

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

## **RE: SENATE COMMITTEE**

### **THE ABILITY OF AUSTRALIAN LAW ENFORCEMENT AUTHORITIES TO ELIMINATE GUN-RELATED VIOLENCE IN THE COMMUNITY**

#### **About Me**

I am a 32yo, married father of a 2 in NSW. I am a licensed firearm owner who has been actively participating in the lawful activity of target pistol shooting for the last two years over which time, I have developed a keen interest in firearm policy and debate.

I have prepared this submission in line with the terms of reference which I have addressed individually below. I have noted references where possible which are included at the end.

#### **a. the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;**

There have been many reports over the last few years that make an attempt at estimating the number of illegal firearms in circulation which have always varied wildly. I have become convinced that no one is able to provide a number in this regard that could be considered reliable. The only exception to this would be numbers of firearms reported stolen from their lawful owners. The number of firearms that were not handed in, or registered, during the 1996 buyback is simply a guess at best, as is the numbers of firearms that are illegally imported/smuggled into the country or manufactured domestically. With regards to lethality, we know that the firearms imported or manufactured illegally include fully automatic machine pistols<sup>[1]</sup>.

#### **b. the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia**

There appears to be little available in terms of reliable recent data (from a reputable source), so I will only briefly address this question using 2008-2009 statistics from the AIC<sup>[2]</sup> and more recent reporting.

As the AIC statistics show, there were a total of 1570 firearms stolen throughout the country (except WA) in 2008-2009. Of this, handguns, which the Greens claim to be the criminals preferred firearm of choice, only accounted for 6% with a total of 88. This compared to **just one known** operation illegally importing handguns in which up to 300 (reports vary) Glocks were imported through a Sylvania Waters post office<sup>[3]</sup> with few actually recovered. Also just **one** operation of illegally manufacturing firearms resulting in up to 100 fully automatic MAC-10 clones being manufactured in Seven Hills, NSW, and sold directly into criminal circles<sup>[1]</sup>.

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

With regards to the laws, homemade, and improvised firearms are already dealt with by current legislation.

The NSW firearm legislation defines a firearm as “... a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and includes a blank fire firearm, or an air gun, but does not include anything declared by the regulations not to be a firearm”<sup>[4]</sup>.

This definition does not limit itself to commercially manufactured firearms, nor illegally manufactured firearms of a certain quality. Any item printed using a 3D printer, capable of firing a bullet is already covered by the NSW legislation under 50A of the Firearms Act 1996<sup>[5]</sup>.

I am a **law abiding firearm owner**. I have no interest whatsoever in printing firearms, or illegally importing them in parts. I make the above comments simply to convey the fact that any new laws in regards to this will be purely redundant and seek to further complicate what is already an overly convoluted area of legislation.

In regards to resourcing, parties other than myself will no doubt have useful input in this regard.

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

For the purposes of this response, I am interpreting “legal firearms which are illegally held” as firearms that have been stolen from lawful owners. A firearm is only *legal* when it is legally held, otherwise it is, obviously, illegal.

Again, referencing the AIC reports<sup>[2]</sup>, we can see from the last numbers published in 2008-2009 that a total of 1570 firearms were stolen country wide, except WA. The vast majority of these were rifles and shotguns (91%). Only 6% were handguns, apparently the firearm of choice for criminals.

Compare this to the numbers of firearms that we know to be imported illegally. A single operation of illegal importation<sup>[3]</sup> of handguns, **that we know of**, eclipsed the number of stolen handguns in 2008-2009 by more than 300%.

Compare this to the nature of firearms that are being illegally manufactured domestically including **fully automatic machine pistols** complete with 2 magazines and a silencer<sup>[1]</sup> as opposed to the vast majority of stolen firearms being common hunting and pest control rifles and shotguns.

I was unable to find dependable sources of data in order to develop a comprehensive story around the proportion of stolen firearms used in crime vs illegally imported ones or those that were never registered. Therefore I have little to contribute in regards to stolen firearms being used in crime, other than to say that, in my experience scanning the NSW Police media releases relating to firearm incidents, very often they state that the perpetrator is charged with "possess unregistered firearm" leading me to believe that the firearms were not stolen from a lawful owner. In other cases, the firearm used is not covered by any licences that would authorise a recreational shooter to possess them for example, pistols with a barrel that does not meet the prescribed minimum barrel length.

#### e. the effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia

This is no doubt the main point of interest for the Greens. They often push this line in the media.

Being the legal owner of such a pistol, one that I use frequently in competition, I can say with confidence, that if semi-automatic pistols were to be banned, it would be the demise of many popular pistol shooting disciplines in Australia. Some of those disciplines include Olympic events<sup>[6]</sup> and many that are internationally recognised. Contrary to the Green's belief that a single shot pistol is all that is required, very few disciplines could be practically shot, if at all, with such pistols. In fact, I don't think I've ever seen anyone use one at my club of over 1400 members (excluding air pistols).

I suspect that the demise of shooting sports is of little concern to the Greens. I imagine that in fact, for them, it would be a welcome side effect. This attitude is against any concept of freedom and is frankly, in my mind, un-Australian.

Shooting is a sport that can be enjoyed by an extremely broad range of people, not discriminating based on age, gender, ability/disability or levels of athleticism. We have, at our club, a number of people who shoot from a wheelchair, and do so very well. It is also very safe. The environments in which we participate in our sport are very well controlled with well defined protocols to ensure the safety of all involved and as a result maintain an excellent safety record. Compare this with any given weekend round of Rugby League or AFL. A quick scan of the recent papers will show multiple incidents of very serious injury, even death<sup>[7]</sup> as a result of participation in sports that are so readily accepted and embraced within the community.

In terms of the crime committed with firearms. Overwhelmingly, the vast majority of shooting incidents, where a firearm is discharged illegally, result in no injuries. Few yield single victim injuries or deaths. These incidents do not require the functionality of a semi-automatic firearm to produce the results that they do.

In terms of the numbers of illegally held firearms, I can not see how a ban on legally owning semi-automatic firearms could possibly influence the number of firearms in illegal hands. I have already outlined above how the vast majority of illicit firearms are illegally imported or manufactured. Of the total number of firearms stolen, only 6% (2008-2009) were handguns and less than half of those were categorised as semi-automatic. The process for legally acquiring a handgun starting at an unlicensed state, is no less than 8 months as per legislated waiting and cooling off periods, but typically ranging from 10 - 14 months as well as significant financial investment not including the purchase of the firearm. The process and bureaucracy involved in acquiring a handgun legally, is so stringent in fact that I think there could be a discussion to be had around allowing sporting shooters access to semi-automatic rifles using the same framework allowing Australians to participate in the same variety of competition that New Zealanders currently enjoy.

**Banning semi-automatic handguns will have zero impact on the number of firearms in circulation or crime involving firearms.**

#### **f. stricter storage requirements and the use of electronic alarm systems for guns stored in homes**

I feel I have adequately explained that theft is not the pressing issue above therefore I see no need to lump the lawful owner with additional burden and financial cost by mandating additional measures of security. The security requirements, particularly in relation to handguns are already very prescriptive in NSW<sup>[9]</sup> and are more than adequate to reasonably prevent unauthorised access. For handguns, the requirements include incredibly robust safes that are bolted to the floor. They even prescribe minimums for the dyna-bolt quantity, length and diameter. I have fixed my safe to the concrete slab in accordance with the legislation, and I'm confident that it would require significant work with a jackhammer to remove.

Measures that should be looked at by government in an attempt to reduce firearm theft, include abolishing laws that directly drive the proliferation of unsecured data revealing the owners and locations of firearms. One such law is the recently implemented in NSW is the Firearms Amendment (Ammunition Control) Act 2012 which forces dealers to record the details of ammunition sales. The details they are required to record include, the name **and address** of the purchaser - now they know where I live, what they are purchasing including caliber - now they know that I probably own a firearm of a specific calibre, and if its pistol ammunition, they must record a registration number for a pistol that uses that ammunition - now they know that I **definitely** own a pistol. All this gets handwritten into onto a sheet of paper in a binder that gets stored under the counter (at my club, others may have their own methods). This sort of information is exactly what the criminal elements need to target law abiding firearm owners.

**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**

Being that firearm legislation is a state issue, I fail to see why there should be any federal laws in which to find anomalies. States on the other hand should remain free to legislate state issues as they see fit and appropriate.

That said, my impression is that the core issues addressed through firearms legislation are dealt with in a reasonably consistent fashion across jurisdictions. All states base their legislation on the National Firearms Agreement which prescribes requirements for these core issues including genuine reasons, registration, firearm classifications, firearm ownership transfers and transactions. The variations tend to be more in the administration and execution of the legislation and in my view, of little consequence in regards to risk of firearms being leaked into the illicit market.

**h. any related matters**

### **Australia Vs the Region**

Australia's gun control measures are already amongst the highest in the civilised world. Contrary to popular/political belief, the success of that control is debateable. Studies have shown<sup>[10][11]</sup> that we have seen a consistent decline in firearm related deaths since the late 80s and that the downward trend did not appear to accelerate as a result of the 96 reforms. Common arguments as to the success of the 96 reforms point to the absence of any mass shootings (not to be confused with mass murders, which we have seen) since, however, we are not unique in this regard. New Zealand, with whom share much cultural ground as to maintain an open border arrangement with them whereby citizens of each nation can travel and work

freely between the two, also boasts a similar record in regards to mass shootings. This despite the fact that they<sup>[12]</sup>

- Do not require persons over 18 to have any licence to possess an air rifle
- Do not require registration of rifles or shotguns that would be categorised under Australian A and B categories, nor semi-automatic rifles or shotguns that do not fall under the definition of a “Military Style Semi-Automatic” (MSSA).
- Access to handguns and MSSA’s are via an “endorsement” on the standard licence which is readily available to recreational sporting shooters.

I present this, not in an attempt to convince the committee that Australia should immediately adopt the New Zealand model (despite the fact that it would make available, a broad range of sporting disciplines that are currently unavailable or impractical), but to illustrate that, despite Australia’s significantly more stringent and restrictive policy and lower rate of civilian firearm ownership, New Zealand maintains a Firearm Homicide rate per 100,000<sup>[13]</sup>, comparable to our own.

This all points to further restrictions on the freedoms of Australia’s lawful firearm owning community **not** being the solution to the crime we currently see.

### **The Real Problem**

Clearly, this inquiry has come about in response to the use of firearms in crime. In Australia, firearm crime is merely a symptom of a much larger problem. The seemingly rapid expansion of organised crime and criminal gang activity. Very rarely it seems there are reports of a firearm being discharged at another person, a house or car, where the victim is not known to the police, or is not associated in some way to criminal activity. Hardly ever do we hear of a firearm being used against another person in a crime of passion and we rarely hear of a firearm being used by its lawful owner in crime at all. However at the time of writing (9/7/14), I can think of at least 3 separate fatal stabbings that could be categorised as domestic, crimes of passion, in the last week. One tragically involving a three year old child in SA, one very public incident in the middle of Westfields Parramatta, NSW, and one where a woman stabbed her boyfriend to death on the NSW central coast. What are we doing about this?

Perhaps the real problem can be seen in our thriving illicit drug markets. I see that Australia has topped the global ranks in terms of recreational drug use<sup>[14]</sup>. Not only do we use the most drugs as a population, apparently we’re also willing to pay the most for them<sup>[15]</sup>. Do we know what the drug trade in this country is worth? Is it any surprise that the criminal gangs and organised crime elements are willing to deploy firearms to protect what must be an outrageous income? Firearms are simply a tool of the trade for these people. Its the trade that is the real problem and its the trade that should be the focus of any efforts to tackle law and order in this country. Focusing on gun crime is like blowing your nose, expecting it to cure your cold.

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