

- Section 5.9 – Handgun Theft and the Illegal Handgun Market (I)

p.26: It is stated that -

“The study found that within this period more than 25,000 firearms were stolen with an average of 4,000 firearms annually. **Twenty-one per cent of these firearms were handguns.**” [bold added]

However, the figure of 21% should in fact be 14%. The reference cited with regard to handgun theft reads as follows:

“...it appears that rifles are the most common type of gun stolen in Australia, accounting for just over half of the firearms stolen (52%) (Figure 3). **The second most common type of firearm stolen is shotguns (21%).** While handguns were the most common type of firearm stolen in the United States, **only 14 per cent of firearms stolen in Australia during the six-year period were handguns**” [bold added]

Source: Mouzos, J. 2002. Firearms Theft in Australia. *Trends and Issues in Crime and Criminal Justice*, 230, pp. 3-4.

- Section 5.5.1 – Homicides

p.20: Here, it is stated that -

“Figures released by the Australian Institute of Criminology show that **the percentage of homicides using a handgun has been steadily increasing**; 42 per cent in 1998/99, 47.5 per cent in 1999/2000, and 55 per cent in 2002/03 (see Tables 4-5 in appendices)”. [bold added]

The author has, it appears, based this assertion on the table shown below:

Handgun homicides as a proportion of firearm homicides : Australia, 1 July 1992-30 June 2003											
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
Percentage	16.9	21.7	17.7	13.1	36.2	45.6	42.2	47.5	50.0	55.8	54.7

Note: Excludes cases where the type of firearm was unknown (for example where the firearm was not recovered).
Source: Australian Institute of Criminology, NHMP 1992/93-2002/03 [computer file].

Although a minor point, given that Ms Lee is quoting to one decimal figure the percentages quoted should also be to one decimal place, as per the table provided by the AIC.

More importantly, Ms Lee has misunderstood the crucial fact that, although the percentage of handguns in firearm homicides (that is, the proportion of handguns versus other firearms, for firearm homicides) reflects an increase, the actual *number* of handgun homicides has remained relatively stable time (see Ms Lee’s Table 7 in the Appendices). The percentage increase of handgun use in firearm homicides is, therefore, a partial function of the ongoing decline in firearm homicides overall. Similarly, the author’s failure to clearly stipulate that the statement is referring to the percentage of *firearm* homicides using a handgun gives the mistaken impression that the percentage of homicides *overall* involving a handgun has increased.

The ongoing confusion over the difference between raw figures and percentages, and between firearms as a percentage of homicides overall, handguns as a percentage of homicides overall, and handguns as a percentage of firearm homicides has unintentionally provided a significantly misleading depiction of the correct nature of the statistics.

To help clarify these misunderstandings, it may be useful for the author to refer to the AIC’s National Homicide Monitoring Program report, where it is stated that –

“...this year has seen a number of changes in homicide. For example, there has been an observed decline in firearms homicides. **In 2000–2001, firearms were used in 22 per cent of homicides in Australia (n=69). In 2001–2002, firearms were used in only 14 per cent of homicides (n=52).** This represents a 25 per cent decrease, and is the lowest proportion of homicides committed with a firearm since the inception of the NHMP in 1990. While there has been a decrease in firearm homicides, there has been a subsequent increase in the use of knives to commit homicide.” (p.16) [bold added]

And -

“In total, **52 victims were killed with a firearm during 2001–2002. Handguns accounted for over half of the firearms used to commit homicide (56%; n=29)**. Similar to previous research, most firearms used to commit homicide were not legally held; that is, they were not registered to either the victim or the offender, and the victim or the offender was not licensed to own the firearm. A total of 48 identified offenders used a firearm to commit homicide during 2001–2002. Of these offenders, only five were licensed to own a firearm (10%), and only four used a registered firearm (8%).” (p.16)

Source: Mouzos, J. 2003. Homicide in Australia: National Homicide Monitoring Program (NHMP) Annual Report 2001-2002, Australian Institute of Criminology, *Research and Public Policy Series*, 46.

- Section 5.5.2 – Shoot with Intent

p.21: It is stated, with regard to ‘shoot with intent’ incidents, that -

“...**fifty-five percent** of these incidents have occurred in public places” [bold added]

This figure is drawn, according to the author¹, from Fitzgerald, Briscoe, and Weatherburn’s (2001) paper “Firearms and Violent Crime in New South Wales”, *Contemporary Issues in Criminal Justice*, 57.

However, the author has confused the ‘type’ of location of ‘shoot with intent’ incidents (public or otherwise) with the fact that in the year 2000, 55% of *all* handgun shooting offences occurred in two particular ‘regions’ of Sydney (Canterbury-Bankstown, Fairfield-Liverpool – see p.4 of Fitzgerald et. al. 2001).

Regarding the ‘type’ of location, 50% of shoot with intent incidents with a handgun occurred in a public place, and 52.5% of shoot with intent incidents with a firearm other than handgun occurred in a public place (refer to Table 2, p.5, Fitzgerald et. al., reproduced below).

¹ On this matter, it would be helpful for readers if the author were to provide a correctly compiled reference list.

Table 2: Recorded criminal incidents of robbery and shoot with intent by premise type, NSW, 2000.

<i>Type of location</i>	<i>Robbery incidents</i>		<i>Shoot with intent incidents</i>	
	<i>Handguns</i>	<i>Firearms other than handguns</i>	<i>Handguns</i>	<i>Firearms other than handguns</i>
	<i>N = 438 (%)</i>	<i>N = 217 (%)</i>	<i>N = 42 (%)</i>	<i>N = 59 (%)</i>
Transport/vehicle	2.1	0.9	0.0	1.7
Business/commercial	50.2	44.2	2.4	3.4
Outdoor/public place	20.5	14.3	50.0	52.5
Recreation	3.0	3.2	0.0	3.4
Residential	5.3	7.4	35.7	30.5
Carpark	4.3	4.1	4.8	3.4
Education	0.2	0.5	2.4	0.0
Licensed premises	13.0	24.9	4.8	5.1
No weapon stated	1.4	0.5	0.0	0.0
Total	100.0	100.0	100.0	100.0

Source: Fitzgerald, J., Briscoe, S., & Weatherburn, D. 2001. Firearms and Violent Crime in New South Wales. *Contemporary Issues in Crime and Justice*, 57, p.5.

It is also of interest that the Fitzgerald et. al. (2001) paper highlights the following points:

- “The increase in firearms offences has been most pronounced in areas of Sydney where drug trafficking is a problem” (p.6)
- “The prevalence of firearms offences, in general, and handgun offences, in particular, remains low” (p.6).

This important contextualising information has unfortunately been overlooked. A related, and notable, omission is that no information regarding the trends for this category of crime in other Australian States and Territories has been assessed or discussed.

- Section 5.9 - Handgun Theft and the Illegal Handgun Market (II)

p.8 and p.26: It is stated that –

“Research has found that **the major source** for the movement of handguns into the illegal market is via theft” [bold added]

However, no evidence is cited to support the applicability of this assertion to the Australian situation. Indeed, both Australian and International research supports the theory of multiple sources of illegal handguns. There is no comment from the author regarding why theft has been selected as the major source of illegal firearms, when evidence suggests a far broader perspective is crucial for understanding illegal handgun supply.

For example, it is stated in Mouzos (2002) that:

“In theory, there are **three major illegal sources** of firearms: theft, smuggling, and illicit manufacturing.” [bold added]

Source: Mouzos, J. 2002. Firearms Theft in Australia. *Trends and Issues in Crime and Criminal Justice*, 230, p.1. See also: Dandurand, Y. 1998. *Firearms. Accidental Deaths, Suicides and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation*, Canadian Firearms Centre, Department of Justice, Ottawa.

And, in Mouzos (1999) that -

“The **main methods** of illegal acquisition by individuals are: mail/telephone order (mostly internationally); theft from gun dealers, owners or others; domestic manufacture/assembly of restricted and prohibited firearms from imported parts. Individuals can also acquire firearms illegally through commercial shipments by: short orders/false documentation and reporting; concealment with other commodities; and diversion (the redistribution of firearms in an illicit manner or for an illicit purpose)”. [bold added]

Source: Mouzos, J. 1999. International Traffic in Small Arms: an Australian perspective. *Trends and Issues in Crime and Criminal Justice*, 104, p. 3.

- Section 5.9 - Handgun Theft and the Illegal Handgun Market (III)

The author has misunderstood the difference between ‘theft’ of firearms and firearm use in crime, and has frequently conflated the two separate concepts. For example, it is stated on **page 27** that -

“The United States Bureau of Alcohol, Tobacco and Firearms found that more than a quarter of all guns connected with Bureau’s illegal gun trafficking investigation were reported to have been stolen. Similarly, a study conducted in New Zealand by Phillip Alpers and R Walters found that 60 per cent of firearms stolen were taken from residential dwellings.”

Firstly, it is not acknowledged that the ATF trafficking investigation classification system includes all sources of theft², whereas the New Zealand reference applies only to theft from residences and does not pertain to trafficking. This is an important methodological distinction. Also, it is not recognised by the author that figures relating to firearm theft in Australia reveal very little about firearm use in crime, unless the registration status of the firearms used in crime is known.

While it is legitimate to *propose* that firearm theft and subsequent use in crime are linked, the author has mistakenly inferred that the existing Australian statistics on firearm theft show that firearms stolen from legitimate owners (private individuals, dealers, etc) are the *same* as statistics pertaining to firearms used in crime. This simple oversight requires rectification.

The Australian Institute of Criminology recommends the recording, where possible, of the ‘registration’ status of firearms involved with crime. This is necessary in order to quantify shifts from the ‘legal’ to the ‘illegal’ market.

Although the author mentions issues pertaining to the number of handguns registered in Australia (pp.18-19), the importance of documenting the registration status of firearms used in crime has inadvertently been overlooked in the author’s comments and recommendations.

² The ATF data is discussed further on pages 19-20 of this abridged briefing paper.

This is particularly troubling given that existing research in the area suggests very few firearms used in crimes are registered, which implies that they were not obtained by theft from a legitimate private owner. This highlights the importance of acknowledging the multitude of illegal handgun sources, such as smuggling. It would be appropriate for the author to include comment on this matter.

In this regard, the author may find the following table useful as a starting point. It is drawn directly from p.39 of the AIC’s *Homicide in Australia: National Homicide Monitoring Program (NHMP) 2001 - 2002 Annual Report*, and records the registration status of firearms used in homicides in 2001/2002, by State/Territory. It is noted that 91.7% of firearms used in homicides were unregistered, and that 89.6% of offenders were unlicensed.

Licence and registration status of firearms used in homicide

	Victims		Offenders			
	Licensed	Registered	Licensed	Registered	Unlicensed	Unregistered
New South Wales	0	0	2	1	21	22
Victoria	0	0	2	2	10	10
Queensland	1	1	0	0	3	3
Western Australia	0	0	1	1	5	5
South Australia	0	0	0	0	2	2
Tasmania	0	0	0	0	1	1
Northern Territory	0	0	0	0	1	1
Australia	1	1	5	4	43	44
Total n	52	52	48	48	48	48
Total %	1.9	1.9	10.4	8.3	89.6	91.7

Source: Australian Institute of Criminology, NHMP 2001–2002 [computer file]

- Section 6.6 - The need to control replica, converted and imitation handguns

p.42: It is asserted that -

“The Home Office statistics also reveal that a large percentage of the handguns recovered from crime are replicas and imitations. In 2001/02 the number of offences involving imitation weapons was up 55 per cent on the previous year” [bold added].

The quotation from which this statement is drawn reads:

“...In non-air weapon crimes, firearms identified as handguns were used most often, in 59 per cent of offences (Figure 2.3). Imitation weapons were used in 12 per cent, and shotguns (both long-barrelled and sawn-off) in seven per cent, of offences involving non-air weapon firearms (Table 2.04). The number of offences involving imitation weapons was up 55 per cent on the previous year” [bold added].

Source: Flood-Page, C., & Taylor, J. 2003. *Crime in England and Wales 2001/2002: Supplementary Volume 01/03*, Home Office Development and Statistics Directorate, p.26.

It appears that the author may have misinterpreted the 55% *increase* in the use of firearms identified as imitations, as meaning that 55% of handguns *recovered* were found to be imitations.

The Home Office report states that firearms identified as imitations were used in 12% of incidents in the period 2001/2002. The report does not contain any information on the percentage of imitations *recovered* from crimes. Indeed, it does not provide any information regarding the recovery of firearms. Nor does the Home Office report suggest, infer, or otherwise intimate that the percentage of handguns *identified* in crimes contained a ‘large percentage’ of imitations.

Similarly, the Home Office report does not at any point discuss ‘replica’ firearms. It simply notes that –

“Unless a weapon is either fired or recovered after a crime, there is no way of knowing if it was real or an imitation (or whether it was loaded or unloaded)”. (p.23)

The assertion that “the Home Office statistics also reveal that a large percentage of the handguns recovered from crime are replicas and imitations” is not based on facts contained within the report cited. The statement is an inaccuracy and misrepresents the correct information.

- 5.3: How many handguns are in circulation in Australia? and
- 5.4: Number of registered handguns

It is unclear why the author has cited estimates of handgun numbers derived from estimated total numbers of registered firearms provided by the Coalition for Gun Control, rather than simply using up to date, official statistics available from both the Australian Bureau of Statistics and the Australian Institute of Criminology.

It is also of concern that the estimates conflict with official figures and that these estimates, rather than official figures, appear to be used in subsequent arguments (e.g., **p.24**). The author must clarify whether arguments regarding handgun numbers are based upon facts or estimates. If the author prefers to continue with the estimates provided by the Coalition for Gun Control, it would be useful for the reader if Ms Lee clearly explained how these estimates were achieved, and identified any methodological shortcomings inherent in the calculation process.

Furthermore, it appears that the author has misunderstood the distinction between private owners and Government agencies when considering import figures. This is a notable oversight given the emphasis assigned to the ‘Glock’ handgun throughout the report. For example, New South Wales and Queensland Police contracts, which collectively involve the purchase of over 15,000 semi-automatic pistols, were awarded to Austrian manufacturer ‘Glock’ between March 1997 and April 1998. The initial impact of these two very large procurements can be seen in Australian Bureau of Statistics firearm importation figures concerning countries of origin.

The majority of suppliers cited in the ABS statistics recorded a decline in the number of guns shipped to Australia at various points between 1996 and 2001. However, imports from Austria increased by over 1,700%. Conversely, the number of pistols and revolvers imported from the United States, traditionally one of the strongest sources of supply to the private market and a good indicator of the declining trend, were down by more than 50% in 2001 (2,444 total) compared to 1995 (5,671 total).

With the ABS data as a guide, Ms Lee's suggestions that a rise in violent crime is connected to an increase in handgun imports must be viewed with interpretive caution. The evidence suggests that the number of firearms, including pistols and revolvers, imported for private ownership has declined considerably over the past four years. There is no comment from the author with regard to the possible interpretive difficulties introduced by the apparent decline in imports for private use. This is an important methodological oversight.

- Section 5.5.6 – Kidnapping/abduction (I)

The author has cited the Australian Bureau of Statistics (2003) feature article "Weapons used against victims of crime" (catalogue number 1301.0). The author has specifically cited figures pertaining to the year 2001. The difference between 'point' data (one observation, such as one year out of a number of years) and 'trend' data (observations over time) has inadvertently been overlooked.

One year of data (2001) has been misinterpreted as representative of *overall trends and patterns over time*. The selection of one year of data, rather than the presentation of data over a number of years is, unfortunately, seriously misleading. Also, it is based upon a lone secondary source written in 2003, rather than a review of the many relevant statistical reports.

The claim that in 2001, a person was 4 times as likely to be abducted with use of a firearm than in 1995, while correctly cited, is based upon a statistical misunderstanding committed in the sole reference used. The source cited selects data from 1995, where

13 persons were abducted with a firearm (the lowest number of incidents recorded in the time series 1993-2003), and compares that figure with the year 2001, where the highest number of incidents of firearm use in abduction occurred (69 incidents).

The issue of comparing two data point extremes, or “outliers”, rather than examining trends over time, has not been identified. Also, the misrepresentative nature of comparisons based only upon outliers has not been addressed. The author’s failure to detect the seriously flawed nature of the single reference cited again indicates confusion between point observations and time series trends and highlights the importance of conducting a comprehensive review of the time series information available.

- Section 5.5.6 – Kidnapping/abduction (II)

p.23: It is stated by the author that –

“A firearm was the predominant weapon type for kidnappings/abductions in 2001...”

Australian Bureau of Statistics reports containing data from 1993-2000 show that for those years the use of ‘other’ weapons in kidnapping/abduction exceeded the use of firearms. Similarly, ABS reports containing data from 2002 and 2003 show that, for those years, the use of knives in kidnapping/abduction exceeded that of firearms. The year 2001, however, stands out as the first and only year when firearm use (in 9.0% of all kidnappings/abductions) exceeded knife use (8.4%), although it must also be noted that the use of a firearm did not exceed the use of ‘other’ weapons in combination (12.4%).

The author is referred to the Australian Bureau of Statistics yearly publication series *Recorded Crime Australia* (catalogue number 4510.0). The series begins with the year 1998 (the 1998 report contains data beginning 1993). Time series tables sourced directly from *Recorded Crime Australia 2003* are presented in Appendices A and B of this briefing paper for the author’s convenience.

These comprehensive reports were publicly available prior to the submission of the author's report and it is unclear why they have been overlooked. Data from, at very least, the years 2002 and 2003 should be mentioned. This is necessary in order to clarify the crucial difference between 'point' observations and 'time series' observations and avoid any unintentional distortion of the correct state of affairs regarding patterns of weapon use in crime in Australia.

Similarly, statistical evidence does not accord with the assertion that “[h]andguns have become the weapon of choice for most crime”, made by the author on **page 7**. Instead, the available statistics demonstrate that in Australia, knives are the most commonly used type of weapon in violent crimes (particularly for assault, robbery, and homicide). It is, therefore, entirely inaccurate to state that handguns have become the “weapon of choice” for crimes. Should the author wish to provide appropriate contextualising information, the following tables, drawn directly from *Recorded Crime - Victims Australia 2002* and *Recorded Crime - Victims Australia 2003*, provide a useful starting point.

	Murder	Attempted murder	Assault	Sexual assault	Kidnapping/ abduction	Robbery
..... NUMBER						
Weapon used						
Firearm	42	87	675	27	34	1 168
Knife	72	138	5 540	139	62	4 047
Syringe	—	—	161	4	3	350
Other weapon	38	53	12 834	92	24	1 290
<i>Total weapon used (b)</i>	<i>167</i>	<i>297</i>	<i>19 855</i>	<i>265</i>	<i>130</i>	<i>7 817</i>
No weapon used(c)	151	99	139 693	17 585	566	13 144
Total	318	396	159 548	17 850	696	20 961
..... PROPORTION (%)						
Weapon used						
Firearm	13.2	22.0	0.4	0.2	4.9	5.6
Knife	22.6	34.8	3.5	0.8	8.9	19.3
Syringe	—	—	0.1	—	0.4	1.7
Other weapon	11.9	13.4	8.0	0.5	3.4	6.2
<i>Total weapon used (b)</i>	<i>52.5</i>	<i>75.0</i>	<i>12.4</i>	<i>1.5</i>	<i>18.7</i>	<i>37.3</i>
No weapon used(c)	47.5	25.0	87.6	98.5	81.3	62.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

— nil or rounded to zero (including null cells)

(a) The definition of a victim varies according to the category of the offence (see Glossary).

(b) Includes offences where a weapon was used but was not further defined.

(c) Includes offences where weapon use was not known or not stated.

Source: Australian Bureau of Statistics. 2003. *Recorded Crime – Victims Australia 2002*. p.18

	Murder	Attempted murder	Assault	Sexual assault	Kidnapping/abduction	Robbery
.....						
NUMBER						
Weapon used						
Firearm	38	71	657	9	22	1 108
Knife	86	115	5 568	121	61	3 759
Syringe	1	—	154	6	1	361
Other weapon	41	59	12 964	104	18	1 217
Total weapon used(b)	175	266	20 203	247	117	7 162
No weapon used(c)	127	86	138 426	17 990	599	12 557
Total	302	352	158 629	18 237	716	19 719
.....						
PROPORTION (%)						
Weapon used						
Firearm	12.6	20.2	0.4	np	3.1	5.6
Knife	28.5	32.7	3.5	0.7	8.5	19.1
Syringe	np	—	0.1	np	np	1.8
Other weapon	13.6	16.8	8.2	0.6	2.5	6.2
Total weapon used(b)	57.9	75.6	12.7	1.4	16.3	36.3
No weapon used(c)	42.1	24.4	87.3	98.6	83.7	63.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
.....						
—	nil or rounded to zero (including null cells)					
np	not available for publication but included in totals where applicable, unless otherwise indicated					
(a)	The definition of a victim varies according to the category of the offence (see Glossary).					
(b)	Includes data where a weapon was used but was not further defined.					
(c)	Includes data where weapon use was not known or not stated.					

Source: Australian Bureau of Statistics. 2004. *Recorded Crime – Victims Australia 2003*. p.17.

For further discussion concerning method substitution, and the use of knives and weapons other than firearms, see for example:

- Australian Institute of Criminology. 2003. *Australian Crime Facts and Figures*, pp.23-24.
- Fitzgerald, J., Briscoe, S., & Weatherburn, D. 2001. Firearms and Violent Crime in New South Wales. *Contemporary Issues in Crime and Criminal Justice*, 57, p.1.
- Mouzos, J. 2003. Homicide in Australia: National Homicide Monitoring Program (NHMP) Annual Report 2001-2002, Australian Institute of Criminology. *Research and Public Policy Series*, 46, p.16.

- Suicide Risk

p.8 and p.40: It is stated that –

“Studies conducted in the United States have found that the availability of a handgun, or any firearm for that matter, in the home, is associated with an **increased risk of suicide or homicide**”. [bold added]

It is absolutely vital to clearly acknowledge that the “risk” of suicide and “rate” of suicide are extremely different concepts and must not under any circumstances be used interchangeably. “Risk” refers to psychological and other underlying, or ‘causal’, factors, while “rate” refers to the instances of an event (the statistics and figures).

Also, it is important to present the fact that, as the studies cited by the author show, firearm availability is associated specifically with *firearm* suicides and homicides, rather than suicides and homicides in general. It would therefore be appropriate on pages 8 and 40 to include the clarification of “...associated with an increased *rate* of *firearms* suicide or homicide”, given that the current statement misrepresents the cited evidence.

In terms of the Australian situation and handgun suicide, it has been noted that –

“...the incomplete nature of data on type of firearm used for suicides and in accidents means definitive conclusions cannot be drawn on whether there has also been an increase in handgun use in these types of deaths. However, the available data suggest a trend towards a greater use of handguns in suicide and accidental deaths. To place this in perspective, it is important to note that in Australia handguns are one of the firearms least likely to be used to commit suicide or be involved in an accidental discharge resulting in death”

Source: Mouzos, J. & Rushforth, C. 2003. Firearm Related Deaths in Australia - 1991-2001. *Trends and Issues in Crime and Criminal Justice*, 269, p.5.

Consequently, with regard to the issue of handguns and suicide, it is paramount to acknowledge that there exist substantial differences between Australia and the United States concerning the prevalence of handgun use in suicide, and suicide method choice in general. Sadly, in Australia, the leading suicide method has for many years been that of hanging.

- 5.15 Who is responsible for handgun laws in Australia?

p.32: It is stated that -

“In comparison, Canada, also a federation and part of the Commonwealth, unlike Australia under the Canadian *Constitution Act, 1867* the federal government has responsibility for matters that concern all Canadians such as criminal law, which includes the responsibility for controlling and regulating firearm [sic]. The benefit of the Canadian system is that firearm laws would be consistent throughout Australia, and not as vulnerable to ongoing erosion at the hands of State and Territory leaders.”

It appears that the author has misunderstood the nature of the Canadian legislative and parliamentary systems. Canada has a system similar to that of Australia; namely, it is composed of ‘Provinces’, akin to Australia’s States and Territories.

Each Province may elect whether or not to adopt Federally generated firearms legislation. For example, in the year 2000 the Alberta government, along with five other Provinces and two Territories, challenged Canada's Federal Firearms Act in the Supreme Court (Canada Online: Gun Control Challenge: Provinces challenge Firearms Act in Supreme Court, dateline 28/02/00) on the grounds that that some provisions of the Firearms Act fall within the exclusive powers of the Provinces over property and civil rights. Other than in the Territories, the authority to administer the Firearms Act resides with the Provincial Minister³, and Provinces have the option under the Firearms Law to ‘opt-out’ of the current Registry system⁴. Recent figures from Canada show that a number of provinces have elected to ‘leave’ the Federal firearms regulation

³ (http://canada.justice.gc.ca/en/ps/eval/reports/03/cfp/cfp_1.html#_ftn8)

⁴ (http://www.tbs-sct.gc.ca/rma/database/1det_e.asp?id=10819)

scheme. The only Provinces that are currently ‘opt-in’ jurisdictions are Nova Scotia, Prince Edward Island, New Brunswick, Ontario, and Quebec⁵. This leaves five Provinces and three Territories that do not support the current Canadian Firearm Registry system.

It is possible that the author was intending to make reference to the New Zealand system, which fits somewhat more closely with the model being described. Indeed, given that New Zealand is a Commonwealth country in close proximity to Australia, and with similar social and economic circumstances, it is a notable omission that the New Zealand model of firearm regulation, and associated variables such as rates of violent crime, homicide and suicide, have not been discussed at any point.

- **Bureau of Alcohol, Tobacco and Firearms data and firearm theft**

p.37: It is stated that –

“In a separate study focusing on illegal trafficking investigation[s] supplying youth and juveniles with firearm[s] the ATF found that 30% of these investigation[s] involved stolen guns”

The reference relevant to this statement reads –

“Table 12 shows a breakdown by trafficking channel of ATF illegal trafficking investigations involving youth and juveniles conducted between July 1996 and December 1998. Over a quarter of these investigations were initiated based on crime gun trace information...”

Source: Bureau of Alcohol, Tobacco and Firearms. 2000. *Commerce in Firearms in the United States*. U.S Department of the Treasury, Washington, DC, p.23.

⁵ (http://www.tbs-sct.gc.ca/rma/database/1det_e.asp?id=10819)

Table 12, referred to by the ATF report cited, and drawn from the separate ATF (1999) publication *Youth Crime Gun Interdiction Initiative Performance Report* is presented below. Note that trafficking in firearms stolen from a residence represented 13.6% of the total, whereas ‘organised’ trafficking via a ‘straw purchaser/purchasing ring’ accounted for 50.9% of the total.

Table 12.

Sources of firearms trafficking identified in ATF illegal trafficking investigations involving youth and juveniles

Note: Since firearms may be trafficked along multiple channels, an investigation may be included in more than one category.

Source	Number	%
Firearms trafficked by straw purchaser or straw purchasing ring	330	50.9%
Trafficking in firearms stolen from FFL	134	20.7%
Trafficking in firearms by unregulated private sellers*	92	14.2%
Trafficking in firearms stolen from residence	88	13.6%
Trafficking in firearms at gun shows, flea markets, auctions, or in want ads and gun magazines	64	9.9%
Firearms trafficked by licensed dealer, including pawnbroker	41	6.3%
Street criminals buying and selling guns from unknown sources	26	4.0%
Trafficking in firearms stolen from common carrier	16	2.5%
Other sources (e.g. selling guns over internet, illegal pawning)	9	1.4%

*as distinct from straw purchasers and other traffickers

Source: Bureau of Alcohol, Tobacco and Firearms. 2000. *Commerce in Firearms in the United States*. U.S Department of the Treasury, Washington, DC, p.22.

Note: FFL refers to ‘Federal Firearms Licensee’ – a firearms dealer

It appears that the author has misunderstood the implication of the breakdowns presented; namely, the majority of trafficking sources (50.9%) involved an element of ‘organisation’, rather than opportunistic theft. Therefore, it is unclear why the author has interpreted that the ATF report emphasises theft rather than organised crime. If, as the author argues on **page 24** and elsewhere, “handgun trafficking is not a big industry in Australia”, then the apparent prevalence of organised trafficking indicated by the US study suggests that the US experience is unlikely to provide a valid model or comparison for the Australian situation. Very few (13.6%) of the trafficking investigations concerned firearms stolen from a private residence, which again highlights the importance of distinguishing between theft and ongoing criminal activity. The author has not commented on the abovementioned matters.

- Table A – Most frequently traced crime guns

p.55: It is unclear why this US data has been included, given that each of the manufacturers shown produce different models of the various calibers. Ms Lee cites the Western Australian Police Service information that handguns with a barrel length of 100 mm (revolvers) and 120mm (semi-automatic and a magazine capacity of greater than 10 are prohibited firearms in Australia (**p.15**). Certainly, on this basis, it appears that the handguns depicted in the figure are banned in Australia. Indeed, the majority of the firearms cited during discussions of the US situation are banned in Australia.

Consequently, it would be desirable for the author to state the grounds for why US data *per se* is provided as a parallel to Australia. Substantial differences exist between Australia and the United States with regard to social and economic circumstances, and crime patterns, and yet the contribution of these factors to handgun crime has not been acknowledged. It appears, in fact, that the significant parallel between the US data cited and the Australian situation is that handgun crime is linked primarily with male youths in crime ‘hotspots’ (see Fitzgerald et.al., 2001). It is an oversight that this specificity and the implications for addressing handgun crime in Australia have not been identified or addressed.

It would be of assistance to the reader if the author clarified the similarities between the US ‘tracing’ system, and the existing Australian ‘registration’ system. Accordingly, it would be beneficial if the author acknowledged that in the US, just as in Australia and the United Kingdom, there is an important statistical distinction between firearms theft, firearms ‘recovered’ from crime, and firearms ‘used’ in crime.

Unfortunately, further discussion of data referenced to ATF sources is problematic, as the author appears throughout the report to have cited information not contained within the referenced sources, and to have included unreferenced statements. For example, it appears that the depiction of the most frequently traced crime guns (Figure A) is not contained within the United States Bureau of Alcohol, Tobacco and Firearms (2000) report *Commerce in Firearms in the United States*. Independent reviewer verification of the accuracy of statements and referencing may overcome this difficulty.

Appendix A: ABS Weapon Use by Type of Crime – Number of Victims 1994-2003

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NUMBER OF VICTIMS, By use of weapon in commission of offence

	1994	1995	1996	1997	1998	1999	2000	2001	2002(a)	2003
MURDER (b)										
Weapon used										
Firearm	49	58	99	75	54	62	60	50	r42	38
Other weapon(c)	123	139	129	159	140	151	126	134	r109	128
Total weapon used(d)	182	213	243	242	203	221	190	186	r165	175
No weapon used(e)	106	113	69	79	82	122	125	125	r152	127
Total	288	326	312	321	285	343	315	311	r317	302
ATTEMPTED MURDER (b)										
Weapon used										
Firearm	79	80	104	90	75	113	120	132	r87	71
Other weapon(c)	174	143	158	187	249	172	205	239	r195	174
Total weapon used(d)	265	224	273	277	326	285	326	373	r301	266
No weapon used(e)	71	76	62	41	61	74	67	87	r99	86
Total	336	300	335	318	387	359	393	460	r400	352
ASSAULT (b)										
Weapon used										
Firearm	na	667	657	815	665	639	780	868	r687	657
Other weapon(c)	na	8 952	10 424	11 305	12 124	13 870	14 695	16 215	r18 619	18 686
Total weapon used(d)	na	10 020	11 642	12 650	13 375	15 109	15 917	17 585	r19 962	20 203
No weapon used(e)	na	91 690	102 514	111 850	117 528	119 162	122 791	134 698	r140 156	138 426
Total	na	101 710	114 156	124 500	130 903	134 271	138 708	152 283	r160 118	158 629
SEXUAL ASSAULT (b)										
Weapon used										
Firearm	16	22	20	33	25	30	28	37	r26	9
Other weapon(c)	150	211	251	256	281	243	244	277	r238	231
Total weapon used(d)	171	244	279	296	311	280	275	321	r267	247
No weapon used(e)	12 551	12 855	14 263	14 057	14 025	13 824	15 484	16 576	r17 710	17 990
Total	12 722	13 099	14 542	14 353	14 336	14 104	15 759	16 897	r17 977	18 237
KIDNAPPING/ABDUCTION (b)										
Weapon used										
Firearm	21	13	25	21	26	60	49	69	r35	22
Other weapon(c)	49	36	43	47	73	116	94	94	r89	80
Total weapon used(d)	74	51	70	69	100	180	145	164	r131	117
No weapon used(e)	472	408	410	493	605	586	548	603	r575	599
Total	546	459	480	562	705	766	693	767	r706	716
ROBBERY (f)										
Weapon used										
Firearm	1 810	1 460	1 585	2 185	1 910	1 438	1 325	1 704	r1 178	1 108
Other weapon(c)	2 768	3 145	4 029	6 019	7 926	7 180	7 550	8 422	r5 693	5 337
Total weapon used(d)	5 045	5 258	6 256	9 054	10 850	9 452	9 483	11 233	r7 840	7 162
No weapon used(e)	8 922	9 306	10 116	12 251	12 951	13 154	13 853	15 358	r13 149	12 557
Total	13 967	14 564	16 372	21 305	23 801	22 606	23 336	26 591	r20 989	19 719

na not available

r revised

(a) Data for 2002 have been revised (see Explanatory Notes paragraph 20).

(b) Refers to individual persons.

(c) Includes knife or syringe.

(d) Includes offences where weapon was used but was not further defined.

(e) Includes offences where weapon use was unknown or not stated.

(f) Refers to individual persons or organisations.

Appendix B: ABS Weapon Use by Type of Crime – Proportion of Victims 1994-2003

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PROPORTION OF VICTIMS, By use of weapon in commission of offence

	1994	1995	1996	1997	1998	1999	2000	2001	2002(a)	2003
MURDER (b)										
Weapon used										
Firearm	17.0	17.8	31.7	23.4	18.9	18.1	19.0	16.1	r13.2	12.6
Other weapon(c)	42.7	42.6	41.3	49.5	49.1	44.0	40.0	43.1	r34.4	42.4
Total weapon used(d)	63.2	65.3	77.9	75.4	71.2	64.4	60.3	59.8	r52.1	57.9
No weapon used(e)	36.8	34.7	22.1	24.6	28.8	35.6	39.7	40.2	r47.9	42.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
ATTEMPTED MURDER (b)										
Weapon used										
Firearm	23.5	26.7	31.0	28.3	19.4	31.5	30.5	28.7	r21.8	20.2
Other weapon(c)	51.8	47.7	47.2	58.8	64.3	47.9	52.2	52.0	r48.8	49.5
Total weapon used(d)	78.9	74.7	81.5	87.1	84.2	79.4	83.0	81.1	r75.3	75.6
No weapon used(e)	21.1	25.3	18.5	12.9	15.8	20.6	17.0	18.9	r24.8	24.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
ASSAULT (b)										
Weapon used										
Firearm	na	0.7	0.6	0.7	0.5	0.5	0.6	0.6	r0.4	0.4
Other weapon(c)	na	8.8	9.1	9.1	9.3	10.3	10.6	10.6	r11.7	11.8
Total weapon used(d)	na	9.9	10.2	10.2	10.2	11.3	11.5	11.5	r12.5	12.7
No weapon used(e)	na	90.1	89.8	89.8	89.8	88.7	88.5	88.5	r87.5	87.3
Total	na	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
SEXUAL ASSAULT (b)										
Weapon used										
Firearm	0.1	0.2	0.1	0.2	0.2	0.2	0.2	0.2	r0.1	np
Other weapon(c)	1.2	1.6	1.7	1.8	2.0	1.7	1.5	1.6	r1.3	1.3
Total weapon used(d)	1.3	1.9	1.9	2.1	2.2	2.0	1.7	1.9	r1.5	1.4
No weapon used(e)	98.7	98.1	98.1	97.9	97.8	98.0	98.3	98.1	r98.5	98.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
KIDNAPPING/ABDUCTION (b)										
Weapon used										
Firearm	3.8	2.8	5.2	3.7	3.7	7.8	7.1	9.0	r5.0	3.1
Other weapon(c)	9.0	7.8	9.0	8.4	10.4	15.1	13.6	12.3	r12.6	11.1
Total weapon used(d)	13.6	11.1	14.6	12.3	14.2	23.5	20.9	21.4	r18.6	16.3
No weapon used(e)	86.4	88.9	85.4	87.7	85.8	76.5	79.1	78.6	r81.4	83.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
ROBBERY (f)										
Weapon used										
Firearm	13.0	10.0	9.7	10.3	8.0	6.4	5.7	6.4	r5.6	5.6
Other weapon(c)	19.8	21.6	24.6	28.3	33.3	31.8	32.4	31.7	r27.2	27.1
Total weapon used(d)	36.1	36.1	38.2	42.5	45.6	41.8	40.6	42.2	r37.4	36.3
No weapon used(e)	63.9	63.9	61.8	57.5	54.4	58.2	59.4	57.8	r62.6	63.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

na not available

np not available for publication but included in totals where applicable, unless otherwise indicated

r revised

(a) Data for 2002 have been revised (see Explanatory Notes paragraph 20).

(b) Refers to individual persons.

(c) Includes knife or syringe.

(d) Includes offences where weapon was used but was not further defined.

(e) Includes offences where weapon use was unknown or not stated.

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