

**RESPONSE OF THE NATIONAL FIREARMS DEALERS
ASSOCIATION, THE AUSTRALIAN DEER
ASSOCIATION, FIELD AND GAME AUSTRALIA, THE
SPORTING SHOOTERS ASSOCIATION OF
AUSTRALIA VICTORIA AND THE FIREARMS
TRADERS ASSOCIATION OF VICTORIA**

to the

**INQUIRY OF THE SENATE LEGAL AND
CONSTITUTIONAL REFERENCES COMMITTEE INTO
THE ABILITY OF AUSTRALIAN LAW ENFORCEMENT
AUTHORITIES TO ELIMINATE GUN-RELATED
VIOLENCE IN THE COMMUNITY**

Submission from:



**National Firearm
Dealers Association Inc.**



**Australian
Deer
Association**



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In Brief

- The lack of comprehensive, verifiable, accurate data on firearms ownership in Australia means that policy is more likely to be determined by instinct, intuition or ideological pre-suppositions than it is by data.
- The report of the Green and Labor senators provides a good example. In supporting the National Firearms Agreement (NFA), they point to studies which conclude that the Agreement led to a reduction in firearm homicides. In particular, they quote a study conducted by Christine Neill and Andrew Leigh which is cited by the anti-gun ownership lobby.
- They did not cite, for example, the assessment of Dr. Don Weatherburn, the director of the NSW Bureau of Crime Statistics and Research who told the *Sydney Morning Herald* in 2005 that falls in armed robberies and abductions in NSW in the previous few years had more to do with the heroin drought and good policing than firearms legislation.

'I would need to see more convincing evidence than there is to be able to say that gun laws have had any effect. The best that could be said for the tougher laws is there has been no other mass killing using firearms [since Port Arthur].

'There has been a drop in firearm-related crime, particularly in homicide, but it began long before the new laws and has continued on afterwards. I don't think anyone really understands why. A lot of people assume that the tougher laws did it, but I would need more specific, convincing evidence ...

'There has been a more specific ... problem with handguns, which rose up quite rapidly and then declined. The decline appears to have more to do with the arrest of those responsible than the new laws. As soon as the heroin shortage hit, the armed robbery rate came down. I don't think it was anything to do with the tougher firearm laws.'

- Nor did they cite researchers such as Wang-Sheng Lee and Sandy Suardi from the Melbourne Institute of Applied Economic and Research who in 2010 concluded that *'(d)espite the fact that several researchers using the same data have examined the impact of the NFA on firearm deaths, a consensus does not appear to have been reached.'*

They re-analyzed the same data on firearm deaths used in previous research, using tests for unknown structural breaks as a means to identifying impacts of the NFA, and concluded that *'(t)he results of these tests suggest that the NFA did not have any large effects on reducing firearm homicide or suicide rates'*.

- This example highlights the importance of the Senate Committee's acknowledging that there is not comprehensive, accurate, verifiable, transparent data on which to base firearms policy in Australia and the risk that policy is formed on the basis of instinct, intuition or ideological pre-disposition rather than facts and data.

Green and Labor senators

- The National Firearms Dealers Association, the Australian Deer Association, Field and Game Australia and the Sporting Shooters Association of Australia Victoria note that recommendations of the Green and Labor senators reflect the belief of the firearms industry and recreational shooting organisations that there is not in Australia comprehensive, verifiable, accurate and transparent data on which to base informed policies related to firearms ownership.
- It is noted also that recommendations of the Green and Labor senators suggest that a major source of guns used in crime emanates from the pool of firearms which disappeared into what is known as the grey market as a result of anomalies and deficiencies in state laws and registration systems prior to 2002, especially in Queensland And New South Wales.

Australian Institute of Criminology

- However neither the industry nor recreational shooting organisations support the recommendation that the Australian Institute of Criminology (AIC) be charged with the responsibility of reviewing current data collection and reporting arrangements.
- Data is collected by state authorities and it is those authorities which ought to be held accountable for the flaws in their collection, recording and reporting systems. If it is determined that the collection and dissemination of this data makes a verifiable contribution to the reduction of gun-related violence, state authorities ought to be required to develop systems which generate comprehensive, accurate and publicly-available data in a transparent and efficient manner.
- Neither the firearms industry nor recreational shooting organisations support consideration of the resumption of funding of programmes such as the National Firearms Monitoring Program and the National Firearm Theft Monitoring until the quality and transparency of the data collected by state authorities is guaranteed.
- Further the faith the Green and Labor senators appear to have in the AIC and the Australian Crime Commission (ACC) is not shared by the industry and recreational shooting organisations.
- The AIC is and has been aware of the limited value of the data it receives because of its unreliability, inaccuracy or incompleteness.
- Not surprisingly, when it was undertaking research into firearms issues it drew inconsistent conclusions about the theft of handguns and the composition of the grey and illegal firearms markets.
- However it did not draw attention to deficiencies in the data and their implications, and continued to generate research and draw conclusions on data of varying quality. At the Senate Committee inquiry for example the AIC diverted

attention away from the incompleteness or inadequacy of data by highlighting sources of data of an acceptable standard.

Australian Crime Commission

- The reliability of ACC conclusions is even more problematic.
- For example, in 2012 the then Minister for Home Affairs and Minister for Justice wrote to the then Member for Deakin saying that the final report of ACC on the illegal firearms market revealed that:
 - 44 per cent of firearms were not surrendered or registered after the Port Arthur massacre,
 - 12 per cent were stolen or were the subject of staged theft,
 - deactivation accounted for 3.3 per cent,
 - interstate transfers accounted for 1.5 per cent,
 - backyard manufacturing accounted for 1.3 per cent, and
 - illegal importing accounted for less than 0.5 per cent of the firearms traced.
- This report was presented to a meeting of the Standing Council on Police and Emergency Management which relied upon it to make policy decisions.
- When asked by the Minister to verify this data and explain how the weaknesses and deficiencies in the current systems of data collection were taken into account in preparing the report and the recommendations which flowed from it, the ACC revealed that the sample size was small and the statistics really were only estimates and invited the people it had failed to consult in preparing the report to help them address the flaws in the information contained in the report.

Firearms, firearms parts and accessories, ammunition and storage

- Neither the industry nor recreational shooting organisations accept as self-evident the need for consistent, national regulations to cover every aspect of firearms, firearms parts, firearms accessories, ammunition and the storage of firearms.
- That there are legislative and regulatory differences between states and territories is not, of itself, evidence of anomalies.
- The determination of whether an anomaly exists must be made on a case-by-case basis. The fact that drivers' licences issued in one state or territory are recognized by the other states and territories but shooters' licences are not treated in a similar manner is one case which does constitute an anomaly.
- Nevertheless, with respect to the management and administration of firearms and shooters, there is a substantial level of national cohesion. Their regimes are based on similar principles such as, for example, that applicants for a firearms licence must meet a character test.

- Both the industry and recreational shooting organisations are conscious that some see national uniformity as a mechanism to ratchet up further the requirements for owning firearms thereby making firearm ownership more onerous and more expensive and less attractive.

Membership data

- Neither the industry nor the recreational shooting clubs support the recommendation to establish national standards for the security of membership data held by gun clubs.
- The Green and Labor Senators have not produced evidence to justify such a measure.
- Many recreational shooting clubs have a small membership and limited resources. They cannot afford arbitrary and unnecessary increases in their administrations costs.
- For some, the effect of such an increase might well be that they wind up, an outcome which might be welcomed by some.
- The industry and the recreational shooting organisations support the National Farmers Federation view that existing privacy laws should be sufficient.

Amnesty

- It is arguable that one of the factors which inhibits the effectiveness of amnesties for the owners of unregistered firearms is the requirement to surrender the firearms to the Police. In some jurisdictions, police have signage displayed that advises the public not to bring firearms into the station.
- 22,229 grey market firearms were registered or destroyed over a 12 week period in Queensland in 2013 during an amnesty in which gun owners surrendered firearms to licensed firearms dealers. 784 firearms were handguns.

Firearms dealers invested significant money, time and effort in promoting the amnesty.

Individuals could either register the firearms and keep them on their licence if they were appropriately licensed, sell the firearms to the firearms dealer or surrender them to the dealer without compensation.

Firearms dealers were allowed to register and keep firearms surrendered without compensation or that had been purchased.

- If an amnesty were conducted, the Queensland model would appear to be the most effective model to adopt.

National Firearms Interface

- The industry and recreational shooting organisations think that a national firearms interface should not be contemplated until each jurisdiction can guarantee that its data is comprehensive, accurate, verifiable and transparent.

Coalition senators and Senator Leyonhjelm

- The industry and recreational shooting organisations support:
 - the establishment of a formal mechanism for industry and firearm user groups to be consulted on issues relating to firearm regulation,
 - the Federal Government's commissioning a study into social, economic and environmental benefits of hunting nationally,
 - the pursuit of further improvements in border control for detecting illegal imports of firearms and firearms parts, and
 - investigating avenues to deregulate the firearms industry to ease the economic burden on governments, industry and legal firearms users, and, in that context, points to the experience of New Zealand which has rejected the extreme regulatory approach adopted in Australia and the Canadian Government's decision to wind back the regulation of firearms because the previous system was expensive and unproductive.