



**SSAA National
Draft Submission Paper**

**Senate Standing Committees on Legal and
Constitutional Affairs Inquiry**

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

Senate Standing Committees on Legal and Constitutional Affairs Inquiry:

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

- 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;**
- 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**
- h. Any related matters.**

SSAA Summary Statement

As the country's premier sports shooting and recreational hunting organisation, the Sporting Shooters' Association of Australia (SSAA National) welcomes this opportunity to provide comment as the Senate investigates issues surrounding crime and the existence of illegal firearms in Australia. We represent more than 160,000 members across the country who regularly partake in their chosen sport, recreation and employment, which involves the legitimate use of legal firearms.

The Australian Institute of Criminology (AIC) has time and time again found that it is the unlicensed person with an unregistered firearm that is responsible for crimes involving firearms¹. In almost all cases, the crimes are drug, gang and organised crime related.

Australia has always had strict handgun ownership regulations. Indeed, civilians may only be in the possession of handguns (self-loading or not) for club use, if not part of their professional tools of trade such as security guards and veterinarians. Sporting club handgun shooters must have passed vigorous police checks, safety courses and probationary periods, and it can take up to 12 months before they can even own a small-calibre pistol.

The SSAA has always and will continue to support evidence-based decision making when it comes to regulations and the fight against criminals and the use of illegal firearms. The key with any efforts moving forward from this inquiry will be to ensure the cause of Australia's illegal firearms market is the focus. In this case, the SSAA encourages a focus on Australia's porous borders through increased Customs funding and police efforts to target this country's \$15 billion per annum organised crime problems². Licensed firearm owners who are law abiding are not the cause of the issues being investigated in this inquiry; these members of the public are partaking in legitimate sporting and recreational pastimes.

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

SSAA comments

In the interests of performing an impartial inquiry into the issue of illegal firearms within Australia, it must be noted that The Greens have the longstanding opposition to civilian firearm ownership.

The SSAA does not see the purpose of estimating a number that cannot be measured with certainty. The SSAA supports evidence-based legislation and information that can be gathered with credible proof. An 'estimation' is not useful for the Government when its efforts should be focused on the assumption that illegal firearms exist and are held by criminals, therefore these criminals need to be held accountable for their behavior.

Australian Institute of Criminology (AIC) senior research analyst Dr Samantha Bricknell has outlined that the AIC does not release estimations on numbers such as the amount of illegal firearms in the community, as they are "impossible to estimate"³.

Despite this credible and sensible view, anti-gun groups such as International Action Network on Small Arms (IANSA) and Gunpolicy.org try to appear as the 'experts' and come up with an estimated figure while trying to promote the source of these firearms being legal firearms stolen from licensed owners. Their estimates based on their logic, which range from 260,000 to 6 million illicit firearms, are a mathematical impossibility considering only approximately 1500 legal firearms are stolen per year across the entire country and national firearm registration has only existed since 1996⁴.

As previously identified by the AIC, three types of illegal firearms exist in Australia: Black market, grey market and legal firearms. Dr Bricknell, in the same conversation mentioned above with the SSAA, highlighted that "from theft data, only about 3 to 5 per cent of firearms stolen in a year are used in a crime or associated with an offence." These figures highlight the need to spend resources wisely and focus efforts on increasing the protection of Australian borders and monitoring incoming goods, rather than researching the immeasurable.

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

SSAA comments

The SSAA supports the efforts of law enforcement to curtail the trade in illicit firearms in this country. Recent news reports highlight that Customs efforts only captured 13 per cent of prohibited imports in 2012-13⁵. The Australian National Audit Office's report into Customs further suggested that about half a million prohibited items including firearms, drugs and quarantine risk items could be making their way into Australia annually.

The then Minister for Home Affairs Jason Clare said in 2012 that organised crime costs Australia \$15 billion annually, which includes the trade of drugs and illegal firearms. The fact remains that if illicit drugs and their base components can be imported in large quantities, then so can firearms and the base parts for these items.

Further to this, criminals are known to use firearms to protect themselves from other criminals with the firearms they hold. Outlaw gangs and organised criminals are not likely to source their firearms from a legal source for crimes. This fact is supported by theft data indicating that only 3 to 5 per cent of stolen legal firearms per annum are being used in crimes.

- 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;**

SSAA comments

In all Australian states and territories, it is illegal to manufacture a firearm without appropriate licences.

It goes without saying that it is not impossible to manufacture a firearm with the appropriate tools and materials. While firearms normally take the form of a metal-based item, the growing availability of three-dimensional (3D) printers and the abilities of these printers has created some interest in the media. The fact remains that it is already the responsibility of state and territory police services to investigate and prosecute criminals involved in the illegal manufacturing of firearms with traditional materials. The SSAA argues that the act of creating a plastic firearm would be no different.

In addition to this consideration, caution must be taken in this instance not to make licensed owners the victim if laws are tightened to further address the already illegal act of manufacturing a firearm.

- 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;**

SSAA comments

Australian Institute of Criminology (AIC) researchers concluded in a 2007 publication that “more than 93 percent of firearms used in homicides in 2006-07 were unlicensed and unregistered”⁶. Further to this, AIC researcher Dr Samantha Bricknell has previously pointed out that only 3 to 5 per cent of firearms stolen per year from licensed owners are used in crimes. This accounts for a miniscule number of legal firearms being involved in crime when considering the Australian National Audit Office has found that close to half a million prohibited items evaded Customs in 2012-13⁷, and presumably on average every year before and after that.

Law-abiding and licensed firearm owners are subject to strict storage requirements by law and must be able to pass any inspections by authorities as required. These storage requirements are more than adequate when considering there are an estimated 780,000 licensed firearm owners in Australia and we estimate that there are a minimum of 2.4 million legal firearms being used for legitimate purposes, including target shooting, recreational hunting and pest animal control.

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

SSAA comments

Australian Institute of Criminology (AIC) research consistently reports that handguns are the least likely firearm to be stolen from licensed firearm owners⁸. Rifles are the most common firearm type to be stolen, on average accounting for 57 per cent of all firearms stolen, and of the handguns that are stolen annually, only half of these firearms are semi-automatic handguns⁹.

Handguns, and particularly semi-automatic handguns, are the most highly regulated of all firearms in Australia and have been so since World War I. Category H licences are an additional licence to a general firearms licence, and it typically takes further safety testing and waiting periods to obtain, which can add up to more than 18 months before a licensed owner can legally own a semi automatic handgun due to extra safety testing and waiting periods. The condition of these licences for owners of semi-automatic handguns is strictly for target shooting purposes only.

The focus on semi-automatic handguns and licensed civilian owners of any type of firearm is one that the Greens have long held. The agenda of this political party should not outweigh the freedoms of law-abiding firearm owners to be able to legally and responsibly own a handgun for their sport of choice.

Banning semi-automatic handguns from civilian ownership would have little affect on the number of illegally held firearms in Australia when Customs is so ill-equipped and under-resourced to capture any more than 13 per cent of prohibited items that are imported into Australia on an annual basis. In 2012 for example, police were able to break an importation ring involving an Australia Post outlet in the Sydney suburb of Sylvania Waters and seizing 140 of about 220 Glock pistols. The question that needs to be asked is: How many more illegal activities like this have occurred undetected, and what can be done to prevent and stop them?

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

SSAA comments

Each Australian state and territory has in place strict regulations for the proper storage and security of firearms. The added burdens of electronic alarm systems for law-abiding and licensed firearm owners is unnecessary and ignores the fact that not all firearm owners live in a metropolitan suburb. The presumption that law-abiding firearm owners are the sole source of illegal firearms in Australia also ignores the fact that firearms are also stored and owned by private security firms, the police and defence forces.

- 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**
- h. Any related matters.**

SSAA comments

Any new regulations or laws introduced as a result of this Senate inquiry, or indeed any other inquiry, must be crafted with the consideration that hunting and target shooting are legitimate recreations, pastimes and services that benefit the wider community. Many law-abiding firearm owners travel interstate (and overseas) to attend competitions or undertake hunting activities in different locations. These reasons for owning a firearm are enjoyed by hundreds of thousands of Australians each year and they provide much economical benefit to our nation. A recent report from the CSIRO's *Wildlife Research* journal estimates that Australian hunters alone contribute more than \$1 billion to the economy¹⁰.

As mentioned at the outset of this submission, SSAA National believes all laws and regulations that affect firearms and private firearms ownership must be based on credible and scientifically proven evidence and not emotive political and social beliefs. Much of the previous inquiry points appear to stem from pre-opinionated political positions, rather than considered steps towards further improving public safety.

As a major stakeholder in legitimate shooting recreations in Australia, the SSAA will continue to work towards ensuring protection of our 160,000-plus members and their interests. Our ongoing efforts to educate members and the public will continue as we strive for wider acceptance of our chosen sport and recreation. Programs such as the award-winning Secure Your Gun, Secure Your Sport, Gun Safe Voucher program and state-based safety training will be further developed as we support law-abiding firearms owners' freedoms.

We hope this submission will be received with the goodwill intended.



Geoff Jones

SSAA National President



Tim Bannister

SSAA National CEO

References

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

² Clare, J 2012, 'Minister Clare announces new laws to fight organised crime', SSAA National.

³ SSAA 2011, 'The truth about handgun use in Australia', SSAA National.

⁴ Australian Crime Commission 2013, 'Illicit Firearms', Commonwealth of Australia fact sheet.

⁵ Australian National Audit Office 2014, 'The Auditor-General Audit Report No.42 2013-2014 Performance Audit - Screening of International Mail', Australian Customs and Border Protection Service.

⁶ Dearden, J & Jones, W 2008, 'Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report', Australian Institute of Criminology.

⁷ *The Canberra Times* 2014, 'Leaking guns, cash'.

⁸ Australian Institute of Criminology 2011, 'Characteristics of stolen firearms'.

⁹ Bricknell, S 2008, 'Firearm Theft in Australia 2006-07', Australian Institute of Criminology.

¹⁰ Finch, N, Murray, P, Hoy, J & Baxter, G 2014, 'Expenditure and motivation of Australian recreational hunters', *Wildlife Research*, vol. 41, no. 1, CSIRO Publishing.