



# **SSAA National Submission Paper**

**Legal and Constitutional Affairs Legislation Committee**

**Inquiry into the Crimes Legislation Amendment  
(Powers, Offences and Other Measures) Bill 2015**

**April 2015**

## SSAA National Summary Statement

As the largest membership organisation representing the shooting sports and recreational hunting in Australia, the Sporting Shooters' Association of Australia (SSAA National) welcomes this opportunity to provide comment to the Inquiry into the Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015 (the Bill).

The SSAA was established in 1948 with the aim of promoting the shooting sports and protecting the interests of licensed firearm owners. Today, we represent almost 170,000 members across the country who regularly partake in their chosen sport, recreation and employment, which involves the legitimate use of legal firearms. In addition to this, the SSAA has official Non-Government Organisation (NGO) status with the United Nations and regularly participates in national and international discussions.

The illicit firearms market is of some concern to the licensed shooter as the media often link the legitimate firearm owner, who has gone through the checks and balances to be granted this freedom, with the unlicensed, illegal firearm user. This is despite the Australian Institute of Criminology (AIC) time and time again finding that it is the unlicensed person with an unregistered, illegal firearm who is responsible for crimes involving firearms<sup>1</sup>. In almost all cases, the crimes are drug, gang and organised crime related.

Further reports show that just one in 20 of an estimated two million sea containers (or around 100,000 7m-equivalent units) are inspected upon arrival in Australia each year<sup>2</sup>, clearly pointing to porous borders that allow for illegal firearms to enter into our country. The SSAA has long called for an increase in funding and resources for the Australian Customs and Border Protection Service to target this country's \$15 billion per annum serious organised crime industry<sup>3</sup>. In the past, however, governments have legislated against the licensed owner in a misguided attempt to address public safety concerns. Therefore, SSAA National cautiously welcomes the amendment to the Bill as it shows a real attempt by the government to address the growing illicit market.

The SSAA has and always will support evidence-based decision making, and supports measures that combat criminals and their use of illegal firearms. The SSAA is pleased to see the government focusing on the illicit market and proposing legislation that does not unnecessarily further burden the legitimate licensed owner. There is no need to further legislate against licensed firearm owners who are law-abiding members of the public that are partaking in legitimate sporting and recreational pastimes.

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<sup>1</sup> Dearden, J & Jones, W 2008, 'Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report', Australian Institute of Criminology.

<sup>2</sup> Ferguson, J 2015, '5pc of imports get asbestos check, estimates hearing told', *The Australian*.

<sup>3</sup> Clare, J 2012, 'Minister Clare announces new laws to fight organised crime', SSAA National.

## **Schedule 6 - Penalties for firearms trafficking offences**

### Outline of amendments

116. Schedule 6 will amend the Criminal Code to implement the Government's election commitment made in the Government's Policy to Tackle Crime, released in August 2013, to introduce mandatory minimum sentences of five years imprisonment for firearm trafficking.

117. Schedule 6 will give effect to this by introducing a mandatory minimum five year term of imprisonment for:

the existing offences of trafficking firearms and firearm parts within Australia (in Division 360 of the Criminal Code), and

the new offences of trafficking firearms into and out of Australia in Division 361 of the Criminal Code (included in the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Act 2015).

### **SSAA comments**

SSAA National cautiously welcomes, where this is clear criminal intent, the amendments to Schedule 6 as outlined above and supports the efforts of the government and law enforcement agencies to curtail the illicit firearms market.

SSAA National has long called for a redirecting of resources towards the illicit firearms market, instead of a constant focusing on licensed, law-abiding firearm owners who often bear the brunt of overzealous legislation, with no proven additional public safety benefit. Current legislation affecting legal firearms and private firearms ownership continue to be onerous on the licensed owner, with some legislation based on emotive political and social ideology, rather than credible and scientifically proven evidence. Overburdening the law-abiding shooter detracts from police manpower and resources with no public safety benefit, and SSAA National encourages the government to continue its focus on the criminal element, as is the aim in the pre-election *Policy to Tackle Crime* document.

As SSAA National has stated time and time again, illegal firearms origins stem mainly from our porous borders. In previous auditors reports, we have heard that the Australian Customs and Border Protection Service only captured 13 per cent of prohibited imports in 2013-14<sup>4</sup>, while two years ago, 140 illegal Glock pistols were found to have been imported by a Sylvania Waters post office<sup>5</sup>. If the amendments to the Bill deter or aid in stemming the illicit firearms market, the SSAA support such changes.

As mentioned at the outset of this submission, SSAA National believes all laws and regulations that target the illicit firearms market is a step in the right direction and use of resources in addressing the criminal firearms element.

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<sup>4</sup> Australian National Audit Office 2014, 'The Auditor-General Report No.42 2013-2014 Performance Audit - Screening of International Mail', Australian Customs and Border Protection Service.

<sup>5</sup> *The Canberra Times* 2014, 'Leaking guns, cash'.