

SUBMISSION

National Firearms Register Public Consultation



SHOOTERS UNION AUSTRALIA LTD
GPO Box 1698
BRISBANE, Q, 4001.

Jan.linsley@shootersunion.com.au

0419 404 303

Contents

1. Introduction	3
2. Authors	3
3. Background and authority to comment	3
4. Intended Audience	3
5. General Comment	3
6. Questions	5
6.1 What capabilities should a National Firearms Register provide to government regulators and law enforcement?	5
6.2 Should a National Firearms Register trace more than firearms, for example firearm accessories, magazines, parts and ammunition?	5
6.3 Do you have any comments on the benefits a National Firearms Register will offer to law enforcement and community safety, including any broader benefits that should be explored?	6
6.4 What other capabilities could a National Firearms Register have that would be of benefit to the community, including to lawful firearms owners?	6
6.5 Do you have any comments on the creation of a verification service to support licensing and permit systems?	6
6.6 Do you think trusted entities should be able to electronically communicate with firearms registries. If so, what capabilities should be available to trusted entities such as firearms dealers?	6
6.7 Do you have any comments on the information proposed to be held by a NFR?	6
8. Conclusion	7

1. Introduction

We appreciate the opportunity to comment on the Public Consultation Paper on the proposed National Firearms Register.

2. Authors

Jan Linsley on behalf of Shooters Union Queensland Pty Ltd Executive Committee.

3. Background and authority to comment

- 3.1 Shooters Union of Qld Inc was formed in 2005, obtaining Weapons Licensing club approval in that year. In 2018, the organisation was restructured to become a proprietary limited liability company because of rapidly increasing membership numbers. Shooters Union Queensland Pty Ltd is the second largest shooting organisation in Queensland.
- 3.2 Shooters Union Australia Inc was formed in 2013 in answer to requests by members in other states. The organisation was changed to a company limited by guarantee in 2018, again because of rapidly increasing membership Australia-wide.
- 3.3 Shooters Union has been represented at all Ministerial Advisory groups since formation, both in Queensland and in other states. Shooters Union Australia Ltd was represented on the Commonwealth Firearms Advisory Council under the previous federal government.

4. Intended Audience

- Federal Attorney-General's Department
- Executive members Shooters Union Australia Ltd

5. General Comment

The Objective of a National Firearms Register

We note with disappointment that the primary objective of a Register is to regulate and track legally owned firearms only. There is no apparent acknowledgement of the fact that illegally owned firearms will never appear on this or any other register and it is illegally possessed firearms that present the threat to public safety. Therefore, the necessary implication of this primary objective – that only legitimate licensed firearms owners are likely to cause any problems with their firearms and that by further

regulating and cataloguing legitimately held firearms, incidents such as the tragedy at Wieambilla would therefore be averted – it both offensive and extremely poor public policy.

The intention that the proposed register will improve the way firearms ownership information is shared between jurisdictions to support public safety outcomes again implies that legitimate firearms owners or worse yet, the firearms themselves, will somehow create a safer community by being included on yet another inaccurate and costly register.

According to the Australian Criminal Intelligence Commission (ACIC), information that a National Firearms Register will hold is already available through CRIMTRAC and the Australian Firearms Information Network. If that information was not accessed prior to the Wieambilla tragedy, which is the precipitator for the proposed NFR, then how does that support the need for a register?

In Queensland, the recording of the movement of legitimately held firearms on the existing Queensland Commissioner's Register is so far behind and so inaccurate that including this information in any national register will bog it down and only create issues for other states' integrity of information. Surveys we have conducted of our members in Queensland reveal that the details of firearms held by licensees is correct in only 50% of cases. Further, the NFR will capture only firearms that are already legally held by individual licensees who are proven to be fit and proper people to own and use firearms by their state licensing system, in many cases, for many decades.

That a NFR could provide better information on firearms movements is questionable considering the state of accuracy and currency of Queensland records, and it's likely that other states are in similar disarray. The movement of legally held firearms into the illicit market is rare in isolation; such movements are usually the result of thefts which are already investigated and in which the firearms are already registered and legally held prior to their theft. A NFR could not reasonably be expected to track such firearms better than existing systems.

Sharing information between jurisdictions is already available, albeit it as a manual process. However, there is no guarantee that a NFR would improve on that, considering once again, the currency and integrity of existing systems, and the failures illustrated by the Wieambilla tragedy of police to even seek such information.

If firearms are to continue to be managed as they are now, then the introduction of what will undoubtedly be a multi-million-dollar National Firearms Register is a very expensive redundancy which may in fact, hamper, by its limitations in accuracy, the aims it sets out to achieve. It would seem to be a pointless exercise, dealing as it does, with only legally held and legitimately owned firearms in the hands of licensed, regulated, investigated and proven law-abiding firearm owners.

An alert of notification function for high-risk information or events will only enhance community safety if it is an instant verification system also available to firearm dealers or unless police in all jurisdictions are required to provide such high-risk information to firearm dealers in real time, an unreasonable expectation given police workload.

6. Questions

Question 1

6.1 What capabilities should a National Firearms Register provide to government regulators and law enforcement?

Obviously, a NFR needs to be available, accurate and timely, as should the State Registers. Currently, they are not and there does not seem to be any motivation to correct this state of affairs. In fact, for several years, state registries have been required to clean up their data, but evidence would indicate that has not happened.

The most significant obstacle to a NFR is that the current information on firearms in Australia is incomplete and inaccurate. Even within the same state registry, a particular firearm may be recorded multiple times in different ways. Between the state registries there is both massive duplication (the same firearm recorded in 2 or more registries, often with different details) and significant gaps (firearms transferred from one state to another often drop through the cracks; firearms that have been in Australia since 1996 but never been registered). The task of creating a single register of all firearms in Australia that is accurate is an almost impossible one. The genie has long since escaped the bottle and cannot now be returned.

This inescapable fact highlights the significant failure of policy inherent in the NFR suggestion. At its very best, the NFR can only ever hope to regulate licensed firearms owners. This group is often described as 'hyper-compliant'. Licensed firearms owners obey the rules and are thus a very poor target for increased regulation. As a hyper-compliant group, there is no meaningful or cost-effective compliance gain to be had.

If the policy objective really is enhancing public safety, the target of regulatory action must be that of the criminal use and possession of firearms: the illegal importation and manufacture of firearms for use in criminal, terrorist, and subversive activities. By its nature this is not an easy thing to do, but if Federal and state governments are genuinely concerned to enhance public safety, it is on these matters that they would focus their attention and resources.

Question 2

6.2 Should a National Firearms Register trace more than firearms, for example firearm accessories, magazines, parts and ammunition?

This is such an impractical question that it is clear that those asking it have no idea of the sheer volume and consequent cost that it encompasses. Accessories, magazines, parts, and ammunition are often interchangeable and not necessarily linked to one particular firearm. Nor are they uniquely identifiable (eg these parts of not serialised). There is no existing data to combine in a register at any level. Millions of dollars could be spent to track a screw or a spring and very few accessories or parts have serial numbers that would enable tracking of any kind. How could it possibly help law enforcement to know how many screws a particular licensed firearm owner has and for which firearms, if any, they fit? The question is beyond unreasonable or sensible.

Question 3

6.3 Do you have any comments on the benefits a National Firearms Register will offer to law enforcement and community safety, including any broader benefits that should be explored?

At some point, government should be looking at cost effectiveness. There is simply no way that a cost effective, accurate and current register of legally held firearms in Australia could be introduced, particularly in light of the fact that such information, again on legally held firearms by legitimately licensed individuals is already available through CRIMTRAC and the AFIN.

Question 4

9.4 What other capabilities could a National Firearms Register have that would be of benefit to the community, including to lawful firearms owners?

Nothing that is not already available and without the millions of dollars (some estimates put it at \$50 to \$100 million) required to introduce it. There is no point in trying to introduce a system, any system, that is not routinely accessed. The evidence from the Wieambilla tragedy indicates that the available information was not accessed. From that perspective, even if there had been a NFR in place, it would not have prevented the shooting.

Question 5

6.5 Do you have any comments on the creation of a verification service to support licensing and permit systems?

An instant verification system should already be available in all states to law enforcement and licensed firearm dealers. However, creating such a system alone will take considerable resources in terms of time and money.

Question 6

6.6 Do you think trusted entities should be able to electronically communicate with firearms registries. If so, what capabilities should be available to trusted entities such as firearms dealers?

Any proposals to enhance community safety must include relevant information being made available to licensed firearms dealers and club executives in certain circumstances. Currently, police are not willing to provide any information to dealers in a courteous and helpful manner. That needs to change.

Question 7

6.7 Do you have any comments on the information proposed to be held by a NFR?

Eligibility has become a contentious issue, particularly in Queensland and Western Australia, no doubt to be followed by other states very soon. The criteria for eligibility have changed over the last 5 years or so and are now used not to determine a person's suitability to hold a licence and own particular firearms, but as a means to remove as many firearms as possible from the system. Increased requirements which have no

basis in the concept of community safety are regularly imposed as a means to harass and intimidate decent people. There is no reason to think a National Firearms Register will handle the question of eligibility any differently from the extremely restrictive and often totally unacceptable attitudes of state registries.

In WA, the Police Minister released the addresses (said to be de-identified but easily matched to readily available maps) on the front page of the newspaper. Clearly there is no government or police belief in the privacy of an individual licensee or the integrity of his home and security, not to mention family and community safety. A NFR will allow the same thing to happen over a much broader view.

8. Conclusion

- The introduction of a National Firearms Register will cost millions of dollars and will track only legal firearms.
- It will add extra layers of bureaucracy to transactions by licensed individuals transferring legally owned firearms for no benefit.
- The information that will be held by a NFR is already available for no additional cost in other national systems.
- No register in the world will assist in prevention or investigation unless it is accessed and accessible.
- A NFR provides a wonderful source of available firearms to any hacker interested in obtaining firearms.
- The resources that would be required to set up a National Firearms Register would be better spent on the health and safety of the community.