

## Submission

by

Shooters Union New South Wales Inc.

For

The Australian Senate Inquiry

Into

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

### Specific responses.

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

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

Response:

It is not clear as to what the reference to “illegal guns” means. It appears that the convenors of this inquiry have little if any knowledge of firearms, or of criminal activity. Is it in reference to those firearms handed in during the several “gun buy backs” which were kept by police and diverted to criminal elements? Is it meant to refer to the many firearms which have been smuggled into Australia via corrupt customs officials and Australia Post staff? Is it only referring to “guns” in the literal sense, as having a smooth bore and not to include long arms and handguns with rifled barrels? Could it mean the registration status of any firearm, which relates to the paperwork involved in getting a gun onto the various systems computer systems? It should be noted that at the time of manufacture a firearm has no status, other than to be identified by make, model, calibre and serial number. When it comes out of the factory in Italy, Brazil, USA, China or Russia, it is neither “illegal” nor “legal” until it enters a particular jurisdiction. A firearm shipped to NZ, or Canada, which has no long arms registration system, becomes “legal” but that same firearm upon entering Australia becomes “illegal” unless it goes through a complicated process of registration.

If there is a problem with this process in Australia it is entirely due to the complex registration process forced on firearms owners by various ill-informed politicians.

In making reference to the “lethality of guns”, (or any firearm) surely that is largely a matter of the skill and experience of the person to take steady aim at the intended victim’s vital organs and gently squeeze the trigger, then, if required, take repeated shots at the same “lethal”

region. I do not believe this inquiry intends to analyse the firearm skills of those with criminal intent, but if that is the case, I wish them good luck!

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

Response:

It seems that any questions relating to this topic should be answered by John Howard and his staff, who bullied the States and Territories into signing on to the 1996 National Firearms Agreement (long arms) and the 2003 handgun restrictions. To implement such a cumbersome and expensive firearms registration regime and to inflict it on law abiding firearms owners, without any consultation with those most affected has resulted in a high level of frustration and resentment. There was no cost/benefit analysis of a scheme which made arbitrary bans of certain types of shotguns (pump action and self-loading) while allowing double-barrel and lever action shotguns, which use the same ammunition! Pump action, bolt action and lever action rifles are still permitted, but self-loading rifles are banned! Having hunted in NZ and Canada, I have used semi-automatic centre-fire rifles, which in many cases is the “normal” hunting firearm. Firearm owners in both those Countries are bemused by Australia’s gun laws and that Australia’s licenced firearms owners cannot be trusted with certain “banned” or “prohibited” firearms, even though they fire the same bullets as approved firearms.

Once again, it is not clear what is “illicit”? If a serving police officer “loans” his/her firearm to a person for the purpose of committing a serious crime, is that “illicit” only if it is then used for extortion or murder?

If a confidential list of licenced firearms owners in a certain area is leaked from those who have access to it, is it any surprise that some of those homes would be targeted specifically to obtain firearms?

If a firearm is held by police, for the purposes of “planting” on a suspected criminal, in order to gain an arrest in another matter, is that firearm classed as “illicit” or “outlawed” even though it may be in the ownership of police?

- 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;

Response:

It should be of no concern to law enforcement authorities by what method or material a firearm is constructed. A firearm can be constructed of metal and wood and made in a reasonably well equipped workshop. Certainly most skilled machinists, with a lathe and drill could make a working firearm in a few days. Gunsmiths already have detailed plans and exploded views of most firearms, so as to facilitate their repair. Is this a “loaded” question, in that some in government have a plan to ban lathes and drills?

In reference to 3D printers, they are already in use in Australia by the medical profession, for the manufacture of body parts used in orthopaedic surgery. Dental technicians are also using 3D printers for the manufacture of ceramic teeth and crowns.

Is it the plan to ban all 3D printers even if their use is NOT to make firearms?

- 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;

Response:

Once again there appears to be some confusion by the term “legal firearms which are illegally held”. These, by definition become illegal.

A recent study of assaults on NSW Police Officers found that only 20% of attacks involved a weapon, usually a stone, knife or other tool. The use of firearms in police assaults was discovered to be very small. Other Australian statistics suggest that very few police officers are injured by firearms (other than their own or a fellow officer) and of those, very few are stolen from legitimate firearm owners. Most are imported or manufactured. All state legislation includes strict storage requirements for licensed owners, the number of which is approaching one million across Australia. The risk posed to the community from stolen firearms is negligible. The risk posed to police officers is very slight.

However, it is vital that this committee recognises a rarely mentioned reality; criminals have in all States clearly accessed police information, and have intercepted wireless communications to target firearm owners – then threaten, intimidate and injure to obtain firearms which of course may be used as weapons to carry out another crime.

Current laws remove the ability for accredited persons to defend themselves and their property with their own legally held firearm. If licenced firearms owners were better able to protect themselves and their firearms, the possibility of having a firearm stolen would be dramatically reduced.

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

Response:

The obvious answer is that banning even more firearms would INCREASE the number of illegally held firearms. The definition of “semi-automatic” is that a shot is fired each time the trigger is pulled, without manually re-loading or operating a loading mechanism. That definition not only covers the magazine fed handguns used by police and competitive target shooters, but would also cover revolvers used by many private security guards and target shooters. The definition could also be extended to cover long arms like “under/over” shotguns used in clay target competitions, through to Commonwealth and Olympic Games. In all cases those operate by pulling the trigger multiple times, without manually loading another bullet or cartridge.

It should be emphasised that there is nothing evil or sinister in a firearm by virtue of its being of “semi-automatic” operation. It still fires the same bullets, with the same accuracy. It is just that the ejection of the empty casing and the insertion of a new live bullet are built in to the mechanism.

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

Response:

The vast majority of licenced firearm owners accept secure storage for their firearms because they don't want them stolen, nor do they want them mistreated or neglected. A safe is perfect storage as it is secure and keeps all firearms together. To create further storage requirements will not produce less theft or less care. It will simply prove onerous and expensive to the law abiding firearms owner. If a criminal wishes to steal a firearm, he has only to wait for the owner to leave the premises. A safe will buy more time but it does not prevent theft; nor does an alarm, particularly if it is disabled by the criminal who plans the theft because firearms are the specific goal.

There is a simple and highly effective strategy to reduce the number of stolen firearms if that is the real goal. Create the offence of “theft of a firearm” and punish it with a severe sentence. Likewise, introduce a mandatory prison sentence for any offence committed with the use of a firearm. Then any burglar who comes across a firearm whilst ransacking a home or farm would be far more likely not to steal the firearm, knowing that unlike the more modest penalties for housebreaking etc, he would be subject to serious punishment. This step would also be fully supported by all firearm owner groups and also by police and insurance companies, with very little, if any, cost in enforcement.

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

Response:

Yes, there are anomalies between federal, state and territory laws, but those anomalies are surpassed only by the anomalies that exist within state legislation. The bigger issue is not the anomalies but the vast resources that are poured into the various State facilities to establish and maintain the registers that govern the ownership and movement of legally held firearms across Australia. The registers are inaccurate, inflexible, incomplete and part of a flawed system that both Canada and New Zealand have had the wisdom to disband; they contribute nothing to the safety of the community, nothing to the efforts of law enforcement to solve crimes and cost more than education and health.

We emphasise that all the legislation surrounding firearms is targeted specifically at licensed owners, clubs and dealers. In fact, anyone who seeks to obey the law is demonised, vilified,

criminalised and forced to jump through hoops pertaining to secure storage, licensing of an infinite variety with each one separate, background checks, mandatory safety training, cooling off periods for each and every firearm purchased, registration, permits to acquire (even for airguns which no other country in the world considers to be firearms), calibre, magazine and accessory restrictions, heavily restricted access to all categories of firearms, limits on the numbers of particular firearms available, etc.

We need legislation that targets criminals. All firearm owners and groups would support such legislation. What we don't need are more laws which turn law abiding citizens into "criminals".

h) any related matters.

Response:

### **General response**

The terms of reference indicate that those involved have completely missed the point. It is predicated on the assumption that Australian Law enforcement agencies have been actually doing something so far about "gun-related violence" by making it harder for law abiding citizens to legally own and use a gun. Those in the community who chose to own a firearm for sport, recreation, occupation, hunting or collecting, have been proven to be one of the most law abiding groups, unlikely to commit any crime, least of all one involving a firearm, yet it is that very group who have been targeted by unreasonably harsh restrictions, excessive scrutiny and police harassment. History has shown that when an object is banned, the demand rises from the criminal element to exploit and profit from such bans, be it alcohol during the prohibition era, recreational drugs, or firearms. Prohibition of any object only feeds into the black-market and encourages organised crime, which profits from the banning of such objects, be it drugs, alcohol, cigarettes or guns.

### **Background**

Evidence can be produced (NHMP, AIC and ABS statistics) which show that since the National Firearms Agreement in 1996, gun bans, gun buy-backs and introduction of firearms registration across Australia, murder increased; in 2001/02 murder dramatically increased by a massive 20%. Almost half the murders were carried out with knives, while blunt objects and brute force far outstripped murder by gun. Serious assaults had increased at five times the population increase. The increase in crime against a person and murder in particular, had international criminologists baffled, as during that time such crimes had been dropping in all other developed nations, particularly USA.

### **Political and Community reaction**

In the years following the 1996 gun laws, with the surge in murders and assaults, the reaction from politicians was to dramatically increase the number of police. The NSW police force is now around

15,000; one of the largest in the western world, under a single jurisdiction. Similarly, the reaction to that increase in risk to private citizens and corporations was to employ an increasing number of private security guards in shopping centres, entertainment precincts and other public areas. In NSW the number of private security guards is estimated to be now twice that of serving police officers!

Both groups carry handguns; in NSW the police are issued with Glock semi-automatics in 40calibre, while the standard issue for most security guards is a Smith and Wesson six-shot revolver in .38 special. Therefore, it makes sense to extend that trend in improving personal and community safety, to allow certified and approved private citizens to carry handguns. Currently it is against the law to carry any object for the purposes of self protection. Being banned from carrying a knife, pepper or capsicum spray, a taser, or even scissors, for self defence, has turned Australians, particularly females and the elderly, into helpless victims.

How many rapes, holdups, assaults or murders could have been prevented if the means of protection was readily available?

These terms of reference assume that violence involving a gun, is somehow of greater importance than violence involving other objects, or violence where no instrument has been used.

Even the latest AIC figures show that serious assaults are still increasing at four times the population increase and the murder rate is higher than before the 1996 gun control laws.

### **Diverting resources from other areas**

Such distorted terms of reference show once again that the anti-gun lobby is more powerful and has more influence in the allocation of funding and other resources, than those advocating for improvements in mental health, or medical research programs. There have been many mass murders since 1996, Childers backpackers hostel (15 murdered), Churchill bush fire (10 murdered), Quakers Hill nursing home (11 murdered), Lin family, Epping, (5 murdered) plus many cases where a parent has killed his/her children and themselves. This indicates that there are still many people in the community who are under severe stress, or have mental illnesses which remain undiagnosed and untreated.

Are the circumstances of those mass murders any less tragic than if those murders had been carried out with a gun? Are the victims any less dead?

### **Opportunity cost**

Suicide prevention and mental health awareness groups such as Beyond Blue and Lifeline are in desperate need of funding. More funding and human resources should be dedicated to the problems of mental health in Australia. How much better would our health system have been and possibly thousands of lives could have been saved, if the \$billions wasted on futile gun control programs, had been invested in hospitals, medical research and mental health programs?

### **Victimless crimes**

Many so-called "gun crimes" are simply paper crimes, of not having the correct paperwork (registration certificate) for a firearm. In my own case, I watched in amazement while two police officers in checking out my firearms, argued with each other for some time over whether the serial

number stamped on one of my rifles was a “B” or an “8”. The registration certificate showed an “8” so they decided that must be correct. I knew that the rifle was stamped “B” for Bolt action. So I am now “officially” in possession of an “illegal” firearm!

Similarly, many “gun crimes” relate to a difference of opinion as to what constitutes “safe storage”.

These “crimes” could be eliminated immediately by eliminating the firearms registry. There have been many cases where leakage of data from firearms registry has allowed the homes of licenced gun owners to be specifically burgled as they know who has guns.

### **Mis-allocation of resources**

Firearms registration involves wasted police resources, taxpayers’ funds and concentrates on the very group (Licenced gun owners) who are unlikely to commit ANY gun crimes. Nobody likes being treated like a potential criminal and the intimidating nature of police inspections produces a high level of resentment from the general LAFO community.

Such harassment of law abiding firearms owners, has led to distrust of police among the general public, leading to lack of cooperation with police so reducing the efficiency of our police force.

### **Canadian experience**

Looking at the example of Canada, long arms registration was introduced there in 1995, but was found to have no influence on gun-related crimes. The RCMP complained that they did not have the resources to undertake the continuous monitoring of all farmers, hunters, collectors etc. There had also been leakage of confidential data about who has guns, so private homes had been burgled, just for the firearms.

The Canadian parliament passed Bill C-19 in 2012, to disband the long gun firearms registry and to destroy the records of private ownership of such guns.

Canadian authorities have recently proposed more relaxed and sensible gun laws referred to as the “common sense firearms act”.

- \* High powered semi-automatic rifles to be legal again.
- \* Possession only licences will become possession and acquisition licences.
- \* Chief Firearms Officer’s power to make arbitrary decisions is restricted.
- \* Reduce the number of “paperwork gun criminals”
- \* Authorisation to transport will merge with Restricted Licence.
- \* Firearms safety courses to be mandatory.
- \* People convicted of domestic violence prohibited from owning firearms.

Australia could do well to learn from the Canadian experience.

### **Things defined as “Firearms” but which are not!**

Australia’s firearms laws are unique in that objects are classed as “firearms” which are clearly not. A “firearm” is one in which an explosive charge is ignited to propel a projectile along a barrel. Objects such as airguns, paintball guns and Airsoft guns, which use a mechanical spring or compressed air as their operating mechanism, should NEVER have been classified as “Firearms”.

Airguns, paintball guns and Airsoft guns are unlikely to have ever caused a serious injury or death and have never been used to commit mass murder. However, airguns are classed as a category A firearm, in the same class as .22 rifles. Paintball guns have more severe restrictions placed on their ownership and use, than in any other Country, while Airsoft guns are completely banned! Paintball and Airsoft guns are used in most Countries to play fun, active games and have a power similar to that of a well hit tennis ball and certainly far less power than a well hit golf ball.

Even the small plastic pellets used in Airsoft are classed as “banned ammunition” even though to the casual observer they look the same as small beads of candy!

As a result of these items being classed as “firearms” with all the forced restrictions, or total bans, many thousands are seized by Customs Department from unsuspecting visitors, or residents carrying gifts purchased overseas in toy and sports stores. The seizure of such items is an international embarrassment and serves only to artificially boost the number of “Guns confiscated by Customs”. I have it on good authority that the best place to obtain an Airsoft toy gun, with boxes of pellets, is from someone working in Customs Department!

### **Proposals for consideration**

Firearms laws are the responsibility, under the Australian Constitution, of the States and Territories. Therefore the National Firearms Agreement of May 1996 should be revoked. The States and territories should never have been forced to accept such an unconstitutional agreement.

Instruct Customs Department to not impede the importation of firearms and firearms parts, where the importer is a firearms dealer or licenced firearms owner.

Disband all State and territory firearms registries and allocate the money saved to worthwhile programs to cure cancer or improve mental health treatment.

Airguns, Airsoft and Paintball guns and their related projectiles should be legalised and re-classified as non-firearms.

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