



SSAA National Preliminary Submission Paper

National Firearms Agreement Technical Review

September 2015

Executive Summary

The Sporting Shooters' Association of Australia (SSAA National) has been asked to provide feedback on how the National Firearms Agreement (NFA) contributes to, or hinders, the activities of our 175,000 members and 800,000 licensed firearm owners.

The NFA has had serious negative implications on almost every aspect of our sport. Australian shooting teams that once produced the most medals out of any event are not as competitive as they once were. Since the introduction on the NFA in 1996, the medal count for Australians competing in international shooting competitions has dramatically diminished. Australian shooters are significantly disadvantaged as their legitimate pathway to pursue competitive shooting at the highest level seems impossible to navigate.

SSAA National accepts that there should be sensible regulation of civilian firearm ownership as guided by evidence-based research. We have a long history of positively contributing to federal government and United Nations policy discussions, both in the interest of public safety and keeping firearms in the right hands. We must, however, stress that after years of evidence, particularly since the introduction of the NFA in 1996 and National Handgun Control Agreement in 2002, it is clear that public safety is almost always threatened by the unlicensed person with the unregistered firearm in the rare case where firearms are involved. Indeed, more than 93 per cent of firearms used in homicides in 2006-07 were unlicensed and unregistered¹, while the NFA has also been found to have no large effects on reducing firearm homicide or suicide rates². By contrast, the New Zealand experience shows similar statistical trends with a very different regulatory environment³; similarly, the Canadian experience when the dismantling of their longarm registry occurred after there was no evidence of this registry effecting gun-related crime⁴.

Whether it is drug, organised crime, gang-related or terrorism, SSAA National contends that our members and the nation's licensed firearm owners do not pose a public risk, and rarely, if ever, do their firearms end up in the wrong hands⁵. Almost all research indicates that the use of a firearm for malicious purposes come from the illicit market⁶; are illegally imported⁷; or even illegally locally manufactured⁸. A case in point is the Martin Place Siege on 15-16 December 2014, where the firearm used by the terrorist Man Haron Monis is purported as being a sawn-off pump-action shotgun, derived from the black market and illegally tampered with⁹.

SSAA National contends it is the individual who is licensed as a fit and proper person, and rarely does government, police or public service resources invested in monitoring and regulating legal firearms have any public safety outcomes. It is also our contention that there are regulations within the NFA that, while may be well meaning in the safety context, are onerous, subjective and hindering our members in their legal pursuit of recreational shooting and hunting. These aspects of the NFA take away resources that can be better spent targeting those who misuse firearms and threaten public safety in the community. We challenge the fundamental direction of a NFA, especially considering the many variations from the original documents across the states for legitimate reasons, and highlight the unintended consequence of the NFA which focuses on legal firearms when the real focus should be on the illicit market.

Item 1 - Licensing for certain categories

SSAA National is of the view that licensing of individuals for certain categories of firearms is generally appropriate, however, the further bureaucracy of genuine reason/genuine need when applying to purchase a firearm is essentially ‘doubling up’ on the licensing process. The individual has already been cleared as a fit and proper person to possess a Category A, B, C, D or H firearm during the licensing process; there is no need for further proof as currently required under the genuine reason/genuine need tests.

Further to this, some states have concerns regarding the onerous restrictions regarding the purchase of similar firearms. For example, there are obvious reasons why a licensed firearm owner would want to own more than one .223-calibre bolt-action centrefire rifle, including one for target shooting competitions, one with a weatherproof stock for hunting, and one with a wooden stock as an all-round hunting and club shooting rifle. The bureaucratic requirement for an already approved person to demonstrate their genuine reason/need to then purchase a similar firearm to one they already possess is nothing more than red tape, increases policing costs and serves no public safety benefit.

There is also substantial evidence to show that tracking the legitimate firearm owned by the approved licence holder has no public safety benefit, and is again a waste of police and taxpayers’ resources¹⁰.

Item 2 - Subjective appearance of firearms

In relation to the Adler A110 lever-action shotgun, there have been comments from the media and certain politicians that the lever-action shotgun (where to load fresh cartridges into the chamber of the barrel, a lever is worked and the hand is taken off the trigger) is “verging” on being a pump-action or semi-automatic firearm. This is incorrect. A firearm cannot “verge” on being a particular type of firearm; it either is, or it is not. Its mechanism defines the firearm; it cannot “sort of” be like another.

SSAA National also finds the decision to re-classify or ban certain firearms because of their appearance - that is, if they “look” more emotive or dangerous (such as painted black or having Picatinny rail systems) - is onerous and serves no purpose. The aesthetic design of the firearm has no impact whatsoever on the functionality of the firearm. We contend that removing the provisions on restricting firearms based on appearance and adhering to the measurable categories of functionality as per the Australian Customs import test is far more appropriate than the current discriminatory and purely subjective method.

Item 3 - Handguns

SSAA National is aware that the current legislative environment has resulted in deterring international competitions and international competitors from coming to Australia for some handgun events. The SSAA coordinates three main disciplines for competitive handgun shooting: Action Match, Target Pistol and Handgun Metallic Silhouette. The Combined Services, Long Range Precision, Muzzleloading, Practical Shooting and Single Action disciplines also include handgun matches, along with the SSAA-affiliated discipline of International Practical Shooting Confederation (IPSC). Some of these events are severely hindered by restrictions relating to the use of .45-calibre handguns (*see Item 3.1*).

In terms of international competitions, Adelaide hosted the SSAA-sponsored 2007 World Police and Fire Games which included 11 shooting events. Competitors from around the world were exposed to Australia’s restrictions on minimum barrel lengths, magazine capacities and calibres, which kept the competitor numbers down compared to previous Games¹¹. This is exactly why the SSAA petitioned the government to allow for sporting exemptions when it established the handgun

restrictions in 2002.

Another Australian event affected by the legislation was the Arafura Games, a multi-sport competition that was held every two years in Darwin from 1991 until its cancellation in 2013. The Games saw developing athletes of all abilities across the Asia Pacific region gather to compete in events, including clay target and IPSC pistol. Competitor numbers dwindled due to the restrictions placed on the pistols used¹².

Item 3.1 - Handguns more than .38-calibre

SSAA and IPSC competitors can generally only use handguns up to .38-calibres in most states, with a rare exception allowing up to .45-calibres in Victoria. Calibres up to .45 are allowed in every other nation that shoots IPSC events. It is illogical that handguns up to .45-calibre can be used for some competitions and not for others. This restriction on calibres affects the attractiveness of Australia for international competitors. SSAA National contends that sporting shooters competing in SSAA, IPSC or international events should have access to handguns more than .38-calibre.

Item 3.2 - Magazines greater than 10 rounds

Handguns with a magazine capacity of more than 10 rounds are currently restricted. This restriction on magazines also affects the attractiveness of Australia for international competitors who are allowed to have a variety of magazine capacities in their home countries. SSAA National contends that sporting shooters competing in SSAA, IPSC or international events, such as the Police and Emergency Services Games, should have access to handguns with a magazine capacity greater than 10 rounds.

Item 3.3 - Waiting periods before purchasing handguns

In most states, licensed firearm owners are not permitted to own a handgun within the first six months of becoming licensed for Category H. SSAA National is of the view that the licensing is in relation to the individual, not the firearm; therefore we contend that the waiting period for the licensee to own a handgun be effectively reduced to be in line with the 28-day waiting period for other firearm categories (*see Item 7*). The SSAA further suggests the waiting period for purchasing an initial handgun be readjusted to three months from six months, followed by an increase in the ownership of an extra centrefire handgun, as civilians can only own and use handguns for club and competition use. Licensees can presently only own one handgun in the second six months of becoming licensed, which impacts on competition attendances. Some competitions, for example, require a centrefire revolver and a centrefire self-loading handgun, while others require a secondary gun during competition in case their main gun jams or malfunctions.

Item 4 - Sound suppressors

Opposition to sound suppressors is almost always based on emotion, and stems from the inaccurate view that they completely silence a firearm upon firing. Unrealistic perceptions are also influenced by Hollywood's portrayal of suppressors. The Commonwealth Firearms Advisory Council, under the previous government, hosted the Attorney-General's Department in Brisbane to see the use of suppressors in action, and to educate others on the reality of the sound produced.

Sound suppressors not only provide some level of hearing protection and reduce recoil, but they can also assist in culling activities by reducing the chances of startling nearby animals, thereby increasing the efficiency of culling activities, especially in a multi-culling situation. The Victorian Government hired four shooters from New Zealand to conduct feral goat control in East Gippsland in 2013. These shooters, who were hired at a cost of \$42,000, were allowed to use sound suppressors in their activities.

SSAA National sees suppressors as offering community benefits such as noise reduction in near-urban areas. We strongly advocate for their use in certain circumstances.

Item 5 - Self-loading long-arms

There is currently a disconnect between some associations, such as the Australian Clay Target Association (ACTA), who under certain conditions are allowed to use self-loading shotguns in a sporting context, while others in some states who practice almost identical activities, are not allowed access to these firearms. SSAA National suggests allowing the use of these firearms for competition purposes in all states and for all recognised associations. SSAA National further contends that these firearms are beneficial in hunting activities where there is a need to cull a large quantity of dangerous animals, such as feral pigs. Such use would ensure that the animal is dispatched as humanely as possible, and also assist in shooter safety.

Item 6 - Storage

SSAA National has a long and proud history of educating our members to securely store their firearms according to the relevant legislation, not only to prevent accidental misuse by others such as children, but also to decrease the ease at which they could be stolen. There appears to be a philosophical change by the authorities who, rather than encourage an acceptable level of security, appear to have the intention to increase the requirements of storage, making it nearly impossible for law-abiding firearm owners to adhere to. This misalignment of attitudes was never the intent of the original legislation, and the rare victims of firearms theft have reportedly been treated as the culprit, not the victim.

Some argue that firearms are a public health issue. If this is the case, it would be advantageous for the government to direct resources in educating firearm owners regarding the regulations and storage requirements, as the SSAA has done for many years through our 'Secure Your Gun, Secure Your Sport' campaign. This, along with our National Gun Safe Voucher program, which with the industry's support offered discounts up to \$100 on police-approved safes, was highly commended by the then Minister for Home Affairs, the Hon Brendan O'Connor in 2009¹³, and was awarded a Certificate of Merit by the Australian Institute of Criminology in its 2011 annual Australian Crime and Violence Prevention Awards¹⁴.

Item 6.1 Storage of membership information

As raised during the Senate Inquiry into gun-related violence in the community, the SSAA has gone to great lengths to protect our membership list from inappropriate access. Ironically, there has been legislation that is at odds with this important level of privacy. As pointed out in the Senate Inquiry, the SSAA Western Australia branch had a serious situation back in mid 2012 where under state law, a member at any point can request to view membership lists. This situation came about after a member requested access to the membership list, to which the SSAA's immediate response was to protect personal information of member data. This information was collected in confidence and in line with the Privacy laws, therefore it came as an unwelcome surprise that such information could legally be viewed by other parties. Lawyers and Western Australia Police advised that the member did in fact have rights to access the list, as shown in the following section of WA law:

Register of members of Association

6 (1) The Secretary, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining in an up to date condition a register of the members of the Association and their postal or residential addresses and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the

member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

The matter has since been raised in the Western Australian Parliament with a review currently underway. The SSAA is concerned that this may also be the case in other states, despite personal details protected under the Privacy Act. SSAA National contends that there should be an exemption to override other acts such as this for associations such as ours, who store sensitive data that could be used for sinister purposes if divulged to the wrong person.

Another ludicrous situation in WA sees the requirement of all licensed firearm owners to carry a list of each firearm they own at all times along with their residential address. This list provides a 'shopping list' for thieves if obtained, and is a clear breach of public safety. SSAA National recommends this urgently be addressed and rectified.

Item 6.2 - Collection of personal information when purchasing ammunition

In some states, such as New South Wales, licensed shooters are required to write down their name and address each time they purchase ammunition from their local gun dealer, with the information stored on the premises - sometimes on the shop front counter. SSAA National also understands that in some states, licence holders can only purchase ammunition for the firearms they are licensed for. This is despite some states allowing a licensed person to legally borrow a registered firearm from another licensed firearm holder; for example when needing a specific firearm for pest control that the licensed holder may not possess. This results in the person, although licensed to use the firearm, unable to purchase ammunition. This is an example of an unintended consequence of the NFA, and SSAA National contends these provisions should be reviewed so as not to continue to disadvantage our members.

Item 7 – 28-day waiting period for purchasing subsequent firearms

As stated throughout our submission, SSAA National sees the licensing process as granting a licence to the person, not the firearm. Most states impose a 28-day waiting period before purchasing their first longarm, while others have no waiting periods for a second or subsequent firearm of the same category. SSAA National contends that the licensee be permitted to purchase their second or subsequent firearm without having to wait 28 days.

Item 8 - Counter-terrorism

Since 11 September 2001, terrorism has been recognised as a real risk at both the local and international level. There should, however, always be a clear distinction between the licensed firearm owner and the terrorist who uses an illegal, unregistered firearm to commit deplorable acts. In our view and with the advice of our research team who are academically qualified in this area, the use of sporting and recreational firearms will almost always be a step down in technology for the terrorist. We note that five of the 10 rocket launchers stolen from a military base in Sydney by convicted terrorists have still not been recovered¹⁵.

Item 9 - Pest control

Many of our members volunteer their time and resources to participate in organised culls on public lands on behalf of some state and territory governments. These members are experienced, committed and passionate conservationists, who more often than not are more capable and have a higher level of training than the rangers who are employed by the government to look after the public lands. Our members, however, do not have access to the same tools as the rangers do. In

New South Wales and the Australian Capital Territory, for example, the rangers are allowed to use sound suppressors and self-loading longarms to complete culling activities. These tools make the task easier for the ranger and also assist in achieving efficient culling. SSAA National contends that our members undertaking the same pest control activities on a voluntary basis at a professional standard and should have access to these tools, to ensure the culling activities are completed as efficiently and safely as possible.

The SSAA has previously called for our members who donate their time and finances to assist private and government landholders in controlling vertebrate pest animals to be recognised similarly to professional shooters undertaking the same task, where the only real difference is payment for services. The legitimacy of an unpaid volunteer vertebrate pest controller could be established by approving the SSAA Conservation and Wildlife Management (CWM) accreditation program to allow our volunteers access to the same tools as their professional counterparts. The SSAA South Australia CWM branch currently conduct a course approved and endorsed by South Australia Police for the purposes of wildlife management.

Item 10 - Amnesty

The SSAA advocates for a nationwide three-month amnesty where those who are in possession of or come across an unregistered or unwanted firearm can hand them in to a dealer. The SSAA would strongly suggest the nationwide amnesty be based on the successful Queensland model held in 2013, where approximately 22,000 firearms were handed in to dealers or select gun clubs over a three-month period. Limiting the amnesty to three months would encourage a sense of urgency. The amnesty should be promoted to both non-shooters who may be in possession of a firearm from a deceased estate, as well as the shooting community through an organised media campaign. Plenty of notice needs to be given so promotion can take place. The SSAA would be happy to absorb the cost of promoting this to our members.

The SSAA also strongly advises that the firearms gathered as part of the amnesty are not automatically destroyed, as shooters see firearms as items of value whether it is for their technical or historical aspects. The firearms should be made available to be legally resold or destroyed privately. Police stations could also be a point to return firearms during the amnesty; however, the Queensland model where dealers and some clubs were predominately utilised has shown to be the most effective method.

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