

Submission to the inquiry concerning “The ability of Australian law enforcement authorities to eliminate gun related violence in the community”



To the Committee Secretariat,

My name is Benjamin Jarratt and I would like to submit my views and concerns to this inquiry as a personal submission. I hope that my submission is considered by the committee in an open and fair manner.

I am a licenced firearms holder and have enjoyed the various aspects of the sport including hunting and club level competition shoots from an early age.

I make this submission because I fear that this committee would actively seek to erode the ability of the 731,500⁺¹ law abiding firearm holders in Australia, the opportunity to participate in an extremely well regulated and very safe sport. Gun related violence is a crime that needs to be addressed; there is no doubt regarding this fact and I support the endeavours of government and state Police Forces to do this. To this end I am pleased to see that some of the discussion on the committee’s agenda is to be directed towards the powers of police to address this crime and other associated illegal activities. I also notice that some of the agenda items look at certain aspects of legal firearms ownership. I again reiterate my support for the need to address gun related violence in Australia; but I implore the committee to look critically at how making recommendations for additional restrictive changes to firearms laws would genuinely support the state and federal law enforcement in their ability to prevent or reduce gun crime and pursue the criminals who carry out these crimes.

I would appreciate the committee’s consideration of the following points as they relate to the agenda items:

- A. *The estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia:* The following is an extract taken from the Parliament of Australia website:
“the AIC (Australian Institute of Criminology) points out that there is no way of assessing the number of illegal weapons . Recently, a gun control researcher from Sydney University s School of Public Health, Philip Alpers, estimated that there are about 20,000 illegal handguns in Australia”.
The Parliament of Australia website also indicates that in 2004/05 a total of 96 registered handguns were stolen in Australia. Of the 192,000 registered handguns for the same period, this equates to approximately 0.05% of all legally held handguns in Australia². Whilst I consider the theft of registered firearms to be a concern, I wholeheartedly believe that by far the greatest concern for government and state and federal law enforcement is the issue of illegally imported and manufactured firearms that are illegally held and used by criminal elements. Estimations on the number of illegal firearms is nothing more than an academic exercise if state and federal law enforcement agencies are not adequately equipped with the resources and powers to effectively target the sectors of society engaged in the trade and use of illegally obtained and held firearms.
- B. *The operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia:* The trade of illegal firearms, both outlawed and stolen, is a criminal activity that supports gun violence in Australia and needs to be addressed appropriately. I urge the committee not to loose sight of the fact that this is a subject that deals exclusively with criminal activities, and the most appropriate way to deal with such activity is through adequately equipping and empowering law enforcement to tackle the offending criminal elements of society; not the elements of society who abide by the laws imposed by the state. Criminals uses cars, mobile phones and the internet far more in the daily conduct of their criminal activities than they do firearms, but I do not see a rush by government to restrict the use of cars, mobile phones and the internet of law abiding citizens. Why should lawful firearms owners have their access to their sport eroded and restricted based on the action of criminals? The common sense answer to this question is that lawful firearms owners should not. Australian law by and large does not penalize the law abiding population when an individual commits a crime; nor should it.

- 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:* I believe the current resources available to stem the importation of illegal firearms is grossly inadequate. As of 2001, more than 90% of world trade in non-bulk goods is transported in ISO containers. In 2009, almost one quarter of the world's dry cargo was shipped by container⁴. Lloyd's List Australia: Australian Ports Guide indicates that there are 41 ports in Australia that take containerised and bulk cargo⁴. The vast majority of container ships that import containerised cargo to Australia are Panamax variants or *larger*. A Panamax vessel carries between 3000-5000 ISO containers. This means that a Panamax type container ship can import up to 190,000m³ of containerised cargo at one time. A similar ship in every port major cargo port in Australia at the same time multiplies this figure to 7,790,000m³ of containerised cargo capable of entering Australia every day. That is one ocean going small container ship in every cargo port in Australia on one day. Most Australian ports take multiple cargo ships a day. I believe these calculations are at best, conservative. I must provide the caveat that I have not been able to find definitive statistics on this subject from Customs and Border Protection. It is however, not hard to argue that the vast majority of illegal firearms enter Australia through our ports in ISO containers. Australian Customs and Border Protection officers can not open and search every container that enters Australia. The task would be impossible even with ten times the number of officers it currently employs for this task. The answer I propose is to dramatically increase the resourcing, training and liaison in gathering intelligence on criminal activities to allow Customs officers and state and federal law enforcement agencies to know exactly which containers need to be opened and searched of the hundreds of thousands being imported. In conjunction with this a proportionate investment in improving detection technology would also be required. The fact that random searches are conducted of containers in this era is almost laughable. Do we honestly expect the Australian public to accept that our very best efforts to protect them from illegal firearms importation relies very heavily (if not primarily) on chance? The answer to this question is no. There are better ways to attack this problem than by simply employing more Customs officers to open more containers chosen because of its point of origin. The effect that this method would have would be statistically insignificant in almost every measureable way. Knowing which containers to open and search is the key to having any chance of success in reducing the importation of illegal firearms into Australia. To address the matter of 3D Printers for the purpose of manufacturing firearms, a registry may prove useful however I think it would be relatively safe to assume that 3D printers are also being imported into Australia by the same means as firearms by the same criminal elements. So once again the matter of improving our ability to intercept the right containers as they enter Australian ports becomes crucial.
- 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:* In 2004/05 a total of 96 legally held handguns were stolen in Australia². Of the estimated 20,000 illegal handguns this represents less than 0.5%. So to put it simply; stolen handguns represent 0.5% of all illegal handgun risk to the safety of police and the community. Again I ask the question of the committee: what part of the problem deserves the greater share of our attention in this matter? Common sense would dictate that 0.5% of the committee's time would be spent addressing this specific subject. Once a firearms is stolen it is then in the hands of a criminal and therefore is a matter for law enforcement agencies to address. A legal type of firearm that is illegally held is an illegal firearm by virtue of the manner in which it is being held and its intended use. The type and method of function of firearm that is being illegally held is in broad terms quiet irrelevant. The purpose for which it is being held and the manner in which it is being held is the heart of the issue in this case.

- E. *The effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia:* Banning specific types of firearms based on the manner in which they function or look is laughable in the extreme. Changes in firearms laws have absolutely zero effect on those who choose to ignore them. If semi-automatic handguns were banned and subsequently bought back off owners, the net effect will be that such a law *may* have effectively prevented approximately 100 handguns a year from being stolen from law abiding firearms owners. Then the only problem left for the government and state and federal law enforcement agencies to worry about will be the 99.5% of all other illegally obtained and held handguns residing within the criminal elements within our society who choose to ignore our laws. I implore the committee to consider those who are abiding by the already strict current laws. If all semi-automatic hand guns were banned, and a buy back scheme is implemented, the financial cost would by far outweigh any benefit gained from denying criminals a potential means by which to illegally obtain firearms. By way of example, of the 192,000 registered and legally held handguns in Australia in 2004/05², a significant proportion are likely to be semi-automatic as dictated by the nature of the most popular pistol shooting disciplines practiced on Australian ranges. If approximately 150,000 of these pistols were semi-automatic and a buy back scheme was implemented and the average cost of each pistol was a conservative \$800, this would cost the Australian taxpayer \$120,000,000. This is a staggering figure when weighed against the imperceptible reduction in risk to police and the community that such an undertaking would potentially provide. I wish any government the best of luck in attempting to sell such a proposal to voters of any persuasion in the current political climate. \$120,000,000 taxpayer dollars in exchange for possibly preventing 100 handguns from being stolen each year doesn't really seem like such a great deal. If even one tenth of that amount of funding was placed into fighting the importation of illegal firearms by equipping and empowering Customs and state and federal law enforcement agencies to tackle the criminal elements of society engaged in this activity, then I believe some genuine progress could be made in reducing gun related violence in Australia.
- F. *Stricter storage requirements and the use of electronic alarm systems for guns stored in homes:* I believe that current storage laws should be updated to prohibit the use of timber cabinets for firearms storage. I advocate that only steel vault style cabinets should be allowed and be securely fixed to the structure. However I am at pains to think of ways in which firearms storage requirements could become any more strict (with the notable exception of prohibiting timber storage cabinets). Locked steel vault style storage cabinets that are bolted to the structure of a building (or weighing over 150kgs when empty) are often inside the parameters we apply to the storage of Secret and Top Secret documentation in government departments. The addition of electronic alarms would be the only means by which firearms could be considered any more secure in a private residence, but who would bear the cost of such imposed requirements? Who would respond to the activation of an alarm? If police were to react to such an alarm would additional police be employed and appropriately equipped to react to these alarms (a number of which will potentially be false)? State Police are required to inspect all residences where firearms will be stored to ensure compliance with state firearms laws. At what point was this measure ever thought to be inadequate? Are state law enforcement agencies not performing these inspections correctly or to the required standard? If not then logically such a problem could be addressed through police training, not through imposing greater restrictions upon lawful firearms owners.
- 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:* I support a review of state and territory firearms laws, particularly with a view to alignment. Aligning firearms laws across states and territories would simplify the enforcement of firearms laws and make adherence to these laws simpler for lawful firearms holders. I advocate maintaining state firearms licensing over a national system as this will continue to ensure that state law enforcement are aware of who lawfully holds firearms in that state and can ensure secure storage requirements are being met. In addition I ask the committee to also consider that for some firearms owners, suitable hunting properties are interstate and require transit across state borders to participate in our chosen lawful sport.

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In summary, I implore this committee to take into consideration the law abiding citizens who love our sport and continue to demonstrate that responsible firearms ownership and use does not need to be feared by the community. Responsible and lawful firearms owners want to see an end to gun related violence in Australia more than other members of the community because it generates unjustified negative public perceptions of our safe and lawful sport. I am yet to meet a firearms owner who does not support tougher punishments for firearms offences and greater equipping and empowering of state and federal law enforcement agencies if it would mean that we could lawfully pursue our sport with greater freedom. I ask the committee to consider my points openly, fairly and on their merit. I trust they will not lose sight of the fact that the entire reason the committee is sitting is to address the illegal use of illegal firearms by criminal elements of Australian society; and not punish nearly a million law abiding members of the community for the unacceptable actions of a few.

I welcome the opportunity to speak to members of the committee should they wish to discuss or clarify any of my points.

Kind regards

Benjamin Jarratt

Footnotes

1. Approximate figure: Australian Institute of Criminology figures quoted in Parliament of Australia website, Firearms In Australia – A guide to electronic resources
2. Australian Institute of Criminology figures quoted in Parliament of Australia website, Firearms In Australia – A guide to electronic resources
3. http://www.lloydsltdcn.com.au/australian_shipping_air_road_rail_services_directory/shipping-and-ports/australian-ports-guide
4. Bohlman, 2001, cited in Wikipedia 2014