REPORT BY A MAJORITY OF SENATORS ATTENDING THE INQUIRY

Chapter 1

Introduction and Background

Referral of the inquiry

1.1 On 19 June 2014, the Senate referred the following matter to the Legal and Constitutional Affairs References Committee for inquiry and report by 2 October 2014:

> The ability of Australian law enforcement authorities to eliminate gun-related violence in the community, with reference to:
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> (a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;
>
> (b) the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;
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> (c) the adequacy of current laws and resourcing to enable law enforcement authorities to respond to technological advances in gun technology, including firearms made from parts which have been imported separately or covertly to avoid detection, and firearms made with the use of 3D printers;
>
> (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;
>
> (e) the effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia;
>
> (f) stricter storage requirements and the use of electronic alarm systems for guns stored in homes;
>
> (g) the extent to which there exist anomalies in federal, state and territory laws regarding the ownership, sale, storage and transit across state boundaries of legal firearms, and how these laws relate to one another; and
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> (h) any related matters.[1]

1.2 On 2 September 2014, the Senate extended the committee's reporting date to 2 December 2014.[2] On 24 November 2014, the Senate granted a further extension of time for reporting until 26 March 2015.[3]

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1 *Journals of the Senate*, 19 June 2014, pp 920–921.

2 *Journals of the Senate*, 2 September 2014, p. 1390.

3 *Journals of the Senate*, 24 November 2014, p. 1827.

Conduct of the inquiry

1.3 In accordance with usual practice, the committee advertised the inquiry on its website and wrote to a number of organisations and individual stakeholders inviting submissions by 15 August 2014. Details of the inquiry were made available on the committee's website at www.aph.gov.au/senate_legalcon

1.4 The committee received 427 submissions, which are listed at Appendix 1. Public hearings were held in Sydney, Melbourne and Canberra on 13, 14 and 31 October 2014. A list of witnesses who appeared before the committee at the hearings is at Appendix 2.

Site visit

1.5 On 17 February 2015 the committee visited the Australian Customs and Border Protections Detector Dog Program Facility and Objective 3D's manufacturing facility, both based in Victoria. The committee thanks both of these organisations for assisting the committee with its inquiry.

Acknowledgment

1.6 The committee thanks all those who made submissions and gave evidence at its public hearings.

Note on references

1.7 References to the committee *Hansard* are to the proof *Hansard*. Page numbers may vary between the proof and the official *Hansard* transcript.

Structure of the report

1.8 This report is the report of the majority Senators of the committee who actually attended hearings and private meetings of the committee and is presented as a majority-alternative to the Chair/Labor's Report of the Legal and Constitutional Affairs References Committee's inquiry into the ability of Australian law enforcement authorities to eliminate gun-related violence in the community.

1.9 It is endorsed by Senators from the Liberal Party, National Party and Liberal Democratic Party, comprising a majority of those who attended the Committee's hearings (The Majority).

Clarification of the purpose of this inquiry

1.10 In response to this inquiry, the committee received over 400 submissions, many of which were concerned about the impact the inquiry might have on the ownership and use of firearms.

1.11 It is important to clarify from the outset that the main focus of this inquiry was on illicit firearms in Australia. While some of the terms of reference refer to regulation of registered firearms that are legally held, this is in the context of ensuring that these are not diverted to the illicit market. The committee appreciates that the majority of firearm owners comply with the relevant legislation and acknowledges the work of the various firearms organisations in promoting the safe use and storage of

firearms. The committee also recognises the number of Australians who participate in the sport of shooting and in hunting.

1.12 The committee would also like to clarify the terminology used throughout this inquiry. As noted by the Attorney-General's Department (AGD) in its submission, firearms and firearm-related articles are not in themselves either legal or illegal:

> …regardless of the type of firearm or firearm-related article, there will always be a situation in which it is able to be lawfully possessed in Australia. For example, although certain firearms (such as fully automatic firearms) are generally unable to be possessed or used by civilians, they are able to be possessed by law enforcement, the military and private companies engaged in activities such as research and development. It is more accurate to state that a person's possession or use of a particular firearm or firearm-related article is legal or illegal. Generally, illegal possession or use would involve either possession without a licence, without a licence that authorises possession of that particular firearm type or possession or use in contravention of licence conditions.[4]

1.13 In using the term 'illicit firearms', the committee is referring to those firearms that 'were illegally imported into or illegally manufactured in Australia, diverted from the licit market or moved from the grey market'.[5]

Background and overview of firearm regulation in Australia

Pre-1996 situation

1.14 Prior to the incident at Port Arthur on 28 April 1996, in which 35 people were killed and 23 wounded by a gunman using a range of semi-automatic weapons, gun laws in Australia were less restrictive than current laws.

1.15 In its submission, the Attorney-General's Department (AGD) discussed the situation pre-1996, noting that a number of inconsistencies existed between the various jurisdictions with regards to the regulation of firearms.[6]

1.16 Its submission asserted that:

> One of the most significant consequences of the lack of a uniform approach to gun control in Australia was the opportunity for firearms to be diverted to the illicit market. This was facilitated to an extent by loopholes in legislation and regulation, lack of oversight, and low penalties that were applied to firearm offences.[7]

1.17 On 9 August 1987, a mass shooting took place on Hoddle Street, Clifton Hill which resulted in the deaths of seven people, and serious injury to 19 others. Less than five months later, another mass shooting took place in Melbourne at the Queen Street post office, which resulted in nine fatalities and five people being injured. As a result

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4 Attorney-General's Department (AGD), *Submission 42*, p. 4.

5 Australian Institute of Criminology (AIC), *Submission 76*, p. 4.

6 AGD, *Submission 42*, p. 3.

7 AGD, *Submission 42*, p. 3.

of these incidents, the government formed the National Committee on Violence (NCV). In its final report, released in 1990, the NCV included a recommendation that national firearm laws be implemented.[8] This recommendation was not acted upon until the establishment of the 1996 National Firearms Agreement.

The 1996 National Firearms Agreement

1.18 After the events at Port Arthur, the Australasian Police Ministers' Council (APMC) adopted the National Agreement on Firearms (NFA), which consisted of 10 resolutions which formed a nationwide plan for the regulation of firearms. The NFA contained the following changes:

- a ban on automatic and semi-automatic long-arms other than in exceptional circumstances
- nationwide registration of all firearms (expanding the existing regulations requiring handguns to be registered to include long-arms as well);
- established categories of firearm types to be used in the licensing of firearms;
- a requirement that applicants for a firearms license demonstrate a 'genuine reason for owning, possessing or using a firearm' (for some licence categories applicants must also demonstrate a genuine need);
- the introduction of basic licence requirements: in addition to the demonstration of 'genuine reason', a licence applicant should be aged 18 years or over, be a fit and proper person, be able to prove identity (have 100 points of original identification) and undertake an adequate safety test;
- a requirement that first time licence applicants complete a safety training course;
- the introduction of grounds for licence refusal or cancellation and seizure of firearms;
- a uniform standard for the security and storage of firearms;
- introduction of firearm permits and a minimum 28-day waiting period; and
- a requirement that firearms sales be conducted only by or through licensed firearm dealers.[9]

1.19 These reforms were implemented by the states and territories, though some inconsistences still remained.[10]

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8 AGD, *Submission 42*, Attachment A.

9 S Bricknell, *Firearm trafficking and serious and organised crime gangs*, AIC, Research and Public Policy Series no. 116, June 2012, pp 7–10, http://www.aic.gov.au/publications/current per cent20series/rpp/100-120/rpp116.html (accessed 2 October 2014).

10 AGD, *Submission 42*, p. 5; S Bricknell, *Firearm trafficking and serious and organised crime gangs*, Australian Institute of Criminology, Research and Public Policy Series no. 116, June 2012.

1.20 The NFA also contained a resolution establishing a 12 month national amnesty period and compensation program, along with a public information campaign.[11] The federal government passed the *National Firearms Program Implementation Act 1996* and the *Medicare Levy Amendment Act 1996*, which established the national firearms confiscation with compensation program (commonly known as a buyback) funded by a temporary increase in the Medicare levy.

1.21 Prior to the buyback, there were approximately 3.25 million guns in Australia.[12] The gun buyback scheme ran from 1 October 1996 to 30 September 1997 and resulted in the surrender of approximately 640,000 now–prohibited firearms.[13] The effectiveness of the buyback scheme has remained a subject of debate amongst commentators.[14]

Further agreements

1.22 In 2002, the APMC developed two new agreements: the National Handgun Agreement 2002 (the Handgun Agreement) and the National Firearms Trafficking Policy Agreement 2002 (the Trafficking Agreement).[15]

1.23 The Trafficking Agreement was agreed to by APMC at its meeting in July 2002 and was aimed at addressing the illegal firearms trade. As noted by AGD in its submission, the agreement 'committed jurisdictions to putting in place additional controls to address the illegal firearms trade, including the introduction of nationally consistent rules for the legal manufacture of firearms and tighter recording and reporting provisions for dealer transactions involving firearms and major firearms parts'.[16]

1.24 As a result of a shooting incident causing the death of two students at Monash University in October 2002, the APMC agreed on a series of 28 resolutions aimed at 'restricting the use and availability of handguns through such measures as restricting the possession of handguns based on calibre, barrel length and magazine capacity'.[17] These were adopted by the Council of Australian Governments (COAG) in December 2002 and formed the Handgun Agreement.

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11 AGD, *Submission 42*, p. 4.

12 J Phillips, M Park and C Lorimer, *Firearms in Australia: a guide to electronic resources*, Parliamentary Library, 9 August 2007, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/0708/FirearmsAustralia (accessed 2 October 2014).

13 Australian National Audit Office (ANAO), *The Gun Buy-Back Scheme*, December 1997, pp 6–7, http://www.anao.gov.au/uploads/documents/1997-98_audit_report_25.pdf (accessed 2 October 2014).

14 J Phillips, M Park and C Lorimer, *Firearms in Australia: a guide to electronic resources*, Parliamentary Library, 9 August 2007.

15 AGD, *Submission 42*, Attachments C and D.

16 AGD, *Submission 42*, p. 4.

17 AGD, *Submission 42*, p. 4.

1.25 The agreed restrictions were implemented legislatively by the states and territories:

> Each state and territory agreed to amend its firearms laws by 1 July 2003 to prevent the purchase, possession and use of prohibited handguns used for sports shooting and also those that are held as part of historical collections. Where legislation was not already in place, the states and territories also agreed to introduce substantial penalties for the illegal possession of a firearm.[18]

1.26 The federal government amended the Customs (Prohibited Imports) Regulations 1956 to reflect the new restrictions and introduced a confiscation with compensation program for handguns that did not comply with these restrictions. The program resulted in 70,000 handguns being surrendered.[19]

Recent reforms

1.27 In 2012, the states and territories reached an agreement with the federal government with regards to further reforms. These were aimed at targeting the illicit firearms market and included:

- tougher penalties—including a maximum penalty of life imprisonment for aggravated firearm trafficking;
- national roll-out of the Australian Ballistics Identification Network;
- establishing a National Firearms Interface;
- expanding the Australian Crime Commission's Firearm Tracing Capability;
- establishing a firearm intelligence and targeting team within Customs and Border Protection;
- establishing measures to identify and target vulnerabilities in the international airstream;
- improving police responses to firearm crime;
- establishing a national campaign on unlicensed firearms; and
- developing an annual illicit firearm intelligence assessment.[20]

1.28 In order to implement these changes, the federal government passed the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012.[21]

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18 J Phillips, M Park and C Lorimer, *Firearms in Australia: a guide to electronic resources*, Parliamentary Library, 9 August 2007.

19 J Phillips, M Park and C Lorimer, *Firearms in Australia: a guide to electronic resources*, Parliamentary Library, 9 August 2007.

20 Australian Crime Commission (ACC), *Illicit Firearms fact sheet*, 2013, https://www.crimecommission.gov.au/sites/default/files/ILLICIT per cent20FIREARMS per cent20JULY per cent202013.pdf (accessed 2 October 2014).

1.29 In 2014, the government introduced the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014, which seeks to 'introduce international firearms trafficking offences and mandatory minimum sentences and extend existing cross-border disposal or acquisition firearms offences'.[22] On 15 February 2015 this Bill was passed.

Current situation regarding firearm regulation

1.30 The regulation of firearms in Australia is primarily the responsibility of the states and territories, with the federal government's formal role limited to the import and export of firearms.

Federal government

1.31 As noted by AGD, 'the Commonwealth's main role in relation to the regulation of firearms and firearm-related articles is through the control on imports [and] exports and the use of the trade and commerce power in the Constitution in relation to interstate movement'.[23]

1.32 Section 51(i) of the Constitution, which deals with overseas and interstate trade and commerce, has been relied on by the Commonwealth to prohibit the importation of certain firearms into Australia. Regulation 4F and Schedule 6 of the Customs (Prohibited Imports) Regulations 1956 'control the importation of firearms, firearm accessories (silencers, certain types of stocks and devices designed or capable of converting a firearm to semi or fully automatic), firearm parts, firearm magazines, ammunition, components of ammunition and imitation firearms'.[24]

1.33 With regard to the importation of firearms, an importer may be required to get permission from the Australian Customs and Border Protection Service, their state or territory firearms registry or AGD.[25] This depends on what type of firearm they are applying to import. AGD argued in its submission that the current rules regarding importation:

> …results in situations where the Commonwealth's role in the regulation of the importation of firearms and firearm-related articles is of limited or no value, creates anomalies and results in more red-tape for legitimate importers.[26]

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21 See the committee report for further information: Senate Legal and Constitutional Affairs Legislation Committee, *Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012*, March 2013.

22 See the committee report for further information: Senate Legal and Constitutional Affairs Legislation Committee, *Crimes Legislation Amendment (Psychoactive Substances and Other Measures)*, September 2014.

23 AGD, *Submission 42*, p. 7.

24 AGD, *Submission 42*, Attachment E. Further information with regards to import restrictions is set out in AGD's submission at Attachment E.

25 AGD, *Submission 42*, p. 7.

26 AGD, *Submission 42*, p. 7.

States and territories

1.34 The states and territories have retained control over the regulation of the sale, purchase, possession and storage of firearms (including imitation firearms). The following relevant legislative instruments currently apply:

- New South Wales: *Firearms Act 1996*, Firearms Regulation 2006, *Weapons Prohibition Act 1998*, Weapons Prohibition Regulation 2009;
- Victoria: *Firearms Act 1996*, Firearms Regulations 2008, *Control of Weapons Act 1990*, Control of Weapons Regulations 2011;
- Queensland: *Weapons Act 1990*, Weapons Regulations 1996, Weapons Categories Regulations 1997;
- Western Australia: *Firearms Act 1973*, Firearms Regulations 1974;
- South Australia: *Firearms Act 1977*, Firearms Regulations 2008;
- Tasmania: *Firearms Act 1996*, Firearms Regulations 2006;
- Northern Territory: *Firearms Act*, Firearms Act Regulations; and
- Australian Capital Territory: *Firearms Act 1996*, Firearms Regulation 2008, *Prohibited Weapons Act 1996*, Prohibited Weapons Regulation 1997.[27]

1.35 There have been a number of recent reforms to state and territory laws.

1.36 In New South Wales, legislation was enacted in June 2012 to place further restrictions on the sale and purchase of ammunition. In December 2012, the New South Wales government announced that it had established a committee to provide advice on proposed new gun control legislation that would tighten restrictions in some areas.

1.37 In South Australia, the state Attorney-General announced a gun amnesty campaign in June 2012, which ran from 1 August to 31 October 2012. It was reported that 2783 firearms were surrendered to authorities during the three-month period.

1.38 In Queensland, the police minister established an advisory panel in August 2012 to examine gun laws and licensing with the aim of reducing red tape for licensed firearms owners, generating a strong negative response from the Queensland Police Union.[28] The Queensland government also introduced amending legislation in November 2012 to introduce new mandatory minimum penalties for weapons offences 'in an effort to address the unlawful use of firearms'. At the same time, the government

27 The Law Library of Congress, *Firearms-Control Legislation and Policy: Australia*, 16 September 2014, http://www.loc.gov/law/help/firearms-control/australia.php (accessed 2 October 2014).

28 The Law Library of Congress, *Firearms-Control Legislation and Policy: Australia*, 16 September 2014.

announced an amnesty for people to either hand in or register their firearms. The bill was passed in December 2012.[29]

Overseas comparisons

1.39 Australian laws regarding the regulation of firearms are 'stricter than that of a number of comparable countries':

> … in contrast to the position in the United States, there is no legal right to gun ownership. Owning and using a firearm is limited in Australia to people who have a genuine reason and self-protection does not constitute a genuine reason to possess, own or use a firearm. Secondly, the Australian system requires both the licensing of individual shooters and the registration of each firearm. In contrast, countries such as New Zealand and Canada broadly speaking only require shooters to obtain a license, which enables them to freely purchase firearms appropriate to that licence.[30]

1.40 Ms Lauren Hirsh argued that a majority of studies examining the NFA's impact on gun violence in Australia have concluded that the reforms 'have been responsible for substantial reductions in the Australian firearm death rate and have also put an end to mass shooting'.[31]

1.41 In examining Australia's firearm reforms, Ms Hirsh argued that cumulatively these studies provide strong evidence that Australia's firearm reforms have been effective:

> The most comprehensive study into the effects of the reforms, conducted by Leigh and Neill in 2010, found a 65 per cent decline in the firearm homicide rate and a 59 per cent decline in the firearm suicide rate in the decade following the implementation of the NFA, with no parallel increase in rates of non-firearm related homicides or suicides. These authors also demonstrated a strong causal relationship between the NFA and these declines. Their research showed that the NFA was responsible for a 36 per cent decline in the firearm homicide rate and a 74 per cent decline in the firearm suicide rate.
>
> Current data reveals that the Australian firearm death rate has today been reduced to 1/100 000, which is less than half of the 1996 rate and one tenth of the current US rate. Likewise, the Australian firearm homicide rate, which was already one fifteenth of the US rate prior to Port Arthur, has been reduced to one twenty-seventh of that rate today.[32]

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29 The Law Library of Congress, *Firearms-Control Legislation and Policy: Australia*, 16 September 2014.

30 J Curtis, *Australian gun laws*, Parliamentary Library, 21 December 2012, http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/2164439/upload_binary/2164439.pdf;fileType=application per cent2Fpdf (accessed 2 October 2014).

31 L Hirsh, 'Brothers in Arms Control: Introducing Australian-Style Gun Control in the United States', *Macquarie Law Journal*, 2013, vol. 12, pp 89-91.

32 L Hirsh, 'Brothers in Arms Control: Introducing Australian-Style Gun Control in the United States', *Macquarie Law Journal*, 2013, vol. 12, p. 90.

1.42 A number of other submissions argued the opposite, that Australia's firearm law reforms had made no difference to the firearm death rate. Among them, Mr Tom Vangelovski noted that:

> While ignoring that the overall Australian homicide rates has remained statistically stable at its historical rate since 1915, gun control advocates have claimed that homicide by firearm has decreased (implying that being murdered by other means is somehow preferable).[33]

1.43 He also noted:

> Another important comparison is Australia's violent crime rate to that of individual American states (Figure 4). Vermont has some of the most liberal gun laws in the US, in that they virtually do not exist. Its residents are free to own and use whatever firearms they deem necessary, so long as they are not misused for criminal purposes. However, its violent crime rates are radically lower than Australia's Its homicide rate is the same (at 1.3 per 100.000). Overall, you are 1.5 times more likely to be the victim of a home invasion, 3.5 times more likely to be robbed, 4 times more likely to be raped and 8 times more likely to be assaulted than in Vermont.
>
> Another interesting comparison is Texas. While its gun laws are much more liberal than Australia's, they are slightly more stringent than in Vermont. However, even in Texas you are 2.5 times less likely to be the victim of a violent crime than in Australia.[34]

1.44 Dr Samara McPhedran noted :

> A useful demonstration of how prohibition can be expected to impact illicit firearms use is found in the United Kingdom (UK). In 1997, the UK banned private ownership of all cartridge ammunition handguns (whether semi-automatic or otherwise).
>
> As such, the UK provides real-world data about the impact that a 'prohibition policy' can be expected to have on illegal firearms use. This information is particularly valuable because it is drawn from an applied setting, rather than being based on theory or statistical modelling.
>
> Because all legal handgun ownership was banned, rather than just certain types of handgun, the UK policy also represents a “maximum policy impact” scenario – that is, the greatest effect that could be reasonably expected to arise from prohibition.
>
> If the policy was successful, then it would be expected that the number of recorded crimes in the UK involving the use of handguns would decline sharply after 1997.
>
> Handgun crimes rose sharply after total prohibition of legal ownership, reaching a peak in the early 2000s. The number of handgun crimes has consistently remained higher than it was at the time of handgun prohibition.

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33 Tom Vangelovski, *Submission 206.*

34 Dr Samara McPhedran, *Submission 88.*

> Even allowing for the possibility of a 'lag' between policy implementation and policy impact, it is obvious that the prohibition policy did not impact on illicit possession and use of handguns. According to the Home Office, from 2001/2002 to 2010/2011, handguns have consistently been the most common type of firearm used in crime.[35]

1.45 Mr William Woolmore, a former member of the Firearms Appeals Tribunal for the Victorian Justice Department, noted:

> There has been a steady decline in gun related deaths in Australia since 1980 and, as expected, the rate of decline increased marginally following the new gun laws introduced in 1996 but this was due solely to a reduction in gun suicides. According to the Australian Bureau of Statistics the rate of gun murders in the few years after 1996 was actually higher than the equivalent period before 1996. While gun violence has been steadily declining there has been a substantial growth in total violence, with knife murders exceeding gun murders by up to 4 to 1 in some years (The latest AIC figure given in 2013 was 47 knife and 24 gun; worth comparing with 27 children murdered by one or both of their parents).[36]

1.46 Dr John Lott noted:

> Prior to 1996, there was already a clear downward in firearm homicides, and this pattern continued after the buyback. It is hence difficult to link the decline to the buyback.
>
> Again, as with suicides, both non-firearm and firearm homicides fell by similar amounts. In fact, the trend in non-firearms homicides shows a much larger decline between the pre- and post-buyback periods. This suggests that crime has been falling for other reasons.
>
> Note that the change in homicides doesn't follow the change in gun ownership – there is no increase in homicides as gun ownership gradually increased.[37]

35 Homicides, Firearm Offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116483/hosb0212.pdf

36 Mr William Woolmore, *Submission 383*.

37 Dr John Lott, *Submission 394*.

Chapter 2

Illicit firearms in Australia: quantity and source

1.47 This chapter considers the illicit firearms market in Australia, its composition and the relative contribution from different methods of diverting firearms into the illicit market.

What are illicit firearms?

1.48 The illicit firearms market in Australia comprises grey market and black market firearms. The Australian Institute of Criminology (AIC) explained:

> 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.[38]

1.49 This definition of illicit firearms is well accepted. The use of the term 'grey market', however, caused debate amongst submitters to the inquiry.

1.50 While agreeing that the grey market did not include handguns, the Australian Crime Commission (ACC) disagreed with the explanation provided by the AIC and argued that grey market firearms formed part of the illicit market without needing to be diverted for an illicit purpose:

> There appears to be some inconsistency in evidence that has been presented to the committee, particularly in relation to the definition of the grey market and methods of diversion. The illicit firearm market is primarily made up of firearms that have been diverted from licit markets through various means. The grey market is comprised only of long-arm firearms which should have been either registered or surrendered in firearm buybacks following the 1996 National Firearms Agreement but were not. Handguns are not included in the grey market as they required registration prior to the 1996 agreement. The black market includes all firearms, both long-arms and handguns, illicitly obtained by individuals and criminal entities. While the use of these terms and related definitions may be debated, both the grey and black market are part of the illicit firearm market. The ACC's ongoing firearm trace activities, which we would like to elaborate on further in camera, continue to indicate that the majority of illicit firearms are derived from Australia's grey market. Theft, failure to reconcile the interstate movement of firearms, and importation of undeclared firearms and firearm parts are all key components of the illicit market.[39]

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38 Australian Institute of Criminology (AIC), *Submission 76*, p. 4.

39 Mr Paul Jevtovic, National Manager, Strategic Intelligence and Strategy, Australian Crime Commission (ACC), *Committee Hansard*, 31 October 2014, p. 34.

1.51 Detective Chief Superintendent Finch of the New South Wales Police Force stated that the terminology was misleading:

> [It] is a term that gives people comfort, and it should not. It is a benign term. People who possess firearms—and they may be firearms that were not handed back under the 1996 provisions—may well be committing criminal offences and, in fact, serious criminal offences. I think the term 'grey market' gives people comfort that it is not such a bad thing. The problem with that is that when firearms are stolen from those people it may not ever be reported. That is a problem in itself. [Grey market] is a term that was perhaps coined by the [Australian Crime Commission]. I understand the reason for it, but I do not agree with its use. I obviously understand the difference between that and the black market, but it is something I think we should be constantly vigilant about. We remind people strongly that it is an offence—and a serious criminal offence, at that—to have possession of firearms that are unregistered and so on.[40]

Size of the illicit firearms market

1.52 The evidence provided to this inquiry indicated that it is exceedingly difficult, if not impossible, to ascertain the number of firearms that comprise the grey and illicit markets. In its *Firearm trafficking and serious and organised crime gangs report*, the AIC stated that 'it is not possible…to estimate the size of either the grey or illicit market'.[41]

1.53 The ACC, as part of its *2012 National Illicit Firearm Assessment*, has provided one estimate:

> Whilst the exact size of the illicit firearm market is unknown, our 2012 assessment conservatively estimated the market contained around 260,000 firearms comprised of more than 250,000 long-arms and around 10,000 handguns.[42]

1.54 This estimate included both grey and black market firearms and was derived from 'analysis of importation numbers, seizures, firearms data from industry, in particular, and historical legislation and other relevant data'.[43] While the actual data used to determine these figures was classified, the ACC stated that the next national assessment, to be finalised in 2015, will 'be accompanied with appropriate unclassified and publicly available materials'.[44]

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40 Detective Chief Superintendent Ken Finch, Director of the Organised Crime Directorate, NSW Police Force, *Committee Hansard*, 13 October 2014, pp 41–42.

41 S Bricknell, *Firearm trafficking and serious and organised crime gangs*, AIC, Research and Public Policy Series no. 116, June 2012, p. 23, http://www.aic.gov.au/publications/current per cent20series/rpp/100-120/rpp116.html (accessed 2 October 2014).

42 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, p. 34.

43 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, p. 34.

44 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, pp 33–34.

1.55 In preparing the *2012 National Illicit Firearm Assessment*, the ACC 'identified significant national issues relating to the quality and accuracy of data'.[45] This was a view shared by other witnesses,[46] who argued that data provided by the states and territories to the ACC contained inconsistencies and that the ACC's role was limited to analysing the data provided as opposed to collecting its own.[47]

1.56 Another estimate of the size of the grey market was provided by the Sporting Shooters Association of Australia, which in evidence endorsed its 1997/1998 estimate that the number of firearms not registered or surrendered may be as high as 6 million.[48]

1.57 Given the overall lack of data and basis for calculation provided by any witness, there is no reason to believe its estimate is any less reliable than that of the ACC, highlighting the fact that the Greens are grasping at straws.

Methods of diversion

1.58 There are three ways in which firearms enter the illicit market: they are diverted from the licit market or moved from the grey market, for example by theft, or they are illegally imported into or illegally manufactured in Australia.

1.59 The extent to which theft and illegal importation contribute to the pool of illicit firearms in Australia proved to be one of the most contentious points of this inquiry, with witnesses divided over whether the main source was one of theft from licensed individuals and firearms dealers or porous borders.

Theft of firearms

1.60 Various representatives of the firearms industry argued that, based on statistics provided by government agencies and state and territory police, the overall number of firearms stolen was quite small.[49]

1.61 The Sporting Shooters' Association of Australia submitted that 'stolen firearms are not the main source of supply for the illegal gun trade' and argued that data on firearms thefts was unreliable:

> In South Australia, for example, the figure submitted for legal handguns was inversed, leading the AIC to believe that there were 41,300 instead of

45 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, p. 33.

46 Mr Luca Scribani Rossi, President, National Firearm Dealers Association Inc., *Committee Hansard*, 14 October 2014, p. 28; Mr Greg Chan, General Manager, Beretta Australia Pty Ltd, *Committee Hansard*, 14 October 2014, p. 39.

47 Mr Chan, Beretta Australia Pty Ltd, *Committee Hansard*, 14 October 2014, p. 39.

48 Mr Geoff Jones, Sporting Shooters Association of Australia, *Committee Hansard*, 31 October 2014, p. 16.

49 For example: Mr Bryant, Firearm Safety and Training Council, *Committee Hansard*, 13 October 2014, p. 5; Field & Game Australia Inc., *Submission 81*, p. 2; Shooters Union Australia, Submission 101, p. 4; Dr Jim Lemon, *Submission 215*, p. 4; and Mr Geoffrey Jones, President, Sporting Shooters' Association of Australia, *Committee Hansard*, 31 October 2014, p. 33.

> 14,300 owned handguns in that jurisdiction. Western Australia at one stage provided no information on firearms or firearms theft, while Victoria inadvertently recorded firearm parts as actual stolen firearms. Even the AIC's senior research analyst, Dr Samantha Bricknell, has stated that the number of illegal firearms in the community is impossible to estimate. As we have said in our written submission, the origin of illegal handguns, according to the AIC, has an 'unknown' rate of 70 per cent. Handguns in particular are the least likely to be stolen or ever used in a subsequent crime. In the state of Victoria, only six handguns were stolen last year. Illegal long-arm ownership is more likely to have come from the grey market, where rifles and shotguns are not registered.[50]

1.62 Shooting Australia acknowledged that sporting shooters 'are very conscious of the fact that our sporting equipment is a firearm and therefore something that we need to keep secure as far as any theft is concerned'.[51]

1.63 Victoria Police noted that while the number of stolen firearms in Victoria had decreased from 800 in the 2011–12 period to 500 in the last period, they nonetheless opined that 'the more weapons that are available to the wrong hands from the grey market or the black market the more the potential for them to facilitate crimes and/or injure or kill people'.[52]

Geographic patterns of firearm theft

1.64 In addition to discussing the location (for example, private residence or licensed dealer) from which firearms are stolen, a number of state police discussed geographic patterns of firearm theft.

1.65 For example, Victoria Police informed the committee it had recently seen an increase in firearm thefts in rural areas:

> There had been a significant increase in the burglaries of registered firearms owners' homes or farms in the western district of Victoria over the preceding 12 months. There has been concerted operations conducted in relation to trying to find the perpetrators of those offences. There was a significant spike across remote-rural locations of the thefts of those firearms which corresponded with an escalation in firearm-related violence in our north-west metro region. Victoria is divided into four policing regions—north-west, east, western and southern metro. There was found to be quite a big spike in firearm-related violence which corresponded with the thefts

50 Mr Jones, Sporting Shooters' Association of Australia, *Committee Hansard*, 31 October 2014, p. 33.

51 Mrs Catherine Fettell, President, Shooting Australia, *Committee Hansard*, 31 October 2014, p. 13.

52 Detective Superintendent De Santo APM, Victoria Police, *Committee Hansard*, 13 October 2014, p. 56.

> and burglaries on those premises, of which some of those firearms were used in north-west metro area.[53]

1.66 NSW Police suggested that firearm thefts in rural areas could be attributed to a number of factors including attitudes toward firearms, storage and geographic isolation:

> In some areas of Australia, of course, the attitude to gun ownership and security of guns is different from the attitude of people in metropolitan Sydney, for example. I understand, having lived and worked in rural areas in New South Wales, the reasons for that. That does not mean, however, that the storage requirements should be any less in those areas because, at times, you will see hobby farmers who have safe storage areas in sheds away from the main dwelling. They may not be resident on the premises for weeks or months, and they will then return and find that their firearms have been stolen. We would receive a report, but it might be weeks or months later. That is a problem. The location of the safe storage area away from main dwelling houses is a problem. Often they are in storage sheds stored with angle grinders and other implements that can open the storage areas. We see that regularly.[54]

Illegal importation of firearms

1.67 The other source of illicit firearms in Australia is illegal importation. Like theft, the committee heard contested evidence about the extent to which illegal importation contributes to the illicit firearms market in Australia.

1.68 The Firearm Safety and Training Council argued that illegal importation of firearms into Australia was a more significant source of illicit firearms than theft:

> …on the established data that has been presented, there are very few firearms that have been stolen and subsequently used in illegal acts or established as coming from a pathway from a registered firearm owner, through theft, into a recorded crime. We then had to rely on press reports, including on such things as the post office in Sydney that was being used for illegal importation of firearms—from Germany, as I recall. They were, in fact, semiautomatic handguns. We are also aware of the fact that there have been press reports of particular organisations—and I am not singling out particular bureaucracies here—including Customs officers who have been involved in, and I believe charged with, illegal importation on occasion.[55]

1.69 The NSW Police Force noted that the 'the illegal importation of firearms, especially modern handguns and assault rifles, is a key driver of gun crime in NSW'.[56]

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53 Detective Superintendent De Santo APM, Victoria Police, *Committee Hansard,* 13 October 2014, p. 54.

54 Detective Chief Superintendent Finch, NSW Police, *Committee Hansard,* 13 October 2014, p. 48.

55 Mr Bryant, Firearm Safety and Training Council, *Committee Hansard*, 13 October 2014, p. 5.

56 NSW Government Justice Cluster, *Submission 391*, p. 2.

Detective Chief Superintendent Finch, Director of the Organised Crime Directorate informed the committee that there has been a 'big influx in illegal importation in NSW', though it is impossible to quantify:

> To steal someone else's words, we do not know what we do not know. The reality is that there are obviously guns being illegally imported regularly. We detect some. There has been a slight change in the way importations are reported. Prior to last year, the Australian Customs and Border Protection Service and the New South Wales Police had primacy in terms of the legal importations. Last year, a unilateral decision was taken that the AFP would take control of investigations of illegal imports. That is in line with their charter and their primacy in relation to narcotics. We work very closely with the Australian Federal Police.[57]

1.70 In particular, NSW Police referred to the use of "shot-gunning", where firearms are broken into parts and brought into the country illegally by post:

> In the case of firearms, to some extent they do it because they are able to break the firearm down, and if certain parcels are X-rayed it might not show up. If, for example, there is a barrel from a semiautomatic, it might show up as a metal tube, but that does not make it readily identifiable as a firearm part if it has been misdescribed. So they are broken up, and sent—en masse, at times—and then reassembled…They only have to be successful with one importation, obviously, to make a significant profit.[58]

1.71 NSW Police gave an example, citing its recent operation Strike Force Maxworthy, which resulted in the detection of 12 Glock pistols that had been sent in pieces to Australia via international mail.[59] The NSW Police Force gave further evidence to the committee about the impact the internet has had in facilitating the illegal importation of firearms, with some overseas retailers even advertising that they can assist in overcoming customs regulations (although not always with the intention to break the law).[60]

1.72 It was NSW Police's view that this practice will continue to pose a threat. A lack of detection cannot be linked to the number of firearms that are imported illegally:

> …because of the volume of air freight and parcel post they may not be detected. Modern firearms are very easily disassembled. There is a large amount of material other than metal in them. So at times they can be misdescribed, as was the case in Strike Force Maxworthy, and they may never be X-rayed. Certainly I think illegal importation is an area that needs

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57 Detective Chief Superintendent Finch, NSW Police, *Committee Hansard*, 13 October 2014, p. 42.

58 Detective Chief Superintendent Finch, NSW Police, *Committee Hansard*, 13 October 2014, pp 47–48.

59 NSW Government Justice Cluster, *Submission 391*, p. 3.

60 Detective Chief Superintendent Finch, NSW Police, *Committee Hansard*, 13 October 2014, p. 46.

> to be looked at closely. To the credit of the Australian Customs and Border Protection Service, they have markedly increased their response. The firearm squad have an analyst from Customs embedded with them. They work very closely with Customs and the AFP, for that matter.[61]

1.73 Victoria Police also raised the issue of illegal importation, noting that internet facilitated firearm trafficking is an emerging trend.[62] In explaining its impact to the committee, Detective Superintendent De Santo commented that it has opened the door to individuals who previously would not have had the connections or resources to import firearms:

> Currently they are imported into Australia via online and through parcel post. I am talking about the one-off purchasers or two-off purchasers, possibly in the dark net side of the internet. They are imported into Australia and may be able to bypass screening, or may not be detected in screening, and then they go out to the recipients who have ordered them online.[63]

1.74 He noted that 'there is a whole varying element of individuals out there who try to buy certain things', as opposed to just being limited to serious and organised crime groups.[64]

1.75 Victoria Police also discussed the traditional method used by organised crime groups of shipping large numbers of illegal imports on the assumption that not all containers would be x-rayed by Customs and the need for better resourcing and intelligence.[65] In particular, Detective Superintendent De Santo discussed the emergence of firearms manufactured to avoid metal detectors:

> They are probably not as sophisticated as what you may see depicted in some of the movies, but they are relatively well manufactured, not manufactured in backyards. Those are the next ones I am going to go to, where we have also seized firearms. Again, they are single shot, within the confines of a mobile phone or within the confines of a belt buckle, a fashion accessory worn around the waist. Insofar as avoiding detection, the components are sometimes not picked up on X-ray, and the parts are disassembled for easy transportation. It would be quite easy within some of our airlines. Components can be separated, placed in cargo hold luggage and go through a lesser degree of screening than hand luggage. That is the

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61 Detective Chief Superintendent Finch, NSW Police, *Committee Hansard*, 13 October 2014, p. 42.

62 Victoria Police, *Submission 389*, p. 3.

63 Detective Superintendent De Santo APM, Victoria Police, *Committee Hansard*, 13 October 2014, p. 57.

64 Detective Superintendent De Santo APM, Victoria Police, *Committee Hansard*, 13 October 2014, p. 58.

65 Detective Superintendent 4 De Santo APM, Victoria Police, *Committee Hansard*, 13 October 2014, p. 58.

> way they are transported across border lines, other than being concealed in cars or about the person.[66]

1.76 The Australian Customs and Border Protection Service (ACBPS) assured the committee it was not complacent on the issue of illegal importation of illicit firearms:

> We are conscious of evidence previously given and the report by the Australian Crime Commission with respect to the view that the vast majority of firearms in the Australian illicit market are diverted from the domestic licit market…However, we are conscious within Australian Customs and Border Protection that we are vulnerable to illicit importations of firearms, particularly in relation to whole firearms and firearms parts, and that that risk has the potential to increase as criminal entities seek weapons. But we are very vigilant to that issue.[67]

1.77 The ACBPS also confirmed that it is impossible to quantify the number of firearms that enter the country undetected. Instead, this information is derived from the organisation's detection data as well as intelligence information:

> We are talking about an illicit market. So in relation to how many times it happens, the answer is: we do not know what we do not know. However, we do have a tracing mechanism now through the Australian Crime Commission and if guns were being imported into the illicit market using criminality and seized, we would be aware of those and be able to do that work in relation to a post-detection analysis. Operation Maxworthy relates to that particular seizure. Even with the work that we do with New South Wales we are making seizures at the border, so we are not complacent about it, but what we have not got is examples where those sorts of large importations are occurring. We do a lot of work with international partners. We do a lot of work with the firearms manufacturers. I think if those were happening on a regular basis, they would be a lot more visible in the environment, and we do not have an intelligence picture to suggest that that is the case.[68]

1.78 With regards to intelligence, Mrs Karen Harfield, National Director of Intelligence, explained that detecting firearms was about understanding the various risk factors, which include factors such as high-risk destination or departure countries or type of items.[69] She also discussed situations where the ACBPS has worked with overseas partners in sharing intelligence, which helps in targeting onshore arrivals:

> In the channels, say, for passengers—and we do have finds on passengers—with air cargo and sea cargo we are supplied with information that gives us an opportunity to do analytical work while that individual or that cargo is in

66 Detective Superintendent De Santo APM, Victoria Police, *Committee Hansard,* 13 October 2014, p. 56.

67 Mrs Karen Harfield, National Director Intelligence, ACBPS, *Committee Hansard,* 31 October 2014, p. 61.

68 Mrs Harfield, ACBPS, *Committee Hansard*, 31 October 2014, p. 62.

69 Mrs Harfield, ACBPS, *Committee Hansard*, 31 October 2014, p. 66.

> transit. That leads us to targeting in a particular way. Then, once onshore, we have got those detection capabilities such as the X-ray machines. We have chemical detection capabilities and, obviously, the people part of that is a really important aspect—in particular, in international mail because we do not have electronic data prior to mail arriving. Those are the types of work that we do. We clearly have an ability where partners might have intelligence through a number of their sources that would impact on what we might do and how we might intervene at the border. We are also able to provide intelligence offshore so, where we can impact offshore and reduce and mitigate risk, we will do so. For example, if we are looking at a particular network of criminality, we might provide information offshore so that actual importation never departs.[70]

1.79 The committee heard that during 2013-14, the ACBPS detected 1737 firearms and firearm parts (49 handguns, 21 rifles, 10 shotguns, 525 parts and accessories and 1132 magazines).[71] The ACPBS also noted that serious criminal penalties exist with respect to illegal importation, with a penalty on conviction up to $425 000 or 10 years imprisonment, or both.[72]

1.80 The ACBPS discussed the practicalities of conducting screening at its international mail gateways:

> It is a factory environment. There are massive volumes and a continual requirement around the conveyor belt system that they have there. On a practical day-to-day basis the intelligence piece provides support to the managers and the staff around detection methodologies and the types of concealments that we see on a regular basis. We have done training around recognition of firearms parts and what anomalies might look like within some of the detection technologies that we employ. We have a sort of layered approach to the use of detector dogs in particular circumstances, depending on the types of items we are looking at. There is that sort of broad level agreement on what risk looks like and therefore on how we deploy people physically in the environment. The main gateways are Sydney and Melbourne, and the predominant number of staff and detections are there.[73]

Site visit: National Detector Dog Program Facility

1.81 In order to gain a better understanding of the role detector dogs play in locating firearms, the committee undertook a site visit to the National Detector Dog Program Facility located in Bulla, Victoria.

1.82 Originally focused on the detection of narcotics, the Detector Dog Program was expanded in 2003 'to include firearms and component parts, ammunition,

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70 Mrs Harfield, ACBPS, *Committee Hansard*, 31 October 2014, p. 66.

71 Mrs Harfield, ACBPS, *Committee Hansard*, 31 October 2014, p. 64.

72 ACBPS, *Submission 61*, p. 3.

73 Mrs Harfield, ACBPS, *Committee Hansard*, 31 October 2014, p. 67.

explosives and chemical precursors'.[74] While visiting the facility, the committee observed dogs in the early stages of training learning to search pallets of goods to detect explosives (Figures 2.1 and 2.2). Customs officers explained that these exercises are used to teach the dogs the correct searching technique.

Figure 2.1: Customs' officer and dog searching pallet for explosives as part of a training exercise

1.83 The committee also observed younger dogs honing their natural instincts for searching through exercises conducted with their trainers:

> Training is based on channelling each dog's inherent hunt and play drive. Dogs are conditioned to detect specific target odours and are rewarded by playing a vigorous game of tug-of-war with a rolled up towel. Training is based on positive reinforcement and strives to produce a dog that is self-driven and able to make independent decisions.[75]

1.84 Detector dog teams are trained to find goods hidden in luggage, parcels, mail, cargo containers, vessels, vehicles, aircraft and on people:

> Customs focuses on the training of various methodologies, including multi-purpose response dogs. These dogs are capable of searching both people and cargo and can work in Customs search areas. A multi-purpose response dog is trained to give a passive or "sit" response to people carrying

74 ACBPS, *Detector dog program*, July 2006, http://www.customs.gov.au/webdata/resources/files/FS_detectDogProg040819.pdf (accessed 18 February 2015).

75 ACBPS, *Training detector dog teams*, http://www.customs.gov.au/site/page4305.asp (accessed 18 February 2015).

> or concealing items or a pawing or scratching response to cargo or areas where items might be hidden. This dual capability allows Customs to more effectively deploy detector dogs.[76]

1.85 In 2012-13, detector dogs 'contributed to the detection of 2272 illegal imports and exports totaling 92.8kgs'.[77]

1.86 Due to the difficulties finding dogs capable of completing the Program, Customs developed its own breeding program in the early 1990s which has been responsible for the birth of over 2500 Labrador Retrievers. The majority of these dogs have gone on to work as detector dogs, though not all as Customs dogs:

> Many other agencies also use dogs bred by Customs, including the Australian Defence Force, the Australian Federal Police, the Australian Quarantine and Inspection Service and State and Territory police. Customs-bred dogs have been deployed in a variety of fields, including arson detection, food detection and/or explosives and firearms detection.[78]

1.87 The committee was interested to learn that dogs are trained to detect narcotics, firearms, currency or explosives. In the past, dogs had been trained to detect both firearms and explosives. However, a positive response from a dog (see Figure 2.2) for a firearm results in a very different course of action (a more thorough inspection of an article) to that taken for an explosive (evacuating the area). For this reason, Customs no longer trains dogs to detect both—dogs now specialise in one or the other.

76 ACBPS, *Detector dog program*, July 2006.

77 Senator the Hon Michaelia Cash, 'Minister Cash commends ACBPS Detector Dog Program', Media release, 29 November 2013.

78 ACBPS, *Detector dog program*, July 2006.

Figure 2.2: Detector dog alerting handler to the presence of explosives in the package as part of a training exercise

1.88 The committee would like to thank the customs officers at the National Detector Dog Program Facility for their time and the knowledge they imparted and commends them on the important role they play in protecting the community.

Figure 2.3: Committee members with Mr Glenn Scutts and Mr Smyl Fischer at the ACBPS Detector Dog Program facility

Manufacture of illicit firearms

1.89 With the exception of the potential for firearms to be manufactured through the use of 3D printing technology (discussed in chapter 6), the committee heard little evidence about the illegal manufacturing of firearms in Australia and the extent to which this might contribute to the illicit firearms market.

Identifying the source of illicit firearms

1.90 The main resource for identifying the source of illicit firearms in Australia relied upon by submitters and witnesses appeared to be research prepared by the AIC. The two main research projects undertaken by the AIC were the National Firearms Monitoring Program (NFMP) and the National Firearm Theft Monitoring Program (NFTMP). Both of these programs were established in response to particular firearm issues and had funding for a set period of time.[79] Consequently, the majority of data focuses on the period from 2004-05 to 2008-09.

1.91 In 2012, the AIC also published a report into F*irearm trafficking and serious and organised crime gangs*, which included analysis of data from the National Firearm Trace Database (NFTD).[80] The NFTD is based on traces conducted by the ACC between 2002 and 2012:

> On behalf of Australian law enforcement agencies, the ACC conducts serial number tracing of both registered and unregistered firearms through the Firearm Trace Program. It provides insights into the points of diversion at which firearms enter the illicit market and the types of firearms used and seized as well as highlighting the changes in the illicit firearms market. Firearm trace data and sales information may also assist in the identification and initiation of investigations.[81]

1.92 The ACC provided the committee with detailed information on the various processes involved in conducting a firearm trace, which include:

- Confirming that the information supplied is sufficient for tracing purposes;
- Checking the firearm factory frame/receiver serial number against the ACC Firearm Transaction Database (FTD), which currently stores some 1.5 million records of historical firearm transactions and the CrimTrac Agency National Firearm Licencing & Registration System (NFLRS), which consists of records submitted by states/territories. If no record of the firearm is identified on the NFLRS then searches are made for the same make and model firearms that have similar serial number structure – this provides an important avenue for potential identification of these firearms; and

79 Mr Doug Smith, Chief Executive Officer, CrimTrac, *Committee Hansard*, 31 October 2014, p. 32.

80 S Bricknell, *Firearm trafficking and serious and organised crime gangs*, AIC, Research and Public Policy Series no. 116, June 2012.

81 ACC, *Submission 75*, p. 5.

- Contacting foreign law enforcement agencies where the firearm has been manufactured overseas and cannot be identified as recorded either in the FTD or NFLRS. In the case of US manufactured firearms the ACC can submit a firearm trace request to the USA Department of Justice. The ACC signed a memorandum of understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in 2007 for the sharing of firearm related information, which also supports the United Nations Program of Action on Small Arms and Light Weapons for the tracing of illicit firearms.[82]

1.93 The data obtained from the NFTD indicates the majority of illicit firearms investigated were diverted from the grey market.[83] The ACC nonetheless noted that 'theft, failure to reconcile the interstate movement of firearms, and the importation of undeclared firearms and firearm parts are all key components of the illicit market' and that the means of diversion varied depending on the type of firearm.[84]

1.94 For investigated illicit long-arms (shotguns and rifles) the grey market was the main source (92 per cent of restricted and 86 per cent of non-restricted long-arms)[85] with theft from licensed individuals and dealers the next most common source (4 per cent of restricted long-arms and 10 per cent of non-restricted long-arms).[86] The AIC noted that other methods of supply include illicit domestic manufacture, false deactivation, failure to notify of interstate transfer and illegal import, though these accounted for very few of the long-arms recorded in the NFTD.[87]

1.95 According to the AIC, the primary sources of illicit restricted handguns are false deactivation (39 per cent) and theft or loss (31 per cent).[88] Non-restricted handguns are most commonly diverted to the illicit firearms by theft or loss: 50 per cent of all non-restricted handguns are stolen from legal owners.[89] The ACC cited historical deactivation and technical loopholes, theft from licensed individuals and dealers, failure to reconcile the interstate movement of a firearm and importation of undeclared firearms and firearm parts as the main methods of diverting handguns into the illicit market.[90] The ACC gave further evidence that the theft of handguns was quite small and that while it estimates there are 10,000 handguns on the illicit market 7500 of these are deactivated firearms.[91]

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82 ACC, *Answers to questions taken on notice*, received 17 November 2014.

83 ACC, *Submission 75*, p. 4.

84 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, p. 34.

85 AIC, *Submission 76*, p. 6.

86 AIC, *Submission 76*, p. 6.

87 AIC, *Submission 76*, p. 6.

88 AIC, Submission 76, p. 7.

89 AIC, *Submission 76*, p. 8.

90 AIC, *Submission 76*, p. 4.

91 Mr Jevtovic, ACC, *Committee Hansard*, 31 October 2014, p. 34.

1.96 While the NFTMP demonstrated that the majority of firearms lost or stolen constituted long-arms, with handguns only comprising 7 per cent of thefts between 2005-06 to 2008-09,[92] data from the NFTD found that a significantly high proportion of handguns were seized from serious and organised crime groups (SOCG).[93]

1.97 According to the AIC, 40 per cent of firearms seized from SOCG were rifles and 39 per cent were handguns.[94] The AIC remarked that 'SOCG and non-SOCG seizures contrasted in the prevalence of handguns, with a significantly greater proportion of handguns found in association with SOCG'.[95]

1.98 The AIC's *Firearm Theft in Australia* reports were also cited during the course of the inquiry, for example by the ACC. However, as highlighted by the Firearm Safety and Training Council, this series of reports is not currently produced by the AIC with the *Firearm Theft in Australia 2008–09* report 'the last of a series of such reports funded by the Australian Government under the *Proceeds of Crime Act 2002*'.[96] The Firearm Safety and Training Council argued that unless funding is provided to the AIC for the production of the Firearm Theft in Australia reports, this 'valuable source of reliable information' will cease.[97]

1.99 Other submitters to the inquiry were critical of data provided by the AIC, particularly in regard to its findings regarding the sources of illicit firearms. Some of this appears to arise from the complexity of the AIC's datasets (both the NFTMP and the NFTD) and the definitions used for different types of firearms. The AIC attempted to clarify:

> Firstly, the grey market is only long-arms, so we cannot talk about handguns in that respect. Definitely a lot of them would have been imported legally into Australia before the firearm reforms and then entered the grey market with reforms that came in either because the owner chose not to register the firearm or because they were not aware of the reforms.
>
> I think there is a sort of conflation between some of the figures and a misunderstanding of how they work together. Again, based on the firearm trace database, it indicated that the theft was an important conduit to the illicit firearm market. That somewhat straddles the firearm theft monitoring program data that we have which showed that handguns contributed about seven per cent of all stolen firearms that were reported each year. I would like to add that there has been a lot of focus on, 'It's only seven per cent of firearms that are reported stolen are handguns.' It is proportionate with the number of registered handguns in the country, as we have found with rifles and shotguns as well. Just because we are finding that only a small

92 AIC, *Submission 76*, p. 10.

93 Dr Bricknell, AIC, *Committee Hansard*, 31 October 2014, p. 46.

94 AIC, *Submission 76*, p. 4.

95 AIC, *Submission 76*, p. 4.

96 Firearm Safety and Training Council, *Submission 73*, p. 3.

97 Dr Bricknell, AIC, *Committee Hansard*, 31 October 2014, p. 49.

> proportion of handguns are being reported stolen I do not think there is necessarily a problem to show that it is an important conduit through to the illicit market. I do not think those figures are necessarily at odds with each other.[98]

1.100 In terms of the completeness of data, the AIC noted that there was 'a high unknown response rate' (that is, untraceable firearms) with regards to the NFTD, predominantly with regards to long-arms.[99] The ACC stated that there are a number of reasons for this 'which include defaced serial numbers, the firearm having no record of being registered in Australia or overseas, or the trace analysis not being finalised pending further information from industry sources'.[100]

1.101 Questions were also raised regarding the completeness of the NTMP statistics, with some jurisdictions not providing data for certain years or providing incomplete datasets. Yet, overall, the AIC seemed pleased by the level of co-operation provided by the state and territory police forces:

> We have received excellent data, particularly from a number of jurisdictions. I would like to highlight Queensland in particular. Their data is excellent and has always been excellent in terms of the firearm theft monitoring program. It is very thorough. I must say the database that was developed for this monitoring program is extremely thorough. The data, for the most part, that we collected over that period of time has been complete and has allowed the analysis that we have done. But, as said, the majority of reported incidents that are included in the monitoring program are from private owners. Dealer stock, I think, represented less than 10 per cent. Then we have had the occasional theft from security organisations, and I think one or two from police. But for the most part it is from private owners.[101]

1.102 The AIC also confirmed that the study was based around reported firearm theft and therefore owners of unregistered or illegal firearms, or those who had failed to comply with the relevant storage requirements, were less likely to have reported their firearm stolen.[102]

Need for more comprehensive data

1.103 A number of organisations called for stronger reporting requirements and more reliable data. For example, the Honourable Mr David Hawker shared his views regarding the dangers of inaccurate data:

> One of the problems that you have, and will always have, with anything illegal is that your data is never going to be complete—in fact, it is going to be very incomplete—which means that it is wide open to interpretation and

98 Dr Bricknell, AIC, *Committee Hansard*, 31 October 2014, p. 49.

99 Dr Bricknell, AIC, *Committee Hansard*, 31 October 2014, p. 46.

100 ACC, *Submission 75*, p. 5.

101 Dr Bricknell, AIC, *Committee Hansard*, 31 October 2014, p. 49.

102 AIC, *Submission 76*, p. 9.

> possibly exaggeration by vested interests. That in itself is something that has to be elicited through all the discussions. In the meantime, the bodies that could do more and have done more in the past, like the Institute of Criminology, have probably been discouraged from doing some of the work that they used to do.[103]

1.104 The National Farmers' Federation (NFF) spoke about the importance to registered firearm owners of being able to protect their firearms from the criminal element and the need for more qualitative data:

> I think one of the things that this inquiry really needs to get to is the data that is out there and available. There are statistics on guns, illegal gun use and gun theft, but there is not much qualitative data [about] what actually happens—how a gun actually falls into the wrong hands. Particularly when you are talking about regional areas and the farming community, if there is a concern around the current laws not already having their required effect because, for example, there is some issue with the use of gun safes or whatnot, that is something I think needs to be given some attention. There are good laws are in place but, if gun thefts are happening…we need to understand why and how.[104]

1.105 Mr Howard Brown, from the Victims of Crime Assistance League, stated that more data was certainly required to determine how firearms enter the illicit market:

> …there has clearly been a great deal of discussion about the number of weapons that have been stolen from premises and used in the commission of crimes. There is such paucity of detail on that. According to the New South Wales Police submission, four per cent of handguns that were stolen were used in the commission of crimes. Is there a problem there or not? Clearly, four per cent is actually quite a small figure. If you go to the Victorian police, they have their own way of gathering data, so we do not know if we have a problem with the security of weapons or a problem elsewhere. Look at the last 2½ years in Sydney specifically. We have, unfortunately, become the drive-by capital of the world. We have had an enormous number of drive-bys and yet we know through the Integrated Ballistics Investigation System that the New South Wales Police use that a number of those weapons have been used on multiple occasions by different perpetrators, so you cannot say that that was caused by incorrect storage. But we still have the problem, and the person who has their house shot up does not really care whether the gun was stolen or brought into the country illegally. We need to determine what the cause of the problem is, because you cannot fix it unless you know what the problem is.[105]

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103 The Honourable David Hawker, *Committee Hansard*, 14 October 2014, p. 61.

104 Ms Sarah McKinnon, Manager, Workplace Relations and Legal Affairs, National Farmers' Federation (NFF), *Committee Hansard*, 13 October 2014, p. 18.

105 Mr Howard Brown OAM, Vice-President, Victims of Crime Assistance League, *Committee Hansard*, 13 October 2014, pp 10–11.

Chapter 3

Development of 3D manufactured firearms

1.106 One of the most fascinating aspects of this inquiry was the issue of 3D manufacturing.[106] In particular, this inquiry was concerned with the development of 3D manufactured firearms.

1.107 While chapter 4 discussed the current situation with regard to the regulation of firearm parts and accessories more generally, this chapter will look at whether the current state and territory laws sufficiently cover 3D manufactured firearms and firearm parts.

What is 3D manufacturing?

1.108 In order to understand the impact that 3D manufacturing will have on society, it is important to first understand the concept. The World Intellectual Property Organization (WIPO) has provided a good explanation:

> 3-D printing, alias additive manufacturing (AM) or direct digital manufacturing (DDM), makes it possible to create an object by creating a digital file and printing it at home or sending it to one of a growing number of online 3-D print services. In the 3-D printing process, this digital blueprint, created using computer-aided design (CAD) software, is sliced into 2-dimensional representations which are fed through to a printer that starts building up an object layer by layer from its base. Layers of material (in liquid, powder or filament form) are deposited onto a 'build area' and fused together. This additive process, which minimizes waste because it only uses the amount of material required to make the component (and its support), is distinct from traditional "subtractive" manufacturing processes where materials are cut away to produce a desired form.[107]

1.109 WIPO noted that there are a number of techniques used to print 3D objects:

> A number of 3-D printing techniques exist. The first commercial 3-D print technology, stereolithography, was invented in 1984 by Charles Hull. Several other techniques have emerged since, including fused deposition modeling (FDM), selective laser sintering (SLS) and PolyJet Matrix. Some of these techniques involve melting or softening layers of material, others involve binding powdered materials and yet others involve jetting or selectively-hardening liquid materials.
>
> The process of 'growing' objects layer by layer also means that, with 3-D printing, it is possible to create more intricate and complex structures than can be done using traditional manufacturing techniques.[108]

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106 In this report '3D manufacturing' and '3D printing' refer to the same manufacturing process and are used interchangeably.

107 C Jewell, '3-D Printing and the Future of Stuff', WIPO magazine, April 2013.

108 C Jewell, '3-D Printing and the Future of Stuff', WIPO magazine, April 2013.

1.110 While the concept of 3D manufacturing was originally developed for rapid prototyping purposes, developments which have improved its accuracy, speed and quality have led to it being used for a wide range of purposes:

> The technology is already widely used to make jewellery and other bespoke fashion items, in dental laboratories to produce crowns, bridges and implants, as well as in the production of hearing aids and prostheses, offering patients a perfect fit. 3-D printing is particularly suited to low-volume, short production runs offering companies a more flexible, cost-effective and speedy alternative to traditional mass production methods.[109]

1.111 Dr Angela Daly, from Swinburne University, spoke to the committee about the beneficial aspects of 3D manufacturing in a number of areas including manufacturing, industry, medicine and arts and design.[110] She noted that it is probably at the industrial level where societies like Australia are benefiting the most from 3D printing.[111]

1.112 Mr Michael de Souza, the Chief Executive Officer of the Australian 3D Manufacturing Association, spoke about some of the developments that have occurred, particularly in biomedical fields:

> At the ANFF in Wollongong, we are world leaders in what we call additive manufacturing and additive research and development. The additives are the 'inks', as they are referred to. You are talking about absolutely anything that you can touch, see, breathe or feel. It is already at a molecular level, because everything base carbon, and once you break it down to a molecular level and begin to rebuild it, you can produce anything as an ink. They have managed to print live human cells. Prior to that, you could print the cell—a plant cell, animal cell or human cell—but the issue has been that the printing process kills the cells. There is now a way, developed by Gordon Wallace at Wollongong University, to actually protect that cell in a gel and, as the cell or cells begin to reproduce and collectively join a matrix, that gel dissolves and away you go. So you have human, animal, and plant tissue regenerating itself, which is of course fantastic for organs, burn victims' skin and all sorts of things like that.[112]

1.113 As part of its inquiry, the committee had the opportunity to visit Objective 3D, a commercial 3D manufacturing facility in Melbourne. While there, the committee learnt about the important role 3D manufacturing is playing with respect to Australia's broader manufacturing industry.

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109 C Jewell, '3-D Printing and the Future of Stuff', WIPO magazine, April 2013.

110 Ms Angela Daly, Postdoctoral Research Fellow, Swinburne Institute for Social Research, *Committee Hansard*, 14 October 2014, p. 20.

111 Ms Daly, Swinburne Institute for Social Research, *Committee Hansard*, 14 October 2014, p. 20.

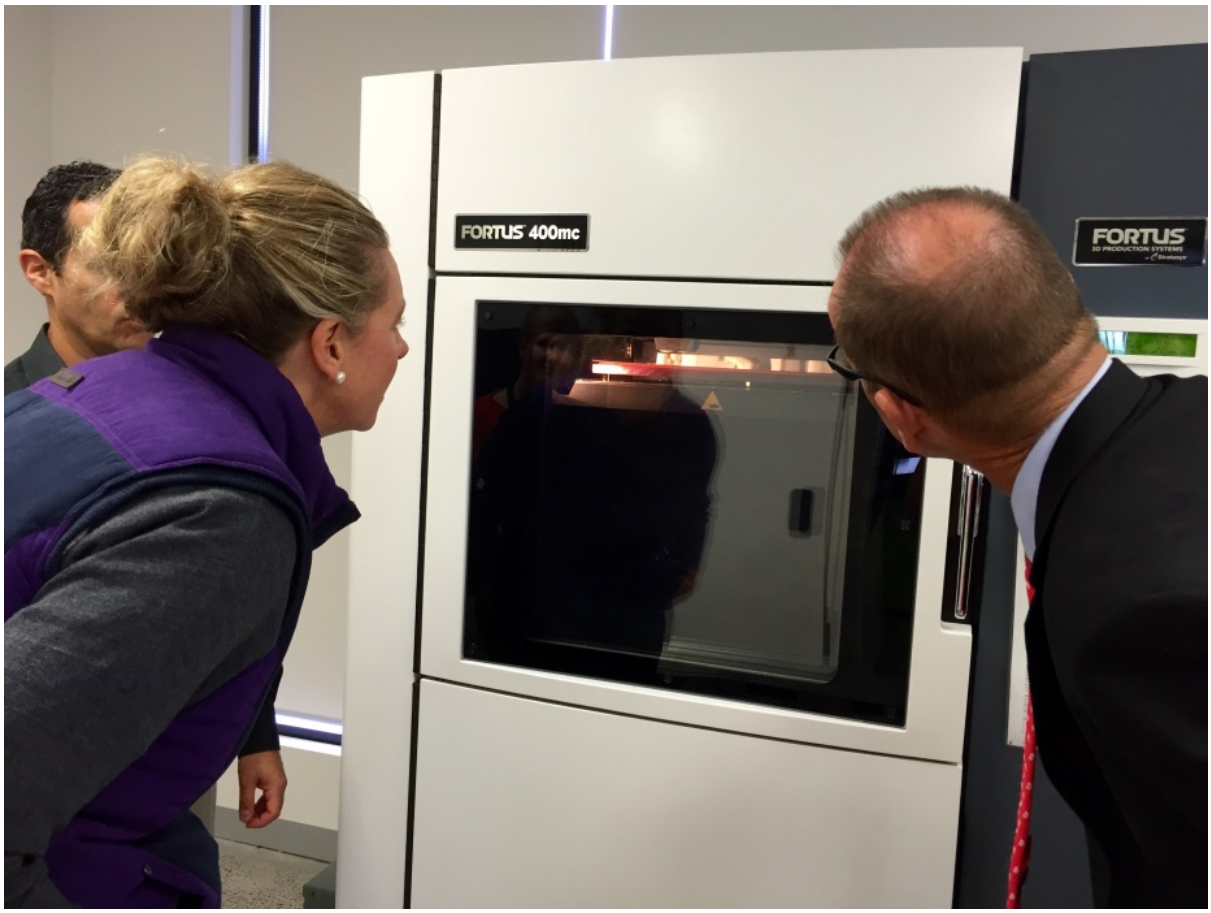
112 Mr Michael De Souza, CEO, Australian 3D Manufacturing Association (A3DMA), *Committee Hansard*, 31 October 2014, p. 24.

1.114 Examples were given of some of the many products which can now be printed, including prosthetic limbs for amputees and anatomical models for use by medical students. Anatomical models have also been used for pre-operative planning, for example, in the case of conjoined Bangladeshi twins Krishna and Trishna, a bespoke 3D printed model was used by doctors to plan surgery to separate their fused brain and skull tissue.

1.115 The committee toured Objective 3D's facility and viewed a number of 3D printers, including one in action (see Figures 6.1 and 6.2). Due to technological advancements, 3D printers have both increased in their sophistication as well as reduced in cost (some printers are now a third of the cost of those a decade earlier). The committee was fascinated to observe the processes used to manufacture 3D items and would like to thank Mr Matt Minnio of Objective 3D for his time and expertise.

Figure 3.1: Committee members inspect a 3D printer

Figure 3.2: Viewing a 3D printer in action



The development of 3D printed firearms

Current situation

1.116 The invention and expansion of 3D manufacturing means that the production of firearms in this way is now a reality. The Australian 3D Manufacturing Association noted that 'as 3D printers and manufacturing processes have become increasingly available worldwide, so too have 3D printed firearms components and accessories'.[113]

1.117 It was suggested to the committee that 3D manufactured firearms currently do not pose a particularly high risk to the community.

1.118 Mr Nicholas Jenzen-Jones, Director of Armament Research Services (ARES) commented that 3D manufactured firearms had started to gain significant media attention when Defense Distributed built its fully printable, single-shot polymer "Liberator" handgun.[114] He emphasised that while the idea of being able to instantly print a firearm sounded alarming, at this stage, a degree of expertise is still required:

> I think it is really important for me to stress that the state of technology, as it stands today, is not click, print and fire. You cannot simply download a

113 Mr De Souza, A3DMA, *Committee Hansard*, 31 October 2014, p. 5.

114 Mr Nicholas Jenzen-Jones, Director, Armament Research Services (ARES), *Committee Hansard*, 31 October 2014, p. 5.

> file, hit print on your printer and come out with a functional firearm. There is a degree of hand-finishing, there is a level of technical expertise, I understand, that is involved in producing the firearm in the first place; and, of course, once it is complete, there is no guarantee that it is going to function correctly unless it is correctly assembled and so on. So, while it does perhaps remove from the watchful eye of law enforcement some of these people and their ability to purchase or acquire firearms, it is not distinctly different from people being able to go to the hardware store, purchase components there and assemble them in their backyards.[115]

1.119 He also advised the committee that manufacturing 3D firearms from metals remained rare and was incredibly expensive:

> There are functional handguns available commercially in very small numbers in the United States that have been produced almost overwhelmingly using the direct metal laser sintering process. It is not economically viable. Those handguns sell for US$11,900 each, where a comparable handgun, in terms of capability and design, can be purchased in the United States for about US$300 or US$400. Clearly, there is a big gap there. The biggest hurdle for a criminal organisation or a non-state armed group seeking to produce metal 3D-printed firearms would be the cost of the printers themselves. Currently they are not economically viable for the consumer grade.[116]

1.120 ARES also discussed the possibility of whether criminals and armed groups were already using 3D manufactured guns as part of their operations.[117] ARES found that such groups, including those operating in Australia, already 'routinely produce a range of improvised firearms from various materials using traditional or improvised manufacturing methods'.[118] ARES argued that these weapons have more advanced capabilities than 3D printed firearms produced outside defence facilities, and that there is not yet a demand for 3D printed firearms:

> At this stage the only benefits that an economically viable 3D printed weapon may hold for an individual or a non-state group seeking illicit weapons lie in their untraceable nature and the polymer construction that prevents many common screening devices from detecting them—for example, in order to smuggle a weapon inside a secured area. When the costs of purchasing or producing 3D printed firearms are considered, together with their operational limitations, traditional firearms purchased on the black market and those produced by traditional manufacturing methods illegally are likely to remain all the more appealing to individuals and non-state armed groups for the foreseeable future. Barring significant technological advances, advanced 3D printed metal firearms will remain

115 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

116 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 7.

117 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

118 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

> beyond the reach of those seeking illicit weapons for many years to come.[119]

1.121 The Australian 3D Manufacturing Association agreed with this assessment:

> I think the most important thing to note is that the media has somewhat sensationalised the gun story. The important thing is the fact that today, in the real world, with respect to the technology that is available for producing a gun—I am talking about outside; let us discount people like the US military and all these people we do not even know and will probably never know for years are doing—you would need several million dollars, several very clever designers, employees, engineers, scientists to be able to create a genuine weapon that would be effective. The devices that can be created today—you have seen this in the media and the police have tested these products—are more likely to kill you than the person you are aiming the device at. Can they be called a gun? You put a bullet in it so, if you want to call it a gun, okay, but where that bullet is going to go is debatable. With today's technology, could someone do it at home? No, not really. Would it be effective? No. Would it be accurate? No. Would I fire it? Absolutely not. I would not be anywhere near it. With today's technology, and keeping it in the topic of discussion, our position is that with the equipment, the machinery, the printers that are available today it is not reasonable to say that you could produce a gun per se that could do that sort of damage.[120]

1.122 The Australian Crime Commission (ACC) stated that it 'has not identified or been informed of law enforcement discoveries of 3D fabricated firearms being used or made by criminal entities in Australia'.[121]

Future challenges

1.123 While the use of 3D manufactured firearms in criminal activities appears at present to be negligible, some witnesses identified possible challenges for law enforcement with regards to firearms produced in this way.

1.124 The Victims of Crimes Assistance League argued that criminal groups are already exploring the uses of 3D manufacturing technology and this is of significant concern:

> My concern with 3-D printing is not with responsible manufacturers at all. My concern goes to people such as outlaw motorcycle gangs. I am not sure whether the committee is aware, but as recently as last week police arrested three people in the outer western Sydney region who were involved in the manufacturing of illicit firearms, and they were using small die-cast equipment and foundries to manufacture illegal firearms. That is my concern with the 3-D printing. We have looked at the examples cited by Andrew Scipione, for example, with one of the handguns where after the second shot the weapon tended to explode in your hand, which I would

119 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

120 Mr De Souza, A3DMA, *Committee Hansard*, 31 October 2014, p. 22.

121 Australian Crime Commission (ACC), *Submission 75*, p. 6.

> have thought would have been somewhat of a disincentive. However, as I said, criminals are not particularly bright, so it may be they do not understand that.[122]

1.125 This was a view shared by Victoria Police, which stated 'we have varying organised crime groups—Middle Eastern organised crime, outlaw motorcycle gangs—that are quite innovative and adaptive in their approaches to their organised crime activities'[123] and:

> As technology is refined, and with 3D printers and other machines like a computer numerical control (CNC) machine becoming more readily available and affordable, it is likely that 3D printing of firearms will increase, posing a significant risk to community safety and law enforcement agencies.[124]

1.126 The United Nations Secretary-General has also acknowledged in a recent report that while 'weapons theft or purchase on the illicit market may require less effort than printing an effective, reliable weapon', this may change once production costs decrease and the quality of 3D printed firearms improves.[125]

1.127 The ACC predicted that advances in technology could lead to 3D manufactured firearms posing more of a threat:

> The ACC has assessed that 3D fabricated firearms will probably pose a low threat for at least the next two years. This is because of the current limitations of technology result in a low quality product, firing capability is unreliable, and development is complex and costly. However, decreased costs and advances in technology associated with machinery and manufacturing programs sourced from the internet will likely increase the quality of illicitly manufactured firearms and components within Australia in the future.[126]

1.128 The Australian Federal Police (AFP) also noted that the technology was advancing quite quickly and at some point would 'allow the production of metal objects similar to the way that plastic ones are currently produced'.[127]

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122 Mr Howard Brown OAM, Vice-President, Victims of Crime Assistance League, *Committee Hansard*, 13 October 2014, pp 11–12.

123 Detective Superintendent Peter De Santo APM, Commander, State Anti-Gangs Division, Victoria Police, *Committee Hansard*, 13 October 2014, p. 58.

124 Victoria Police, *Submission 389*, p. 3.

125 United Nations General Assembly, *Report of the Secretary General: Recent developments in small arms and light weapons manufacturing, technology and design and implications for the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 6 May 2014, p. 5.

126 ACC, *Submission 75*, p. 6.

127 Assistant Commissioner Julian Slater, National Manager, Forensics, Australian Federal Police (AFP), *Committee Hansard*, 31 October 2014, p. 74.

1.129 Queensland Police confirmed that these concerns are a reality and described a recent property search that led to the discovery of 3D printed weapons parts:

> The search resulted in investigators recovering a loaded sawn off .22 calibre rifle. The firearm, previously a long arm (rifle), had been modified to enable it to be concealed on a person. The search also resulted in officers locating four plastic bags containing major component parts for firearms. The component parts included the receiver, trigger assembly and cylinder/barrel. Officers identified there were sufficient parts to construct four concealable weapons, each constructed to hold and discharge up to six .22 calibre projectiles. The weapons parts had been manufactured through the utilisation of a 3D printer, where the devi[c]e would 'print' the component parts for assembly by the user. Officers also located a set of knuckle dusters which had also been 'printed' by the device.[128]

1.130 The 3D printed firearms parts located by Queensland Police were able to be fired:

> The defendant admitted he had constructed and test fired one of the weapons, indicating it had worked and discharged a .22 calibre round. The defendant had however strength issue in the 'printed' model and had set about rectifying the problem by re-enforcing the cylinder with metal tubing. The inclusion of this metal tubing would mean the weapon could have been reloaded and repeatedly used.[129]

1.131 Significant concerns associated with 3D manufactured firearms and firearm parts produced from polymer resin are their disposable nature and the difficulty of detecting them with traditional methods. ARES spoke about these challenges,[130] informing the committee that not only are 3D manufactured firearms easy to replace, they are 'comparatively easy to incinerate'.[131]

1.132 ARES also discussed whether 3D manufactured firearms are able to be detected using traditional means such as metal scanners, body scanners and X-ray:

> The polymer 3D printed firearms in particular such as the Defence Distributed Liberator have already been successfully smuggled into a few secure locations—primarily by journalists seeking to test the security mechanisms. There are some technologies for which the polymer nature of the handgun will allow the weapon to be brought into secure areas. These are primarily metal detectors. Whilst these polymer frame handguns cannot be detected by metal detectors, they can still be detected by X-ray machines and backscatter X-ray body scanners.[132]

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128 Queensland Police, *Answer to written questions on notice*, received 25 February 2015.

129 Queensland Police, *Answer to written questions on notice*, received 25 February 2015.

130 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

131 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 6.

132 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 70.

1.133 Dr Daly commented that technological advances have allowed anyone who has access to a 3D printer, raw material and the relevant design files to make an undesirable object:

> The problem for regulation and enforcement of the law with regard to these objects, whether we are talking about laws relating to control of weapons, health and safety laws or even intellectual property laws, is the decentralised nature of 3-D printing. The whole 3-D printing process can essentially take place in the privacy of individuals' homes. One way of regulating the 3-D printing process might be to target entities such as the printer manufacturers; the design repositories, which tend to be websites where people upload 3-D printing designs and others can download them; and internet service providers, given that a lot of this process happens online. One way of regulating might be to ensure that they must only handle certain kinds of approved files.[133]

1.134 Dr Goldsworthy acknowledged that 3D manufacturing highlights a number of issues for law enforcement authorities and, given the availability of the technology and the motivation for criminals to manufacture 3D printed firearms, the government should be on the front foot.[134] The regulation of 3D printed firearms is discussed in the next section.

Regulation of 3D firearms

1.135 As with the majority of technological developments, 3D manufacturing offers not only exciting and hugely beneficial possibilities for the community, it also poses challenges for governments and law enforcement authorities. Before additional measures and controls are imposed, it is important to examine the state of the existing legislation.

Current legislative framework

1.136 There is currently no Australian legislation that goes specifically to regulating 3D printers and associated materials. As the ACC stated:

> 3D printers and materials are not subject to federal regulations as they have widespread legitimate applications. There is no offence in possessing or using a 3D printer. The ACC notes that firearms produced using new technologies are still subject to the licensing and registration requirements with any other firearm.[135]

1.137 Internationally a number of instruments apply, as ARES explained:

> Rapid advances in 3D printing technology and their increased application in the manufacture of firearms and firearms components raises a number of legal, normative and law enforcement questions. In general, national,

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133 Ms Daly, Swinburne Institute for Social Research, *Committee Hansard*, 14 October 2014, p. 17.

134 Dr Terry Goldsworthy, Assistant Professor, Criminology, Faculty of Society and Design, Bond University, *Committee Hansard*, 14 October 2014, pp 17–18.

135 ACC, *Submission 75*, p. 6.

> regional and international controls apply to 3D printed firearms in the same way they apply to traditionally manufactured firearms. New technology will pose new challenges for law enforcement, however.
>
> It is important to note that 3D manufacturing will not render current international and national controls on firearms obsolete. It may, however, make applying these norms more challenging. As additive manufacturing technologies continue to improve and become more readily available to private individuals, the enforcement of firearm manufacturing regulations will become increasingly difficult. Additive manufacturing techniques could be used to produce controlled accessories or components.[136]

1.138 Some witnesses suggested that Australia's existing firearms laws would apply equally to 3D printed firearms. The Attorney-General's Department (AGD) stated that:

> …our understanding of this area of 3D printing or creating of firearms is that it would be treated no differently to traditionally manufactured firearms, and that importation, manufacture or possession of a 3D printed firearm, without a licence, would be illegal in Australia.[137]

1.139 The Law Institute of Victoria (LIV) considered this issue carefully and found that the manufacture of firearms by way of 3D manufacturing was likely to be considered an offence in all Australian jurisdictions:

> It appears that the current firearms statutes (and, where relevant, weapons statutes) in combination with the Customs Act 1901 and import regulations sufficiently covers the possession and manufacture of all firearms, including those made with the use of 3D printers or from separately imported parts.[138]

1.140 However, the LIV also noted that due to each state and territory having its own laws with regards to the registration of firearm parts and the manufacture of firearm parts, it is impossible to be certain without judicial consideration whether the legislation in all Australian jurisdictions will sufficiently cover 3D manufacturing of firearms.[139] Given these jurisdictional inconsistencies and the rapid changes in 3D manufacturing, the LIV recommended 'that it would be desirable to introduce and implement a uniform set of regulations in all Australian jurisdictions'.[140]

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136 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 5.

137 Ms Catherine Smith, Assistant Secretary, Crime Prevention and Federal Offenders Branch, Attorney-General's Department, (AGD) *Committee Hansard*, 31 October 2014, p. 59.

138 Law Institute of Victoria (LIV), *Submission 124*, p. 11.

139 LIV, *Submission 124*, p. 7.

140 LIV, *Submission 124*, p. 11.

Suggestions for further regulation

1.141 It was the view of some submitters that the law needs to keep pace with technological advances. For example, the Australian 3D Manufacturing Association stated:

> I think the fact that we have seen over the past 20-odd years the problems that have occurred with trying to regulate the internet and put laws in place. I think part of that was because we started way too late. If we can work collaboratively today and develop standards from the get-go, then we are going to be in a much better position to be able to look at those things as the years go by.[141]

1.142 As noted in paragraph 6.32, a number of international instruments apply to 3D printed firearms in the same way they do to traditionally manufactured firearms, but the development of 3D manufacturing technology will pose new challenges for law enforcement.[142]

1.143 The Victims of Crimes Assistance League shared a similar view:

> Until we can keep pace with that, we are going to have a situation where someone is going to be shot and injured with the use of a 3-D device, and we are going to have all sorts of problems getting that matter through the courts because of the failure of the courts to keep pace with that technology. We need to address it, and we need to address it before it becomes a problem, not after it becomes a problem, which is traditionally what the law does.[143]

1.144 Submitters were generally opposed to either banning, or introducing a character test, for the ownership of 3D printers. The LIV noted that this was a 'drastic option' and that it 'would caution against introducing new legislation that is so broad and encompassing that it addresses every possible scenario in the future'.[144]

1.145 Dr Goldsworthy noted that by preventing people from engaging in illegal activity, you would also prevent beneficial discoveries for society:

> …3-D printers are multipurpose and most of them are quite legitimate and not illicit. So therein lies the problem of how you regulate something that is going to be used quite legitimately in most of the opportunities versus the small amount of times it may be used inappropriately. I think that is the real challenge we are facing here.[145]

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141 Mr De Souza, A3DMA, *Committee Hansard*, 31 October 2014, p. 24.

142 Mr Jenzen-Jones, ARES, *Committee Hansard*, 31 October 2014, p. 5.

143 Mr Brown OAM, Victims of Crime Assistance League, *Committee Hansard*, 13 October 2014, p. 14.

144 Mr Albert Yu, Co-chair, Young Lawyers Section, Law Reform Committee, LIV, *Committee Hansard*, 14 October 2014, p. 15.

145 Dr Goldsworthy, Bond University, *Committee Hansard*, 14 October 2014, p. 18.

1.146 Dr Daly similarly cautioned against over–regulation:

> …any attempt to regulate 3-D printing: that it would be largely ineffective and disproportionate to the potential harm of dangerous objects, such as guns. I propose that, due to some concern about guns, we should not allow a moral panic to stifle the large benefits from 3-D printing for society at large. There should be some hard evidence regarding the prevalence of 3-D printed weapons and the threat of these weapons to Australia before any new legislation is considered. There would also need to be consideration given to whether any such regulation would be effective in practice.[146]

1.147 However, in her submission, Dr Daly suggested three possible ways in which 3D printing could be more moderately regulated:

- use of 'gatekeepers': place obligations on 3D printer manufacturers and online design repositories to only allow for approved files to be used on their machines or present in their folders through technical protection measures;
- private regulation: examples include Danish 3D printing firm Create It REAL which recently announced it had developed a firearms component detection algorithm which can give 3D printers the option to block gun parts, and the decision of Mega to take down the Liberator gun blueprint; and
- role of internet service providers: require companies to report when users download 3D printing design files that relate to firearms.[147]

1.148 The LIV was supportive of similar approaches,[148] while Dr Goldsworthy noted that recent proposed changes to Australia's telecommunications regime could be used to regulate 3D printing.[149]

Copyright and intellectual property

1.149 The rapid development of 3D manufacturing technology offers huge benefits to the community in terms of industry, medicine, creativity and many other areas of human endeavour. It is also clear that it poses challenges for law makers and law enforcement authorities when it comes to the manufacture of potentially dangerous items such as firearms, as has been discussed elsewhere in this chapter. During the course of the inquiry, it also became apparent that 3D manufacturing technology will pose challenges with respect to copyright and other intellectual property issues.

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146 Ms Daly, Swinburne Institute for Social Research, *Committee Hansard*, 14 October 2014, p. 17.

147 Ms Daly, *Submission 393*, pp 4-5.

148 LIV, *Submission 124*, pp 8-9.

149 Dr Goldsworthy, Bond University, *Committee Hansard*, 14 October 2014, p. 19.

1.150 The Australian 3D Manufacturing Association explained:

> Although 3D manufacturing has been around for many, many years, it is only due to the lapse of patents and copyrights recently that has brought the technology into the fore…It is such complex technology. As I alluded to before, it has come to the fore because of the lapse of copyright, patents and all of these things that were not previously in the public domain. You would have had to pay millions, tens of millions of dollars to get hold of the technology. All of that technology is now coming out into the public domain.[150]

1.151 The committee considers these issues are beyond the terms of reference for this inquiry. On that basis, the committee believes that there is scope for a further and more extensive inquiry into 3D manufacturing technology and the opportunities and challenges it offers.

150 Mr De Souza, A3DMA, *Committee Hansard*, 31 October 2014, p. 22.

Chapter 4

ADDITIONAL REMARKS

1.152 The majority of Senators attending the inquiry welcome the Chair's comments that it was not the intention of the inquiry to target law-abiding firearms owners through this inquiry. The Committee heard evidence that lawful use of firearms has a wide range of economic, social and environmental benefits to the Australian community which deserve to be promoted to counteract the myths about them which are perpetuated by some in the community.

1.153 One of the difficulties encountered by this inquiry has been the inability of the Committee to ascertain, with any degree of certainty, where the majority of the illicit guns originate and the size of the illegal gun market.

1.154 Notwithstanding that difficulty, the evidence provided by witnesses including law enforcement agencies, confirmed that most guns used in the commission of crime do not originate from licensed firearm owners.

1.155 No case was made to the committee for any increased regulation around gun ownership laws. In particular there was no evidence to show that:

- banning semi-automatic handguns would have any material effect on the number of illegally held firearms in Australia;
- stricter storage requirements and the use of electronic alarm systems for guns stored in homes would have any impact on gun-related violence; and
- anomalies in federal, state and territory laws regarding the ownership, sale, storage and transit across state boundaries of legal firearms has any material impact on gun-related violence in the community.

1.156 It is also unfortunate that the joint report of the Department of Prime Minister and Cabinet and NSW Premier and Cabinet on the Martin Place siege was referenced in the Chair's report, since it was not mentioned by any witness or considered by the committee as part of this inquiry.

Misinformation not helpful

1.157 Despite the acknowledged deficiencies in the data available, the Chair of the inquiry has unfortunately made comments in the media about the size of the illegal gun market and its impact on crime in the community. Many of the claims made were not substantiated by the evidence to the inquiry, particularly regarding the source of illegal guns and legal gun owners in Australia.

1.158 Claims made in the media by the Chair, which The majority of Senators attending the inquiry believe are not substantiated by the evidence, include:

- most illegal guns are not trafficked into Australia, but stolen from registered owners;[151] and
- many illicit firearms are actually stolen from legitimate sources or taken from the grey market, including the gun used in the Sydney siege.[152]

1.159 The hypothesis that illegal guns are mainly stolen from registered gun owners was not supported by the evidence presented to the Committee.

Data Deficiencies - The size and operation of the illicit firearms trade

1.160 The Committee heard evidence from a number of organisations in Australian jurisdictions about the size and distribution of the illegal firearms market within Australia. The lack of reliable data on the size of the illicit (or black) and grey market means that currently it is impossible to accurately assess the extent of the problem.

1.161 The Sporting Shooter's Association of Australia asserted that the data presented by the Australian Institute of Criminology (AIC) and Australian Crime Commission (ACC) are unreliable because they:

> …have been supplied, unintentionally, with data, contaminated at best, and rubbish at worst, from South Australia, Western Australia and Victoria…skewing results and leading to a misunderstanding of the legal and illegal firearms landscape.[153]

1.162 The majority of Senators attending the inquiry do not accept evidence provided by the ACC which estimated the number of illegal firearms in the community at 260 000, including 250 000 long-arms and 10 000 handguns.[154]

1.163 This figure is taken from the Final Report of the National Investigation into the Illegal Firearms Market. These estimated 260 000 illicit firearms were supposedly based on a tracing analysis of 3186 weapons seized by law enforcement agencies.[155]

1.164 There are issues with this data that bring its reliability and validity into serious question. Firstly, this sample size was revealed to be much smaller than the ACC report first indicated based on 2119 firearms not 3186.[156] In addition, it is unclear

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151 Media Release, Senator Penny Wright, *Abbott's mandatory sentencing plan won't fix gun crime*, 4 July 2014 at http://penny-wright.greensmps.org.au (accessed 9 April 2015).

152 Media Release, Senator Penny Wright, *Mandatory minimums wrong way to address gun crime*, 15 March 2015 at http://penny-wright.greensmps.org.au (accessed 9 April 2015).

153 Mr Geoffrey Jones, Sporting Shooters' Association of Australia, *Committee Hansard*, 31 October 2014, p. 10.

154 Mr Paul Jevtovic, Australian Crime Commission, *Committee Hansard*, 31 October 2014, p. 34.

155 Media Release, The Hon. Jason Clare MP, *Final Report of the National Investigation into the Illegal Firearms Market*, 29 June 2012.

156 National Firearm Dealers Association Inc., *Submission 85*, p. 6.

whether a third of these firearms can be classed as illicit considering 33.5 per cent of the traces had an unknown method of diversion due to insufficient information.[157]

1.165 The majority of Senators attending the inquiry agree with Mr Rossi, President of the National Firearms Dealers Association:

> Policy and research ought to be underpinned by comprehensive, accurate, verifiable and transparent data. We believe that any policy based inquiry must be built on these foundations. In the case of firearm and shooter issues, this is not the case. That includes the issues that are the subject of this inquiry.[158]

1.166 Accordingly it is not advisable for the Committee to make any recommendations based on flawed evidence. Further developments in policy should be focussed on further research in this area.

Data Deficiencies - Theft of firearms

1.167 The data on the number of stolen firearms provided by the AIC is dependent on the reliability of data provided to it by the state authorities, which cannot be relied upon for the following reasons:

- Some jurisdictions did not provide data for all collection years or did not provide the full complement of data requested for individual years. For example, the data for stolen firearms excludes Western Australia for 2007-08;[159]
- Victoria inadvertently recorded firearm parts as actual stolen firearms;[160] and
- The numbers were inverted by accident to read 41 300 handguns rather than 14 300 being licensed in South Australia.[161]

1.168 There was no evidence presented to the Committee which demonstrated a significant problem with stolen firearms being used for criminal activity:

- Data provided by state and territory police indicated that firearms from a very small percentage of theft incidents (less than 5 per cent) 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;[162] and

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157 Media Release, The Hon. Jason Clare MP, *Final Report of the National Investigation into the Illegal Firearms Market*, 29 June 2012.

158 Mr Luca Scribani, President, National Firearm Dealers Association Inc., *Committee Hansard*, Tuesday 14 October 2014, p. 28.

159 Australian Institute of Criminology, *Submission 76*, p. 9.

160 Mr Geoffrey Jones, Sporting Shooter's Association, *Committee Hansard*, 31 October 2014, p. 13.

161 Sporting Shooter's Association, *Submission 58*, p. 4.

162 Australian Institute of Criminology, *Submission 76*, p. 10.

- …there are very few firearms that have been stolen and subsequently used in illegal acts or established as coming from a pathway from a registered firearm owner, through theft, into a recorded crime.[163]

1.169 During the public hearing, Dr John Lott gave evidence in relation to an AIC report which showed that one in every 2500 guns were stolen, a rate of four hundredths of one per cent. Of the 664 guns stolen as described in the report, three were used in the commission of a crime. Dr Lott argued that by any measure the costs of firearms regulation greatly outweighs any expected benefits.[164]

1.170 According to the ACC an average of 1545 firearms per annum was reported stolen during the period 2004-05 to 2008-9. The majority of reported stolen firearms are rifles, followed by shotguns. Handguns generally make up less than 10 per cent of stolen firearms.[165]

1.171 The committee heard that even though the current price of an illegal handgun was up to $15 000, there had been no rise in gun thefts from licensed gun owners.[166]

The Law Enforcement Response to Illegal Firearms

1.172 Some witnesses claimed that firearms reform in Australia over the last two decades had helped to significantly reduce the misuse of firearms with firearm related homicide in Australia down from 31.9 per cent in 1998 to 18.9 per cent in 2013.[167]

1.173 Others asserted that similar declines had been observed in countries that did not adopt Australia's approach to gun control, including New Zealand.

1.174 Moreover, it is noted that knives continue to be the most commonly used weapon in homicides, not guns, with 42 per cent of all homicide incidents in 2010–11 involving knives/sharp instruments compared with 14 per cent involving the use of a firearm.[168]

1.175 Since 1996 there has been a national approach to the regulation of firearms, resulting from the 1996 National Firearms Agreement, the 1996 Firearms Buyback, the 2002 National Firearms Trafficking Policy Agreement and the National Handgun Control Agreement. This has led to a large degree of consistency between Australian

163 Mr Gary Bryant, General Manager, Firearm Safely and Training Council, *Committee Hansard*, 13 October 2014, p. 5.

164 Dr John Lott, Crime Prevention Resource Centre, *Committee Hansard*, 31 October 2014, p. 3.

165 Australian Crime Commission, *Submission 75*, p. 4.

166 Det. Chief Supt Ken Finch, Organised Crime Directorate NSW Police, *Committee Hansard*, 13 October 2014, p. 45.

167 Ms Catherine Smith, Attorney General's Department, *Committee Hansard*, 31 October 2014, p. 52.

168 Willow Bryant & Tracy Cussen, *Homicide in Australia: 2010–11 to 2011–12: National Homicide Monitoring Program report*, Australian Institute of Criminology, Monitoring Report 23, p. vi.

jurisdictions in dealing with illegal firearms. In their submission the Attorney General's Department stated that:

> …the adoption of the Agreements… by the States and Territories represents a significant achievement in developing a consistent national approach to the regulation of firearms and firearm-related articles.[169]

1.176 The claim in the Attorney General's Department submission that the lack of a uniform approach to gun control in Australia prior to 1996 was a significant factor in the diversion of firearms to the illicit market was not supported by any evidence.

1.177 There were, and still are, ample opportunities for firearms to be acquired for criminal purposes and no reason was offered to suggest how that the differences between states had ever been a major contributor to this.[170]

1.178 Mr Tim Bannister, CEO of the Sporting Shooters Association of Australia, argued that the focus of the NFA was flawed:

> The concept of government registries and manually generated permits to acquire and the like is nothing more than a holdover from a time before electronic data retention, and it is not only completely ineffective but incredibly expensive to maintain. However, here in Australian the vast majority of state and federal law enforcement resources and strategies are now, and have been for the past 18 years, mistakenly focused on spending massive amounts of their time and efforts on monitoring and restricting the activities of just one sector of our society, the licensed firearms owners, which every statistic and every example show are responsible for almost no gun related violence.

1.179 The Attorney-General's Department noted that while there were sometimes 'calls for the Commonwealth to take over the entire regulation of firearms… experience has shown that State and Territory governments are the most appropriate level of government' to manage gun related issues.[171]

1.180 The majority of Senators attending the inquiry welcome initiatives under CrimTrac's 'National Firearms Interface' program that are designed to improve data collection standards.

Importation of illegal firearms

1.181 The Committee found that it was not possible to accurately assess the source of the importation of illicit firearms and firearm parts into Australia. The Government is urged to focus on continuous improvement in border control processes to assist in detecting illegal imports of firearms and firearm parts.

1.182 The recent Auditor General's Report into the Screening of International Mail showed that screening processes may require some improvements. The Auditor General stated that:

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169 Attorney-General's Department, *Submission 42*, p. 5.

170 Mr Graham Park, Shooters Union of Australia, *Committee Hansard*, 31 October 2014, p. 10.

171 Attorney-General's Department, *Submission 42*, p. 5.

> The ANAO's analysis of data from the agency's sampling program indicated that around only 13 per cent of prohibited imports arriving in international mail were seized in 2012-13. Customs advised that it now considers the implementation of its sampling program was flawed, raising questions about the integrity of its sampling data.[172]

1.183 The Committee heard evidence from the Australian Customs and Border Protection Service about its increased focus on screening international mail, air cargo and sea cargo to detect illegal imports of firearms.[173]

1.184 The NSW Police agreed that illegal imports contribute to the presence of firearms in the community:

> The fight against illegal gun crime must start at the nation's borders. The day to day experience of front line police in NSW suggests that the illegal importation of firearms, especially modern handguns and assault rifles, is a key driver of gun crime in NSW.[174]

3D printers

1.185 Evidence was given that firearms and/or parts can be produced by a reasonably proficient handyman in his home workshop. While 3D printers may be of assistance in carrying out this task they were by no means integral to the illegal manufacture of firearms.

1.186 Evidence received by the committee indicated that Commonwealth, State and Territory laws relating to the import and manufacture of firearms or firearm parts, including by 3D printers, was sufficient to enable prosecution of any offence.

1.187 The majority of Senators attending the inquiry agrees that State and Territory governments should continue to regulate firearms but acknowledges that data sharing between jurisdictions would contribute to greater effectiveness.

Banning semi-automatic handguns

1.188 No evidence was received that banning semi-automatic handguns would have a material effect on the number of illegally held firearms in Australia or the level of gun violence. The relatively small number of handguns stolen each year, of which only a portion are semi-automatics, suggests a complete ban would make no difference to gun violence. Evidence was received that a ban on semi-automatic handguns would have a significant effect on sporting shooters including Olympic and Commonwealth Games participants.[175]

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172 The Auditor-General, *Audit Report No.42 2013–14: Performance Audit, Screening of International Mail by the Department of Agriculture and Australian Customs and Border Protection Service*, pp 17-18.

173 Mrs Karen Harfield, Australian Customs and Border Protection Service, *Committee Hansard*, 31 October 2014, p. 61.

174 Justice Cluster, NSW Government, *Submission 391*, p. 1.

175 Sporting Shooter's Association Australia, *Submission 58*, p. 8.

1.189 Victoria and NSW police did not seek further regulation but wanted more resources for compliance activities. Victoria Police evidence revealed that the majority of semi-automatic handguns seized are from criminals who are prohibited from owning. It was not clear that a ban on semi-automatic handguns would diminish their ability to obtain such handguns.[176]

Stricter storage requirements

1.190 There was no credible evidence provided to support the conclusion that the use of electronic alarms on residential gun safes would materially enhance the security of stored firearms.[177]

The Economic, Environmental and Social Benefits of Legal Firearm Use

1.191 The committee heard from several witnesses and received written submissions describing the wide range of benefits to the Australian community of the lawful use of firearms. Responsible recreational shooting and hunting is a culturally important activity and legitimate industry that creates jobs and injects significant funds into the economy. Farmers use firearms as a 'tool' of their trade for the control of pests who wreak havoc on the environment and the humane treatment of stock.

1.192 The committee did not seek to address the economics of a failure to control illicit firearms or the financial and resource costs involved in monitoring and enforcing firearms laws and their impact on legal firearms owners.

1.193 The committee heard that there is no direct mechanism for shooting groups and the firearms industry to be consulted since the abolition of the Commonwealth firearms advisory committee.

Hunting

1.194 Game hunting provides significant social and cultural benefits to our nation. An independent study by the University of Queensland demonstrates that the benefit of recreational hunting to the economy is at least $1 billion. The number of recreational hunters in Australia was calculated to be at least 200 000, but more likely 300 000.[178]

1.195 Evidence received from the Sporting Shooters' Association of Australia conservatively estimates the contributions of hunting, pest control activities, farming and the shooting sports to be between $1.25 and $1.5 billion per annum.[179]

1.196 The Victorian Government estimates that the total economic impact of game and pest animal hunting by game licence holders in 2013 was worth $439 million to

176 Victoria Police, *Submission 389*, p. 4.

177 Sporting Shooter's Association Australia, *Response to Question on Notice*.

178 Sporting Shooter's Association Australia, *Response to Question on Notice*.

179 Sporting Shooter's Association Australia, *Response to Question on Notice*.

the economy and that 60 per cent of hunting expenditure occurs in regional Victoria.[180]

Competitive Shooting

1.197 In its submission Field and Game Australia Inc. stated that:

> Participating in target shooting sports and hunting are increasing in Australia with participants coming from a wide variety of socio-economic and ethnic backgrounds.[181]

1.198 Competitive shooting is a legitimate use of firearms and Australian shooters compete at Olympic, Paralympic and Commonwealth and world championship level. The sport requires intense training and is already heavily regulated. The Committee heard from Shooting Australia that those wishing to compete in this legitimate sport must already undergo lengthy probationary periods.[182]

1.199 The Committee also heard that recreational shooting provides benefits for a wide variety of people including those with a disability or unable to participate in contact sports. In some disciplines women can compete on equal terms with men and the old with the young. Disabled shooters are provided with similar opportunities as their able-bodied counterparts, and compete at local, state, national and international levels. Additionally young Australian's have established a network of young shooters, establishing a community across the country that enjoys this legitimate use of firearms.

Agricultural/Environmental Uses

1.200 The Committee heard that firearms are a very important tool in agriculture as they are used for a variety of purposes such as humanely putting down an injured animal and controlling feral pests. Creating further regulation on firearm use would be an unnecessary financial and practical burden on farmers, as described by the National Farmer's Federation:

> …there are set-up costs with access to firearms and then ongoing maintenance. Most farm businesses in Australia are small businesses. Many of them operate in a low cash environment. Particularly when things are tighter, any additional cost has an impact on the ability of the farm business to keep going. So any additional cost is a serious concern to us and our members…[183]

1.201 Australian farmers are one of our country's best protectors of the natural environment. Farmers in various agricultural and horticultural industries take it upon themselves to remove feral, pest species of animals including foxes, cats, wild pigs,

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180 Department of Environment and Primary Industries, *Estimating the economic impact of hunting in Victoria in 2013*.

181 Field and Game Australia Inc., *Submission 81*, p. 7.

182 Mrs Catherine Fettell, Shooting Australia, *Committee Hansard*, 31 October 2014, p. 14.

183 Ms Sarah McKinnon, National Farmers' Federation, *Committee Hansard*, 13 October 2014, p. 16.

wild dogs, rabbits and others. The Committee heard that the cost of pest animals to agriculture is in excess of $750 million.[184]

1.202 Destroying these nuisance animals with firearms is far more humane than baiting or poisoning which can often take a toll on native species:

> …a firearm is a necessary adjunct to rural occupations in respect of dealing with animals humanely and efficiently and we know that we cannot keep dropping increasing thousands of tonnes of poison into the environment trying to control feral animals when in fact the firearm is largely underused and underutilised.[185]

1.203 As well as protecting our native species from predators and competition for food from introduced species, farmers are able to enjoy higher yields in both livestock and horticultural settings with the assistance of firearms.

International Comparisons

1.204 At an international level, there is no consensus on whether there exists a relationship between the level of firearm availability and firearm-related violence. Mr David Hawker pointed out that New Zealand declined the invitation to join with Australia in adopting firearms registration in 1996. Canada has since abandoned longarm registration, concluding it was not worth the cost. He agreed that neither country had seen a subsequent increase in gun related violence and stated 'we are going to considerable expense for questionable results'.[186]

1.205 Police witnesses were unable to account for the disparity between their views on gun ownership and community safety and the record of Switzerland and Israel that have extremely high gun ownership, but low levels of gun-related crime.

New Zealand

1.206 In 1983, New Zealand moved away from the requirement to register long-arms and focus available resources upon the person making an application for a firearm licence by ensuring, as far as possible, that only fit and proper people had access to firearms. The licensing system includes background and reference checks, as well as safety training and a written test.

1.207 There are estimated to be about 1.1 million firearms in New Zealand—about one for every four people. The rate of deaths involving firearms has decreased in the past twenty years, including those resulting from assault, suicide, and accidents.[187]

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184 The Hon. David Hawker, *Committee Hansard*, 14 October 2014, p. 55.

185 Mr Gary Bryant, General Manager, Firearm Safely and Training Council, *Committee Hansard*, 13 October 2014, p. 6.

186 The Hon. David Hawker, *Committee Hansard*, 14 October 2014, p. 60.

187 Library of Congress, *Firearms-Control Legislation and Policy: New Zealand*, at http://www.loc.gov/law/help/firearms-control/newzealand.php (accessed 9 April 2015).

1.208 Additional evidence provided to the Committee showed that violent offending with firearms remained stable in New Zealand at about 1.3 per cent of all violent offending from 1985 - 2005.[188]

Canada

1.209 Canada has followed New Zealand's example and focuses more on the person making an application for a licence. Canada decreased the regulatory requirements for long arms and found no subsequent increase in gun related violence. Applicants are required to pass safety tests before being eligible for a firearms license. Applicants are also subject to background checks which take into account criminal, mental health, addiction, and domestic violence records. According to 2010 data, over the past thirty years firearm-related homicides have continued to decline.[189]

United Kingdom

1.210 The United Kingdom has some of the strictest gun laws in the world. In 1997 the UK banned all handguns. Only police officers, members of the armed forces, or individuals with written permission from the Home Secretary may lawfully own a handgun.[190]

1.211 The ban did not reduce the number of active shooters. Pistol clubs turned to pistol calibre carbines, which are more powerful and have higher capacity magazines. The UK has also reported an increase in homicide with pistols and in terms of crime: 'the ban on handguns is neither here nor there in the equation'.[191]

1.212 It is reasonable to conclude that the banning of certain categories of firearm only affects those who possess and use them lawfully. Those who use them unlawfully are already outside the law.

Response to Chair's Recommendations

1.213 The majority of Senators attending the inquiry do not agree with Recommendation 1 and Recommendation 2 of the Chair's report: the AIC should not receive additional funding for further research programs.

1.214 The majority of Senators attending the inquiry do not agree with Recommendation 3 of the Chair's report: these matters should remain responsibility for State and Territory governments.

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188 Inspector Joe Green, *Arms Control Strategies, Debunking the Myths*, New Zealand Police, 2008.

189 Library of Congress, *Firearms-Control Legislation and Policy: Canada*, at http://www.loc.gov/law/help/firearms-control/canada.php (accessed 9 April 2015).

190 Library of Congress, *Firearms-Control Legislation and Policy: Great Britain*, at http://www.loc.gov/law/help/firearms-control/greatbritain.php (accessed 9 April 2015).

191 Greenwood, J., *The British Handgun Ban: logic, Politics and Effect, Paper to International Firearms safety Seminar*, New Zealand, 2006.

1.215 The majority of Senators attending the inquiry do not agree with Recommendation 4 of the Chair's report: membership data held by gun clubs should remain a responsibility of State and Territory governments.

1.216 The majority of Senators attending the inquiry do not agree with Recommendation 7 of the Chair's report: new regulations do not need to be introduced to cover the manufacture of 3D printed firearms and firearm parts at this point in time.

1.217 The majority of Senators attending the inquiry do not support Recommendation 9 of the Chair's report and instead urge the government to consider funding initiatives that educate the wider public on safe use of firearms.

1.218 The majority of Senators attending the inquiry support Recommendation 5 of the Chair's report, that an ongoing Australia-wide gun amnesty could potentially reduce the number of illicit firearms in the community, especially those firearms that were not given up as part of the 1996 buyback. It is, however, noted that criminals are unlikely give up any firearms.

1.219 The majority of Senators attending the inquiry support Recommendation 6 of the Chair's report: jurisdictions have already agreed to update their firearm data holdings and transfer it to the National Firearms Interface.

1.220 The majority of Senators attending the inquiry support Recommendation 8 of the Chair's report and agree that it is important to continue monitoring the risks posed by 3D manufacturing of firearms.

Additional majority of Senators attending the inquiry Recommendations

Recommendation 1

1.221 The majority of Senators attending the inquiry recommend that the Commonwealth commission a study into the social, economic and environmental benefits of hunting across Australia, similar to the report that was released by the Victorian Government in 2013.

Recommendation 2

1.222 The majority of Senators attending the inquiry recommend the Commonwealth establish a formal mechanism for industry and firearm user groups to be consulted on issues relating to firearms regulation.

Recommendation 3

1.223 The majority of Senators attending the inquiry recommend the Commonwealth continue to pursue improvements in border control for detecting illegal imports of firearms and firearms parts.

Recommendation 4

1.224 The majority of Senators attending the inquiry recommend the Commonwealth review its contribution to firearms regulation in the context of the Reform of the Federation White Paper.

Recommendation 5

1.225 The majority of Senators attending the inquiry recommend State and territory governments investigate avenues to decrease regulation of the firearm industry to ease the economic burden on governments, industry and legal firearm users.

Senator the Hon Ian Macdonald
Deputy Chair

Senator Linda Reynolds
Liberal Senator for Western Australia

Senator Bridget McKenzie
Nationals Senator for Victoria

Senator David Leyonhjelm
Liberal Democrats Senator for New South Wales