

A submission to the National Firearms Agreement review

**Made by the
International Coalition for Women in Shooting and Hunting (WiSH)**

INTERNATIONAL COALITION FOR
WOMEN IN SHOOTING AND HUNTING



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Introduction

The International Coalition for Women in Shooting and Hunting (WiSH) is pleased to make a submission to this review.

Should further consultations be held in relation to this review process or its outcomes, we request to be included.

Dr Samara McPhedran
Chair
International Coalition for Women in Shooting and Hunting (WiSH)
Ph: 0415 963 189

Dr Jeanine Baker
Research Co-ordinator
International Coalition for Women in Shooting and Hunting (WiSH)
Ph: 0427 186 184

www.ic-wish.org

Overview and position statement

Certain elements of the National Firearms Agreement (NFA) are based on sound evidence from peer-reviewed literature. An example can be found within the requirement that any person wishing to lawfully possess and use firearms should undergo a police background check. Specifically, the use of behavioural risk indicators - such as a history of violent or other criminal behaviour - as a basis for the decision that an individual is not a 'fit and proper' to hold a firearms licence, draws on the principle that past behaviour has predictive value for future behaviour. We do not propose that such elements should be altered.

However, various other elements – either explicitly stated or tacitly implied within the NFA - are based on principles that are outdated and which have, over time, been disproven by evidence. A primary example of this is the underlying assumption that levels of legal firearms ownership have a meaningful relationship with levels of firearm misuse. A further example is the assumption that restricting certain 'types' of firearm is relevant to reducing or preventing mass shootings, defined as events where four or more individuals are killed by one offender. It is appropriate that such assumptions be rejected in any future iterations of Australia's national approach to firearms management, with corresponding revisions accordingly implemented in legislation and regulation at the jurisdictional level.

Given the background to this review, attempts by its instigators to tie a body of work that was already underway to the far more recent events at Martin Place, and the clandestine way in which decisions around firearms management have typically been driven, we have serious concerns about the legitimacy of this review process. We are deeply concerned that, at the time of writing, there has not been full disclosure of what is within and outside the scope of this review process. We are equally troubled that although Freedom of Information requests clearly indicate that issues such as recategorisation have long been under discussion, this has not been made known to key stakeholders and continues to be denied. Similarly, we note in relation to reform more generally that although regulatory

issues have been under constant discussion for many years at the Firearms and Weapons Policy Working Group level, any problem identification/scoping documents, risk assessments, cost-benefit analyses, estimates of compliance costs upon individuals and businesses, and identification of policy options other than regulation, have not been released for scrutiny.

A measure of the validity of this review process is whether any resulting recommendations will be evidence-based, with all tendered evidence (including evidence to support any underlying premises or assumptions) being made available for public scrutiny. In any areas where additional restrictions or impositions upon lawful firearms ownership may be proposed, a key test of the credibility of those proposals is whether they reflect a considered and proportional response to a legitimate problem that is demonstrated through rigorous facts and evidence, or merely reflect an unsubstantiated perception, opinion, or bias.

If the current review process represents a legitimate effort to improve Australian firearms management then it follows that an outcome of the review will see those unsupported and ideologically driven elements of the NFA rejected in favour of a more informed set of principles. To facilitate this process, we provide in the following pages a brief stocktake of current evidence concerning the impacts of the NFA in Australia, and identify specific elements of the NFA and/or its underlying presumptions that are not supported by evidence.

We support in principle those submissions made by other parties, which call for various firearms currently categorised as C or D category to be placed instead into A or B category. We highlight that there is no evidence, from Australia or elsewhere, that the lawful possession and use of sporting configuration self-loading firearms by fit and proper persons for the purposes of target shooting and hunting elevates the incidence of firearms misuse.

We endorse the observation made in other submissions to this review that there has been no legitimate reason supplied for any proposals to increase the level of restriction imposed on any firearms that currently fall within categories A or B, and we oppose such suggestions. We note that Australia's firearms categorisation system is based largely on emotive reactions, rather than a sound evidence base.

We also note that there is no evidence to support any further restrictions being placed on magazine capacity, or to undertake recategorisation/develop new classifications based on magazine capacity. We oppose any measures to further restrict magazine capacity, including those measures articulated in the ban on import of lever action shotguns with magazine capacity of more than 5 rounds.

Evidence stocktake

Assumption: Restricting ‘rapid fire’ firearms prevents/reduces the occurrence of mass shooting incidents.

Evidence: Between 1964 and 2014, Australia had 13 mass shootings (defined, following internationally recognised conventions, as an event with four or more fatalities) involving many different types of firearms ranging from single shot .22 calibre bolt action rifles through to military-stye semi-automatics¹. Nine out of those 13 incidents occurred in the period 1987-1996, and one incident occurred in 2014. New Zealand – similar to Australia in history, culture, and economic trends – has also experienced 18 years with no mass shootings despite continued widespread availability of the types of firearms Australia banned. The absence of mass shootings in New Zealand, despite ongoing availability of sporting configuration self-loading firearms for target shooting and hunting, cannot be reasonably attributed to pre-existing differences between the two countries. Peer-reviewed research which controlled for population size differences has shown that the occurrence of mass shootings before 1996/1997 was comparable between countries². The logical conclusion is that some factor other than the different restrictions placed on sporting configuration semi-automatic firearms ownership underlies the continued absence of mass shooting events in both countries. From this it follows that ownership of ‘rapid fire’ firearms, by fit and proper persons, does not increase the incidence of such events.

¹

<https://theconversation.com/regulating-people-not-just-guns-might-explain-australias-decline-in-mass-shootings-44770>

² McPhedran, S., & Baker, J. (2011). Mass shootings in Australia and New Zealand: A descriptive study of incidence. *Justice Policy Journal*, 8(1).

Assumption: Levels of legal firearms ownership correlate with levels of firearm misuse.

Evidence: While data about firearms ownership levels are not routinely released, those data have been released for Australia's most populous state, New South Wales. Analyses of those data show that legal firearms ownership levels in terms of both the number of licences and number of firearms have consistently increased in NSW, whereas theft of firearms and firearm-related crimes (murder with a firearm, shoot with intent to murder, and robbery with a firearm) have all continued to decline over time. Also, firearm suicides have continued to fall over time, despite ongoing increases in the number of licensees and number of firearms lawfully owned. No reliable or accurate data exist about how many firearms were owned in Australia pre-1996. As a result, recent claims that the NFA led to a 22% reduction in firearms ownership in Australia do not withstand scrutiny.

Assumption: Australia's gun laws have reduced firearm homicide.

Evidence: There is a growing body of published, peer-reviewed evidence considering the impacts of Australia's firearms legislation on homicide rates, which were falling well before the NFA was implemented. Not one of these studies has found evidence of a significant impact of the 1996 legislative changes on firearm homicide. Interestingly, however, some studies have ignored their own statistical findings and concluded that impacts have occurred. On closer scrutiny, it emerges that those are studies undertaken by current or former anti-gun lobbyists, or their associates³. This peculiarity has been noted internationally. For example, the US National Institute of Justice - the research, development and evaluation agency of the U.S. Department of Justice – has commented “[o]ne study (Leigh & Neill 2010) has proven confusing in that its abstract suggests that Australia's gun buyback reduced firearm homicide rates by 80%, but the body of the report finds no effect.”⁴

³ These relationships have been documented in our earlier submissions to the Senate Inquiry into Suicide in Australia.

⁴ Ridgeway, G. (2013). *Summary of select firearm violence prevention strategies*. National Institute of Justice: Washington, D.C.

Assumption: Australia's gun laws have reduced firearm suicide.

Evidence: Whether or not Australia's laws affected firearm suicides is uncertain. Some studies find an impact, others find little or no evidence of any changes and/or substitution of other suicide methods. Adding to this complexity, suicides across the board declined after 1997. This coincided with national implementation of a wide range of suicide prevention strategies. There were broader social changes occurring around that time, including the start of a long period of economic growth and low unemployment. It is extremely difficult to disentangle the effects of legislative changes from those of multiple interventions and social changes occurring around the same time. Regarding cost-effectiveness of Australia's firearms legislation as a suicide prevention strategy, it has been concluded on the basis of systematic review of cost-effectiveness of a range of preventive health measures that the gun buyback and legislative changes were a high-cost intervention that cannot be shown to have impacted on suicides⁵.

Assumption: More stringent restrictions on legal firearms ownership lead to greater reductions in lethal firearm-related violence.

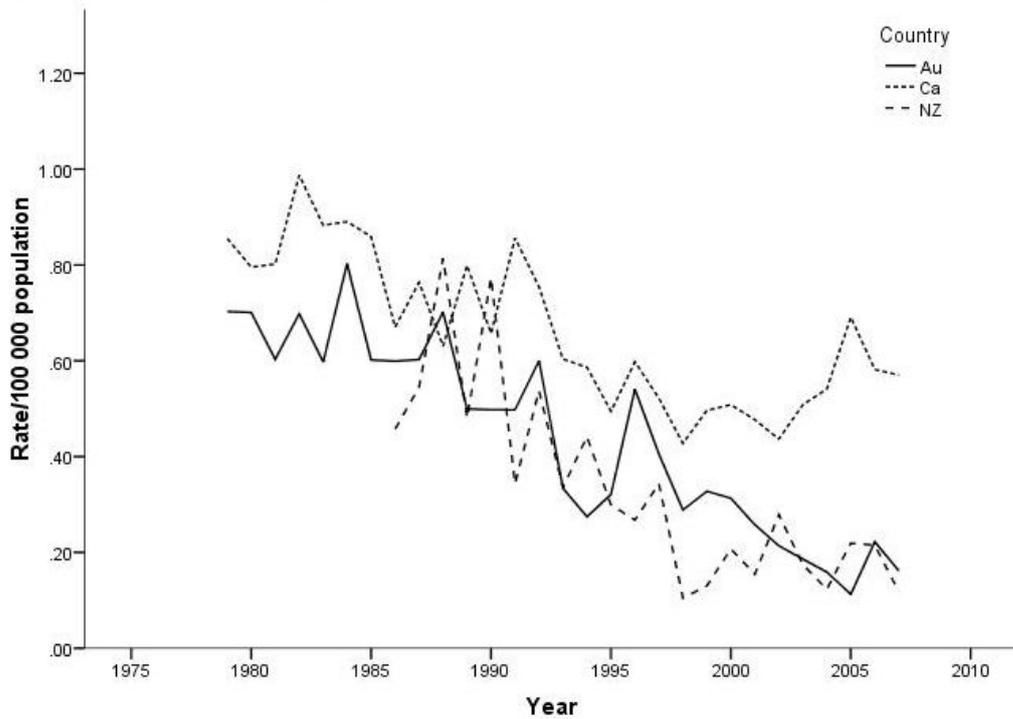
Evidence: Australia may be compared with two similar Commonwealth countries – New Zealand and Canada. Statistically, Australia had comparable long-term firearm homicide trends to Canada, while New Zealand experienced the most marked declines relative to both other countries (consistent with observations that the overall incidence of homicide in New Zealand has halved in the past two decades)⁶. That research also found that Australia's more restrictive laws were not associated with lower rates of firearm homicide, on average, relative to New Zealand with its more 'permissive' legislation (an average of 0.22 deaths per 100 000 population relative to 0.17 deaths per 100 000 population, respectively)⁷.

⁵ See: http://www.sph.uq.edu.au/docs/BODCE/ACE-P/ACE-Prevention_final_report.pdf

⁶ McPhedran, S., Baker, J., & Singh, P. (2011). Firearm homicide in Australia, Canada, and New Zealand: What can we learn from long-term international comparisons? *Journal of Interpersonal Violence*, 26(2): 348-359.

⁷ Ibid.

Figure 1. Firearm homicide rates by country (source: McPhedran, S., Baker, J., & Singh, P. (2011). Firearm homicide in Australia, Canada, and New Zealand: What can we learn from long-term international comparisons? *Journal of Interpersonal Violence*, 26(2): 348-359)



The level of legislative restriction surrounding firearms ownership differs between the three countries (Table 1, below). For example, Canada and New Zealand permit the widespread ownership and use of the types of firearms that are banned in Australia. New Zealand has not required registration of all firearms since the early 1980s. Canada adopted universal registration in the 1990s, before abandoning the scheme in 2012. It is noteworthy that in both of those countries, removal of registration has not led to increases in firearm homicide. The legislative differences do not appear to translate into different long-term trends in firearm homicide rates between countries, suggesting the need to consider other explanations for declines in firearm homicide.

Table 1: Australia, Canada, and New Zealand: Summary of firearms legislation

	Australia	Canada	New Zealand
Licence required	Yes	Yes	Yes
Photographic licence	Yes	Yes	Yes
Years longarm licence issued for	5	5	10
Police background check	Yes	Yes	Yes
‘Safe storage’ (firearms must be stored in a locked receptacle when not in use)	Yes	Yes	Yes
Registration required for all firearms	Yes	No*	No
Bans on self-loading longarms	Yes	No	No
Bans on pump-action shotguns	Yes	No	No
Separate permit needed for each firearm acquired	Yes	No	No

* Abandoned in 2012.

Assumption: Theft of privately owned firearms is a key contributor to illicit firearms possession and use

Evidence: As found by the recent Senate Inquiry into the ability of Australian law enforcement authorities to eliminate gun-related violence in the community, claims that theft of privately owned firearms is a key contributor to firearm-related violence in Australia do not withstand close scrutiny.

Assumption: Universal longarm registration facilitates reductions in firearm misuse

Evidence: In addition to the international comparisons described above, the efficacy of Australia’s registration system in reducing firearm misuse may be contextualised against the accuracy of registries in each jurisdiction. Internal government reports have revealed that registry records around the nation contain error rates of up to 80 percent. In addition, the estimated number of unregistered firearms in Australia is estimated at between 1.5 and 6 million, suggesting extremely low compliance rates with this policy. Collectively, the

high level of inaccuracies and low compliance levels suggest that registry records are flawed, incomplete, and capture only a small proportion of the total stock of firearms in Australia. However, firearm misuse has nevertheless continued to undergo the steady declines that were apparent before 1996. The logical conclusion is that - due to the obvious policy implementation failure in regard to universal longarm registration - factors other than registration are the most probable contributors to declines in firearm misuse.

Additional issues

At present, administering Australia's firearms management system imposes a significant resource burden upon enforcement agencies, who are required to extensively monitor compliant, 'low-risk' persons. This represents an impediment to effective crime prevention resource allocation, and does not deliver public safety benefits that are in any way proportional to the financial outlay required. Placing increased legislative provisions around lawful firearms ownership, trade, and activity would serve only to reinforce and amplify the resourcing challenges that law enforcement agencies already face.