

To the Legal and Constitutional Affairs References Committee in regard to “The ability of Australian law enforcement authorities to eliminate gun-related violence in the community”.

Please find below a submission from the SSAA Springvale Pistol Club. This submission is written from the perspective of a target shooting club. We have serious misgivings about a set of terms of reference which seem to be a very mixed grab bag of issues. The intent of the inquiry seems to be along the basis of asking some questions and the predetermined result is that semi-automatic handguns in Australia should be banned.

The original term of reference are in bold.

The ability of Australian law enforcement authorities to eliminate gun-related violence in the community, with reference to:

a. the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;

The scope of the item is also incorrect and addition of “including both outlawed and stolen guns” seems to imply that the scope is limited when it should not be. Any and all illegally possessed firearms should be in the terms of reference.

When answering this question you may as well ask how long is a piece of string. The actual numbers of illegally possessed firearms is unknowable because they are not registered and will not be declared by their possessors.

The simplest method of attempting to reduce the number of illegally possessed firearms in Australia may be the simplest – Have another gun buy back for illegally possessed firearms. Provide an amnesty that is well publicized that allows anyone to possess an unregistered firearm for transport to an approved destruction point where they are paid the valuation for the firearm.

The use of the term lethality in this term of reference simply attempts to emotive and trivialize what is a very serious issue. When illegal firearms are used they are unlikely to be used for lawful purpose the use of the term lethality is superfluous (even shooting an unregistered firearm at a target is an offence since possession is an offence under state law).

In terms of stolen firearms the following Wikipedia article seems to have one of the better summaries here:

http://en.wikipedia.org/wiki/Gun_politics_in_Australia#Changes_in_social_problems_related_to_firearms_over_time

“The number of guns stolen has fallen from an average 4,195 per year from 1994 to 2000 to 1,526 in 2006–2007. Long guns are more often stolen opportunistically in home burglaries, but few homes have handguns and a substantial proportion of stolen handguns are taken from security firms and other businesses; only a tiny proportion, 0.06% of licensed firearms, are stolen in a given year. Only a small proportion of those firearms are recovered. Approximately 3% of these stolen weapons are later connected to an actual crime or found in the possession of a person charged with a serious offence.”

The Wikipedia supporting reference to these statements was: “Bricknell, S (2008). Firearm theft in Australia 2006–07. Australian Institute of Criminology. ISBN 978–1–921532–05–4. ISSN 1445–7261”

It would perhaps appear that firearms stolen from residential properties is the smallest piece of the issue – the issue is very complex and not as simplistic as the terms of reference suggest. The number of firearms stolen seems to be decreasing significantly over time, perhaps the committee should consider the impact of the save your sport – secure your firearms campaign by the SSAA.

b. the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;

No comment to make.

- c. **the adequacy of current laws and resourcing to enable law enforcement authorities to respond to technological advances in gun technology, including firearms made from parts which have been imported separately or covertly to avoid detection, and firearms made with the use of 3D printers;**

The following PDF from the Australian Customs service says:

<http://www.customs.gov.au/webdata/resources/files/ImportingFirearmPartsAccess.pdf>

“The importation of certain firearm parts and accessories is controlled under the Customs (Prohibited Imports) Regulations 1956 (the Regulations). Importers must obtain permission to bring these goods into Australia.”

Some items are prohibited and other controlled – controlled items require state police approval to import. Current customs regulation would seem to cover the legality of importing firearms parts into Australia. This fails when Customs does not detect such imports or when Customs and Australia Post are penetrated by a criminal group that facilitates illegal imports (the import of hundreds of glock handguns in parts to Sydney).

Personally I have imported firearms accessories previously that fall into the category of controlled imports. I have always had the police import permit issued before the items were sent to Australia – Customs picked up about 40% of the items requesting an import permit to complete the shipment. The other 60% of the items came through undetected (but were lawful imports as I did have the correct paperwork always prepared in advance). The 40% detection rate included shipments that had an envelope in the box marked “For Australian Customs” that included the police import permit (they never opened the envelope until after I contacted them requesting them to do so).

Currently there exists no regime for the licensing of what is likely to become an extremely commonplace technology in the coming decades. A licensing or control system that attempted to control what a 3D printer could do is unworkable. Any firearm produced by a 3D printer that produced ABS or PLA parts would be more of a danger to the person shooting such a printed firearm rather than the person it was pointed at. Kits to make your own ABS/PLA 3D printers can be purchased online – you can also purchase all of the parts separately and many parts have dual use. It is impractical to control 3D printers that print in plastics.

Currently the only 3D printing process that could produce a full working firearm that would not be a danger to a user is a laser sintered powered metal printer which everyday people would not be able to afford to purchase considering they cost many multiples of the average yearly earnings in Australia. For example:

http://www.computerworld.com/s/article/9243913/World_s_first_3D_printed_metal_gun_blows_through_50_rounds

The machine believed to be used to print the gun costs over US\$500,000. Major worries about 3D printers given the acquisition price so you would be able to print a completely metal gun is currently sensationalism since it requires an industrial grade printer. There are no inexpensive printers that use SLS or DMLS techniques at the moment. Note however that will be coming eventually due to the expiry of a key patent that stops other people from producing these kinds of printers:

<http://techcrunch.com/2014/01/28/cheap-laser-sintering-printers-are-coming-thanks-to-the-expiration-of-a-key-patent/>

Completely missing from the terms of reference but of potentially greater concern would be any kind of hand operated or CNC controlled mill which would currently allow someone to produce most of the parts for a firearm. Considering that this machinery has overwhelming lawful use regulation and control of such machinery is impractical. Hand operated mills can also be fairly low cost but require significant training to effectively utilize. CNC mills require less

expertise but cost significantly more. You can find information about how to make parts for an AR15 (and other guns) online with a CNC mill, for example:

<http://www.cncguns.com/projects/ar15a2upper.html>

You can download the CNC instructions for free from this site. How do you control this – you can't there are probably at least thousands of CNC machines capable of producing the items given on that web site already within Australia. You could try to block that web site however the use of a proxy or having someone overseas downloading it and emailing it to you makes it somewhat pointless.

d. the extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held;

This part of the terms of reference makes no sense “including the proportion of gun-related crime involving legal firearms which are illegally held”. By definition illegally held firearms are illegal – possession of a stolen firearm by anyone is illegal since you would be guilty of at least receiving stolen goods and many additional firearms offences.

I would point out the following news article: <http://www.smh.com.au/national/illegal-guns-are-not-a-problem-says-study-author-but-police-disagree-20130114-2cpt6.html>

Which says:

“The research does not take into account firearms that are smuggled into Australia illegally, but Professor Alpers said there was little evidence to suggest illegal imports were an issue.

He said the main problem was criminals obtaining legal guns that had been stolen or lost.

However, the commander of the NSW Firearms and Organised Crime Squad, Detective Superintendent Ken Finch, disagreed with this assessment.

“Our experience would suggest that completely the opposite is true, and illegal imports are a big challenge for us,” he said.”

The commander of the NSW Firearms and Organised Crime Squad believed that the illegal importation of firearms is a bigger issue than stolen firearms at the time the article was published. It is important to note what while the NSW postal centre mass importation has been the biggest discovery of such an issue it would be incredulous to believe it was an isolated incident and that the importation of illegal firearms is not an ongoing criminal enterprise.

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

Very little, according to the NSW police the illegal importation of firearms is a bigger issue than stolen firearms. It is important to note what while the NSW mass importation (mentioned above) has been the biggest discovery of such an issue it would be incredulous to believe it was an isolated incident and that the importation of illegal firearms is not an ongoing criminal enterprise.

New laws, bans, or stricter controls in regard to legally owned and registered firearms will not impact the illegal importation of firearms.

f. stricter storage requirements and the use of electronic alarm systems for guns stored in homes;

The requirements for the safe storage of firearms are a state responsibility. I would have expected that rather than

being in the terms of reference the committee would have approached each state to determine what the current requirements were and presented them as an addendum.

The major concern of all shooters is who knows that they have guns at home for fear of home invasions. Forcing someone to have an electronic alarm system, if connected to a safe, means that the installer will know about it and the alarm company will know about it. The leakage of information from companies that provide monitoring services commercially about the location of firearms and perhaps kinds of firearms and where they are kept presents more of a danger to the people owning them than the issue it would propose to help resolve.

Is the purpose to find out if any state has requirements significantly less strict than other states? The requirement as stated is open ended – perhaps the intent is to try to increase the storage requirements to the point where a lot of people cannot afford to update to stricter requirements? This is as opposed to seeing if the storage requirements are strict and consistent across all jurisdictions.

g. the extent to which there exist anomalies in federal, state and territory laws regarding the ownership, sale, storage and transit across state boundaries of legal firearms, and how these laws relate to one another; and

The term “federal” should be dropped from the terms of reference. My understanding is the licensing and regulation of firearms ownership within Australia is a state responsibility not a federal one. Federal responsibility only enters the picture for the import and export of firearms and firearms parts.

The committee by this phrasing of this term of reference objectively believes that the NFA was a failure and did not provide consistent firearms laws across Australia. I find this fact a startling admission by the Senate.

In Victoria a firearm can only be transferred through a licensed firearm dealer it is impossible to lawfully conduct a transfer without one.

Great care should be taken with the recommendations released for any report generated by this committee. The implication in the terms of reference is that if there is further tightening of firearms laws at a state level it will be done because of action initiated at a federal level. The federal constitution requires fair recompense for property forfeited. If states enact legislative changes requiring the surrender of certain types of firearms there are likely to be court cases suing for compensation from the Federal government for any forfeited property.

The transfer of firearms from one state into another on a temporary basis for lawful purposes is already set out in state law or regulation as are the requirements for transport. That is you must obey the requirements of the state you are transiting through and going to if you leave your home state and you must know what those requirements are before you enter that state. Those requirements include getting any permits required to enter that state for lawful purposes with a firearm.

h. any related matters.

The terms of reference should be changed to investigate and review failures at a federal level that allow the illegal importation of firearms and firearms parts that make it through the mail undetected (where the recipient does not have the correct paperwork for the items being imported making the importation unlawful).

Recent data (see a. above) shows that the number of guns stolen per year is reducing over time – the problem with the figures available is that they represent all firearms stolen not just firearms stolen from homes. The scope of this inquiry appears to willfully have a scope that ignores the following:

1. Firearms stolen from commercial entities represent a larger threat to the community
2. Firearms illegally imported represent a bigger threat to the community than stolen firearms

The poorly disguised terms seem to already predetermine an outcome that semi-automatic handguns stolen from licensed individuals from residential properties is a major issue that demands action. I assume this inquiry is setup by the Greens whose stated policy is to remove all semi-automatic handguns from civil ownership. The reality it is guns stolen from homes are the smallest component of the overall issue and there are other issues that have a greater impact on community safety.

This part is perhaps my most important thing to say:

If the Federal government went it alone and banned the importation of semi-automatic handguns without every single state being onboard it can lead to unforeseen consequences (although really the consequences are blindingly obvious). The licensing of firearms manufacturers is controlled by the states. It is entirely possible to manufacture handguns within Australia as manufacturing guns with a CNC machine is not exactly challenging if you have the skills and can manufacture all of the parts to do so.

Most engineering companies or skilled tool maker could make handguns presuming that they were licensed to do so. It is currently not cost effective to manufacture handguns locally because of cheaper imports.

If it is profitable to do so, and a state government will grant a license to manufacture them, it is highly likely one or more companies would step in to fill the void if the Federal government decides to be stricter in regard to handguns at the border (with the net effect of banning the importation of semi-automatic handguns). A state government is somewhat likely to say yes and grant a license to manufacture handguns if only to create a small manufacturing industry to make up for manufacturing jobs already lost to overseas.

If a company starts the domestic manufacture of handguns the Federal government effectively loses any control over the issue of handguns – forever – if all of the parts are made within Australia. Since nothing would cross the border handguns would become a States issue in its entirety. States do not give up their rights or powers easily.

Yours Sincerely

S Seymour
Secretary Springvale Pistol Club

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