

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

**A submission to the Senate Inquiry into the ability of Australian law
enforcement authorities to eliminate gun-related violence in the
community**

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



August 2014

Page intentionally left blank

Introduction

Given the overall way in which this Inquiry has been framed and established, the superficial nature of the terms of reference, and the Greens' long-stated goal of further rounds of firearms prohibition and restriction in Australia, we have significant concerns as to the legitimacy of this Inquiry.

On face value, this Inquiry does not represent a serious or considered search for informed and genuinely effective means to reduce firearm related violence in Australia, nor has any demonstrable need for this Inquiry been established. Given that any Senate Inquiry necessarily requires the allocation and use of parliamentary resources, the possibility that this Inquiry has been convened as nothing more than a means to promote a highly partisan and fundamentally misguided agenda is deeply troubling.

As such, it is necessary that any report emerging from this Inquiry must fully meet the recommendations for transparency, impartiality, and accountability that are established within the following submission. A failure to meet these standards would indicate serious lack of credibility of the Inquiry, as well as revealing a blatant misuse of parliamentary resources and process.

Should hearings be held for this Inquiry, we request to appear before the Committee.

Dr Samara McPhedran
Chair
International Coalition for Women in Shooting and Hunting (WiSH)

Dr Jeanine Baker
Research Co-ordinator
International Coalition for Women in Shooting and Hunting (WiSH)

www.ic-wish.org

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

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

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

The unreliability of estimates of the pool of ‘illegal’ firearms in Australia, the diverse array of meanings that ‘illegal’ can convey, and the difficulties inherent in estimating those figures have been discussed in other submissions and will not be repeated herein. What must be considered is the composition of that pool of firearms, and specifically the pool of firearms found in criminal activity. These three inter-related and overlapping terms of reference demonstrate a heavy reliance on the premise that firearms theft represents a significant contributor to the pool of firearms used in violent crime in Australia. This premise is not supported by evidence.

Although there is relatively little publicly available information about sources of firearms used in crime, from the information that is available, theft is not implicated as a significant contributor to firearm-related crime in Australia. For example, reports by the Australian Institute of Criminology (AIC) have consistently found that firearms stolen from private owners are seldom used in violent crimes.

In 2012, the Australian Crime Commission (ACC) completed a report into illegal firearms in Australia. This report was never publicly released, and requests made under Freedom of Information were repeatedly denied. The only information released consisted of a general ‘fact sheet’ and a series of dot points. These confirmed theft as a very minor contributor to firearm-related criminal activity, however did not stipulate when those thefts had occurred – that is, pre- or post-1996 (when strict storage requirements were introduced).

It is reasonable to assume that if the ACC report had identified theft from legal owners, post-1996, as a predominant source of illicit firearms in Australia (and particularly of illicit firearms recovered from crimes), then the report would have been openly released. The fact that so little of the report was released for public scrutiny suggests not only that theft from legal owners is a very minor contributor to the criminal use of firearms, but also that there was content in the report that may have proven embarrassing to the federal and/or state and territory governments.

Such content may, for example, have demonstrated serious failings with the Australia's approach to firearms crime control, which has historically been typified by an intensive focus on legal ownership rather than pathways to, and correlates and patterns of, criminal firearms misuse. A key possibility in this regard is that the majority of firearms found to be associated with criminal activity (and particularly organised crime) were obtained through means other than theft from legal private owners. These means are likely to include illicit import, illicit manufacture, and diversion from sources such as the government; in 2007, for example, it was revealed that diversion of firearms (among other items) from the Australian military – particularly in the Sydney area – was a matter of significant and long-standing concern¹.

Recommendation

The Committee must call for the immediate public release of the full ACC report into illegal firearms in Australia.

Estimates of the total pool of 'illegal' firearms (not just those in the hands of criminals) range from hundreds of thousands, up into the millions. Despite this, firearm crime rates

¹ See: <http://www.heraldsun.com.au/news/opinion/terror-goes-on-sale/story-e6frfhqf-111112812171>

remain low and concentrated in urban crime ‘hotspots’² (suggesting the bulk of illegal firearms are not being used in criminal activity).

The ACC imply that a notable proportion of the ‘illegal’ firearms pool in Australia consists of firearms that were ‘outlawed’ in 1996, which were never handed in to the taxpayer-funded confiscation scheme, and which are not in the hands of persons engaging in criminal activity (although, as the ACC note, may end up in that ‘black’ market³). If this is the case, then it points to a massive policy failure of the 1996 prohibition and confiscation (‘buyback’) scheme. If that policy had been successful, then there would not be hundreds of thousands, perhaps millions, of such firearms around the country. Indeed, from this, it may be concluded that the 1996 scheme of categorisation, prohibition, and confiscation has served only to create an extremely large pool of ‘invisible’ firearms.

As an interesting aside, if the majority of ‘illegal’ firearms are firearms that went from being ‘legal’ to ‘illegal’ with the stroke of a pen, then it follows that the ongoing presence of potentially high numbers of such firearms in the community has not been associated with any further mass shootings. The anti-gun lobby have long argued that such firearms had to be removed from private hands in order to prevent mass shootings. The absence of mass shootings in the continued – and unauthorised - presence of hundreds of thousands or even millions of semi-automatic longarms in Australia demonstrates the absurdity of that claim.

² See for example: Williams, S., & Poynton, S. (2006). Firearms and violent crime in New South Wales, 1995-2005. *Contemporary Issues in Crime and Justice*, 98. NSW Bureau of Crime Statistics and Research: Sydney.

³ Some media reports have quoted police officers who blame theft of those firearms as a source of ‘black market’ firearms used in crimes. However, there is, by definition, no evidence to support such claims. If the firearms being recovered do not have a clear administrative history, then it cannot be stated definitively that they have come from any particular source such as theft.

Recommendation

That the Committee acknowledge the ‘buyback’ scheme and accompanying prohibitions on private ownership of certain types of firearms have been significant policy failures.

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.

Manufacturing a firearm without a proper licence is already illegal in all states and territories. This covers all forms of manufacture (including, for example, manufacture using new technology).

There have been a number of well documented incidents of illicit import of firearms, which are discussed in detail in other submissions. The adequacy or otherwise of current Customs and other agencies' resourcing for detecting and responding to such incidents is a matter for those bodies to comment on. However, it is fair to note that resources are finite, and detecting and disrupting illicit firearm-related activity is one among a range of competing activities undertaken by law enforcement agencies working under limited budgets.

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.

Simplifying existing firearms management systems, by removing unnecessary bureaucratic requirements and red tape, would enable reallocation of resources into intelligence-led enforcement activities specifically targeted at detecting and preventing 'high-risk' criminal activity.

Recommendation

That the Committee acknowledge that all forms of firearm manufacture are already regulated under existing legislation and regulation.

Recommendation

That the Committee acknowledge Australia's current bureaucratic and cumbersome system of firearms management causes significant public resources to be used on monitoring 'low-risk' persons, firearms, and activities, which in turn directs resources away from intelligence-led enforcement efforts.

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

A useful demonstration of how prohibition can be expected to impact illicit firearms use is found in the United Kingdom (UK). In 1997, the UK banned private ownership of all cartridge ammunition handguns (whether semi-automatic or otherwise).

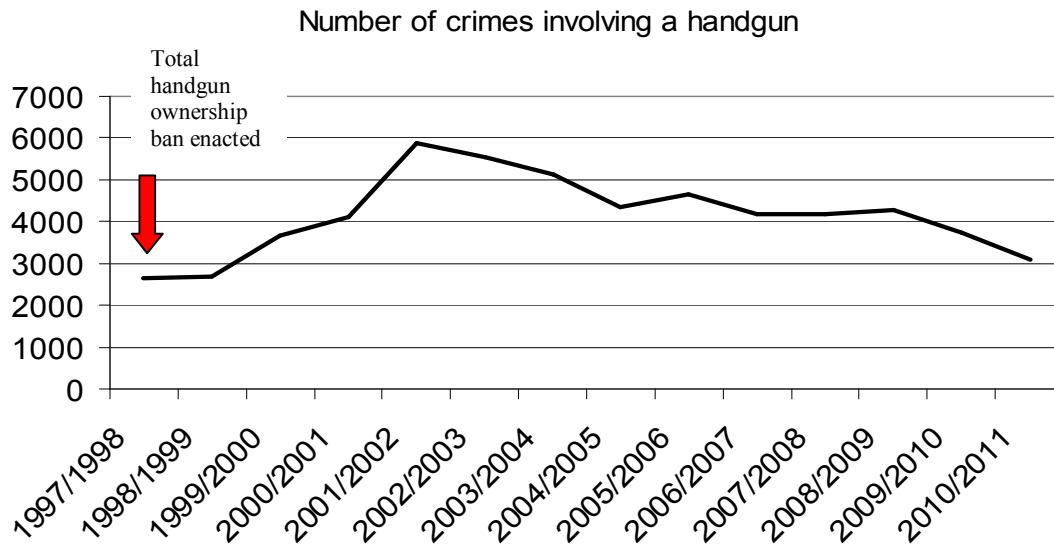
As such, the UK provides real-world data about the impact that a ‘prohibition policy’ can be expected to have on illegal firearms use. This information is particularly valuable because it is drawn from an applied setting, rather than being based on theory or statistical modelling.

Because all legal handgun ownership was banned, rather than just certain types of handgun, the UK policy also represents a “maximum policy impact” scenario – that is, the greatest effect that could be reasonably expected to arise from prohibition.

If the policy was successful, then it would be expected that the number of recorded crimes in the UK involving the use of handguns would decline sharply after 1997.

Figure 1, below, uses official statistics from the UK Home Office, and shows the incidence of handgun crimes in the UK after the prohibition policy was implemented.

Figure 1: Handgun crime in the UK, 1997/1998 to 2010/2011 (Data source: Home Office Criminal Statistics England and Wales)



Handgun crimes rose sharply after total prohibition of legal ownership, reaching a peak in the early 2000s. The number of handgun crimes has consistently remained higher than it was at the time of handgun prohibition.

Even allowing for the possibility of a ‘lag’ between policy implementation and policy impact, it is obvious that the prohibition policy did not impact on illicit possession and use of handguns. According to the Home Office, from 2001/2002 to 2010/2011, handguns have consistently been the most common type of firearm used in crime⁴.

⁴ Source: Homicides, Firearm Offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England and Wales 2010/11. Available from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116483/hosb0212.pdf

Recommendation

The Committee must acknowledge that the UK experience provides strong evidence that prohibition of legal handgun ownership does not impact on the criminal use (and, by inference, possession) of handguns.

Recommendation

The Committee must acknowledge that this term of reference interacts with the terms of reference dealing with the composition of the existing pool of ‘illegal’ firearms in Australia, which includes an unknown quantity of firearms that became ‘illegal’ as a direct result of earlier rounds of bans. This provides evidence that bans directly increase, rather than reduce, the number of illegally owned firearms in the community.

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

All jurisdictions share a consistent set of principles around storage requirements, and there is no credible evidence within the public domain to suggest that current storage requirements are insufficient in preventing theft. Should such evidence be held within government agencies, then it must be released to relevant state and territory firearms advisory panels in order that representatives on those panels may work collaboratively with governments and the firearms community to develop appropriately targeted initiatives to remedy the problem.

Any evidence that the Inquiry may receive in relation to this matter must, if it is to be accorded credence, not be based on limited or selectively ‘cherry picked’ data (e.g., one or two years only), and must take into account long-term trends in theft. It must not be anecdotal material, or based on sensationalised media reports. It should also identify:

- a) Whether a stolen firearm was subsequently recovered, and if so under what circumstances (for example, from a crime scene, from a person known to have engaged in violent or other criminal activity, or from the bottom of a lake);
- b) Whether a stolen firearm was used in a crime;
- c) If so, when that firearm had been stolen (e.g., pre- or post-1996 safe storage requirements being implemented);
- d) The time elapsed between theft and recovery; and
- e) Whether there was evidence that the theft victim had been targeted opportunistically (for example, in the course of a general burglary) or non-opportunistically.

To properly address this term of reference, the Committee must investigate the question of how firearms theft occurs. Specifically, the Committee must seek evidence around ways in which information about the location of firearms may be obtained by persons seeking to pursue unlawful purposes such as theft.

A prime source for the supply of such information is, logically, the firearms registries found in each state and territory. Those registries (and related databases) provide lists of legally owned firearms, and the exact locations of those firearms.

Concerns have long been expressed about the security of the various Australian firearms registries. In Canada, demonstrated security issues (in addition to massive cost overruns and the absence of any evidence of efficacy in improving public safety) were a key reason for the longarm registry being abolished. It is irrational and counterproductive to ignore or downplay the possibility that similar issues may be found in the Australian registries, particularly given there have been recent instances of sworn police officers identifying that highly sensitive firearm-related data have been kept on unsecured systems⁵.

Police spokespersons and politicians in jurisdictions where these concerns have been raised have denied that registry information has been improperly stored, accessed, or used. However, there has been no independent, external investigation of whether the concerns have been properly and meticulously considered, and whether the possibility of improper access and/or improper data use can be definitively ruled out.

⁵ See:

<http://www.dailytelegraph.com.au/news/officers-fears-for-firearms-security/story-fni0cx4q-122668778133>
[3](#)

It is concerning that the agencies responsible for the security of the registries may be the same agencies tasked with investigating potentially embarrassing and damaging failures of security and data management. If there has been any independent scrutiny, the results have not been publicly released at the time of writing.

As such, it is unclear whether the denials that have been issued represent an accurate and fully informed response, a 'best guess' response, or a politically motivated 'crisis management' response. Consequently, it cannot be said with any certainty or confidence that no registry data, in any jurisdiction, ever, has been improperly accessed and/or that any material that has been accessed (whether properly or improperly) has never been released to unauthorised persons.

Recommendation

If the Committee genuinely seeks to understand, and seek ways to prevent, firearms theft, it must acknowledge that firearm registries represent a significant potential facilitator of, and contributor to, non-opportunistic (that is, targeted) firearms theft.

Recommendation

That an independent, external investigation of registry and related database security be implemented in each jurisdiction, as well as federally.

This investigation must be undertaken by an independent and suitably qualified agency or agencies (for example, the Independent Commission Against Corruption or the Crime and Misconduct Commission). It must consider:

- a) Whether registry (and related database) security has, for the entire duration of each registry's (or database) existence, been sufficient to track all access events;**
- b) Whether it can be guaranteed that no system user has ever stored, printed, copied, or otherwise recorded information about firearms and their locations that could have subsequently been passed on to unauthorised persons to facilitate theft;**
- c) Whether any unauthorised registry access – both by internal system users and external parties - could have been detected; and**
- d) If such access could have been detected, whether it has ever occurred.**

All findings must be publicly released.

This term of reference also tacitly draws on the premise that there is a relationship between levels of legal firearms ownership, firearms theft, and the use of firearms in crime. This premise is not supported by evidence.

While data about firearms ownership levels are not routinely released by law enforcement agencies, those data have been released (to the year 2010, inclusive) for Australia's most populous state, New South Wales.

Analyses of those data, published in a peer-reviewed international journal⁶ show that legal firearms ownership levels have consistently increased in NSW, whereas theft and firearm-related crimes (murder with a firearm, shoot with in intent to murder, and robbery with a firearm) have continued to decline.

Recommendation

That the Committee acknowledge that rising levels of legal firearms ownership have been accompanied by falling levels of firearm theft and firearm-related crime in NSW.

Recommendation

That the Committee note that available Australian evidence shows no relationship between levels of legal firearms ownership and firearm misuse.

⁶ McPhedran, S. (2013). More guns...more or less crime? An Australian perspective on an international question. *Crime Prevention and Community Safety*, 15: 127-133.

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

All jurisdictions have abundant legislation in place governing the legal ownership, sale, and storage of firearms. All jurisdictions have legislative instruments to manage legal transit of firearms from one state or territory to another (augmented by existing federal provisions around trafficking, with additional measures currently being considered). All jurisdictions apply penalties for non-compliance with legislation and regulation in each of these aspects. All jurisdictions follow consistent principles around matters such as 'fit and proper person status', for example the refusal to issue a licence (or licence cancellation) should a person have a history of (or engage in) violence.

All jurisdictions share a consistent set of minimum standards around licensing requirements, firearms sales, and firearms storage. All jurisdictions share a consistent set of minimum standards which must be complied with when moving firearms across state boundaries (for example, that a licensee who has moved permanently to another state must commence application for a licence and register any firearms in their possession in that state, within a set period of time). A licensee in any given jurisdiction must abide by the laws of that jurisdiction, irrespective of whether (and how) they may differ from laws in any other jurisdiction.

It is accurate to say that the precise way in which each jurisdiction has framed its various legislative instruments, and the 'micro-level' detail of their policy settings, differs. However, the presence of legislative and policy differences across jurisdictions is not unique to firearms management, nor is it reasonable or rational to frame these differences

as a matter deserving parliamentary and/or public concern.

An analogy is useful for illustrating this point. Each Australian jurisdiction has its own set of traffic and road users laws. These laws are 'nationally consistent' insofar as they observe, for example, certain practices around licensing and the criminalisation of activities such as drink driving. However, each jurisdiction may then set, for example, restrictions on particular vehicles as it sees fit and in a way that reflects the particular circumstances of a given region. This practice is widely accepted across a wide range of legislative contexts, including public health and safety contexts (for example, drug misuse legislation), and the practice is typically not seen as any reason for concern. Any cross-jurisdictional issues are typically dealt with through collaborative processes, between all jurisdictions. It is unclear why firearms have been singled out as an exception meriting federal scrutiny.

Some jurisdictional differences have, certainly, created unnecessary red-tape and bureaucratic burdens for firearms owners, industry, and related administrative agencies. However, we note that this particular term of reference does not seek to identify unreasonable administrative or other imposts caused by jurisdictional legislative differences, and does not concern itself with outcomes or impacts of current legislative frameworks. Nor is any rationale provided to connect this term of reference - around legal ownership and trade - to the objectives of the Inquiry. It is, therefore, unclear what purpose this particular term of reference is intended to serve.

We recognise that gun prohibition lobbyists have long complained that various jurisdictions have 'disregarded' certain aspects of the 1996 National Firearms Agreement, and have - without any evidence justifying or supporting their views - presented that as if it were somehow a 'problem'. This is a naive perspective which also fails to recognise that many elements of that Agreement have no logical relationship to, or bearing on, public safety.

We also note that the anti-gun lobby have frequently attempted to persuade governments in various jurisdictions to adopt more restrictive measures from other jurisdictions, aimed at further restricting the legal ownership and use of firearms, under the guise that laws should be 'nationally consistent'. This adopts a highly literal interpretation of the concept of national consistency, rather than recognising general principles underlying that concept. It also reflects the ideological premise that the purpose of any piece of firearms legislation should be to incrementally restrict the legal ownership and trade in firearms through any means possible.

Recommendation

That the Inquiry demonstrate its integrity in relation to this term of reference through taking the following steps:

- **Disregard the question of whether or not on all jurisdictions have identical legislative provisions in all regards, and acknowledge that all jurisdictions already share a set of nationally consistent principles around key components of firearms management (such as licensing and storage).**
- **Fairly consider any arguments for 'national consistency', advanced in other submissions, which invite the conclusion that some jurisdictions should make certain aspects of their legislation *less* restrictive than is currently the case.**
- **Recognise that to be validly linked with the objectives of the Inquiry, this term of reference must be supported by credible and transparent evidence that differences in existing legislation between jurisdictions are *directly causing* an 'inability' of law enforcement officers to address firearm-related violence. This must amount to more than a mere belief, assumption, or assertion. Such evidence must be drawn from publicly released submissions from various jurisdictions' law enforcement agencies. Those submissions must identify specific anomalies, articulate the enforcement inability caused by those anomalies, and demonstrate with reference to actual events and data that there is a genuine problem that requires change in legislation to address, and which can reasonably be believed will be addressed by legislative change.**

Any related matters

Mental health and firearms

Recent tragic circumstances in New South Wales have drawn attention to the perceived role of mental illness in firearm violence. There has been considerable media coverage of the sad story of the Fernando family, within whom one family member, Shamin – who had a lengthy history of severe mental illness in the form of schizophrenia - shot and killed her own father with a firearm she had stolen from a Sydney pistol shooting club. Ms Fernando was receiving instruction at that club, as was lawfully permitted, but had not honestly answered screening questions as to her history of mental illness.

The anti-gun lobby has exploited the Fernando family's dreadful loss for shamelessly political purposes, and have argued that more gun laws would have prevented the tragedy. Aside from stigmatising persons with mental illness, the vast majority of whom will never hurt another person, this approach is fundamentally misleading and naive.

Ms Fernando's family members have openly shared with Fairfax (and other) media that they were aware that Ms Fernando was visiting shooting clubs and seeking to access firearms. The family have also acknowledged that they were very concerned by this, and that they agonised over what to do, but ultimately did not take any action lest such action damage their relationship of trust with Ms Fernando.

The unavoidable reality is that, had better support and outreach been available to the Fernando family, to help them with their concerns, then the occurrence of lethal violence involving a firearm would have been entirely avoidable. Had the family been able to access professional advice and support (for example, from a liaison team skilled in mental

illness issues, and situated within a law enforcement context), which in turn would have allowed them to safely disclose their fears about Ms Fernando's efforts to access firearms, then appropriate, professional, and careful intervention could have occurred.

This is not an indictment of law enforcement services, nor does it seek to attribute 'blame'. Rather, it is an observation that the specific type of help that could have aided the Fernando family, and prevented their tragic loss, was simply not available. A case-management approach, which emphasises liaison between families and carers, law enforcement agencies, and the mental healthcare system, is not one that is routinely resourced or implemented within existing law enforcement or mental healthcare contexts.

The struggle of caring for a loved with serious mental illness is one experienced by many families in the Australian community. This extends far beyond any issue relating to firearms. It takes in the thousands of families who are fearful for their loved one's safety, the safety of others, or both, but who cannot access wholistic and ongoing case-management and support that places the wellbeing of their loved one at the forefront, while also being attentive to broader risks.

Recommendation

That the Committee recognise the help-seeking challenges faced by families who are caring for a loved one with significant mental illness, and who develop concerns about the safety of that person and/or the safety of others.

Recommendation

That the Committee recommend development of policy measures across all jurisdictions to improve the availability and accessibility of skilled case managers, and the quality of liaison between law enforcement agencies and mental healthcare systems and services.

Recommendation

That the Committee acknowledge the fear, stress, and uncertainty many families face when confronted by the behaviours of a loved one with serious mental illness, and endorse the need to improve specialised services and education strategies aimed at better supporting those families.

Firearms and domestic violence

It is common to hear claims, particularly from feminist scholars and the non-government sector, that Australia's firearms legislation has significantly reduced the occurrence of lethal firearm-related violence against women, perpetrated by a current or former intimate partner.

Regrettably, existing statistical records simply do not enable such detailed analyses about firearm-related intimate partner homicide victimisation pre- and post-1996. Prior to 1996, data were not routinely or reliably recorded about the nature of relationship between homicide incident victims and offenders, by type of weapon used.

As a result, any claims about legislative impacts on trends in female firearm homicide victimisation by intimate partners are not supported by sufficiently lengthy time-series data to allow any conclusions about policy impacts.

Recommendation

That the Committee acknowledge that historical data collection in Australia is insufficient to enable conclusions to be drawn about long-term trends in firearm homicide victimisation involving current or former intimate partners.

Given that past violent behaviour represents one of the most useful available indicators of future violent behaviour, it is important to note the value of measures that preclude domestic and family violence offenders from legal firearms ownership, such as refusal of licence applications (or licence cancellation) and 'firearm prohibition orders' for persons who engage in violent behaviour within intimate relationships.

It is also vital to note that (a) the overwhelming majority of firearm homicide victims each year (male and female) in Australia are killed by persons who were not licensed to possess

firearms⁷, and (b) for police and legal services to take action in relation to non-lethal violence in any form, it is necessary that the violence be disclosed.

The latter is a particular challenge in the context of intimate partner violence, given those relationships are typically characterised not only by physical and/or sexual violence but also by psychological abuse, and controlling and coercive behaviours by the perpetrator. These factors may collectively prevent a victim from disclosing their circumstances and/or seeking help.

This points to a clear need to improve support mechanisms for women⁸ in abusive intimate partner relationships (including, for women who may be in a violent and abusive relationship with a perpetrator who also has illicit access to firearms, the ability to safely disclose those circumstances, and be protected from any further violence). Overall, this highlights a need to improve systemic responses to all forms of intimate partner violence.

Recommendation

That the Committee recognise that reducing intimate partner violence (non-lethal and lethal) in Australia extends far beyond any firearm-related matters, and endorse the need for improved support services to assist women who are experiencing intimate partner violence.

Particular attention should be given to supporting and protecting women after they have disclosed the presence of intimate partner violence – and any associated perpetrator issues such as participation in criminal activities or illicit firearms ownership - to law enforcement agencies.

⁷ Australian Institute of Criminology, National Homicide Monitoring Program Annual Reports – various years.

⁸ It is acknowledged that men, too, can and do experience intimate partner violence. This issue should not be disregarded. However, the current submission focuses on women because women represent a disproportionately high percentage of intimate partner violence victims.

The evidence base, and key research findings

Context and overview

It remains common for anti-gun zealots and their sympathisers to imply that only one paper written by so-called ‘gun lobby’ researchers has disputed the view that Australia’s laws have had significant impacts on firearm-related deaths. This is a blatant lie. Indeed, a range of studies have been undertaken into the impact of Australia’s firearms legislation, and have produced remarkably similar findings. To the extent that consensus of research findings exists on this issue, that consensus is weighted in the direction of finding little to no effect of the legislative reforms. However, as we have documented and discussed elsewhere⁹, there has been little genuine debate around Australian gun laws, with significant efforts made to discredit, ignore, and censor scientific findings that do not fit a particular ideological view about firearms. The authors of this submission have personally experienced a range of these behaviours, including academic journals refusing to allow a ‘right of reply’ when our work has been dishonestly represented, media outlets uncritically promoting dishonest claims about our research and personal integrity, and politicians deliberately misusing their position in order to denigrate our work. We understand some may find evidence showing a lack of impact of Australia’s gun laws unpalatable, and seek to dismiss such findings. However, critical inquiry and the ability to engage in robust and honest debate remain the foundation of good science and effective injury prevention.

Recommendation

That the Federal Government, in partnership with states and territories, commit to undertaking a thorough, independent, and objective evaluation of the existing evidence base and current firearms management in Australia, with a view to moving to simpler and more streamlined administration of lawful firearms ownership, trade, and activities and to abandoning those provisions that have no demonstrable impact on, or logical connection to, public safety.

Homicide

There is a growing body of published, peer-reviewed evidence considering the impacts of Australia's firearms legislation on homicide.

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 members of the anti-gun lobby, or their associates¹⁰. 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.”¹¹

Recommendation

The Committee acknowledge that no published, peer-reviewed study into the impacts of Australia's 1996 firearms legislation has found statistical evidence for impacts of those legislative changes.

⁹ See:

<http://www.ic-wish.org/McPhedran%20Baker%20Suicide%20in%20Australia%20Senate%20Submission%20Nov%202009.pdf>; <http://www.ic-wish.org/Inquiry%20into%20Suicide%20in%20Australia%20supplemental.pdf>

¹⁰ These relationships have been documented in our earlier submissions to the Senate Inquiry into Suicide in Australia; see above links.

¹¹ Ridgeway, G. (2013). *Summary of select firearm violence prevention strategies*. National Institute of Justice: Washington, D.C.

Mass shootings

Proponents of Australia's gun laws often claim that removal of semi-automatic rifles and shotguns from private ownership has prevented mass shootings (defined, following Australian Institute of Criminology conventions, as an event with four or more fatalities). However, our close neighbour New Zealand – similar to Australia in history, culture, and economic trends – has experienced an almost identical time period with no mass shootings despite continued widespread availability of the types of firearms Australia banned.

The absence of mass shootings in New Zealand alongside ongoing availability of sporting configuration semi-automatic 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 countries¹².

The logical conclusion is that some factor other than the different restrictions placed on sporting configuration semi-automatic firearm ownership underlies the continued absence of mass shooting events in both countries.

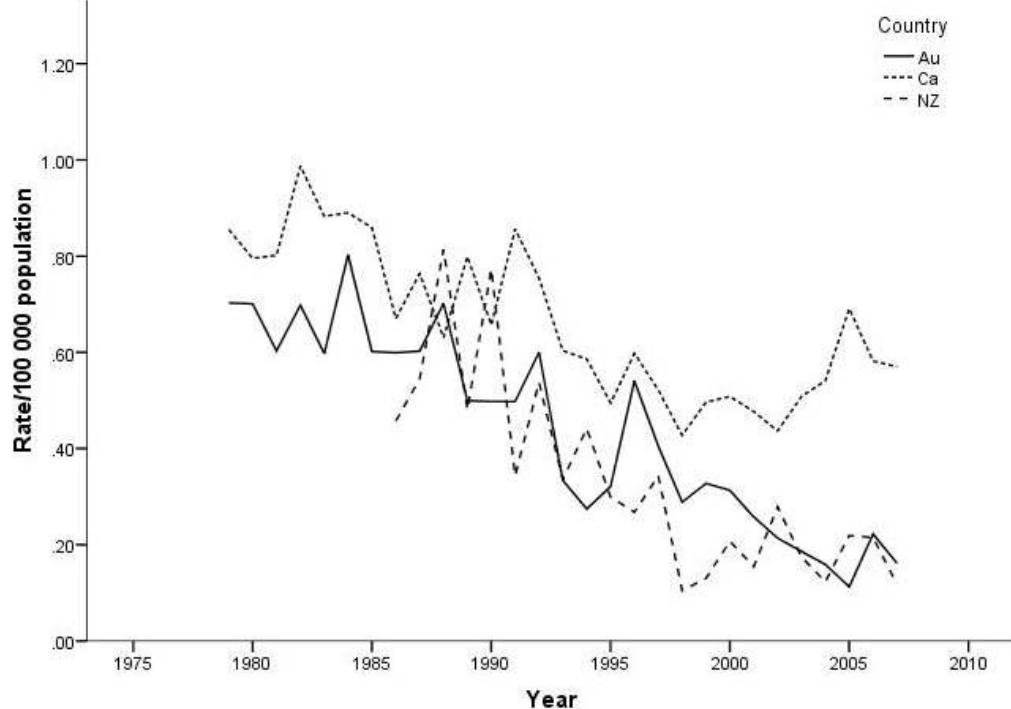
International comparisons

It has been proposed that the declines in firearm homicide in Australia over the past decades are the most rapid in the Western world, which has been interpreted by some as evidence that Australia's gun laws have produced remarkable results. However, scientific evaluation of this proposal shows that Australia's decline in firearm homicide rates is far from unique.

¹² McPhedran, S., & Baker, J. (2011). Mass shootings in Australia and New Zealand: A descriptive study of incidence. *Justice Policy Journal*, 8(1).

Published research has found that Australia's declines in firearm homicide are no more rapid than the declines in various other countries. Statistically, Australia had comparable long-term 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)¹³. 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)¹⁴.

Figure 2. 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.)



¹³ 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.

¹⁴ Ibid.

The level of legislative restriction surrounding firearms ownership differs between the three countries (Table 1, below). For example, Canada and New Zealand permit the 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. However, these legislative differences do not appear to translate into different long-term trends in firearm homicide rates, suggesting the need to consider other explanations for the 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.

Recommendation

The Committee acknowledge the declining rates of firearm homicide experienced by Canada and New Zealand, which equal or exceed the declines experienced in Australia, and which have occurred in the context of very different legislative approaches to that taken in Australia.

Recommendation

The Committee recognise that the accumulated research evidence does not demonstrate any unique impacts of Australia’s gun laws on firearm homicide (including mass shootings).

Suicide

While firearm suicides represent a small proportion of the total number of suicides in Australia each year, the majority of firearm-related deaths are suicides. Given that suicide represents violence towards the self, it should be considered in the current Inquiry.

Whether or not Australia’s gun laws have significantly affected suicides is uncertain. Some studies find an impact, while others find little or no evidence of an impact and/or substitution to other suicide methods. Other studies find variable impacts that are inconsistent across different age groups, with no apparent impact of firearms legislation on youth suicide. Adding to this complexity, suicides across the board (irrespective of method) 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, also, including the start of a long period of economic growth and low unemployment (financial stress and unemployment are both associated with elevated suicide risk, especially among males). Disentangling effects of legislative changes, from those of multiple other interventions and social changes that occurred around the same time, is extremely difficult.

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 suicides¹⁵.

Recommendation

The Committee acknowledge that clear conclusions cannot be drawn about impacts of legislative change on firearm suicide in Australia, and that suicide is a complex phenomenon with multiple contributory risk and protective factors, with effective prevention requiring a comprehensive set of integrated responses at the individual, community, and whole of society level.

While 'method restriction' (that is, reducing access to particular means of enacting suicide) may seem a simple way of preventing suicides – and one which is politically appealing due to its ease of enactment – society, culture, and context are crucial factors in determining what impacts method restriction is likely to have. Method restriction can, under some circumstances, be very effective, but its impacts can also vary widely across different locations and populations (for example, younger people relative to older people). In addition, its impacts may be only short-term rather than of sustained duration, and it may not be effective across all populations in all locations.

There is increasing recognition within suicide research that the use of means restriction must be evidence-based, and ideally designed to reach vulnerable people who are most at

¹⁵ See: http://www.sph.uq.edu.au/docs/BODCE/ACE-P/ACE-Prevention_final_report.pdf

risk of suicide (rather than adopting a ‘whole of population’ focus)¹⁶. Any method restriction measures must also be integrated with a wide range of other suicide-prevention measures.

It is also crucial to recognise the difference between suicides involving one particular method, and suicides overall. If a high percentage of suicides overall involve a particular method that can be restricted, then limiting access to that method is likely to reduce overall suicide deaths. However, if the majority of suicide deaths involve methods that cannot be easily restricted, then means restriction is unlikely to deliver any real changes in overall suicide numbers.

In Australia, the method that has for many years accounted for the highest percentage of suicides is hanging. This is a highly lethal method that is virtually impossible to restrict. This highlights the importance of suicide prevention strategies emphasising early identification and intervention, before an at-risk individual reaches a crisis point. Improvements in this approach, which selectively targets those people most vulnerable to suicide, would deliver gains not only in terms of firearm suicide prevention but also non-firearm suicide prevention.

Recommendation

The Committee acknowledge that method restriction approaches to suicide prevention typically have differential impacts across different populations, should be selectively targeted to vulnerable individuals, and integrated with a range of other evidence-based suicide prevention measures.

¹⁶ McPhedran, S., & Kolves, K. (2013). Reducing access to the means of suicide. *The Conversation*, 12 March. <http://theconversation.com/reducing-access-to-the-means-of-suicide-11748>.

Recommendation

The Committee endorse the value of suicide prevention strategies emphasising early identification of, and intervention for, at-risk individuals, before such individuals reach a crisis point.

An important issue to recognise is the increasing role law enforcement officers are expected to play in responding to persons in the community who are in significant psychological distress and/or at risk of self-harm, up to and including suicide (whether firearm-related or otherwise). Appropriate training is crucial for supporting police to perform this role.

However, it must also be recognised that from a law enforcement perspective, the role of police in such situations formally ends once an individual in distress has been given into the care of healthcare professionals (typically, at an emergency department of a hospital). Hospital services, particularly in major cities, in turn respond to a significant volume of such cases on a daily basis, and may not have available the level of staffing and specialist knowledge required to deliver optimal case-management and care responses. Patients may then be discharged into community-based care, which is widely under-resourced.

If an individual is unable to access tailored, ongoing support, they may again come into contact with law enforcement officers during a subsequent crisis. This cycle of contact with different services points to serious, systemic issues with resourcing for specialised services, as well as the need for enhanced collaboration between the many different types

of services who are most likely to come into personal contact with individuals at risk of suicide.

It has also been proposed that social and cultural factors associated with suicide and death more generally, rather than firearms access *per se*, contribute far more importantly to suicide method selection than has often been realised¹⁷. Internal government data, held by various police and associated services, attest to this and indicate that in recent years a notable proportion of persons who die by suicide, and who had lawful access to firearms at the time of their death, nonetheless selected a non-firearm method (typically, hanging) with which to take their own life¹⁸.

Recommendation

The Committee support the development and proper resourcing of innovative programs and models of service delivery aimed at improving the ‘chain of care’ for individuals at risk of suicide (irrespective of method).

Recommendation

The Committee recognise that access to firearms does not necessarily entail that a firearm will be the method used in a completed suicide, and that the selection of a particular suicide method is not solely dependent on the availability of that method but upon a broader range of individual, social, and cultural factors.

¹⁷ Klieve, H., Barnes, M., & De Leo, D. (2008). Controlling firearms use in Australia: has the 1996 gun law reform produced the decrease in rates of suicide with this method? *Social Psychiatry and Psychiatric Epidemiology*, 44(5): 285-292

¹⁸ NSW Police, *personal communication*; QPS, *personal communication*; Tas Police, *personal communication*.

Page left intentionally blank