Submission to the Senate Inquiry - The ability of Australian law enforcement authorities to eliminate gun-related violence in the community

Submission 392

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Submission to the Senate Inquiry - "The ability of Australian law enforcement authorities to eliminate gun-related violence in the community."

In response to a request from the chair of the committee I would make the following submissions. I will provide my responses as they relate to each term of reference.

1) The estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;

While the actual number of illegal guns present in Australia will always remain a grey figure, there are some indicators that can give a general estimate as to the extent of the problem. The Australian Crime Commission (ACC) estimates that there are more than 250 000 long-arms and 10 000 handguns in the illicit firearm market (Australian Crime Commission, 2013).

The number of illegal firearms and the problem they represent can be gauged to some extent by looking at:

- Trends in firearm/weapon offences;
- Usage of firearms in other offences, such as homicide and robbery, that are enabled by the use of a firearm;
- The actual theft of firearms; and
- Firearms surrendered to law enforcement agencies during amnesty periods.

In 2013, the National Homicide Monitoring Program observed that the use of firearms in homicide offences Australia wide remained quite low, they did however make note of the illegal nature of the firearms used (Chan & Payne, 2013).

During the period 2008–09 to 2009–10, approximately one in 10 (n=65; 13%) homicide incidents involved the use of a firearm; of these, only 14 percent involved a handgun. The majority of all firearms used in homicide incidents were reported by the police as unregistered and/or unlicensed. Overall, firearm involvement and in particular the involvement of handguns in homicide incidents, remains at an historical low. (Chan & Payne, 2013, p. 30)

A review of robbery offences committed with a firearm for New South Wales (NSW) showed that there has been a downward trend for the last seven years.

Offence	Jul 2007 to Jun 2008	Jul 2008 to Jun 2009	Jul 2009 to Jun 2010	Jul 2010 to Jun 2011	Jul 2011 to Jun 2012	Jul 2012 to Jun 2013	Jul 2013 to Jun 2014	84 month trend	Average annual percentage change
Robbery with a firearm	542	446	445	473	398	312	310	Down	-8.9%

Table 1. Recorded incidents of selected offences in the All of NSW State. Annual totals and 84 month trend from July 2007 to June 2014 (NSW Bureau of Crime Statistics and Research, 2014).

Data from the Australian Institute of Criminology (AIC), National Armed Robbery Monitoring Program report, in 2014 showed that the use of firearms in armed robbery offences remained stable over a seven year period (Borzycki & Fuller, 2014). "Sixteen percent of all incidents over the seven year period involved a firearm, with a low of 13 percent in 2005 (*n*=758) and a high of 18 percent in 2010 (*n*=825)." (Borzycki & Fuller, 2014, p. 4).

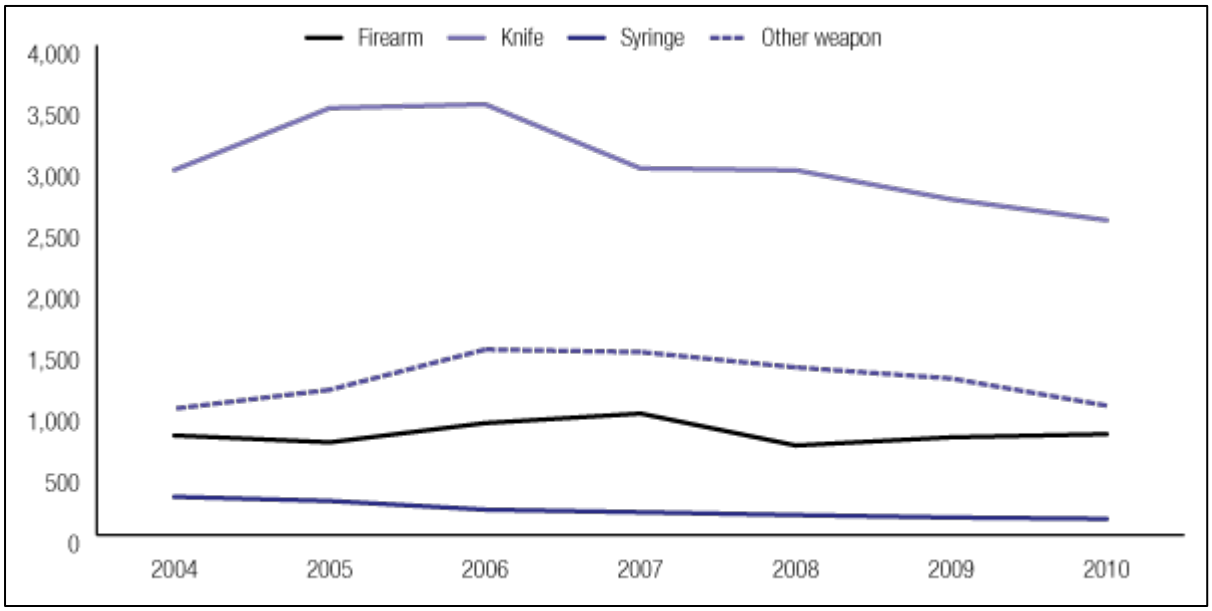


Figure 1: Weapons used in armed robbery by year in Australia, 2004–10. (n) Note: n=37,479. Excludes incidents for which weapon(s) were missing or not specified. Based on most serious weapon listed for incident, ranked in order of seriousness (firearm, knife, syringe, other weapon), Source: AIC NARMP incidents 2004–10 [computer file] (Borzycki & Fuller, 2014).

The decision by the offender to use a firearm in an armed robbery offence is guided by a number of factors and these include the below:

The more high risk and high gain a target, the greater the likelihood that offenders will select weapons like a firearm. A firearm allows substantial, arm's length control in highly secured and therefore threatening environments but compounds the risks to offenders because of the serious penalties associated with firearm use and the heightened possibility of firearms being used in response to their threat. Earlier research indicates that firearms are often the weapon of choice for high-yield, professional armed robberies. (Borzycki & Fuller, 2014, p. 24)

By looking in weapon offences in general we can glean some understanding of the current situation. In Victoria, Weapons/Explosive offence increased 30.2% over the period

2012/2013. These offences are not specific for firearms but do provide some indication of weapon usage for that jurisdiction. Data available from the Victorian Sentencing Commission shows that sentencing of armed robbery offenders has increase significantly between 2008 and 2013 (Victorian Sentencing Advisory Council, 2014).

	Gender		
Financial year	**Male**	**Female**	**Total**
2008-09	146	13	159
2009-10	191	19	210
2010-11	172	14	186
2011-12	190	19	209
2012-13	222	19	241
Total	921	84	1005

Table 2: Sentencing Trends for Armed Robbery in the Higher Courts of Victoria 2008–09 to 2012–13, (Victorian Sentencing Advisory Council, 2014).

In NSW prohibited weapon offences have increased over a seven year period. While these weapons may include other firearms, none the less. it is a worthwhile offence category to consider given its indication of the use of weapons illegally.

Offence	Jul 2007 to Jun 2008	Jul 2008 to Jun 2009	Jul 2009 to Jun 2010	Jul 2010 to Jun 2011	Jul 2011 to Jun 2012	Jul 2012 to Jun 2013	Jul 2013 to Jun 2014	84 month trend	Average annual percentage change
Prohibited and regulated weapons offences	8448	8653	7856	7900	7819	8320	11174	Up	4.8%

Table 3. Recorded incidents of selected offences in the All of NSW State. Annual totals and 84 month trend from July 2007 to June 2014. (NSW Bureau of Crime Statistics and Research, 2014).

In Queensland (Qld) since 2001 weapon offences (N=4596) have generally been decreasing overall through to 2013 (n=3021) (Queensland Police Service, 2014)

More detail data can be obtained for specific firearm offences such as unlawful possession of concealable firearm and unlawful possession of a firearm. Figure 3 show the offence numbers for these two offences categories from the period January 2001 to August 2014. While unlawful possession of firearms has decreased over that period, the number unlawful possession of concealable firearms appears to have remained consistent (Queensland Police Service, 2014).

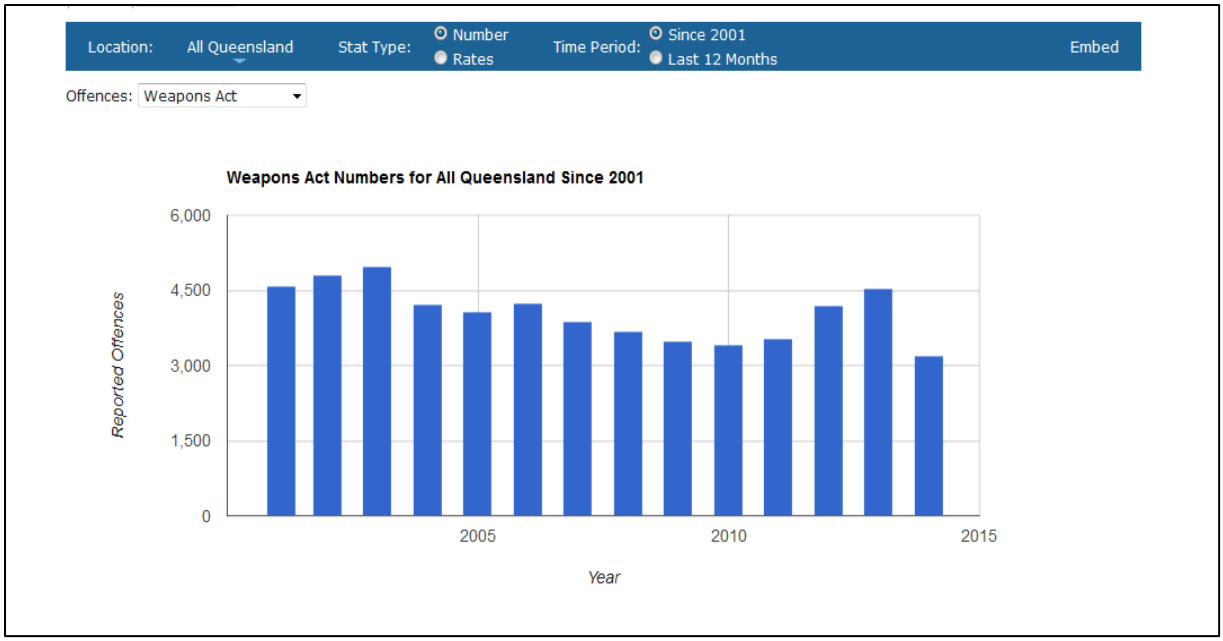


Figure 2: Weapons Act offences in Queensland by number from 2001 -2014, (Queensland Police Service, 2014).

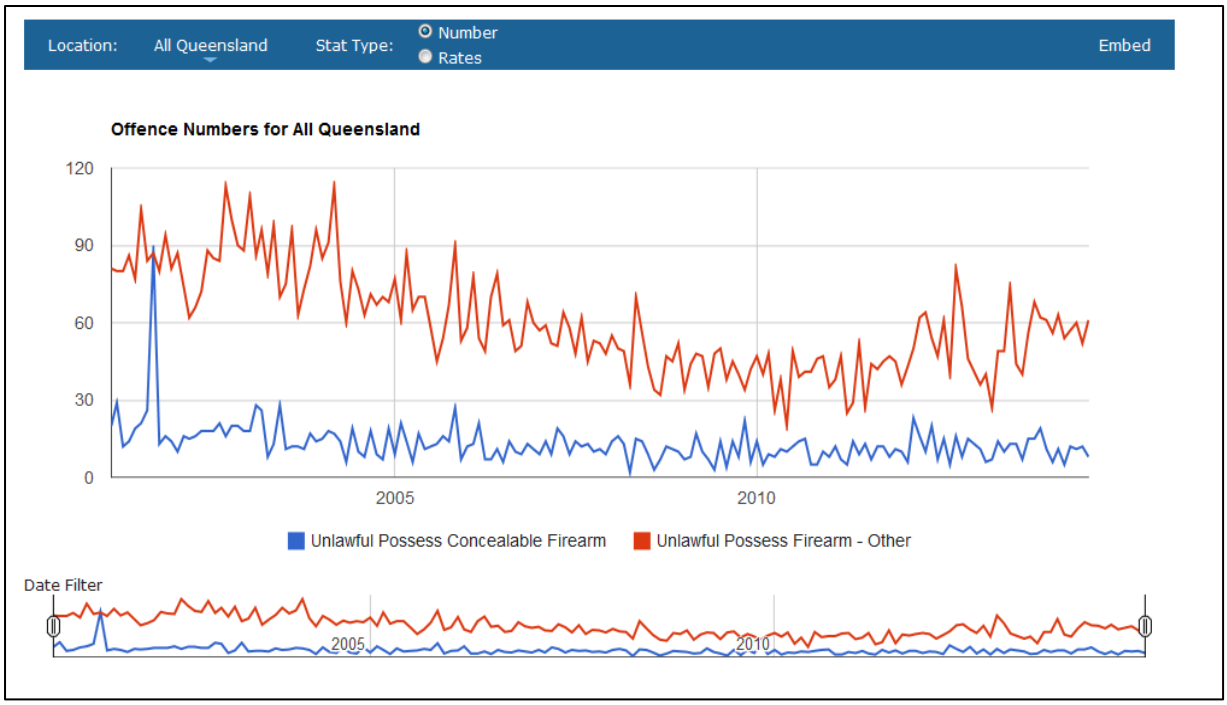


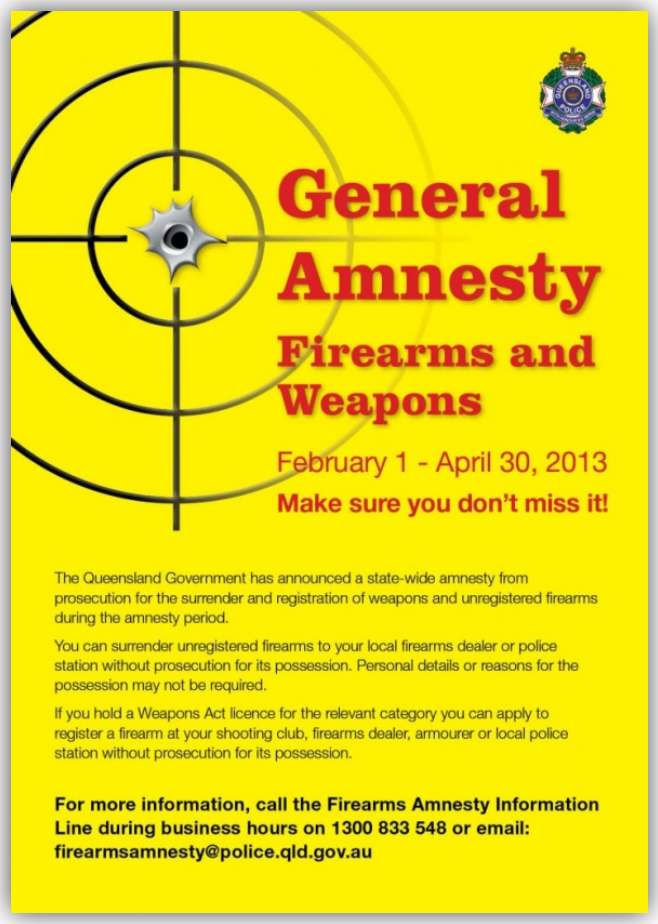
Figure 3: Offence numbers in Queensland for Unlawful possession of a concealable firearm and Unlawful possession of a firearm 2001 – 2014, (Queensland Police Service, 2014).

The actual number of unlawfully possessing a concealable firearm charges per month are quite low with there being 20 for February 2001 and eight in August 2014.

Firearm amnesties by various law enforcement agencies in Australia have been successful in removing or licencing large number of unregistered firearms in the community. In 2013 Queensland Police announced a three month firearm amnesty during which almost 5000 weapons were surrendered to police and another 14000 registered (Queensland Minister for

Police and Community Safety, 2013). In 2012 in Queensland some 500 firearms were stolen whilst nationally there were approximately 1500 stolen each year (Wilson, 2013).

Western Australian (WA) police held a three month gun amnesty in 2013 following criticism from the Auditor General Colin Murphy who highlighted significant concerns with some agency information systems, most notably with the WA Police Firearms Management System (Orr, 2013). The firearms amnesty has resulted in 1281 guns being surrendered to WA Police. The below Western Australian Police figures provide interesting information as to the type of weapons handed in during the amnesty (Western Australia Police, 2013).



- 131 handguns
- 855 rifles
- 240 shot guns
- 2 submachine guns
- 80,108 rounds of ammunition

While this data provides a brief snapshot it does allow some broad conclusions to be drawn. In relation to homicides the use of illegal weapons has not increased and remains low. Firearm amnesties show that there are still significant levels of illegal firearms present in the community. The various offences looked at show no overwhelming increase in the use of firearms in offences.

2) The operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;

Bricknell describes three primary markets for firearms in Australia (Bricknell, 2012, p. x):

1. The licit market comprises all firearms that have been registered with the relevant authority and held by an owner with the appropriate licence(s) to possess and use the specified firearm(s).
2. The 'grey market' comprises unregistered firearms. Prior to the National Firearms Agreement (1996), only handguns had to be registered in all Australian jurisdictions; mandatory long-arm registration varied between the states and territories. Grey market firearms are those firearms that should have been registered or surrendered (for restricted models) in the gun buybacks that have occurred since the National Firearms Agreement (1996), but for a multitude of reasons were not. In some cases, this was probably because the owner chose not to comply with the new legislative requirements but in others because the firearms had been misplaced, lost or forgotten

about. Grey market firearms are not held, used or conveyed for criminal purposes but have been identified as often ending up in the illicit market.

3. **The illicit market comprises any firearm that has been illegally imported into Australia, illegally manufactured in Australia or diverted from the licit or grey markets. Illicit firearms may be used in criminal activities.**

The means used to obtain an illicit weapons include theft, illicit manufacture, corruption of legitimate firearm holders, legislative loopholes, deactivation and jurisdictional boundaries (Bricknell, 2012). There is a distinction as to where the firearm is sourced from depending on the type of firearm. Data shows that Grey market firearms were the main source of both restricted (92%) and non-restricted (86%) long-arms (Bricknell, 2012). However for handguns data indicated that "False deactivation (39%) and theft or loss of (31%) were the primary sources of restricted handguns that had entered the illicit market where a method of diversion was known" (Bricknell, 2012, p. 41).

A report by the AIC in 2011 indicated that some 1,570 firearms were stolen in 620 incidents throughout Australia (excluding Western Australia) in 2008-2009 (Bricknell, 2011). The executive summary of this report highlights some important trends in the theft of firearms in Australia.

- The number of firearms reported stolen in Australia (excluding Western Australia) has risen by six percent each year since 2004–05.
- Fifty-five percent of all reported incidents involved the theft of multiple firearms. The number of firearms stolen in multiple-firearm thefts ranged from two to 19. The modal (most common) theft involved two firearms.
- Rifles accounted for the majority (60%) of all reported stolen firearms, with bolt-action rifles the most often recorded as stolen. One-quarter (24%) of stolen firearms were shotguns, mostly single barrel or double barrel. Handguns constituted six percent of firearms that were reported stolen; just over half (53%) of these were revolvers and 46 percent were semiautomatic pistols.
- Six in 10 stolen firearms were classified as a Category A firearm and one-quarter as a Category B firearm. Restricted firearms made up less than ten percent of all firearms reported stolen in 2008–09—six percent were Category H firearms (i.e. handguns), one percent or fewer were Category C or D firearms.
- Ninety-one percent of firearms reported stolen were registered at the time of the theft. (Bricknell, 2011, p. vii)

3) 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;

This question would be more adequately answered by representatives from border protection and custom services as to the ability to import such items. I would comment however that 3D printers do present a challenge in that unlike other illicit manufacturing items, such a pill presses for drug production, 3D printers can be used for a variety of legal purposes. In addition 3D printers are not only within the purview of the industrial sector, but can also be readily used and accessed by private home users.

Despite some initial scepticism it now appears the 3D printers are capable of reproducing a fully functional firearm. These firearms can be made of plastic and produced on printers available to home users and are capable of firing multiple times (Greenberg, 2013). In addition 3D printers are now capable of producing weapons in metal, that are fully capable of firing (Gross, 2013; Hillen, 2013).

The import of 3D printers will present a considerable challenge to law enforcement to ensure that they are not used to produce illicit firearms. It appears that to produce the firearms detailed blueprints of the firearms are necessary.

Perhaps consideration could be given to a licencing scheme for those 3D printers capable of producing a firearm and the creation of specific offences for production of firearms in this manner and possession of instructions/blueprints to do so.

4) 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;

Any firearm that is in the community in an illicit capacity is a danger to law enforcement personnel. Data shows that in most jurisdictions firearm theft has not drastically increased. It should be noted that police services would be able to provide much more up to date data than I have been able to access.

In relation to the danger of illicit firearms to law enforcement personnel, data indicates that between 1991/2007 some 15 police officers died from attacks by offenders, of these shootings made up some 66% of deaths (Allard & Prenzler, 2009).

Examination of firearm theft allows for some interesting observations. Data available for 2008/2009 shows that NSW is by far the most prevalent jurisdiction for firearm theft.

Table 4: Firearm theft incidents and number of stolen firearms

	Incidents		Number of stolen firearms		Mean number of firearms	Median number of firearms
	n	%	n	%		
NSW	220	35	592	38	2.7	2
Vic	134	22	302	19	2.3	1
Qld	132	21	319	20	2.4	2
SA	67	11	211	13	3.1	2
Tas	37	6	99	6	2.7	2
ACT	11	2	22	1	2.0	1
NT	19	3	25	2	1.3	1
Australia (ex WA)	620		1,570		2.5	2

Table 4: Firearm theft incident and number of stolen firearms Note: Percentages may not total 100 due to rounding Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia), (Bricknell, 2011).

Table 5: Trend in stolen firearms 1994–2000 to 2007–08 (number stolen per year)						
	1994–2000[a]	**2004–05**	**2005–06**	**2006–07**	**2007–08**	**2008–09**
NSW	1,048	371	401	432	410	592
Vic	538	302	211	276	332	302
Qld	750	329	302	320	352	319
WA	602	207	191	232	297	n/a
SA	823	150	198	204	193	211
Tas	306	83	114	52	107	99
ACT	36	8	9	n/a	9	22
NT	92	20	19	10	12	25
Australia	4,195	1,470	1,445	1,526[b]	1,712	–
Australia (ex WA)	3,593	1,263	1,254	1,294	1,415	1,570

Table 5. Trend in stolen firearms. a: The figures in this column represent the average number of firearm stolen during this period b: Excludes Australian Capital Territory. Because the number of firearms reported stolen in the Australian Capital Territory each year is small, the exclusion of ACT data does not overly underestimate the Australian total Note: Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers Sources: Mouzos 2002; AIC NFTMP 2004–09 [computer file], (Bricknell, 2011).

While most states have remained stable over time regarding firearm thefts, it is of interest that NSW has had significant increases in recent years. An exploration of the cause of the anomaly in NSW would be of benefit to assessing the risk management of firearm theft.

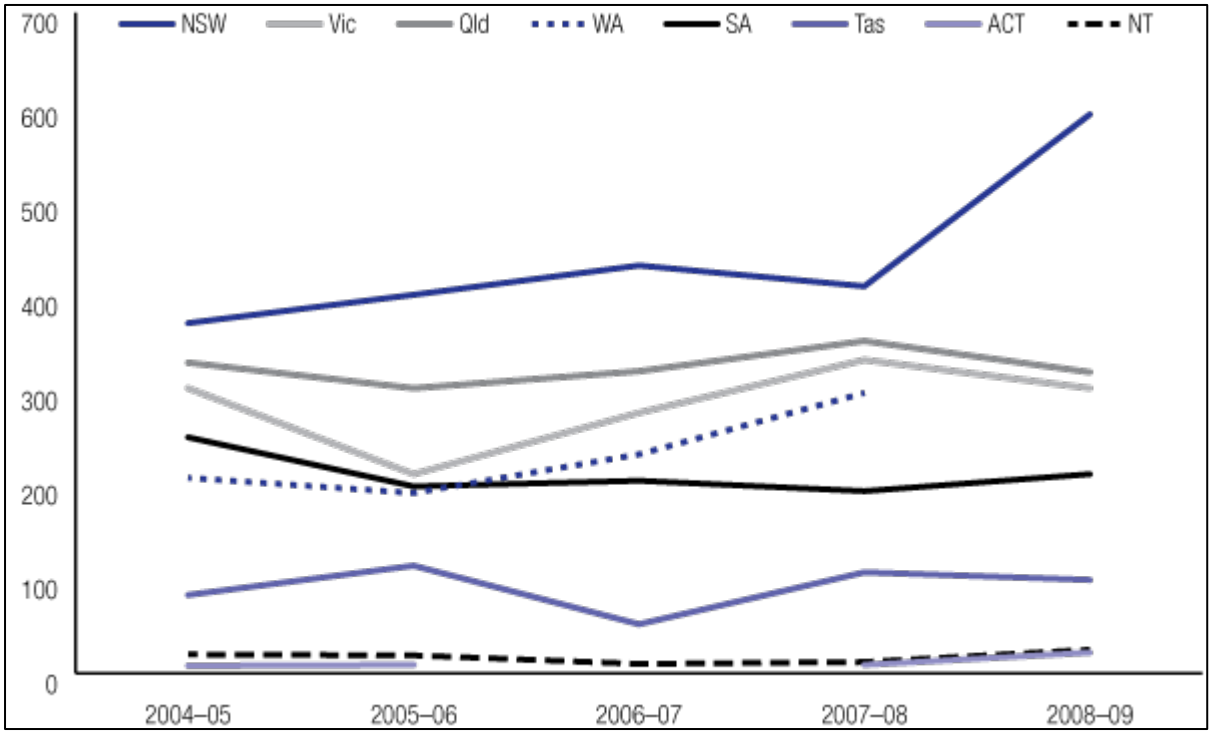


Figure 4: Trend in stolen firearms, 2004–05 to 2008–09, by jurisdiction (n). Note: Data were not available for the Australian Capital Territory for 2006–07 and Western Australia for 2008–09. Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers Source: NFTMP 2004–09 [computer file]. (Bricknell, 2011).

5) The effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia;

The effectiveness of banning semi-automatic handguns is dependant to some degree to the role that they play in satisfying demand in the illicit market. Semi-automatic handguns made up 46% of handguns stolen during the period 2008-2009, revolvers comprising almost all the remainder (Bricknell, 2011). However, handguns in total accounted for only 6% of firearms stolen over the same period (Bricknell, 2011).

Action type of stolen handguns		
	n	**%**
Semi-automatic pistols	37	46
Revolvers	43	53
Other	1	1
Total	81	100

Table 6: Note: Excludes handguns in which action type was unknown (n=6) or recorded as a replica (n=1). Note: Percentages may not total 100 due to rounding Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia) (Bricknell, 2011).

Handguns accounted for 34% of firearms seized from criminal groups (Bricknell, 2012). When talking about firearms seized from serious organised crime groups, data shows that between 2002 and 2011 semi-automatic pistols accounted for some 25.6% (Bricknell, 2012). For non-serious organised crime groups the semi-automatic pistils accounted for 18.2% (Bricknell, 2012). In essence when talking about criminal groups, semi-automatic pistols make up approximately a quarter of the firearms types seized. This represents a significant usage by criminal groups, banning such type of firearms would have an impact on their usage by criminal elements.

6) Stricter storage requirements and the use of electronic alarm systems for guns stored in homes;

There is little doubt the increasing security arrangements around the storage of firearms would assist in deterring criminals from stealing such. As Bricknell noted in her comprehensive study of Australian firearm theft:

Modifying current provisions around firearm storage may be one avenue that could further reduce offenders' ability to penetrate otherwise secure storage arrangements. Further, an investment in situational crime prevention strategies would be equally useful, although work is required to identify and hone the types of techniques that could be employed effectively. These might include strengthening formal surveillance (e.g. burglar alarms and surveillance cameras), better concealment of targets (e.g. location of firearm safes), use of property identifiers (e.g. use of indelible markers on registered firearms) and strategies to assist compliance (e.g. dissemination of findings from firearm theft research to educate firearm owning community about potential and actual storage vulnerabilities). (Bricknell, 2011, p. iv)

7) 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

This question would be more adequately answered the by the relevant Attorney-General of each jurisdiction or his representative.

8) Any related matters.

Nil.

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