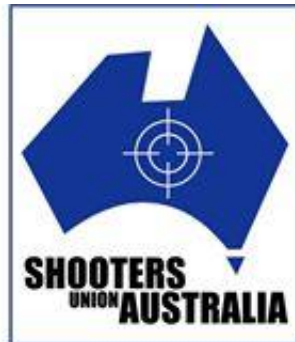


Review
of
The National Firearms Agreement

SUBMISSION



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1. *Background and authority to comment*

- 1.1 Shooters Union was formed in 2005, initially through a Queensland branch and later expanding into nearly every state in Australia.
- 1.2 The state branches have grown rapidly with the Queensland branch now one of the largest shooting organisations in that state.
- 1.3 Shooters Union has been represented at several advisory groups over recent years and works in conjunction with other shooting bodies to achieve the best outcome for shooters wherever they may be.
- 1.4 Members are kept informed and "called to action" via email newsletters and social media. It is now routine to contact in excess of 10,000 shooters (that we are aware of) using those mediums.

2. *National Firearms Agreement*

2.1 The 1996 National Firearms Agreement covers the following points:

- Bans on Specific Types of Firearms
- Effective Nationwide Registration of All Firearms
- Genuine Reason for Owning, Possessing or Using a Firearm
- Basic Licence Requirements
- Training as a Prerequisite for Licensing
- Grounds for Licence Refusal or Cancellation and Seizure of Firearms
- Permit to Acquire
- Uniform Standard for the Security and Storage of Firearms
- Recording of Sales
- Mail Order Sales Control
- COMPENSATION/INCENTIVE ISSUES

2.2 It is now nearly 20 years since the National Firearms Agreement was put in place and in light of spectacular failures, it has long since required review.

2.3 Unfortunately, from the perspective of the law abiding shooter, all of the legislation introduced as a result of the NFA is specifically targeted at law abiding shooters, firearm dealers and shooting clubs. There is nothing in the agreement to address criminal misuse of firearms and in fact, the terms of the legislation actually define law abiding shooters in large numbers as criminals for the slightest departure from the restrictive nature of the legislation. An example of this is when a firearms owner has firearms stolen. It is now commonplace for the victim of this particular crime to be charged with an offence of insecure storage (even when the storage is demonstrably compliant). The perpetrator in this instance is completely ignored and no attempt is made to catch him.

2.4 In fact, anyone who seeks to obey firearms 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.

2.5 Further, as the recent Senate Inquiry into the ability of law enforcement to prevent firearm related violence clearly showed, law abiding shooters are not the problem. Nor, although the fact has been ignored and actively misquoted, are firearms in legitimate hands likely to be stolen. The overall risk of firearms theft is low.

3. *The Facts and their Relevance*

3.1 The number of firearms stolen from legitimate licence holders is so small as to be statistically irrelevant, roughly equating to 0.05% of the total number of registered firearms in Australia.

- 3.2 In 2005-2006, there were 5 incidents where a stolen firearm was identified as being used in a subsequent crime. In the same period, 634 incidents of firearms theft, resulting in the 1445 firearms stolen, were reported to police. This equates to 0.8% of stolen firearms being diverted for use in criminal activities.
- 3.3 Those found to have stolen the firearms in this period were prosecuted in just 14% of incidents.
- 3.4 The consequences of the illicit firearms trade are easy to see in ever increasing restrictions on legitimate firearms owners and users. These are not the people who commit the offences but they are the ones held responsible.
- 3.5 Unfortunately the ability of our police agencies to reduce firearm related violence has been seriously undermined and compromised by political actions over the past 20 years or so. Existing strategy has focussed massive police resources into regulating (and alienating) the legitimate users of firearms and neglecting almost completely the criminal misuse of firearms.
- 3.6 An often forgotten truth is that laws cannot prevent crime: they can only define it. Current legislation around Australia has been instrumental in defining legitimate firearm owners as criminals for minor infringements, often paperwork related. Indeed, most of the existing legislation is so convoluted and cross referenced that it is almost impossible to understand, let alone comply with.
- 3.7 It is estimated that since the Howard era gun laws were enacted across Australia, well over \$1 billion has been spent on controlling legal firearms and their owners/users. At the same time as politicians have been congratulating themselves for “doing something” and the “successful new laws”, the reality is totally at odds with the rhetoric.
- 3.8 Australia has seen NO serious statistical reduction in firearms related violence during this time. In fact, we have seen a dramatic increase in “drive by” and gang-related shootings, especially when compared with other nations such as Canada, New Zealand and the USA which have all seen better reductions than Australia with less legislative intervention. None of these countries has seen any need to introduce the type of costly restrictions Australia has done. In fact, both Canada and New Zealand have totally disbanded the most expensive, least effective parts of their requirements, being the individual registration of longarms (rifles and shotguns), which they found to be very expensive and totally ineffective in crime prevention and detection/prosecution. The reason for that failure is of course very simple: criminal misuse of firearms is not the intent of legitimate firearm owners who are forced to obey legislation that addresses only their activities and not the activities of criminals.
- 3.9 In the period closely related to the Australian experiment in highly restrictive firearms legislation, the USA (according to FBI and ATF agency figures) from 1993 to 2013, US citizens purchased over 170,000,000 new firearms domestically and saw a 49% decrease in firearm related deaths. There were no notable restrictions in firearms legislation there during that time and in fact, more than 20 states actually reduced restrictions on usage of firearms. However at the same time, penalties for

actual criminal misuse of firearms were increased and prosecutions more actively pursued in many locations across the USA.

- 3.10 Whilst the USA is a vastly different society from ours and we are not suggesting US-style legislation here, nevertheless these actual figures are a strong argument that a focus on criminal misuse of firearms as opposed to trying to control legitimate ownership and use is a far more effective approach in actually reducing firearm related violence than Australia's past and current focus.
- 3.11 Australian figures indicate that less than 5% of firearm related violent crimes are committed by licensed firearm owners using a legal firearm, therefore **NO MATTER WHAT RESTRICTIONS** various Australian Governments introduce on legal ownership and use of firearms, no matter how much of the budget is spent on these restrictions, the total possible reduction in violence, (even if ALL private ownership was banned successfully) is less than 5%.
- 3.12 Since the total ban on handgun ownership in the United Kingdom, they have seen a large **INCREASE** in firearm related violence, not a reduction at all. This is not simply an opinion driven by our natural bias. This is proven fact. Gun bans and restrictions have not worked in reducing criminal activity because criminals do not obey the law in the first place. The people who are obeying the laws (95% of legitimate firearm owners) are not the issue, even though they seem to be an easy target.
- 3.13 The vast majority of firearms used in crimes in Australia are either imported without reference to licensing and registration procedures or manufactured specifically for criminal usage. The reduction in funding and focus by Customs into stopping the importation of firearms for criminal use over the past 20 years has facilitated a growing and successful criminal market in firearms.

4. *Firearms and Suicide*

- 4.1 Although most firearm-related deaths are suicides, firearm suicides are a very low percentage of suicides overall. Firearm suicide rates began falling in the 1980s.
- 4.2 A number of studies, from a range of different sources, have shown that:
- the 1996 firearms legislation did not have a significant impact on the pre-existing downward trend in firearm suicides
 - declines in Firearm suicide have been accompanied by an increase in the use of other suicide methods
 - declines in non-firearm suicides began at around the same time as the gun laws were changed, but coinciding with the introduction of the National Suicide Prevention Strategy.
- 4.3 A recent report (Vos et al, 2010) backed by the Public Health Association of Australia concluded that the 1996 gun laws were "not a cost effective intervention" for suicide prevention.

5. Firearms and Homicide

- 5.1 Firearm homicide rates began falling in the early 1980s. Reports from the Australian Institute of Criminology consistently show that almost all firearm homicides involve unlicensed individuals using unregistered firearms.
- 5.2 No peer-reviewed research paper has found an impact of the 1996 gun laws on firearm homicides. The authors of some papers have claimed to have found an effect, even though their actual statistics do not support their claims.

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Lee, W-S, & Suardi, S. (2010). *The Australian firearms buyback and its effect on gun deaths.* *Contemporary Economic Policy*, 28(1): 65-79.

Vos, T., et al. (2010). *Assessing Cost-Effectiveness in Prevention (ACE-Prevention). Final Report.* University of Qld, Brisbane and Deakin University, Melbourne.

Bricknell, S., & Mouzos, J. (2007). *Firearms theft in Australia 2005-2006. Research and Public Policy Series No. 82,* Australian Institute of Criminology.

<http://www.aic.gov.au/publications/rrp/82/>

6. Firearms Storage

- 6.1 State legislation requires compliance with secure storage requirements. In the case of firearm dealers and those with a large number of firearms, electronic alarm systems are required under existing legislation. Alarms only make a noise. They do not necessarily result in any form of police intervention, particularly if the alarm is sounded at a place that is isolated from the community, eg a farmhouse, or a house on urban acreage. What about small communities where there is no police presence? What will an alarm do there? Are we expecting that a firearm owner will try to prevent an armed criminal (armed with his own firearms) from stealing them? Is this a reasonable expectation? Are police on hand in all situations? Are firearms stolen only from licensed owners? Research consistently indicates that more firearms are stolen from police and security than from private owners.
- 6.2 The vast majority if not all firearm owners are happy to have 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 – secure and it keeps all the firearms together. To create further storage requirements will not produce less theft or less care. It will simply prove onerous and expensive. 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 what he is after.
- 6.3 However 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 mandatory prison sentence of at least two years. 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.

- 6.4 The anomalies that exist between jurisdictional legislation are surpassed only by the anomalies that exist within each state legislation. However the issue is not the anomalies but the vast resources that are poured into the various State licensing registries 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 are such an obvious flaw in the whole system that both Canada and New Zealand have had the wisdom to throw them out because 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.

7. Firearms Registration

- 7.1 In 1996, Australia's National Firearms Agreement required all firearms to be registered with a state-controlled authority. There are approximately 2.6 million registered firearms in Australia. The error rate in firearms registries is estimated to be up to 80%. The annual cost, nationwide, of maintaining the firearms registries is not publically available, but estimates place the annual cost somewhere between \$27 million and \$100 million.
- 7.2 Almost all firearms used to commit homicide in Australia are unregistered and used by unlicensed offenders.
- 7.3 There is no publically available evidence to indicate that firearms registration in Australia has prevented any criminal acts. The majority of police time and effort goes into licensing low risk, legal firearms owners and administering firearms registration.

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8. The Adler Shotgun

- 8.1 The Adler shotgun is an example of "trial by media". The design of this shotgun is not new. It has been around for more than 100 years. The "new technology" label is also being used to indicate that ALL lever action firearms are a concern. We have

seen no evidence of any misuse with lever action firearms and believe that the Adler shotgun is being used as an excuse for further punitive actions against legitimate and law abiding firearms owners.

8.2 There are tens of thousands of lever action firearms already in Australia, many thousands of them are lever action shotguns of the supposedly "new" design.

Not only has false information regarding the design been circulated widely, but a ban on the importation of the shotgun in its original form was enacted BEFORE the review of the National Firearms agreement was announced.

8.3 Further information to hand indicates that the review of the National Firearms Agreement was commenced in August of 2014. There is clear evidence that the intention of reviewing the agreement was only brought to light by the furore surrounding this shotgun.

9. *Recategorising Lever Action Firearms*

9.1 According to minutes of a 2005 National Firearms Policy Working Group meeting, there has long been a plan to recategorise lever action firearms to a class for which very few have licences. In Queensland, Weapons Licensing Branch has systematically refused to authorise Category C licences, even for primary production use. It is virtually impossible to obtain a licence for a Category C firearm.

9.2 The minutes of the 2005 meeting propose

- 25 sub categories for air rifles
- 46 sub-categories for centrefire rifles
- 46 sub-categories for rimfire rifles
- 46 sub-categories for shotguns
- 4 sub-categories for muzzleloading firearms

9.3 Not surprisingly, there are no known cases of criminal misuse of air rifles or muzzleloading firearms. Rimfire and centrefire rifles have not been used by legitimate licensed owners for criminal purposes.

9.4 It is therefore obvious that the re-categorisation of the firearms mentioned above is aimed solely and only at legitimate users and will remove lawful property held by law abiding shooters for decades.

9.5 The knowledge that the review of the National Firearms Agreement has been under way since at least 2005 and has occurred in secret confirms the belief of law-abiding firearm owners and users that there is a very real and concerted attempt to remove their firearms, in this case by subterfuge. The plan to recategorise all lever action firearms has sounded alarm bells throughout the shooting community.

9.6 A recent press release from the Hon Peter Walsh MP, Victorian Minister for Agriculture, Food Security and Water, stated that

- "New data reveals that hunting is worth \$49 million to Victoria's economy

- Activity of 46,000 licensed game hunters supports 3,400 Victorian jobs
- Victorian Coalition Government investing in responsible game management”

10. Proposed Changes to the National Firearms Agreement

10.1 We believe that a review of the NFA should include:

- New offences created with mandatory sentences for theft of a firearm and an offence committed with a firearm
- A review of the National Firearms Agreement with a focus on the criminal misuse of firearms and the trafficking of guns by those unlicensed to deal in firearms
- The disbandment of the registration of all longarms
- Airguns removed from the legislation completely
- Category C pump action shotguns moved to Category A with other shotguns
- Category C semi automatic rimfire rifles moved to Category A with other rimfire rifles
- Category D semi automatic centrefire rifles moved to Category B with other centrefire rifles
- Calibre restrictions abandoned
- No PTAs required for Category A and B firearms (the licence is the PTA)
- Lifetime firearm licences
- The establishment of a Prohibited Persons Register
- Access to a free-call number to confirm licence validity
- Ranges approved for specific categories, not specific matches
- The removal of liability for Range Operators
- A valid licence allows the licensee to use a firearm wherever it is legal to do so
- The removal of the “genuine need” provisions for Category B, C, D and H firearms
- The removal of attendance requirements for pistol club licensees
- The removal of reporting requirements for pistol clubs
- The removal of calibre and barrel length restrictions for pistol club licensees
- The removal of restrictions on genuine Collectors
- The removal of reporting requirements for Collectors clubs
- Customs re-definition of a concealable firearm
- Customs re-definition of folding or collapsible stocks
- Customs re-definition of flick knives and dropping the restrictions on folding knives
- Self defence to be allowed as a legal defence and in certain circumstances as a reason for specific firearms ownership
- Concealed carry permits or “Business Security” licences in certain circumstances
- The introduction of a “Giddy Goanna” type program for firearms awareness and safety training in schools
- The re-establishment of an ongoing Federal Firearms Advisory Council, to be used as experts in the field of firearms
- The establishment of state Firearms Advisory Councils or Committees to advise the State Ministers on firearms related matters, acknowledged as experts in their field
- An acknowledgement of the integrity and trustworthiness of legitimate firearms owners

11. Conclusion

In making this submission, we seek to inform the National Firearms Policy Working Group and its derivatives of the reasons why firearms owners view legislators with distrust. Experience has taught us that whatever legislation is introduced, it won't be good for us. Further restricting our legitimate activities will do nothing whatever to eliminate or even reduce gun related violence because the two issues are completely separate and have no bearing on each other. Violence of any kind is a community concern. Hundreds of thousands of legitimate firearm owners have proven that they are not a concern.

We do not suggest that there be no legislation governing firearms ownership, only that any such legislation tackles the real issues and not the "easy targets" that legitimate firearm owners have become.

In the interest of good governance, a review of the National Firearms Agreement, to date carried out in secrecy, without stakeholder consultation and with bias, should result in a workable agreement that seeks to address the violence in the community and ways in which to address the causes, rather than trying to blame the problem on a large sector of the community who have proven their fitness and legitimacy by the myriad controls already in place.

Jan Linsley
Secretary,
Shooters Union Australia Inc.
30th August 2015.