



Australian Government
Australian Institute of Criminology

The ability of Australian law enforcement authorities to eliminate gun-related violence in the community

Submission by the Australian Institute of Criminology
to the Senate Legal and Constitutional Affairs
References Committee

The Australian Institute of Criminology (AIC) is Australia's national research and knowledge centre on crime and justice. The Institute seeks to promote justice and reduce crime by undertaking and communicating evidence-based research to inform policy and practice. The AIC welcomes the opportunity to contribute to the Inquiry into the ability of Australian law enforcement authorities to eliminate gun-related violence in the community.

The AIC has played a central role in undertaking and disseminating research on the use of firearms in crime, firearm theft and the illicit firearm market. This submission comprises a summary of the most recent AIC firearms research on firearm violence, firearm theft and the safe storage of firearms. The following is presented to provide context to the following Inquiry's terms of reference:

- (a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia
- (d) the extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held; and
- (f) stricter storage requirements and the use of electronic alarm systems for guns stored in homes.

Background to AIC research on firearms

The AIC's research on firearms and firearm violence has largely been undertaken as part of the National Firearms Monitoring Program (NFMP) and the National Firearm Theft Monitoring Program (NFTMP). These research programs are supplemented by findings from the National Homicide Monitoring Program (NHMP; see Chan & Payne 2013 for most recent report), the National Armed Robbery Monitoring Program (NARMP; see Borzycki & Fuller 2014) and discrete research projects on issues such as firearm trafficking (Bricknell 2012).

The NFMP and NFTMP were established as short- to mid-term research programs in response to Government recommendations for an examination of particular firearm issues.

The NFMP was established at the AIC in 1997, following a resolution from the then Australasian Police Ministers Council (APMC) in November 1996 that the AIC monitor, evaluate and report on the effects of firearm controls as instilled in the National Firearm Agreement 1996. The objective of the NFMP, a ten-year research program, was to identify the longer-term effects of firearm controls through the preparation of statistical information on:

- the use of firearms to commit crime;
- firearm theft and illegal importation;
- firearm-related morbidity and mortality;
- patterns in licensing of firearm owners and registration of firearms; and
- firearm offences in general.

The NFTMP was established in response to a recommendation from the APMC in July 2002 that further consideration be given to measures to combat firearm theft, including the practice and adequacy of current firearm storage arrangements. To inform this discussion, the then Firearms Policy Working Group (FPWG, now the Firearms and Weapons Policy Working Group) commissioned the AIC to undertake an exploratory examination of firearm theft in Australia (see Mouzos & Sakurai 2006), which was followed by the development of the NFTMP. The NFTMP was funded by the Australian Government under the *Proceeds of Crime Act 2002* (Cth) and collated data on firearm theft from state and territory police for the years 2004–05 to 2008–09 (see Borzycki & Mouzos 2007; Bricknell 2011, 2010, 2008a; Bricknell & Mouzos 2007).

The objective of the NFTMP was to examine patterns and trends in firearm theft in Australia, including the:

- characteristics of stolen firearms and theft incidents;
- modus operandi of offenders;
- firearm storage compliance, and prosecution of non-compliance;
- recovery and return rate of stolen firearms; and
- use of stolen firearms to commit crime.

In addition, research generated from the NFTMP was to assist the FPWG to develop evidence-led policy with regard to the creation of initiatives to reduce the incidence of firearm theft, and define a minimum standard for firearm storage for application across all sectors of the firearms community.

Reports from the NFMP, NFTMP and other relevant AIC research are shown in Appendix A.

(a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia

There are three primary firearm markets in Australia. The licit market comprises all firearms that are subject to registration and held by a person with the approved authority to do so. The grey market consists of all long-arms that were not registered, or surrendered as required during the gun buybacks, following the National Firearms Agreement (1996). Grey market firearms are not owned, used or conveyed for criminal purposes but may end up in the illicit market. Illicit market firearms are those which were illegally imported into or illegally manufactured in Australia, diverted from the licit market or moved from the grey market.

In 2012 the AIC published findings from a study on firearm trafficking in Australia (see Bricknell 2012) which examined:

- the composition of the illicit firearm market, including the types of firearms commonly found in the possession of serious and organised crime groups;
- the supply routes by which firearms were diverted, or were otherwise transferred, from the licit to the illicit market with a focus on restricted long-arms and handguns; and
- the legislative, procedural and technological systems that have (and may continue) to facilitate the diversion of firearms.

The study was undertaken in collaboration with the Australian Crime Commission (ACC) and the Australian Federal Police and funded under the Research Support for National Security Program.

The study included analysis of data compiled in the ACC's National Firearm Trace Database (NFTD), which contains records of some of the unregistered firearms recovered by federal, state and territory police. There were a total of 2,750 records on individual firearms, the majority of which (n=2,341, 99%) were seized by police between June 2002 and October 2011.

General firearm characteristics

Of the 2,750 seized firearms, 43 percent (n=1,184) were rifles, 34 percent (n=960) were handguns and 16 percent (n=448) were shotguns (see Table 1). Similar proportions of rifles (40%, n=672) and handguns (39%, n=665) were recorded in seizures from serious and organised crime groups (SOCG). In non-SOCG seizures, rifles were significantly more commonly recovered than handguns (49% (n=512) of all firearms seized compared with 28% (n=295) respectively). SOCG and non-SOCG seizures contrasted in the prevalence of handguns, with a significantly greater proportion of handguns found in association with SOCG.

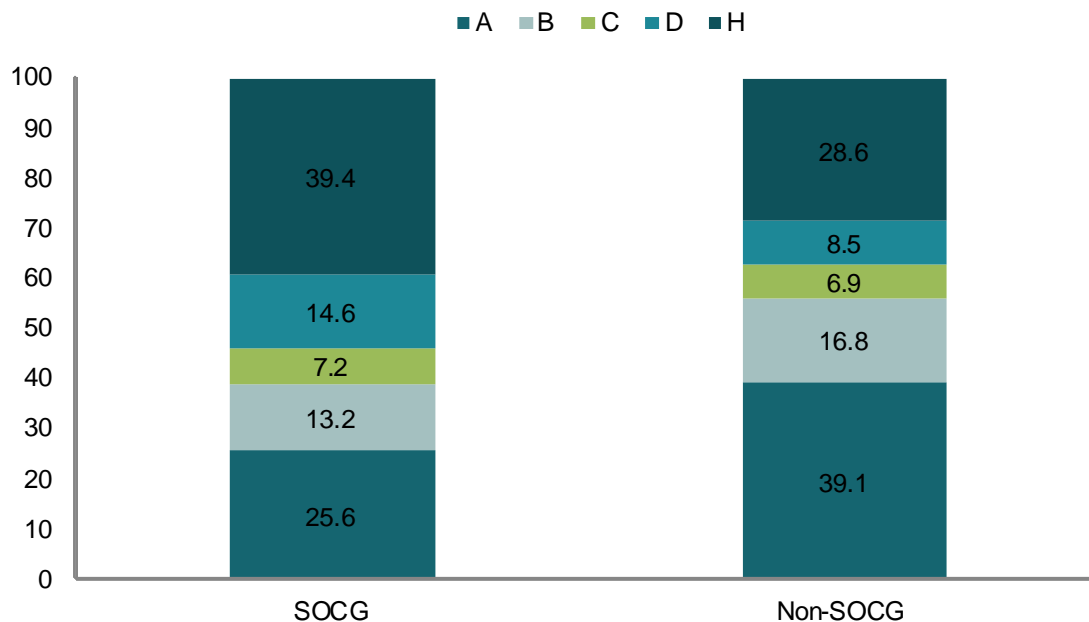
Table 1 Firearm type seized from SOCG and non-SOCG

Firearm type	SOCG		Non-SOCG		All	
	n	%	n	%	n	%
Rifle	672	40	512	49	1,184	43
Shotgun	278	16	170	16	448	16
Air rifle	48	3	58	6	106	4
Handgun	665	39	295	28	960	34
Other	26	2	10	1	36	1
<i>Sub-machine gun</i>	16	1	3	<1	19	<1
<i>Light machine gun</i>	4	<1	2	<1	6	<1
<i>Heavy machine gun</i>	0	0	1	<1	1	<1
<i>Combination firearm</i>	6	<1	4	<1	10	<1
Unknown	12	1	4	<1	16	1
Total	1,701	100	1,049	100	2,750	100

Note: Percentages may not total 100 due to rounding
Source: Bricknell 2012

The firearms seized from both SOCG and non-SOCG were disproportionately skewed towards restricted firearm categories (ie Category C, D and H firearms; see Figure 1). Category C and D long-arms comprise self-loading (ie semi-automatic and automatic) rifles and pump action shotguns that were subject to the 1996 firearm buyback and Category H comprise handguns (see Appendix B for firearm classification system as recognised in the National Firearms Agreement (1996)). At the time of report publication, Category C, D and H firearms made up around 10 percent of all registered firearms in Australia but comprised over 50 percent of all seized firearms in the sample. This skew towards restricted models was significantly more marked among firearms seized from SOCG — 61 percent of all SOCG-seized firearms were Category C, D or H c/f 44 percent of non-SOCG firearms.

Figure 1 Firearm category



Note: Excludes unknown category (n=16). Percentages may not total 100 due to rounding
Source: Bricknell 2012

Thirty different firearm types were identified among the total firearms seized. Just over a quarter (26%, n=436) of all SOCG-seized firearms were semi-automatic pistols and 15 percent each were bolt action rifles (either Category A or B, n=255) and restricted semi-automatic rifles (either Category C or D, n=253). Bolt action rifles were the most common firearm type recovered from non-SOCG (21%, n=217), followed by semi-automatic pistols (18%, n=191) and semi-automatic rifles (11%, n=116).

Restricted long-arms

Restricted long-arms are defined here as any long-arm recorded in the ACC's NFTD as being subject to the 1996 firearm buyback. Altogether 30 percent (n=529) of *all* seized long-arms recorded in the NFTD were restricted long-arms. The majority of these were Category D firearms (63%, n=335), which are prohibited under Australian law except for official purposes (mostly related to animal control and welfare).

Restricted long-arms were predominantly associated with SOCG: 70 percent (n=368) of all restricted long-arms were seized from entities associated with serious and organised crime. Two-thirds (77%, n=194) of semi-automatic rifles seized from SOCG were classified as Category D firearms compared with 62 percent (n=72) of non-SOCG semi-automatic rifles.

Restricted handguns

Restricted handguns are defined as any handgun recorded in the ACC's NFTD as being subject to the 2003 handgun buyback (ie they had a calibre greater than 38", a barrel length shorter than the length prescribed and/or a magazine capacity greater than 10 rounds). Two-thirds of recovered handguns were restricted models (65%, n=631). Most of these 631 restricted handguns were seized from SOCG (68%, n=431).

Semi-automatic pistols were the most common type of handgun seized, making up 72 and 74 percent respectively of seized restricted handguns from SOCG and non-SOCG (see Table 2). Revolvers comprised around a fifth of restricted handguns for SOCG, as it did for non-SOCG.

Table 2 Firearm category and action type of restricted handguns by SOCG status

Action type	SOCG		Non-SOCG	
	n	%	n	%
PSA	311	72	148	74
REV	95	22	39	20
PSS	13	3	4	2
BPR	7	2	3	2
Other	5	1	6	3
Total	431	100	200	100

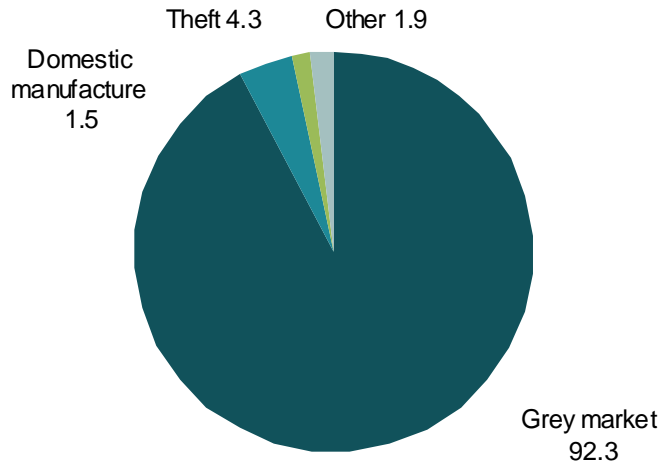
Note: PSA = semi-automatic pistol REV = revolver PSS = single shot pistol BPR = black powder revolve Other = air pistol, black powder pistol, derringer, double barrel pistol, multi barrel pistol

Source: Bricknell 2012

Source of illicit long-arms

The grey market comprises long-arms that should have been registered or surrendered, depending on the restricted status of the firearm, following the 1996 firearm reforms. Grey market firearms were the main source of both restricted (92%, n=431) and non-restricted (86%, n=945) long-arms (see Figures 2 and 3). Stolen firearms were the next most common source for long-arms, although accounting for just 10 percent of non-restricted long-arms and four percent of restricted long-arms seized from the illicit market. Other methods of supply included illicit domestic manufacture, false deactivation, failure to notify of interstate transfer of a long-arm and illegal import. These accounted for only a few of the seized long-arms recorded in the NFTD.

Figure 2 Source or method of diversion for restricted long-arms (percent) (n=467)

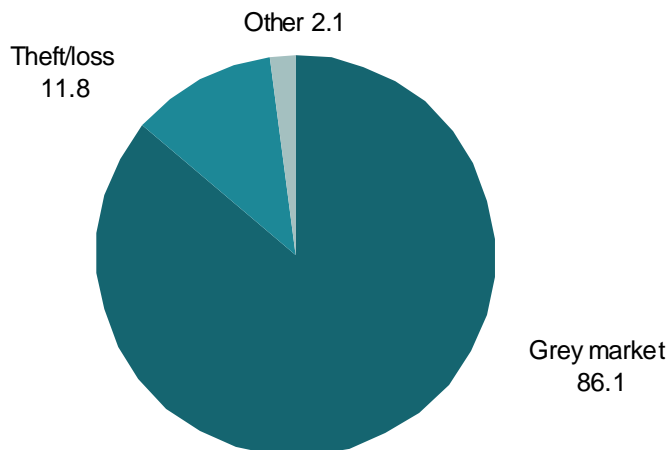


a: Other includes deactivation, failure to notify interstate transfer, illegal import, diversion by reporting false loss and serial number transfer (n=8)

Note: Excludes unknown source or method of diversion (n=62)

Source: Bricknell 2012

Figure 3 Source or method of diversion for non-restricted long-arms (percent) (n=1,098)



a: Other includes failure to notify interstate transfer, diversion by reporting false loss and nfa (n=9)

Note: Excludes unknown source or method of diversion (n=158)

Source: Bricknell 2012

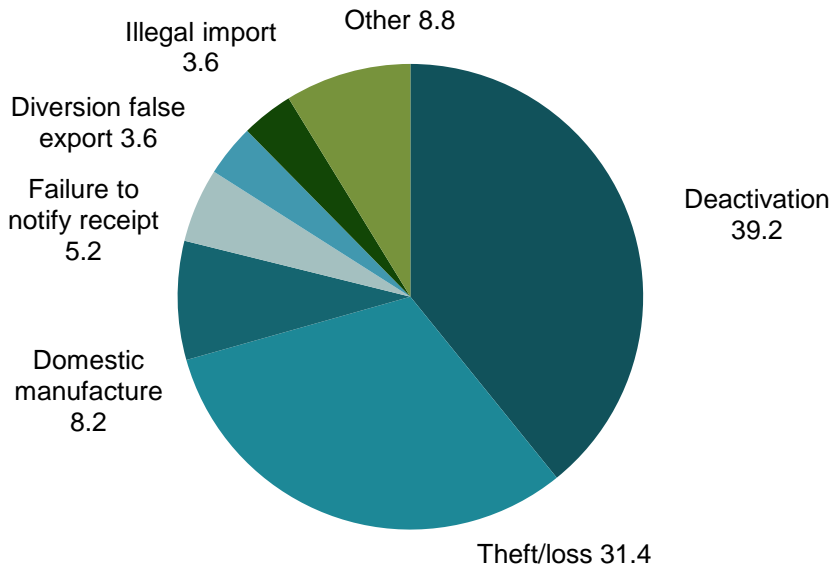
Source of illicit handguns

The data on the source or method of diversion for restricted and non-restricted handguns was affected by a high unknown response rate (70% and 68% respectively). Some degree of caution is hence required when interpreting this data.

The primary sources of illicit restricted handguns were 'false deactivation' (39%, n=76) and theft or loss (31%, n=61), where a method of diversion was recorded (see Figure 4). False deactivation refers to legislative loopholes exploited largely in Queensland that facilitated the transfer of handguns from the licit to the illicit market (see Appendix C for a description of Queensland and NSW legislative loopholes). Other less common forms of diversion collectively

made up around a fifth of all seized restricted handguns. These included illicit domestic manufacture (mainly of single shot pen guns), dealers failing to record the receipt of a handgun or diverting handguns through false export claims, and illegal import.

Figure 4 Source or method of diversion for restricted handguns (percent) (n=194)



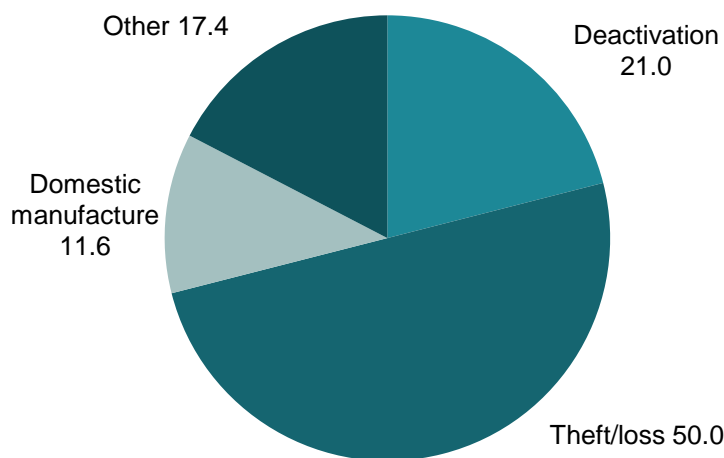
a: Other includes diversion by false theft, diversion by false frame, failure to notify interstate transfer, serial number transfer, theft staged, diversion nfa and information pending (n=17)

Note: Excludes unknown source or method of diversion (n=301)

Source: Bricknell 2012

Theft or loss, rather than false deactivation, was the primary method of supply for non-restricted handguns – fifty percent (n=69) of all non-restricted handguns were items stolen from legal owners (see Figure 5). Just over a fifth (21%, n=29) of non-restricted handguns were displaced to the illicit market by reactivating inadequately deactivated handguns.

Figure 5 Source or method of diversion for non-restricted handguns (percent) (n=138)



a: Other includes diversion false export, diversion by spare frame, failure to notify disposal or false disposal notice, failure to notify interstate transfer, illegal import, false loss claim and diversion nfa, (n=24)

Note: Excludes unknown source or method of diversion (n=136)

Source: Bricknell 2012

(d) The extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held

Characteristics of firearm theft in Australia

The following describes the nature and characteristics of firearm theft reported to state and territory police in the period 2004–05 to 2008–09. Please note that due to differences in the type of data collated in 2004–05 compared with the subsequent four years, some of the findings may refer only to those data collated for the last four year period. Further, some jurisdictions did not provide data for particular collection years or did not provide the full complement of data requested for individual years.

These data refer to all reports of stolen or lost firearms made to state and territory police in the defined period. Firearm theft may not be reported by persons who are unlicensed or who own unregistered firearms, to avoid sanction from law enforcement. For similar reasons, some owners who had not observed safe storage arrangements for their firearms may also be reluctant to report a theft. Hence, these data are likely to be an underestimate of the actual rate of theft that occurred during 2004–09, although it is not possible to state how much of an underestimate.

The numbers of stolen or lost firearms that were reported to state and territory police in the years 1994–2000 and 2004–05 to 2008–09 are shown in Table 3. The average number of firearms reported stolen in the period 2004–05 to 2008–09 ($n=1,545^1$) was less than half the average number reported stolen in 1994–2000 (ie an average 3,593 firearms were reported stolen each year during this time period).

	1994–2000 ^a	2004–05	2005–06	2006–07	2007–08	2008–09	2013–14
NSW	1,048	371	401	432	410	592	na
Vic	538	302	211	276	332	302	525
Qld	750	329	302	320	352	319	585
WA	602	207	191	232	297	na	410
SA	823	250	198	204	193	211	246
Tas	306	83	114	52	107	99	212
ACT	36	8	9	na	9	22	8
NT	92	20	19	10	12	25	na
Australia	4,195	1,470	1,445	1,526 ^b	1,712 ^c	1,570	

a: Average

b: Excludes ACT. Because the number of firearms reported stolen in the ACT each year is small, the exclusion of ACT data does not overly underestimate the Australian total

c: Excludes WA

na: not available

Note: Care must be taken when interpreting data from the ACT and NT due to small theft numbers

Source: Adapted from Bricknell 2011

There was an average six percent increase in the number of firearms reported stolen in Australia (excluding Western Australia) in the five years between 2004–05 and 2008–09. Trends in firearm theft fluctuated in individual jurisdictions over the same time period.

Theft data from 2013–14 is also presented in Table 3. This shows for the jurisdictions where data was available that theft numbers have increased since 2008–09, quite substantially for some of the larger states.

¹ The average was calculated using national totals that excluded ACT data in 2006–07 and Western Australian data in 2008–09.

Two or more firearms were reported stolen in just over half (51%) of theft incidents. The theft of multiple firearms usually involved the removal of two or three firearms. The largest number of firearms reported stolen from a private owner in the period under consideration was 25 (in Victoria in 2006–07), and 55 firearms were reported stolen in 2007–08 from a firearm dealer in Queensland.

Firearm category and type

Category A and B firearms (ie the least restricted firearms) were the most frequently stolen firearm categories. Between 2005–06 and 2008–09, two-thirds of reported stolen firearms, where category information was provided, were Category A firearms (66%, n=3,944) and a quarter were Category B firearms (25%, n=1,516). Category H or handguns comprised seven percent of thefts (n=415). Highly restricted Category C and D firearms, prohibited except for occupational and official purposes respectively, accounted for 1.5 percent (n=89) and 0.2 percent (n=10) of all reported thefts in the four year period. These percentages were commensurate with proportions of category types legally owned in Australia at the time of the theft period.

Rifles accounted for the majority of firearms reported stolen (60%), followed by shotguns (24%). Air rifles and handguns made up less than 10 percent each of the firearms reported stolen.

Legal status of stolen firearms

The majority (91%, n=5,693) of firearms reported stolen or lost between 2005–06 and 2008–09 were registered at the time of the theft. In the same period, the majority of firearm owners (90%, n=2,306) who reported the theft held a valid licence for the firearm(s) reported stolen. There was a small group of owners who still reported the theft despite not being licensed (7%, n=184) or reported the theft of an unregistered firearm (4% of all reported stolen firearms).

Location of theft

The main location for firearm theft between 2005–06 and 2008–09 was a private residence, either the house or the garage/shed (76%, n=1,956). Ten percent of incidents involved theft from vehicles (n=246) and eight percent involved business premises (n=217).

Almost a fifth of thefts from private residences and business premises were aided by the premises not being secured at the time of theft (eg unlocked door or window). Vehicles were particularly vulnerable with over a third (38%) unlocked at the time of the theft.

Recovery of stolen firearms

Stolen firearms represent a ready source of firearms for the illicit firearm market. Police recovered firearms from 12–14 percent of incidents (depending on year) in the 12–18 month period after the report of the theft. Later recovery events not recorded as part of the NFTMP may produce a higher recovery rate.

Use of legal/illegal firearms in firearm crime

Data provided by state and territory police indicated that firearms from a very small percentage of theft incidents (less than 5%) reported in the four year period 2005–06 to 2008–09 were subsequently used to commit a criminal offence or found in the possession of a person charged with a non-firearm related criminal offence. These data refer to firearms used in crime in the 12 month period in which the firearm was reported stolen and hence is likely an underestimate of the true percentage.

Homicide

Data from the NHMP show that the majority of firearm homicides in Australia between 1989–90 and 2009–10 were committed by an unlicensed offender (range=79–93% of offenders). The

majority of offenders used a firearm that was not registered (range=83–97%). The proportion of firearm homicides in this 25 year period declined from 25 percent (n=76) of all homicides in 1989–90 to 10 percent (n=31) in 2009–10 (Chan & Payne 2013).

The majority of firearm homicides were committed with long-arms. Handguns comprised 55 percent of firearm homicide incidents in 2005–06, decreasing to 13 percent in 2009–10 (Chan & Payne 2013).

Armed robbery

On average, 16 percent of armed robberies committed in Australia between 2004 and 2010 involved a firearm (Borzycki & Fuller 2014), from a low of 13 percent in 2005 (n=758) to a high of 18 percent in 2010 (n=825).

Based on the most recent data from the NARMP, handguns were used in nine percent (n=1,162) of all armed robberies in Australia in 2009–10 and 58 percent of firearm perpetrated armed robberies (see Table 4). Shotguns were used in three percent of all armed robberies (n=340). No information was available on the legal status of the firearm used in these incidents.

Table 4 Firearms used against armed robbery victims, 2009–10

Firearm type	n	% of firearm robberies	% of all armed robberies
Firearm (no further detail)	97	5	1
Handgun	1,162	58	9
Shotgun	340	17	3
Rifle, airgun	120	6	1
Sawn-off long-arm	23	1	0
Replica firearm	50	2	0
Other firearm (not classified elsewhere)	211	11	2
Total firearm	2,003	100	16

Source: Adapted from Table 2, Borzycki & Fuller 2014

Firearms are used in the robbery of organisations more often than in attacks against individual victims. In 2009–10, only eight percent of individual victims robbed in the street were threatened with a firearm, while around one-third of those victimised in banks (35%) and in licensed premises (33%) were subject to firearm robbery (Borzycki & Fuller 2014).

An examination of 627 armed robbery narratives collated as part of the NARMP showed an association between the targeting of secure businesses, planning and the use of a firearm (as opposed to another weapon; see Fuller forthcoming). Additional data from the NARMP also demonstrates that firearms were more likely to be used in high-yield armed robberies between 2004 and 2010 (ie where the property stolen was greater than \$10,000; see, for example, Smith & Louis 2010) and when secure businesses were targeted (Borzycki & Fuller 2014). For example, organisations with substantial cash holdings and therefore with more security, such as banks and licensed premises, were robbed by offenders armed with firearms at much higher rates (68% and 44% respectively) compared with robberies at less secure sites (15%).

(f) Stricter storage requirements and the use of electronic alarm systems for guns stored in home

One of the key outcomes from the NFTMP was the presentation of information on the status and change in firearm storage arrangements and storage compliance among firearm owners reporting the theft of a firearm. A critical factor in the prevention of firearm theft is owner compliance with prescribed firearm storage standards. State and territory firearm legislation stipulates the type of safe keeping arrangements owners are obliged to observe when their

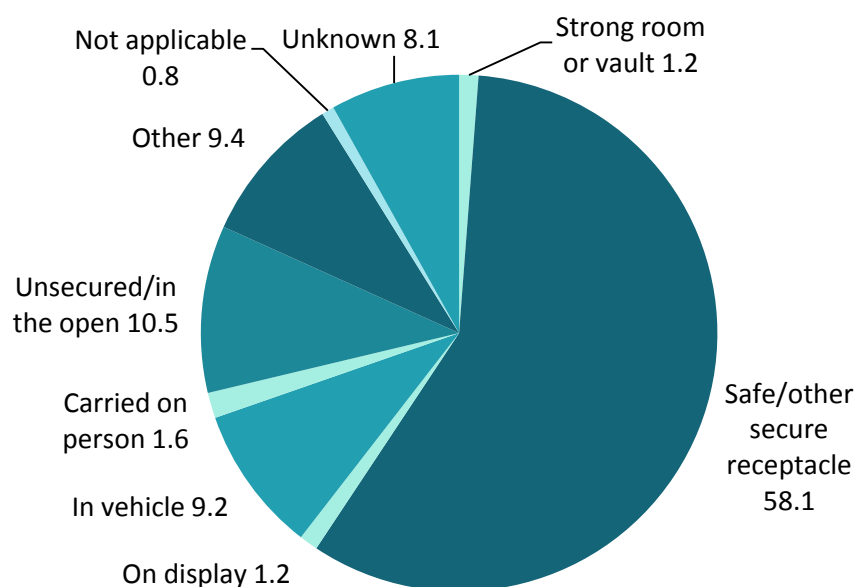
firearms are not in use. Penalties apply (including custodial sentences in some jurisdictions) for cases of non-compliance.

Storage arrangements

Firearms were stolen from an approved firearm safe or other secure receptacle in 58 percent (n=1,493) of reported firearm incidents in 2005–09 (see Figure 6), although not all these receptacles were determined to be secure at the time of the theft (ie unlocked, easily breached or the key was located by the offender). Firearms had been left in vehicles in just under 10 percent (n=236) of incidents and in 11 percent (n=269) of incidents firearms were described as unsecured or in the open.

Firearms not stored appropriately at the time of the theft comprised almost a fifth (18%) of all reported stolen firearms during 2005–09 (Bricknell 2010).

Figure 6 Storage arrangements for firearms at time of theft, 2005–06 to 2008–09 (percent)



Note: Excludes Western Australia and Northern Territory data from 2008–09
Source: AIC NFTMP 2004–09 [computer file]

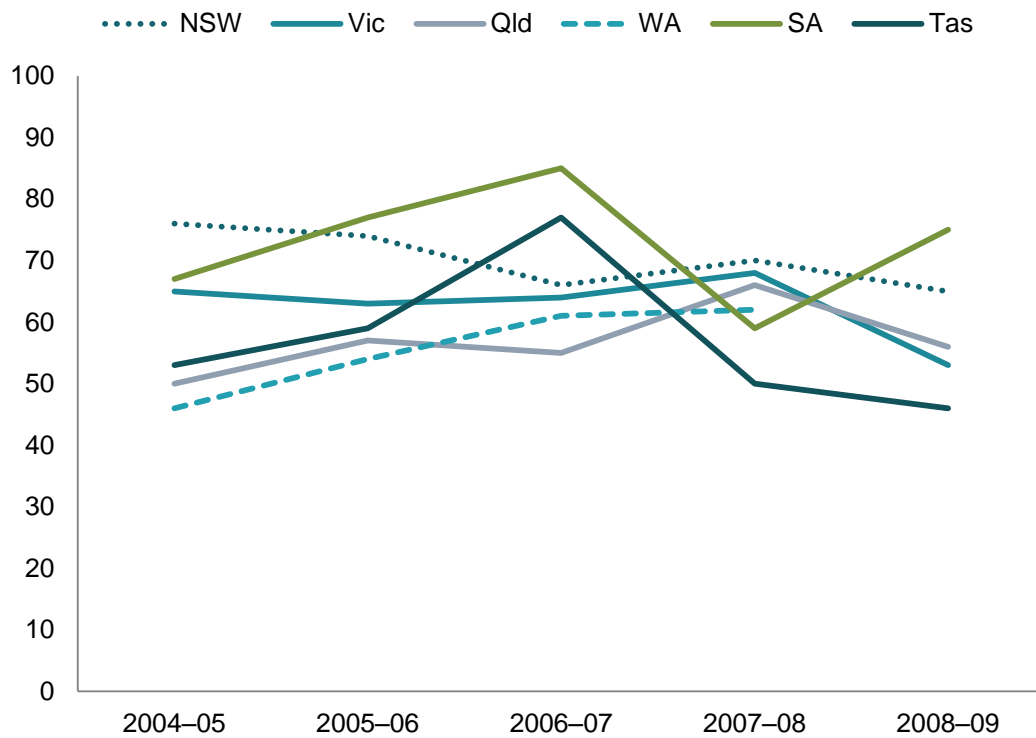
Storage compliance

Rates of storage compliance among owners who reported the theft of firearms remained at 60 percent or less from 2005–06 to 2008–09. On average, over a quarter of firearm owners (27%, n=705) were determined by police not to be storage compliant. It was noted that in most incidents of theft of a firearm from a vehicle, the majority of owners (who reported a theft between 1 July 2005 and 30 June 2009) had not taken reasonable precautions to ensure the safe keeping of their firearms. In incidents involving the theft of a firearm from a vehicle, and the storage compliance was recorded by police, 75 percent of owners (n=101) were deemed to have not secured their firearm properly while the vehicle was unattended. Similarly, a quarter of owners who reported the theft of a firearm from a private dwelling during the same period were also storage non-compliant.

Overall improvement in storage compliance between 2005–06 and 2008–09 was observed in just one of the larger jurisdictions (ie South Australia), although Western Australia also showed an increase in storage compliance for the years that data were available (see Figure 7). With the exception of 2007–08, South Australia has shown a consistently higher rate of storage

compliance than other Australian jurisdictions, with at least two-thirds of owners recorded as storage compliant each year.

Figure 7 Rates of storage compliance, 2005–06 to 2008–09 (percent)



Source: Bricknell 2010

Appendix A

Firearm publications

Borzycski M & Mouzos J 2007. *Firearms theft in Australia 2004–05*. Research and public policy series no. 73. Canberra: AIC. <http://aic.gov.au/publications/current%20series/rpp/61-80/rpp73.html>

Bricknell S 2012. *Firearm trafficking and serious and organised crime gangs*. Research and public policy series no. 116. Canberra: AIC. <http://aic.gov.au/publications/current%20series/rpp/100-120/rpp116.html>

Bricknell S 2011. *Firearm theft in Australia 2008–09*. AIC Monitoring report no. 16. Canberra: AIC. <http://aic.gov.au/publications/current%20series/mr/1-20/16.html>

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Mouzos J 2001. Firearm-related morbidity in Australia, 1994–95 to 1998–99. *Trends & issues in crime and criminal justice* no. 198. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/181-200/tandi198.html>

Mouzos J 2000a. Firearm-related deaths, 1998. *Trends & issues in crime and criminal justice* no. 161. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/161-180/tandi161.html>

Mouzos J 2000b. The licensing and registration status of firearms used in homicide. *Trends & issues in crime and criminal justice* no. 151. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/141-160/tandi151.html>

Mouzos J 1999a. Firearm-related violence: the impact of the Nationwide Agreement on Firearms. *Trends & issues in crime and criminal justice* no. 116. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/101-120/tandi116.html>

Mouzos J 1999b. International traffic in small arms: an Australian perspective. *Trends & Issues in Crime and Criminal Justice* no. 104. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/101-120/tandi104.aspx>

Mouzos J & Rushforth J 2003. Firearm-related deaths in Australia, 1991–2001. *Trends & issues in crime and criminal justice* no. 269. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tandi/261-280/tandi269.html>

Mouzos J & Sakurai Y 2006. *Firearms theft in Australia: a six-month exploratory analysis*. Technical and background paper no. 20. Canberra: AIC. <http://aic.gov.au/publications/current%20series/tbp/1-20/tbp020.html>

Publications from the NHMP (most recent)

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Appendix B

Firearms classifications: National Firearms Agreement 1996

Category A	air rifles rimfire rifles (excluding self-loading) single and double barrelled shotguns
Category B	muzzle-loading firearms single shot, double-barrelled and repeating action centre-fire rifles break-action shotguns/rifle combinations
Category C	Prohibited except for occupational purposes self-loading rimfire rifles with a magazine capacity no greater than 10 rounds self-loading shotguns with a magazine capacity no greater than five rounds pump-action shotguns with a magazine capacity no greater than 5 rounds
Category D	Prohibited except for official purposes self-loading centre-fire rifles self-loading shotguns and pump-action shotguns with a capacity of more than five rounds self-loading rimfire rifles with a magazine capacity greater than 10 rounds
Category H	all handguns, including air pistols

Note: Firearm categories vary slightly between jurisdictions

Appendix C

The following is an excerpt from Bricknell (2012: 20–21) describing the legislative loopholes in Queensland and New South Wales that facilitated the transfer of handguns from the licit to illicit markets.

Specific loopholes

Part of the National Firearms Agreement (1996) resolved that jurisdictions were to establish an integrated system for the registration of firearms. All states and territories complied, however variations in the legislative definition of a firearm resulted in inconsistencies arising between jurisdictions in the requisite registration of deactivated firearms and of specified firearm parts.

Deactivation

A deactivated (or inoperable) firearm is one which has been rendered incapable of discharging shot, bullets or other projectiles by means of an explosive charge or compressed gas and cannot be returned to its original firing condition (without modifying the appearance of the firearm) (see Customs (Prohibited Imports) Regulations 1956 – Reg 4F) . The legislation in New South Wales and the ACT describes a firearm as a gun or other weapon that is (or at any time was) capable of propelling a projectile by means of an explosive; deactivated or inoperable firearms are thus included in the definition of a firearm. Similarly, in Victoria, Tasmania and the Northern Territory, the definition of a firearm is broad enough to include deactivated or inoperable firearms. In these jurisdictions, firearms remain ‘accountable’ even when deactivated. This means that a firearms’ registration status is not invalidated if it is deactivated and record of the firearm is retained with the relevant firearm register.

Deactivated firearms, however, do not fall within the legislative definition of a firearm in South Australia and Western Australia. Deactivated Category H firearms in Queensland are still considered a firearm but not deactivated long-arms. A firearm in these two former states, and a long-arm in Queensland, loses its accountability status on being certified as deactivated. This poses a problem where deactivation standards are not uniform or verified by the licensing authority. One way ‘deactivated’ firearms that have been deemed unaccountable may enter the illicit pool is through the transfer of the serial number from the deactivated firearm to another, operable firearm, with the purpose of concealing the identity of the latter firearm. The other is through the reactivation of (deliberately) poorly deactivated firearms. A deactivation loophole in Queensland legislation inadvertently led to the deactivation of reportedly thousands of handguns by Queensland-based dealers, and based on firearm seizure data, the transfer of some of these handguns into the national illicit pool (Project stakeholder personal communication, 24 September 2010). Prior to amendments to the *Weapons Act 1990* (Qld) and *Weapons Regulation 1996* (Qld), a handgun if rendered inoperable lost any requirement to remain registered in Queensland. Compounding this vulnerability was the lack of inspection of the firearm once the deactivation process had taken place and many thousands of poorly

deactivated handguns were reactivated by firearm enthusiasts and criminals, and made their way into the illicit market (Project stakeholder personal communication, 24 September 2010). Of note is the inclusion now in Queensland legislation of an offence to reverse the inoperability of a firearm that has been proscribed under the Act to be rendered inoperable (*Weapons Act 1990* (Qld)), s 62(2)).

Registration of firearm parts

Prior to the implementation of the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW), a technical error in the definition of a handgun in New South Wales legislation enabled the diversion of many handguns to the illicit market (Project stakeholder personal communication 24 September 2010). The *Firearms Act 1996* (NSW) as originally enacted, required firearm barrels, but not frames or receivers, to be registered under Part 3 (Registration of Firearms) of the Act. The exemption of frames and receivers meant handguns without barrels could be sold without having to observe regulations on firearm disposal and frames/receivers could be purchased without need to register them. This opened up opportunities to convert or build up new handguns using non-registrable parts purchased in New South Wales with parts purchased elsewhere (Project stakeholder personal communication 24 September 2010). Among the amendments prescribed in the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW) was the stipulation that registration now 'applies to every firearm frame and firearm receiver in the same way as it applies to a firearm' (s 93(1)).