



Sporting Shooters Association of Australia Victoria Ltd

Submission to the Senate Standing Legal Committee on Legal and
Constitutional Affairs

The Ability of Law Enforcement Authorities to eliminate Gun-related
Violence in the Community

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1. Executive Summary

The Sporting Shooters Association Australia (Victoria) Ltd is a public company with 33,000 members and whose mission includes promoting and advocating the rights of firearms owners to legislative and regulatory bodies and to the general public.

The Sporting Shooters Association (Victoria) submission relates to the Senate Inquiry into “The Ability of Australian Law-Enforcement Agencies to eliminate Gun-related Violence in the Community. The inquiry has eight points of reference and each one is addressed in this submission.

Observations on the Gun-Related Violence Inquiry

- Civilian handgun owners must pass rigorous police checks, safety courses and probationary periods
- Statistics show it is the unlicensed person with an unregistered firearm who is responsible for almost all crimes involving firearms
- The Association is concerned at the prospect of additional legislation or restriction
- Shooting sports and all its aspects is a significant contributor to the economic well-being of Australia. A recent State Government Analysis in Victoria concluded that hunting alone contributed \$439 million per year to the State’s economy
- The Australian Institute of Criminology (AIC) NHMP report for 2008 to 2010 says, *“Overall, firearms involvement, and in particular the involvement of handguns in homicide incidents remains at an historic low.”*
- Homicides involving firearms have been decreasing in Australia for some time

Eliminating gun-related violence in the community.

- The underlying question is not whether law enforcement authorities can eliminate violence using a firearm, but at what cost which is not inordinate and disproportionate to the expense and drain on law enforcement resources
- Currently there is a thriving community of firearms enthusiasts who cause no problem to the community
- Statistics clearly indicate that it is the unregulated criminal element which is the problem
- From the Association’s perspective, efforts would be far better directed at the illegal drug trade

a) The estimated number, distribution and lethality of illegal guns in Australia

- There is no credible way of estimating illegal firearms in Australia
- Eliminating violence with firearms boils down to eliminating the drug trade and organised crime
- We have no way of determining the 'distribution' of illegal guns
- Some firearms and projectile types are not 'lethal' to humans
- Criminals will have access to all projectile types and could easily modify projectiles to become more lethal

b) The Operation and Consequences of the illicit firearms trade including both outlawed and stolen guns in Australia

- The contribution to the illicit firearms trade consists of very few stolen firearms
- Data indicates only 3 to 5 per cent of stolen legal firearms are used in crime
- This Association is in full support of law enforcement agencies efforts to reduce illicit firearms trade

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

- Any person who manufactures a firearm, including manufacturing using a 3D printer, without appropriate licensing is in breach of current law
- Further laws restricting or increasing penalties for illegal manufacture will not influence persons with criminal intent
- The current laws are adequate and enable sensible responses to foreseeable technical advances
- All agencies would benefit from additional resources to be directed at organised crime and drug trafficking

d) The extent to which the number and types of guns stolen each year in Australia increase the risk posed to safety of Police and the community including the proportion of gun – related crime involving legal firearms which are illegally held

- Statistics show the numbers of firearms stolen in Australia is low.
- Statistics show stolen firearms have little influence on violent crime in Australia
- A high number of prohibited firearms are passing through Customs into the Australian black market and are the major source for criminals

e) The effect of banning semi-automatic handguns would have on the number of illegal firearms in Australia

- Statistics show the use of firearms in crime, assaults and homicides is declining

- Banning semi-automatic handguns will have negligible impact on the number of illegally held firearms and illegal activity using firearms
- Handgun ownership is highly regulated

f) Stricter storage requirements and the use of electronic alarm systems for gun stored at home

- There are already strict storage requirements for firearms across all Australian States
- Existing storage requirements are adequate to prevent the opportunist thief gaining access
- There is a misunderstanding that electronic alarms will provide any improvement to security of firearms
- Alarms will not bring any prompt preventative community response
- No firearms security will prevent the determined thief from gaining access
- The Association supports increasing the penalty for theft of firearms

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 illegal firearms, and how these laws relate to one another; and

- The Federal Government has no responsibility for firearms law
- State Governments have sole responsibility for firearm legislation and law enforcement relating to firearms
- There are no major difference between State's legislation and regulations

h) Any related matters

- The Association would not support inclusion of "any related matters" that do not have relevance or purpose to the Senate Inquiry

Recommendations

The Sporting Shooters Association Australia (Victoria):

1. supports current firearms legislation in relation to secure storage of firearms as adequate and fit for purpose
2. supports the data indicating the number of firearms stolen in Australia are low and that they have little influence on community violence
3. does not support the need to introduce electronic alarms to firearm storage requirements
4. recommends the increase in penalties for theft of firearms
5. recommends additional recourses are directed at preventing organised crime, drug trafficking
6. recommends additional recourses directed at Customs security

2. About Sporting Shooters Association Australia (Victoria)

The Sporting Shooters Association Australia (Victoria) Ltd is a public company with 33,000 members. Aims and objectives of Sporting Shooters Association Australia (Victoria) are:

- to promote and encourage competitive target shooting and practice shooting with a view to developing proficient and safe use of firearms
- to promote and encourage ethical hunting and field shooting and related ancillary activities
- to promote and advocate game fauna conservation and to promote a better understanding between members, land-holders, regulatory bodies, other interested groups and general public
- to promote and facilitate the development of knowledge of the history of firearms and ammunition development and design
- to promote and advocate the rights of firearms owners to legislative and regulatory bodies and to the general public
- to promote Country Centres throughout the State of Victoria for the purposes of carrying out any of the objectives of the Company

3. The Ability of Australian Law-Enforcement Agencies to eliminate Gun-Related Violence in the Community

Observations on the “Gun Related Violence” Inquiry:

Australia has always had strict handgun regulations, with civilians only being able to own handguns (all types) for use within sporting clubs. Otherwise, handguns are only a part of the *tools of trade* for Victorian Police Officers, the Military, Veterinarians and Security Officers. Civilian handgun owners must pass rigorous police checks, safety courses and probationary periods. Typically, it takes from six to eighteen months from initial application to ownership of a centrefire handgun.

Australian Institute of Criminology (AIC) statistics show that since the 1950s it has been the unlicensed person with an unregistered firearm who is responsible for almost all crimes involving firearms. In most cases, those crimes have been shown to be related to the illegal drug trade and organized crime.

The Association is concerned at the prospect of additional legislation or restriction which are of little use in addressing crime, while at the same time being a significant drain on the Australian taxpayer.

The Association wishes to remind the Committee that the shooting sports in all its aspects is a significant contributor to the economic well-being of Australia. A recent State government-commissioned analysis in Victoria concluded that the sport of hunting alone contributed \$439 million per year to the State's economy.

The Association is of the view that there is no demonstrable basis or need for the present inquiry. The most significant area of increase in violence in our society involves the use of knives and other sharp instruments. Violence with knives is increasing on a per capita basis, whilst violence using a firearm has declined on a per capita since 1989.

The Australian Institute of Criminology (AIC) NHMP report for 2008 to 2010 says, "*Overall, firearms involvement, and in particular the involvement of handguns in homicide incidents remains at an historic low.*" Further, "*While gun related homicide has dropped to an historic low of 13%, the proportion of persons dying from stab wounds has increased from 30% to 41% over the last 10 years*".

Clearly, homicides involving firearms have been decreasing in Australia for some time. Indeed, although the assault rate is increasing marginally in Australia, firearm related deaths from all causes (*homicides, suicides, accidents and other*) is reducing (AIC 2004).

On the basis of available statistics, significant change by way of increased restrictions on the private possession of firearms is unwarranted.

Eliminating gun-related violence in the community

Violence has been present in every human community everywhere in the world since man learned to walk up right. Violence using a firearm has been present in every community everywhere in the world since the invention of the gun. The underlying question is not whether law enforcement authorities can eliminate violence using a firearm, but at what cost which is not inordinate and disproportionate to the expense and drain on law enforcement resources.

Currently there is a thriving community of firearms enthusiasts who cause no problem to the community. The question is whether or not further constraints and impediments to the legal private ownership of firearms placed on this community can result in the objective of eliminating violence using a firearm.

The statistics clearly indicate that it is the unregulated criminal element which is the problem. If authorities were able to eliminate violence in general, or theft, murder or any other crime, they would have done so already.

While violence of all types may be reduced, it is not a realistic prospect, nor has it ever been, to eliminate it completely – firearm-related or other.

From our perspective, efforts would be far better directed at the illegal drug trade.

a) The estimated number, distribution and lethality of illegal guns in Australia

In her Senate address on the 15th June 2014, Senator Wright made the unsubstantiated claim that “*More than 10,000 handguns (are) on the black market*”. The Association is of the view that it is impossible to test the veracity of the claim. It is our further view that there is no credible way of estimating the number of illegal firearms in Australia, or any other country for that matter.

Those who hold firearms illegally do not divulge details of their firearm holdings. At best, all that is available are potentially significantly flawed estimates.

Eliminating violence using a firearm is inextricably linked to eliminating the illegal drug trade and organized crime.

Similarly, there is no way to determine how the ownership of illegal firearms is distributed in the community. It is possible however to geographically locate the ‘hotspots’ in Australian capital cities where firearms usage is concentrated and disproportionate to legal ownership.

“Lethality of Illegal Firearms”

The lethality of firearms (more correctly the projectiles from firearms) has been the subject of significant study (*e.g. Thompson, LaGarde 1907*).

However, under the Firearms Act, air rifles and pistols are classified as firearms, their lethality being negligible.

Other firearms of low to negligible lethality to humans include smaller and older calibre handguns.

Ultimately, lethality is dependent on projectile mass, design and velocity and of course, point of impact.

To an extent, projectile mass is dependent on calibre (bullet diameter) but projectile design can vary in any calibre. A fully (metal) jacketed projectile will minimise the likelihood of “lethality”, whereas hollow-point, lead point or ballistic tipped projectiles will maximize lethality. These latter projectiles are designed to kill animals humanely. However, similar designs were outlawed for use in war by the Hague Convention in 1899.

Nonetheless, many if not most law enforcement agencies continue to use expanding or hollow point bullets today, despite the ban for military use.

Most large calibre hand guns fire a projectile which can be lethal, again dependant on projectile design and impact point. Criminals gain access to all projectile types or could easily modify projectiles to become more lethal.

b) The Operation and Consequences of the illicit firearms trade including both outlawed and stolen guns within Australia

The Association has no detailed knowledge of the “illicit firearms trade” beyond media reporting.

As to the consequences of such a trade, it is our view that it is organised crime and drug trafficking which is supported, in large part, by the “illicit firearms trade”.

The contribution to the “illicit trade” consists of very few stolen firearms. Indeed, theft data indicates that only 3 to 5 per cent of stolen legal firearms are being used in crime (Bricknell 2014). It is a very low percentage of a quite low percentage of firearms stolen annually.

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

Any person who manufactures a firearm without the appropriate licensing is in breach of the law. It follows that no benefit is to be gained in amending the law pertaining to firearms manufacture.

The point of manufacturing outside ‘the system’ is to create a firearm which is likely intended for criminal use and would not therefore be within the knowledge of law enforcement anyway.

Further laws restricting or increasing penalties for illegal manufacture will not influence persons with criminal intent who are determined to stay outside the licensing system.

Persons who operate outside the law in the manufacture of firearms for crime and manage to do so without detection, will continue while their criminal activities create the demand.

A similar argument exists regarding criminals manufacturing firearms from parts. It applies whether or not they use conventional manufacturing techniques or 3D printers. With the latter, the hand fitting of certain high strength metal parts into a 3D printed firearm is required or that firearm is likely to be of far greater risk to the user than to any intended victim.

Consequently, the Association is of the view that current firearm manufacturing laws are adequate and sufficient to enable appropriate responses to foreseeable technical advances.

Further, there is no doubt that all law enforcement agencies would benefit from additional resources. In our view such resources would best be directed at organized crime and drug

trafficking rather than at enacting legislation designed to further restrict the ability of licensed shooters to engage in their sport and recreation.

The benefit of applying additional resources to pursuing the illegal firearm market is questionable since in Australia the market is very small by any standard, and crime with firearms is declining.

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

Statistics show that the number of firearms stolen annually in Australia is quite low, to the order of 1500. Of this number less than 10% are handguns. Further, research by AIC researcher Dr. Samantha Bricknell shows that only 3% to 5% of stolen firearms each year are used in crime. It translates to some 45 – 75 firearms of which approximately 5 - 7 are stolen handguns used in crime. These figures are relatively insignificant. In combination with reducing homicide, violence and accident rates in society (AIC statistics and the National Coronial Information System Victoria), they serve to show that stolen firearms are not having any influence on violence in the community.

The very small number of registered firearms stolen and used in crime every year needs to be compared with figures from the Australian Audit Office which estimate that up to half a million prohibited items entering the country (excluding mail) are not detected by Customs. From these figures, it may be reasonably concluded that most firearms entering the black market are from illegal imports rather than stolen firearms.

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

The statistics quoted in d) above, apply equally here. Because firearms theft and use in crime is extremely low and because the use of firearms in assaults and homicides is declining, the banning semi-automatic handguns will have a negligible impact on the number of illegally held firearms and indeed, on illegal activity using firearms.

Our position is that a high number of unregistered firearms are being imported on an on-going basis. Compared to the small number of registered firearms stolen yearly from licensed pistol shooters, banning semi-automatic pistols will have a negligible effect on reducing the number of illegally held firearms in Australia.

In Australia, handgun ownership is very highly regulated and has been for at least 100 years. There is a stringent screening process, a rigorous testing regime and a protracted acquisition timeframe before an individual can own a semi-automatic handgun. Possession,

storage and carriage are also subject to onerous conditions. Further, civilians are only licensed to use handguns for regulated target shooting – not hunting, not self-defence.

It should be noted that the recent Commonwealth Games included events which featured the use of semi-automatic handguns. If they were not available for rapid fire events, Australian gold and bronze medals at Glasgow would not have been achieved.

f) Stricter storage requirements and the use of electronic alarm systems for guns stored at home

There are already strict storage requirements in place across all Australian States and Territories. The purpose of storage regulations is to prevent opportunistic theft, casual access by minors and rapid access by adults. Existing systems are adequate for the purpose. Containers weighing less than 150kg must be bolted to the building structure. Access must only be by licensed individuals and keys or safe combinations must be kept secure. Firearms must be locked away when not in use.

It must be noted that the purpose of the current security requirements for firearm storage is different to what is implied in this inquiry and believed by many. The present security regime was intended to reduce/slow rapid access by enraged or excited individuals, and to prevent access by unauthorised family or friends. It was never intended to prevent criminal access. Nothing within reason will stop a determined thief.

It is our view that there are serious misunderstandings with respect to the effectiveness of electronic alarm systems. The common belief is that they provide a significant improvement in security.

Real world experience suggests that they do not, for the following reasons:

1. Neighbours get used to false alarms. Alarms can be triggered by insects, rodents, pets and so on;
2. The audible alarm, by law, is required to switch off after three minutes, so the effect is immediate and quickly dissipates;
3. In the case of back to base alarms, most alarmed premises are located quite some distance from the security company. The time taken by security personnel to reach the premises can stretch from half an hour to several hours. In many cases, the security company will not even attend the premises but only contact the owner;
4. Neighbours tend to be reluctant to become involved, especially where they believe a burglary is in progress. Moreover, the community has no right to expect neighbour intervention in such affairs;

5. Most importantly, even if back to base alarms are installed and appropriate instructions given to inform (local) Police, Police will not attend if informed that an alarm has been triggered - even if aware that firearms are on the premises.

Consequently, even back to base alarms will not bring prompt preventative community response, making the whole point of alarms fundamentally flawed.

As noted, nothing, including all firearms storage or safes, is secure from a determined thief. It is especially true if the thief comes prepared with house-breaking tool or can obtain cutting/grinding equipment on site.

It is somewhat perverse to demand that a citizen secure their own property within their own domicile to protect against determined criminals from breaking and entering, an offence which attracts a substantial penalty.

The Association would support increasing the penalty for theft of firearms from private premises, to reflect the potentially negative results which could occur with a firearm which is subsequently misused.

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

The Association's position is as follows:

1. The Commonwealth Government has no responsibility for firearms law other than to be responsible for importation and export;
2. The Commonwealth Government only has a guiding and co-ordinating role in administering the National Firearms Agreement, which was put in place by the Howard Government in 1996;
3. State and Territory Governments carry responsibility for firearms legislation. Both legislation and penalties are peculiar to each State and Territory, which are also responsible for law-enforcement;
4. Most States and Territories allow unhindered access across borders provided security requirements are met, as is required under the trade and access agreements. However WA does not allow free access for persons with firearms without substantial pre-conditions being met. This approach may be in breach of trade and access agreement between the States. WA's restrictive stance on firearm transportation has a serious negative effect on travellers and tourists who wish to engage in their sport and recreation in WA.