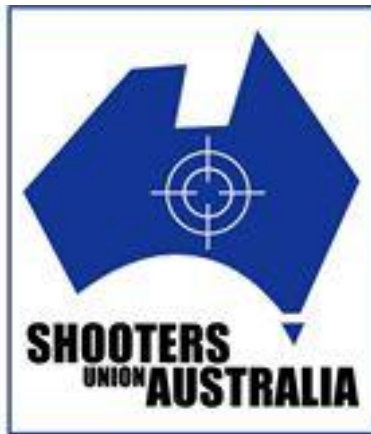


SUBMISSION

on

Consultation Paper Electromagnetic Weapons



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1. Introduction

- 1.1 The purpose of this document is to provide comment and information in relation to the Consultation Paper – Electromagnetic Weapons.
- 1.2 Authors – Jan Linsley and Professor Ross Grantham on behalf of Shooters Union Australia Ltd Executive Committee.

2. Intended Audience

Department of Home Affairs (Firearms Policy Group)
Executives of Shooters Union Australia Ltd
Members and Branches Shooters Union Australia Ltd

3. Authority to comment

- 3.1 Shooters Union Australia Ltd was formed consequent to the formation of Shooters Union organisations in several states, the first of which was Queensland in 2005.
- 3.2 The Shooters Union movement has grown rapidly and is now one of the largest shooting organisations in Australia.
- 3.3 Shooters Union has been represented at several intrastate advisory groups over recent years.
- 3.4 Members of Shooters Union have held firearms licences for many years since licensing was introduced in all states and engage in the full spectrum of licensed firearms use activities, including (but not limited to) sports/competition shooting, hunting, pest control (volunteer and professional), primary production, collecting, and occupational use.

4. General Comment on Consultation Paper

- 4.1 Shooters Union Australia is happy to support concepts intended to reduce the regulatory burden on importers and clarify existing practices by reducing confusion for importers.
- 4.2 We are concerned, however, that the proposed controls may set an unfortunate precedent in relation to future new technology. Unless great care is taken to identify and articulate a specific and compelling threat posed by a new technology, controls of this type will result in the denial of new technologies either being available in Australia or being developed in Australia now and into the future. This can only harm Australia.

4.3 Australian private industry has been responsible for the design, manufacture and development of a number of new firearms technologies that have had enormous benefit in a number of different industry applications, including defence, law enforcement, emergency services and security. Had the proposed Customs restrictions been in force at that time, the technology and subsequent benefits would be unavailable for Australia and our allies.

5. Specific Comment

5.1 *Do you support an import control on these electromagnetic weapons?*

Shooters Union does not support the proposed action. We do not believe that these items should be considered as firearms or weapons. They fall rather into the same category as paint ball guns and gel blasters. The velocity and muzzle energy falls well short of that of firearms, and equates rather to things like cricket balls and stones thrown up by mowers.

Since these items are regulated at a state level, and all states have penalties for the use of any item as a weapon, including any item which can cause harm, the restrictions proposed at Australia's external borders merely adds further unwarranted levels of access control which are not justified as a measure to ensure community or personal safety.

It is contrary to the basic tenets of the Australian legal system to presume that an item legally imported into Australia will be used in an illegal manner. Restricting the importation of items on that basis is not only unnecessary but offensive. There is no evidential basis offered for assuming that electromagnetic weapons are dangerous and thus warranting any form of control other than that offered in state legislation.

The nature of and pace of technological development ensures that the future of firearms for both personal and military use will continue to take advantage of technology, most of which is fuelled by competition and necessity. It is manifestly contrary to Australia's national interests to forever be restricted to 20th century developments in both military and civilian firearms.

5.2 *How should these weapons be described for the purposes of the import control and what goods should be exempt from this ban?*

Any description of the weapons to be covered by the ban will need to be extremely precise so as not to include firearms that are legal to possess in the states and territories. Firearms are not currently defined in the *Customs (Prohibited Imports) Regulations* although most states have definitions in their legislation. Due to a lack of expertise in the preparation of regulations relating to firearms, we see repeated instances of regulations being drafted in confusing ways and being both under and over inclusive in their reach. Therefore, any description should be approved by experts (eg firearm dealers and armourers) before finalisation to ensure that the description is appropriate, accurate, unambiguous, and not over-inclusive.

5.3 For what limited purposes should import of these goods be permitted and under what conditions?

Nearly all innovation comes from the private sector, at least initially, rather than government or military. The items should, therefore, be available to private enterprise with the appropriate licences, permits or approvals for research and development. The firearms themselves, once approved for import, should be available to individuals with the appropriate licence, if states consider them to be firearms.

Wars in which Australia has been engaged, have drawn on the expertise of individual firearms owners' familiarity and experience with their civilian firearms. The rifle and pistol clubs throughout Australia have contributed heavily to every war effort and have been the training ground for our military personnel.

To restrict the importation to government agencies completely negates the innovative ability of Australian industry and serves no useful contribution to community or personal safety.

5.4 What parts of these weapons, if any, should be subject to import controls?

We note that there is an intention to exclude barrels and magazines from the ban, which is obviously a sensible approach. The nature of these items would indicate that most of the parts are likely to be readily available for other applications and, therefore, restrictions would be impractical. State legislation could be relied upon to regulate the purchase or manufacture of parts that were intended for use in illegal items. We do not believe that there is any requirement for regulation at a federal level.

6. Recommendation

- 6.1 History is littered with the failed attempts of government to control new technologies. Many if not most of these attempts are the result of fear borne of ignorance. Attempts to simply ban new technologies are doomed to failure: once out of the bottle, there is no hope of getting the genie back in. The only viable regulatory approach to new technology is to manage its use and development: to manage who has access to it and to create regulatory structures that incentivises its proper use. Border restrictions have no role in this.
- 6.2 Therefore, our recommendation is that electromagnetic weapons be entirely regulated by State legislation. We believe that intervention at the border is inappropriate and disproportionate to any actual or perceived risks.