

**Recommendation: Police should enquire about firearms when attending family violence incidents**

I recommend Tasmania adopt similar legislation to NSW that requires police officers to enquire about firearms when attending family violence incidents:

*A police officer who so enters a dwelling must inquire as to the presence of any firearms in the dwelling and, if informed that there is or are a firearm or firearms, must take all such action as is reasonably practicable to search for and to seize and detain the firearm or firearms<sup>1</sup>.*

Advantages would be:

- An opportunity to remove firearms at a time of danger
- No need for a search warrant
- An opportunity to inspect gun storage facilities
- An opportunity to remove illegal firearms before they can be hidden from police
- Relief of the need for victims of family violence to surrender illegal firearms themselves, which could be dangerous and difficult.

Penalties for illegal firearms could backfire on victims for various reasons, so the aim should be removal, not punishment. This is in the spirit of the Firearms Amnesty in Tasmania. The burden of removing firearms in situations involving family violence must rest on police, not victims.

1. *Law Enforcement (Powers and Responsibilities) Act 2002, section 85, subsection (2).*  
<https://legislation.nsw.gov.au/view/pdf/asmade/act-2002-103> Accessed 9/02/2023.