

Australian Firearms Legislation: Facts, Fallacies, and International Comparisons

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Ladies and Gentlemen,

It is a great pleasure to be here this evening, and I would like to thank the Board, and Judith Kent and Peter O'Brien in particular, for inviting me to speak.

I must confess, though, that this is a novel experience, to stand before an audience who own and use firearms safely and responsibly, or who may not actively participate in shooting but nonetheless support gun owners, and who are gathered to recognise success over the past year.

As Chair of WiSH, I spend a lot of time presenting information. This can be to other researchers, to media, politicians and policy makers, or to the wider community. Unfortunately, animosity can arise when information people do not agree with is spoken about in the public sphere. That hostility can be the response to honesty comes as no news to those who have received death threats simply for publicly acknowledging that they own firearms. Such is the tolerance of our enlightened society, as some here can attest.

In contrast, tonight reminds me that preaching to the converted is the most pleasant of tasks. Sadly, it is in large part the lure of a friendly crowd that has so neatly landed firearms ownership in Australia where it stands today – surrounded by misinformation and too frequently viewed with suspicion, distaste, and intolerance. The trouble is that when we are surrounded by people who agree with us, we need not think too critically about our own views, or the reasons for why people may disagree with us – let alone how to go about demonstrating that although disagreement is anyone's right, good policy is not built on foundations of opinion and belief.

The appeal and comfort of remaining within the safe confines of a welcoming group who share one's own beliefs and will nod sympathetically can too easily outweigh the need to present factual information to a wider audience and to risk disapproval or

censure as a consequence. An audience of likeminded folk will seldom mock the beliefs you hold. They are unlikely to tell you that your opinions have no place in civilised society.

What do I mean by the facts? I mean numbers and hard evidence, not just things we think are facts because we believe them to be.

We have not been comfortable presenting the facts – not because they act against legitimate firearm ownership, quite the opposite, but because facts themselves cannot be dismissed in the way that opinions and emotions can. It seems, though, that not all facts have an equal right to be heard, and that philosophically pleasing opinions are often preferable. But when the facts are there, and cannot be ridiculed, sad to say that those presenting the facts often are, and those presenting facts that oppose dearly held ideologies are vilified. No wonder we feel uncomfortable about standing up.

The truth is - facts make people uncomfortable. To those who oppose firearm ownership, the facts are uncomfortable because they expose the degree of misinformation that gun prohibitionists rely on to advance their own beliefs. When you want desperately to believe that Australia's gun laws have improved public safety, and want others to reassure you by believing the same thing, facts showing that the laws have failed to do this are certainly not welcome.

In Australia, politicians have repeatedly offered tough gun laws along with iron clad assurances that tough laws equate to effective laws. To show that legislation so often touted as effective has been entirely ineffective in achieving its promised outcomes places those who formulated the laws in an awkward position. Being wrong is never enjoyable, least of all, I suspect, when one is within the political arena. This is a shame, because being wrong is part of being human.

To firearm owners, however, the facts can be equally daunting. Not for what they say, but for the difficulty of saying them when the response of the audience cannot be guaranteed. When you talk about the facts rather than your thoughts or opinions, people pay attention. When you speak publicly about the facts of legitimate firearm ownership or, more controversially, the facts of firearm misuse, you are no longer afforded the comfort that comes from simply expressing a personal opinion in a

country where each of us is able to do so. Those who do not agree with firearm ownership are forced to either acknowledge the truth of the facts or find ways to condemn those facts. So what we need to do is defend the facts, and not be lured into only expressing our opinions.

The notion of not making apology for legally owning and using firearms sits uncomfortably with the grim reality that over the past decade we have been encouraged to keep our heads down, not attract attention, not publicly identify ourselves as firearm owners, and hope that by keeping quiet, gun prohibitionists and like minded politicians will eventually find something else to occupy their time.

Even when suggestions that we should be more active are made, they too often come only at times of desperate urgency, when keeping quiet and hoping for the best has failed, and when it is too late to change any outcomes. When it is already too late to change anything, then our failure to influence the outcome will be seen as confirmation that there is no point in speaking out. Unfortunately, the urging that we be proactive seldom acknowledges the cycle that leads to times of desperate urgency; where unwillingness to be criticised and a sense of isolation silences gun owners, and where that silence between times of desperate urgency enables the promotion of misinformation, which furthers the likelihood of criticism, which further encourages silence.

Perhaps it is a lingering sense of stoic politeness borne from a genuine desire to not make others uncomfortable, coupled with the hope of receiving similar respect in return, that keeps us silent so often. Perhaps it is simply an inescapable human trait to place the seeking of approval and reassurance ahead of opening ourselves to criticism but it often appears a characteristically Australian trait.

In other countries, it is a different matter altogether, which goes a long way to explaining how Australia, New Zealand, and Canada – three countries with a shared background and many existing similarities – have diverged so significantly when it comes to attitudes towards firearm ownership, and towards legislation in particular. In many ways the differences come down to the level of maturity of governments of the day, which in turn affects how they deal with random and unpredictable acts of violence and how they respond to pressure from ideologically driven lobbyists. But

governments tend only to be as mature as they are expected to be, so it is our responsibility to hold them to account in this regard.

New Zealand and Canada are distinguished from Australia by virtue of their communities of gun owners consistently engaging with both politicians and the media. They do not confine themselves to the safety of an audience or readership of the converted. Instead of bowing to expectations that they should justify why more laws are *not* needed, they reverse the onus of justification and expect gun prohibitionists and political opportunists to publicly justify, without resorting to emotion and rhetoric, why more laws *are* needed.

It is not just clubs and associations, but individuals – writing letters to the editor, calling talkback radio, passing accurate information on through organised networks. Individuals risk disapproval in order to challenge the preconceived idea that firearms are something to disapprove of. New Zealanders and Canadians make no apology for owning firearms, and why should they? The facts show that they've no need to.

New Zealand, like us, has comprehensive police background checks, and emphasises safe storage. Unlike us, they never went down the road of bans and buybacks and restrictions and policing the compliant. They have a simple licensing system, without the categories and complexities of ours, and concepts like proving a genuine reason do not apply. They got rid of their longarm registry in the early 1980's, and the sky did not fall. New Zealand very wisely decided that those who are willing to put in a licence application with the police, and who pass the police vetting process, are not likely to be the people the police have to monitor.

In Canada, the many politicians who own firearms have repeatedly spoken about the failure of gun laws to curb crime, whereas in Australia finding a politician who is open about their interests and critical about legislation is like finding buried treasure. Canada hasn't been quite as sensible as New Zealand. In 1989, 14 women were shot by a man who hated feminists. This led to increased gun laws, but very few questions about social circumstances and the factors underlying such random acts of violence.

In 1991, the Conservative government strengthened the screening process for Firearms Acquisition Certificate applicants. This included questions concerning the

applicant's personal and criminal history, personal references, and a mandatory 28-day waiting period for approved applicants. In 1995, with a Liberal government in power, Parliament passed Bill C-68. This created a scheme to control the acquisition, possession, use, transfer, manufacture, distribution, import and export of firearms and ammunition.

It became necessary to have a license rather than simply an acquisition certificate in order to possess a firearm. Certain firearms were prohibited, although comparatively few against what we are accustomed to. Various others were classified as restricted, but can still be owned under a specific license with an additional permit; the licence and permit are somewhat simpler to obtain and have fewer restrictions on them than, for example, our C and D class systems.

The pinnacle of the changes introduced by the Liberals was the creation of a longarm registry. This came largely at the recommendation of gun prohibitionists who, it has now emerged, appear to have received government funding to lobby the government. Incidentally, this piece of information came out during an unrelated investigation into the government's potential misuse of public money. Following revelations that the registry had no discernable impact on rates of firearm misuse, cost over \$2 billion in taxpayer money, instead of the originally promised \$2 million, and that the massive cost blow-out was deliberately covered up until an official audit took place just last year, the recently elected Conservative government have introduced a bill to get rid of the Liberal government's catastrophe of a registry.

Like Australia, Canada has found that those with malicious intent generally do not bother to pass through legal channels. Unlike Australia, the Canadian government have now decided they can better serve the community by putting money into tackling criminal behaviour than by keeping a list of legally owned guns. Regardless of the outcome of that bill, the intent is admirable. It places truth ahead of ideology, and is a very public acknowledgement that ineffective legislation can and should be changed.

Three weeks ago a 25 year old male walked into Dawson College, in Montreal, shot and killed a female student, and wounded 19 others. In response to predictable calls by anti gun lobbyists for more laws, and of course for maintaining the registry, Canadian Prime Minister Stephen Harper said that it was clear the laws had not

prevented the crime, but that a debate over gun laws should wait until another day. He noted that it is important to know the facts, and that effective legislation comes from calm, rational discussion rather than from reactions driven by raw emotions.

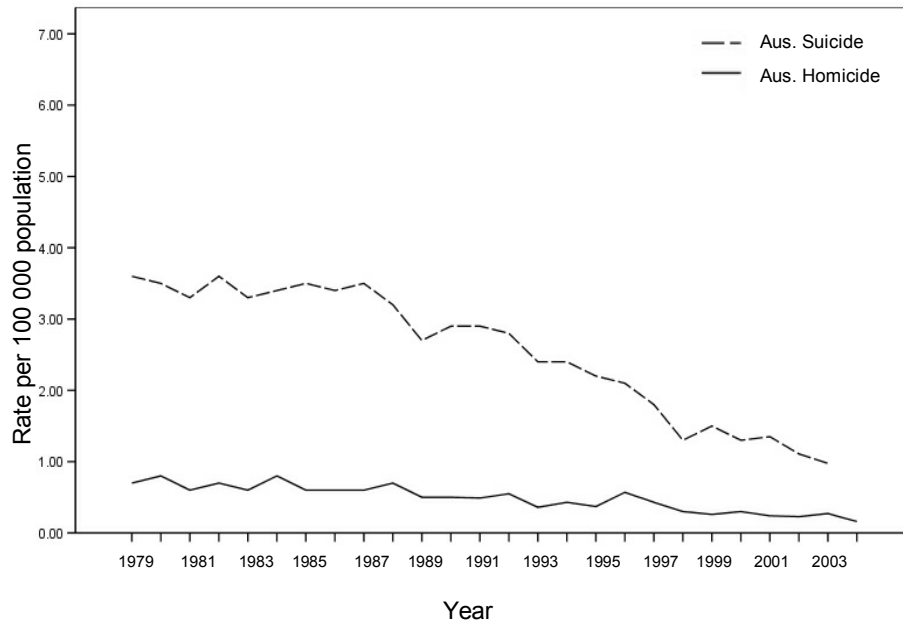
This shift in attitude has come as a result not just of a change in government, but of years of campaigning to have the facts heard. It has not been firearm owners alone who have done this, but they can claim a great deal of credit for ensuring that those who spoke the facts received the respect they were due. A couple of years ago both Peter O'Brien and I attended a criminology conference where a visiting Canadian statistician spoke about their registry. She openly acknowledged that there was no evidence to support its efficacy, and also spoke about the costs associated with it.

If Canadian researchers can speak the truth about the Canadian system without fear of reproach, then our researchers should have the same freedom. I am not uncomfortable about presenting facts. I am uncomfortable with the notion that Australian researchers may fear that their reputation will be compromised simply for doing their job.

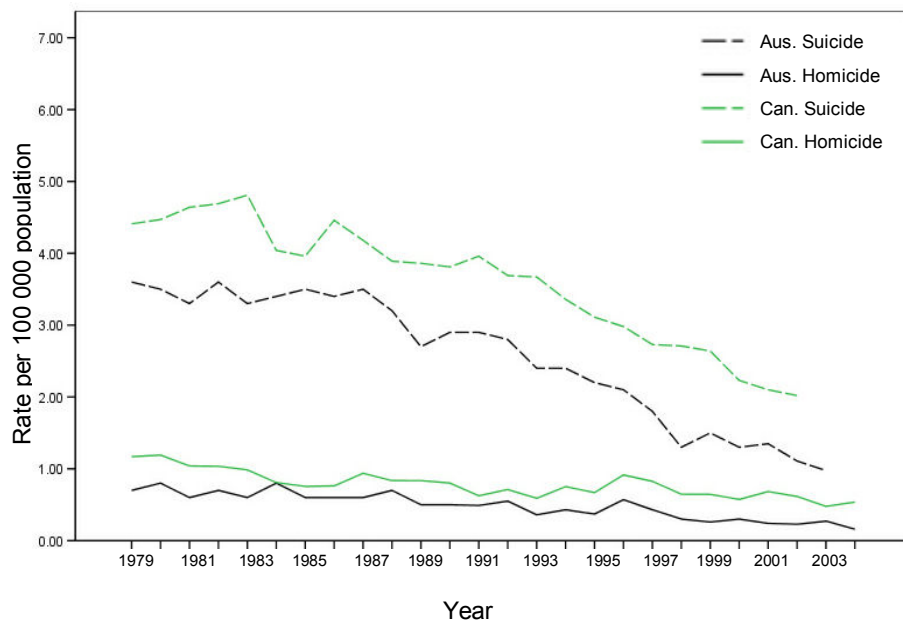
If what we have been told is true, we with our tough laws would be expected to have the lowest rates of firearm misuse out of the three countries, followed by Canada, followed by New Zealand, who would be expected to have the highest rate of misuse, if lenient laws are as dangerous as we are often led to believe.

Let's have a look at some figures.

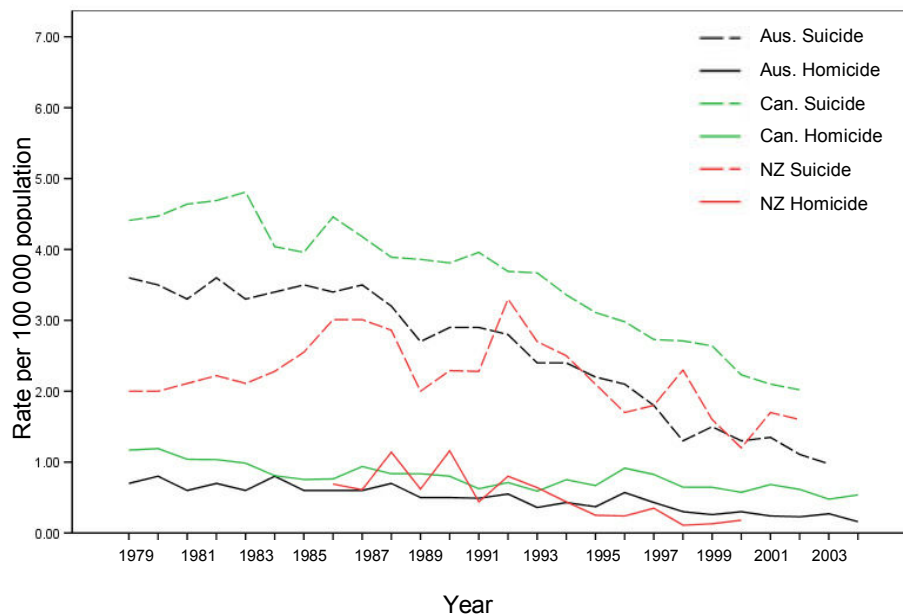
Here we see rates of firearm suicide and firearm homicide in Australia, from 1979 to 2004. The top line represents suicide, the bottom line homicide.



Next, I'll overlay Canada. Again, top line is suicide, bottom line is homicide.



Now, New Zealand, who if simple laws equate to ineffective laws, would be expected to have higher rates of misuse than Canada, and far higher rates of misuse than Australia.

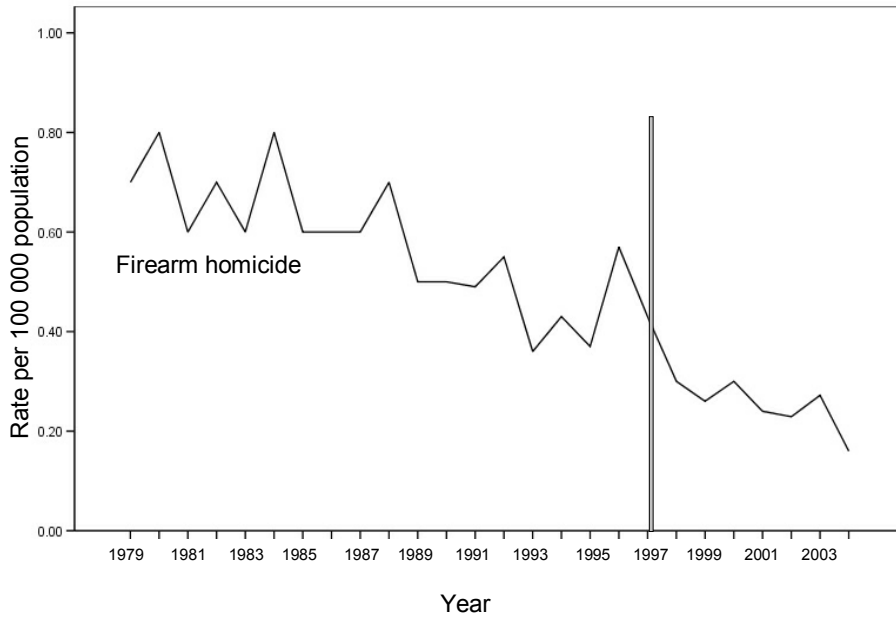


Remarkably, the different legislative approaches have not resulted in particularly different rates of firearm misuse. New Zealand's lenient laws have not produced high rates of misuse. Why, then, are Australians consistently told that our tough laws are effective laws?

Perhaps it is because the introduction of the legislation changed what was happening in Australia? Perhaps the pre-existing decline in firearm related deaths sped up after the laws came in?

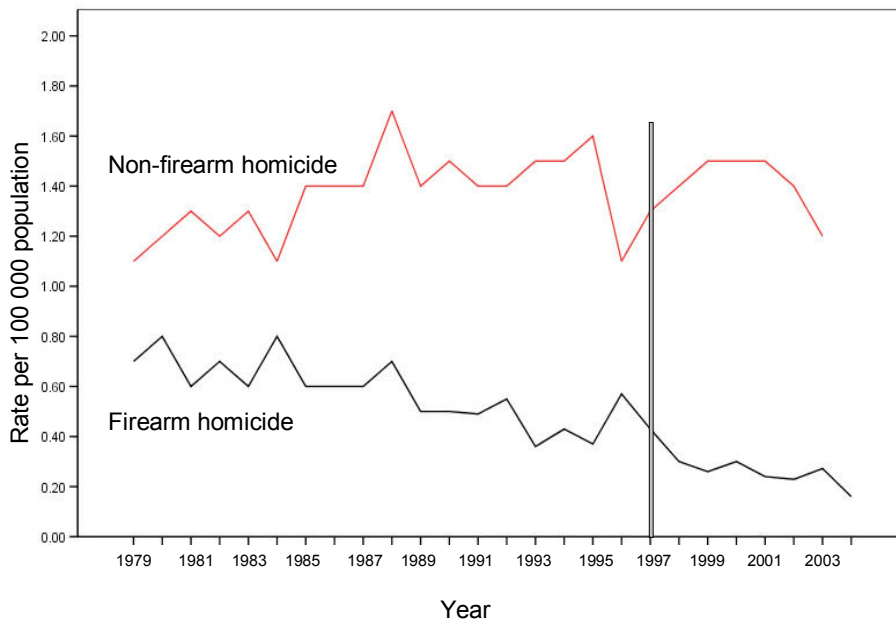
This is a question myself and Dr Jeanine Baker from South Australia have recently looked at.

Once again, here are the Australian rates of firearm homicide from 1979 onwards. 1997 is marked here as the commencement point of the new laws, because although the laws were ratified in 1996, they were not fully implemented until 1997.



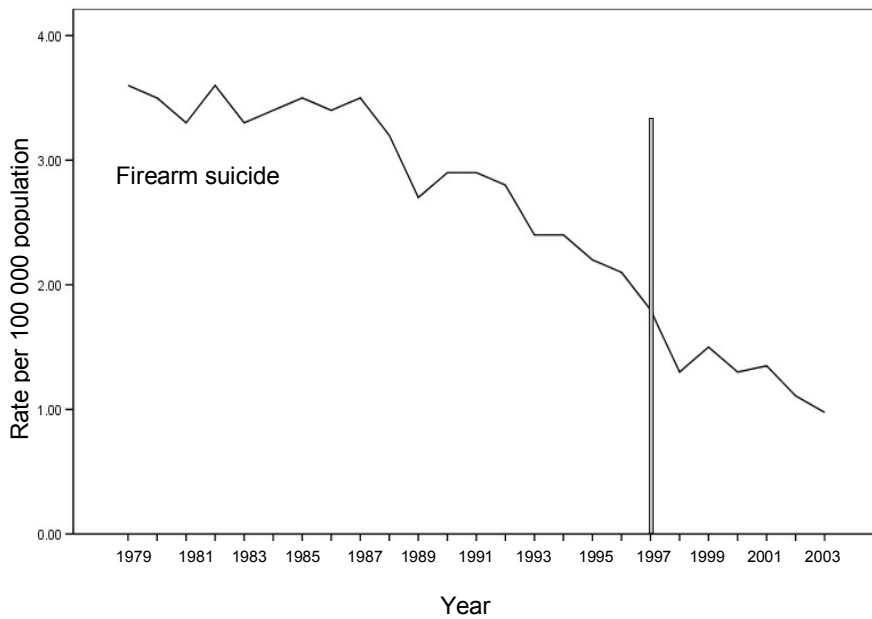
The rate of decline in firearm homicide after the reforms did not differ significantly from the pre-1996 trends.

What this tells us is that the downwards trend in firearm homicides did not change, it did not speed up, it did not become steeper, after the laws were introduced. Here, just for comparison, is the rate of homicide non-firearm, before and after the laws came in.



Again, no change, so the laws did not affect either firearm homicides or homicides using other methods. Given that the rate of homicide using other methods did not change, it is possible that there was some displacement or method substitution. Total homicide rates have fluctuated over the past ten years, but there has been no particular trend in either direction.

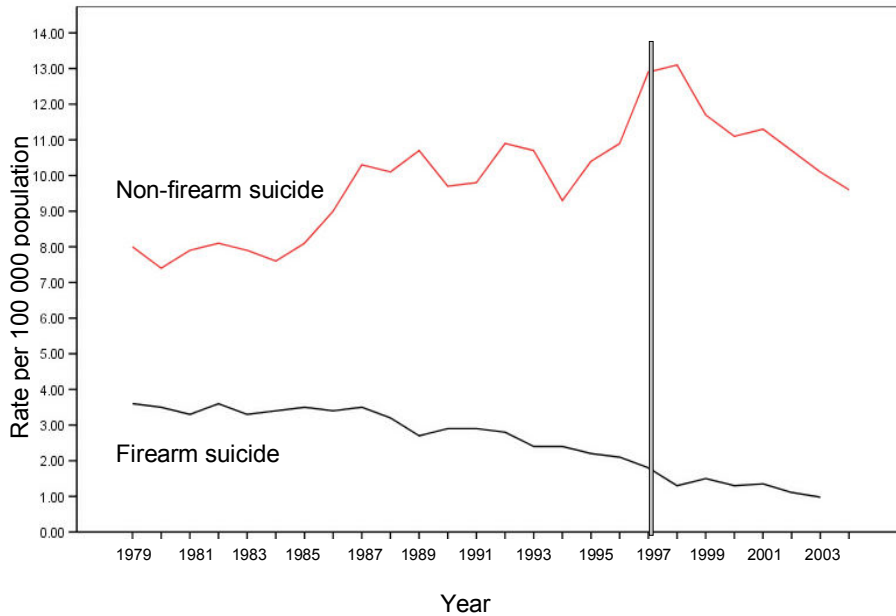
Now let us look at suicides.



It looks as though there's a drop after 1996/1997.

If we just looked at firearm suicides, we would be inclined to think that the gun laws had caused the downwards trend to speed up and to drop more quickly than before.

But let us now look at suicides using other methods.



The suicide rate kept climbing post reform, suggesting a period of method substitution may have occurred. Around 1998, though, the upwards trend stops, then suddenly starts to reverse. So, something happened around that time that seems to have brought about a general change. Remarkably, or not so remarkably, this coincides with when governments started to fund mental healthcare and suicide prevention.

We would not expect gun laws to affect non-firearm suicides, but we would expect general social changes to affect all kinds of suicides, including those by firearm. As a result, we cannot conclude that the gun laws were responsible for any change in firearm suicide rates, because other suicide rates also changed around the same time.

The laws cannot be shown to have saved a single life. What, then, have our million or even billion dollar tough laws achieved?

Very little, which is what many of you predicted at the time, and the evidence now suggests that your beliefs were correct. Those beliefs have become facts in front of us, and the facts show that the beliefs of those who supported the stringent measures were misplaced. A handful of extremely courageous researchers have even started to acknowledge this, and have admitted that their own predictions have not been borne out by data.

It seems, however, that gun laws are not judged by any fixed indicators. One would think that the failure of the laws to alter rates of homicide and suicide speaks for itself, but there are those who cling to their belief in tough laws and argue that regardless of the failure to save a single life, the gun laws should still be regarded as successful because they have prevented another mass shooting with four or more deaths.

To quote Dr Don Weatherburn, one of Australia's most prominent criminologists and director of the NSW Bureau of Crime Statistics and Research:

“...I too strongly supported the introduction of tougher gun laws after the Port Arthur massacre. The fact is, however, that the introduction of those laws did not result in any acceleration of the downward trend in gun homicide. They may have reduced the risk of mass shootings but we cannot be sure because no one has done the rigorous statistical work required to verify this possibility. It is always unpleasant to acknowledge facts that are inconsistent with your own point of view. But I thought that was what distinguished science from popular prejudice.”

-Dr Don Weatherburn

Director
NSW Bureau of Crime Statistics and Research
Sydney Morning Herald, 1/11/05

Of course, some have claimed, and continue to claim, that the point of gun laws is to send a social message that gun ownership is unacceptable. This not only fails to distinguish between legitimate use and illicit use, but it is based upon a philosophical belief that nobody should own firearms instead of on real world indicators. The symbolism of tough gun laws is all well and good, but symbolism has not translated into lives saved. I ask you – what social message does this send?

So why haven't our governments started to learn from the common sense shown by other countries? In large part, because when a government brings in a set of laws at great expense and with tremendous fanfare, it rarely admits to being mistaken. But sadly, we have our own share of responsibility to accept. The comfort of a likeminded audience, whether it is at an awards night, at the gun club, or around the

campfire, has lulled us into thinking that everything will be alright, that politicians will see the light, and that sensible gun laws will suddenly come into being, because those around us all want to believe that this is the case.

This will not happen unless we try to make it happen, and the only way we can achieve this is to put aside opinions, deal in facts, and open ourselves to the discomfort that sometimes comes with presenting those facts.

Fortunately, although Australia as a whole lags behind more progressive countries such as New Zealand and Canada, some states do pay attention to what goes on outside their borders, and outside the borders of our country. Strangely, they are the states where firearm owners have adopted their share of responsibility for dispelling untruths, and have set themselves on a path of educating, challenging stereotypes, and countering misinformation with the solid evidence we now have available to us.

Victoria is one of these states. Yes, Victoria has the same cumbersome and ineffective laws imposed upon it as all other states, but the way in which Victoria has previously chosen to, and continues to choose, to deal with those onerous requirements is notable.

We have a waiting period for first firearms but not second and subsequent acquisitions. This is something other states are eyeing enviously and contemplating the adoption of (while gun prohibitionists proclaim impending apocalypse). We have a simple system of safety training, and we have a range of ways to support our genuine reason for holding a licence.

Compared with other Australian states, Victoria took what steps it could, and takes what steps it can, towards common sense and evidence based policy. From small steps, big steps can come. The Victorian system has been criticised by anti-gun lobbyists as too lenient, but Victoria has one of the lowest rates of firearm misuse in Australia, despite its relatively high rate of firearm ownership.

Efforts to accommodate legitimate firearm use in a sensible framework appear to pay off. Spending time, effort, and resources to discourage people from legal firearms use,

on the basis of ideological opposition to gun ownership, seems to achieve very little in terms of real world outcomes.

Of course, Victoria can take heart once again from New Zealand, whose laws have been subject to repeated tirades from anti-gun lobbyists. Recently, however, New Zealand's relatively lenient, down to earth laws have been hailed as world class. Not by a gun owner, not by a gun club, but by a gentleman named Tsutomu Ishiguri. Mr Ishiguri is the Director of UN Centre for Peace and Disarmament in Asia and the Pacific. In Australia we did not hear much about Mr Ishiguri's praise for New Zealand, but it shows that a step towards simplification is a step in the right direction.

Victoria is also unusual because clubs and associations appreciate the value of collaboration – not just with one another, but with other groups, no matter how big or small, or how unlikely some of the partnerships may seem. Victoria has taken bold measures like introducing the women give it a shot and shooting for all programmes, involving agencies such as Womensport Victoria, and taking advantage of the range of general sponsorships and opportunities offered to sporting associations. Victoria has even followed the South Australian initiative of working with governments and using volunteer hunters to control feral animals in national parks. We have a way to go before we equal the success of Operation Bounceback, but at least we have made a start.

We have a government who are starting to support and embrace the contribution hunting makes to the environment, rather giving in to animal rights extremists and their demands of outright bans, or trying to put people off through ever increasing ideologically driven hurdles. We have a government who open their doors as equally to firearm owners as to any other members of the community. We have a Police Minister who is willing to look at the facts. We have an Environment Minister who bases decisions on evidence and genuinely understands that hunting is a powerful conservation tool. We have a Premier who earlier this year stood up to Australia's Prime Minister and said 'no more bans'.

Why do they do this? In part, because they know the facts and they know we are here. But, more crucially, it is because the Victorian government and Victorian gun owners alike recognise that establishing and maintaining a good relationship is a two

way street. This is not something to take lightly, because it has taken years of work by clubs and associations and individuals together, and it will continue to take work, but this is a model that other states are beginning to follow. For example, the New South Wales government has finally realised that allowing hunting on public land is a sound method of controlling feral animal numbers. They may still be years behind Victoria, but at least they're finally moving in the right direction. There is progress, and the progress consistently comes from states where large numbers of individuals have taken responsibility for protecting the future of firearms ownership.

So let us hope that Victorian gun owners and the Victorian government keep getting it right. Let us also hope that the government keep taking into account the facts as well as a bit of common sense. They have called the bluff of anti-gun lobbyists on more than one occasion, and it is to their credit that they have done so. Most importantly, let us make sure this keeps happening. Let us continue to show politicians and the public that fear mongering and hatred of legitimate firearms ownership leads only to ineffective policy where everybody in the community is the poorer as a result.

We have the facts to demonstrate this, and now we need to make sure we each present those facts, and support their presentation by others. It is all very well to say that bad laws come about because people do not understand the facts about firearm ownership, but who is going to present the facts if not us? More than presenting the facts, we also need to work to create an environment where facts can flourish, and that, perhaps, is the hardest task of all.

Within this context, Australian firearm owners have the chance to move beyond any sense of reluctance to speak publicly and openly. Speaking out is a direct challenge to those who would prefer us to remain silent. United groups of individuals presenting, and supporting the presentation of facts is precisely what the instigators and supporters of our cumbersome, costly, ineffective laws hope we will not do. The longer we accept the lure of a friendly audience, the longer we oblige them. The responsibility can be onerous, the facts can be expensive to obtain and hard to present, and the criticism can be less than pleasant. The consequences of staying silent and hoping things will fix themselves are far worse.