestic violence. 11,259 breach of family violence restraining order offences were recorded in the same period.[4] The reforms mean that any firearms licence holders who were responsible for these offences or subject to restraining orders would automatically lose their access to weapons. This can only lead to increased victim-survivor safety.

[3] Magistrate's Court Civil Report, Magistrates Court Civil Report 2018-2019 to 2022-2023, WA Government.
[4] WA Police Crime Statistics 2023-2024, Crime statistics, WA Government.

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Limit on number of firearms an individual can possess

Section 30 of the Act introduces limits on the number of firearms an individual may lawfully possess. CWSW strongly supports this restriction, as do three in four (78%) Western Australians.[5] We support this progressive and nation-leading reform.

Firearms Prohibition Order

Firearms Prohibition Orders (FPO) are a legal restraint that restricts certain individuals from acquiring, possessing, using or accessing firearms and related accessories for a period of 10 years. CWSW supports this reform, as it will ensure that serial perpetrators of family and domestic violence, including where the offending has occurred perhaps years apart or within different relationships, will be more easily identified as not being a fit and proper person to hold a firearms licence, and subject to long-term bans, rather than being tied to the length of a restraining order, for example, or rely on victim-survivors coming forward to report abuse. We see this as a preventative measure, that uses past behaviour to increase future safety.

Entry, Search & Seizure powers (without warrant)

The reforms allow police to enter and search vehicles or premises if the officer reasonably believes there is an immediate threat of harm or threat to public safety. These powers, when exercised by police with appropriate family and domestic violence risk identification and assessment skills, allow firearms to be pro-actively removed without undue delay. CWSW fully supports these powers being affected.

Opportunity to strength reforms

Prohibition on 3D-printed weapons

The Firearms Act does not currently include a specific ban on the creation or possession of 3D-printed weapons. As 3D printing technology becomes increasingly cheap and accessible, the ability for individuals to 'manufacture' their own weapons also increases. There is evidence that 3D-printed guns is an increasing risk to public safety, as reflected in the 2024 nationwide police initiative Operation Athena, where police across the country met to discuss how to address the issue.[6] The accessibility and increasing prevalence of these weapons

[5] Chollet, O., et al. (2025), *Gun control in Australia*, The Australia Institute.
[6] NSW Police (2024) Operation Athena symposium concludes in Melbourne as police from across Australia focus on privately-made firearms, https://www.police.nsw.gov.au/news/news_article?sq_content_src=%2BdXJsPWh0dHBzJTNBJTJGJTJGZWJpenByZC5wb2xpY2UubnN3Lmdvdi5hdSUyRm1lZGlhJTJGMTE0NjMzLmh0bWwmYWxsPTE%3D

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poses an additional risk to safety for victim-survivors, and we suggest be specifically addressed in legislation in future.

National police records search

The Act empowers the Commissioner to make any investigation necessary to satisfy that an applicant is a fit and proper person to hold a firearms licence. This includes specific requirements to check WA police records for any criminal history. We would suggest strengthening this provision by *requiring* the Commissioner to make enquiries with all other Australian law enforcement agencies for any recorded criminal history, noting that perpetrators of violence can and do relocate.

Summary / Conclusion

Often, the courage to make sweeping reform comes after unimaginable tragedy. This was the case in Australia following the Port Arthur Massacre. The changes to the Firearms Act represent such a moment in Western Australia, when the failings of the previous legislative regime, and other gaps in our family and domestic violence system, left two innocent women open to fatal risk from a perpetrator of family and domestic violence. The murders of Jennifer and Gretl Petelczyc were a preventable, catastrophic example of what happens when violent persons have immediate access to lethal weapons. Significant effort has been given to changing police responses in light of the tragedy, but firearms reform is crucial to supporting police in their response work.

Despite Australia's relatively restricted gun control regime, rates of private gun ownership have increased by 25% since the 1996 Port Arthur Massacre and resulting gun restrictions and buy-backs.[7] Rates of reported family and domestic violence in Western Australia increase year on year. It could not be more urgent for lawmakers to respond to these deeply concerning trends, and deploy every available tool to prevent future family and domestic violence homicides. The reforms enacted by the new Firearms Act are a critical tool, and we implore Committee members, and our Parliamentary representatives more broadly, to ensure the reforms are preserved and fully implemented.

[7] Chollet, O., et al. (2025), *Gun control in Australia*, The Australia Institute.

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