

FORM 80A - Rule 80  
AFFIDAVIT

Court File No. T-577-20

**FEDERAL COURT**

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE  
KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC., WOLVERINE SUPPLIES  
LTD., AND MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA and CANADA (ROYAL CANADIAN MOUNTED  
POLICE)

Respondents

APPLICATION UNDER sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

**AFFIDAVIT**

I, Gary Mauser, Professor Emeritus, of Coquitlam, British Columbia, SWEAR THAT:

1. I am aware of the Application filed in Court File No. T-577-20 (“**Application**”) regarding the May 1, 2020 Order in Council SOR/2020-96 (the “**Order in Council**”) which made the *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted*, SOR/2020-96 (the “**Regulation**”), and regarding certain things done by the Royal Canadian Mounted Police (“**RCMP**”), including through the Specialized Firearms Supports Services Unit (“**RCMP SFSS**”), in relation to the Firearms Reference Table (“**FRT**”) as described in the Application. I am also aware of the *Order Declaring an Amnesty Period (2020)*, SOR/2020-97 (the “**Amnesty Order**”) with respect to the Regulation.
2. I am a Professor Emeritus with the Institute for Canadian Urban Research Studies and Beedie School of Business, Simon Fraser University, British Columbia.



3. I have published extensively in academic journals on firearms and crime. Among other journals, I have published in the *Harvard Journal of Law & Public Policy*, *Journal of Criminal Justice*, *Chance*, *Evaluation Review*, *Journal of Firearms and Public Policy*, *Canadian Journal of Criminology*, and *Applied Economics*. I have testified as an expert witness on criminal justice issues before the Senate of Canada and the Canadian House of Commons. In addition, I have submitted expert testimony to the Supreme Court of Canada as well as other Canadian courts, New Zealand Parliament Finance and Expenditure Committee, United Kingdom Parliament Special Committees, and I am accredited with the United Nations as an expert in small-arms control. I was honored to have been invited to the New Zealand International Seminar on Firearm Safety in 2006, sponsored by the Royal New Zealand Police.
4. I am a criminologist, trained in social science research methodology. I am an expert in the sociology of firearms ownership and the relationship between firearms and crime. My doctoral training included social science quantitative research methods, including survey research methodology, both random sampling and cross-tabulation and regression analysis, experimental methods, quasi-experimental methods, and multivariate analysis. I have attached a copy of my CV as **Exhibit "A"**.
5. I understand that my duty is to assist the Court, and I am not an advocate for any particular party. My opinion is independent and unbiased. It is based upon my own research and observations over multiple decades of experience with the regulation of firearms.

**Public safety and violent firearm crime in Canada will not be affected by the Regulation**

6. In my opinion, public safety and violent firearm crime in Canada will not be affected by the Regulation. The objective evidence does not support the public safety justification given for the Regulation. Gun crime is less than one-half of one percent of overall police reported crime; guns are involved in 3% of violent crime, and are used to injure a victim in under 1% of incidents. I have attached a Firearm-related crime in Canada Statistics Canada presentation to Minister on February 18, 2019, as **Exhibit "B"**.
7. The use of firearms in homicide has been exaggerated. Statistics show that knives are used as often in homicide as firearms. I have attached the Statistics Canada number of homicide



victims, by method used to commit the homicide, as **Exhibit “C”**. This shows the following:

Homicide Methods	
Annual average (2001-18)	
Total methods	594
Stabbing	189
Shooting	187
Beating	121
Other	97

8. There is no statistical evidence that the firearms affected by the Regulation, or long guns of any kind, are disproportionately used in criminal offences in Canada. I note that there are no statistics available from Statistics Canada that provide evidence of the necessity for banning any of the firearms affected by the Regulation. I have attached the Statistics Canada number of homicide victims, by method used to commit the homicide, as **Exhibit “D”**. This shows the following:

Types of Firearms Used in Homicide	
Annual average (2001-18)	
Total firearms	187
Handgun	114
Rifle or shotgun	41
Fully automatic firearm	4
Other, type unknown	28

9. Large numbers of civilians own firearms peaceably and legally, according to the RCMP Canadian Firearms Program (CFP). On December 31, 2018, the CFP reported that 2,183,827 individuals legally owned firearms. Please see Table 1 of **Exhibit “E”** attached. Each legal owner is assessed nightly under the “continuous eligibility screening” program and can lose his or her firearms if a ‘red flag’ is discovered. See Page 15 of **Exhibit “E”**.

MAN

10. Long guns are the most popular firearm across Canada. They are primarily used for hunting but also feature prominently in target sports, and they have been used for these purposes for more than a century without posing disproportionate problems for public safety. Firearms have important benefits for Canadians. I have attached: Fall 2001 Estimate of Firearms in Canada, GPC Research submission to the Public Policy Forum as **Exhibit “F”**; Target Sports teach young people to accept personal responsibility, Gary Mauser, September 7, 2019 as **Exhibit “G”**; and The Benefits of Firearms Ownership, Lyne Casavant Political and Social Affairs Division, Parliamentary Research Branch as **Exhibit “H”**.

Percentage of Each Type of Firearm	
Legally Owned by Firearms Households	
Rifle	74%
Shotgun	71%
Handgun	11%
Other	1%

Note: 13% of Canadian households reported owning firearms.

Source: **Exhibit F**: Fall 2001 Estimate of Firearms in Canada 2001 report.

11. Licensed Canadian owners of legally owned guns do not pose a threat to public safety. According to Statistics Canada data, firearms license holders are less likely to commit murder than are other Canadians.
- (a) In 2016 I requested the numbers of firearms licence holders who had been accused of homicide for the years 2001 through 2015 in a Special Request to Statistics Canada for these 15 years. There were an average of 13 per year. This gives an accused homicide rate of 0.67 per 100,000 firearm licence holders for this time period, since the average number of licences per year was close to 2,000,000. See **Exhibit “I”** for the calculations.
- (b) The low homicide rate for firearm licence holders was cited in my paper “Do Triggers Pull Fingers” a look at Criminal Misuse of Guns in Canada, Dr. Gary Mauser, July 16, 2015, attached as **Exhibit “J”**, and in my presentation to the





House of Commons Standing Committee on Public Safety and National Security during the hearings on Bill C-71 on May 29, 2018, attached as **Exhibit “K”**.

- (c) To put the homicide rate for firearms licence holders in perspective, it should be compared with the firearms homicide rate for adults or adult males.
- (i) The ‘firearms homicide rate’ refers to the rate that a firearm is used to commit murder per 100,000 population. Adults are the appropriate base because the total population would include children and so would inflate the denominator thereby reducing the apparent homicide rate of the comparison group.
- (ii) Firearm homicide rates are more appropriate than the general homicide rate because Statistics Canada only asks if the accused has a firearm licence if the weapon used in the murder was a firearm. Therefore it is unknown how many firearm licence holders are accused of murder who may have used a weapon other than a firearm in any given year.
- (iii) Adult males are the most appropriate comparison population because 80% of Possession and Acquisition Licence (PAL) holders are adult males.

Firearms homicide rate (2001-2015)	
PAL holders	0.67
Adult males	1.43
All adults	0.75

Source: Special Request, Statistics Canada  
Special Request #776552 2016  
See **Exhibit “I”** for the details of these calculations.

12. Gang crime is responsible for gun crime, not lawful owners, and gang crime is growing.

Most of gun crime is gang related	47%
Most gang crime is gun related	87%

Source: Firearm-related Crime in Canada, Yvan Clermont, Statistics Canada presentation 18 February 2019 is attached as **Exhibit “B”** (see slide 10).



13. The bulk of guns used in homicide are illegally possessed. During the period the long-gun registry was in effect (1998-2012), few registered firearms were used in committing homicide.

Firearm-related homicides by firearm ownership and registration status, Special Request, Statistics Canada (2003-2015)	
Firearms used in homicide	2,290
Legally registered	201
Percentage registered	9% that are used in homicide.

Source: Firearms-related homicides by firearm ownership and registration status, Special Request, Statistics Canada (2001-2015), **Exhibit "I"**.

Note: The percentage (9%) represents the combined total of stolen firearms, straw-purchased firearms, and firearms used by a legal owner to commit murder during this 15-year period.

14. Stolen firearms are not a major source of crime guns. Crime guns are much more likely to have been smuggled than stolen. Between 1998-2012 the Toronto Police Service identified fewer stolen firearms among 'crime guns' than smuggled firearms.

Analysis of Toronto Police Service Response to D. Young's Access to information request.				
TPS	Crime Guns seized			
Response		Number	%seized	%traced
#10	seized	833	100%	
#11	successfully traced	475	57%	100%
#12	traced to US	333	40%	70%
#13	legally registered	66	8%	14%
#14	reported stolen in Canada	33	4%	7%
#9	seized from licenced owners	49	9%	10%

Source: Toronto Police Services, Response to D. Young's ATI Request, attached as **Exhibit "L"**.

Note that the Toronto Police Service defines a 'crime gun' as any firearm that: has been used or suspected of having been used in a criminal offence; is obtained, possessed, or intended to be used to facilitate criminal activity; has had a serial number removed; or any weapon that has been adapted for use as a firearm (see **Exhibit "L"**, point #1).

Note that "crime guns" include guns that are merely possessed illegally whether or not they are used, or intended to be used, in a criminal offence. Thus, "crime guns" include guns seized for purely administrative crimes, such as "unsafe storage" or guns possessed by an owner who did not have a valid firearms licence.

Note that Statistics Canada does not have a systematic data collection program for tracing origins of 'crime guns,' but it is developing one. All that is currently available are sporadic police reports and occasional Access to Information Requests.

15. Legally owned firearms are unlikely to be stolen and used in violent crimes. Stolen firearms were involved in an estimated 1% (974 out of 100,000) of violent crime involving firearms during the time firearms registry was in effect (1998-2012). This is based on the following:

- (a) 100,000 violent crimes where firearms are involved between 2001 to 2015 (**Exhibit "M"**, the first paragraph below Chart 1 on page 3 states that there are approximately 7,000 "violent crimes involving firearms" annually, Juristat, Statistics Canada).
- (b) 32,450 legal firearms stolen during this period (excluding Quebec) (**Exhibit "N"** from the Firearms Registry Data).
- (c) Percentage stolen firearms subsequently used in violent crimes in Canada is estimated by the Australian finding that 3% of stolen firearms in Australia were found to have been used in violent crime (see page 31, Firearm Theft in Australia 2008-2009 is attached as **Exhibit "O"**).

3% of the 32,450 stolen firearms = 974.

974 stolen firearms is 1% of 100,000 violent crimes involving firearms.

1% estimated percentage of violent crimes involving firearms stolen from legal owners over entire 15-year period.

16. In my opinion, there is a serious risk of significant and widespread non-compliance with the Regulation that is likely to contribute to the grey and black firearms markets in Canada. An unknown percentage of owners of the newly prohibited firearms will not turn them into the police or will not even know that their firearms have been prohibited because the Regulation has been quietly expanded, potentially putting owners on the wrong side of the law unknowingly. See Jesse Snyder, National Post newspaper, June 3, 2020, attached as **Exhibit "P"**.
17. Both nationally and internationally, widespread noncompliance with firearms laws is manifestly evident.

- (a) There is an abundance of evidence that many gun owners refused to register their firearms or even to get a firearms license after the passage of Bill C-68 in 1996. At the height of the long-gun registry, over 90% of firearms used in homicide had never been registered, according to Statistics Canada.
- (b) The large number of Canadians who refused to comply with Bill C-68 contributed to the size of the grey and black markets for firearms in Canada - thus ensuring that the promised benefits of reducing civilian access to firearms did not appear. I have attached Hubris in the North, The Canadian Firearms registry, Dr. Gary Mauser, June 2007 as **Exhibit "Q"** (see page 32); my presentation to the Senate of Canada on Bill C-71 as **Exhibit "R"**.
- (c) This finding is consistent with the experiences of other Commonwealth countries. I have attached Australian Government Firearms Trafficking and Serious and Organised Crime Gangs, Samantha Bricknell, AIC Reports Research, Public Policy Series 116, Australian Institute of Criminology June 29, 2012 as **Exhibit "S"** (see page 23) and New Zealand Auditor-General's report on the Firearms Buy Back, 2020 as **Exhibit "T"** (see page 4).
- (d) It is nearly impossible to know the number of firearms in a country, so it is challenging to estimate the degree of non-compliance. Police in Australia and New Zealand estimate that between 25% and 60% of the firearms in their countries remain outside of the system despite both countries having enacted sweeping prohibitions and confiscations.
- (e) In Australia, an estimated 642,000 firearms were surrendered out of 800,000 to over 3 million affected firearms (see page 31 in **Exhibit "Q"** and page 37 in **Exhibit "S"**). The New Zealand Auditor General estimates 26% of affected firearms were surrendered (61,332/240,000).

**My interest in firearms and ownership of firearms**

- 18. For the purpose of transparency, I provide a brief background of my interest in firearms and my personal firearms ownership.



19. I grew up in a suburb in California without any familiarity with firearms. Neither of my parents owned firearms, nor did anyone else I knew among my family or friends.
20. For reasons I didn't understand at the time, my father gave me a rifle for my 18th birthday. I haughtily rejected it. My father and I didn't get along. In large part, this was due to my being an arrogant adolescent. For the next 20 years my father and I remained estranged.
21. When I turned 40, in 1982, I decided it was time to try to re-connect with my father. That meant picking up the present he gave me two decades earlier that was still sitting at his home in California.
22. But I didn't know anything about guns or what the laws were about ownership. I had to learn. Picking up the gun meant bringing it from California to my home in British Columbia. I soon learned that the United States and Canada have different and complex laws regulating firearms.
23. While I managed to legally enter Canada with my new possession, I was staggered by the complexity of the firearms laws. I had no idea it was so complicated to own and use firearms. I wanted to learn more so I began to question everyone I met about firearms laws. I soon found that opinions were quite polarized. Hunters and sport shooters viewed firearms very differently than those who did not own firearms.
24. Discovering that opinions about firearms rested on dramatically differing assumptions motivated me to dig deeper. I began researching academic research into gun laws and gun ownership. There were many questions I wanted to answer:

Who owned firearms?

Why did people own firearms?

Is firearms ownership a threat to public safety?

Does access to firearms exacerbate conflict?

Which legal restrictions on firearms are effective in reducing criminal violence?

Why were 'gun control' proposals so politically controversial?

25. Immersing myself in the academic studies on firearms and government reports, I soon realized that the technical quality of previous research was embarrassingly poor. In part, this was because the questions were complex, involving many interrelated variables. More importantly, many researchers had axes to grind rather than making an honest effort to

search for understanding. Most of the studies were profoundly biased; many simply assumed their conclusions. All too often, an author's conclusions did not follow logically from the methods employed.

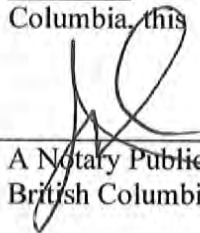
26. I thought I could design better studies than those I found in the criminology journals or in government reports. My search to better understand the relationship between firearms and violence, I realized, would generate publishable papers and aid me in my academic career.
27. The key to conducting solid research is to allow the data to tell the story. Investigators must choose analytical methods that allow the findings to contradict their pre-conceptions. Since everyone has biases and expectations, this is often difficult to do.
28. My academic background gave me a powerful framework for investigating these questions – for understanding the sociology of gun ownership and investigating the link between firearms and criminal violence. My training in quantitative methods proved to be vital in analyzing these complex topics. My doctoral program centered around social psychology and political science, where I studied survey research methods and multivariate analysis. In the first half of my academic career, I was fascinated by electoral politics. I wrote two books and several articles analyzing voting behaviour and election campaigns.
29. I became a professor for the freedom to study what interests me. During the 1980s I began to branch out from elections to examine more deeply what were called “hot button” issues. The controversy around firearms and gun control promised to be a fruitful arena for my research efforts.
30. After returning to Canada with my long-delayed gift in the mid-1980s, my first serious research effort was an econometric analysis. My co-researcher and I hypothesized that the 1977 Canadian firearms legislation would reduce homicide rates. We were surprised to discover that our multivariate research study found that the 1977 gun laws had no significant effect. Nevertheless, we submitted our work to *Evaluation Review* and it was published in 1992. (“An evaluation of the 1977 Canadian Firearms Legislation,” by Gary Mauser and Richard Holmes. Vol 16, p 603-613.)
31. At first, the results of my ground-breaking research made me skeptical about the usefulness of gun control laws, and then, later, after further research, I became convinced that firearm

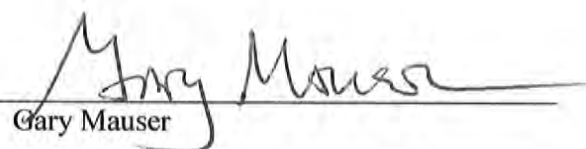


ownership was a social 'good.' Because my analyses were published in respectable academic journals, my research efforts contributed to my successful career at Simon Fraser University. In 2001, I was awarded the Nora and Ted Sterling Prize in Support of Controversy, Simon Fraser University, and delivered a talk, "[Will gun control make us safe? Debunking the myths](#)," on October 17, 2002, at the Morris J. Wosk Centre for Dialogue in Vancouver, BC. My interest in firearms also spurred a new hobby, target shooting, and I purchased my first gun: a black powder replica Colt revolver.

32. Looking back over the past 40 years my decision was prescient. Every decade or so, stimulated by a horrific shooting, the Canadian government announces that previous gun laws are inadequate and brings in additional restrictions as the solution to "gun violence." (1977, 1991, 1995, 2019). Unfortunately, research support for Canadian gun control has not been persuasive. A brief vignette illustrates this. Starting in the early 1990s criminal violence declined in both Canada and the United States. The two countries have pursued radically different firearms policies: Canada tightened up firearms legislation while the US reduced restrictions of firearms. Between 1990 and 2018, Canadian homicide rates fell 26%, while in the US, homicide rates fell 47%. The US did not have the benefit of Canadian firearms legislation.
33. I own an AR-15 firearm, which is now listed as a prohibited firearm in paragraph 87 of the Regulation. I acquired this firearm decades ago, for hunting and sporting use. I understand that I am therefore directly impacted by the Regulation. This impact does not influence my opinion in this matter. I provide my opinion for no other reason than to assist the Court with the issues in the Application.

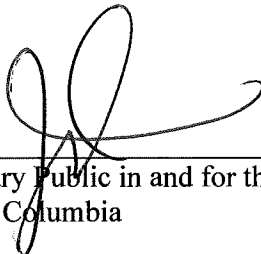
SWORN BEFORE ME at the City of  
CORVALLIS, in the Province of British  
Columbia, this 02 day of July, 2020.

  
A Notary Public in and for the Province of  
British Columbia

  
Gary Mauser

A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission

This is **Exhibit "A"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**



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Languages: read, write and speak  
English and French

### **Personal**

Citizenship: dual American and Canadian.  
Married, Edeline Mauser-Wong, M.D.  
Children, Mathieu Xavier; Aaron Kendrick; Sean Gerard Chu Kwong.

### **Education**

Ph. D., University of California, Irvine (1970), Psychology  
B.A., University of California, Berkeley (1964), Psychology

### **Academic Positions**

2007 - 2020	Professor Emeritus, Simon Fraser University
1991 - 2007	Professor, Simon Fraser University
1980 - 1991	Associate Professor, SFU
1979 - 1980	Visiting Professor, Université Laval, Quebec City, Quebec
1975 - 1980	Assistant Professor, SFU
1974 - 1975	Assistant Professor, Loyola University, New Orleans, LA
1971 - 1975	Professeur invité, Université de Grenoble, France
1970 - 1971	Postdoctoral Fellow, Language and Behavior Laboratory, University of California, Berkeley

### **Selected Public Policy Reports**

Submission on the New Zealand Arms Legislation Bill of 2019  
Presented to the **Finance and Expenditure Committee**, New Zealand  
Parliament, 25 October 2019  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3045830](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3045830)

Do Researchers From Different Fields Have a Consensus on Gun Control Laws and Do  
Registered Voters Agree With Any of Them? (with Berg, Arthur and John R.  
Lott). **Regulation**, Winter 2019-2020, pp 40-77. Cato Institute.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3443290](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3443290)

Bill C-71 Is a Red Herring: Submission to the Standing Committee on National Security and Defence, **The Senate of Canada**. February 25, 2019

Bill C-71 Is a Red Herring: Submission to the Canadian Parliamentary Standing Committee on Public Safety and National Security. **House of Commons**. 11 May 2018  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3169575](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3169575)

A Presentation to the Standing Committee on Public Safety and National Security, Bill C-71: **House of Commons**, Speaking Notes. 20 Jun 2018  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3190467](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3190467)

Why is Gun Control Seen As A Critical Priority When Increased Vehicular Safety Is Virtually Ignored? (With Brian Hay) **Mackenzie Institute**. 31 October 2018.  
<https://mackenzieinstitute.com/2018/10/why-is-gun-control-seen-as-a-critical-priority-when-increased-vehicular-safety-is-virtually-ignored/>

Critique of the RCMP's Firearms and Investigative Services Directorate (FIESD) 2014 Annual Report. 2017  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3044135](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3044135)

Do Triggers Pull Fingers? A Look at the Criminal Misuse of Guns in Canada. **Mackenzie Institute**. 25 Jul 2017  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3002650](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3002650)

Presentation to the Standing Committee on Public Safety on C-19, Canadian **House of Commons**, 4 Mar 2012  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2015724](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2015724)

A Brief Summary of Research on Prison and Violent Crime, Invited Testimony on Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, Presented to The Senate Committee on Legal and Constitutional Affairs, **The Senate of Canada**, 20 February 2008.

Firearms: Do Restrictive Laws Improve Public Safety? In John Meadowcroft (ed.), **Prohibitions**, Institute of Economic Affairs, London, England, Spring 2008.

Hubris in the North: The Canadian Firearms Registry. Originally an invited keynote presentation at: In the Right Hands – an international firearm safety seminar, held in Christchurch, New Zealand, 21-23 February 2006. **Public Policy Sources, The Fraser Institute**, Vancouver BC. (June 2007).  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=998898](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=998898)

The Failed Experiment: Gun Control and Public Safety in Canada, Australia, England and Wales, **Public Policy Sources**, No. 71, The Fraser Institute, Vancouver, BC. November 2003 (25 printed pages).

Misfire: Firearm Registration in Canada. Public Policy Sources, No. 48, **A Fraser Institute Occasional Paper**, The Fraser Institute, Vancouver, BC, 2001. (22 printed pages).

Canadian Attitudes Toward Gun Control: The Real Story. **The Mackenzie Institute**, Toronto, Ontario, Canada. [February 1997] (Gary A. Mauser and H. Taylor Buckner). (75 printed pages plus 113 pages of appendices).

### **Prior Expert Evidence in Court**

**Expert Witness.** Ontario Superior Court, Thunder Bay, Ontario, Her Majesty The Queen vs. W.B. & D. Montague, 4-5 January 2007.

**Expert Witness.** The Court of Appeal of Alberta. **Re: The Firearms Act, SC 1995, Chapter 39.** November 1997, and The Supreme Court of Canada, 1999.

### **Selected Academic Articles**

Would Banning Firearms Reduce Murder and Suicide? A Review of International and some Domestic Evidence, **Harvard Journal of Law and Public Policy**, Spring 2007, Vol. 30, No 2, pp 650-694. (with Don B. Kates)

An Assessment of Canada's 1995 Firearm Legislation Ten Years Later. **Journal on Firearms and Public Policy**, Vol. 17, Fall 2005, pp 1 ff.

An Evaluation of the 1977 Canadian Firearms Legislation: Robbery Involving a Firearm. **Applied Economics**, Vol. 35, March 2003, 423-436. (An earlier version was presented to the Annual Meeting of the American Society of Criminology, Nov 11 - 14, 1998, Sheraton Washington Hotel, Washington, DC.) (Gary Mauser and Dennis Maki).

Canada, Gun Laws. In Gregg Lee Carter (ed.), **Guns in American Society: An Encyclopedia. Volume I.** Santa Barbara, CA: ABC-CLIO. 2003.

Canadian Firearms Centre. In Gregg Lee Carter (ed.), **Guns in American Society: An Encyclopedia. Volume I.** Santa Barbara, CA: ABC-CLIO. 2003.

Firearm Licences in England and Wales. Appendix to **Guns and Violence, The English Experience**, by Joyce Lee Malcolm, Harvard University Press, 2002, pp 257-259.

On Defensive Gun Use Statistics, **Chance, A Magazine of the American Statistical Association**, Vol. 13, No. 1, Winter 2000, pp 3 – 4.

Armed Self Defense: the Canadian Case, **Journal of Criminal Justice**, Vol. 24, No. 5, 1996, pp 393-406.

Canadians Do Use Firearms in Self-protection, **Canadian Journal of Criminology**, Vol. 38 (4), October 1996, pp 485 - 488.

Do Canadians Use Firearms in Self-protection? **Canadian Journal of Criminology**, Vol. 37 (4), October 1995, pp 556 - 561.

An evaluation of the 1977 Canadian Firearms Legislation, **Evaluation Review**, December 1992, Vol. 16, No 6, pp 603-617 (Gary Mauser and Richard Holmes).

The Politics of Gun Control: Comparing Canadian and American Patterns, **Government and Policy**, 1992, Vol. 10, pp 189 - 209. (Gary Mauser and Michael Margolis).

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Target sports teach young people to accept personal responsibility.

**The Province**. 7 September 2019.

<https://theprovince.com/opinion/op-ed/comment-target-sports-teach-young-people-to-accept-personal-responsibility>

A gun ban won't reduce violent crime.

**The Province**. 20 November 2018. (with Vincent Harinam)

<https://theprovince.com/opinion/op-ed/vincent-harinam-and-gary-mauser-a-gun-ban-wont-reduce-violent-crime>

New Gun Ban Won't Make Canadians Safer.

**The Epoch Times**. 11 May 2020

[https://www.theepochtimes.com/new-gun-ban-wont-make-canadians-safer\\_3347102.html](https://www.theepochtimes.com/new-gun-ban-wont-make-canadians-safer_3347102.html)

Opinion: Trudeau's Gun Law Won't Make Us Safer.

**The Toronto Sun**. 6 May 2020. (with John Lott).

<https://torontosun.com/opinion/columnists/opinion-trudeaus-gun-ban-wont-make-us-safer>

Trudeau government's 'buy back' gun program likely a multi-billion boondoggle

**Fraser Forum**, 21 January 2020

<https://www.fraserinstitute.org/blogs/trudeau-governments-buy-back-gun-program-likely-a-multi-billion-boondoggle>

Federal firearms ban misses mark—badly

**Fraser Forum**, 14 May 2020

<https://www.fraserinstitute.org/blogs/federal-firearms-ban-misses-mark-badly>

Gun Bans and Murder Rates, Some International Evidence, **The Fraser Forum**, Fraser Institute, Vancouver, BC. (October 2007), pp. 23-27.

After the Gun Registry, **The Fraser Forum**, Fraser Institute, Vancouver, BC. (May 2006), pp. 18-20.

Why a Drop in 'Gun Deaths' Cannot Justify the Gun Registry, **The Fraser Forum**, Fraser Institute, Vancouver, BC. (November 2005), pp. 23-26.

Suicides and the 'Gun Deaths' Fraud, **The Fraser Forum**, Fraser Institute, Vancouver, BC. (September 2005), pp. 21-22.

Are Guns Really More Dangerous than Other Weapons? **The Fraser Forum**, Fraser Institute, Vancouver, BC. (June 2005), pp. 16-18.

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**Arming and Disarming, A History of Gun Control in Canada**, by R. Blake Brown  
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<https://clcjbooks.rutgers.edu/books/arming-and-disarming/>  
<http://www.sfu.ca/~mauser/papers/Brown/Arming-Disarming.pdf>

**Point Blank: Guns and Violence in America**, by Gary Kleck. Review for the **Criminal Law Forum**, Vol. 3, No 1 (March 1991). Pp. 147-159.  
<https://link.springer.com/article/10.1007/BF01095763>

**The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?** by David B. Kopel. Prometheus Books, 1992, Buffalo New York. A book review for **The American Academy of Political and Social Science**.

### Selected Presentations

Summary Report on Civilian Firearm Ownership and Public Safety, **United Nations Biennial Meeting of States to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**, United Nations Headquarters, New York, 16 July 2008

Report on the Status of Canadian Firearms Legislation, **United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**, United Nations Headquarters, New York, 30 June 2006

Will Gun Control Make Us Safe? Debunking the Myths, invited presentation to **Insights: Guns and Gangs**, Ontario Police College, 24-25 May 2006, Toronto, Ontario.

Guns and Gangs: What Should We Do? A Fraser Institute Policy Briefing. Vancouver, BC, Wednesday, January 18, 2006.

Have Restrictive Firearm Laws Improved Public Safety? An evaluation of firearm laws in the United Kingdom, Australia, Canada, the Republic of Ireland and Jamaica, Invited presentation to The World Forum on the Future of Sport Shooting Activities, London Symposium, The Army & Navy Club, 36-39 Pall Mall, London, 2 December, 2005. This workshop was organized by the World Forum on the Future of Sport Shooting Activities in response to a request by the United Nations High Commissioner for Human Rights. (The WFFSSA is an NGO in Roster Consultative Status with the Economic and Social Council of the United Nations.)

An Assessment of Canada's 1995 Firearm Legislation Ten Years Later. Presented at the annual meeting of the Australian New Zealand Society of Criminology, Wellington, New Zealand, February 9-11, 2005.

An International Survey of Gun Laws and Violent Crime. Presented at the annual meeting of the American Society of Criminology, Nashville, Tennessee, Nov. 17 - 20, 2004.

Canada's 1995 Gun Control Legislation: Problems and Prospects, Presented at the annual meeting of the American Society of Criminology, Adams Mark Hotel, Denver, CO, Nov. 18 - 21, 2003. (with Allan Smithies and W.T. Stanbury).

Firearm Registration: An Evaluation, Presented to the Annual Convention of the National Association of Professional Police (ANPP-NAPP), Calgary, AB, July 11, 2003.

National Experiences with Firearms Regulation: Evaluating the Implications for Public Safety. Paper presented at the Tower of London Symposium on The Legal, Economic and Human Rights Implications of Civilian Ownership and Regulation, May 2, 2003, London, England. Available as a DVD entitled, "A Question of Bias," by The World Forum on the Future of Sport Shooting Activities, 2004.

The Case of the Missing Canadian Gun Owners, Presented to the annual meeting of the American Society of Criminology, Atlanta, Georgia, November 2001.

The Misuse of Science in Medical Research: Are Firearms a Threat to Public Health? Presented to Canadian Law and Society Association, Canadian Congress of Learned Societies, Brock University, St. Catherines, Ontario, 1-4 June 1996.

### **Recent Awards and Honors**

Recipient of The Queen Elizabeth II Diamond Jubilee Medal, 2012

Invited member, Canadian Firearms Advisory Committee, Ministry of Public Safety and Emergency Preparedness, Government of Canada, Ottawa, Ontario, July 2006-2015

Invited participant, **National Committee on Small Arms and Light Weapons Meeting May 3, 2006**. Advisory group to the Canadian Delegation to the United Nations on Small Arms and Light Weapons, Foreign Affairs Canada

Invited participant, **International workshop on self-protection, human rights and genocide**, Held at the Army and Navy Club, London, England. Sponsored by The World Forum on the Future of Sport Shooting Activities, 1 – 4 December 2005

Invited participant, **International Symposium on the Legal, Economic and Human Rights Implications of Civilian Firearm Ownership and Regulation**. Sponsored by the World Forum on the Future of Sport Shooting Activities. The WFFSSA is an NGO in Roster Consultative Status with the Economic and Social Council of the United Nations. Held at the Tower of London Conference Centre. London, England, May 2, 2003.

2001 Winner, Nora and Ted Sterling Prize in Support of Controversy, Simon Fraser University. Will gun control make us safe? Debunking the myths. October 17, 2002, Morris J. Wosk Centre for Dialogue in Vancouver, BC.

Invited Scholar, Annie E. Casey Foundation, Johns Hopkins University, Baltimore, MD, May 2000. (One of only four criminologists who were invited for this research strategy session by the Foundation's directors).

### **Professional Activities**

Occasional reviewer:

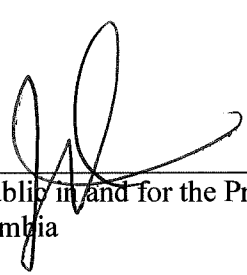
Criminology  
Canadian Journal of Criminology,  
Journal of Crime and Justice,  
Criminal Law Forum,

Organized several sessions relating to "Firearms and Crime," at the request of Professor Gary Kleck, American Society of Criminology program director, 1998 - 1999

Organized or chaired numerous sessions at the American Society of Criminology Annual Meetings, 2000 – 2004



This is **Exhibit "B"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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# Firearm-related crime in Canada

Yvan Clermont, Director

Canadian Centre for Justice Statistics, Statistics Canada

Standing Senate Committee on National Security and Defence

February 18, 2019

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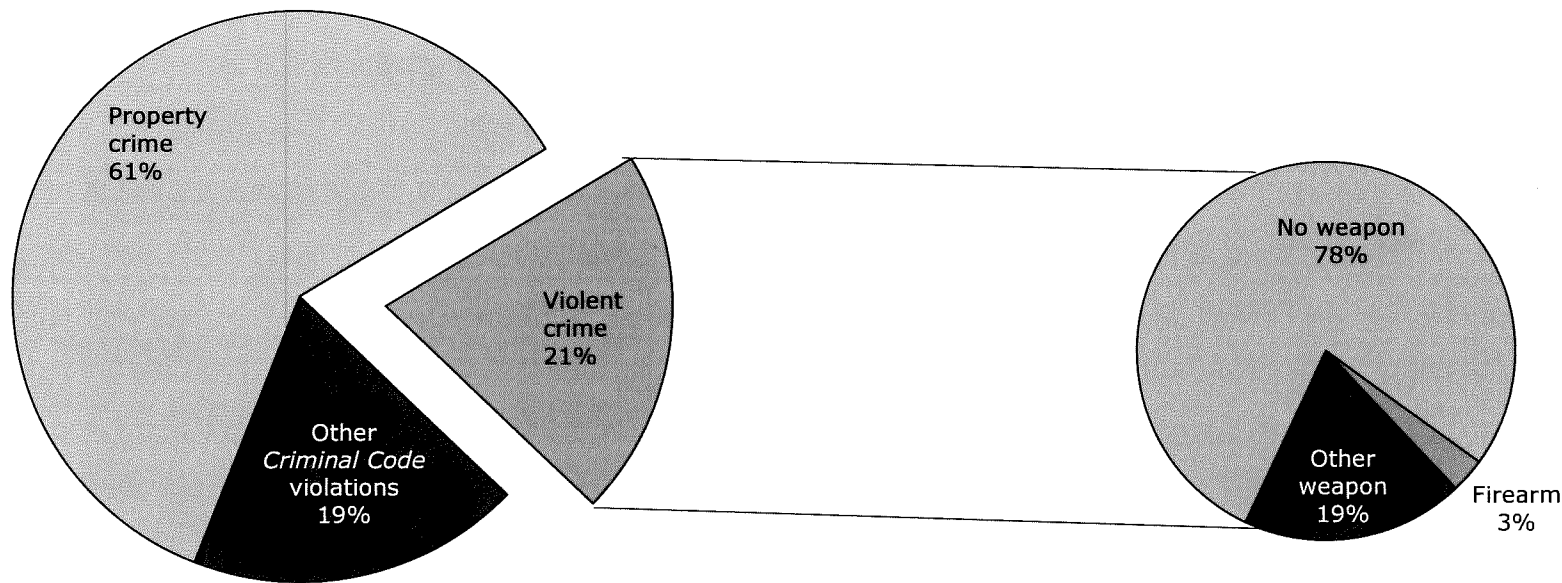
## KEY FINDINGS

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- Firearm-related violent crimes is a small proportion of all violent crime in Canada – 3% in 2017
- Past 4 years have seen a significant increase in violent crime involving firearms, with 16 CMAs seeing increases in their rates of firearm related crime
- Rates of firearm-related violent crime similar between urban and rural regions
- Since 2013, gang-related firearm homicides have almost doubled
- Thefts of firearms have been on the rise since 2013 (+7%)
- There are numerous things we do not know about gun crime – origins of the guns, whether gun crime is linked to organized crime

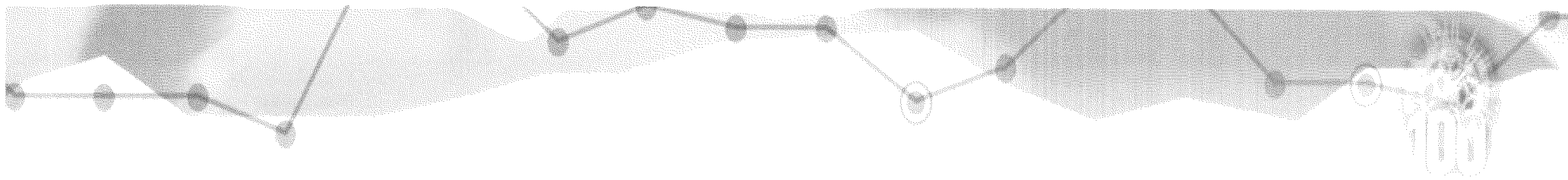


## GUN CRIME IS LESS THAN ONE HALF OF ONE PERCENT OF OVERALL POLICE-REPORTED CRIME IN CANADA

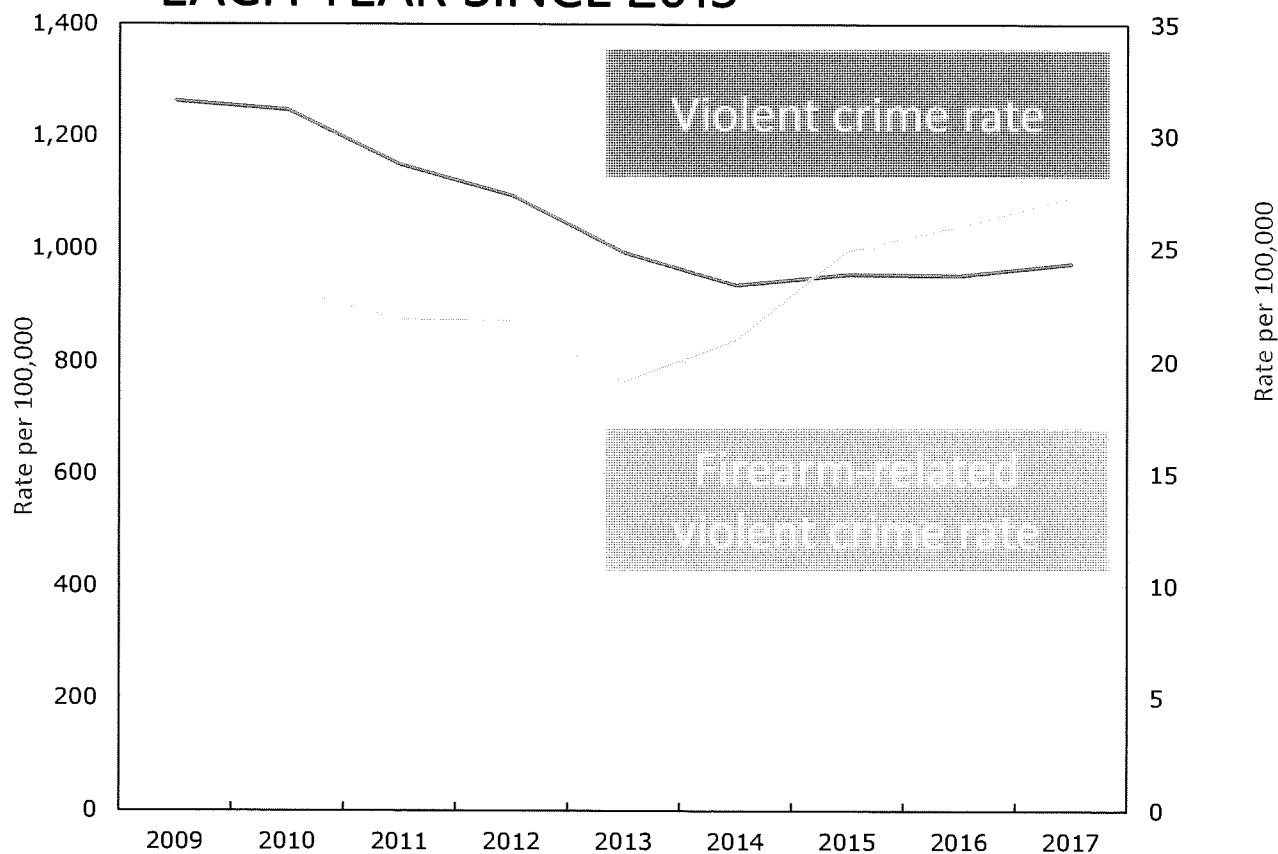


(Excludes Québec)

*In 2017, a small proportion of police-reported violent crime involved firearms – 3%. However, these incidents involved more than 7,700 victims.*



## POLICE-REPORTED CRIME INVOLVING FIREARMS HAS INCREASED EACH YEAR SINCE 2013



(Excludes Québec)

### What we know

Since 2013:

- Overall police-reported crime rate up 3%
- Violent crime rate stable
- The rate of firearm-related violent crime was 42% higher in 2017 than four years prior



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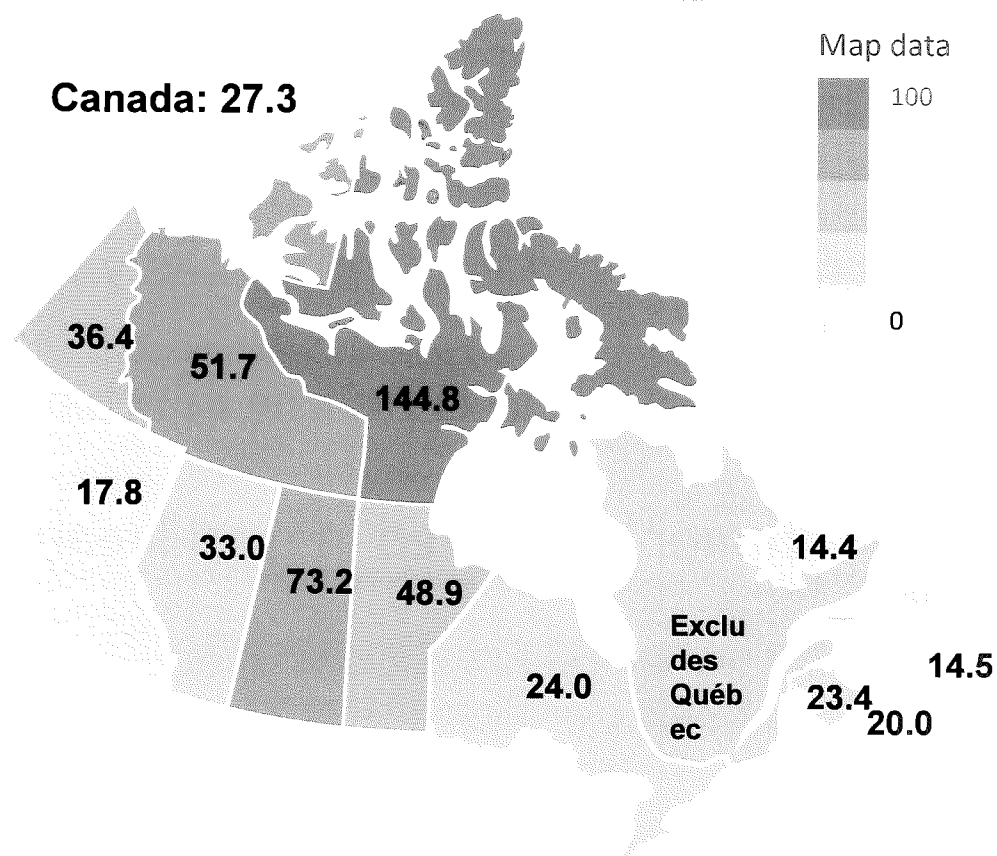
## FIREARM RELATED CRIME IS A REGIONAL STORY

- Firearm-related violent crime rates and incident characteristics vary across the country
  - Overall, rates are highest in the Prairies and the Territories
  - Unlike many other types of crime, rates of firearm-related violent crime are similar in rural and urban areas
  - More than two-thirds of firearm-related violent crime in urban areas involves handguns
  - Rifles or shotguns are more commonly involved in rural firearm-related violent crime





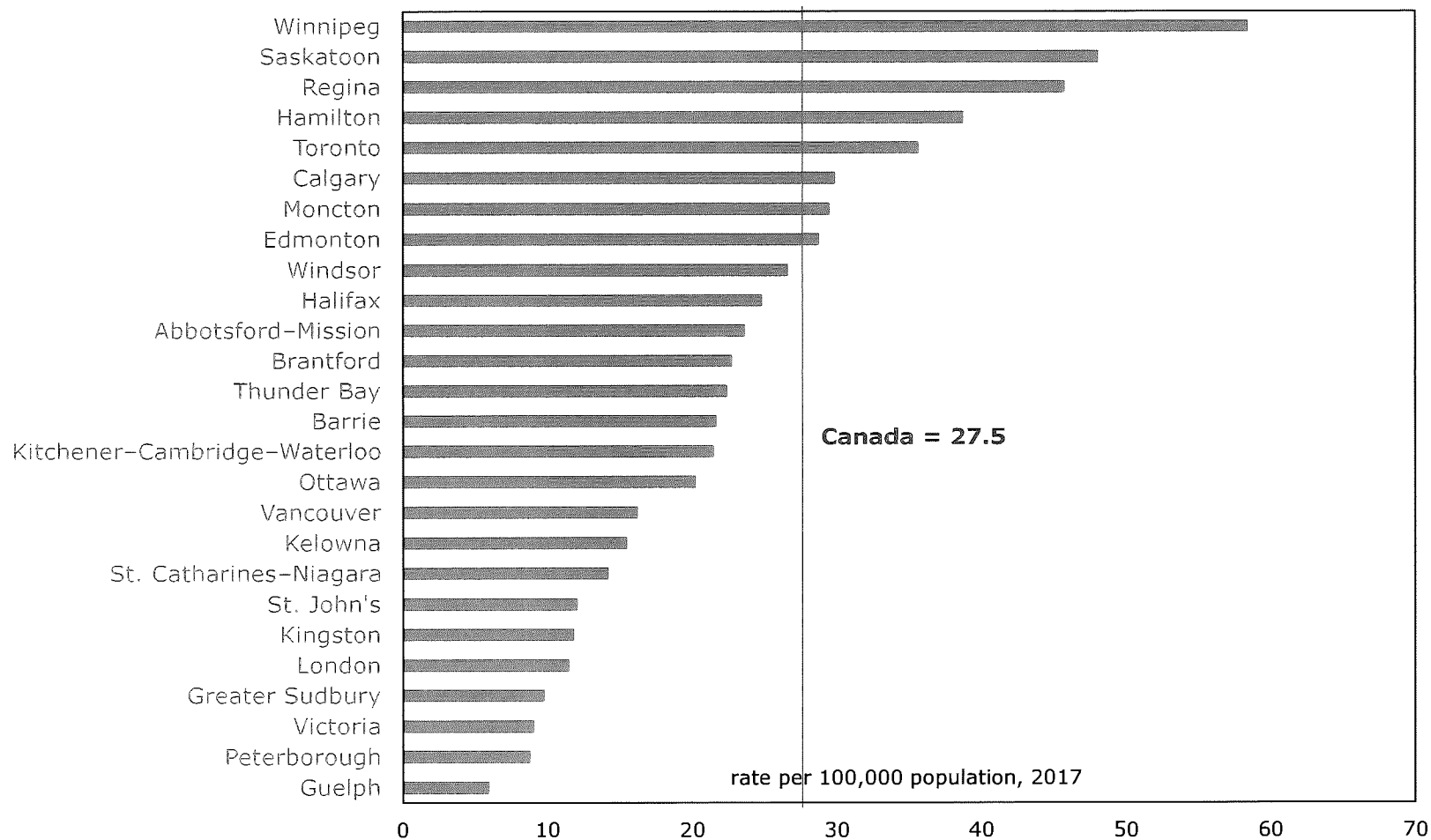
## NUNAVUT, NORTHWEST TERRITORIES AND SASKATCHEWAN HAVE HIGHEST RATES OF FIREARM-RELATED VIOLENT CRIME, 2017



### What we know?

- *Increases* in firearm related violent crime since 2013 in Saskatchewan (+137%), Ontario (+60%), New Brunswick (+56%), Manitoba (+50%)
- *Decreases* in firearm related violent crime since 2013 in British Columbia (-9%)

## IN TERMS OF VOLUME, GUN CRIME TENDS TO BE CONCENTRATED WITHIN LARGER CITIES



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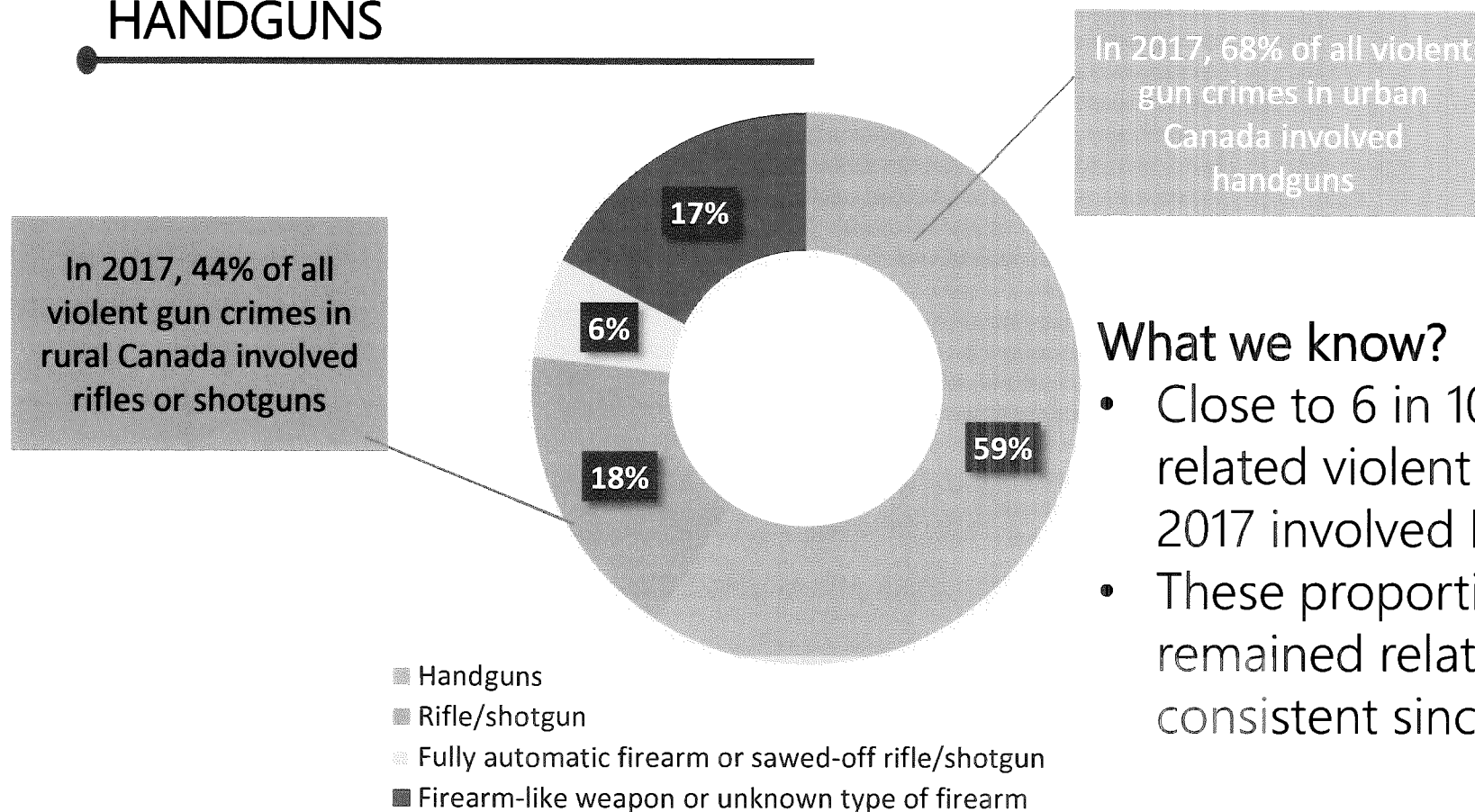
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## MOST POLICE-REPORTED VIOLENT GUN CRIME INVOLVES HANDGUNS



### What we know?

- Close to 6 in 10 firearm-related violent crimes in 2017 involved handguns
- These proportions have remained relatively consistent since 2009

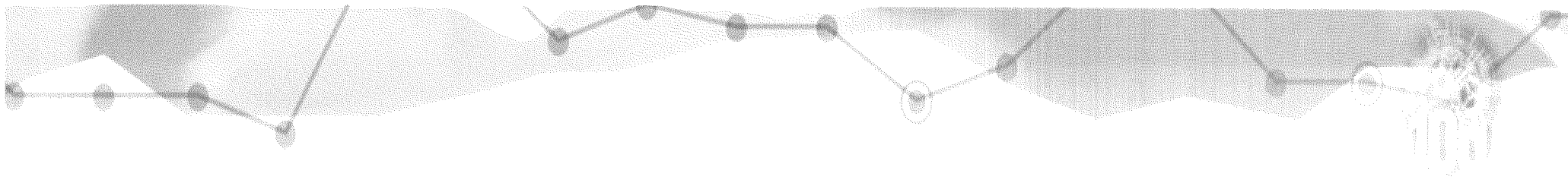


## GUN CRIMES TYPICALLY COMMITTED BY STRANGERS

- In 2017, close to 6 in 10 (58%) victims of firearm-related violent crime were victimized by a stranger – very different than most other types of crime, where the accused tends to be known to the victim. .
- This proportion has been consistent each year since 2010, and was slightly higher in 2009 (65%).

Just under one in ten violent gun crimes involved intimate partners

- There were just under 600 victims of firearm-related violent crime where the accused person was the victim's spouse, common-law partner, boyfriend, or girlfriend, representing 8% of all victims of firearm-related violent crime in 2017.



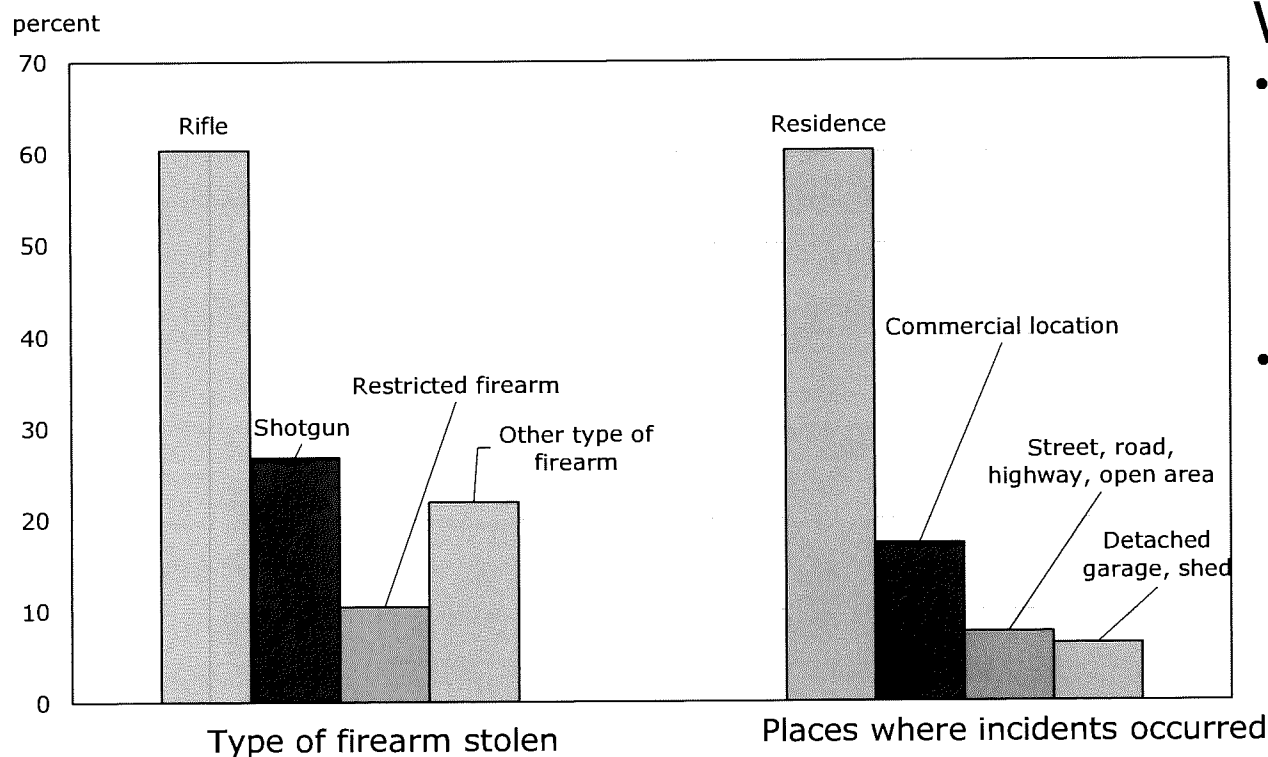
## GANG HOMICIDES ON THE RISE

- The recent increase in homicides is related to more gun homicides and more gang homicides.
- In 2016 and 2017, about one-quarter of all homicides were gang-related, up from 16% to 17% each year between 2010 and 2015

### The majority of gang-related homicides involve guns

- Almost nine in ten (87%) of gang-related homicides in Canada were committed with a firearm – usually a handgun
- 27% of homicides that were not gang-related involved a firearm

## THERE WERE 3,603 INCIDENTS WHERE AT LEAST ONE FIREARM WAS REPORTED AS STOLEN PROPERTY IN 2017



### What we know

- The majority of guns reported as stolen property were rifles, and the majority of thefts were from a private residence
- There were 9.9 incidents where a firearm was stolen for every 100,000 Canadians in 2017, up from 2013 but down from its peak in 2015 (11.7)

## POLICE-REPORTED CRIME INVOLVING FIREARMS, CANADA, 2009 TO 2017

Year	Break and enter		Unsafe storage	
	number	rate per 100,000	number	rate per 100,000
2009	309	0.9	1,208	3.6
2010	673	2.0	1,196	3.5
2011	772	2.3	1,077	3.1
2012	913	2.6	1,115	3.2
2013	918	2.6	1,053	3.0
2014	1,000	2.8	990	2.8
2015	1,164	3.2	962	2.7
2016	1,272	3.5	993	2.7
2017	1,175	3.2	921	2.5

Note: Break and enter includes the Criminal Code offences of break and enter to steal a firearm and break and enter of a motor vehicle to steal a firearm.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.



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## WHAT WE DON'T KNOW ABOUT FIREARM-RELATED VIOLENT CRIME:

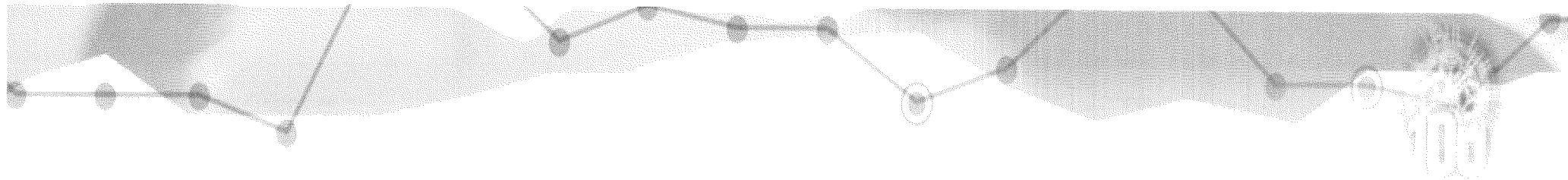
Origin of firearms  
(from Canada? diverted from  
the legal market? smuggled  
into Canada from elsewhere?)

Characteristics of  
firearms

Ethnicity and socio-  
economic  
characteristics of  
victims and  
offenders

Involvement of  
Organized Crime  
(in offences other  
than homicide)

Shootings where no  
injury caused  
(e.g. drive-by)



## QUESTIONS

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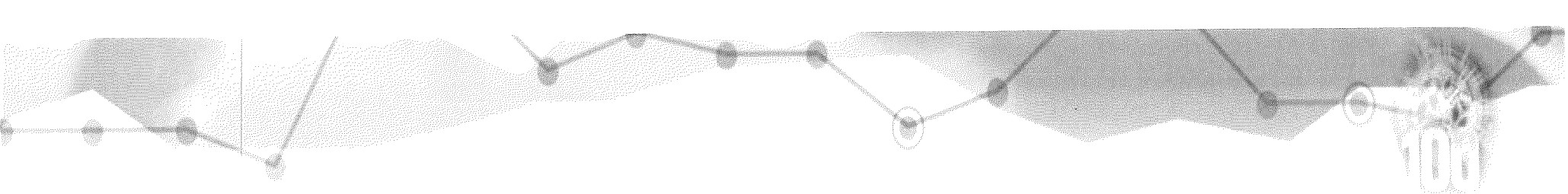


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## EXTRA SLIDES

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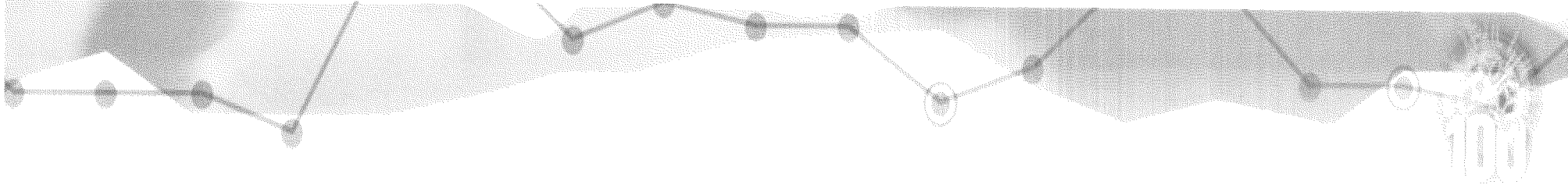
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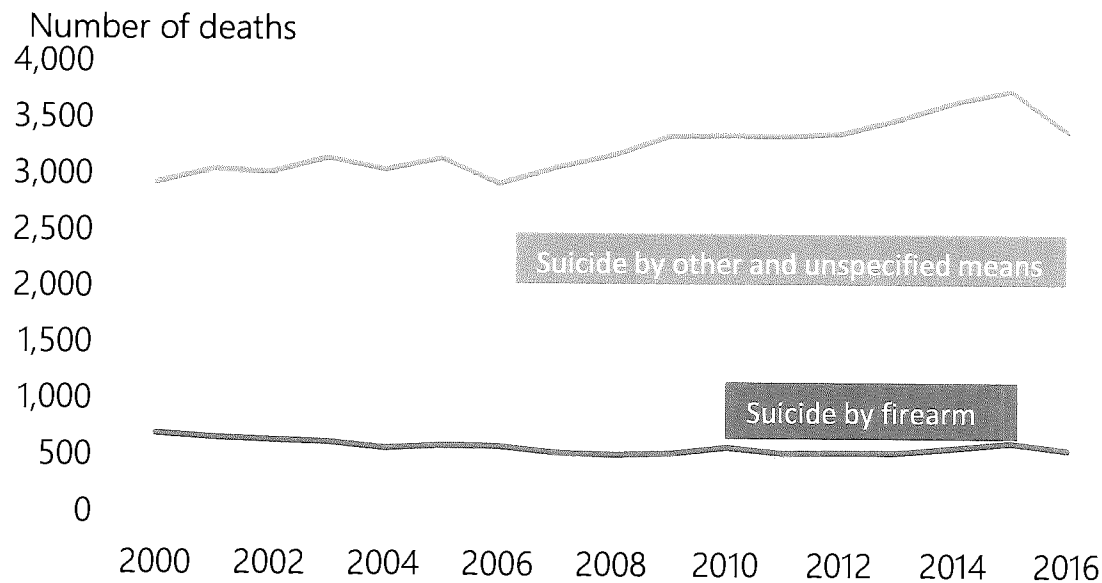
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## SINCE 2000, THERE HAVE BEEN 9,919 SUICIDES BY FIREARM IN CANADA – AN AVERAGE OF 583 PER YEAR



### What we know:

- There were 570 suicides by firearm in Canada in 2016 – 14% of all suicide deaths
- There have been between 1.5 and 1.8 deaths by suicide by firearm per 100,000 population each year since 2004
- Since 2000, men have accounted for 96% of suicides by firearm, versus 72% of suicides by other means



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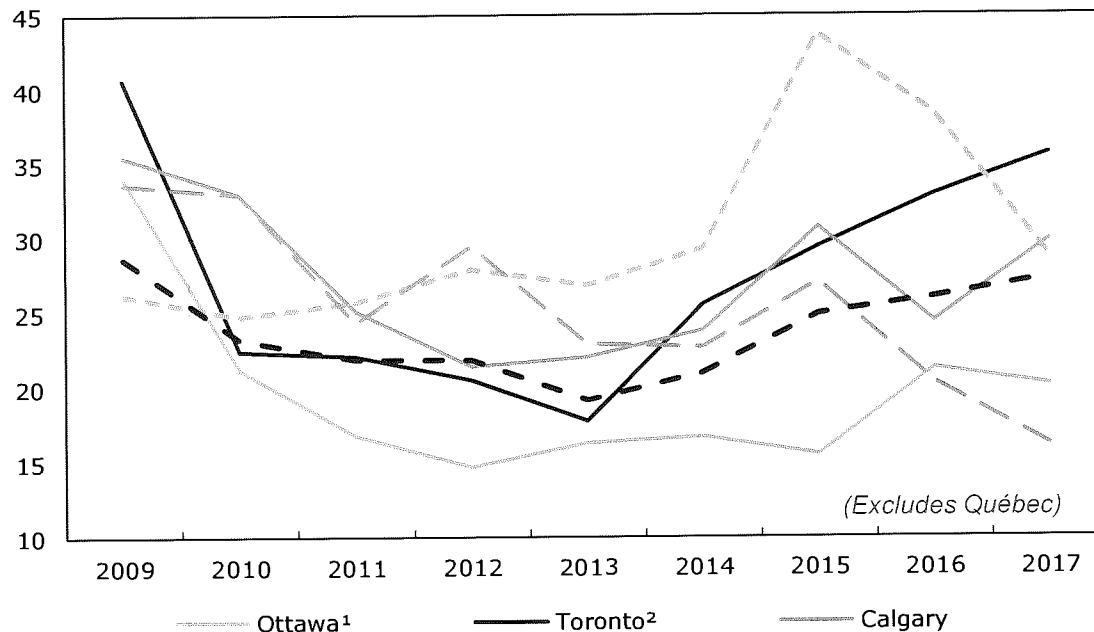
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## WHAT'S HAPPENING IN CANADA'S LARGEST CITIES?

rate per 100,000  
population



1. Ottawa refers to the Ontario part of the Ottawa-Gatineau CMA.

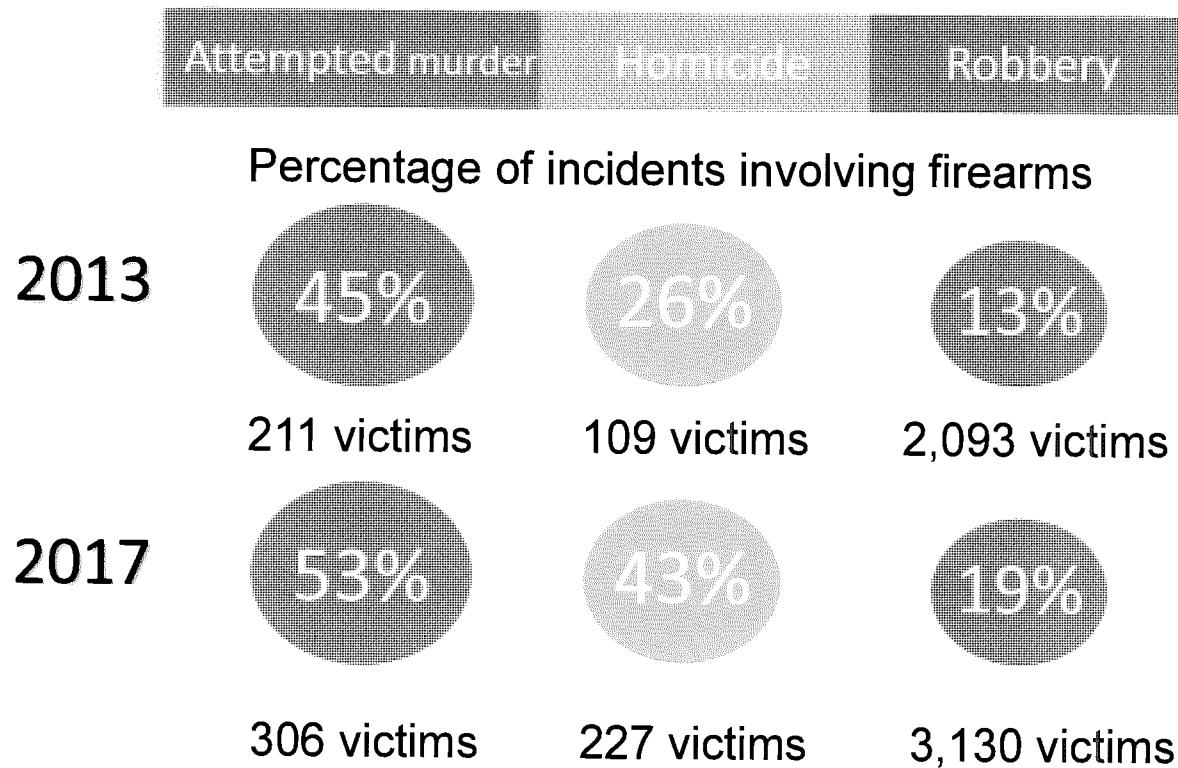
2. Excludes the portions of Halton Regional Police and Durham Regional Police that police the CMA of Toronto.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

### What we know?

- 43% of the national increase since 2013 is due to more victims in Toronto.
- Between 2013 and 2017, 16 of Canada's census metropolitan areas saw increases in their rate of firearm-related violent crime, including 4 of the 5 largest – Vancouver was the exception.

## THE USE OF FIREARMS IN THE MOST SERIOUS VIOLENT CRIMES HAS INCREASED

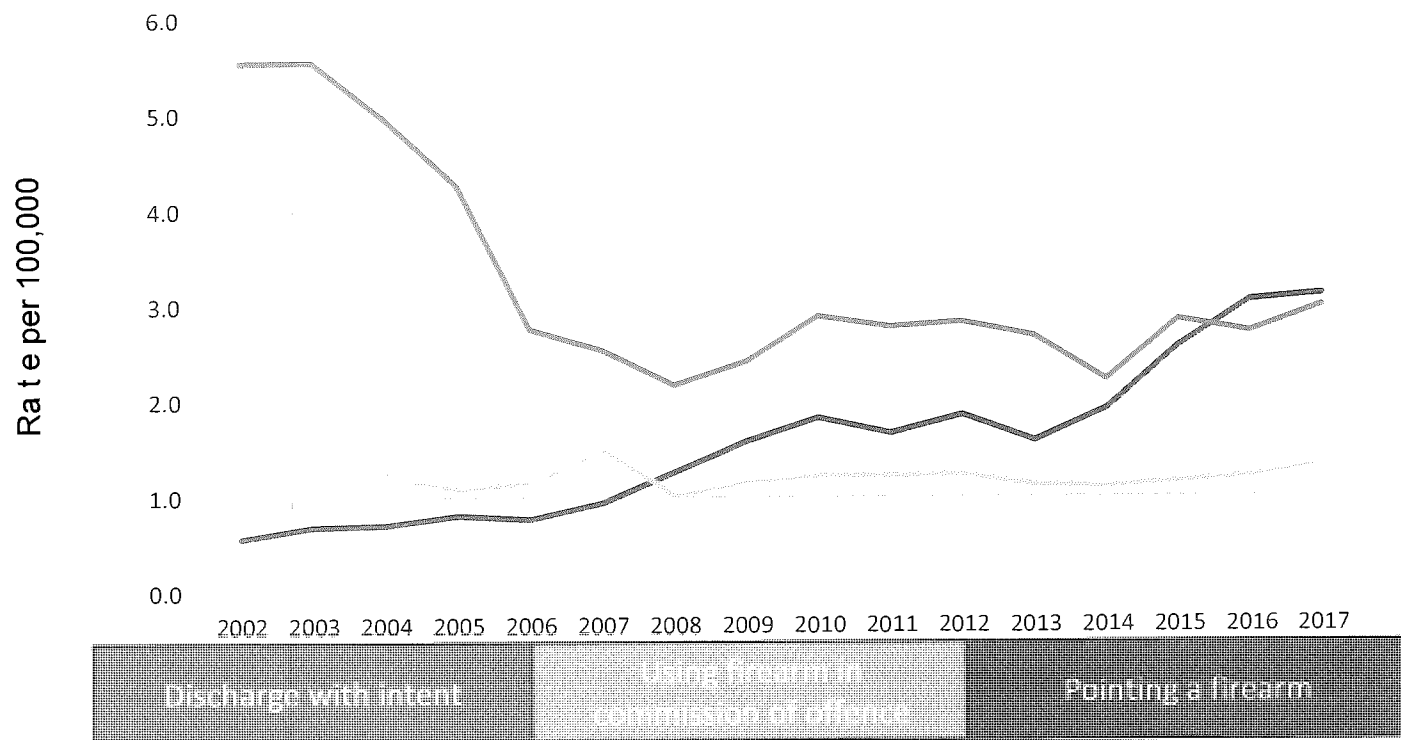


### What we know?

- Attempted murder and robbery both saw increases in the number of victims
- The number of shooting homicide victims more than doubled from 2013 to 2017

## RECENT INCREASE IN FIREARMS OFFENCES DRIVEN BY MORE INCIDENTS OF DISCHARGING WITH INTENT

Firearms offences, Canada, 2002 to 2017



What do we know?

- In 2016 and 2017, unlike previous years, there were more incidents of discharging a firearm with intent than pointing a firearm
- In 2017, the rate of these violent firearm offences increased for the third year in a row

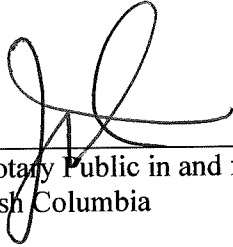


## THERE ARE STILL MANY UNKNOWNNS ABOUT GUN CRIME ...

What we *don't know*

- the origin of firearms involved in gun crime in Canada
- if firearm-related violent crimes are linked to organized crime
- the ethnicity of both victims and persons accused of firearm-related violent crime
- the Indigenous identity of both victims and offenders in firearm-related violent crime, with the exception of homicides
- enough about marginalization and gun crime in Canada

This is **Exhibit "C"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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Permanent Commission**

Number of homicide victims, by method used to commit the homicide 1 2 3

Annual

Table: 35-10-0069-01 (formerly CANSIM 253-0002)

Geography: Canada

	Canada										
Methods used to commit homicide	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
	Number										
Total methods used	553	582	551	625	664	608	597	614	611	557	608
Shooting	172	152	163	173	224	192	188	201	182	175	159
Stabbing	171	182	142	205	198	210	189	202	210	166	209
Beating	120	125	123	138	143	120	119	124	118	115	129
Strangulation	47	68	65	63	48	48	52	48	47	43	40
Fire (burns or suffocation)	8	9	12	13	10	12	4	7	12	13	22
Other methods used 5	27	24	26	20	26	14	21	20	29	33	34
Methods used unknown	8	22	20	13	15	12	24	12	13	12	15

Symbol legend:

Footnotes:

- 1 Source: Statistics Canada, Homicide Survey, Canadian Centre for Justice Statistics.
- 2 Homicide includes Criminal Code offences of murder, manslaughter and infanticide.
- 3 The total count of a given year's number of homicides could include incidents that occurred in previous year to or are deemed homicides by police, according to the report date submitted to Statistics Canada.
- 4 If multiple methods are used against one victim, only the primary method causing the death is counted. Thus, if a victim is shot and stabbed, only the shooting is counted.
- 5 Other methods include poisoning or lethal injection, exposure or hypothermia, shaken baby syndrome, death by asphyxiation, etc.

How to cite: Statistics Canada. Table 35-10-0069-01 Number of homicide victims, by method used to commit the homicide

<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510006901>

DOI: <https://doi.org/10.25318/3510006901-eng>

2012	2013	2014	2015	2016	2017	2018	Annual Average
548	509	523	610	615	666	651	594
171	134	155	179	223	267	249	187
164	195	189	216	175	203	183	189
115	102	102	135	117	108	119	121
45	45	33	39	40	27	36	46
17	5	7	7	11	14	9	11
21	18	23	16	29	28	29	24
15	10	14	18	20	19	26	16

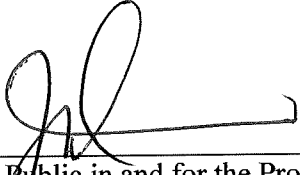
s. Homicides are allotted to the year in which they become known

s, only one method is counted per victim.

hs caused by vehicles and heart attacks.



This is **Exhibit "D"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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Number and percentage of homicide victims, by type of firearm used to commit the homicide 1 2 3

Annual

Table: 35-10-0072-01 (formerly CANSIM 253-0005)

Geography: Canada

Type of firearms	Number of homicide victims 4								
	Canada								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total firearms 5	172	152	163	173	224	192	188	201	182
Handgun 6	111	98	111	112	131	112	125	127	112
Rifle or shotgun 6	46	40	33	37	59	38	32	35	32
Fully automatic firearm 6 7	3	3	2	2	7	2	2	4	6
Sawed-off rifle or shotgun 6 7	7	6	13	15	11	26	18	17	15
Firearm-like weapons 6 8	1	0	0	0	0	0	0	0	1
Other firearms, type unknown 7	4	5	4	7	16	14	11	18	16

Footnotes:

- 1 Source: Statistics Canada, Homicide Survey, Canadian Centre for Justice Statistics.
- 2 Homicide includes Criminal Code offences of murder, manslaughter and infanticide.
- 3 The total count of a given year's number of homicides could include incidents that occurred in previous known to or are deemed homicides by police, according to the report date submitted to Statistics Canada.
- 4 Number of victims of firearm-related homicides committed using the type of firearm listed.
- 5 Firearm-related homicide victims as a percentage of all homicide victims excluding those for which the
- 6 Victims of firearm-related homicides committed using the type of firearm listed as a percentage of all fi
- 7 The addition of the "Fully automatic firearm" category in 1991 and the improvement in the identificatio
- some of the decrease in the numbers for the "Other firearms - type unknown" category.
- 8 Includes weapons such as nail guns, pellet guns and flare guns.

How to cite: Statistics Canada. Table 35-10-0072-01 Number and percentage of homicide victims, by type of firearm used to commit the

<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510007201>

DOI: <https://doi.org/10.25318/3510007201-eng>

2010	2011	2012	2013	2014	2015	2016	2017	2018	Annual Average
175	159	171	134	155	179	223	267	249	187
104	95	106	90	103	102	130	145	143	114
37	30	39	30	34	37	50	65	56	41
6	2	9	1	2	6	6	2	2	4
14	16	9	8	6	23	13	22	18	14
1	0	0	0	1	2	0	3	0	1
13	16	8	5	9	9	24	30	30	13

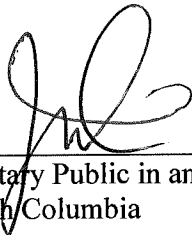
years. Homicides are allotted to the year in which they become  
da.

cause of death is unknown.

rearm-related homicide victims excluding those for which "Other firearms - type unknown" was reported.  
on of firearms in general and the classification of sawed-off rifles and shotguns may account for

homicide

This is **Exhibit "E"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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# COMMISSIONER OF FIREARMS

2018-2019

THE RCMP CANADIAN FIREARMS PROGRAM  
CANADA'S AUTHORITY ON FIREARMS



## CONTACT INFORMATION

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Ottawa, Ontario K1A 0R2

1 800 731 4000 (toll free)  
1 613 825 0315 (fax)

Web site: [www.rcmp.gc.ca/cfp](http://www.rcmp.gc.ca/cfp)  
Email: [cfp-pcaf@rcmp-grc.gc.ca](mailto:cfp-pcaf@rcmp-grc.gc.ca)

Media Relations:  
Royal Canadian Mounted Police  
1 613 843 5999

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## MESSAGE FROM THE COMMISSIONER OF FIREARMS



The Canadian Firearms Program (CFP) and its dedication to enhancing public safety is in direct alignment with the mission of the Royal Canadian Mounted Police (RCMP). A national program responsible for the administration of the *Firearms Act* and regulations, the CFP also works closely with partners and stakeholders to promote firearms safety and provide expertise and assistance to law enforcement.

In 2018, the CFP continued to develop resources and strategic and operational support services as part of the broader Government of Canada initiative to reduce gun and gang violence. The Program's Business Web Services added more than 100 Canadian firearms retailers to its online portal, allowing those businesses to perform firearms registrations and transfers. In addition, the CFP's continuous eligibility screening model was updated to include a new gender option of "other", better reflecting the diversity of the public we serve.

For a glimpse of the CFP's contributions to responsible stewardship of federal firearms legislation, client service, and firearms safety awareness, refer to the "Canadian Firearms Program by the Numbers" section on page 8.

It is my privilege to present the 2018 Commissioner of Firearms Report.

Commissioner Brenda Lucki  
Commissioner of Firearms  
Royal Canadian Mounted Police





## PURPOSE OF THE REPORT

The 2018 Commissioner of Firearms Report summarizes the CFP's operational activities and support to its more than two million clients. As required by the *Firearms Act*, the report is submitted annually to the Minister of Public Safety and Emergency Preparedness for tabling in Parliament.

## CANADIAN FIREARMS PROGRAM

### Mission and Values

The CFP's mission is to enhance public safety by reducing the risk of harm resulting from the misuse of firearms. It screens individual owners to confirm their eligibility to possess firearms, and promotes responsible ownership, storage and use of firearms. The CFP also provides Canadian and international law enforcement agencies with specialized services vital to the prevention and investigation of firearms crime and misuse.

In pursuit of its mission, the CFP:

- supports the lawful ownership and use of firearms in Canada by regulating firearms licensing and registration, and serves firearms clients with quality service, fair treatment and protection of confidential information;
- recognizes that the involvement of firearms owners and users, firearms businesses, law enforcement agencies, the provinces, the territories, federal agencies, Indigenous communities, safety instructors and firearms verifiers is essential for effective program delivery;
- commits to ongoing improvement and innovation to achieve the highest levels of service and client experience;
- engages its clients and stakeholders in reviewing and developing policies, and in communicating critical information on Program requirements and results;
- manages its resources efficiently to provide good value for money;
- provides clear and accurate reporting of Program performance and resource management; and,
- upholds the values and ethical standards of the Public Service of Canada by committing to fair staffing, supporting employee development, and fostering a work environment that encourages employee involvement and initiative.

## Partners

Through the offices of Chief Firearms Officers (CFOs), the CFP works with provinces, territories and municipalities to manage firearms licensing, authorizations to carry or transport, and the continuous eligibility of licensees. The Program works with other federal departments and agencies, including:

- *Public Safety Canada (PS)*: The CFP provides accurate and up-to-date firearms-related policy support and technical information.
- *Canada Border Services Agency (CBSA)*: Assesses and confirms imported firearms declarations and inspects firearms shipments to confirm admissibility.
- *Global Affairs Canada (GAC)*: Ensures Canada's international commitments regarding firearms reflect the government's priorities and issues the permits required to export and import firearms.
- *Department of Justice (DOJ)*: Consults the CFP on policy development on criminal law related to firearms.
- *Crown-Indigenous Relations and Northern Affairs Canada*: The CFP advises on firearms legislation and related issues.
- *Guns and Gangs law enforcement units*: The CFP collaborates on investigations leading to prosecution of criminals involved in the smuggling, trafficking and criminal use of firearms with provincial/territorial and municipal law enforcement units.
- *International partners*: Assists in preventing the illegal movement of firearms across borders; maintains strong relationships with law enforcement agencies from the United States and INTERPOL; and provides for electronic exchange of firearms tracing information with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).



## History

In 1996, under the Department of Justice, the Canada Firearms Centre was established as a stand-alone agency to oversee the *Firearms Act*. In 2003, it became an independent agency under the Department of the Solicitor General and a Commissioner of Firearms was appointed. In 2006, the responsibility for the administration of the *Firearms Act* and the operation of the Canada Firearms Centre was transferred to the RCMP. In 2008, the RCMP amalgamated the Canada Firearms Centre and the Firearms Support Services Directorate into one integrated group – the Canadian Firearms Program (CFP).

Since 2006, the CFP has supported the lawful ownership and use of firearms in Canada by administering the *Firearms Act* and assisting law enforcement with firearms-related investigations and expertise. The CFP falls under the authority of the Commissioner of Firearms, who is also the Commissioner of the RCMP.

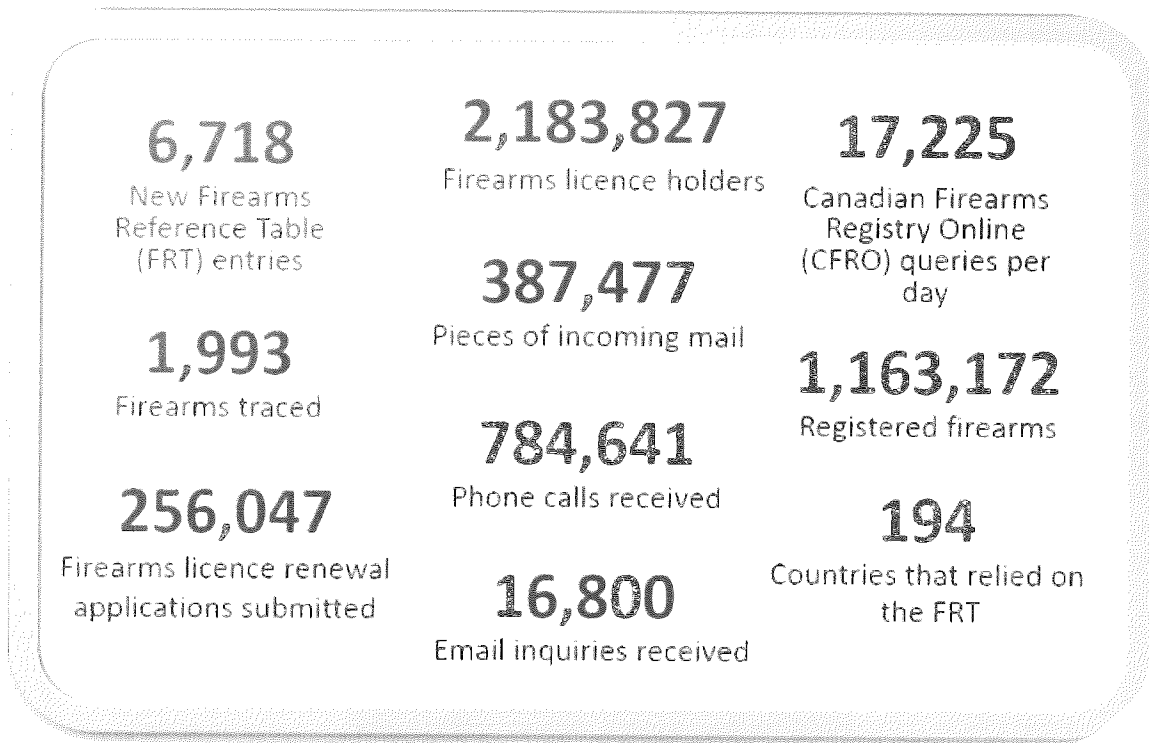


## Administration of the *Firearms Act*

The CFP administers the *Firearms Act* and is responsible for the licensing of individuals and businesses through CFOs for each province and territory, and the registration of restricted and prohibited firearms through the Registrar of Firearms (Registrar).

The CFP's national firearms safety education and awareness programs are key components for the safe use of firearms. The CFP also works with partner organizations and provincial/territorial governments to disseminate information to firearm owners and the general public.

## 2018: Canadian Firearms Program by the Numbers



## NOTEWORTHY IN 2018

### Supporting Actions Against Guns and Gangs in Canada

The *Initiative to Take Action Against Gun and Gang Violence* (ITAAGGV) is a significant component of the government's priority to address gun and gang violence in Canada. Aimed at supporting the development of initiatives to reduce gun crime and criminal gang activity, it aligns federal, provincial/territorial and community-level efforts to support prevention and enforcement efforts. Under ITAAGGV, the CFP has committed to expanding and enhancing existing services including:

- bolstering investigative firearms support nationwide;
- increasing capacity to conduct physical firearms inspections; and
- providing anonymous online capability to investigate firearm trafficking and smuggling.

As part of this priority, the Criminal Firearms Strategic and Operational Support Services (CFSOSS) Section was established in 2018 to build capacity that will provide ITAAGGV partners with the necessary tools, strategic analysis and research, program and policy development support, and ensure an integrated and coordinated approach to reducing criminal gun usage and gang violence through effective communication among ITAAGGV partners.

In March 2018, the CFP contributed to a Summit on Gun and Gang Violence to engage stakeholders and address challenges, opportunities and best practices for reducing firearms crime and gang-related violence in Canada. More than 180 individuals, including representatives of community, youth and Indigenous organizations, as well as law enforcement, criminal justice, all levels of government, former gang members, academics, and victims of violence, participated in the summit and provided perspectives and input on these important issues.

## 20<sup>th</sup> Anniversary of the *Firearms Act* Coming into Force

December 1, 2018 marked the 20<sup>th</sup> anniversary of the coming into force of the *Firearms Act*. Over the last two decades, there have been significant legislative and regulatory developments, including:

<b>1998</b>	<ul style="list-style-type: none"> <li>▪ The <i>Firearms Act</i>, <i>Bill C-68</i>, comes into force on December 1, 1998.</li> <li>▪ The <i>Firearms Act</i> Regulations are passed in March 1998.</li> <li>▪ Alberta, Saskatchewan, Manitoba, and the Northwest Territories “opt out” of administering the <i>Act</i> themselves. The RCMP supports and oversees the Chief Firearms Officers for these provinces.</li> </ul>
<b>2001</b>	As of January 1, 2001, Canadians need a licence to possess a firearm.
<b>2002</b>	British Columbia, Yukon Territory, and Newfoundland and Labrador “opt out” of administering the <i>Act</i> themselves. The RCMP now supports and oversees the Chief Firearms Officers for these jurisdictions, as well.
<b>2003</b>	<ul style="list-style-type: none"> <li>▪ A Commissioner of Firearms, who has overall responsibility for the administration of the program, is appointed.</li> <li>▪ As of January 1, 2003, individuals and businesses need a registration certificate for all firearms in their possession, including non-restricted rifles and shotguns.</li> <li>▪ <i>Bill C-10A: An Act to Amend the Criminal Code (Firearms) and the Firearms Act</i> receives Royal Assent on May 13, 2003 and certain elements come into force. This legislation was intended to simplify compliance with the firearms program, to modernize administrative procedures and to meet Canada’s emerging international obligations with regard to firearms.</li> </ul>
<b>2005</b>	Remaining elements of <i>Bill C-10A</i> come into force, which improve service delivery, streamline processes and improve transparency and accountability.
<b>2006</b>	<ul style="list-style-type: none"> <li>▪ Responsibility for the administration of the <i>Firearms Act</i> is transferred to the RCMP in May 2006.</li> <li>▪ The Commissioner of the RCMP assumes the role of the Commissioner of Firearms.</li> </ul>
<b>2008</b>	<ul style="list-style-type: none"> <li>▪ The <i>Public Agents Firearms Regulations</i> come into force on October 31, 2008, which means that agencies with protected firearms now require reporting to the Registrar of Firearms.</li> <li>▪ The RCMP amalgamates its firearms-related sections into one integrated group, the Canadian Firearms Program.</li> </ul>

<b>2012</b>	<i>Bill C-19: The Ending the Long-Gun Registry Act</i> comes into force on April 5, 2012, mandating that the registration of non-restricted firearms is no longer required. In October 2012, all non-restricted firearms registration records, except for Quebec, are destroyed. In April 2012, the Government of Quebec files a court challenge to <i>Bill C-19</i> , and due to a series of court orders and undertakings, non-restricted firearms registration requirements for the province of Quebec are retained, and Quebec residents continue to register non-restricted firearms until March 27, 2015 when the Supreme Court of Canada makes a final decision of the challenge. The official Quebec non-restricted firearm records are destroyed in April 2015.
<b>2015</b>	<i>Bill C-42: The Common Sense Firearms Licensing Act</i> receives Royal Assent on June 18, 2015. This legislation amends the <i>Firearms Act</i> and the <i>Criminal Code</i> . On September 2, 2015, provisions of <i>Bill C-42</i> come into force. Among them, the elimination of the Possession Only Licence (POL) and conversion of all existing POLs to Possession and Acquisition Licences and amendments to the Authorization to Transport for restricted and prohibited firearms. This same year, the CFP's client base surpasses two million.

## CFP CONTRIBUTIONS TO PUBLIC SAFETY

### Firearms Licensing

In Canada, an individual must possess a valid firearms licence to be authorized to acquire or own a firearm, as well as to acquire ammunition. The licence requirement does not apply in the case where an individual is using a firearm under the direct and immediate supervision of a valid firearms licence holder.

Under the existing regime, individuals must apply to the CFO in their province or territory of residence in order to be issued a licence. All applicants are screened to ensure that there are no reasons why, in the interest of public safety, they should not possess a firearm.

There are two main types of firearms licences available to individuals in Canada:

1. The Possession and Acquisition Licence (PAL), issued to individuals aged 18 and older.
2. The Minor's Licence, primarily issued to individuals between the ages of 12 and 17 to use, but not acquire, a firearm.

Section 5 of the *Firearms Act* provides CFOs with criteria to be considered in determining eligibility to obtain a new licence or in determining a person's continuous eligibility to hold a licence. This criteria includes: whether the person has been treated for a mental illness associated with violence, has a history of violent behaviour, or has been convicted of certain *Criminal Code* offences.

As of December 31, 2018, there were 2,183,827 licensed individuals across Canada, which includes both PAL holders and Minor's Licences (Table 1).

Table 1: Individual firearms licences, by type and province or territory			
Province or Territory	PAL	Minor's Licence	Total
Alberta	314,816	1,975	316,791
British Columbia	300,801	974	301,775
Manitoba	90,562	545	91,107
New Brunswick	69,962	149	70,111
Newfoundland and Labrador	76,400	402	76,802
Northwest Territories	5,926	29	5,955
Nova Scotia	75,344	836	76,180
Nunavut	3,908	4	3,912
Ontario	612,754	3,735	616,489
Prince Edward Island	6,348	15	6,363
Quebec	499,995	63	500,058
Saskatchewan	110,247	326	110,573
Yukon	7,662	49	7,711
<b>Total Provinces</b>	<b>2,174,725</b>	<b>9,102</b>	<b>2,183,827</b>

In 2018 alone, the CFP issued 428,576 individual licences, including new licences and renewals for Possession and Acquisition licences and new licences for minors (Table 2).

Table 2: Number of individual licences issued (including new and renewals), 2018	
Licence type	Licence count
Possession and Acquisition Licence (PAL)	424,361
Minor's Licence	4,215
<b>Total</b>	<b>428,576</b>

## Firearms businesses

A business, museum or organization that manufactures, sells, possesses, handles, displays or stores firearms or ammunition must have a firearms business licence. Employees who handle firearms for these businesses must also have firearms licences, and be listed as an employee on the business licence. All restricted and prohibited firearms in a business inventory must be registered. CFOs perform periodic business inspections to confirm safe and lawful business practices and proper firearms storage. The CFP offers businesses the option of performing firearms registrations and transfers through the Program's Business Web Services online portal. As of December 31, 2018, there were 4,442 firearms businesses in Canada licensed under the *Firearms Act*, not including carriers and museums. Of these, 2,004 were licensed to only sell ammunition (Table 3).

Table 3: Valid Business licences by authorized purpose 2014 to 2018					
Licence Purpose	2014	2015	2016	2017	2018
Business Licence	4,641	4,522	4,495	4,478	4,442
Ammunition Only	2,345	2,117	2,026	2,022	2,004

### Shooting clubs and ranges

CFOs approve and perform inspections of shooting clubs and ranges within their jurisdictions to ensure safe operation and compliance with the *Firearms Act*. Standards set out in the *Firearms Act* and the *Shooting Clubs and Shooting Ranges Regulations* are intended to ensure the safety of members, visitors and the general public. The Program develops and implements range safety measures and reviews range safety inspection reports to improve guidelines, procedures and tools used by Firearms Officers for shooting range inspections. It also reviews range applications, conducts quality control checks, provides feedback on inspection reports and requests or conducts follow-up inspections as required. There were approximately 1,400 shooting ranges in Canada in 2018.

### Firearms licence application refusals

Under the *Firearms Act*, CFOs are authorized to refuse an application for a firearms licence based on their assessment of an individual's potential risk to public safety.

In 2018, there were 827 firearms licence applications refused for various public safety reasons (Tables 4 and 5). An individual may challenge any licence application refusal by a CFO by applying to a provincial court for a reference hearing unless the individual has been prohibited for owning firearms through a court-ordered firearms prohibition order.

As part of the CFP mandate to promote public safety, firearms licence applicants are screened to assess their eligibility to possess a firearms licence. After a firearms licence is issued, continuous eligibility screening is conducted over the term of the licence. Information that is brought to the attention of a CFO may bring an individual's eligibility to hold a licence into question. That individual might then be subject to review and further investigation (Table 5).

Table 4: Number of firearms licence application refusals, 2014 to 2018	
Year	Refusals
2014	805
2015	688
2016	771
2017	817
2018	827
<b>Total</b>	<b>3,908</b>



Table 5: Reasons for firearms licence application refusals, 2018*	
Reason	Refusals
Court-ordered prohibition/probation	252
Domestic violence	37
Drug offences	18
Mental health	183
PAL ineligible	8
Potential risk to others	208
Potential risk to self	152
Provided false information	162
Unsafe firearm use and storage	18
Violent behaviour	66
*Because a firearms licence application can be influenced by more than one factor, the sum of refusal reasons will exceed the annual total of firearms licence applications refused.	

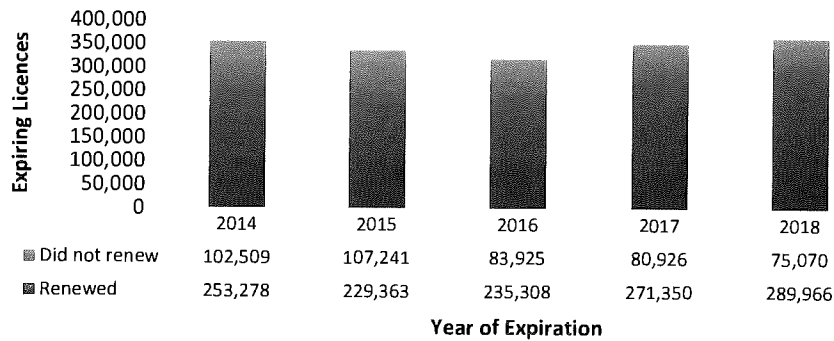
### Firearms licence renewals

Under the *Firearms Act*, firearms licence holders are responsible for renewing their licences prior to expiry. The CFP facilitates this process by sending renewal notices to licensees approximately 90 days prior to the expiry of the current licence. As a condition of their licence, licensees are legally required to advise the CFO of any address changes, which helps ensure they receive the renewal notice.

A total of 365,036 individual PAL licences expired in 2018 (Chart 1). Moreover, there were 46,614 expired licences with a restricted or prohibited firearm registered to them at the time of expiration. Of those, 43,089 licence holders renewed; however, 3,525 licence holders did not renew (Chart 2). The CFP follows up on these to determine the disposition of the firearm. Of the licences that were renewed in 2018, 57% of firearms licence holders used the CFP's online licence renewal tool through the Program's web portal.

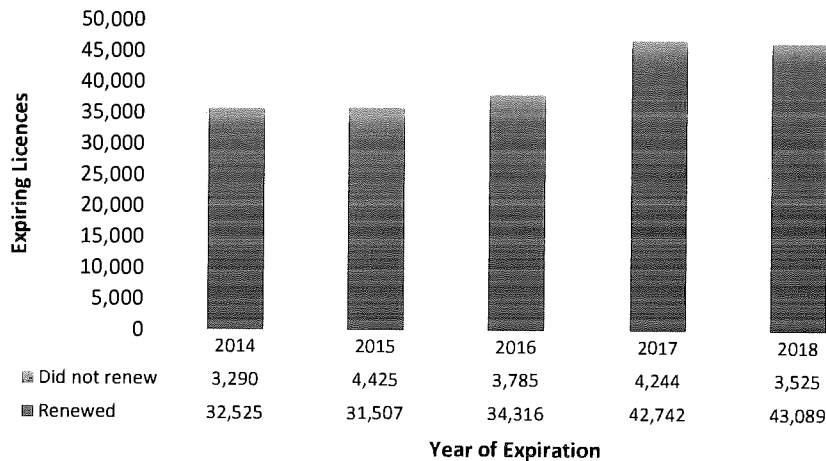
In 2017, the Governor in Council brought into force the amendment to the *Firearms Act* which provides firearms owners an automatic six-month extension period for a firearms licence that has not been renewed before the expiry date. More information on the six-month extension period can be found on the Canadian Firearms Program's website.

**Chart 1: Firearms licence renewals\*,  
2014 to 2018**



\*These statistics reflect the six-month licence extension period, which extended the validity of firearms licences that expired on, or after, November 30, 2017, that were not renewed before their expiry date. The extension period may make it appear as though there was a significant inflation in the number of licences in 2018, however these numbers take into account those existing licences that were extended as a result of this initiative by the Government of Canada.

**Chart 2: Licence renewal for Restricted and Prohibited privileges only and in possession of a firearm\*, 2014 to 2018**



\*When a licence has expired, a registration revocation notice is sent to the licence holder. If there is no change in the licence holder's file, a report is sent to the police of jurisdiction for follow-up. A lack of renewal could be associated with a licence holder having disposed of his/her firearm(s), moved outside Canada or passed away.

\*These statistics reflect the six-month licence extension period, which extended the validity of firearms licences that expired on, or after, November 30, 2017, that were not renewed before their expiry date. The extension period may make it appear as though there was a significant inflation in the number of licences in 2018, however these numbers take into account those existing licences that were extended as a result of this initiative by the Government of Canada.

## Continuous eligibility screening of firearms licence holders

Under the continuous eligibility regime, at any point during an individual's licence validity period, an event could occur that could prompt a review of their eligibility to hold a firearms licence.

If a firearms licence holder is involved in an event which could affect their eligibility (as defined by section 5 of the *Firearms Act*), it is reported by law enforcement via the Canadian Police Information Centre (CPIC) database and sent to the relevant CFO for review. An event can also be registered by individuals using the CFP's 1-800 number or by the courts with the issuance of a Firearms Prohibition Order. A CFO is authorized to investigate the incident to determine if the client remains eligible to hold a licence.

### ***Did You Know?***

In 2018, the Canadian Police Information Centre (CPIC) began to initiate changes to allow the entry of a third gender option/designation. A new gender determinant, "Other" option, was made available in CPIC as of April 29, 2018, further to a joint agreement between Treasury Board Secretariat and Justice Canada.

## Firearms licence revocations

Under the *Firearms Act*, CFOs are authorized to revoke a firearms licence based on their assessment of the licence holder's risk to public safety. There were 3,015 firearms licences revoked in 2018 (Tables 6 and 7). Similar to licence application refusals, an individual may challenge a licence revocation by applying to a provincial court for a reference hearing unless the revocation is the result of a court-ordered Firearms Prohibition. As a result, some of these revocations may have been referred to, or overturned by the courts since the initial revocation.

Table 6: Number of firearms licence revocations, 2014 to 2018	
Year	Revocations
2014	2,354
2015	2,347
2016	2,223
2017	2,663
2018	3,015
<b>Total</b>	<b>12,602</b>

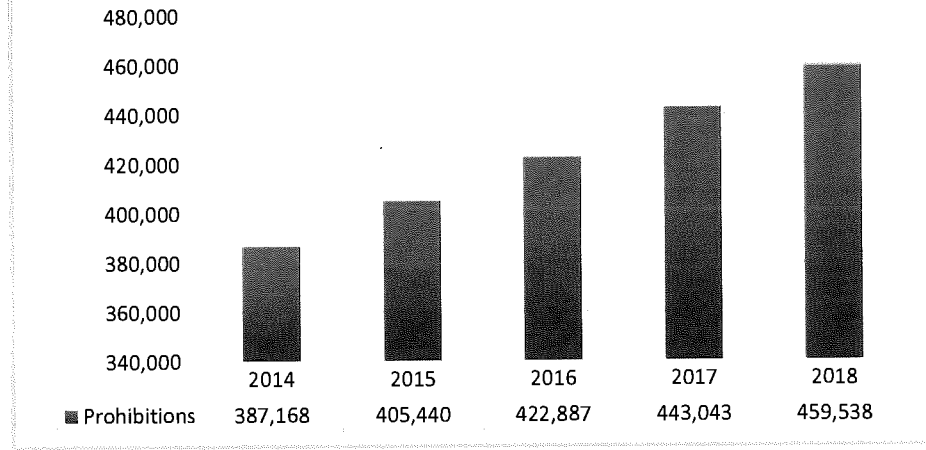
Table 7: Reasons for firearms licence revocations, 2018*	
Reason	Revocations
Court-ordered prohibition/probation	1,611
Domestic violence	124
Drug offences	46
Mental health	535
PAL ineligible	4
Potential risk to others	685
Potential risk to self	658
Provided false information	70
Unsafe firearm use and storage	72
Violent behaviour	122
*Because a firearms licence application can be influenced by more than one factor, the sum of revocation reasons will exceed the annual total of firearms licence applications revoked.	

Firearms licence application refusals and firearms licence revocations are recorded in the CFP's national Canadian Firearms Information System (CFIS) database. Therefore, individuals who have an application refused or a licence revoked, cannot evade this decision by moving from one municipal or provincial/territorial jurisdiction to another.

### Firearms prohibition orders for individuals

Under section 89 of the *Firearms Act*, every court, judge or justice that orders, varies or revokes a firearms prohibition order must notify the CFO in their jurisdiction. Firearms licence applicant screening includes checking if an applicant is subject to a prohibition order. A prohibition order prevents an individual from legally possessing a firearm for a specified period of time and results in the refusal of a firearms licence application or the revocation of a firearms licence. However, under section 113 of the *Criminal Code*, special provisions may be made for an individual, against whom a prohibition order is made, to possess a firearm if they are able to establish to the satisfaction of a competent authority that they require a firearm for the purpose of hunting in order to sustain themselves or their family. As of December 31, 2018, there were 459,538 individuals prohibited from possessing firearms (Chart 3).

**Chart 3: Individuals prohibited from possessing firearms, 2014 to 2018\***



Note: Data generated from CPIC system – Data not managed by RCMP.

\*Prohibition orders are for a specified period of time and can carry over from year to year. The totals reflect ongoing prohibition orders and not only those that are newly issued.

## Registration

All firearms can be categorized into one of three classes, as defined in subsection 84(1) of the *Criminal Code*:

- Non-restricted firearms - typically shotguns and rifles;
- Restricted firearms - predominantly handguns; and
- Prohibited firearms - mostly certain handguns and fully automatic or converted automatic firearms.

All restricted and prohibited firearms in Canada must be registered; however, before a firearm can be registered for the first time, it must be verified. Verification is the process used to confirm the identification and class of a firearm by an approved verifier. The Program, through the Registrar of Firearms, coordinates with the National Verifiers Network. The National Verifiers Network authorizes verifiers and responds to all inquiries about becoming a certified verifier.

Applicants who wish to register a firearm must already have a firearms licence allowing them to possess the corresponding class of firearm. In other words, a firearms licence with the appropriate privileges is required to register a restricted or prohibited firearm. When a registered firearm is transferred to a new owner, the Registrar of Firearms will issue a new registration certificate if the new owner is eligible to possess that type of firearm. The registration certificate number links a firearm to its licensed owner in the CFIS database. As with firearms licences, a subset of this information can then be accessed by law enforcement agencies via CPIC.

As of December 31, 2018, there were 1,164,197 restricted or prohibited firearms registered to individuals or businesses in Canada (Tables 8 and 9).

<b>Table 8: Firearms registered to individuals or businesses, by class, 2014 to 2018*</b>					
Firearm Class	2014	2015	2016	2017	2018
Restricted	726,705	795,854	839,295	907,362	983,792
Prohibited	185,793	182,493	183,333	183,068	180,405
<b>Total</b>	<b>912,498</b>	<b>978,347</b>	<b>1,022,628</b>	<b>1,090,430</b>	<b>1,164,197</b>
*Data captured as of December 31 <sup>st</sup> of each year.					

<b>Table 9: Firearms registered to individuals or businesses, by class and province or territory, 2018</b>			
Province or territory	Restricted	Prohibited	Total
Newfoundland and Labrador	8,365	1,528	9,893
Prince Edward Island	2,586	753	3,339
Nova Scotia	25,680	6,158	31,838
New Brunswick	18,713	4,332	23,045
Quebec	93,342	26,927	120,269
Ontario	365,006	73,949	438,955
Manitoba	37,101	5,343	42,444
Saskatchewan	52,266	7,821	60,087
Alberta	193,437	24,868	218,305
British Columbia	181,406	27,910	209,316
Yukon	2,912	362	3,274
Northwest Territories	1,681	305	1,986
Nunavut	395	26	421
Other	902	123	1,025
<b>Total</b>	<b>983,792</b>	<b>180,405</b>	<b>1,164,197</b>

### Firearms registration application refusals and certificate revocations

The Registrar of Firearms has the authority to revoke registration certificates and refuse firearms registration applications. In 2018, there were 17 firearm registration applications refused and 3,411 firearm registration certificates revoked (Table 10).

**Table 10: Number of registration refusals and revocations, 2014 to 2018\***

Year	Applications refused	Certificates revoked	Total
2014	105	58,609	58,714
2015	60	7,159	7,219
2016	59	6,825	6,884
2017	46	8,285	8,331
2018	17	3,411	3,428
<b>Total</b>	<b>287</b>	<b>84,289</b>	<b>84,576</b>

\*Note: The 2014 total includes non-restricted firearms for Quebec, but not for other provinces. In 2014, registration refusals were calculated by refusal date, whereas prior to 2014, they were calculated by application date. The significant decrease in 2015 is attributed to the deletion of non-restricted registrations in Quebec.

\*Note: In the Commissioner of Firearms 2017 Report, the total number of certificates revoked was incorrectly reported. The correct total appears above.

## Safety Training

As outlined in the *Firearms Act*, to be licensed to acquire firearms in Canada, individuals must demonstrate awareness of the principles relating to the safe handling and use of firearms. To be eligible for a non-restricted firearms licence, an individual must successfully complete the Canadian Firearms Safety Course (CFSC). In order to be eligible for a restricted firearms licence, an individual must successfully complete both the CFSC and the Canadian Restricted Firearms Safety Course (CRFSC). The CFSC and the CRFSC are fundamental firearms-education and safety-training components of the CFP. The CFP is responsible for the continued development, implementation, evaluation and revision of national firearms-safety standards, the CFSC and the CRFSC.

The CFSC was developed in partnership with the provinces and territories, national organizations with an ongoing interest in firearms safety, and many firearms instructors from across Canada. The content of this course is overseen by the CFP and approved by the Minister of Public Safety and Emergency Preparedness Canada, and was developed to meet the mandatory requirements of section 7 of the *Firearms Act*.

## SAFE COMMUNITIES

The CFP supports law enforcement agencies across the country and internationally to combat the illegal smuggling, trafficking, distribution, and criminal use of firearms. Through partnerships with municipal, provincial/territorial, and other federal law enforcement and regulatory agencies, the CFP supports firearms investigations and prosecutions, tracing of crime guns, managing specialized firearms-related data, and applying the legal criteria in the *Criminal Code* to identify the classification of firearms.

## National Weapons Enforcement Support Team

The National Weapons Enforcement Support Team (NWEST) is a partnership between the RCMP and Canadian municipal and provincial police services in support of law enforcement efforts to counter the illegal movement of firearms into and across Canada. NWEST supports investigations and the prosecution of persons involved in the illegal movement and criminal use of firearms, playing a vital role in the fight against organized crime and terrorism. NWEST partners with the Canada Border Services Agency (CBSA), conducting joint investigations to intercept illegal firearms entering Canada through border crossings, and with Global Affairs Canada (GAC), addressing the issue of international firearms sales.

NWEST also works alongside U.S. Homeland Security Investigations (HSI) and the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on cross-border smuggling projects and investigations.

NWEST provides operational support through firearms identification and determination of legal classification based on criteria in the *Criminal Code*, including the preparation and execution of search warrants, production orders and prohibition orders. NWEST also assists in the prosecution of persons involved in illegal firearms activity by providing expert advice to law enforcement agencies and crown attorneys, and training to front-line law enforcement agencies across the country.

### ***Public Agents Firearms Regulations***

The *Public Agents Firearms Regulations* have been in effect since 2008 and require public service agencies and public agents, including police forces, to report all agency-owned and protected (seized, turned in or found by police) firearms in their possession. In 2018, there were 1,832 public service agencies that declared an inventory of firearms (Table 11), with 25,430 firearms seized among them (Tables 12 and 13).

Table 11: Canadian public service agencies reporting possession of firearms, 2018*	
Agency type	Count of Public Agencies
Court	136
Federal agency	274
Municipal agency	55
Police academy	5
Police agency	1,086
Provincial agency	276
<b>Total</b>	<b>1,832</b>
*The numbers represent individual agencies reporting possession of firearms. In some instances, this can be an entire police force, while in other cases it may represent a single detachment of a larger police force such as the RCMP.	



**Table 12: Firearms seized, by public service agencies, by province or territory, 2018**

Province or territory	Seizures
Newfoundland and Labrador	400
Prince Edward Island	126
Nova Scotia	1,095
New Brunswick	664
Quebec	6,406
Ontario	6,798
Manitoba	1,242
Saskatchewan	650
Alberta	3,427
British Columbia	4,581
Yukon	17
Northwest Territories	24
Nunavut	0
<b>Total</b>	<b>25,430</b>

**Table 13: Firearms seized, by public service agencies, by class, 2018**

Class	Seized
Non-restricted	20,030
Restricted	3,708
Prohibited	1,692
<b>Total</b>	<b>25,430</b>

## Canadian National Firearms Tracing Centre

### *Firearms tracing services*

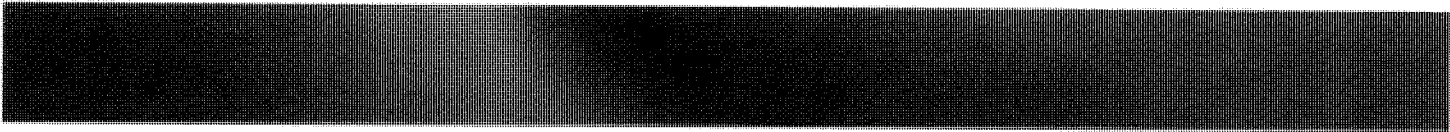
The Canadian National Firearms Tracing Centre (CNFTC) processes firearm tracing requests to assist national and international law enforcement agencies in their investigations by determining the origin and history of a firearm, and potentially linking the firearm to a crime. In 2018, the Program received 1,145 firearms tracing requests.

The CNFTC has access to specialized databases to assist with firearm investigations. The CNFTC also assists the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and INTERPOL with international and trans-border tracing investigations.

## Specialized Firearms Support Services

### *Firearms identification expertise*

The Specialized Firearms Support Services (SFSS) Unit is a centre of expertise in the identification and classification of firearms in Canada. The unit is regularly called upon to provide technical firearms information and advice to both domestic and international governments and working groups.



The unit's primary tool to support law enforcement is the Firearms Reference Table (FRT). The FRT is a comprehensive firearms database that provides national and international law enforcement officers with information to assist in the identification and description of firearms that are subject to criminal prosecutions.

As of December 31, 2018, the FRT held 179,833 separate firearms descriptions and classifications. On average, 8,000 new firearms records are added each year. The FRT is available to all police and regulatory agencies in Canada, and is a trusted firearms identification tool relied upon by 194 INTERPOL member countries.

## **Firearms Internet Investigations Support Unit**

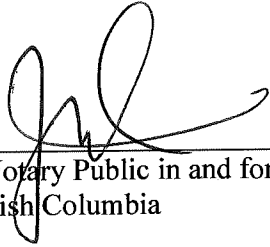
### ***Internet investigations keeping Canadians safe***

The Firearms Internet Investigations Support Unit (FIISU) conducts open-source internet investigations regarding firearms licensing, renewal and continuous eligibility. These investigations assist the CFO in determining a client's eligibility to possess (or continue to possess) a firearms licence.

FIISU also coordinates and collaborates with law enforcement agencies at the municipal, regional, provincial/territorial, federal, and international levels to assist in the collection of case-specific information pertaining to ongoing law enforcement investigations. FIISU has established and participated in specialized working groups and project teams to assist partners such as the CBSA, in the interdiction of illegal firearms smuggling. FIISU has also assisted the ATF in developing online investigative best practices and processes to combat the criminal use of firearms, and to develop firearms investigation enforcement techniques.

The CFP, as Canada's centre for firearms expertise, continues to demonstrate its commitment to enhancing firearms safety and combatting firearms crime. The CFP considers the safety of Canadians to be its top priority.

This is **Exhibit "F"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

**Fall 2001 Estimate of  
Firearms in Canada**

**Report on Findings  
Submitted to:  
The Public Policy Forum  
Final**



Submitted by

**GPC Research**

100 Queen Street

Ottawa, ON

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## 1 Study Highlights

In the Fall of 2001, GPC Research surveyed 3011 for the purpose of estimating the total number of firearms, by type, in Canada. A previous study in the Fall of 2000, also undertaken by GPC Research, involved a survey of 6,145 Canadian households with the objective of estimating firearm ownership in Canada.

At that time, findings indicated that 17% of Canadian households (or 2.0 million Canadian households) own at least one firearm. This study also found that the number of firearm owners per household was 1.23. Therefore the estimate of the Canadian firearm owning population was 2.46 million individuals.

The Fall 2001 study is a complementary piece, following up on the estimate of firearm ownership. With the impending deadline for firearm registration of January 1, 2003, the current estimate provides a benchmark against which to assess compliance with the requirements of The Firearms Act. The previous deadline of January 1, 2001 required that all firearm owners obtain a licence in order to possess or acquire a firearm.

A full reporting on the results and methodology employed can be found in subsequent sections of this report. Key findings from the survey are as follows:

- There are an estimated 7.92 million firearms in Canada. This estimate comprises approximately 4.16 million rifles, 3.22 million shotguns, .49 million handguns and .05 million "other" types of firearms.
- Some respondents had more firearms than expected in a normal distribution (i.e. greater than 3 standard deviations from the mean score). These firearm owners were no doubt "gun collectors" and impacted the mean score used to calculate the total number of firearms in Canada. Three individuals were removed from the sample to determine the impact.
- With these three individuals removed, the mean number of firearms drops from 3.22 to 3.04. The associated estimate of total firearms also drops from 7.92 million to 7.46 million.
- The top three percent of firearm owners hold approximately 15% of all firearms or, on average, 15.5 firearms per owner. For the remainder of the firearm-owning population, the mean number of firearms owned is 2.74.
- There are 1.14 firearm owners per household.
- Eight percent of respondents indicated an intention to disable or divest themselves of some/all of their firearms in the next two years. About one-

quarter (25%) of those intending to dispose of or disable their firearms intend to destroy, disable or dispose of them to the police.

- Almost two-thirds (61%) now indicate that they use their firearm very infrequently (once a year or less) or never, compared to under half (43%) who said the same in a 1999 survey.

## 2 Background

In February of 1995, then Justice Minister, Allan Rock, introduced Bill C-68, *The Firearms Act*. Senate approval and Royal Assent were granted on December 5, 1995. The main aspects of the new Firearms Act include:

- The Firearms Act and Regulations apply to any person (including visitors to Canada) and any businesses that own, want to obtain, or use firearms.
- The licence deadline to possess or acquire a firearm was January 1, 2001.
- Before a licence is issued, safety checks on applicants are completed. The new system automates this process to speed up decision-making. This is achieved by linking police databases with the new firearm registry system.
- All firearms must be registered by 2003. In order to register a firearm, the applicant must first have a licence (or valid Firearms Acquisition Certificate). New firearms will be registered when they are made, or at the point of purchase.
- Safe storage regulations require that all firearms be stored unloaded and made inoperable, usually through a locking device.
- Mandatory minimum sentences of four years for violent crimes committed with a firearm are in force.
- All handguns with a barrel shorter than 105 millimeters are prohibited; so are all .32 and .25 caliber handguns, all fully automatic machine guns, any firearm with a sawed-off barrel and some military rifle models such as AK 47 and their variants.
- The two key dates are:
  - January 1, 2001 for gun owners to obtain a licence
  - January 1, 2003 for registration of all firearms.

In the Fall of 2000 GPC Research conducted a survey of 6,145 Canadian households to determine the number of firearm-owning households in Canada and the number of firearm owners. This estimate was required by the Canadian Firearms Centre (CFC) as a means of ensuring that all firearm owners had properly registered on or before the January 1, 2001 deadline.

The survey produced an estimate of 17% of Canadian households having at least one firearm and therefore between 2.32 million and 2.46 million firearm owners in Canada. This represents the most up-to-date count available. The



figure of 2.46 million firearm owners is used in calculating the total number of firearms in the results of the Fall 2001 Firearms Estimate Survey.

In order to monitor the registration of firearms in advance of the January 1, 2003 deadline, the CFC requested an additional survey specifically designed to establish a benchmark estimate of the number of firearms in Canada. This study will be used to determine the number of firearms in Canada.

Surveys specifically designed for the purpose of counting or estimating a population usually requires larger sample sizes than might ordinarily be the norm for most other national surveys. This was the case with the Fall 2000 Estimate of Firearm Owners and is equally the case with the Fall 2001 Estimate of Firearms.

The sampling of a greater number of households/individuals increases the level of accuracy of the findings at a broad level, as well as at the level of sub-groups (i.e. regions or demographic segments of the population).

The methodology and the questionnaire employed in the survey were rigorously reviewed and overseen by the Public Policy Forum and their designated statistical expert. Specific attention was paid to ensuring adequate randomization of the sample to remove any possible bias in the selection of respondents for participation in the survey.

The following sections detail the methodological approach and the results of the survey.

### **3 Methodology**

A national study of firearm-owning Canadians was conducted between September 24<sup>th</sup> and November 13<sup>th</sup> 2001. Interviews were conducted in English and French. Non-completes based on a language barrier (i.e. not English or French) were no higher or lower than we find in other national surveys and typically occurred at the outset of the survey.

The complete set of frequencies associated with each question and response category can be found in Appendix A and final call dispositions in Appendix B.

#### **3.1 Questionnaire Design**

The questionnaire was approximately seven minutes in length and contained 17 questions, excluding demographic questions such as age, education and household income. The structure of the questionnaire paralleled the previous Fall 2000 questionnaire designed for the purpose of estimating the number of firearm owners.

The survey instrument incorporated some checks within the design to minimize the degree of false reporting. This included an initial question on the types of recreational activities in which the respondent participated, including hunting and sport shooting. Subsequently, respondents were asked to indicate whether they or anyone in their household owned a firearm. Data on the number by type of firearm was collected (i.e. shotguns, rifles, handguns and others).

Additional questions were asked of respondents relating to their firearms usage, including their reasons for owning a firearm, their plans, if any, to increase or decrease their personal stock of firearms.

#### **3.2 Sample**

The final sample size of firearm owners was set at a minimum of 3,000 (and actually totaled 3,011). A survey of this magnitude has an accompanying margin of error of +/-2.06% at the national level, with a 95% confidence level.

As with the Fall 2000 survey, the final sample is larger than would typically be employed in a national survey. While a national sample of 1,500 or 2,000 Canadians would suffice for most attitudinal surveys, a larger final sample of firearm owners was deemed desirable in order to achieve a very high degree of statistical accuracy at the national level. Correspondingly, quotas were established for sample sizes at the regional level to ensure that margins of error by province/region/territory were also reasonable.

The sample was randomly drawn using state-of-the-art survey sampler technology with the most up-to-date information on directory-listed numbers in Canada. GPC Research used both directory-listed and non-directory listed sample from every region of the country. This was to ensure the randomness of the sample and, therefore, the accuracy of the results.

The final sample distribution and corresponding margins of error (95% confidence level) are shown in the Table 1 below.

**Table 1: Distribution of Sample by Region**

<b>Region</b>	<b>Total</b>	<b>Margin of Error</b>
British Columbia	427	+/-4.75
Alberta	427	+/-4.75
Saskatchewan	300	+/-5.67
Manitoba	300	+/-5.67
Ontario	600	+/-4.00
Quebec	500	+/-4.39
Atlantic	406	+/-4.87
Yukon/Territories	51	+/-13.86
<b>Total</b>	<b>3011</b>	<b>+/-2.06</b>

Note: Un-weighted figures

The final sample was not proportionate to the actual distribution of the population in Canada by province and territory. Over-sampling of certain regions and provinces was undertaken to reduce the margin of error associated with the results for these regions and provinces.

Most national surveys usually undertake smaller samples across the Prairie provinces, the North, and the Atlantic region due mainly to the lower population base in these regions as compared to Québec and Ontario. Over sampling occurred in the Fall 2000 Survey of Firearms Owners in some areas in order to ensure the production of very precise estimates of the number of firearms at the regional and provincial levels.

Rural areas were also over sampled, while urban areas were under sampled, similar to sampling procedures in the Fall 2000 Estimate of Firearm Owners. The final sample was drawn to comprise a 60/40 split between urban and rural respondents, while in reality about 78 percent of the Canadian population currently resides in urban areas and 22 percent in rural Canada according to 2000 Statistics Canada data.

A total of 3,011 firearm-owners were contacted for the survey. In the Fall 2000 survey, the estimate was based on a survey of households, while the current survey considers the individual (the firearm owner) as the primary sampling unit.

In each household contacted by GPC Research, an adult member (18 years of age or older) was asked, following an introductory question, whether any member of that household owned any type of functioning firearm. The topic of firearms was introduced earlier in the Fall 2001 survey than in the Fall 2000 survey. The Fall 2000 survey consisted of a series of eight introductory questions, followed by questions to identify the ownership of a firearm within the household and then further questions related to gun ownership and use.

In order to ensure absolute randomness in the selection of a respondent among households with multiple firearm owners, GPC Research employed the "last birthday" selection method. This is a common industry practice to ensure randomization in the selection of a respondent from a household. Interviewers asked to speak with the firearm owner who had celebrated their birthday most recently. Thus randomization was ensured not only at the stage of selecting households for participation in the survey, but also in selecting the firearm-owning participant from within a household for inclusion in the survey.

### **3.3 Weighting Structure**

As the survey sample was not proportionate to the distribution of the Canadian population, weightings were applied so that the results could then be extrapolated to the Canadian population at large. The data was weighted in order to reflect the actual demographic composition of the Canadian firearm-owning population, according to the GPC Research Fall 2000 household Estimate of Firearm Ownership.

The weighting scheme corrected for urban/rural distribution of firearm owners within region resulting in a weighted final sample of 3014. Table 2 below shows original sample, weighting factors and final sample distributions. See Appendix D for an explanation of the weighting scheme.

**Table 2: Distribution of Sample by Region after Weighting**

<b>Region</b>	<b>Total</b>
British Columbia	361
Alberta	274
Saskatchewan	142
Manitoba	142
Ontario	864
Quebec	852
Atlantic	348
Yukon/Territories	31
<b>Total</b>	<b>3014</b>

## 4 Results: Number of Firearms

Estimates of the number of firearms by type are detailed in the following sections. Three measures are reported including the mean (average number), mode (the most frequent response) and the median (the number in the middle of which 50% are above and 50% are below).

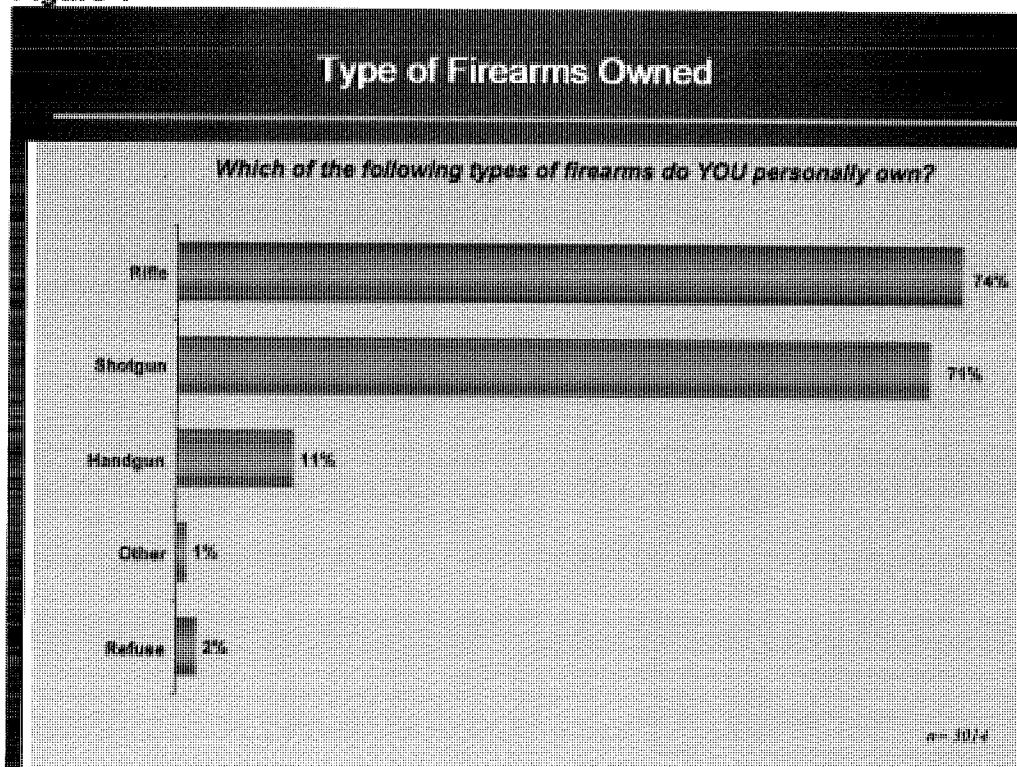
Full distributions for each type of firearm are detailed in Appendix C.

### 4.1 Number of Firearms by Type

A carefully constructed series of questions was posed of respondents in order to precisely estimate the total number of firearms held by firearm owners in Canada. First, respondents were asked simply to indicate the types of firearms they owned without stating the number in each category.

The vast majority of firearm owners have either rifles (74%) or shotguns (71%). One-in-ten (11%) owners indicated they owned a handgun.

Figure 1

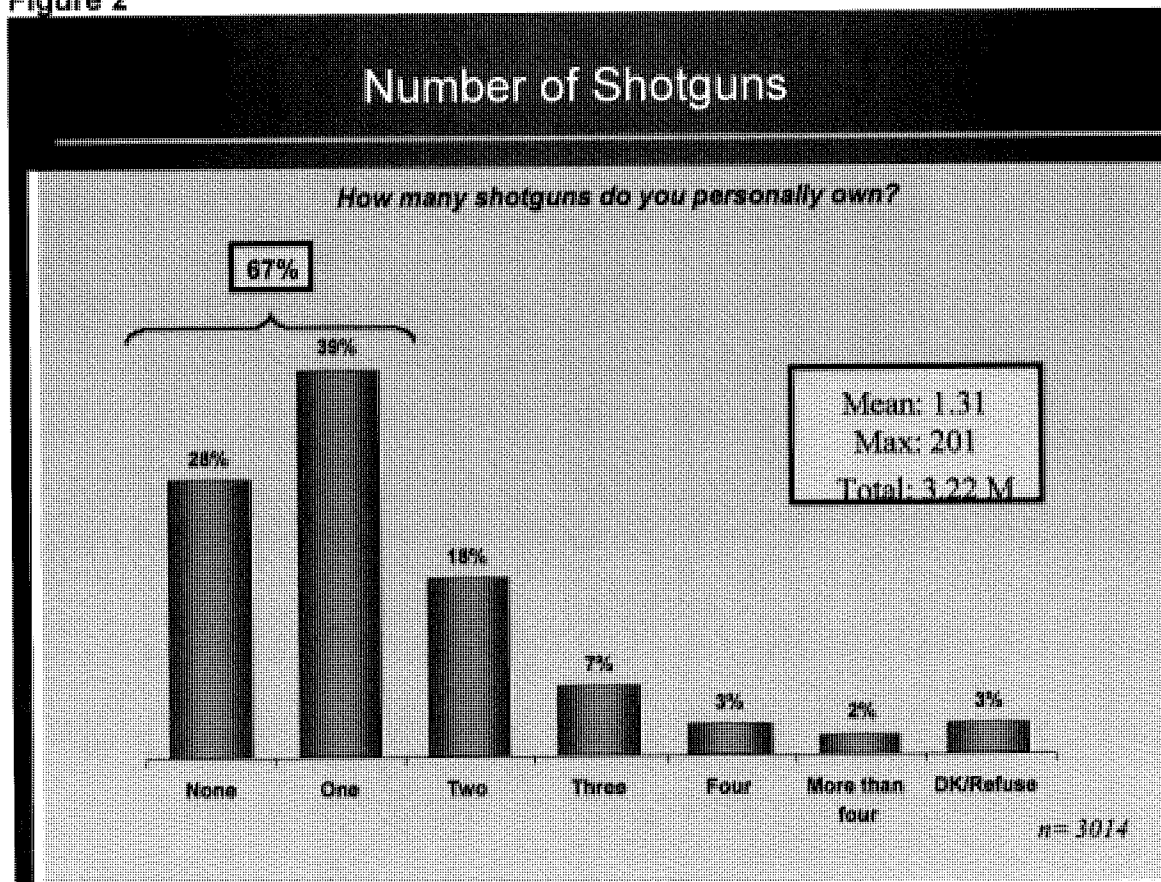


#### 4.1.1 Number of Shotguns

Respondents were then asked to identify the number of each type of firearm owned. In analysing responses to this series of questions, findings are reported on the total number of each type of firearm. In addition to the mean, the mode and the median are also reported in order to mitigate the skewing effect of single owners of any one type of firearm with large holdings or collections. The mode and the median are more valid measures of central tendency and distribution in this case and provide additional useful information.

Nearly two-in-five firearm owners possess only one shotgun (39%) and a further 30 percent own two or more shotguns. One respondent claimed to own 201 shotguns. In total, the findings indicate that all shotgun owners in Canada hold in the order of 3.22 million shotguns. The mean number of shotguns is 1.31, the median is 1.00 and the mode is 1.0.

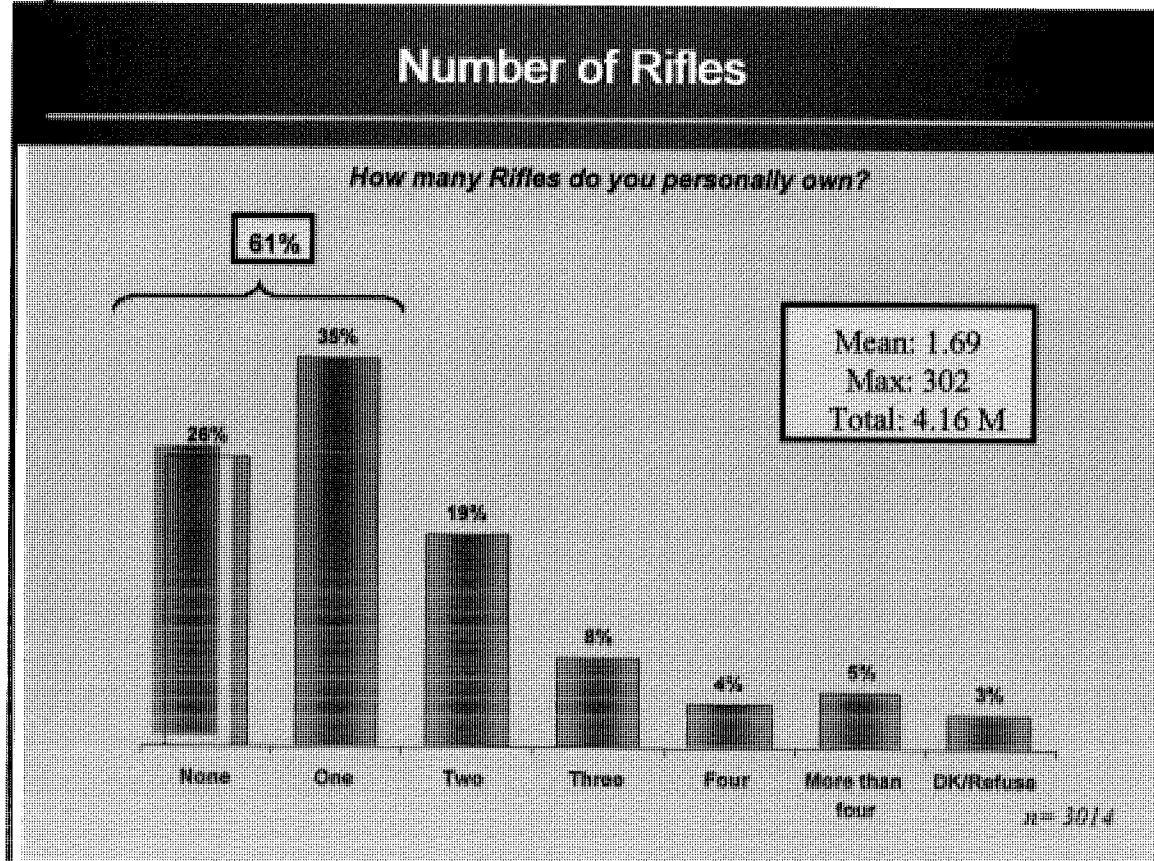
Figure 2



#### 4.1.2 Number of Rifles

Some 35% of firearm owners indicate they hold one rifle only. Slightly more than one-third of all firearm owners (36%) own more than one rifle. The largest collection of rifles belonging to a single individual is 302. In total, the findings indicate that all rifle owners in Canada hold in the order of 4.16 million rifles. The mean number of rifles is 1.69, the median is 1.0 and the mode is 1.0.

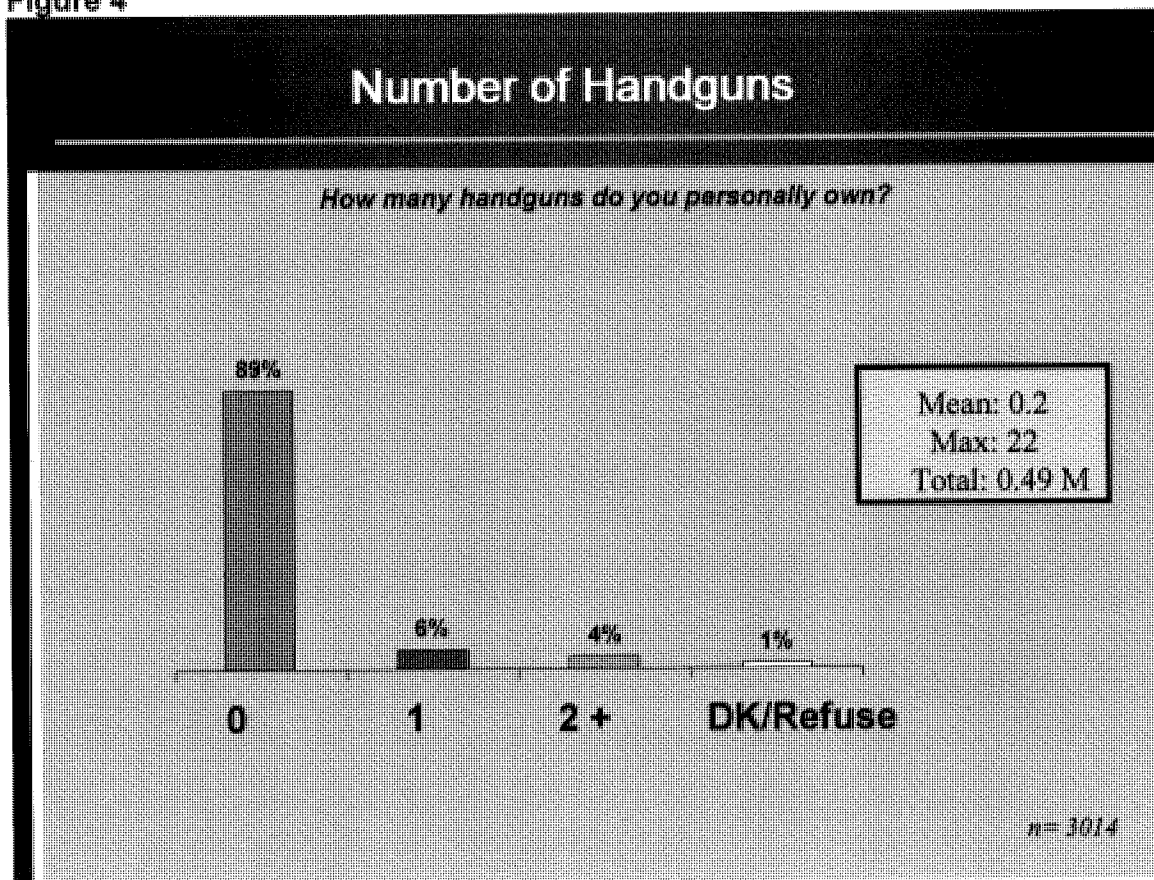
Figure 3



### 4.1.3 Number of Handguns

About one-in-ten respondents acknowledged owning at least one handgun. One respondent reported ownership of 22 handguns. In total, the findings indicate that all handgun owners in Canada hold in the order of .49 million handguns. The mean number of handguns is 0.2, the median is 0 and the mode is 0.

Figure 4

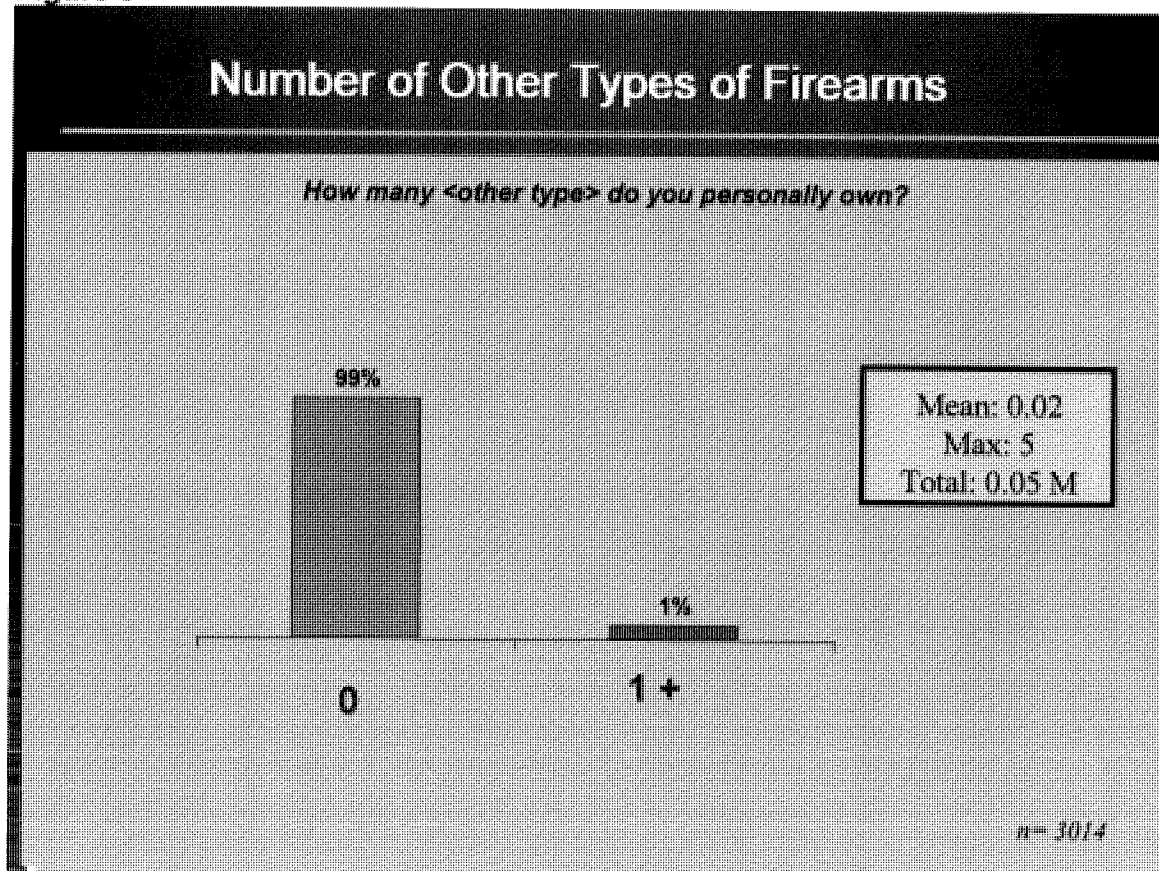




#### 4.1.4 Other Firearms

Only one percent of those surveyed own some other type of firearm. This translates into a total of .05 million "other" types of firearms, with a mean of .02 per owner, a mode of 0 and a median of 0.

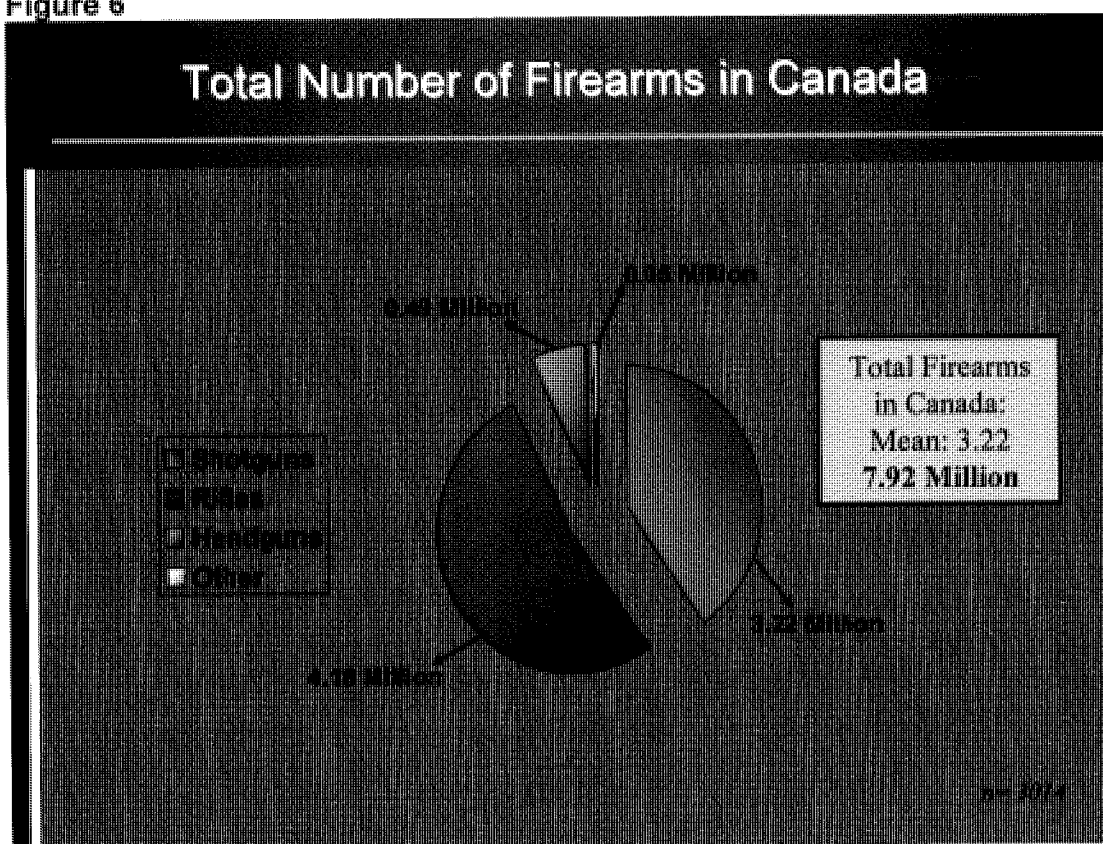
Figure 5



## 4.2 Total Number of Firearms in Canada: The Estimate

Adding together the total number of rifles, shotguns, handguns and miscellaneous other types of firearms reported, the total estimate of firearms held by firearm owners in Canada in the Fall of 2001 is 7.92 million.

Figure 6



The mean number of firearms owned by any single firearm owner is 3.22, when all types of firearms are combined. This estimate is calculated as the sum of the individual means for each type of firearm. The total and mean are as follows:

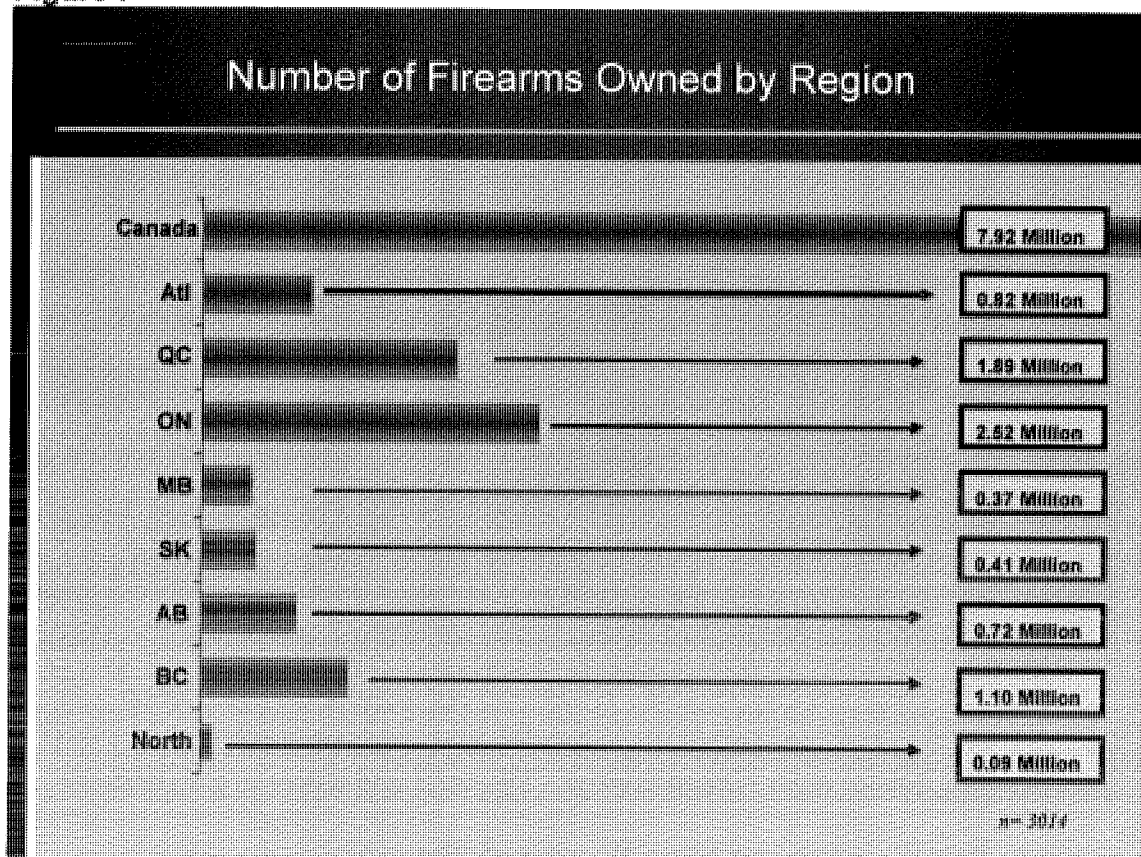
Table 3: Total Number and Mean Number of Firearms

	Number	Mean	Margin of Error for mean
Rifles	4.16M	1.69	+/-0.12
Shotguns	3.22M	1.31	+/-0.24
Handguns	0.49M	0.20	+/-0.03
Others	0.05M	0.02	+/-0.01
<b>Total</b>	<b>7.92M</b>	<b>3.22</b>	<b>+/-0.14</b>

### 4.3 Number of Firearms by Region

The total number of firearms (combining all types of firearms) held by firearm owners for each region of Canada is shown in the chart below. Nearly one-third (32%) of the firearms in Canada are held by residents of Ontario (2.52 million firearms). The second largest holding is by residents of Quebec (1.89 million), followed by British Columbia (1.10 million).

Figure 7



However, the North, the Atlantic Provinces, Manitoba and Saskatchewan have the most firearms per capita. There is nearly a one-to-one ratio of firearms to residents of the North, with two firearms for every five residents of Saskatchewan, and one firearm for every three residents in Atlantic Canada and Manitoba. Table 4 below shows per capita firearms by Region.

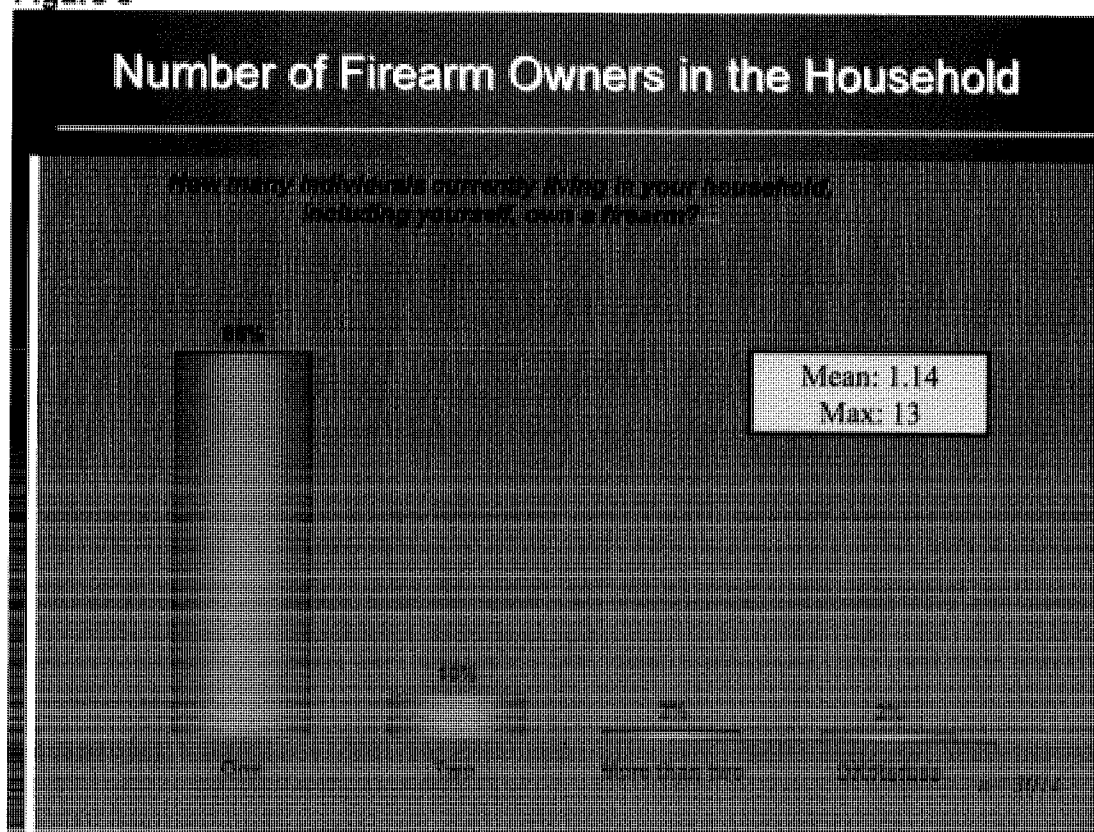
**Table 4: Number of Firearms by Region and Per Capita Ratio**

<b>Region</b>	<b>Number of Residents</b>	<b>Number of Firearms</b>	<b>Firearms Per Capita</b>
British Columbia	4.02 M	1.10 M	1 : 4
Alberta	2.96 M	0.72 M	1 : 4
Saskatchewan	1.03 M	0.41 M	2 : 5
Manitoba	1.14 M	0.37 M	1 : 3
Ontario	11.51 M	2.52 M	1 : 5
Quebec	7.35 M	1.89 M	1 : 4
Atlantic	2.37 M	0.82 M	1 : 3
Yukon/Territories	0.099 M	0.09 M	1 : 1
<i>Total</i>	30.49 M	7.92 M	1: 4

## 5 Results: Number and Profile of Firearm Owners per Household

The vast majority (85%) of firearms owners claim they are the only individual owning a firearm in their household. This finding is consistent with the results from the 2000 Estimate of Firearm Owners that found about four-in-five firearm-owning households with one firearm owner. About 12% of firearm owners reside in households of multiple firearm owners.

Figure 8



The mean number of firearm owners per household is estimated to be about 1.14 (Margin of error +/- 0.01). This is slightly lower than the 1.23 estimate produced from the Fall 2000 survey. This suggests that some owners may have divested themselves of some of their firearms since the licensing deadline. Findings from the 2000 survey suggested that six percent of respondents had an intention to disable or divest themselves of their firearms.

### **5.1 A Profile of Firearms Owners**

The profile of a typical firearm owner as shown in Table 5 is:

- male
- over 35 years of age
- higher than average household income
- at least a high school education

The Fall 2000 survey showed a decline in the number of firearm owners under the age of 35 by approximately 39 percent since the benchmark 1991 study.

The Fall 2001 GPC Research survey notes a further drop in the number of firearms owners in this age category. Those aged 18 to 34 years of age now represent just 15 percent of the total population of firearm owners compared to almost one-third of the firearm-owning population in 1991.

**Table 5: Profile of Firearm Owners versus the General Population**

<b>Demographic Variable</b>	<b>1991 Angus Reid Survey</b>	<b>2000 GPC Survey</b>	<b>2001 GPC Survey</b>	<b>Profile of Canadian Population<sup>1</sup></b>
	%	%	%	%
<b>Gender</b>				
Male	86	87	88	49
Female	14	13	12	51
<b>Age</b>				
18 to 34	31	19	15	33
35 to 54	46	51	49	40
55+	22	29	34	27
<b>Education</b>				
High School or less	55	47	51	43
College/Some Post- Secondary	28	31	28	28
Completed University	15	23	19	30
No response	2	0	2	1
<b>Household Income</b>				
< \$ 20,000	11	8	8	15
\$20,000 to \$39,999	32	23	24	24
\$40,000 to \$59,999	25	26	25	19
\$60,000 +	20	34	33	27
No Response	10	8	10	15

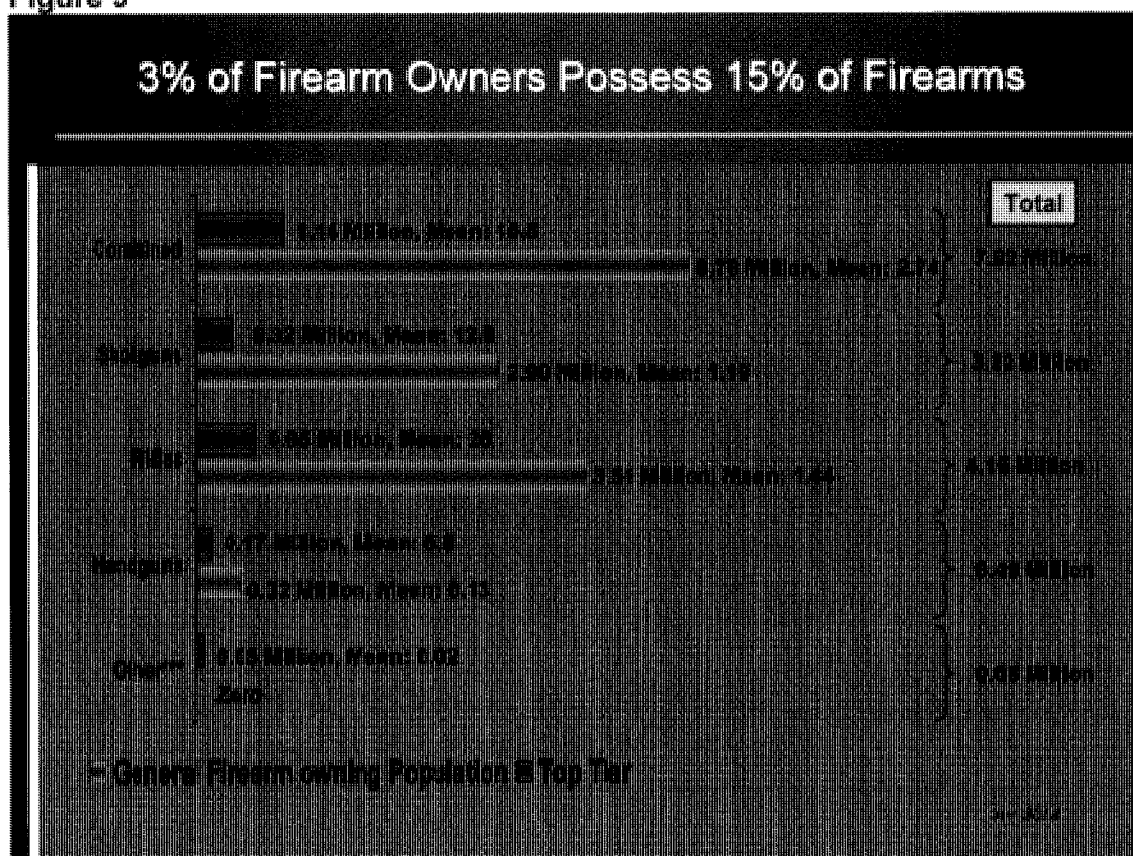
<sup>1</sup> Figures are drawn from 1996 Statistics Canada Census data or from GPC Fall 2000 survey results for the general population, aged 18 years and older. Totals may not equal 100% due to rounding

## 5.2 Profile of the Top Three Percent of Firearm Owners

It is useful to consider the full distribution of firearms which owners hold, by each different firearm. Notably, the top three percent of the firearm owners holds slightly more than 15 percent of the total firearms in Canada.

The top tier averages 15.5 firearms per person while the general firearm owning population (the remaining 97%) averages 2.74. This indicates that a small group of firearm owners owns a disproportionate number of the total firearms. As well, this group also owns just over one-third (0.17M of 0.49M) of all handguns.

Figure 9

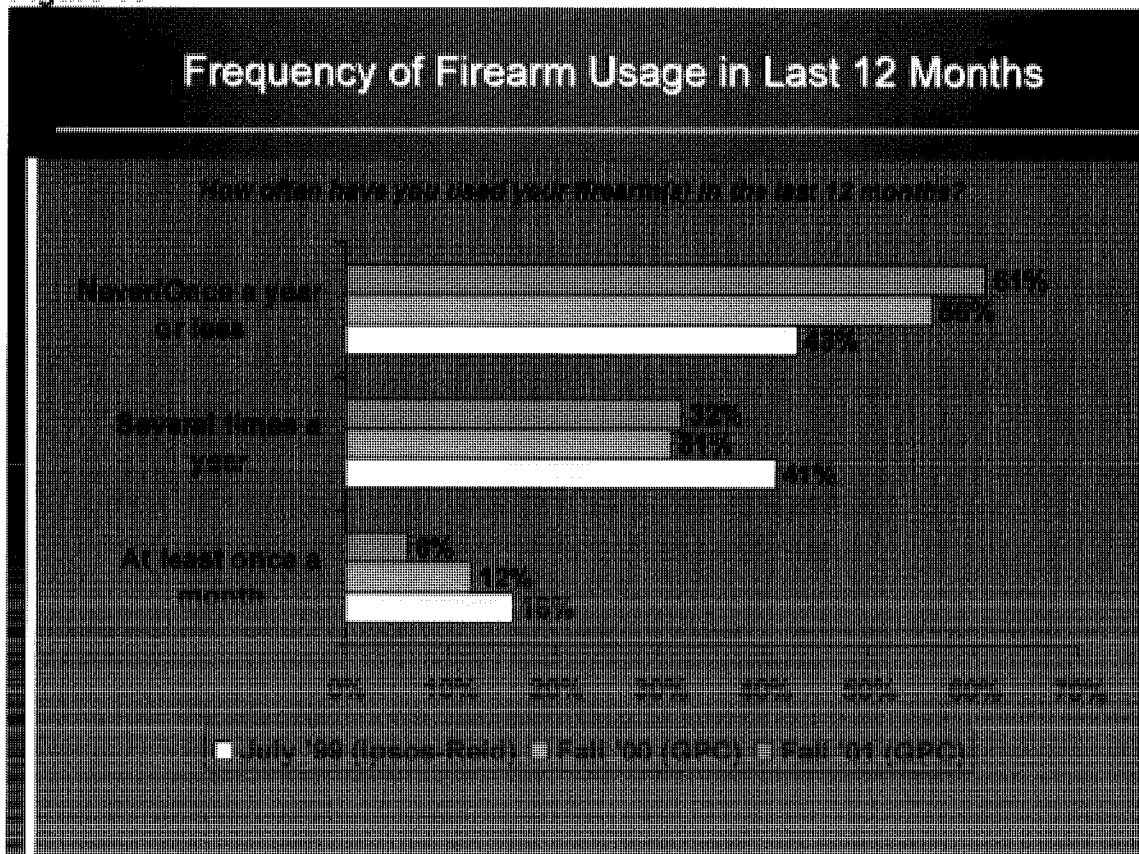




## 6 Results: Firearm Usage

The chart below illustrates the continued trend in declining usage of firearms since 1999. At that time 43% of firearm owners indicated they never used their firearms or, at most, once a year. This percentage increased to 56% of owners in Fall 2000 and now stands at 61% in Fall 2001.

Figure 10



Firearm users can be separated into four distinct groups – heavier users (at least once a month or more), regular users (several times a year), lighter users (once a year or less), and non-users.

Heavier firearm users are more likely to be found:

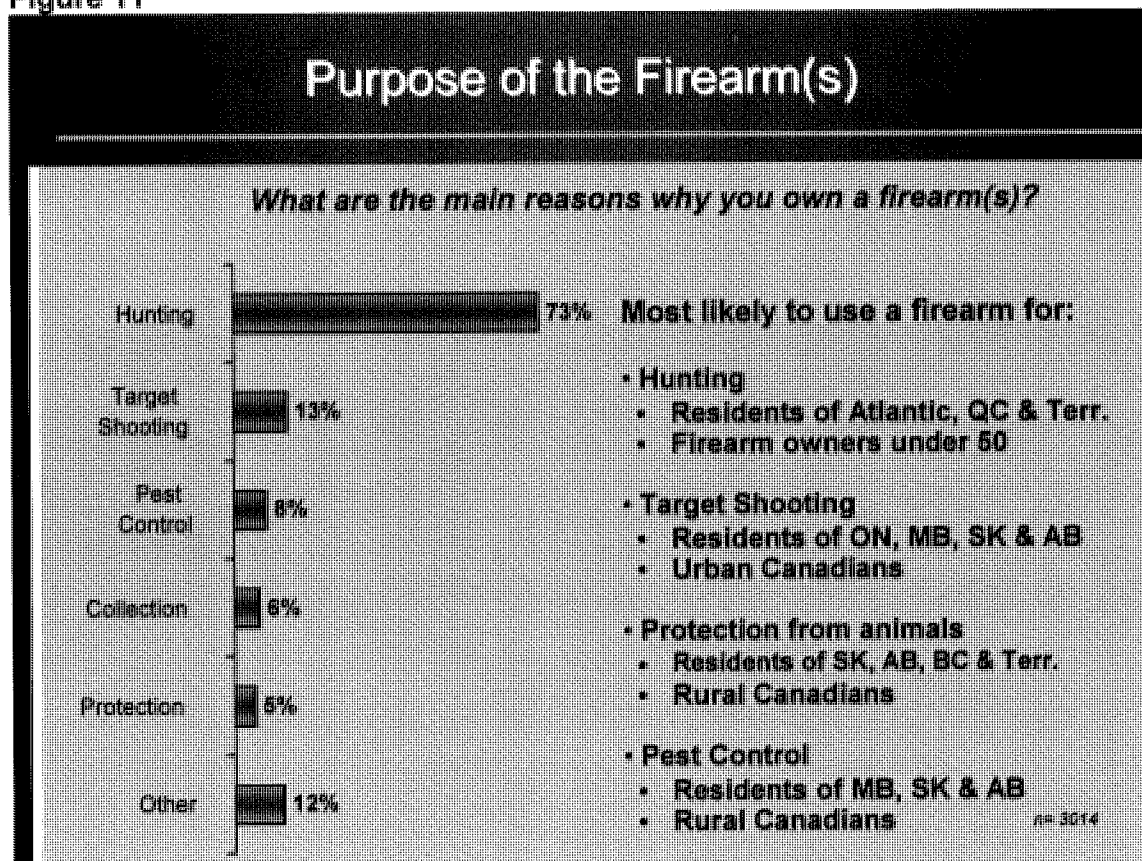
- residing in Manitoba, Saskatchewan and the Territories;
- among younger firearm owners, aged 18 to 29;
- among rural firearm owners; and
- the top three percent of firearm owners.

Lighter firearm users are primarily found in Quebec. Non-users are more likely to include residents of British Columbia, those in older age categories (50 years of age and older), and those living in urban areas.

## 6.1 Reasons For Owning a Firearm

Respondents were asked the main reason they own a firearm. Almost three quarters of respondents (73%) cited hunting as the primary reason for owning a firearm. Other reasons given for firearm ownership were target shooting (13%), pest control (8%), collection (6%), and protection from animals (5%).

Figure 11

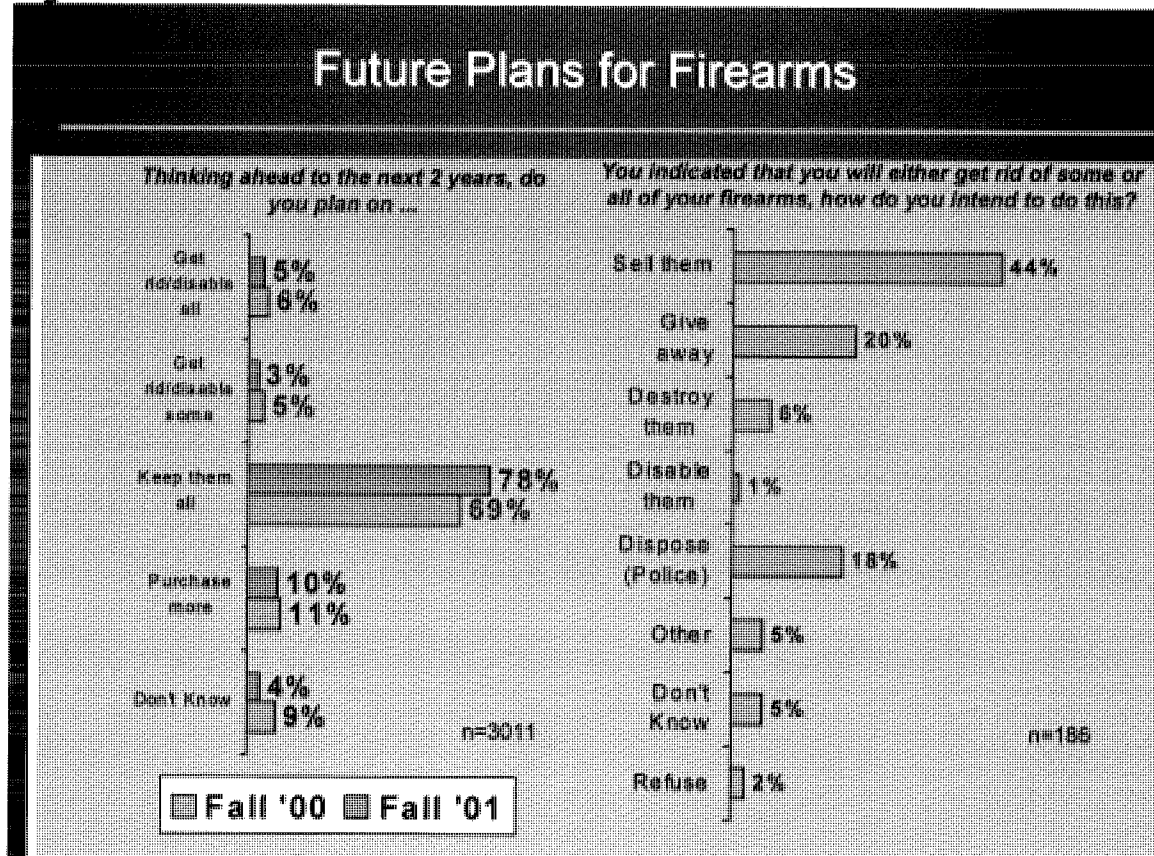


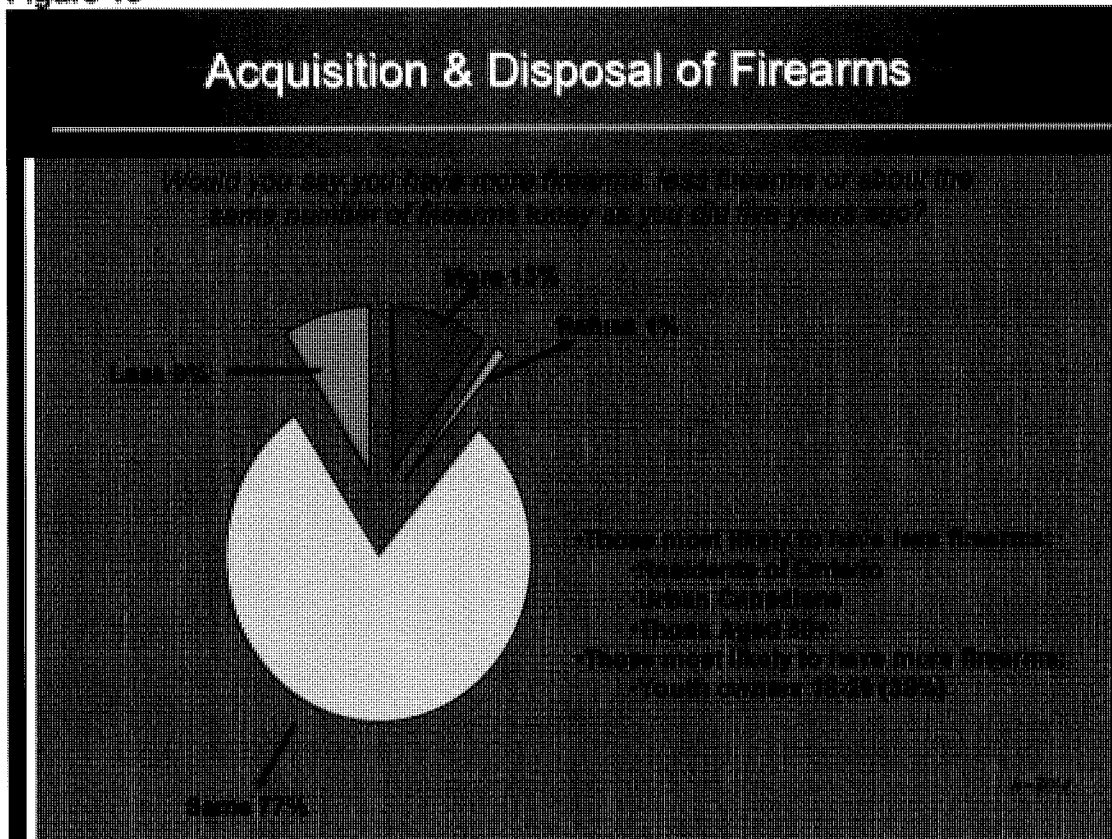
## 6.2 Intentions Regarding Firearm Ownership

Nearly four in five (78%) firearm-owning respondents indicated that they intend to keep all of their firearms for at least the next two years. Another 10 percent intend to purchase additional firearms. At the same time, eight percent indicated they would get rid of or disable some/all of their firearms.

Of those respondents who indicated they would get rid of some or all of their firearms, nearly half (44%) indicated they would sell them. One-in-five respondents indicated they would give their firearms away, while an additional 18 percent said they would dispose of their firearms to the police department. Other methods of getting rid of their firearms included destroying them (6%), and disabling them (1%).

Figure 12





## 7 Results: Attitudes toward the Privacy of Personal Information

Firearm owners were asked how concerned they were with the security of personal information such as name, address, date of birth, and telephone number provided during the firearm licencing process.

Respondents were split in their concern with this issue. There were as many respondents more concerned (44%) about privacy issues as there were as were unconcerned (42%). Those who were more concerned about privacy issues tended to be between the ages of 30 and 49 years old, respondents residing in rural regions, respondents from Alberta and British Columbia.

Figure 14

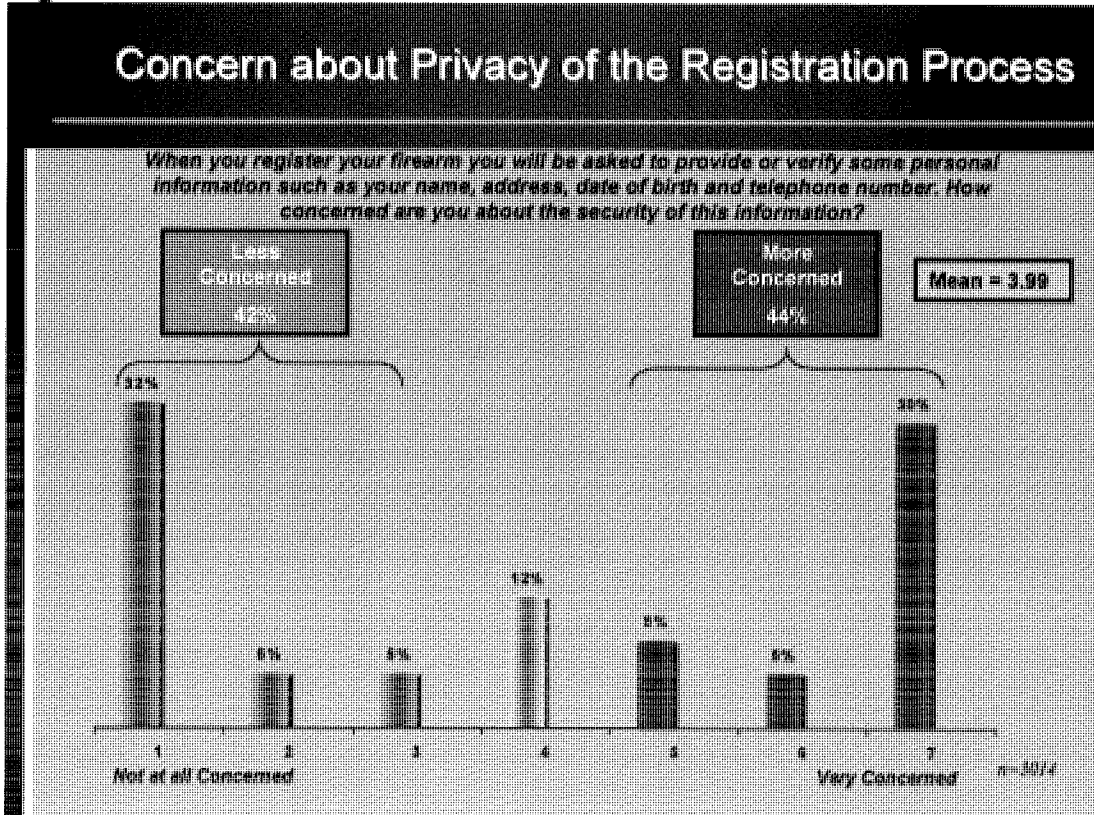
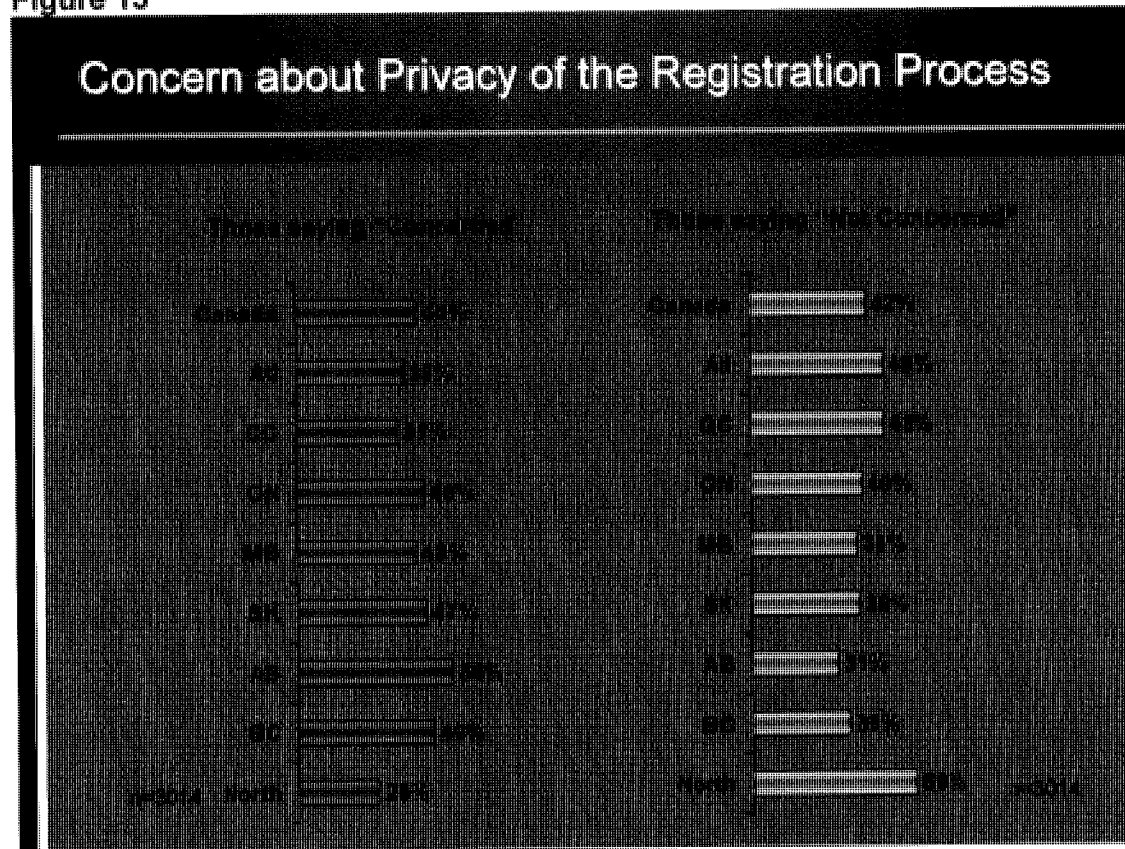
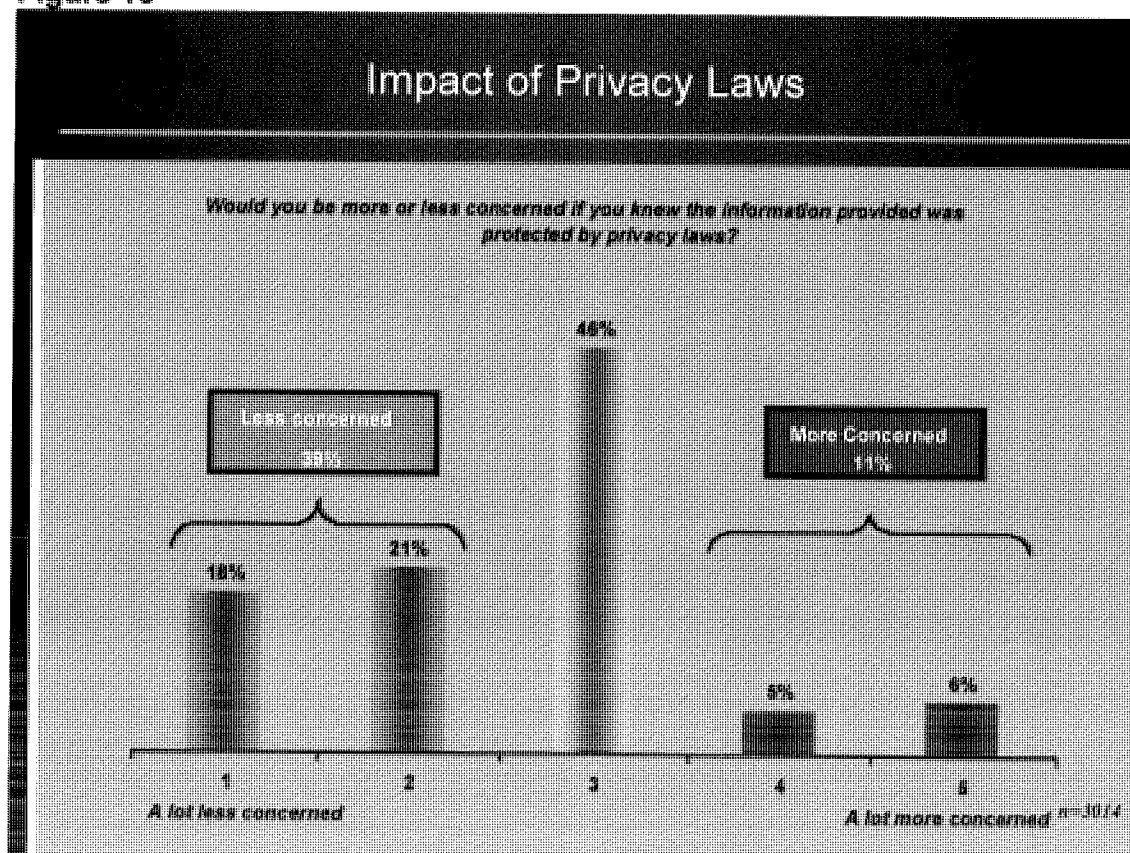


Figure 15



When asked if they would be more or less concerned if they knew the information provided was protected by privacy laws, most of those more concerned lessened their fears. Approximately one-in-ten (11%) still said they would still be more concerned about privacy but clearly the vast majority indicated they would be neither more nor less concerned.

Figure 16



## **8 Summary of Findings**

The Fall 2001 study of 3,014 (weighted total) firearm owners, aged 18 years of age and older, provides an estimate of the total number of firearms (all types combined) in the order of 7.92 million. There are 4.16 million rifles, 3.22 million shotguns, .49 million handguns, and .05 million "other" types of firearms held by the Canadian firearm-owning population.

The top three percent of firearm owners alone hold 15% of all firearms, or 1.14 million of that total. The mean number of firearms held by the top three percent of firearm owners amounts to 15.5 firearms per owner. As well, this group also owns just over one-third of all handguns. By contrast, the remaining 97% of the firearm-owning population hold an average of 2.74 firearms each, totalling 6.78 million.

The largest proportion of firearms can be found in the provinces of Ontario, Québec and British Columbia. On a per capita basis, however, the North, the Atlantic region, Saskatchewan and Manitoba have the highest ratios of firearms to residents.

Self-reported firearm usage continues to decline, even since the Fall of 2000 when a survey to estimate the number of firearm owners in Canada was undertaken. The percentage of those indicating that they never use their firearms or that they use them less than once a year had increased from 43% in 1999 to 56% in the Fall of 2000 and has increased again to 61% in the Fall of 2001.

The vast majority (78%) of firearm owners intend to keep their firearms. However, eight percent indicate they will get rid of or disable some/all of their firearms over the next two years.



## **Appendix A: Marginals**

**INTRO:**

Hello my name is ..... And I am calling from GPC Research in Ottawa, a national professional public opinion research company which has been hired by the Department of Justice to speak with a random sample of Canadians about a number of issues in the news. We are not selling anything but I would like to ask you some basic questions about a variety of issues. The survey will take less than 5 minutes to complete and all of your responses will be completely confidential. May I speak to a member of your household who is 18 years of age or older?

**3014**

Yes - Continue ..... 1      3014      100%

**Q2:**

Do you or does anyone in your household own a functioning firearm? (If multiple gun owners ask to speak with one who had the birthday last)

Yes - Continue ..... 3014 (Weighted N)  
No - Terminate ..... 18642 (Unweighted N)

**LANG (DO NOT ASK)**

Language of Respondent

English ..... 1  
French ..... 2

**SEX: (DO NOT ASK)**

**3014**

Gender of Respondent

Male ..... 1      2658      88%  
Female ..... 2      356      12%

**Q3:**

**3014**

Which of the following types of firearms do YOU personally own?  
(ACCEPT ALL RESPONSES)

Shotgun ..... 01      2151      71%  
Rifle ..... 02      2237      74%  
Handgun ..... 03      330      11%  
Other (specify) ..... 88      32      1%  
Refused (DO NOT READ) ..... 98      51      2%

**Q4A:**

**3014**

*PROBE: If 'don't know' probe for best estimate - "We are looking for your best estimate of the number of firearms you own. Can you please give me an exact number, instead of a range?"*

How many shotguns do you personally own?

0 .....	853	28%
1 .....	1160	39%
2 .....	547	18%
3 .....	221	7%
4 .....	76	3%
5+ .....	71	2%
Don't know .....	31	1%
Refused .....	55	2%
	999	
	998	

**Q4B:**

**3014**

*PROBE: If 'don't know' probe for best estimate - "We are looking for your best estimate of the number of firearms you own. Can you please give me an exact number, instead of a range?"*

How many rifles do you personally own?

0 .....	776	26%
1 .....	1062	35%
2 .....	585	19%
3 .....	235	8%
4 .....	121	4%
5+ .....	155	5%
Don't know .....	20	1%
Refused .....	60	2%
	999	
	998	

**Q4C:**

**3014**

*PROBE: If 'don't know' probe for best estimate - "We are looking for your best estimate of the number of firearms you own. Can you please give me an exact number, instead of a range?"*

How many handguns do you personally own?

0 .....	2680	89%
1 .....	180	6%
2 .....	70	4%
3 .....	20	
4 .....	19	
5+ .....	25	
Don't know .....	6	1%
Refused .....	14	
	999	
	998	

**Q4D:**

**3014**

*PROBE: If 'don't know' probe for best estimate - "We are looking for your best estimate of the number of firearms you own. Can you please give me an exact number, instead of a range?"*

How many <other types of firearms> do you personally own?

0 .....	2980	99%
1+ .....	34	1%
Don't know .....	0	0%
Refused .....	0	0%

**Q5:**

**3014**

How often have you used your firearm(s) in the last 12 months?

Everyday .....	13	0%
Once a week .....	71	2%
Once a month .....	106	4%
Several times a year .....	954	32%
Once a year .....	454	15%
Less than once a year .....	43	1%
Never .....	1359	45%
No response/ Don't know .....	9	0%
Refused .....	6	0%

**Q6:**

**3014**

What are the main reasons why you own a firearm? (MARK ALL THAT APPLY)

Hunting .....	2134	73%
Target shooting .....	392	13%
Collection .....	162	6%
Employment-related .....	30	1%
Protection (ie from animals etc) .....	157	5%
Pest control .....	231	8%
Other (specify) .....	354	12%
No response/ Don't know .....	9	0%
Refused .....	14	0%

**Q7:**

**3014**

Thinking ahead now to the next 2 years. Do you plan on ...

Getting rid of all your firearms .....	118	4%
Getting rid of some of your firearms .....	67	2%
Disabling all of your firearms .....	27	1%
Disabling some of your firearms .....	24	1%
Keeping all your firearms .....	2340	78%
Purchasing new firearms .....	294	10%
Or something else (specify) .....	43	1%
No response/ Don't know (DO NOT READ) .....	88	3%
Refused (DO NOT READ) .....	14	0%

**Q8:** **186**

You indicated that you will either get rid of some or all your firearms, how do you intend on doing this? Will you ...

Sell them .....	01	81	44%
Give them away.....	02	37	20%
Destroy them .....	03	12	6%
Disable them .....	04	2	1%
Ask the police to dispose of them .....	05	33	18%
Or something else (specify).....	88	9	5%
Don't know/ No response (DO NOT READ).....	99	10	5%
Refused (DO NOT READ) .....	98	3	2%

**Q9:** **3014**

Would you say you have more firearms, less firearms or about the same number of firearms today as you did five years ago?

More.....	1	394	13%
Less .....	2	277	9%
Same .....	3	2315	77%
Don't know/ No response .....	9	7	0%
Refused .....	8	20	1%

**Q10:** **3014**

How many individuals currently living in your household, including yourself, own a gun or firearm?

1 .....		2563	86%
2+ .....		358	12%
No response/ Don't know .....	99	46	1%
Refused .....	98	45	1%

**A3:** **3014**

When you register your firearm you will be asked to provide or verify some personal information such as your name, address, date of birth and telephone number. How concerned are you about the security of this information? Please use a 7-point scale where 1 means you are not at all concerned and 7 means you are very concerned.

1 - Not concerned at all.....	1	957	32%
2 .....	2	152	5%
3 .....	3	146	5%
4 .....	4	350	12%
5 .....	5	247	8%
6 .....	6	164	5%
7 - Very concerned.....	7	902	30%
Don't know .....	9	0	0%
Refused .....	8	0	0%

**A4:**

**3014**

Would you be more or less concerned if you knew the information provided was protected by privacy laws? (PROBE for the level of concern) (Note to Interviewer: privacy laws are both Federal and Provincial)

A lot less concerned .....	1	548	18%
A bit less concerned .....	2	635	21%
No change .....	3	1373	46%
A bit more concerned .....	4	138	5%
A lot more concerned .....	5	174	6%
Don't know .....	9	105	3%
Refused .....	8	42	1%

**S1:**

**3014**

**DEMOGRAPHIC SECTION**

Now I have a few questions for statistical purposes. May I remind you that all your answers will be kept strictly confidential. Which of the following age categories do you fall into?

18-24 .....	1	96	3%
25-29 .....	2	160	5%
30-34 .....	3	206	7%
35-39 .....	4	318	11%
40-44 .....	5	376	12%
45-49 .....	6	391	13%
50-54 .....	7	397	13%
55 or older .....	8	1029	34%
Refused .....	9	40	1%

**S2:**

**3014**

What is the highest level of education you have completed?

(PROMPT IF NECESSARY)

Less than high school .....	1	437	15%
High school .....	2	1089	36%
Some college .....	3	240	8%
College graduate .....	4	465	15%
Some university .....	5	149	5%
University graduate .....	6	345	11%
Post graduate degree (MA, PHD) .....	7	150	5%
Professional degree .....	8	84	3%
Refused .....	9	55	2%

**S3:**

**3014**

Are you an Aboriginal person (e.g., native Indian from a specific band, Inuit or Metis)?

Yes .....	1	14	5%
No/ Don't know .....	2	2832	94%
Refused .....	9	34	1%

**S4:**

**3014**

Which of the following categories best describes your total household income?  
Would you say that it is ... ?

Less than \$20,000 .....	1	228	8%
Between \$20,000 and \$40,000 .....	2	723	24%
Between \$40,000 and \$60,000 .....	3	746	25%
Between \$60,000 and \$80,000 .....	4	463	15%
Over \$80,000 .....	5	538	18%
Refused .....	8	269	9%
Don't know/ No response .....	9	46	2%

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**S5:**

**3014**

What is your current marital status (READ LIST?)

Single .....	1	349	12%
Married .....	2	1999	66%
Common-law .....	3	298	10%
Divorced .....	4	152	5%
Separated .....	5	76	3%
Widow/ Widower .....	6	86	3%
No response/ Don't know .....	9	9	3%
Refused .....	8	46	2%

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## **Appendix B: Final Call Dispositions**



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## FINAL CALL DISPOSITIONS

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Appendix B details the fully array of call results recorded in the fall 2001 Firearms Estimate Survey. The refusal rate of 38.9 per cent falls well within the norm for a survey of this length and scope. National surveys of 15 to 20 minutes usually have refusal rates between 50 and 55 percent. The lower refusal rate on this survey can probably be attributed to the short length of the study which respondents were informed of when they were initially contacted. Terminations or refusal part way through were also inline with industry norms for national surveys which typically average around .75 to one percent of the total calls made. Terminations part way through in the Fall 2001 survey were .6 per cent of the total calls made.

Apr 17/02 Final Call Disposition Report - Government Firearms Survey

LAST DIALING DISPOSITION		Total	Percent
CO	Yes	3011	4.0
***	Total Completes	3011	4.0
MR	Refusal Part Way Through	410	0.5
BL	Refusal due to Birthday Last	38	0.1
***	Total Terminations	448	0.6
RB	Household Refusal	187	0.2
SR	Soft Refusal	16525	22.0
HR	Hard Refusal	2101	2.8
FR	Final Refusal	170	0.2
DU	Does Not Accept Unidentified Calls	197	0.2
***	Total Refusals	19204	25.4
DA	No one 19 years of age or older	315	0.4
CF	Complete but Non-Firearm Owner	18642	24.9
***	Total Disqualified	18957	25.3
QF	Over Quota	20	0.0
***	Total Over Quota	20	0.0
LE	Language Barrier – not English or French	1340	1.8
IL	Illness/ Incapable/ Deaf	670	0.9
***	Total Language	2010	2.7
NV	Eligible Respondent Not Available	324	0.4
AB	Stop	1	0.0
CL	Specified Appointment	450	0.6
GC	General Appointment	7821	10.4
GF	General Callback to Firearm Owning House	126	0.2
SF	Respondent to be called back in French	63	0.1
SE	Respondent to be called back in English	158	0.2
***	Total Callbacks	8943	11.9
BU	Busy	558	0.7
NA	No Answer	5072	6.8

*Fall 2001 Estimate of Firearms in Canada*

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AM	Answering Machine	4529	6.0
***	Total No Answers	10159	13.5
NI	Disconnected – Not in service	8938	11.9
NR	Business Number	1244	1.7
FM	Fax modem Number	1509	2.0
DN	Duplicate Number	65	0.1
WN	Wrong Number	167	0.2
PI	No incoming calls	46	0.1
***	Total Not In Service	11969	16.0
ME	Mechanical Error	265	0.4
***	Total Other	265	0.4
***	Total	74989	100

**FINAL CALL DISPOSITIONS**

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Total Contacts = Callbacks + Refusals + Terminations + DQ's + Language + Comps  
 52573 = 8943 + 19204 + 448 + 18957 + 2010 + 3011 - Total  
 33931 = 8943 + 19204 + 448 + 315 + 2010 + 3011 -  
 Without Non-Firearm Owners

Language as % of total contacts = (language/ total contacts) \* 100  
 3.82 = (2010 / 52573) \* 100 - Total  
 5.92 = (2010 / 33931) \* 100 - Without Non-Firearm Owners

Refusal Rate based on Total Contacts = (Refusals + Terminations) / Tot Contacts \* 100  
 37.4 = ( 19204 + 448 ) / 52573 \* 100 - Total  
 57.9 = ( 19204 + 448 ) / 33931 \* 100 -  
 Without Non-Firearm Owners

Refusal Rate based on Contacts in Frames = (Refusals + Terminations) / Contacts in Frame \*100  
 38.9 = (19204 + 448) / 50563 \* 100- Total  
 61.6 = (19204 + 448) / 31921 \* 100-  
 Without Non-Firearm Owners

Incidence = (Comps + Terms + OverQ's) / (Comps + Terms + DQ's + OverQ's) \* 100  
 15.5 = ( 3011 + 448 + 20 ) / (3011 + 448 + 18957+ 20 ) \* 100 - Total  
 91.7 = ( 3011 + 448 + 20 ) / (3011 + 448 + 315 + 20 ) \* 100 -  
 Without Non-Firearm Owners

## **Appendix C: Distribution of Firearms by Type**

**How many shotguns do you personally own?**

		Frequency	Percent
Valid	0	906	30.1
	1	1176	39.1
	2	517	17.2
	3	205	6.8
	4	61	2.0
	5	21	.7
	6	15	.5
	7	4	.1
	8	4	.1
	9	2	.1
	10	1	.0
	11	1	.0
	12	4	.1
	13	1	.0
	15	2	.1
	20	1	.0
	34	1	.0
	201	1	.0
	Total	2924	97.1
Missing	998 Refused	55	1.8
	999 Don't know	35	1.1
	Total	90	2.9
Total		3014	100.0

<b>Mean</b>	<b>1.31</b>
<b>Mode</b>	<b>1.00</b>
<b>Median</b>	<b>1.00</b>

**How many rifles do you personally own?**

		Frequency	Percent
Valid	0	664	22.1
	1	1082	35.9
	2	612	20.3
	3	264	8.8
	4	122	4.1
	5	63	2.1
	6	40	1.3
	7	18	.6
	8	16	.5
	9	8	.3
	10	7	.2
	11	3	.1
	12	8	.3
	13	2	.1
	15	1	.0
	18	1	.0
	20	3	.1
	27	1	.0
	30	2	.1
	35	2	.1
	302	1	.0
	Total	2920	97.0
Missing	998 Refused	68	2.3
	999 Don't know	26	.8
	Total	94	3.0
Total		3014	100.0

<b>Mean</b>	<b>1.69</b>
<b>Mode</b>	<b>1.00</b>
<b>Median</b>	<b>1.00</b>

**How many handguns do you personally own?**

		Frequency	Percent
Valid	0	2659	88.3
	1	186	6.2
	2	75	2.5
	3	21	.7
	4	22	.7
	5	13	.4
	6	7	.2
	7	1	.0
	8	4	.1
	10	1	.0
	22	1	.0
	Total	2989	99.3
Missing	998 Refused	15	.5
	999 Don't know	9	.2
	Total	24	.7
Total		3014	100.0

<b>Mean</b>	<b>0.2</b>
<b>Mode</b>	<b>0.00</b>
<b>Median</b>	<b>0.00</b>

**How many <other types of firearms> do you personally own?**

		Frequency	Percent
Valid	0	2979	98.9
	1	22	.7
	2	7	.2
	3	1	.0
	5	1	.0
	Total	3010	100.0
Missing	999 Don't know	4	.0
Total		3014	100.0

<b>Mean</b>	<b>0.02</b>
<b>Mode</b>	<b>0.00</b>
<b>Median</b>	<b>0.00</b>

## **Appendix D: Explanation of Weighting Scheme**

	A	B	C	D	E	F	G
Region	Firearm Owning Pop.	Firearm Owning Households <sup>2</sup>		Urban/Rural split within Region weighted to Population		Target Weights for Analysis	
		Urban	Rural	Urban	Rural	Urban	Rural
BC	12.0%	13%	24%	66%	34%	7.9%	4.1%
AB	9.2%	13%	33%	58%	42%	5.3%	3.8%
SK	4.7%	16%	41%	58%	42%	2.7%	2.0%
MB	4.7%	14%	37%	57%	43%	2.7%	2.0%
ON	28.7%	11%	30%	57%	43%	16.2%	12.5%
QC	28.3%	15%	30%	64%	36%	18.1%	10.2%
ATL	11.6%	21%	35%	68%	32%	7.9%	3.7%
Y/T	1.0%	31%	50%	69%	31%	0.7%	0.3%
<b>Total</b>	100%	13%	30%	61%	39%	61%	39%

Unweighted sample = 3011

Weighted sample = 3014

Weighted to represent Urban/Rural split of 78%/22%

Sample Calculation:

**British Columbia:**

- 12% of firearm owners live in BC – Column A
- 13% of firearm owning households are urban (B) and 24% are rural (C)
- Weight urban and rural percentages by 78%/22% split to get 10% urban (Column B X 0.78) and 5.3% rural (Column C X 0.22).
- Within region split for 10% urban and 5.3% rural equals 66%/34% urban/rural (D and E)
- 66% of firearm owning population in BC is urban or 7.9% of total (A X D) and 34% is rural or 4.1% of total (A X E)

<sup>2</sup> Fall 2000 Estimate of Firearms Ownership Survey: Figure 2 – page 11



## **Appendix E: Margin of Error and the impact of “gun collectors” on the Estimate of the Number of Firearms**

### **Margin of Error**

The margin of error associated with each type of firearm is listed in the table below. The mean number of firearms owned by each firearm owning individual is 3.22. The 95% confidence interval associated with this number is +/- 0.27.

The estimated number of firearms is 7.92 million. This number is derived from multiplying the mean number of firearms (3.22) by the number of firearm owning households (2.46). The 95% confidence interval around this estimate is 7.26 million to 8.58 million firearms.

**Table E1**

	Mean	Sample Size	SQRT n	Standard Deviation	Standard Error	95% Conf. Limits	
						Lower	Upper
Shotguns	1.31	2926	54.0925	3.24	0.0599	1.19	1.43
Rifles	1.69	2933	54.1572	6.621	0.1223	1.45	1.93
Handguns	0.2	2993	54.7083	0.857	0.0157	0.17	0.23
Other Firearms	0.02	3014	54.8999	0.169	0.0031	0.01	0.03
Total	3.22	3014	54.8999	7.54988	0.1375	2.95	3.49

	Mean	95% Conf. Limits		Firearms Estimate	Number of Firearms	
		Lower	Upper		Lower	Upper
Shotguns	1.31	1.19	1.43	3.22	2.93	3.51
Rifles	1.69	1.45	1.93	4.16	3.57	4.75
Handguns	0.2	0.17	0.23	0.49	0.42	0.57
Other Firearms	0.02	0.01	0.03	0.05	0.03	0.06
Total	3.22	2.95	3.49	7.92	7.26	8.58

## Impact of "Gun Collectors"

Some respondents in the sample of 3014 had more firearms than expected in a normal distribution (These individuals z-score was more than 25 standard deviations from the mean score). These firearm owners were no doubt "gun collectors" and impacted the mean score used to calculate the total number of firearms in Canada. Three individuals, one who owned 201 shotguns, one who owned 302 rifles, and another who owned 22 handguns, were removed from the sample to determine the impact.

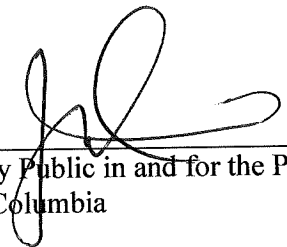
When these individuals are removed the mean number of firearms drops from 3.22 to 3.04. The associated estimate of total firearms also drops from 7.92 million to 7.46 million. As well, the 95% confidence interval associated with this new mean of 3.04 is +/- 0.06.

**Table E2**

	Mean	Sample Size	SQRT n	Standard Deviation	Standard Error	95% Conf. Limits	
						Lower	Upper
Shotguns	1.27	3014	54.8999	1.449	0.0264	1.22	1.32
Rifles	1.55	3014	54.8999	1.946	0.0354	1.48	1.62
Handguns	0.20	3014	54.8999	0.743	0.0135	0.17	0.22
Other Firearms	0.02	3014	54.8999	0.169	0.0031	0.01	0.02
<b>Total</b>	<b>3.04</b>	<b>3014</b>	<b>54.8999</b>	<b>3.08</b>	<b>0.0561</b>	<b>2.93</b>	<b>3.15</b>

	Mean	95% Conf. Limits		Firearms Estimate	Number of Firearms	
		Lower	Upper		Lower	Upper
Shotguns	1.27	1.22	1.32	3.12	3.00	3.25
Rifles	1.55	1.48	1.62	3.81	3.64	3.98
Handguns	0.20	0.17	0.22	0.48	0.42	0.55
Other Firearms	0.02	0.01	0.02	0.04	0.02	0.05
<b>Total</b>	<b>3.04</b>	<b>2.93</b>	<b>3.15</b>	<b>7.46</b>	<b>7.21</b>	<b>7.75</b>

This is **Exhibit "G"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

# Gary Mauser: Target sports teach young people to accept personal responsibility

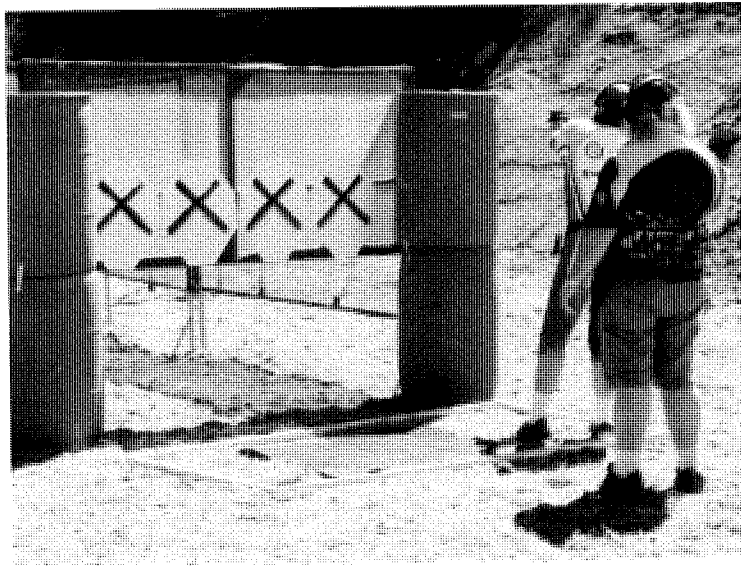


**GARY MAUSER**  
[More from Gary Mauser](#)

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**Op-Ed**



Target sports offer a wonderful opportunity for preteens and young adults to take serious steps toward maturity. **NICK PROCAYLO / PROVINCE**

**OPINION:** Condemnation of guns is a war on traditional cultural values, particularly the importance of fathers in teaching self-discipline and self-respect.

Recent shootings in Texas have rekindled Canadian support for further restrictions on gun owners.

Some physicians even think that guns are too dangerous to have at home and assume “gun safety” means avoiding guns entirely. Such an approach may protect very young children but it ignores an important part of parenting, which is to teach children to master challenges and thereby learn self-confidence.

The condemnation of guns is really a war on traditional cultural values, particularly the importance of fathers in teaching children self-discipline and self-respect.

## What should parents do?

Parents must do more than just protect children from danger. Parents have the responsibility to teach children how to handle challenging, even dangerous, tasks. This is true for preschool children through young adults. Parents should help children master complex skills so they gain confidence in their ability to face challenges as they grow. Self-respect

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can be gained by learning how to tie one's own shoe laces, wash dishes, learn to swim and, when they're old enough, by learning how to handle knives and firearms properly.

Target sports offer a wonderful opportunity for preteens and young adults to take serious steps toward maturity. Learning how to handle firearms safely confers important benefits beyond being able to hit a target, without "shooting your eye out." Teaching young people how to shoot is a great way to help preteens and adolescents to learn discipline, responsibility and self-respect.

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STORY CONTINUES BELOW

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screening protocol | The Province

VANCOUVER WEATHER

14°C

Clear  
Feels like 13°C



Saturday	18°
Sunday	19°
Monday	20°
Tuesday	20°

*More Weather*

Almost all Canadians who own firearms do so to hunt or shoot targets. More than two million Canadian civilians — men and women — own and use firearms every day in a safe and responsible manner. Hunters use firearms for putting food on the family table; many families enjoy target shooting; farmers and orchardists rely upon firearms to protect their livestock, crops and other property from predators; and, many households find firearms useful for protection against predators and criminals.

## Shooting and martial arts

The shooting sports should be considered part of the martial arts.

Many parents enrol their preteens or adolescents in martial arts classes in order to teach them life skills as well as for the physical exercise. Some take up a martial art because they were bullied, but they soon discover that the martial arts include more than self-defence skills. They constitute a philosophical lifestyle. Rather than promoting violence, involvement in martial arts promotes virtue as an essential part of a healthy life. Martial arts teaches young people how to properly channel aggression, respect for rules, politeness in dealing with others and self-discipline. Part of the challenges faced by adolescents is to learn how to deal with frustration and anger that everyone encounters in the world. Research suggests that involvement in martial arts reduces violent or aggressive behaviour.

This also is the case for teens involved in the shooting sports.

Learning to handle firearms safely, whether taught by a family member, or through joining a respectable community organization (Cadets, Boy Scouts, a local gun club, an independent firm or a 4H club), allows a young person to learn self-respect, self-control, confidence and courtesy — skills that are much more important than merely knowing how to hit a target. Generations of young people have learned to accept personal responsibility through being taught how to handle firearms. A classic study in Rochester, N.Y., found that high school students whose parents had taught them to shoot had fewer delinquency problems than their peers.

## To sum up

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focus on protection ignores the importance of teaching children how to handle challenging, even dangerous tasks. Gun bans and “gun free” zones are not sufficient to solve the problem of “gun violence.”

Instead of the “nanny state,” we should encourage responsible parenting and traditional family values. Schools should encourage routine gun-safety training and marksmanship, so people young and old develop a proper respect for firearms, as Canadian schools used to do. Such an approach would increase opportunity for healthy growth and promote responsible citizenship.

*(Editor's note: Children must be 12 years old to acquire a firearms licence and must complete the Canadian Firearms Safety Course. A licence is not mandatory. Children under 12 may obtain a licence if their Chief Firearms Officer (CFO) determines they need to hunt or trap to sustain themselves or their family. General information here, some local and provincial restrictions may apply)*

*Gary Mauser is a professor emeritus in the Beedie School of Business at Simon Fraser University, a hunter and chair of the firearms committee of the B.C. Wildlife Federation.*

*Letters to the editor should be sent to [provletters@theprovince.com](mailto:provletters@theprovince.com). The editorial pages editor is Gordon Clark, who can be reached at [gclark@postmedia.com](mailto:gclark@postmedia.com).*

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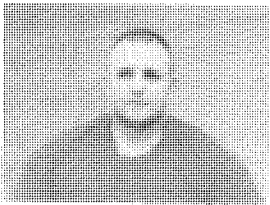
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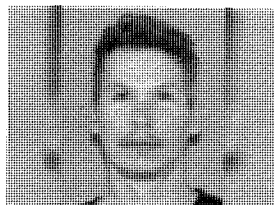
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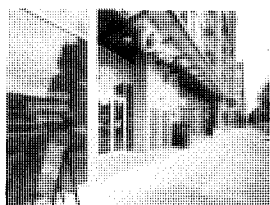
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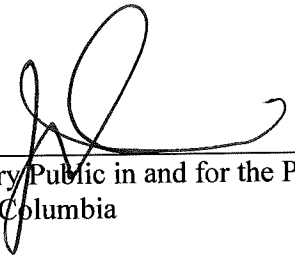
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This is **Exhibit "H"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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A Notary Public in and for the Province of  
British Columbia

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21 April 2004

Mr. Garry Breitkreuz, M.P.  
Room 452-D  
Centre Block  
House of Commons  
Ottawa

Dear Mr. Breitkreuz:

Further to your request, enclosed is a paper entitled *The Perceived Benefits of Firearms Ownership*.

Should you require further information on this or any other subject, please do not hesitate to contact the Parliamentary Research Branch.

Yours sincerely,

Antony G. Jackson  
Economics Division  
Parliamentary Research Branch

AGJ/fg

Encl.

# **THE PERCEIVED BENEFITS OF FIREARMS OWNERSHIP**

**Lyne Casavant**  
**Political and Social Affairs Division**

**Antony G. Jackson**  
**Economics Division**

**2 April 2004**



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## **THE PERCEIVED BENEFITS OF FIREARMS OWNERSHIP**

### **INTRODUCTION**

There is common agreement in the available literature that firearms, like many other products, have both legitimate and illegitimate uses, with both desirable and undesirable consequences.

The literature is less clear, however, with regard to any potential or perceived benefits of firearms ownership. For some, the benefits of gun ownership are limited strictly to recreational activities, such as hunting and target shooting. Others believe that the private and public ownership of firearms can benefit individuals as well as society in many different ways such as:

- contributing to the economy and wildlife management;
- creating a sense of security;
- allowing people to defend themselves, another person or their property from human or animal attacks; and
- deterring criminal activity.

This document provides an inventory of the perceived individual, societal and economic benefits of gun ownership for Canadians, as discussed in the relevant literature on gun ownership.<sup>(1)</sup> Each perceived benefit is analyzed briefly on the basis of the available data and documentation.

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(1) This paper does not attempt to determine the “net benefits” of gun ownership, as that would require an evaluation of the costs as well as the benefits of gun ownership to both individuals and society.

## INDIVIDUAL BENEFITS

There is little doubt that a great number of Canadians see benefits to owning firearms. Depending on the source used, estimates suggest that there are between 3 and 7 million civilian gun owners in Canada, who own somewhere between 7 and 21 million firearms.<sup>(2)</sup> Public surveys conducted over the past two decades also reveal that between one-fifth and one-third of all Canadian households possess at least one firearm, and that 3-7% of all households own at least one handgun.<sup>(3)</sup>

According to McClurg, Kopel and Denning,<sup>(4)</sup> the immediate benefits of gun ownership to individuals fall into two basic categories: recreational uses and personal defence. These categories are discussed below.

### A. Recreational Uses

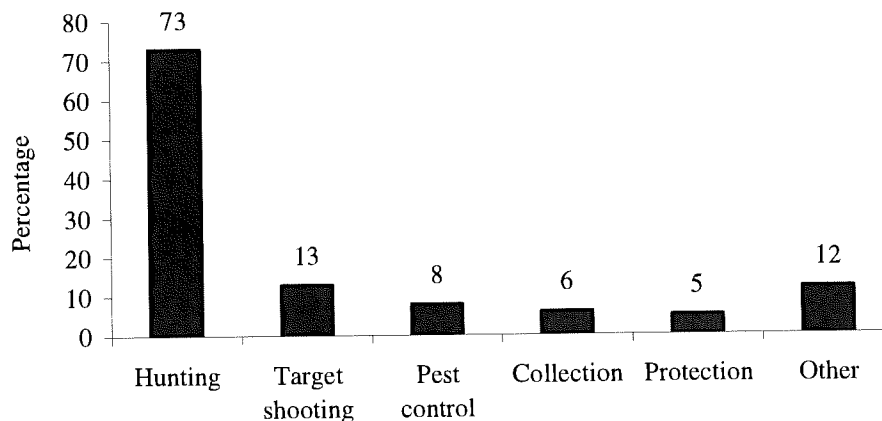
Every year, millions of Canadian gun owners use their firearms “to pursue their recreational shooting lifestyle and their cultural hunting heritage.”<sup>(5)</sup> In public surveys, however, close to three-quarters of Canadian gun owners have consistently identified hunting as the main reason for owning a gun. These results were confirmed recently by a survey undertaken by GPC Research for the Canadian Firearms Centre.<sup>(6)</sup> According to this survey, the vast majority of

- 
- (2) Estimates of the number of gun owners and the number of firearms owned by private individuals in Canada vary enormously. For example, according to GPC Research, *Fall 2001 Estimate of Firearms in Canada*, Research for the Canadian Firearms Centre, 2002, and Thomas Gabor, *The Impact of the Availability of Firearms on Violent Crime, Suicide and Accidental Death: A Review of the Literature With Special Reference to the Canadian Situation*, Working Document, Ottawa, 1997, Canadians own between 7 and 7.5 million firearms; but according to the Canadian Shooting Sports Association, they own between 15 and 20 million firearms (see its Web site at: [www.cdnshootingsports.org](http://www.cdnshootingsports.org)).
- (3) Sources: Canadian Firearms Centre, *Focus on Firearms*, Ottawa, 1999; Angus Reid Group, *Firearm Ownership in Canada*, Technical Report TR1991-8a, Department of Justice Canada, Ottawa, 1991; G. A. Mauser, *Armed Self Defense: the Canadian Case*, Discussion Paper from the Faculty of Business administration, Simon Fraser University, 1996 (a revised version of this paper was subsequently published in the *Journal of Criminal Justice*; see “Selected References” at the end of this document); G. A. Mauser, *Is There a Need for Armed Self-Defence in Canada?* Presentation at the annual meeting of the Canadian Law and Society Association, Calgary, Alberta, April 1994; Insight Canada Research polls, 1992, 1993 and 1994; GPC Research, *Fall 2000 Estimate of Firearms Ownership*, Research for the Canadian Firearms Centre, January 2001.
- (4) Andrew J. McClurg, David B. Kopel and Brannon P. Denning, eds., *Gun Control and Gun Rights*, New York University Press, New York, 2002.
- (5) Canadian Institute for Legislative Action, *Firearms: A Net Benefit to Canadian Society*, Research Report prepared for the Canadian Shooting Sports Association (available at: [www.cdnshootingsports.org](http://www.cdnshootingsports.org)).
- (6) GPC Research (2002).

respondents stated that they acquired their firearm(s) primarily for hunting, followed by target shooting, pest control, collecting and self-protection. (See Figure 1, below.)

**Figure 1**

**Purpose of Firearm Ownership**



Source: GPC Research, *Fall 2001 Estimate of Firearms in Canada*.

As indicated above, in fall 2001, nearly three-quarters of all Canadian firearms owners reported using their weapons primarily for hunting purposes. This is not surprising, given that hunting has a long history in Canada. In fact, in every year since 1999, more than 1,650,000 Canadians have purchased a hunting licence.<sup>(7)</sup> These people hunt for a range of reasons, ranging from subsistence, wildlife conservation and protection of property to training, recreation and prestige.

It can also be from Figure 1 that target shooting ranked well below hunting as the second most popular activity for gun owners in Canada. It is important to point out, however, that these data reflect the *primary* reason for acquiring a firearm. In practice, surveys have consistently revealed that the intended uses of firearms often overlap. For example, a person who uses a shotgun for skeet shooting may also enjoy building a collection at the same time;

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(7) In the 1999-2000 fiscal year, 1,785,456 Canadians held hunting licences, compared to 1,678,211 in 2000-2001 and 1,672,392 in 2001-2002. (See data compiled by the Library of Parliament, August 2002, available on-line at: <http://www.garrybreitkreuz.com>).



similarly, a person who uses a rifle for hunting may also view it as a weapon to be used for personal protection at home or in the wilderness.<sup>(8)</sup>

## **B. Personal Defence**

The use of firearms for self-protection or the protection of property is a key element of the gun debate. As McClurg, Kopel and Denning note:

On the one hand, if guns are recognized as validly possessed for purposes of self-defense, some types of gun control, including gun prohibition or other measures that significantly restrict the availability of guns, are logically precluded. On the other hand, if a right to possess guns for self-defense is denied, virtually all avenues of gun control are at least open for consideration ...<sup>(9)</sup>

Even if not discharged, firearms can be useful tools for protecting oneself, another person or property from animals and human attacks, both in the home and elsewhere (e.g., in the wilderness). Having a firearm can also make some people feel safer. American studies have suggested that “most defensive gun owners feel safer, and most also believe they are safer because they have a gun.”<sup>(10)</sup> For these people, owning a gun represents a major benefit.

Nonetheless, the protective benefits of gun ownership are considered controversial by several researchers and are extremely difficult to quantify, especially when it comes to their defensive use against human attacks. Yvon Dandurand notes, for example, that “[f]ew questions in the firearms research literature are as controversial as those relating to individuals who own firearms to protect themselves or to prevent crime.”<sup>(11)</sup> There are ongoing disputes among researchers over the frequency of firearm use for protection as well as the effectiveness of firearms use for self-protection. Are guns effective in warding off criminals? Do they increase or decrease the risk of injuries for the victims and their families? On these and

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(8) Gary A. Mauser and Taylor Buckner, *Canadian Attitudes Toward Gun Control: The Real Story*, Mackenzie Institute Occasional Paper, Toronto, February 1997.

(9) McClurg, Kopel and Denning (2002), p. 3.

(10) Gary Kleck, *Guns and Violence: A Summary of the Field*, Prepared for the 1991 annual meeting of the American Political Science Association, Washington, 29 August through 1 September 1991, p. 5.

(11) Yvon Dandurand, *Firearms, Accidental Deaths, Suicides and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation*, Canadian Firearms Centre, Department of Justice Canada, September 1998, p. 51.

other matters, views and findings vary considerably. Some believe, for example, that people are safer without firearms since firearms tend to increase the risk of injuries, whereas others contend that guns can successfully ward off criminals and protect individuals as well as their property.

## **1. Canadian Data on Self-protective Uses of Firearms**

Most research on the personal benefits of gun ownership has been conducted in the United States. Given the constitutional, social, cultural and historical differences between the United States and Canada, it is very difficult to apply relevant American findings to the Canadian context.<sup>(12)</sup>

### **a. Number of Incidents Involving Defensive Gun Use**

To date, Gary A. Mauser, a professor in the Faculty of Business Administration at Simon Fraser University, is the only researcher to have published data on the defensive use of guns by Canadians.<sup>(13)</sup> On the basis of three telephone surveys of the general public, Mauser estimates that Canadians use firearms to protect themselves, their families or their property against human threats between 19,300 and 37,500 times each year. Furthermore, he estimates

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(12) The use of a firearm for self-defence or the defence of property is not prohibited in Canada or in the United States. However, the use of a firearm in those circumstances poses a particular challenge in Canada due to the principle of proportionality between the assault/threat and the response. Sections 34 to 42 of the *Criminal Code* (R.S.C. 1985, c. C-46) set out the conditions under which a person is justified in using force against another person, either in self-defence or in the defence of property, without being held criminally liable. The most important conditions included in the *Criminal Code* are that the force used must be proportionate to the assault, and only the use of reasonable force is justified. Since firearms are lethal weapons, the justified use of firearms is therefore quite limited. The *Criminal Code* requirements also state that the person claiming that he (or she) acted in self-defence or defence of property must not have violated Canadian gun laws, such as by being in illegal possession of a firearm or in violation of safe storage regulations at the time of the incident.

The protective use of a firearm is also more limited in Canada, due to our firearms legislation, which rejects the argument that citizens should be able to carry guns for general self-protection against dangers present in our society. Unlike the situation in many states, it is illegal to carry a handgun in self-defence in Canada except in limited circumstances. Although laws are not uniform across the United States because most legislation is enacted at the state or local level, laws allowing the carriage of concealed weapons for self-defence and the defence of property have become very popular. More than 33 states have enacted such laws, which suggests that “self-defence or defence of property is more likely to be accepted as a justification in the use of lethal force [in the United States] than in Canada” (Gabor, 1997). Moreover, unlike U.S. practices, Canadian safe storage regulations also limit the availability of firearms for use in self-defence or the defence of property, by requiring all firearms to be put under lock and key and unloaded when stored.

(13) Mauses (1996).

the defensive use of firearms by Canadians to repel animal threats to be between 36,200 and 52,500 annually.<sup>(14)</sup> On the basis of these findings, Mauser believes that:

Since firearms are used in Canada around 66,000 times each year to defend against either human or animal threats, and more importantly, approximately 30,000 times annually to protect against criminal violence, this implies that the private ownership of firearms contributes significantly to public safety.

He further notes that:

It is unknown how many lives are actually saved, but if a life were saved in only 5 percent of these incidents, then the private ownership of firearms would save more than 3,300 lives annually in Canada. To put this in perspective, it should be noted that firearms are involved in the deaths of around 1,400 people annually in Canada (about 1,100 of these are suicides).

While the exact number may be debatable, the results of these three survey studies makes it plausible that the private ownership of firearms saves some Canadian lives.<sup>(15)</sup>

Mauser's findings remain somewhat inconclusive and controversial, partly because of theoretical and methodological challenges. The shortcomings of his study are discussed at length in the literature, and include the vulnerability of the estimate due to the sample size, the question used in his surveys, and the ambiguity of the term "self-defence."<sup>(16)</sup>

## **b. Reliance on Firearms for Protection**

Data from surveys on Canadian firearm ownership and use reveal that Canadians rely far less on firearms for protection than Americans. In a study conducted in 2001 (see

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(14) According to Mauser, "[w]hether or not the fear of animal attacks is exaggerated, animal attacks do pose a real problem, at least in Western Canada. In B.C. alone, 2 people are killed annually by bears. There are about 7,000 complaints about problem bears, and about 1,000 bears are destroyed or relocated annually. Cougars pose less of a problem, but there are hundreds of problem cougars reported each year. While it is rare for humans to be killed by cougars, two people were killed in the past two years [from 1993 to 1995]." BC Wildlife Branch, cited in Gary A. Mauser, "Do Canadians Use Firearms in Self-protection?" *Canadian Journal of Criminology*, Vol. 37, October 1995, p. 560.

(15) Gary A. Mauser, "Armed Self-Defense: the Canadian Case," *Journal of Criminal Justice*, Vol. 24, Issue 5, 1996, pp. 392-406.

(16) For more information, see Thomas Gabor, "Canadians Rarely Use Firearms for Self-protection," *Canadian Journal of Criminology*, Vol. 38, No. 2, April 1996.

Figure 1), just 5% of Canadians cited protection against animal and/or human threats as the primary reason for gun ownership. This finding confirms the estimates of two other Canadian surveys conducted in the 1980s and 1990s, but exceeds the findings of a 1991 survey which concluded that just 1% of all Canadian gun owners relied on their firearms for such reasons.<sup>(17)</sup> In contrast, American studies show that between 22% and 38% of American gun owners purchase their guns for protection against crime.<sup>(18)</sup> The figure for handgun owners is even higher, at 65%.<sup>(19)</sup> Given that these estimates often do not take into account the defensive uses of guns against animal threats, it could be argued that the gap between Canada and the United States with regard to reasons for gun ownership is even greater.

Our limited reliance on firearms for protection may reflect “cultural differences” engendered by our respective historical development. Firearms have played a more important role in American history than in Canada and are more part of the U.S. heritage. They played a key role in early American history, in the American Revolution and in the settlement of the western frontier. Militias were formed to protect states, and individuals kept firearms for personal protection, because there was less reliance on governments to provide protection than in Canada.

Crime levels in both countries may also explain Canadians’ lesser reliance on guns for protection. Over time, high levels of crime in the United States have probably fuelled fear and a perceived need to obtain a firearm for defensive purposes. As Mauser notes: “If one estimates that the probability of having to use a firearm to defend oneself is quite high, a resident of any country may conclude that the potential benefits of firearm ownership would outweigh the inherent dangers.” Conversely, it appears that crime levels in Canada have not, to date, triggered a perceived need for firearms to protect oneself against crime.<sup>(20)</sup>

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(17) P. Stenning and S. Moyer, *Firearm Ownership and Use in Canada: A Report of Survey Findings*, University of Toronto, Centre of Criminology, Toronto, 1981 (5%); Mauser (1994) (5%); Angus Reid Group (1991) (1%). These results are reported in Gabor (1997).

(18) Mauser (1994); David Hemenway, S. J. Solnick and D. R. Azrael, “Firearms and Community Feelings of Safety,” *Journal of Criminal Law and Criminology*, Vol. 86, No. 1, Fall 1995, p. 121; and Arthur L. Kellerman and Philip J. Cook, “Armed and Dangerous: Guns in American Homes,” in *Lethal Imagination: Violence and Brutality in American History*, ed. M. A. Bellesiles, New York University Press, New York, 1999.

(19) National Opinion Research Center, *1998 National Gun Policy Survey*.

(20) Gary A. Mauser, “A Comparison of Canadian and American Attitudes Towards Firearms,” *Canadian Journal of Criminology*, Vol. 32, No. 4, October 1990, p. 573.

## 2. The Benefits of Using a Gun for Self-defence

Gun control advocates typically argue that firearm ownership can increase the risk of injury to the victim(s) and their families (particularly when the weapon is turned against its owner during a confrontation with an assailant) and does not necessarily prevent the commission of a crime. They also argue that firearm ownership may hold substantial risks for the owner and his or her family, due for example to mishandling, family violence or suicide. As Gary Kleck explains, this line of thinking is typically founded on one or more of the following beliefs:

- (1) civilians do not need any self-protective devices, because they will never confront criminals, or at least will never do so while they have access to a gun, or;
- (2) they can rely on the police for protection, or;
- (3) they are not able to use their guns effectively, regardless of need.<sup>(21)</sup>

Kleck challenges this mindset. While he agrees that most Americans will not face a threat of serious physical assault during their lives, he also notes that evidence from the National Crime Survey indicates that most Americans (83%) will, at some time “over the span of their lives, be a victim of a violent crime, all of which by definition involve direct confrontation with a criminal.”<sup>(22)</sup> He further argues that these incidents will most likely occur in or near the victim’s home, “the place where victims would be most likely to have access to a gun if they owned one.”<sup>(23)</sup>

With regard to the belief that one can rely on the police for protection, he argues that citizens cannot depend on police; in fact, studies have shown that police usually respond to crimes after they have occurred.

As for the notion that owners are not able to use their guns effectively, he contends that this belief is based on studies that allowed for the use of any weapon (gun or otherwise) to resist an assailant. Therefore, he believes that although evidence “supports this

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(21) Gary Kleck, *Point Blank: Guns and Violence in America*, Aldine de Gruyter, Hawthorne, N.Y. 1991, p. 121.

(22) *Ibid.*

(23) *Ibid.*

position as it applies to some forms of resistance, it does not support the claim as it applies to resistance with a gun.”<sup>(24)</sup>

That being said, in his review of the literature for the Canadian Firearms Centre, Yvon Dandurand<sup>(25)</sup> notes that American studies have consistently indicated that victims of robberies and burglaries who resist with a firearm are less likely than other victims to lose their property and less likely to be injured than those who do not resist or who do so without a weapon.<sup>(26)</sup> Based on these findings, several authors, including Mauser, have suggested that restrictions on firearm ownership prevent some victims from successfully defending themselves and their property and, as a result, place the lives of a number of law-abiding citizens at risk.

To sum up: there is no clear answer in the literature as to the effectiveness of firearms for the purposes of protection. Although some commentators have used statistical data such as those presented above to argue for the value of firearms in self-defence, further research is required to determine the measurable benefits of gun ownership in such circumstances. As Albert Reiss and Jeffrey Roth note,<sup>(27)</sup> in order to be conclusive, these studies (as well as those dealing with crimes such as physical and sexual assault) would have to look at “comparisons of situational dynamics in events in which gun owning victims did and did not use their guns in self-defence.”

## **SOCIETAL BENEFITS OF FIREARMS OWNERSHIP**

It has been argued in the literature that society also benefits from civilian and public firearm ownership. This section discusses some of the perceived benefits.

### **A. Deterrent Effect of Civilian Gun Ownership**

Whether criminals are deterred from committing crimes because they fear being shot by armed citizens is greatly disputed in the American literature. According to some, widespread gun ownership helps deter crime. In fact, some commentators claim that even people

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(24) *Ibid.*, p. 123.

(25) Dandurand (1998), p. 58.

(26) Kleck (1991).

(27) Albert J. Reiss and Jeffrey A. Roth, “Understanding and Preventing Violence,” in Lee Nisbet, ed., *The Gun Control Debate: You Decide*, Prometheus Books, New York, 2001, p. 199.

who do not own guns benefit from others' gun ownership, since criminals do not know which homes have a gun or which person on the street may be carrying a concealed gun. Others, however, believe that more gun ownership simply adds to the existing problem (i.e., the number of homicides, violent crimes, suicides and fatal accidents).

Research findings in this area are at least as controversial and inconclusive as those concerning the use of firearms for self-defence. Indeed, in his literature review for the Canadian Firearms Centre, Dandurand concludes that existing research fails to support any firm conclusions as to the deterrent effects of civilian gun ownership.<sup>(28)</sup>

As noted by Gary Kleck, "there probably will never be definitive evidence on this deterrence question, since it revolves around the issue of how many crimes do not occur because of gun ownership."<sup>(29)</sup> Furthermore, as Dandurand comments, it is possible that even if criminals are deterred by gun ownership, "the result may simply be that they would find a different group of victims or a different type of crime to achieve the same purpose" and "if that is the case then crime has not been prevented with this deterrence method; it has only been displaced."<sup>(30)</sup>

That being said, Kleck and others strongly believe that there is enough scattered evidence to support the case that firearm ownership deters criminals from attempting crimes in the first place, and consequently benefits society as a whole.

Some of the research cited to support the "deterrent effect" theory may be summarized as follows.

- Interviews have been held with inmates in an attempt to determine the extent to which firearm ownership may serve as a deterrent. James Wright and Peter Rossi conducted the best-known study of this type.<sup>(31)</sup> They asked nearly 2,000 convicted felons serving time in 10 American state prisons whether they took the defensive use of deadly force into account in deciding whether to commit their crimes, and they concluded that criminals are, indeed, concerned by the possibility of armed victims. Indeed, 43% of the inmates reported that, at some point, they had decided not to commit a crime because they thought the victim was in possession of a weapon. As noted by Dandurand, "an equivalent study has yet to be conducted in Canada."<sup>(32)</sup>

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(28) Dandurand (1998).

(29) Gary Kleck, "Guns and Violence: An interpretive Review of the Field," in Lee Nisbet, ed., *The Gun Control Debate: You Decide*, Prometheus Books, New York, 2001, p. 282.

(30) *Ibid.*

(31) James Wright and Peter Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, Aldine de Gruyter, Hawthorne, N.Y., 1986.

(32) Dandurand (1998), p. 56.

- After comparing rates of burglaries involving occupied homes in different American states or different countries, a number of authors have also suggested that widespread gun ownership may “deter burglars from entering occupied homes, reducing confrontations with residents, and thereby reducing deaths and injuries.”<sup>(33)</sup> In support of this proposition, Kleck further observed that “US burglars are far less likely to enter occupied premises than burglars in nations with lower gun ownership (Canada, Great Britain and the Netherlands).”<sup>(34)</sup> This argument was also used to explain the lower rate of residential robberies against occupied homes in the United States (13%) compared to Canada (44%)<sup>(35)</sup> and England (53%).<sup>(36)</sup>
- Analyses of cross-sectional time-series data for American counties are also frequently cited in support of the deterrent effect of civilian firearms ownership. John Lott, an economist,<sup>(37)</sup> used such a methodology in a study that supported the deterrent effect. After examining the impact of “shall issue” laws (laws that permit law-abiding citizens to carry concealed weapons in public), he argues that “allowing citizens to carry concealed weapons deters violent crimes without increasing accidental deaths.” He further argues that “shall issue laws are the most cost effective method of reducing crime.” Moreover, according to Lott:

The benefits of concealed handguns are not limited to those who use them in self-defense. Because guns may be concealed, criminals are unable to tell whether potential victims are carrying guns until they attack, thus making it less attractive for criminals to commit crimes that involve direct contact with victims. Citizens who have no intention of ever carrying concealed handguns in a sense get a “free ride” from the crime-fighting efforts of their fellow citizens.<sup>(38)</sup>

- After comparing restrictions on firearms and crime rates in England and the United States, Joyce Lee Malcolm concluded that restricting firearms in England “has helped make England more crime-ridden than the U.S.”<sup>(39)</sup> Malcolm further noted that “the English approach has not reduced violent crime. Instead it has left law-abiding citizens at the mercy of criminals

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(33) Kleck (2001), p. 282; Joyce Lee Malcolm, “Gun Control’s Twisted Outcome: Restricting Firearms has Helped Make England More Crime-Ridden than the U.S.,” *Reason Online*, November 2002, p. 3.; Don Kates Jr., “Handgun Prohibition and the Original Meaning of the Second Amendment,” *Michigan Law Review*, Vol. 82, 1983, pp. 204-273; Wright and Rossi (1986).

(34) Kleck (1991); Gary Kleck, “Crime Control Through the Private Use of Armed Force,” *Social Problems*, Vol. 35, February 1988, pp. 1-21.

(35) *Ibid.*

(36) Malcolm (2002), p. 3.

(37) John R. Lott Jr., *More Guns, Less Crime*, University of Chicago Press, 2<sup>nd</sup> edition, Chicago, 2002. Lott’s work is subject to a much criticism in the literature on guns, notably because his methodology did not permit him to control numerous factors that also influence crime rates (such as poverty, drug use and gang activity).

(38) Lott (2002), p. 161.

(39) Malcolm (2002), p. 1.



who are confident that their victims have neither the means nor the legal right to resist them.”<sup>(40)</sup>

## **B. Protecting Rights, Freedoms and Democracy**

Some people argue that the right to keep and bear guns is a matter of giving people the means to resist oppression and to defend the sanctity of their own lives against anyone or anything that seeks to violate it. Thus, it may be argued that firearms ownership may protect society from tyranny and genocide.

## **C. Firearms and Canada's History, Heritage and Culture**

According to some historians,<sup>(41)</sup> there are considerable differences between the roles that guns played in the development of Canada and of the United States. To many Americans, guns are powerfully symbolic, embodying ideals of safeguarding civil liberties and freedom from oppression as well as self-protection in a dangerous frontier society. Canadians, on the other hand, are more likely to view guns just as useful instruments.

Immigrants to New France and the British Colonies brought their guns to the North American continent. Even though those matchlock guns were much inferior in terms of accuracy, reliability and rate of fire to tomahawks, and bows and arrows, the guns psychologically intimidated the native Americans with their impressive flash and noise. To maintain the immigrants' dominance, selling guns to native Americans was initially prohibited.

New France specialized in the fur trade, but the British settlers to the south wanted to clear land to farm. They then wanted to keep their new land holdings and families safe from wild animals and human enemies. The early American settlers fought almost continuously with the native Americans and the French. This tradition created the ideal of a civilian soldier that is now embedded in the American character. On the other hand, in Canada guns were instruments of economic security. They were widespread. Every Canadian family had a shotgun, and every village had a gunsmith.

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(40) *Ibid.*

(41) This section follows the analysis of Marilyn Simonds, "Code of Arms," *Canadian Geographic*, Vol. 116, No. 2, March-April 1996, pp. 45-58.

By the middle of the 19<sup>th</sup> century, one million settlers had migrated from Europe to Canada. Many of these became farmers rather than hunters, or joined Canada's major cities. Unlike cities in the United States, Canada's major cities had begun life as garrisons. With the military providing protection, there was little need for civilians to own guns for self-defence. The United States, on the other hand, faced the growing pains of runaway immigration. For Americans, an armed nation was necessary. American ingenuity produced the revolver, a short-barrel gun that was easily concealed. It soon became the weapon of choice in U.S. cities.

#### **D. Firearms and Aboriginal Hunting Rights**

Firearms ownership is essential to Aboriginal hunting, as continued under treaty rights. Firearms also contribute to Aboriginal Communities' economy through businesses and employment.

#### **E. Firearms in War, Defence of Country and Sovereignty**

Firearms have played an important role in Canada's history. Key examples include the following:

- The U.S. invasion of Canada in 1812. Although the Americans had numerical superiority, the better-organized and well-armed Canadian garrisons of professional soldiers supported by Canadian militia units and First Nations, most famously Tecumseh's Shawnees, prevailed.
- The threat posed by the Fenian Brotherhood in the 1860s. After the U.S. Civil War, Irish-American veterans planned to hold Canada hostage to secure the independence of Ireland. Canada was defended from Fenian hit-and-run attacks by its militia of volunteer, part-time soldiers.
- The government response to the Riel uprising in 1885.
- Canadian troops' action in the South African War of 1899-1902.
- Canada's important contribution in World Wars I and II. Within Canadian society, there is widespread respect for the armed forces in recognition of the sacrifices that many Canadians made to serve their country in those wars. Even now, more than 50 years after the end of World War II, the most important news story on the 11<sup>th</sup> day of the 11<sup>th</sup> month remains the remembrance of our veterans and what they gave up to safeguard our freedom.

#### **F. Gun Owners' Assistance to Police in Emergencies**

In a country that has abundant wildlife and open spaces, situations can arise that tax the resources of the police. Particularly in the rural areas, the police may need to enlist the

help of private citizens in matters of urgency. When somebody goes missing in an area that is home to dangerous predators, or there is a need to find an animal that has attacked a human being and might be rabid, the help of skilled and armed hunters may save lives or avoid the need for painful and dangerous rabies shots.

### **G. Family Relationships and Character Development**

According to Dr. Randall Eaton,<sup>(42)</sup> hunting engenders respect, power and responsibility, and can successfully transform delinquents into law-abiding citizens. In his award-winning TV production, "The Sacred Hunt Rite of Passage," Dr. Eaton documents several American programs that use hunting and shooting to successfully transform the lives of delinquent boys. Follow-up surveys of one of these programs suggest a success rate of 85%. According to Dr. Eaton, several American authorities in education, psychology, therapy and violence endorse hunting and shooting for youth as a tool for teaching personal responsibility and safety, the ethics of hunting, sportsmanship, etc.

## **ECONOMIC BENEFITS OF FIREARMS OWNERSHIP**

### **A. Sustenance Hunting**

The purpose of sustenance hunting is to feed the hunters and their families. Sustenance hunters can apply to have their licence and registration fees waived for non-restricted firearms such as rifles and shotguns. In 2002, Chief Firearms Officers<sup>(43)</sup> waived fees for 2,817 such applicants.

First Nations peoples traditionally consider hunting a part of their culture which bonds people with the spiritual side of nature. Killing an animal for sustenance is a sacred act and sovereign right. The spirit of the animal is praised and the Creator is thanked for providing food. Many Aboriginal people believe that hunting, as part of a traditional lifestyle, is a right that is guaranteed by treaty. From this point of view, all Aboriginal people should be considered sustenance hunters.

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(42) For more information, see: [www.coni.com/~reaton/](http://www.coni.com/~reaton/).

(43) See RCMP, *Registrar's Report to the Solicitor General on the Administration of the Firearms Act 2002*.

The number of sustenance hunters and the family members they support is not measured by the usual data collection methods. Information on people's occupations is gathered in the labour force section of the Census, which measures participation in the wage economy. Hunting and fishing for sustenance rather than for commercial purposes, however, are part of the non-wage economy, which is not measured by Statistics Canada. At the end of 2002, there were 400,000 Registered Indians on reserve or Crown land, and just over 300,000 off reserve. Assuming an average family size of three or four, and one or perhaps two hunters per family, it would seem that the number of waived fees, 2,817, is rather low. It should be pointed out that low-income non-Aboriginal people who are sustenance hunters may also have their fees waived.

## **B. Sport Hunting**

Sport hunting for big game, small game, and migratory birds contributes to the economy in many ways. Wildlife management and predator control help maintain a balance in nature. Hunters purchase hunting licences and buy guns and ammunition, other sporting goods and recreational vehicles. These items need maintenance and repair by gunsmiths and garages. Hunters travel to hunting areas, rent accommodation and buy meals. Guiding and outfitting are important sources of income in some rural areas. Provinces may require big game hunters to hire licensed guides.

According to hunters, the attraction of hunting is not the kill itself but the chase. The natural evolution of man has been that of a predator. Hunting appeals to an inherent part of our nature. This deep satisfaction may explain the quite large amounts that hunters are willing to pay to pursue their sport.

The most satisfactory way of assessing the economic importance of sport hunting is to examine actual spending by sport hunters and then map out the effects of these expenditures on the economy. Fortunately, Statistics Canada has undertaken a series of such surveys and analyses in the past. Unfortunately, the last survey was for the year 1996, and new surveys have been indefinitely postponed.

The Federal-Provincial-Territorial Task Force on the Importance of Nature to Canadians sponsored these surveys.<sup>(44)</sup> The Task Force is made up of agencies responsible for the environment and tourism. These economic impact studies looked at both consumer

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(44) Details are available at: [http://www.ec.gc.ca/nature/index\\_e.htm](http://www.ec.gc.ca/nature/index_e.htm).

spending and the effect on the national economy of outdoor activities in natural areas, wildlife viewing, recreational fishing and hunting. Statistics Canada conducted surveys for the Task Force in 1981, 1987, 1991 and 1996. The 1996 survey covered 87,000 respondents nationwide. It was mailed out in conjunction with the Labour Force Survey and there was a telephone follow-up, which ensured a response rate of over 70%.

The survey asked respondents to distinguish between primary and secondary reasons for trips. In 1996, 10.3 million Canadians aged 15 and over took part in outdoor activities, with 4.2 million fishing and 1.2 million hunting. According to the survey, men and women enjoy the Canadian outdoors equally; however, 85% of recreational hunters are men, as are 66% of recreational fishers.

Respondents were asked to report their detailed expenditures for mainly nature-related activities over a 12-month period. In just under half of the reported trips, the participants undertook more than one activity. The survey estimated that over \$7.2 billion was spent on outdoor activities in natural areas in 1996, including \$1.3 billion on wildlife viewing as both a primary and secondary activity. Canadians spent \$1.9 billion on fishing and \$823.8 million on recreational hunting.

**Table 1**

<b>Expenditures on Hunting in Canada, 1996</b>				
<b>Category of Expenditure</b>	<b>Primary</b>		<b>Total</b>	
	<b>\$ million</b>	<b>%</b>	<b>\$ million</b>	<b>%</b>
Accommodation	38.7	5.8	39.0	4.7
Transportation	166.5	25	166.5	20.2
Food	99.3	14.9	99.4	12.1
Equipment	285.9	42.9	382.9	46.5
Other items	76.0	11.4	136.1	16.5
<b>Total</b>	<b>666.4</b>	<b>100.0</b>	<b>823.8</b>	<b>100.0</b>
Average yearly (\$)	\$669		\$692	
Average daily (\$)	\$54		\$41	

Source: Federal-Provincial-Territorial Task Force on the Importance of Nature to Canadians, *The Importance of Nature to Canadians: The Economic Significance of Nature-related Activities*, Ottawa, 2000.

Equipment (see Table 1) includes such things as camping gear, special clothing, guns and accessories, game carriers, calls, dogs, decoys, boats and vehicles purchased in 1996. Other items include rental costs of equipment, licences, entry fees, guide fees, and ammunition.

Hunting is more expensive than recreational fishings, which had an average daily cost per participant of \$27, or wildlife viewing at \$17 per day.

The annual average spending was highest for participants from British Columbia, at \$1,017, Yukon was second at \$901, and Alberta third at \$843. Spending in Newfoundland, Quebec, Ontario and Saskatchewan was close to the national average.

More detailed data are available when hunting is the main activity. Large game hunters spent \$420.6 million in 1996, which accounted for nearly two-thirds of total hunting expenditures. Waterfowl hunters spent \$83.3 million, hunters of birds other than waterfowl spent \$100.7 million, and small game hunters spent \$61.7 million.

Spending is only one facet of the economic importance of outdoor activities. Unlike market goods, such as a visit to the cinema, outdoor activities do not usually entail a direct cost to participants for the public open space they use. It is possible, then, that the direct benefit of outdoor activities to participants is higher than the costs incurred. As well as this additional benefit, spending on outdoor activities generates further economic income and production as it ripples through the economy.

The direct benefit of outdoor activities is the value participants assign to those activities. The Statistics Canada survey used standard willingness-to-pay methods. First, respondents were asked to put down their actual spending on outdoor recreation, broken down by transport, food, accommodation, equipment and other. Second, they were asked if they would have still made the trips if the cost were higher. Third, those who would have been willing to pay more were asked how much more the trips would have to cost before they would decide not to go. The respondent was asked to select a range for this additional cost. These ranges started with \$0 to \$49, and the top range was \$800 and more.

In 1996, total willingness to pay for the enjoyment of nature, for all activities, was estimated to be \$13.0 billion. Canadians made actual expenditures of only \$11.0 billion. Thus the size of the direct benefits – the economic value of enjoyment received but not paid for – is \$2.0 billion, which is quite substantial.

**Table 2**

<b>Annual Average Expenditures and Economic Values of Nature-Related Activities for Canada in 1996 (\$)</b>			
<b>Nature-related Activities</b>	<b>Expenditures per Participant</b>	<b>Direct Value per Participant</b>	<b>Willingness to Pay</b>
Outdoor activities in natural areas	704	132	836
Wildlife viewing	332	78	410
Recreational fishing	427	105	532
Hunting			
Large mammals	586	150	736
Small mammals	297	71	368
Waterfowl	384	121	505
Other birds	288	73	361
All hunting	669	181	850

- Notes: 1) "Outdoor activities" include both primary and secondary activities; the others are primary activity only.
- 2) The "all hunting" average includes many participants who hunt more than one species.

Source: *The Importance of Nature to Canadians: The Economic Significance of Nature-related Activities*.

Table 2 shows the value hunters attribute to their activities. Large mammals are the most expensive to hunt, costing an average of \$586 per year, but the additional pleasure of hunting large game is valued by hunters at \$150 on average.

The indirect economic contribution caused by the \$11 billion of spending on nature-related activities as it ripples through the economy was calculated by Statistics Canada using the input-output model. Purchasing hunting equipment, for example, directly raises incomes and employment directly in the retail sector and indirectly in the sectors that support the retail sector (e.g., providing the necessary raw materials, producing the goods, and transporting them to the stores). Input-output analysis takes account of all these interrelationships.

The \$11 billion of spending on all nature-related activities accounted for \$11.4 billion of Gross Domestic Product (GDP). The various levels of government received revenues of \$5.1 billion. A total of 201,400 jobs was sustained.

Hunting as both a primary and a secondary activity was responsible for:

Expenditures	\$823.8 million
GDP	\$815.2 million
Government revenue from taxes	\$383.9 million
Number of jobs sustained	14,200

The survey also attempted to gauge whether current rates of participation in nature-related activities would change in the future. Nearly three-quarters of Canadians indicated great or some interest in participating in outdoor activities in natural areas, such as camping, picnicking, hiking, riding, cycling, skiing, snowshoeing, off-road vehicle use, swimming or boating. The actual participation rate for these outdoor activities in 1996 was 44%. This potential for increased participation was also seen in recreational fishing and hunting. Nearly 40% of Canadians expressed great or some interest in participating in recreational fishing, which was twice the rate of active participation in recreational fishing (17.7%). Just over 5% of Canadians hunted in 1996, but 10.6% showed great or some interest in participating in hunting.

International tourism for nature-related activities is important for Canada, but is not measured by this survey, because Statistics Canada only queries Canadians through the domestic labour market survey.

Participation in hunting is declining – a matter of some concern from the point of view of spending and income generation by tourists and visitors. Hunting licences also fund conservation programs in many provinces. All hunters in Alberta, for example, must buy a basic Alberta Wildlife Certificate, and additional permits are needed to hunt some species. Chart 2 shows Wildlife Certificate sales<sup>(45)</sup> between 1964 and 2001

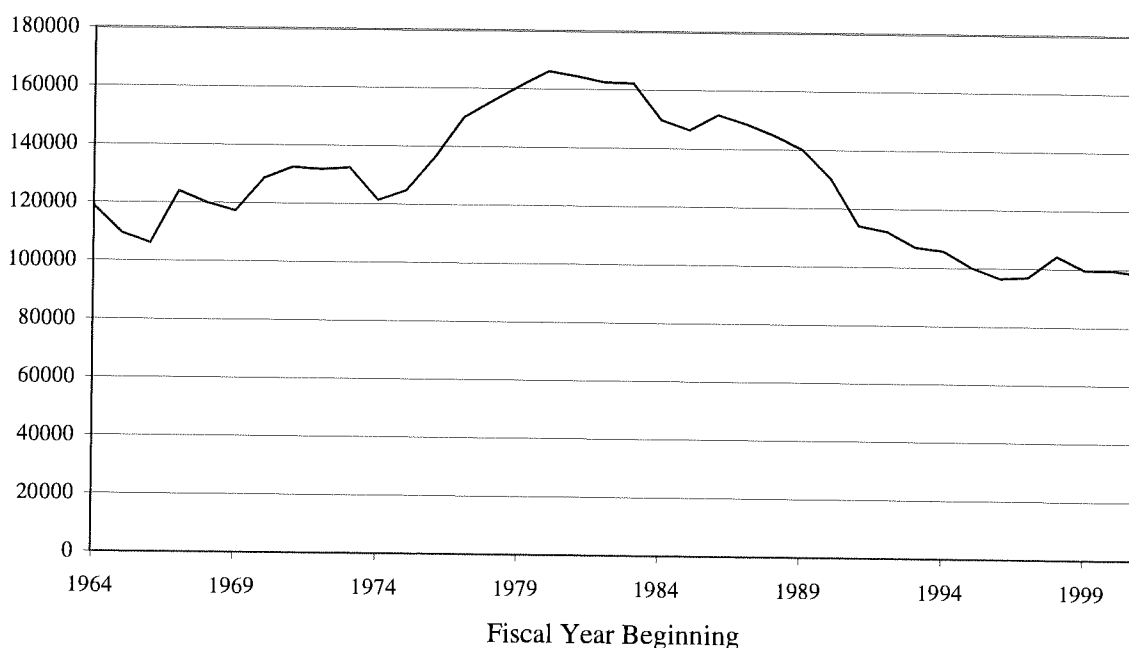
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(45) See <http://www3.gov.ab.ca/srd/fw/hunting/numberhunters.html> for more details.



**Figure 2**

**Alberta Wildlife Certificate Sales**



Source: Alberta Ministry of Sustainable Resource Development.

Licence sales increased between 1964 and 1980 by just over 40,000, or about one-third. During this time, the population of Alberta grew from 1.4 million to 2.2 million, increasing by just over one-half. Thus, the number of hunters in Alberta increased slightly more slowly than the population during this period. After 1980, however, sales of Wildlife Certificates began to decline, reaching a level of 100,000 sales – 20,000 below the 1964 level, in spite of the Alberta population growing to 3.1 million, and a similar expansion in the rest of Canada and the United States.

The Alberta Ministry of Sustainable Resource Development argues that these trends are common throughout North America. In the early 1980s, the decline in waterfowl numbers reduced hunting opportunities, and many waterfowl hunters left the sport. At the same time, the cost of hunting licences increased. This increase, combined with more restrictive gun control laws, has made hunting less attractive. Moreover, increasing urbanization means that fewer potential hunters live close to wildlife areas. Finally, the range of leisure activities has expanded, increasing the competition for leisure time.

### C. Wildlife Management and Pest Control

Wildlife management aims to manage a wild species within its habitat to ensure the maintenance of the species while providing for recreational and economic benefits. It involves finding a balance between nature and people. Wildlife needs space to live, find food, and sustain its offspring. If these areas are next to human habitation, issues of safety, public health and damage to property are raised. The tradition of pest management in rural Canada has been well described by former deputy minister Arthur Kroeger:<sup>(46)</sup>

The gun registry was exactly what you'd expect from a Toronto, urban minister with no sensitivity to the culture of rural Canada and most particularly, the rural West. When I was growing up on the farm, the .22 rifle hung above the kitchen door and when you saw the coyote heading for the chicken coop, you took down the rifle. You didn't need to open a locked cabinet and take a psychological test before you could. There was no sensitivity in the gun registry and how it would be viewed in the rural West.

Options for wildlife management and pest control will depend upon the species and the environment they live in. Moreover, the actual sustainable population level for a particular species is a subject for scientific debate. Scientists may also debate whether culling is necessary, or whether there is some natural balancing process.

Each species and habitat raises different issues, but a recent Ontario report<sup>(47)</sup> provides an interesting analysis. The Nuisance Bear Review Committee was required to review all the factors in black bear management. Concerns about the orphaning of cubs had led to the 1999 decision to cancel the spring bear hunt. This cancellation remains controversial.

Black bears are omnivores, varying their sources of food by season. They have well-developed navigational abilities, and a keen sense of smell. The supply of spring foods that they eat is quite stable, but the summer and fall foods, particularly berries and soft fruits, are unpredictable in timing and availability. Poor berry crops may cause animals to search for other sources of food, perhaps crossing into human habitations to scavenge or take crops. Thus, they become nuisance bears.

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(46) As reported by James Baxter in the *Edmonton Journal*, 8 December 2003.

(47) Available at: <http://www.mnr.gov.on.ca/mnr/ebn/nbr/index.html>.

Apiaries are an attractive target for nuisance bears, but corn, oats, and other field crops can also be damaged and livestock killed. Table 3 shows the compensation for black bear damage paid by the Province of Ontario. On average during 1995-2002, compensation was paid annually for 44 livestock, including poultry, valued at \$13,291 and 595 beehives valued at \$49,615. Total compensation paid for damage by black bears in one calendar year averaged \$62,906.

It should be noted that this table does not reflect the total damage black bears cause. First, compensation is paid on market value up to a limit for livestock. This cap is \$1,000 for cattle and buffalo, \$500 for horses, and \$200 for sheep, swine and goats. The compensation is \$35 for a bee colony and \$75 for equipment. Secondly, crops and soft fruit are not covered. Moreover, Table 3 does not include the costs of damage to private and commercial property as well as control costs, such as relocation, which reportedly amounts to \$800 per bear.

**Table 3**

<b>Compensation for Black Bear Damage in Ontario, 1995-2002</b>				
<b>Year</b>	<b>Livestock</b>		<b>Beehives</b>	
	<b>Killed or Injured</b>	<b>Compensation Paid (\$)</b>	<b>Beehives or Colonies Destroyed</b>	<b>Compensation Paid (\$)</b>
1995	—	—	519	42,475
1996	12	5,486	350	31,206
1997	13	4,860	689	59,629
1998	14	5,678	266	24,070
1999	32	15,263	892	67,855
2000	26	10,159	729	61,936
2001	74†	21,907	832	70,413
2002	138†	29,685	481	39,335

Note: † includes poultry.

Source: *Nuisance Bear Review Committee Report*, Appendix 20.

Currently, a black bear hunting licence for Ontario residents costs \$33. Non-residents are charged \$165. Most non-residents are required to use the services of a licensed outfitter or guide, unless they own hunting property or go hunting with a relative who is an Ontario resident. The number of bear licences and revenues generated during 1993-2002 are reported in Table 4.

**Table 4**

<b>Ontario Recreational Bear Hunting Licences, 1993-2002</b>				
<b>Year</b>	<b>Licences Issued</b>			<b>Revenue (\$)</b>
	<b>Resident</b>	<b>Non-resident</b>	<b>Total</b>	
1993	10,409	10,442	20,851	1,942,295
1994	12,287	13,439	25,726	2,335,060
1995	12,369	13,713	26,082	2,410,983
1996	9,697	12,913	22,610	2,239,819
1997	9,831	12,421	22,252	2,171,458
1998	10,208	12,069	22,277	2,183,096
1999	10,264	7,058	17,322	1,763,512
2000	10,473	7,766	18,239	1,949,369
2001	12,424	7,495	19,919	2,034,800
2002	11,737	7,924	19,661	2,099,678

Note: 2002 data are estimates.

Source: *Nuisance Bear Review Committee Report*, Appendix 21.

The Ontario Ministry of Natural Resources has conducted a mail sample survey of bear hunters in various years. Hunters were asked to report their spending on travel, supplies and services directly related to black bear hunting. The findings are shown in Table 5.

**Table 5**

<b>Economic Impact of Bear Hunting in Ontario, in Millions of Constant Year (2000) Dollars</b>				
<b>Year</b>	<b>Directly Related Expenditures</b>			<b>Contribution to Gross Provincial Income</b>
	<b>Residents</b>	<b>Non-residents</b>	<b>All Hunters</b>	
1997	5.1	25.2	30.3	31.6
1999	6.2	14.3	20.5	21.7
2000	6.1	15.5	21.6	22.8

Source: *Nuisance Bear Review Committee Report*, Appendix 21.

Non-resident hunters spend more on hunting black bears. On a per capita basis, the difference is striking: In 2000, resident bear hunters spent on average under \$600, and non-residents spent about \$2,000. Once the indirect effects of this spending had rippled through the Ontario economy, an estimated \$22.8 million of provincial income was sustained.

Although the measurements of the costs of nuisance bears and the benefits of black bear hunting are partial, a crude cost-benefit analysis comes out strongly in favour of the bear hunt.

The Committee found a clear connection between fluctuations in natural food abundance and nuisance activity, but no connection between the cancellation of the spring bear hunt and recent increases in nuisance bear activity. In other words, there was no evidence that, before 1999, the spring bear hunt had reduced nuisance activity by black bears. Changes in bear nuisance activity levels in Quebec and Manitoba had paralleled those in Ontario, but Quebec has only a spring black bear hunt, and Manitoba has both a spring and a fall hunt. This suggests that the choice of spring or fall hunts, or both, does not affect bear nuisance activity levels.

Many Ontario municipalities and outfitters reported increased economic hardships after the spring black bear hunt was cancelled in 1999. In the light of this and the economic impact analysis, the Committee recommended that a limited spring black bear hunt be reinstated for socio-economic reasons, with strict conditions. However, the Committee suggested other measures, for example subsidies for electric fences to protect beehives, to deal directly with nuisance bears.

The black bear, for example, is an animal with many abilities and skills. It can live close to people, often too close. Research suggests that nuisance behaviour is driven by temporary food shortages; and because such behaviour is not a factor, unlike the level of the dollar and economic conditions, that leads U.S. hunters to head up North or motivates Canadians to hunt, it seems unlikely that managing the levels of hunting activity would effectively counteract changes in the levels of nuisance bear activity.

#### **D. Sport Shooting – Olympic and International Competitions**

Sport is felt to strengthen national pride and identity and to promote healthy living. The federal government has an interest in high-performance athletes who show the potential to compete internationally. Sport Canada provides financial support to national sporting bodies that meet certain eligibility conditions and that are associated with athletes who are performing well. Two of the three shooting-related national sport federations have received continuing federal support in recent years (see Table 6). Biathlon involves shooting and skiing. The modern pentathlon combines shooting, running, swimming, fencing and horse jumping, and the Canadian Modern Pentathlon Association has occasionally received small grants.

Sport Canada also directly funds carded athletes through providing living and training allowances and tuition payments. In addition, it provides some funding to the multi-

sport organizations, such as the Canadian Olympic Association and the Commonwealth Games Association, that handle national teams for those games. Neither of these amounts is included in Table 6.

**Table 6**

<b>Federal Contributions to Shooting-Related National Sporting Organisations, 1997-2002 (\$)</b>						
	<b>1998- 1997</b>	<b>1999- 1998</b>	<b>2000- 1999</b>	<b>2001- 2002</b>	<b>2002- 2001</b>	<b>2003- 2002</b>
Biathlon Canada	378,000	441,880	423,690	462,898	463,600	384,000
Shooting Federation of Canada	25,000	49,000	101,000	168,800	109,500	123,000
<b>Total</b>	<b>403,000</b>	<b>490,880</b>	<b>524,690</b>	<b>631,698</b>	<b>573,100</b>	<b>507,000</b>

Source: Public Accounts of Canada and Sport Canada.

Athletes in these sports have achieved competitive success at the highest levels. Canadians have won Olympic medals in various shooting sports:

<i>Shooting</i>	<i>Small Bore Rifle, Prone 50 metres</i>	
	1956: Gold – Gerald Ouellette	Bronze – Gilmour Boa
	<i>Military Rifle – Team</i>	
	1908: Bronze	
	<i>Trap</i>	
	1908: Gold – Walter Ewing	Silver – George Beattie
	1952: Gold – George Gagnéux	
	<i>Trap – Team</i>	
	1908: Silver	
	1924: Silver	
	<i>Sport Pistol 25 metres</i>	
	1984: Gold – Linda Thom	
<i>Biathlon</i>	<i>7.5 Kilometres</i>	
	1994: Gold – Myriam Bédard	
	<i>15 Kilometres</i>	
	1992: Bronze – Myriam Bédard	
	1994: Gold – Myriam Bédard	

In the past 10 Commonwealth Games, Canada has won 38 gold medals in shooting. In the 2002 Commonwealth Games in Manchester, Canadian shooters scored four gold, three silver and five bronze positions.

Shooting, moreover, is a skill-based sport at which athletes with disabilities can excel. Canadian shooters with disabilities have won several medals in the Paralympics, the equivalent to the Olympics.

*1976*

Gold – Rifle Shooting – Open – Jean Byrns

Gold – Rifle Shooting – Quadraplegic Class 1A-1C – Ralph Thibodeau

Silver – Rifle Shooting – Quadraplegic Class 1A-1C – Joyce Murland

*1980*

Silver – Men – Air Pistol – Amputees All Classifications – Lazslo Decsi

Silver – Mixed – Air Rifle Standing Class 1A,1B,1C – Y. Page

Silver – Mixed – Air Rifle Prone Class 1A,1B,1C – Y. Page

Bronze – Mixed – Air Rifle 3 Positions Class 1A,1B,1C – Y. Page

*1988*

Silver – Air Pistol – Team, Open

Silver – Women – Air Pistol Class 2,3,4,5,6 – Heather Kuttai

Bronze – Men – Air Rifle 2 Positions Individual – Adam Salamandyk

Bronze – Men – Air Rifle Kneeling Individual – Adam Salamandyk

*1992*

Gold – Mixed – Free Pistol Class SH1-SH3 – Lazslo Decsi

Bronze – Mixed – Air Pistol Class SH1-SH3 – Heather Kuttai

One Canadian athlete, Lazslo Decsi, was good enough to try out for both the Canadian Olympic and Paralympic shooting teams. The International Shooting Union initially ruled that his artificial leg was an artificial aid, making him ineligible to compete internationally against able-bodied athletes. The Union later reversed that ruling.

## **E. Gun Clubs and Shooting Ranges**

Gun clubs in Canada serve a number of needs, including target shooting and range shooting, and a social meeting place for people with like tastes. Shooting ranges are regulated: ranges in Canada, including ranges for long guns, must be approved by a provincial minister,

usually through the Chief Firearms Officer. Ranges must have at least \$2 million of commercial general liability insurance, follow local zoning regulations and environmental protection laws, and meet safety standards. The shooting area should be designed to ensure that bullets will not leave the range, and a range officer should supervise the firing line. In addition to general paperwork, shooting ranges must keep records, for a period of six years, of anyone who uses restricted firearms and prohibited handguns at the club. On request, shooting clubs must provide the Chief Firearms Officer, or the individual concerned, with a written description of the individual's target shooting activities at the club over the previous five years.

Surveys suggest that 13% of gun owners pursue target shooting and nearly three-quarters hunt. Based on GPC Research's fall 2001 estimate of just under 2.5 million gun owners in Canada (although this figure has been disputed), the potential membership for shooting ranges would be over 300,000. In addition to shooting ranges, clubs of a wider scope – including social meetings – may also attract gun owners. These may be identified as rod and gun, fish and game, or chasse et pêche organizations. How many hunters are members of such clubs is not known.

In an attempt to gauge the number of the various gun clubs and shooting ranges, two electronic searches were undertaken. The ReferenceCanada Business Database from infoCanada contains 1.3 million entries compiled from a range of sources: telephone directories; business registration data; federal, provincial and municipal government data; Chamber of Commerce information; leading business magazines, trade publications, newsletters, major newspapers, industry and specialty directories; and postal service information. The ReferenceCanada Business Database attempts to list clubs of some size with some commercial presence, and may not include smaller operations that are not in the Yellow Pages or are run by volunteers. To reach the smaller clubs, an Internet search was conducted by following the links on hunting organizations' pages. It should be emphasized that such counting processes will tend to underestimate the true numbers. Table 7 shows the results of these two counts.



**Table 7**

<b>Estimates of Gun Clubs in Canada, 2003</b>			
<b>Province</b>	<b>infoCanada</b>	<b>WWW</b>	<b>Total</b>
<b>Maritimes</b>			
NS	3	17	20
NB	1	16	17
PEI	0	1	1
<i>Total</i>	4	34	38
<b>Central Canada</b>			
QC	54	38	92
ON	51	68	119
<i>Total</i>	105	106	211
<b>West</b>			
MB	9	13	22
SK	7	37	44
AB	14	85	99
BC	26	9	35
YT	1	0	1
<i>Total</i>	57	144	201
<b>Canada Total</b>	166	284	450

Source: Library of Parliament.

The infoCanada column shows results of searching the ReferenceCanada database for entries containing terms such as rod and gun, fish and game, chasse et pêche, and various permutations of shooting terms. Entries that were identified as being in the retail sector by their Standard Industrial Classification were removed from the count. The WWW column shows the result of the Internet search. The links sections of as many umbrella hunting and shooting organizations as could be readily identified were combined and electronically checked for duplicates with the infoCanada list.

Table 7 indicates that there are a substantial number of shooting and hunting clubs spread across Canada. It must be emphasized that these numbers are underestimates, because they are based on Internet presence.

## **F. Gun Shows**

Gun shows allow the gun community to meet, see displays, collect information and, perhaps, buy and sell equipment. Between 1993 and 1998, there were on average 53 gun show licences issued per year. More recent data are not available, but the National Firearms Association listed up to 10 shows per month in Canada in 2003.

The *Firearms Act* has imposed a stringent regulatory framework on gun shows. The coming-into-effect date of the subsequent regulations has been postponed from 1 January 2004 to 1 January 2005. Under the proposed regulations, each gun show will need a sponsor who is responsible for organizing, running, and ensuring the security of a gun show. The sponsor can be an individual, an association, or a business, and cannot be foreign. The sponsor applies for a sponsor's firearms business licence from the provincial or territorial Chief Firearms Officer. The sponsor must apply for this approval at least 60 days before the planned show date. The application must include the proposed location, dates, and hours of operation of the show, as well as a security plan and a preliminary list of exhibitors. The list of exhibitors must include their addresses, their firearms licence numbers, the class of firearms they propose to display, and whether or not they intend to sell their firearms. After the show has been approved, an updated exhibitor list is required at least three days before the show, along with a layout showing exhibitor locations. The local police must be notified. There may be additional provincial requirements. The exhibitors must have firearms licences and follow safe display and storage regulations.

The gun community has not greeted these regulations with any enthusiasm, which may explain the delays in their implementation. The regulations require that show organizers collect and transmit considerably more information than previously for public shows, which – the gun community argues – have no records of harming public safety or encouraging criminality.

### **G. Tourism – Foreign Hunters**

Canada is a popular international destination for sports and outdoor activities. In recent years, three out of ten international tourists participated in such activities. Statistics Canada administers a questionnaire to travellers. Unfortunately, for present purposes, hunting is combined with fishing. Table 8 shows the activities reported by visitors from the United States and elsewhere.

**Table 8**

<b>Selected Activities, International Overnight Trips to Canada, 1998 and 1999, (thousands of person-trips)</b>						
	<b>1998</b>			<b>1999</b>		
	<b>Total</b>	<b>U.S.</b>	<b>Overseas</b>	<b>Total</b>	<b>U.S.</b>	<b>Overseas</b>
Activities – Total	18,828	14,893	3,935	19,367	15,180	4,187
Participate in sports/outdoor activities	5,458	4,338	1,120	5,847	4,584	1,263
Swimming	2,416	1,874	542	2,578	1,975	603
Other water sports	664	504	160	726	551	175
Hunting or fishing	1,316	1,218	98	1,378	1,259	119
Cross-country skiing	134	83	51	132	87	45
Downhill skiing	560	361	199	698	478	220
Other sports	1,858	1,452	406	1,999	1,494	505
Other activities	1,083	912	171	1,121	934	187

Source: Statistics Canada, No. 87-403-XIE, table 3.3a.

In 1998, of the total of 18,828 activities undertaken by international travellers, 5,458 involved sports participation and outdoor activities. Americans were more than twice as likely to go fishing or hunting, with 8% of their trips involving these activities, compared to other overseas tourists, with a rate of just 3%. Moreover, although Canada is often advertised internationally as a world-class skiing destination, hunting and fishing are twice as popular as cross-country and downhill skiing with international visitors.

In addition to the usual fluctuations in the tourism market, hunting is affected by outbreaks of animal diseases. In May 2003, the United States reacted to an incident of bovine spongiform encephalopathy in Canada by banning the import of meat, brains and untreated hides of ruminant animals. American tourists who had successfully hunted deer, elk, bison, caribou, moose, musk ox, pronghorn, bighorn sheep or mountain goat after that date would have to find a taxidermist to treat the antlers and trophies, and leave the meat behind.

## **H. Firearms Museums**

Museums help us remember our shared history, preserve our artefacts, objects and sites, and educate our youth about the past. Many Canadian museums display firearms as part of their general collections, reflecting the role firearms have played in the development of Canada. Some museums have a specialized mission to preserve Canada's military heritage. These museums are represented by the Organization of Military Museums of Canada, which in 2000 had a membership of 61 Department of National Defence (DND) museums, 35 non-DND

museums, and one Parks Canada site. The number of museum licences issued by the Canadian Firearms Centre in 2001 and 2002 is given in Table 9 below. The new museum licences last for three years, which means that the total number of CFC-licensed museums would be three times the number of licences granted in an average year. These figures would include the 35 non-DND museums mentioned above. It would not, however, include DND museums that have been established and accredited by the Chief of the Defence Staff in the Canadian Forces, as such museums are not regulated by the CFC. Nor would the figures in Table 9 include museums that possess or display antique or deactivated firearms, as such firearms do not entail the need for a business licence.

**Table 9**

<b>Museums Licensed by Canadian Firearms Centre, by Province or Territory, 2001 and 2002</b>														
<b>Year</b>	<b>AB</b>	<b>BC</b>	<b>MB</b>	<b>NB</b>	<b>NL</b>	<b>NS</b>	<b>NU</b>	<b>NT</b>	<b>ON</b>	<b>PE</b>	<b>QC</b>	<b>SK</b>	<b>YT</b>	<b>Total</b>
2001	11	9	3	2	2	3	0	2	10	0	10	12	0	64
2002	13	10	4	5	6	7	0	1	26	2	5	7	1	87

Source: RCMP, *Registrar's Report to the Solicitor General on the Administration of the Firearms Act*, various years.

Apart from those museums accredited by the D.N.D., all museums with firearms, which are not antiques or deactivated, must obtain a firearms business licence. A museum must be approved by the Chief Firearms Officer, and be a non-profit organization open to the public. Anyone who could have access to the firearms in the museum must be eligible for a firearms licence. They do not need to actually have a licence but just be eligible. This list of people who need to be eligible for a firearms licence is widely defined to include all directors, officers and majority shareholders even their spouses, children, brothers, sisters, and parents who could access the firearms held by the museum. The Chief Firearms Officer may determine that this condition is not necessary. Every employee who handles firearms, antiques excepted, is required to have a firearms licence unless exempted by the appropriate provincial or territorial minister.

Although museums do not have to pay firearms registration fees, all firearms have to be registered, except for antiques and deactivated firearms. Firearms without serial numbers will have to have one assigned by the Registrar. The gun would have to be either stamped or engraved or have a sticker attached to a visible part of it. This requirement also applies to guns with serial numbers if the serial number, in conjunction with the other features of the firearm, is

not enough to tell the firearm apart from other firearms. If marking the gun in a visible place would reduce its value, a non-visible part of the gun may be used. If the firearm had not been previously registered or verified, it must be physically examined by an approved verifier to ensure that the information on the registration application is complete and that it accurately identifies and classifies the firearm.

Museums show and preserve firearms, and must follow the display and storage standards for general businesses. In addition, the provincial or territorial Chief Firearms Officer has the responsibility to approve in writing the methods a museum uses for display and storage or to set written standards. The same standards apply to antique guns even though the *Firearms Act* does require these guns to be registered. The basic display rules are that all guns must be unloaded and secured so that visitors cannot remove them. Restricted and prohibited firearms can only be exhibited in a locked display case or cabinet with the firearms made inoperable. There is a wider range of display options for non-restricted firearms. They can be secured to a wall or permanent fixture by a chain or metal cable through the trigger guard or by a metal bar. They can be displayed where only an owner or an employee of the business has ready access if they are made inoperable.

The advent of the new firearms regulations brought a windfall of firearm donations by gun owners who found the trouble and expense of registration too burdensome. The Canadian War Museum reported over 400 donations, some of very valuable guns.

The firearms registration and verification obligations a museum faces can be quite onerous. A number of museums have pointed out the amount of effort that has had to be diverted into gun registration. This may be particular problem for organisations that have faced funding cutbacks and are heavily reliant on volunteer efforts. The Manitoba Museum reported in its annual review<sup>(48)</sup> for 2002-2003:

Ed Dobrzanski has contributed over 10,000 hours of his time as a Museum volunteer over the past 11 years. Last year, as the federal deadline for gun registration approached, Ed offered to help register the Museum's considerable collection of firearms. He spent more than a month assessing hundreds of firearms. Aided by Hanna Peters with the HBC Collection and Ann Hindley with the Human History Collection, they completed the involved process of registering 75 firearms by the December 2002 deadline.

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(48) Available electronically at [http://www.manitobamuseum.mb.ca/gi\\_yearreview.html](http://www.manitobamuseum.mb.ca/gi_yearreview.html).

No estimates are available of the economic and other perceived benefits of firearms displays in museums. For example, the Manitoba Museum is a well-attended heritage and education centre that includes a considerable collection of firearms. The Museum generates \$21.1 million in economic activity annually in Manitoba, sustains 333 jobs, and contributes \$6 million in taxes to three levels of government. Some portion of these benefits is presumably attributable to the firearms collection. According to Statistics Canada in 1999-2000, there were 1,405 museums of all types in Canada. Many of them would include firearms displays. These museums operated with unearned revenues, such as grants and donations, of \$436 million and earned revenues, mainly admissions and memberships, of \$211 million. They employed 5,552 full-time workers, and 6,526 part-timers, and were supported by the work of 28,021 volunteers.

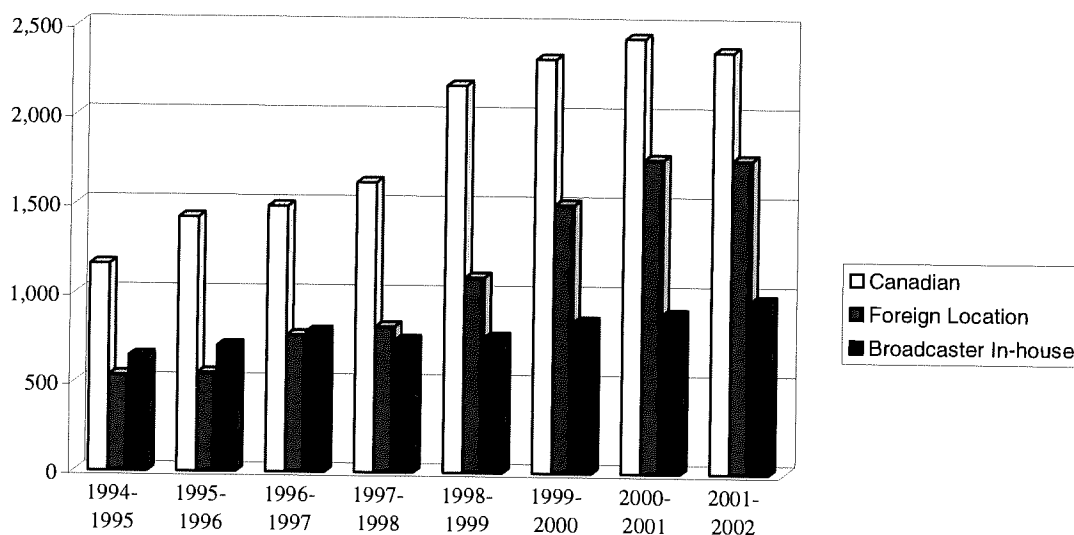
## **I. Movie and Television Productions**

Film and television are important industries that support over 130,000 jobs in Canada and provide entertainment and information to millions of people every day. The industry produces for both the domestic and foreign markets. Action, adventure and crime stories are consistently popular fare, and guns and shooting are – and probably will continue to be – prominent on the cinema and television screens. For the Canadian film and video industry to survive, it will probably need to continue creating entertainment products that feature the use and misuse of firearms. Firearms policy affects the film and video industry by imposing regulatory restrictions that may impose extra costs on action productions above those reasonable costs necessary for the health and safety of the cast and crew. In countries with a gun culture, it is easier to find extras who are very familiar with weapons and can handle them convincingly in front of a camera. Many observers foresee increasingly difficult times for the Canadian film and video industry and it is against these more difficult conditions that the impact of Canadian firearms policy has to be judged.

The economic benefits that derive from creating and marketing such entertainment products are enormous. In 2001-2002, Canadian film and television production was a \$5.1 billion industry, up from \$2.3 billion in 1994-1995 (see Figure 3).

**Figure 3**

**Film and Video Production in Canada,  
(\$ million)**



Source: Nordicity Group Ltd., *Profile 2003: An Economic Report on the Canadian Film and Television Production Industry*.

This national total production of \$5.1 billion in 2001-2002 can be broken down regionally:

Ontario	\$2.1 billion
Quebec	\$1.4 billion
British Columbia	\$1.1 billion
Prairie Provinces	\$286 million
Atlantic Canada	\$183 million

Film and television production in Canada in 2001-2002 generated 137,800 full-time equivalent jobs, made up of 53,000 direct jobs in the film and television production industry and 84,800 indirect jobs in other industries.

Current trends are not so favourable for the big budget productions. Fiction production has decreased by 13%. There has been a switch to variety and reality-based television programming. These can be made at lower costs. Fiction employs more actors and off-camera staff per program hour than any other category. Broadcasters are creating more of their own programming in-house at a lower cost. The growth of specialty cable channels, including the digital services, has fragmented the potential audience, reducing advertising revenues per channel, consequently reducing the funds available for programming.

Foreign location production declined slightly in 2001-2 after a period of steady increases. In summer 2001, the threat of strikes by actors and writers in the United States put production plans on hold. Security concerns raised by the September 11 attacks on the World Trade Centre lessened film shooting abroad by U.S. companies. There are additional grounds to expect further future difficulties for shooting movies in Canada. Film production is an attractive industry for any government to promote. The technology is mobile, and can be attracted with tax breaks. High profile local shoots with U.S. stars create quality off-camera job as well as stimulating general tourist interest. The market for location shoots has become more and more competitive. New Zealand, for example, is the location for the highly profitable *Lord of the Rings* trilogy.

The loss of film production has been a source of concern for Hollywood, and the U.S. film production industry has started to fight back. The Directors Guild of America and Screen Actors Guild have played a leading role in lobbying for measures to reduce the outflow. Somewhat prejudicially, they have labelled productions intended for initial release or broadcast in the United States, but shot abroad as “runaways.” In a creative runaway, the story takes place in a setting that cannot be duplicated in the United States. Economic runaways are filmed abroad to lower production costs. The two Guilds are interested in bringing the economic, but not the creative, runaways back to the United States. Table 10 is taken from a study commissioned by the Guilds. U.S. film and video output has been broken down into domestic and runaway productions.

**Table 10**

<b>U.S., Domestic and Runaway Film and Television Productions, 1990 to 1998</b>									
	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>
<b>Feature films</b>									
<i>U.S. Productions</i>	223	248	263	301	324	331	432	386	363
<i>Cultural Runaways</i>	52	41	45	45	63	64	73	57	71
<i>Economic Runaways</i>	44	48	43	72	93	52	128	79	100
<i>Economic Runaways (%)</i>	14%	14%	12%	17%	19%	12%	20%	15%	19%
<i>Cultural Runaways (%)</i>	16%	12%	13%	11%	13%	14%	12%	11%	13%
<b>Television programs</b>									
<i>U.S. Productions</i>	284	293	282	268	294	301	340	350	313
<i>Cultural Runaways</i>	57	39	25	40	39	44	47	46	43
<i>Economic Runaways</i>	56	58	75	92	113	109	154	150	185
<i>Economic Runaways (%)</i>	14%	15%	20%	23%	25%	24%	28%	27%	34%
<i>Cultural Runaways (%)</i>	14%	10%	7%	10%	9%	10%	9%	8%	8%
<b>Canada's Share of Economic Runaways</b>									
<i>Total Economic Runaways</i>	63%	65%	75%	76%	71%	76%	71%	78%	81%
<i>Telefilms</i>	77%	96%	94%	96%	88%	90%	94%	95%	91%

Source: *U.S. Runaway Film and Television Production Study Report*.



As Table 10 shows, the number of feature films targeted at the U.S. market has fluctuated during the 1990s, reaching a peak of 633 in 1996. However the percentage of economic runaways has only slightly increased from an average of 14% over the years 1990 to 1994 to 16% in the last four years. The number of television programs for the U.S. market has shown more steady growth, but the number of economic runaways has grown quite fast, taking up most of the increase in demand. The number of creative runaway television programs has declined.

Canada has been the major home for economic runaways. The last two rows of Table 10 show how much is produced in Canada. The percentage of all runaways made in Canada has increased from 63% in 1990 to 81% in 1998. In U.S. terminology, telefilms are made-for-television movies and Movies of the Week. Canada produces over nine out of ten runaway telefilms. Looking at these figures and trends it is not hard to understand why Hollywood has directed much criticism towards Canada. The government of British Columbia has answered back, attempting to head off trade complaints of unfair subsidies. The dollar amounts are substantially overstated by the U.S. study, because it uses secondary sources and budget numbers that are forecast or estimated. The relevant statistic is actual spending in Canada, which is accurately recorded in filings to collect Canadian federal and provincial tax credits. Foreign leading actors and directors will probably remit the major part of their salaries back to the U.S. The number of runaways is also overstated because it includes some Canadian productions that would not have been produced without Canadian involvement, becoming joint productions rather than runaways.

Recently an action movie star, Arnold Schwarzenegger, was elected governor of California. Part of his platform was to keep movie productions in his home state, arguing that Canadians had "stolen" this number one export from California. According to newspaper reports, the latest vehicle for Mr. Schwarzenegger, *Terminator 3*, was to have been shot in Vancouver, but, at the last moment, he volunteered to take a salary cut which, along with some cost cuts, made shooting in Hollywood economic. It should be pointed out that *The 6th Day* (2000) was made entirely in Canada at the Lion's Gate Studios in North Vancouver, and on location in British Columbia and Ontario. In addition to starring in this movie, Mr. Schwarzenegger was the producer, with a major voice in the choice of location. Earlier Schwarzenegger films partially filmed in Canada are *Batman & Robin* (1997), *Eraser* (1996), *True Lies* (1994) and his classic *Conan the Barbarian* (1982).

With regard to the percentage of films produced in Canada that feature firearms prominently, some indication may be obtained from the Internet Movie Database (IMDb) is an electronic source of independent information on film and video. The IMDb produces a listing of the all-time most popular films as measured by sales revenues. From this ranking can be extracted those productions that were filmed in Canada. Table 11 shows the 19 top films that used Canadian locations or studios.

**Table 11**

<b>Top 300 Films Shot or Partially Shot in Canada</b>					
<b>Rank</b>	<b>Film</b>	<b>Year of Release</b>	<b>Box Office Gross, (current US\$ million)</b>		<b>Genre</b>
			<b>U.S.</b>	<b>Non-U.S.</b>	
1	Titanic	1997	601	1235	Dr / Ro
32	Twister	1996	242	253	Ac / Th / Dr
37	The Lost World: Jurassic Park	1997	229	385	Ho / SF / Ad / Th / Ac
88	Three Men and a Baby	1987	168	n.a.	Co / Fam
121	The Santa Clause	1994	145	45	Co / Fam / Fan
133	Look Who's Talking	1989	140	157	Ro / Co
138	Good Will Hunting	1997	138	n.a.	Dr
149	Superman	1978	134	155	Ac / Ad / SF
168	Rocky IV	1985	128	173	Ac / Dr
206	Double Jeopardy	1999	117	n.a.	Th / Ac / Dr / My
235	Ace Ventura: When Nature Calls	1995	108	104	Co
236	A Time to Kill	1996	108	37	Dr / Th
238	Superman II	1980	108	n.a.	Ad / Fan / SF / Ac
241	Batman & Robin	1997	107	130	Ac / Ad / Fan / Th
257	Phenomenon	1996	105	38	Dr / Ro / Fan
279	Unforgiven	1992	101	n.a.	We / Dr
282	Contact	1997	101	n.a.	Dr / SF
285	Eraser	1996	101	134	Ac / Dr / Th
291	Jumanji	1995	100	165	Fam / Ad / Ac / Fan

Genre Key:	Ac – Action	Ad – Adventure	Co – Comedy
	Dr – Drama	Fam – Family	Fan – Fantasy
	Ho – Horror	My – Mystery	Ro – Romance
	SF – Sci-Fi	Th – Thriller	We – Western

Source: IMDb.

The IMDb does not record how many film used guns and firearms, but the genre listing can be used to give some indications. For example, *Unforgiven* – an Oscar-winning Clint Eastwood film using Alberta as a Wild West location – explores gun violence. Over half of these all-time top-grossing movies with a Canadian location involve guns as a part of the storyline.

Film companies shooting scenes with guns visible or in action employ property masters and armourers to keep the guns safe and help the actors. The usual practice in filming is to have the actors use replica firearms, which cannot not fire, whenever possible for reasons of safety.

Since December 1998, the *Firearms Act* has treated replica firearms as prohibited. Replica firearms, except for replicas of antique firearms, cannot be imported, manufactured nor sold in Canada. These provisions would have harmed the entertainment industry, but an exception was made. Licensed businesses in the entertainment industry are allowed to have replicas as well as other prohibited items such as switchblades and numchucks. Employees who handle these items and guns have to be licensed. Licensed companies in the entertainment industry can contract with an unlicensed business to produce replica firearms. Very complete record keeping is required in the production of replicas and the use of all weapons on movie sets. It is more difficult to obtain replica firearms in Canada than in Hollywood, but some legislative and regulatory accommodations have been made. The provinces regulate health and safety in the workplace and may set additional regulations.

Actors are not considered to be employees and do not need to be licensed to handle firearms provided they are under the supervision of licensed individual.

Some Canadians who work as armourers on movie sets have argued that the lack of a gun culture in Canada means that Canadian actors need more training in weapons handling, safety, and tactics. Actors with gun phobia are less credible in their roles, and can even be a danger on the set because blank ammunition can kill.

The Canadian film and video industry faces some challenges. Television advertising revenues are being spread over more channels in Canada and abroad forcing the choice of cheaper reality programming. The political climate in Hollywood is less friendly to runaway productions and a strengthening dollar makes Canada more expensive. Recent changes to firearms policy have added to the complexity of making action movies, but there has been some attempt to make accommodations. Canadian firearms policy treats replica guns as prohibited, but on the film set replicas are the safest way to fill the hands and holsters of actors.

## **J. Historical Re-enactments**

Reliving history can be an engrossing hobby. Re-enactors, as these hobbyists are called, have to research their period deeply enough allow them to actually live the period lifestyle. There is a great emphasis on historical accuracy. Clothes must be made of the correct fabric and colour. Utensils and equipment ought to be authentic. Some re-enactors recreate battles; some re-enact scenes from daily life; some take part in parades and pageants. In many cases, firearms are part of the re-creation. The benefits of historical re-enactments are wide-ranging: they contribute to the economy by attracting tourism; they provide entertainment for the re-enactors and the viewers; and they help to extend public awareness of Canada's history and identity. Some notable re-enactments in Canada are the following:

- The Battle of Stoney Creek marked the turning point in the War of 1812. The battle has often been re-enacted at the original 200-year-old Gage Homestead. The event takes place over a weekend, with the Friday is devoted to a History in Action day for local schoolchildren. There is also a performance of Tecumseh's life. The re-enactment of the battle itself uses authentic artillery, guns, bayonets, drums and uniforms. During the rest of the day, there are historical encampments to see, horse and wagon rides, period music and fashions, and fireworks at night.
- The Battle of Georgian Bay is a fictional battle with tall ships, cavalry and smaller vessels using authentic War of 1812 and Revolutionary War naval and military tactics. In 2001, the Battle of Georgian Bay attracted over 1,700 re-enactors from all over the world. They met in Midland and Penetanguishene to set up a living history encampment.
- Heritage Days in Chatham, Ontario, are the only the only 19<sup>th</sup>-century "Pleasure Faire" in Canada, allowing visitors to relive pioneer times. The Battle of the Thames is re-enacted as part of the Faire.
- Parks Canada maintains heritage sites such as Fort George and Fort Henry which feature official recreations of their past, including musket and gun demonstrations. Private re-enactors also hold events on these sites.

The number of re-enactors in Canada is unknown, but a quick search of the Internet reveals about 50 military living history groups covering colonial to modern periods with an emphasis on earlier periods, particularly the War of 1812.

The *Firearms Act* prohibits, with exceptions, carrying a loaded gun and firing it in public, but this is exactly what re-enactments involve, although the guns are loaded with blanks. The *Firearms Act* specifically exempts parades, pageants and historical re-enactments, as well as the activities of hunting and target shooting, firearms courses, and controlling predators.

The *Firearms Act* stipulates that a firearms licence is required to use or own a registered firearm, with some exceptions. A firearms licence is also required to obtain ammunition. If the *Act* exempts a particular class of firearm from registration, the owner or user does not need a firearms licence.

The *Firearms Act* exempts some but not all old guns. Antiques are exempted if they were manufactured before 1898 and do not discharge rim-fire or centre-fire ammunition. Thus, all black powder muzzleloaders made before 1898 are classified as antiques, but 19<sup>th</sup> century guns that use centre-fire or rim-fire black powder cartridges may not be antiques. There is a somewhat complicated listing of prescribed antiques in the regulations. Loose black powder and lead shot can be bought without a firearms licence.

Reproductions of antique matchlock, flintlock and wheel-lock long guns are also classified as antiques, but reproductions of such handguns and black powder reproductions of antique percussion-cap, muzzle-loading firearms are not.

Replicas, unlike reproductions, cannot fire. They are prohibited under the *Firearms Act*, and cannot be made, sold or imported. Already-owned replicas are grand fathered. Replicas of antiques are allowed and do not need to be registered.

The obligations of the re-enactors to be licensed and register their firearm will depend on precisely on the particular firearms in use. The War of 1812 re-enactments were not affected by the *Firearms Act*, but re-enactors participating in living history pageants for other times especially from American Civil War to the modern period will have to fully comply by being registered and having licences. Visiting re-enactors have to declare antique firearms at the border, but other firearms require Non-Resident Firearm Declaration form 909 be filled in and fees paid. Re-enactors from abroad who wish to borrow a non-restricted firearm for use at an event in Canada have to apply for a non-resident temporary borrowing licence and pay a fee.

## K. Firearms Businesses

**Table 12**

<b>Number of Firearms Businesses and Activities by Province or Territory, 2002</b>															
<b>Activity</b>	<b>AB</b>	<b>BC</b>	<b>MB</b>	<b>NB</b>	<b>NL</b>	<b>NS</b>	<b>NU</b>	<b>NT</b>	<b>ON</b>	<b>PE</b>	<b>QC</b>	<b>SK</b>	<b>YT</b>	<b>Total</b>	
Ammunition (sale)	322	350	176	158	333	187	45	39	830	26	863	332	12	3,673	
Auction	7	10	5	2	0	3	0	0	11	0	0	3	1	42	
Display of firearms	0	1	3	3	0	0	0	0	0	0	3	1	0	11	
Entertainment	5	39	6	0	0	6	2	0	17	1	4	0	0	80	
Gunsmith	55	93	31	31	21	53	1	1	205	5	157	37	2	692	
Manufacturing	16	33	3	0	0	6	1	0	41	2	13	0	0	115	
Pawned firearms	8	12	9	1	0	0	0	0	6	0	5	14	0	55	
Possession	22	26	7	10	4	23	0	2	323	3	67	11	1	499	
Retail/Wholesale	138	161	61	67	46	75	45	27	307	9	318	83	7	1,344	
Storing firearms	62	69	18	12	6	27	2	3	128	7	121	31	4	490	
Other	57	85	21	3	7	3	6	7	408	0	164	40	2	803	
<i>Total Licences</i>	<i>705</i>	<i>889</i>	<i>344</i>	<i>292</i>	<i>423</i>	<i>390</i>	<i>102</i>	<i>80</i>	<i>2,302</i>	<i>55</i>	<i>1,720</i>	<i>559</i>	<i>30</i>	<i>7,891</i>	
<i>Total Businesses</i>	<i>398</i>	<i>465</i>	<i>208</i>	<i>182</i>	<i>360</i>	<i>209</i>	<i>54</i>	<i>48</i>	<i>995</i>	<i>33</i>	<i>981</i>	<i>378</i>	<i>15</i>	<i>4,326</i>	

Source: RCMP, *Registrar's Report to the Solicitor General on the Administration of the Firearms Act, 2002*.

In Table 12, “display of firearms” refers to a licence allowing a Royal Canadian Legion or an organized veterans group of any Canadian armed forces or police force to exhibit or store firearms. A “possession” licence allows the armoured car industry to have their employees armed to protect their lives and transport valuable cargo. The number of licences is nearly twice the number of businesses, indicating that most businesses have more than one licence.

“Manufacturing” entails the production, processing or assembly of firearms, but a better insight into major gun manufacture can be obtained from the Strategis Canadian Company Capabilities database. This source records sales as a range rather than an exact number.

The Strategis database identifies the following manufacturers:

- Diemaco Inc. of Kitchener, Ontario, produces various combat rifles for the Canadian Department of National Defence and for military clients in NATO countries. Diemaco employs 90 workers and has total sales in the range \$10 to \$25 million.
- Para-Ordnance Manufacturing Inc. of Scarborough, Ontario, makes 9mm, .40- and .45-calibre pistols for the law enforcement, military, and civilian markets. Para-Ordnance employs 65 workers, and has total sales between \$5 and \$10 million.

- Savage Arms (Canada) Inc. of Lakefield, Ontario, makes .22-calibre long rifles and sporting rim fire rifles, including those used for target shooting and biathlon events. Savage Arms employs 75 workers and has total sales between \$5 and \$10 million.
- Armament Technology of Halifax, Nova Scotia, makes tactical, sniper and precision rifles for military, police and civilian customers. Armament Technology employs 4 workers and has sales in the range of \$500,000 to \$1 million.
- RTI Research. Ltd of Langley, British Columbia, makes gun-care products for the shooting sports industry, the military, and law enforcement. These products include cleaning fluids, cleaning rods, brushes and swabs, tactical gun cases, shooting muffs and earplugs. RTI Research employs 3 workers and has sales in the range of \$500,000 to \$1 million.
- Range Sports Unlimited of Kamloops, British Columbia, manufactures hunting and marksmanship equipment, including smallbore target rifles, sights and clothing. Range Sports Unlimited employs 3 workers and has reported sales less than \$100,000.
- Excalibur Crossbow of Kitchener, Ontario, makes hunting and target crossbows and accessories for both domestic and foreign markets. Excalibur Crossbow employs 8 workers and has sales in the range of \$1 to \$5 million. (As well as regulating guns, the *Firearms Act* requires that a firearms licence is needed to acquire a crossbow.)

In addition to a number of smaller ammunition manufacturers and reloaders, SNC Industrial Technologies Inc. of Le Gardeur, Quebec, makes munitions for military and civilian purposes in small, medium and large calibres, as well as grenades, pyrotechnic products and demolition devices. SNC Industrial Technologies employs 1,450 workers and has sales of more than \$267 million. SNC has recently taken over Expro Chemical Products Inc. of Salaberry-de-Valleyfield, Quebec, which is a major North American producer of propellents and explosives for military, civilian and commercial purposes.

Canadian firms also produce many accessories for guns, such as specialty cases, sights and scopes, which are not recorded in Table 12, above.

Table 13 shows the value of exports and imports of guns, ammunition and related goods. Military goods are included, because a number of the firms previously described produce both military and hobbyist weapons.

**Table 13**

<b>Canadian Imports and Exports of Firearms and Related Goods (\$ million), 1999-2003</b>					
<i>Exports</i>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Propellant Powders	38.1	45.2	32.3	31.6	43.5
Military Weapons	13.2	22.2	25.6	4.0	11.3
Revolvers and Pistols	9.8	10.9	9.0	10.7	7.4
Rifles, Shotguns, and Muzzle-Loaders	9.9	12.5	13.0	20.4	26.3
Other Firearms	0.7	0.3	1.4	2.3	1.7
Parts and Accessories	17.4	26.4	42.1	27.6	23.3
Cartridges	0.5	0.7	0.7	1.8	1.2
Air Gun Pellets	2.1	0.8	0.0	7.4	0.5
Other Cartridges and Parts	30.8	20.9	19.1	34.9	25.3
Other Ammunition	13.9	38.4	20.5	80.3	104.8
<b>Total</b>	<b>136.3</b>	<b>178.2</b>	<b>163.8</b>	<b>220.9</b>	<b>245.3</b>
<i>Imports</i>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Propellant Powders	5.4	6.2	4.6	3.5	3.9
Military Weapons	6.0	21.2	5.8	9.1	13.1
Revolvers and Pistols	2.0	2.5	5.7	5.5	4.0
Rifles, Shotguns, and Muzzle-Loaders	12.7	16.4	18.9	27.7	29.3
Other Firearms	9.7	10.1	10.4	17.0	16.7
Parts and Accessories	46.4	43.6	50.0	37.5	32.0
Cartridges	9.8	14.4	11.1	10.6	8.4
Air Gun Pellets	4.8	4.0	4.9	9.4	5.8
Other Cartridges and Parts	28.9	30.3	26.9	24.0	20.7
Other Ammunition	73.9	95.1	62.4	63.7	75.9
<b>Total</b>	<b>199.7</b>	<b>243.9</b>	<b>200.9</b>	<b>208.1</b>	<b>209.9</b>

Notes: Data classified according to the Harmonized System, categories 9306 and 3601.

Source: Strategis Trade Data Online.

Canada is a net exporter of propellant powders, which have much wider uses than in gun cartridges and shells, ranging from excavation and construction to airbags. Canada is also a net exporter of revolvers and pistols as well as military guns, but a net importer of rifles, shotguns and other types of guns and equipment.

Overall, for the goods in Table 13, Canada has experienced an annual trade deficit of over \$23 million. The number of non-military guns is given in Table 14, below.



**Table 14**

<b>Canadian Imports and Exports of Non-military Firearms, 1990-2001</b>					
<b>Year</b>	<b>Imports</b>				<b>Exports Total</b>
	<b>Shotguns</b>	<b>Rifles</b>	<b>Handguns</b>	<b>Total</b>	
1990	63,405	108,774	44,434	216,613	26,012
1991	49,249	77,659	27,922	154,830	21,111
1992	34,828	50,833	19,549	105,210	14,925
1993	48,437	104,357	28,745	181,539	38,110
1994	42,111	70,606	41,946	154,663	49,162
1995	20,376	53,065	34,130	107,571	80,535
1996	21,615	37,869	24,398	83,882	73,906
1997	13,966	26,952	9,179	50,097	77,568
1998	12,894	61,164	9,316	83,374	95,544
1999	7,692	22,040	4,736	34,368	91,237
2000	13,935	25,615	5,391	44,941	104,285
2001	13,364	31,817	13,097	58,278	100,015

Source: Statistics Canada, No. 65-007, 65-203 and 65-004.

These imports into Canada are not necessarily sold in the year of importation, and may include items destined for the police and other public agents.

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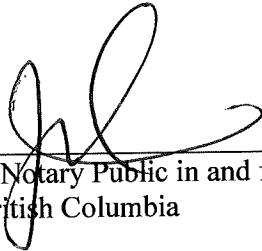
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This is **Exhibit "I"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

[1]

[2]

[3]

Year	Accused owner of firearm and held license	Licenses	Total methods used	Shooting	Stabbing	Beating	Strangulation	Fire (burns or suffocation)	Other methods used	Methods used unknown
2001	11	1,683,236	553	172	171	120	47	8	27	8
2002	14	1,887,012	582	152	182	125	68	9	24	22
2003	14	2,018,878	551	163	142	123	65	12	26	20
2004	16	2,109,127	625	173	205	138	63	13	20	13
2005	11	1,979,054	664	224	198	143	48	10	26	15
2006	16	1,908,011	608	192	210	120	48	12	14	12
2007	10	1,877,880	597	188	189	119	52	4	21	24
2008	8	1,859,501	614	201	202	124	48	7	20	12
2009	7	1,843,913	611	182	210	118	47	12	29	13
2010	13	1,848,000	557	175	166	115	43	13	33	12
2011	19	1,902,815	608	159	209	129	40	22	34	15
2012	12	1,938,080	548	171	164	115	45	17	21	15
2013	9	1,960,380	509	134	195	102	45	5	18	10
2014	16	1,989,181	523	155	189	102	33	7	23	14
2015	19	2,026,011	610	179	216	135	39	7	16	18
	13	1,922,072								

## Sources

[1] PAL accused Special Request Statistics Canada 2016

[2] Licences total Commissioner's Reports (2001-2015)

[3] Methods of homicide <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510006901>[4] Canadian population, both sexes, all ages <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1710000501>

[5] Canadian adult population, both sexes, all : Statistics Canada. Table 17-10-0005-01 Population estimates on July 1st

[5] Canadian adult population, male only, all a <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000501>DOI: <https://doi.org/10.25318/1710000501-eng>

[4]

Year	Homicide Total methods used	All ages	Homicide rate	PAL holder homicide rate
2001	553	31,020,902	1.78	0.65
2002	582	31,360,079	1.86	0.74
2003	551	31,644,028	1.74	0.69
2004	625	31,940,655	1.96	0.76
2005	664	32,243,753	2.06	0.56
2006	608	32,571,174	1.87	0.84
2007	597	32,889,025	1.82	0.53
2008	614	33,247,118	1.85	0.43
2009	611	33,628,895	1.82	0.38
2010	557	34,004,889	1.64	0.70
2011	608	34,339,328	1.77	1.00
2012	548	34,714,222	1.58	0.62
2013	509	35,082,954	1.45	0.46
2014	523	35,437,435	1.48	0.80
2015	610	35,702,908	1.71	0.94
			1.76	0.67

[5]

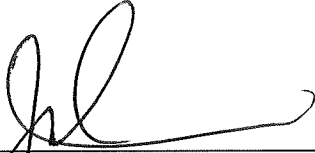
Year	Shooting Homicide	Adult population 20- 89 both sexes	Adult Firearms homicide rate [both M+F}	PAL holder homicide rate
2001	172	22,919,616	0.75	0.65
2002	152	23,264,201	0.78	0.74
2003	163	23,573,400	0.60	0.69
2004	173	23,888,791	0.86	0.76
2005	224	24,206,531	0.82	0.56
2006	192	24,539,820	0.86	0.84
2007	188	24,857,344	0.76	0.53
2008	201	25,194,639	0.80	0.43
2009	182	25,559,672	0.82	0.38
2010	175	25,925,206	0.64	0.70
2011	159	26,250,099	0.80	1.00
2012	171	26,616,624	0.62	0.62
2013	134	26,971,714	0.72	0.46
2014	155	27,300,680	0.69	0.80
2015	179	27,539,789	0.78	0.94
			0.75	0.67

[5]

Year	Total methods used	Shooting	Adult Population Males only 20- 89	Homicide rate males 20+	Firearms homicide rate males 20+	PAL holder homicide rate
2001	553	172	11,249,486	4.92	1.53	0.65
2002	582	152	11,423,770	5.09	1.33	0.74
2003	551	163	11,579,432	4.76	1.41	0.69
2004	625	173	11,737,793	5.32	1.47	0.76
2005	664	224	11,899,553	5.58	1.88	0.56
2006	608	192	12,068,545	5.04	1.59	0.84
2007	597	188	12,226,501	4.88	1.54	0.53
2008	614	201	12,394,571	4.95	1.62	0.43
2009	611	182	12,576,998	4.86	1.45	0.38
2010	557	175	12,757,724	4.37	1.37	0.70
2011	608	159	12,920,229	4.71	1.23	1.00
2012	548	171	13,111,475	4.18	1.30	0.62
2013	509	134	13,298,278	3.83	1.01	0.46
2014	523	155	13,471,707	3.88	1.15	0.80
2015	610	179	13,595,462	4.49	1.32	0.94
				4.72	1.41	0.67



This is **Exhibit "J"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



A Notary Public in and for the Province of  
British Columbia

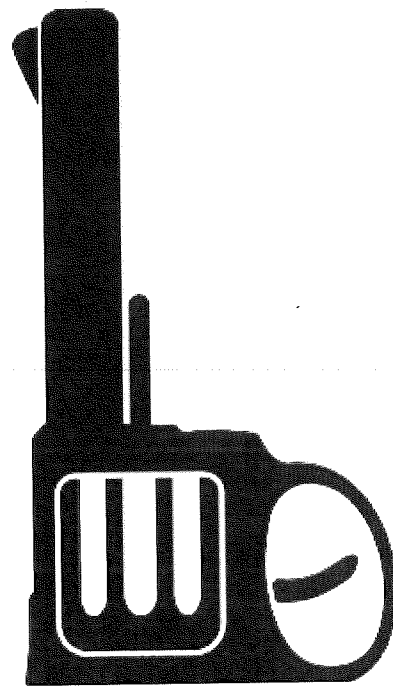
**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**



# DO TRIGGERS PULL FINGERS?

A LOOK AT THE CRIMINAL  
MISUSE OF GUNS IN CANADA

Dr. Gary Mauser



July 16, 2015

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**THERE IS NO CONVINCING EMPIRICAL  
RESEARCH SUPPORTING THE  
PROPOSITION THAT RESTRICTING  
GENERAL CIVILIAN ACCESS TO  
FIREARMS ACTS TO REDUCE  
HOMICIDE RATES.**

”

## EXECUTIVE SUMMARY

Advocates of restrictive gun laws contend that simply having a firearm available can precipitate violence, transforming an angry encounter into murder, or a fit of depression into an impulsive suicide. In other words: triggers pull fingers. Supporters of civilian gun ownership, on the other hand, argue that, while criminals should not have firearms, guns are a positive social force in the hands of solid citizens. Firearms are even said to be indispensable for protection and for keeping the peace.

This paper examines the available Canadian statistics on criminal misuse of firearms, searching for connections between criminal violence and civilian firearms owners. First, the paper provides a brief review of current firearms laws in Canada. Next, civilian firearms owners and criminals who misuse firearms are compared. In order to probe behind the published statistics, a number of Special Requests to Statistics Canada are reported on.

### 1 Canadian Firearms Legislation

The current firearms legislation is the 1995 Firearms Act (Bill C-68), as amended in 2012. The 1995 Firearms Act brought in owner licensing and universal firearm registration, but in 2012, the long-gun registry was scrapped, making no changes to the licensing provisions. The present firearms control regime has cost taxpayers over \$2 billion since its inception in 1995.

### 2 Civilian Firearms Owners

The results demonstrate stark differences between civilian firearms owners and those who commit violent crimes with firearms. Law-abiding firearms owners are exemplary middle class Canadians, in that they are employed, tax-paying, law-abiding, contributing citizens. Demographically, civilian gun owners are solid citizens who contribute substantially to their communities. Historically, armed civilians have played crucial leadership roles in their communities, including protecting the country from attack.

The primary reason (73%) Canadians give for owning a firearm is hunting. Around one quarter of the adult population in Canada has hunted at some time in their lives. Surveys find that more hunters (55%) live in urban Canada today than in rural Canada (45%). The best estimate is that there are between 3 and 3.5 million upstanding Canadian residents who personally own firearms, whether or not they have obtained a firearms license.

Organized hunters founded the North American model of wildlife conservation early in the 20th century. The result is that North America has the most successful conservation policy on any continent and this success can be traced to the popularization of hunting and widespread civilian firearm ownership.

Despite professional police forces, Canadians still need to take personal responsibility for protecting themselves and their families from violence. All of us have some degree of vulnerability to attack from criminals or wild animals. Surveys find that Canadians use firearms to protect themselves or their families between 60,000 and 80,000 times per year from dangerous people or animals. More importantly, between 19,000 and 37,500 of these incidents involve defence against human threats. The mere presence of a firearm is often sufficient to deter criminal aggression.

Law-abiding gun owners are much less likely to be murderous than other Canadians. Over the 16-year period (1997-2012), a Special Request to Statistics Canada found that licensed gun owners had a homicide rate of 0.60 per 100,000 licensed gun owners. Over the same period, the average national homicide rate (including gun owners) was 1.81 per 100,000 people.

### 3 Criminals & Firearms

Firearms misuse is typically gang-related. In Canada, almost half (47%) of firearm homicides from 1974 to 2012 were gang-related. Lawful firearm owners are rarely involved. Analysis of a Special Request to Statistics Canada found that between 1997 and 2012, just 7% of the accused in firearms homicides had a valid firearms license (or 2% of all accused murderers).

Far from being normal, murderers are aberrant: over half (54%) of those accused of homicide have a previous criminal record, and approximately two-thirds (68%) of those have been convicted of a violent crime. In addition, 19% of accused murderers have mental disorders, and almost three quarters (72%) were under the influence of drugs or alcohol at the time of the murder.

According to police, the lion's share of "crime guns" are smuggled, primarily within the drug trade, in which drugs flow south in exchange for firearms coming north. As long as drug crime is profitable, criminals will actively bring in illegal firearms.

Scrapping the long-gun registry has not increased homicide rates or gun violence. In 2013, the first year following the demise of the registry (and the most recent year statistics are available), the homicide rate dropped 8% from the year before, falling from 1.56 to 1.44 victims per 100,000. The rate of firearm homicides was the lowest since in 40 years. The number of intimate partners who were murdered also fell from 82 in 2012 to 68 in 2013.

No methodologically solid study yet conducted has found that Canadian legislation managed to have a beneficial effect on homicide rates. Criminologists typically argue that demographics, not firearms laws, better explain the decline in Canadian homicides. Between 1990 and 2013, homicide rates in the United States fell even faster than in Canada.

### 4 Firearms & Female Spousal Violence

Firearms are involved in a small percentage of spousal homicides. Knives and other weapons are much more prevalent. In the period 1995 and 2012, 1,056 (10%) of the 10,538 homicides in Canada involved the murder of a female spouse. In the period 1995 and 2012, knives were used in 32% of the murders of female spouses, and firearms in 27%; the percentage for all homicides over the same time period is knives were used in 31% and firearms in another 31%.

The long-gun registry had no discernible effect on spousal murder rates. Registration and licensing are rarely of use to police to solve spousal homicides because in almost all such cases the murderer is immediately identified, so there is no need for such information, and secondly, few firearms used by abusive spouses to kill their wives are possessed legally.

## 5 Multiple-Victim Murders

Multiple-victim murders are rare, constituting about four percent (4.2%) of homicides since 1974, when records began to be kept; almost half (46%) were shootings. A special request to Statistics Canada found that the frequency of multiple-victim murders, including shootings, has gradually declined since the 1970s. This decrease does not appear to be driven by the firearm laws. If it had been then the drop in shootings would have been steeper than that of overall multiple-victim murders.

## 6 International Research

The Canadian findings are consistent with international research. There is no convincing empirical research supporting the proposition that restricting general civilian access to firearms acts to reduce homicide rates. This study briefly reviewed the effectiveness of gun control measures in Australia, Jamaica, Republic of Ireland, the United Kingdom and the United States. Jamaica and the Republic of Ireland are particularly instructive. Both countries attempted sweeping firearms bans in the 1970s, but homicide rates continued to increase dramatically.

## 7 Conclusions

In sum, triggers have not been found to pull fingers. The general availability of firearms does not stimulate criminal violence. The statistics demonstrate stark differences between civilian firearms owners and violent criminals. Every home has many objects, such as hammers or kitchen knives, that are available for use in assault or murder if residents are so inclined.

## Introduction

Gun control will be an important wedge issue again in the 2015 federal election—as it has been for at least two decades. The Conservatives have repeatedly tossed this cat amongst the pigeons, first with Bill C-42, “The Common Sense Firearms Regulation Act,”<sup>1</sup> and then more recently with the Prime Minister’s provocative comments about the defensive uses of firearms. Prime Minister Harper’s comments in Saskatchewan on the usefulness of firearms for security stimulated both NDP Leader Thomas Mulcair and Wayne Easter, the Liberal public safety critic, to warn about the dangers of firearms in hands of civilians and the risk of “vigilantism.”<sup>2</sup>

Bill C-42 would amend the existing Firearms Act by streamlining regulations that are arguably overly complex. Specifically, Bill C-42 relaxes a few of the conditions attached to firearm licences, such as merging Possession Only Licences (POL) with Possession and Acquisition Licences (PAL), introducing a grace period for licence renewal, putting common and coherent controls on both Provincial Firearms Officers and the RCMP, and attaching Transportation Authorizations to PALs. The government argues that the bill does not reduce safeguards for public safety, while critics contend that these changes are likely to increase criminal violence, particularly the use of guns in domestic disputes.

Based on analysis of Canadian statistics, such fears appear misplaced. In 2013, the first year following the demise of the long-gun registry (and the most recent year statistics are available), the homicide rate dropped 8% from the year before, falling from 1.56 to 1.44 victims per 100,000. There were 41 fewer firearms murders in 2013 than in 2012 and the rate of firearm homicides was the lowest in 40 years. The number of intimate partners who were murdered also fell from 82 in 2012 to 68 in 2013.<sup>3</sup> So far at least, scrapping the registry has not increased homicide rates or gun violence, which suggests that Bill C-42 would not have a noticeable effect either.<sup>4</sup>

Arguments over gun control tend to be passionate. Advocates of restrictive gun laws contend that simply having a firearm available can precipitate violence, transforming an angry encounter into murder, or a fit of depression into an impulsive suicide.<sup>5</sup> This assumes that, no matter how responsible a person may be, the mere presence of a firearm poses an overwhelming danger.<sup>6</sup> At the extreme, it is even claimed that, “triggers pull fingers.”<sup>7</sup> Not unlike stern schoolteachers who keep scissors out of the hands of little children, some progressives argue that government must strictly regulate access to firearms. These rules are said to be for public safety, and not just a partisan appeal to their base. During the debate over Bill C-42, MP Randall Garrison, NDP Public Safety critic, reflected this attitude, when he purported to see no distinction between law-abiding Canadians who own firearms and career criminals, saying, “everybody is law-abiding until they are not.”<sup>8</sup> If this susceptibility is intrinsic to the human condition, then trusting government or police appears naïve, as government employees are no less fallible than other citizens.<sup>9</sup> This view appears to not show much respect for citizens, treating otherwise responsible adults as children; namely, gun control advocates are convinced they know what is best for the public.

On the other side of the cultural divide, supporters of civilian gun ownership argue, a little less simplistically, that while criminals should not have firearms, guns are a positive social force in the hands of law-abiding, religious, community spirited, and patriotic citizens.<sup>10</sup> In this telling, citizens in a democracy are adults capable of making their own decisions, and, in any case, responsible gun ownership is a long and respected Canadian tradition. Like any tool, firearms can be misused, but they also can be used for socially valuable purposes, such as hunting and protection. Hunting has long been part of the Canadian heritage. Hunters not only provide food for their families but they are the driving force behind habitat conservation. For many Canadians, such as farmers and rural residents, firearms are indispensable for protecting farm animals from predators, such as bears or wolves, as well as for keeping peace when the police may be hours away.

Armed rural homeowners act as a deterrent to criminal activity, much as armed police do in cities. Target shooting should also not be overlooked. Like any martial art, or Olympic sport, target shooting is as valuable for building character as it is for teaching any particular skill. Moreover, in times of national threat, an armed citizenry can play an important role in defending the country from invaders—and historically they have done so.<sup>11</sup> Even before Confederation, rural Canadians have responded patriotically to their country's call for help during wartime or invasion. More recently, citizen soldiers have served with distinction in the wars during the twentieth century as well as in Afghanistan. The skills civilians gain with firearm use have proved enormously valuable.

Arguments over gun control typically entail disputing facts as much as battling over implications of alternative policy preferences. Facts are important. In order to make rational policy decisions, it is important to thoroughly master the basics. This paper will examine the statistics on criminal misuse of firearms, as well as civilian gun owners, searching for connections between criminal violence and civilian firearms. After reviewing the basic statistics, there will be a brief address of a few myths about firearms, such as the role gun controls play in diminishing the frequency of multiple-victim murders and spousal homicides.<sup>12</sup>

This paper will argue that civilian firearms owners differ considerably from violent criminals. Statistics show that civilian firearm owners are exemplary middle class Canadians, and that firearms ownership is conducive to good citizenship. Statistics Canada is a valuable resource, but, unsurprisingly, they collect many more statistics than can be published; consequently, researchers must necessarily be selective in what is made available to the public. While understandable, such selectivity can obscure reality. For example, Statistics Canada rarely publishes the number of legally held firearms that are involved in violent crime. These are revealing statistics. In order to probe behind the veil, a number of Special Requests to Statistics Canada are shown that help to clarify important questions. This paper presents the findings.



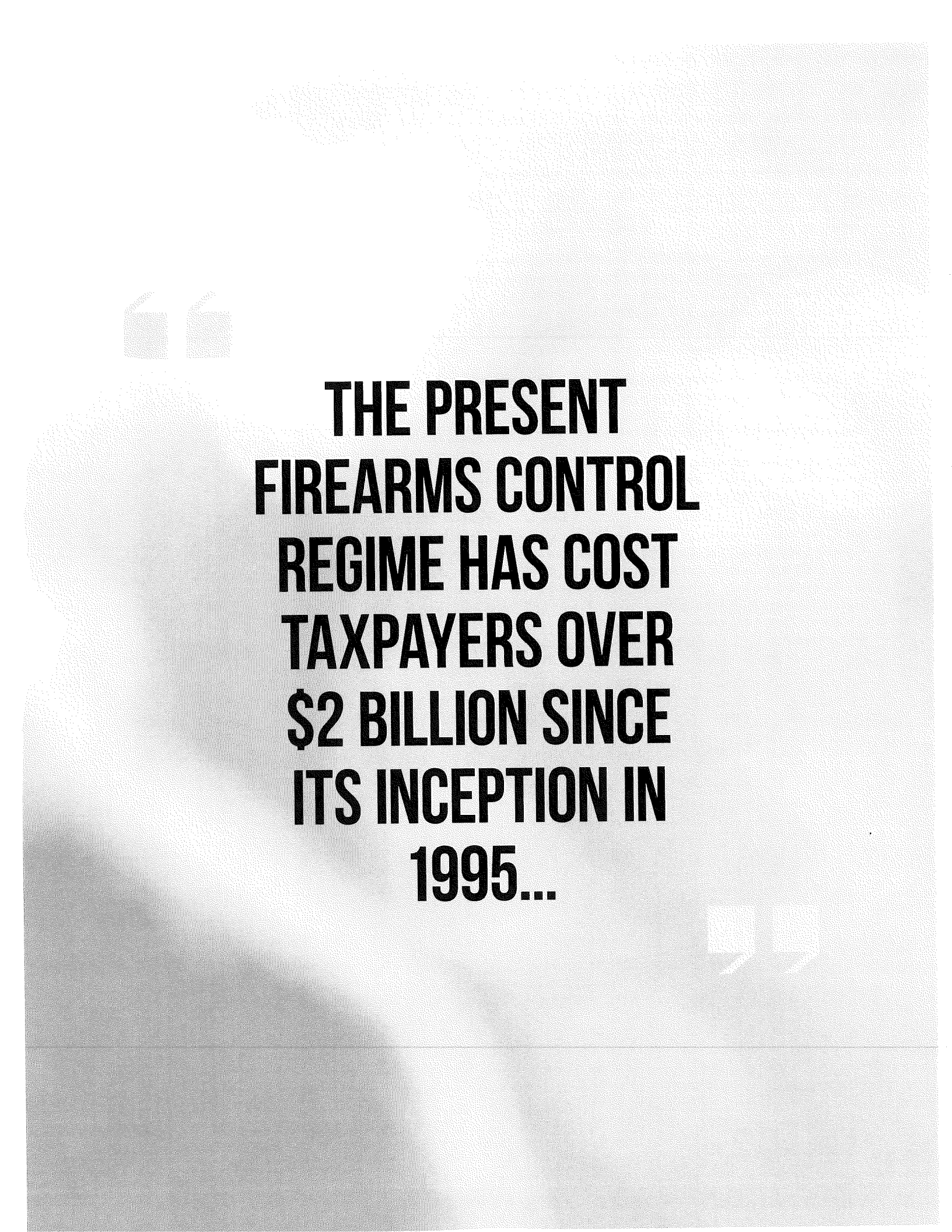
## Canadian Gun Laws

Before attempting to evaluate the proposed changes to the firearms legislation, it is important to understand the current firearms laws. How easy is it to buy a gun legally in Canada? What are the rules for lawful gun ownership? Once we grasp the basics we can ask whether relaxing the gun laws would precipitate violence or whether additional controls are needed.

The current firearms legislation is the 1995 Firearms Act (Bill C-68), as amended in 2012. The 1995 Act brought in owner licensing and universal firearm registration, but in 2012, the long-gun registry was scrapped, making no changes to licensing provisions.<sup>13</sup> The criminal legislation and regulatory framework governing simple possession of a firearm continue.<sup>14</sup> Personal information about licence holders is automatically made available to police officers via the Canadian Police Information Centre (CPIC). Police officers are trained to check CPIC before approaching an address for information about the owner and his (or her) firearms. This is a serious tactical error because the Canadian Firearms Program does not and cannot provide information on unlicensed owners or illegally held firearms. When police approach a suspicious residence, police officers should routinely assume there could be a weapon present, illegal or legal, rather than relying upon a database of demonstrably honest citizens.<sup>15</sup> Unsurprisingly, experienced police officers report that the registry is not useful to them.<sup>16</sup>

The 1995 firearms legislation is remarkable because Canada already had a strict firearm regime that had become progressively more restrictive since the 1930s, when handguns had been registered.<sup>17</sup> Prior to 1977, long guns (rifles and shotguns) had been regulated through provincial hunting regulations, while handguns were controlled under the criminal code. As part of an effort to win support from Members of Parliament to eliminate capital punishment, Parliament in 1977 amended the firearms laws to require police scrutiny for all firearm purchasers and to introduce a new crime regarding “unsafe storage of firearms.”<sup>18</sup> Also in the 1970s, the protection of property was eliminated as a suitable reason for acquiring a handgun, and owners were no longer allowed to register handguns at their business address. Without additional legislation, during the 1970s, police began to refuse permission to anyone who indicated she or he desired a firearm for self-protection (even though individuals have a natural right to use force, up to and including deadly force, to protect themselves or their family from violent attack).<sup>19</sup> Three separate representative surveys I conducted found that in a typical year tens of thousands of Canadians report using firearms to protect themselves or their families from violence.<sup>20</sup> In 1991 the firearm legislation was thoroughly overhauled, a wide range of weapons prohibited, and tighter restrictions placed on large-capacity magazines and semi-automating sporting rifles with a military appearance. The 1991 amendments brought the annual cost of managing the federal firearms control system to \$15 million.<sup>21</sup>

When Bill C-68 became law in 1995 more than half of all lawfully registered handguns were classified as “prohibited” even though they had been legal for more than half a century. As well C-68 increased the penalties for a number of firearm crimes. Due to technical difficulties and bureaucratic blunders, it took until 1998 to begin implementing owner licensing and until 2001 to start registering long-guns; the cost of implementation jumped to over \$2 billion from the estimated cost of under \$2 million.<sup>22</sup> After repeated deferrals, Canadians had to register their rifles and shotguns by 2003. Beginning in 2001, firearm owners who did not have a licence, or who allowed their licence to expire, were subject to immediate arrest and their firearms confiscated.<sup>23</sup> Possession of an unregistered firearm was similarly punishable.



**THE PRESENT  
FIREARMS CONTROL  
REGIME HAS COST  
TAXPAYERS OVER  
\$2 BILLION SINCE  
ITS INCEPTION IN  
1995...**

To obtain a firearms license Canadian residents must take and pass a 20-hour course in firearms handling (costing between CAD\$100-200), pass a criminal records check, have the support of their current spouse (plus a former spouse if separated within the past two years), get the personal recommendations of two other people, fill out a four-page application, and submit a passport-type photograph. The five-year licence costs either \$60 for long-gun owners or \$80 for restricted weapons (mostly handguns). Prospective owners of restricted firearms also must take a second firearms safety course.<sup>24</sup>

In addition to requiring owners to be licensed and their firearms registered, the Firearms Act of 1995 increased police powers of search and seizure and expanded the types of officials who could make use of such powers. Police now had wide latitude to interpret “safe storage” regulations, and coupled with the vagueness of “potential danger to self or others,” the legislation weakened constitutionally protected rights against self-incrimination, and it imposed ever-restrictive requirements for owning a firearm.<sup>25</sup>

Each time owners of restricted firearms wish to take a firearm to a gunsmith, gun show, or target range they must request an Authorization to Transport. Virtually all of these requests are granted. In contrast, transportation and carry permits for protection are limited to a handful of people, such as retired police, judges, and prospectors.

The present firearms control regime has cost taxpayers over \$2 billion since its inception in 1995;<sup>26</sup> cost overruns were so outrageous that in 2006 Parliament limited funding to a maximum of \$80 million per year.<sup>27</sup> Program costs came largely from unexpected consequences of registration. Registering firearms proved to be vastly more complex than civil servants in the Justice Department had believed. The ineptitude of this part of the Canadian bureaucracy became an international embarrassment with the publication of a case study that carefully dissected the administrative errors and made them available on the net for students of information management.<sup>28</sup> As professor Gary Kleck has argued, firearm registration is rarely useful in solving crimes or catching criminals.<sup>29</sup> It merely results in the creation of a considerable bureaucracy and a concomitant black hole of spending that achieves nothing more than busywork, keeping track of the guns owned by responsible citizens.

## Civilian Firearms Owners

Demographically, civilian gun owners are solid middle-class Canadians. They could be characterized as 'Tim Hortons Canadians' in contrast to 'Starbucks yuppies.' Surveys find that firearms owners are older, somewhat less well educated than the average, but with a higher annual income (see Table 1). Rifle owners tend to be hunters who are well-paid skilled tradesmen, such as electricians, machinists, or loggers. Shotgun and handgun owners are generally white-collar professionals, such as medical doctors, bank officials, or administrators who own firearms for target shooting. This profile is that of the "middle class." While gun owners are predominantly male, women are increasingly taking up hunting and the shooting sports. In BC, for example, one-quarter of recent graduates from hunter-training courses are women.<sup>30</sup>

(See Table 1. Demographic profile of firearm owners and general population)

Civilian gun owners are the heart of traditional Canada. The primary reason (73%) Canadians give for owning a firearm is for hunting. The second most popular reason is target shooting (13%).<sup>31</sup> See Table 2. The Canadian Nature Survey found that 8% of Canadians reported that they had gone hunting during the past 12 months. Around 23% of the adult population in Canada has hunted at some time in their lives. At the same time, surveys find that more hunters (55%) live in urban Canada today than in rural Canada (45%).<sup>32</sup>

(See Table 2. Reasons for owning a firearm)

Firearms ownership and hunting are an intrinsic part of small-town life in both Canada and the United States.<sup>33</sup> Growing up in a small town, young children are typically taught how to use firearms responsibly by their parents before taking formal firearms safety classes when older. Learning about firearms from one's parents tends to protect children against delinquency.<sup>34</sup> The small-town hunting culture is more traditional than urban Canada; for example, residents tend to be more religious and patriotic.<sup>35</sup> In this culture, firearms are viewed as tools, much like chain saws or knives, in that they must be treated with respect, and to be used primarily for gathering food for the family. Small towns have lower homicide rates (as well as lower rates of firearm homicide) than large Canadian urban centres or Native Reserves.<sup>36</sup>

(See Table 3. Homicide Rates and Community Size)

For many reasons it is difficult to know with any precision how many civilians own firearms. According to the Canada Firearm Program (CFP), there were 1.96 million licensed firearm owners in 2014. The number of unlicensed gun owners is unknown. Given the bureaucratic awkwardness involved in getting a firearm licence, many otherwise law-abiding people may not have bothered to do so.<sup>37</sup> Telephone surveys produce higher estimates of civilian firearms owners than the CFP, about 3 million, but because of privacy concerns, telephone surveys are necessarily underestimates.<sup>38</sup> The best estimate is that there are between 3 and 3.5 million Canadian residents who personally own firearms, whether or not they have obtained a firearms licence.<sup>39</sup>

Organized hunters are the unheralded heroes of conservation and not just for quarry species but for entire habitats. It is not widely known, but hunters founded the North American model of wildlife conservation early in the 20<sup>th</sup> century.<sup>40</sup> The result is that North America has the most successful conservation policies of any continent and this success can be traced to the popularization of hunting and widespread civilian firearm ownership. Hunters are motivated to provide the bulk of the funding for wildlife conservation, not just because they love the outdoors and want to preserve the wilderness, but also because they view themselves as part owners of wildlife. Hunting in Asia, Europe, and Africa is limited to the elite, which in turn limits the commitment of most people to protecting wildlife or wildlife habitat. This has resulted in destructive practices that threaten wildlife on those continents.<sup>41</sup>

Firearms ownership entails responsibility. The shooting sports have vigorously campaigned for firearms safety at least since the late 1800s. In North America, hunting organizations lobbied state and provincial government to introduce mandatory hunter training.<sup>42</sup> As a result, hunting accidents, including shootings, have dropped precipitously since hunter training became mandatory in the 1960s.<sup>43</sup>

For more than one hundred years, hunters have been the driving force behind wildlife conservation. In most provinces, fees from hunting licences are equal to or greater than provincial budgets for wildlife management. Expenditures on hunting help drive the economy.<sup>44</sup> In addition, hunters continue to be among the most generous contributors of their time and money to environmental conservation. Ducks Unlimited Canada spent \$68.5 million in 2013 on conservation projects. Since 1984, the Rocky Mountain Elk Foundation and its partners have conserved or enhanced more than 6.4 million acres of North American wilderness.<sup>45</sup> Members of provincial hunting organizations, such as B.C. Wildlife Federation and Ontario Federation of Anglers and Hunters, have contributed CAD\$335 million over a fifteen-year period (1985-2000) to habitat conservation projects in Canada. This amount is in addition to the approximately CAD\$600 million in licence fees collected from hunters over this same period that are used to support provincial and federal programs. This sum does not include another CAD\$600 million spent by hunters on equipment, travel, lodging and other expenses directly related to hunting activities over this 15 year period.<sup>46</sup>

Contemporary Canadians have inherited a long history of responsible civilian firearms ownership. Early French and English settlers needed firearms not only to provide for themselves and their families, but also for protection against animal or criminal attacks.<sup>47</sup> Throughout the 17<sup>th</sup> and 18<sup>th</sup> centuries subsistence hunting was essential for many settlers in both British North America and New France. Beginning in the 19<sup>th</sup> century, hunting became less important for providing food for Canadians but was still widely practised. It is very difficult to know just how extensive firearms ownership was in British North America before Confederation. Much more research needs to be conducted on diaries and wills before an accurate count can emerge. Unlike in the United States, there is not the political drive for such research. What work has been done suggests that firearm ownership was quite popular in British North America in the 18<sup>th</sup> and 19<sup>th</sup> centuries, if not as universal as in the United States.<sup>48</sup>

Even before Confederation, both French and British colonies encouraged widespread rifle ownership for defensive purposes in conflicts with Aboriginals. In view of the vulnerability of settlements in British North America, colonial militia laws often required men to own and use firearms.<sup>49</sup> By the middle of the 18<sup>th</sup> century, both Nova Scotia and New Brunswick felt it necessary to require male settlers to be actively involved in the militia and to have them provide their own firearms. The militia laws in both Upper and Lower Canada were similar but did not require firearms ownership.<sup>50</sup> Firearms perhaps were not as ubiquitous in British North America as they were in the United States, but firearms still played an important role in protecting communities from attack and in keeping the peace.<sup>51</sup>

After Confederation, the new government continued to encourage civilians to own rifles, primarily for national defence, but also for personal use.<sup>52</sup> The Militia Act of 1868 encouraged volunteer service by providing rifles, and the Dominion of Canada Rifle Association was formed at the same time to stimulate improvements in marksmanship with regular tournaments. The importance of the civilian militia increased as Britain accelerated the withdrawal of its regular troops from Canada in the latter part of the 19<sup>th</sup> century. Governments continued to encourage civilian firearms ownership throughout the 19<sup>th</sup> century, and continuing into the 20<sup>th</sup> century, citizen firearms owners were valued for their contributions to the military needs of the British Empire.<sup>53</sup>

Despite the vast improvement in public safety since Confederation, Canadians still have the right to take personal responsibility for protecting themselves and their families from violence. A low crime rate does not mean no crime. Some people have more dangerous lives than others, and all of us have some degree of vulnerability to criminal attack.<sup>54</sup>

According to the Criminal Code, Canadians have the right to use deadly force to protect themselves from serious injury or death.<sup>55</sup> Surveys find that Canadians use firearms to protect themselves or their families between 60,000 and 80,000 times per year from dangerous people or animals. More importantly, between 19,000 and 37,500 of these incidents involve defence against human threats.<sup>56</sup> The police are the best available bulwark against criminal violence, but they cannot be everywhere. In any case, they have no legal responsibility for protecting particular individuals.<sup>57</sup> In comparison with the number of households with firearms, the frequency Canadians use firearms to defend themselves against human threats is somewhat less than that of Americans. Policy makers in both the United States and in Canada should be aware that private ownership of firearms has benefits as well as costs for society. Even with lower Canadian rates, the numbers of people who use firearms for self-protection remain substantial and firearms restrictions may cost more lives than they save.

As solid citizens, law-abiding gun owners are much less likely to be violent than other Canadians. Firearm owners have been screened for criminal records since 1979, and it has been illegal since 1992 for people with a violent record to own a firearm. Gun owners may be compared with other Canadians by calculating the homicide rate per 100,000. Statistics Canada reports that 194 licensed gun owners were accused of committing murder over the 16-year period (1997-2012), or an average of 12 owners per year out of an annual average of 2 million licensed firearms owners. This gives a homicide rate of 0.60 per 100,000 licensed gun owners. Over the same 16-year period, there were 9,315 homicides in total, or an average national homicide rate of 1.81 per 100,000 people in the general population (including gun owners). In other words, Canadians who do not have a firearms license are three times more likely to commit murder than those who have a license.<sup>58</sup>

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## Criminals & Firearms

Firearms misuse is typically gang-related. In Canada, almost half (47%) of firearm homicides from 1974-2012 were gang-related.<sup>59</sup> Gang-related homicides have plateaued recently, but they have increased drastically from the early 1990s. As shown in Chart 1, gang-related homicides have increased from under 10% of all homicides before firearms licensing to an average of 18% in the past five years (2009-2013).

(See Chart 1. Gang-related homicides (1993-2013))

In 2013 (the most recent year statistics are available), firearms were used in 27% of homicides,<sup>60</sup> but lawful firearm owners are rarely involved. Just 7% of the accused in firearms homicides had a valid firearms licence (or 2% of all accused murderers).<sup>61</sup> Far from being normal, murderers are aberrant: over half (54%) of those accused of homicide have a previous criminal record, and approximately two-thirds (68%) of those have been convicted of a violent crime. In addition, 19% of accused murderers have mental disorders, and almost three-quarters (72%) were under the influence of drugs or alcohol at the time of the murder.<sup>62</sup> Such people cannot legally own a firearm.

According to the police, “crime guns” are smuggled primarily within the drug trade, where drugs flow south in exchange for firearms coming north. The Vancouver Police claim that 99% of crime guns are smuggled, while former Toronto Police Chief Bill Blair stated that 70% of illegal firearms in Canada were trafficked.<sup>63</sup> Smuggling is almost impossible to stop since the US-Canadian border is one of the busiest in the world, and the Canadian Border Services Agency cannot check very many of the millions of shipments that cross the border every day.<sup>64</sup> It is important to note, however, that similar problems occur with gun smuggling in island nations like the United Kingdom and Australia as well as in high-density gun-banning cities such as New York City. As long as drug crime is profitable, criminals will actively bring in illegal firearms. Clearly, legislation controlling the actions of the law-abiding cannot affect this.

A glance at the decreasing homicide rates in Canada since 1990 might suggest that the increasingly restrictive gun laws might have been responsible, but such an implication founders when considering that homicide rates in the United States fell even faster over the same time period. How could that happen? Clearly, the US did not have the supposed benefit of Canadian firearms restrictions. Moreover, the drop in American homicide rates happened in spite of (or perhaps because of) an astonishing increase in the number of Americans who now have a permit to carry concealed handguns—jumping from two million to over 11 million.<sup>65</sup> Apparently, fears about the consequences of allowing ordinary citizens to have access to firearms are misdirected.

(see Chart 2. Trend in US and Canadian homicide rates)

There is no credible evidence that either owner licensing or firearm registration has had any influence on homicide rates, nor on the frequency of gang killings, or spousal murders. The most methodologically solid study yet conducted found that no Canadian legislation managed to have a beneficial effect on homicide rates.<sup>66</sup> In this study, Dr. Langmann used three statistical methods to search for associated effects of firearms legislation: specifically: interrupted time series regression, ARIMA, and Joinpoint analysis. In order to isolate the effects of the legislation, a number of control factors were introduced. The control factors that were found to be associated with homicide rates were median age, unemployment, immigration rates, percentage of the population in a low-income bracket, Gini index of income equality, population per police officer, and incarceration rate. Specifically, no significant beneficial associations between firearms legislation and homicide or spousal homicide rates were found after the passage of any of the three amendments to Canadian firearms legislation (i.e. in 1977, 1991 and 1995). Homicide rates have declined more slowly in the decade following the implementation of licensing in 2001 and the registration of long guns in 2003 than they did in the decade prior to 2001.



One explanation for the impotence of firearms legislation is that virtually all (95%) firearms used to commit murder are possessed illegally.<sup>67</sup> After more than a decade of universal licensing and registration, a pool of firearms of unknown size still exists outside of official notice. These guns are available to anyone who seeks to obtain them—whether or not they wish to use them for criminal purposes. Estimates of the total number of private firearms in Canada vary from 8 million to 11 million.<sup>68</sup> During the period (2001-2012) that long guns were registered, the number of guns registered never exceeded 8 million.<sup>69</sup>

## Firearms & Female Spousal Violence

Despite the failure to find credible evidence supporting the assertion that general access to firearms is linked with violent crime, opponents of civilian firearms ownership have argued that gun laws are effective for dealing with certain specific threats. One such claim is that guns play a central role in spousal violence. Another has to do with multiple-victim murders. Since guns are exceptionally lethal, the argument goes, restrictive gun laws are important for limiting the numbers of deaths from these types of murders. These are poignant claims, so special requests were submitted to Statistics Canada to see what light the available data could provide.

Some supporters of the long-gun registry contend that ordinary rifles and shotguns are often used in domestic homicides, and therefore they should be tightly controlled, even registered, in order to encourage responsible use as well as pinpointing anyone who has misused a firearm. This claim exaggerates the role of guns in spousal violence. Firearms are involved in a small percentage of spousal homicides. Knives and other weapons are much more prevalent. In the period 1995-2012, 1,327 (13%) of the 10,538 homicides in Canada involved the murder of a spouse. Of these victims, 1,056 (80%) were female.<sup>70</sup> The most common weapons in spousal murders are knives, not firearms. In the period 1995-2012, knives were used in 32%, other weapons accounted for 41%, and firearms were used in 27% of the murders of female spouses. Long-guns were involved in 16% of female spousal homicides in this same time period.<sup>71</sup>

The long-gun registry had no discernible effect on spousal murder rates.<sup>72</sup> As seen in Chart 3, female spousal murders (both with and without guns) have slowly been declining since the mid-1970s.<sup>73</sup> There was no detectable change in the years following 2003, the year when all long guns were required to be registered. After the long-gun registry ended in 2012, the spousal murder rate fell from 82 victims that year to 68 the following year.<sup>74</sup> Even its supporters are disappointed in the long-gun registry, which has had ten years to demonstrate its effectiveness and, despite its high cost to taxpayers, has been unable to do so.<sup>75</sup>

(See Chart 3. Female spousal homicide by weapon, 1995-2012)

Registration and licensing are rarely of use to police to solve spousal homicides because in almost all such cases the murderer is quickly identified, so there is no need for such information, and secondly few firearms used by abusive spouses to kill their wives are possessed legally. An analysis of a Special Request to Statistics Canada found that between 1997 and 2012, only 2% of those accused of homicide had a firearm licence, and just 6% of the firearms were registered.<sup>76</sup> This is consistent with international evidence in Australia and England.<sup>77</sup>

People who are likely to murder their spouse are aberrant and unlikely to be able to qualify for a firearms licence. Approximately two-thirds of spouses (65%) accused of homicide had a history of violence involving the victim.<sup>78</sup> The majority of those known to have a Canadian criminal record had previously been convicted of violent offences. As well, over one-half of the victims were also known to have a Canadian criminal record; most had been convicted of violent offences.<sup>79</sup>

## Multiple-Victim Murders

Could gun control be useful in reducing multiple-victim murders?<sup>80</sup> Arguably, given the lethality of firearms, restricting access to firearms could be effective in reducing the numbers of multiple-victim shootings, whether or not such restrictions would effectively cause a decline in overall murder rates. Since records began to be kept in 1974, there have been seven (6.7) multiple-victim incidents on average each year through to 2010. Multiple-victim murders are rare, constituting about four percent (4.2%) of homicides. Almost half (46%) were shootings, with the proportion of shooting varying tremendously over this time period; from 0% to 100% in a given year because of the small number of incidents.<sup>81</sup>

As can be seen in Chart 4 both the frequency of multiple-victim murders, and specifically those involving firearms, have gradually declined since the 1970s, if somewhat irregularly. Multiple-victim shootings, like criminal violence in general, started dropping in the 1970s and have continued to do so. Despite this drop, it does not appear that either licensing or the long-gun registry have influenced the frequency of multiple-victim shootings or multiple-victim murders. Had the firearm laws been meaningfully effective, the decline in multiple-victim shootings would have been faster rather than slower than the drop in multiple-victim murders involving other weapons.

(See Chart 4. The number of firearm victims and victims of MVH)

Despite the decrease in frequency, multiple-victim shootings figured prominently in the news even after the long-gun registry came into force in 2003. A few examples suffice: Kimver Gill at Montreal's Dawson College in 2006, who shot and wounded 20 people, killing one; James Roszko at Mayerthorp in 2005, who shot and killed four RCMP members; and the murder of six people in an apartment building in Surrey by the Red Scorpion drug gang in 2007.

Criminologists typically argue that demographics, not firearms laws, better explain the decline in Canadian homicides.<sup>82</sup> An aging society means that a smaller proportion of the population is in the age group between 18 and 34, so there is less criminal violence, including murders.<sup>83</sup>

## International Research

There is no convincing empirical research supporting the proposition that restricting general civilian access to firearms acts to reduce homicide rates. In the United States, research sponsored by both the Centers for Disease Control and the National Research Council concluded that there is no empirical support for most common gun control measures.<sup>84</sup> In the United Kingdom, the draconian restrictions of firearms imposed in the 1990s has not brought down the murder rate. In response to horrific gun crimes, the United Kingdom tightened the laws governing civilian firearms in 1988 and again in 1997.<sup>85</sup> Police statistics show the impact of this legislation on the homicide rate in England and Wales.<sup>86</sup> As may be seen in Chart 5, the homicide rate jumped 50%, from 1.1 per 100,000 in 1990 to 1.6 per 100,000 by 2000. The homicide rate has since retreated from this higher rate, but is not yet back to pre-ban levels.<sup>87</sup>

(See Chart 5. Homicide Trend in England and Wales, 1981 - 2010/11)

Australia, like Canada, brought in stricter controls on firearms during the 1990s when homicide rates had already begun declining. In neither case are simple before-and-after comparisons adequate to justify allegations of their effectiveness. A series of studies of Australian homicide rates using a variety of methods failed to identify a link between the 1996 firearms legislation and the continuing decline in Australian homicide rates.<sup>88</sup>

Europe is often used as an example of how gun control has resulted in low homicide rates. But a closer examination does not support this claim. Not only did most European countries have low homicide rates before modern gun controls were introduced, but also homicide rates there are not higher in those countries with larger numbers of firearms in civilian hands.<sup>89</sup> Table 3 compares homicide rates with civilian gun ownership for all the countries in Europe where both statistics are available.<sup>90</sup> Historically, as well as currently, European citizens also have a need to protect themselves from criminal violence.<sup>91</sup>

(See Table 4. European homicide rates and civilian firearms)

If limited gun controls are ineffective, why not simply prohibit all (or virtually all) firearms? Both Jamaica and the Republic of Ireland attempted sweeping firearms bans in the 1970s. In 1972 the Irish Republic imposed the Custody Order, banning (and confiscating) virtually all firearms, including almost all rifles and shotguns previously owned legally.<sup>92</sup> Chart 6 shows that murders continued to increase despite the gun prohibitions.<sup>93</sup>

(See Chart 6. Murder Trend in the Republic of Ireland)

In 1974, the Jamaican government introduced the Gun Court Act that eliminated open hearings and trial by jury for firearms-related crimes.<sup>94</sup> The standard mandatory sentence for almost any firearm offence, even the illegal possession of a single cartridge, was life imprisonment. As shown in Chart 7, this approach did not deter murder rates.<sup>95</sup> In 1973, 227 people were murdered, but, despite draconian efforts, murders increased. In 2001, 1,139 people were murdered.

(See Chart 7. Murder Trend in Jamaica)

## Conclusions

In real life, triggers have not been found to pull fingers. There is no convincing evidence that the general availability of firearms stimulates or encourages criminal violence. Every home has many objects, such as hammers, poisons, or kitchen knives that are available for use in assault or murder if residents are so inclined. Spousal murderers are opportunistic in that they use whatever implements are available to them to kill. Creating an expensive bureaucracy to track one or more of these items does next to nothing to protect vulnerable women or anyone else. The evidence supports proponents of civilian gun ownership in saying that while criminals should not have firearms, guns are a positive social force in the hands of solid citizens.

Given that no solid evidence has been produced linking any of the Canadian gun laws, including the long-gun registry, to the slide in homicide rates, it is not hard to predict that passing Bill C-42 would have no measureable effect on future homicide rates, spousal murders or multiple-victim killings.

Canadian firearms misuse is typically gang-related, and legal firearm owners are rarely involved. Simple possession of a firearm remains enmeshed in a myriad of regulations backed by criminal sanctions. The available statistics are consistent with the contention that civilian firearm ownership is not associated with criminal violence. Even before firearm owners were required to have a licence, ordinary firearm owners were upstanding citizens, but licensing greatly facilitates this demonstration. Normal people are not stimulated to commit murder simply because a firearm is present any more than kitchen knives motivate cooks to kill their family. These findings are consistent with international evidence, as no methodologically sound study—in Canada or elsewhere—has found support for claims that restricting general civilian access to firearms has reduced gun violence.

Available statistics show that law-abiding gun owners are much less likely to be murderous than other Canadians. The long-gun registry did not have a measurable effect on the spousal homicide rate, partly due to the very small numbers of registered firearms involved in homicide. Trusting the registry can get police officers killed because the registry cannot alert police to the existence of unregistered guns; only about half of Canada's gunstock has been registered.

This paper has demonstrated the stark differences between civilian firearms owners and those who commit violent crimes with firearms. It is irrational to conflate civilian firearm owners with violent criminals. Civilian firearm owners are not embryonic killers—they are exemplary middle class Canadians. Firearm ownership is compatible with and conducive to good citizenship, and, accordingly, Canadian firearms owners are found to contribute substantially to their communities as responsible, law-abiding citizens. Historically, armed civilians have played crucial leadership roles in their communities, including protecting their country from invasion.

The Canadian findings are consistent with international research. Homicide rates have not been found to be higher in countries with more firearms in civilian hands. Nor is there convincing empirical support for most of the gun control measures in Australia, Jamaica, Republic of Ireland, Europe, the United Kingdom or in the United States. In sum, the proposition that restricting general civilian access to firearms acts to reduce homicide rates cannot be empirically justified.

## APPENDIX

1

Table 1. Demographic profile of firearm owners and general population

	Firearm Owners	General Canadian Population
Sex		
Male	0.88	0.49
Female	0.12	0.51
Age		
18-34	15%	33%
35-54	49%	40%
55 +	34%	27%
Education		
High school or less	51%	43%
College or some post secondary	28%	28%
University degree	19%	30%
No response	2%	1%
Household income		
Under \$20,000	8%	15%
\$20,000 - \$39,999	24%	24%
\$40,000 - \$59,999	25%	19%
\$60,000 and over	33%	27%
No response	10%	15%

Note: Totals may not equal 100 per cent due to rounding

Source: Table 5, GPC Research (2001). Fall 2000  
Estimate of Firearm Ownership. Submitted to the  
Public Policy Forum, Ottawa, Ontario (January 2).

2

Table 2. Reasons for owning a firearm

Hunting	73%
Target shooting	13%
Pest control	8%
Collection	6%
Protection	5%
Other	12%
Total	105%

Note: The total exceeds 100% because respondents could choose more than one response

Source: Figure 11 – GPC Research (2001). Fall 2000  
Estimate of Firearm Ownership. Submitted to the  
Public Policy Forum, Ottawa, Ontario (January 2).

3

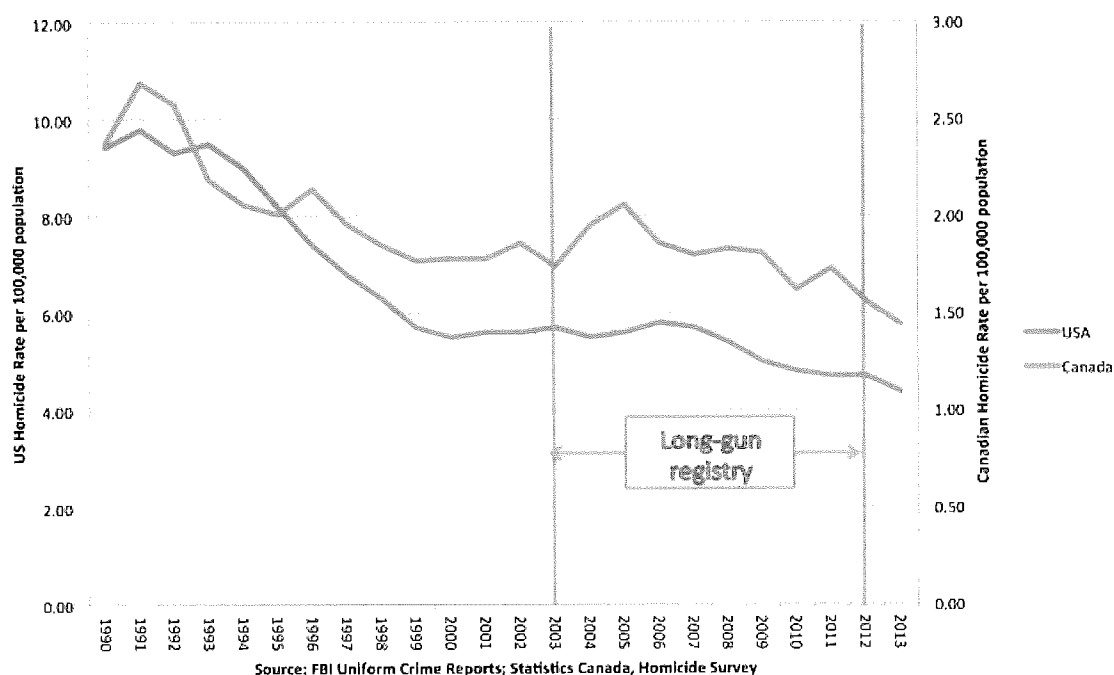
Table 3. Homicide rates and Community Size, 2007

	Total homicide rate per 100,000 population	Firearm homicide rate per 100,000 population	Population
Census Metropolitan Areas 500,000 +	2.07	0.78	16,830,499
Census Metropolitan Areas between 100,000 and 499,999	1.45	0.18	4,888,085
<b>Non-CMA Population</b>			
100,000 to 249,999	1.10	0.14	725,573
50,000 to 99,999	0.84	0.20	2,486,365
10,000 to 49,999	1.20	0.38	5,518,215
Less than 10,000	3.16	0.83	2,532,255
National homicide rate	1.80	0.55	32,976,000

Source: Special Request by Garry Breitkreuz, 14 November 2008  
Homicide Survey, Canadian Centre for Justice Statistics, Statistics Canada,  
October 2008 extraction

4

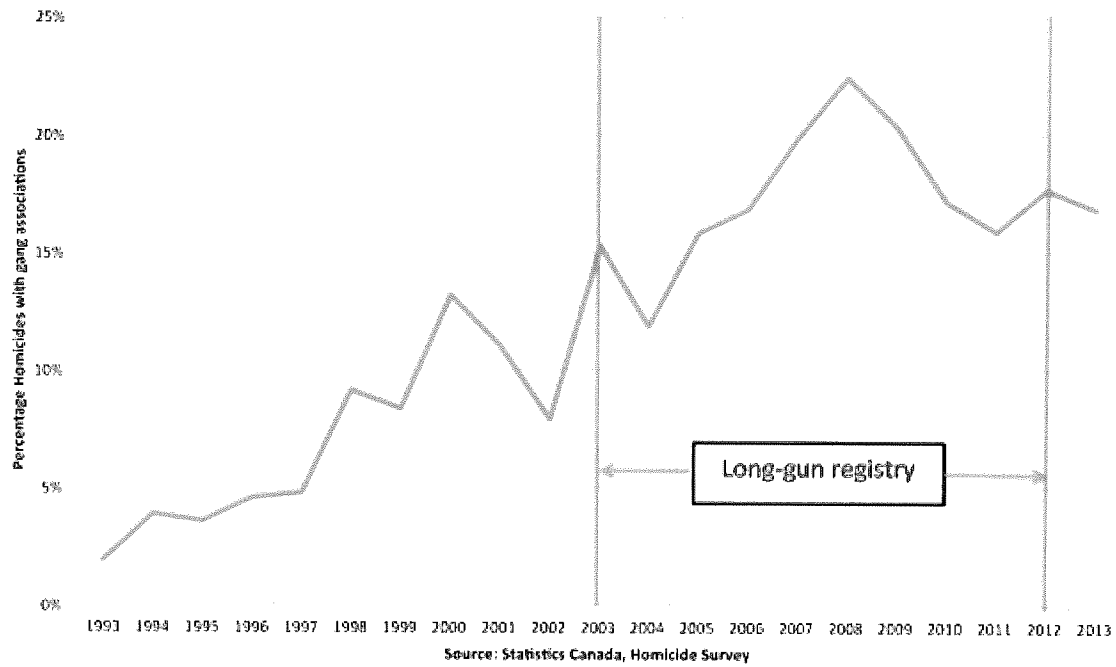
**Chart 1. Homicide Rate Trends in the United States and Canada**  
(Canada's homicide rate is given on the right; the US homicide rate on the left)



Note: The scale for the US on the left is four times greater than the scale used for Canada on the right.

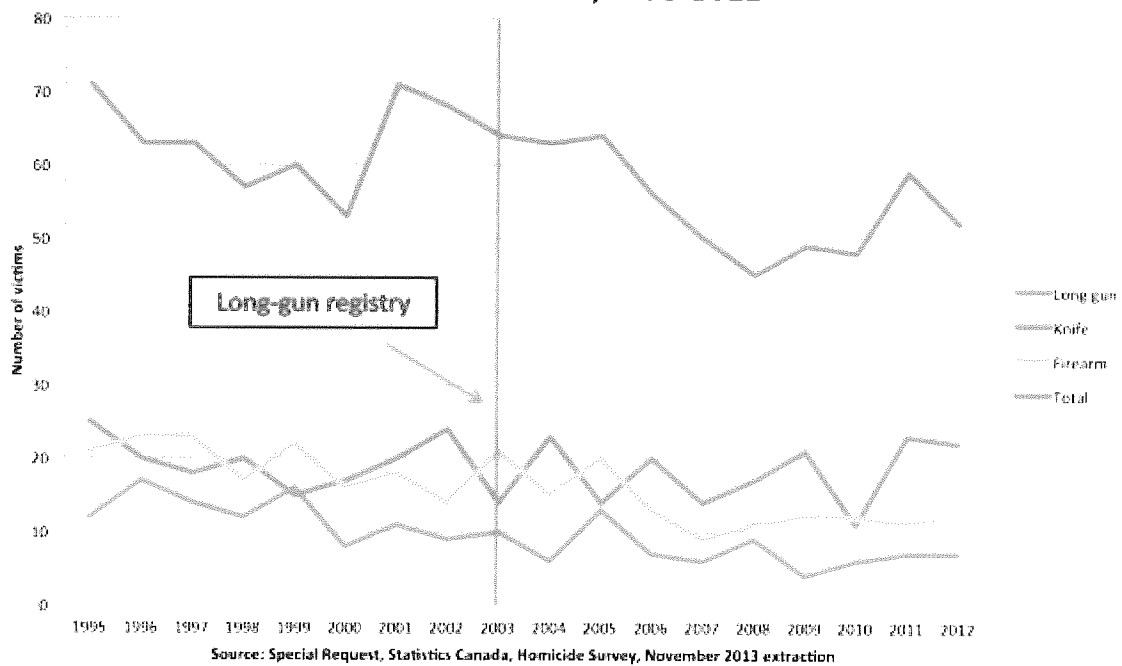
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**Chart 2. Gang-Related Homicides, Canada, 1993 - 2013**



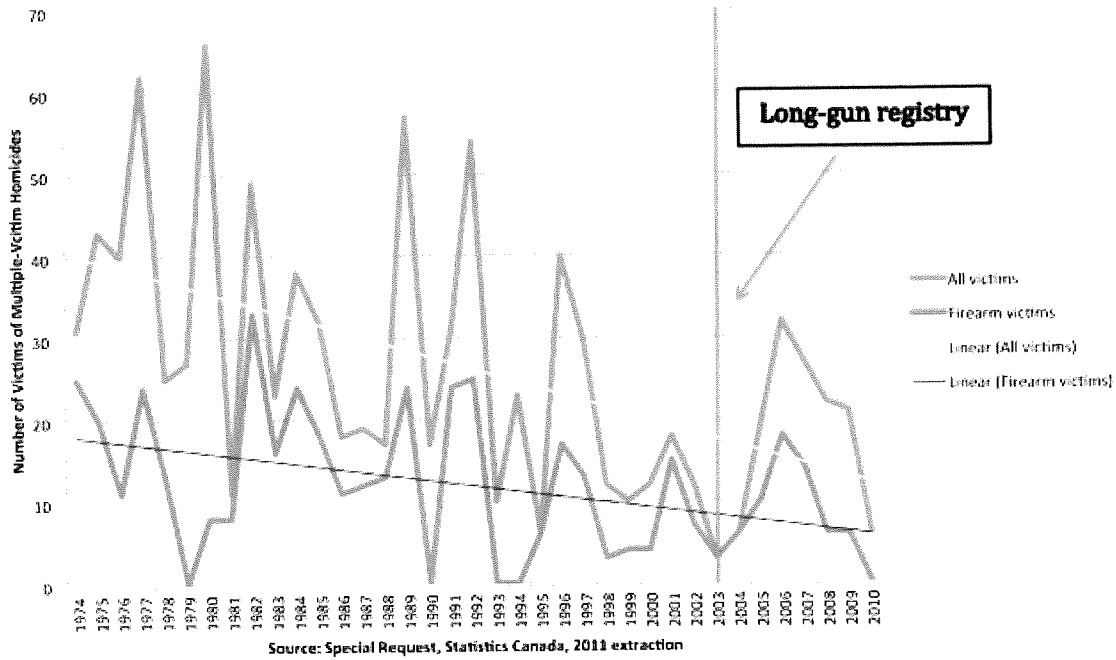
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**Chart 3. Female spousal homicides by weapon causing death, Canada, 1995-2012**



7

**Chart 4. Multiple-Victim Homicides  
Canada, 1974-2010**



8

**Chart 5. Homicide Rates in England and Wales,  
1981 - 2010/11**

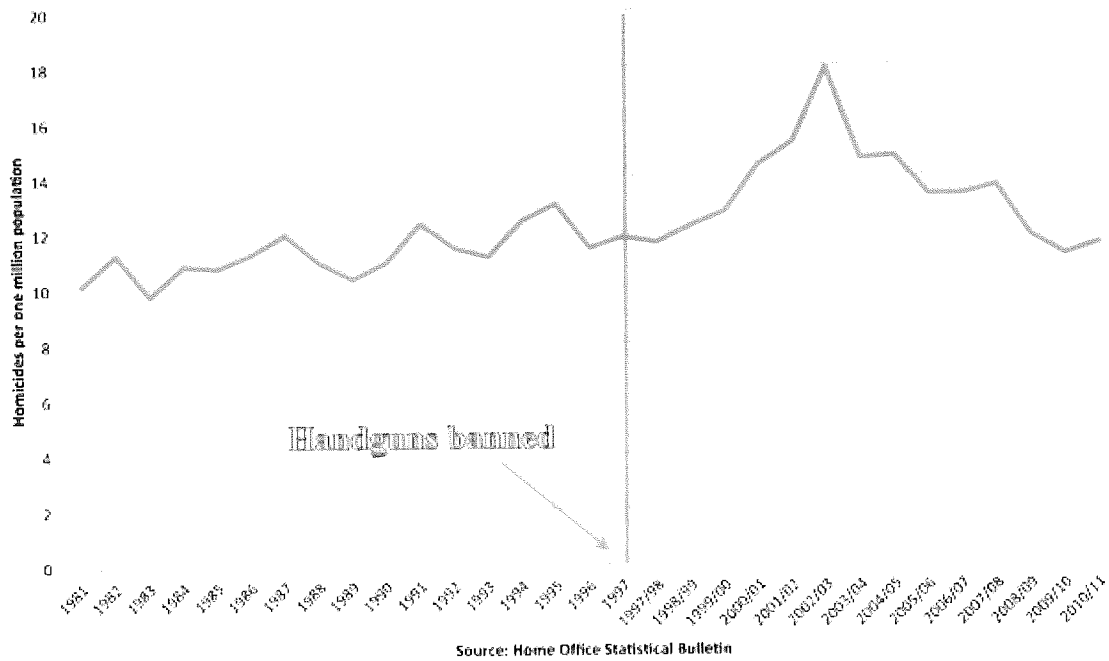




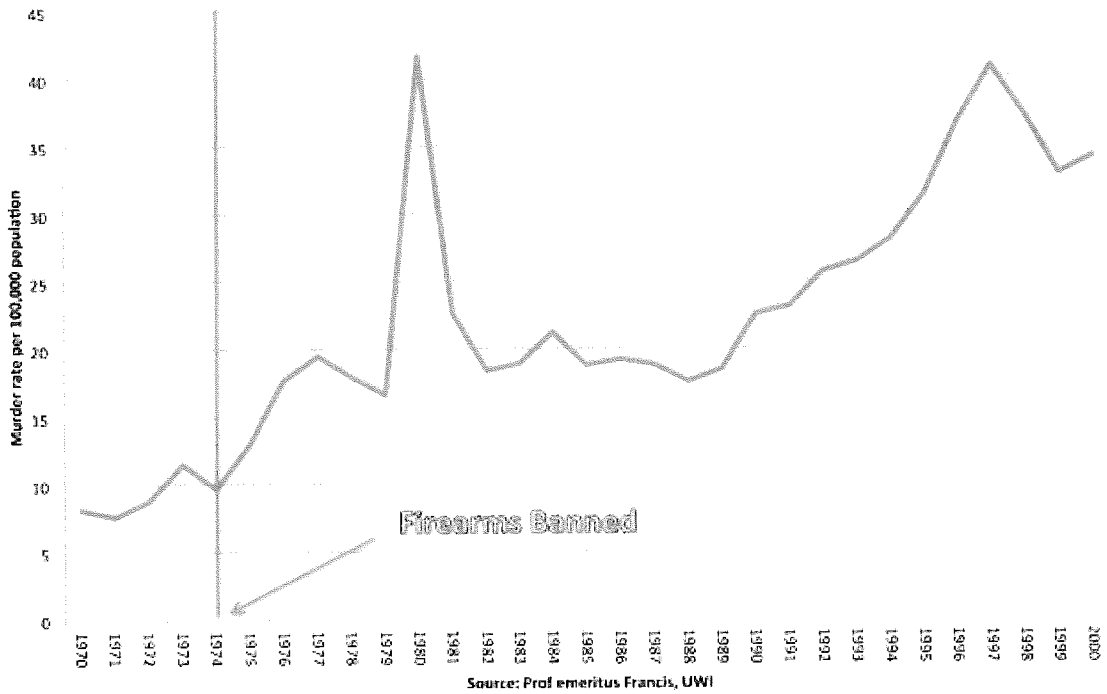
Table 4. European homicide rates and civilian firearms

Country	Homicide rate	Civilian firearms	Date of homicide
Albania	2.9	8.6	2010
Austria	0.5	30.4	2008
Belarus	5.6	7.3	2008
Belgium	1.9	17.2	2008
Bosnia and Herzegovina	1.7	17.3	2008
Bulgaria	2.3	6.2	2008
Croatia	1.6	21.7	2008
Czech Republic	1.9	16.3	2008
Denmark	1.0	12.0	2008
Estonia	6.3	9.2	2008
Finland	2.5	45.3	2008
France	1.4	31.2	2008
Germany	0.9	30.3	2008
Greece	1.2	22.5	2008
Hungary	1.5	5.5	2008
Iceland	0.0	30.3	2008
Ireland	1.1	8.6	2008
Italy	0.9	11.9	2010
Latvia	3.1	19.0	2010
Lithuania	6.6	0.7	2010
Luxembourg	2.5	15.3	2008
Macedonia	1.9	24.1	2010
Malta	1.0	11.9	2010
Montenegro	3.5	23.1	2009
Netherlands	1.1	3.9	2008
Norway	0.8	31.3	2010
Poland	1.1	1.3	2010
Portugal	1.2	8.5	2010
Republic of Moldova	7.5	7.1	2010
Romania	2.3	0.7	2008
Russian Federation	10.2	8.9	2010
Serbia	1.2	37.8	2010
Slovakia	1.5	8.3	2009
Slovenia	0.7	13.5	2010
Spain	0.8	10.4	2010
Sweden	1.0	31.6	2009
Switzerland	0.7	45.7	2010
United Kingdom	1.2	6.6	2009
Ukraine	5.2	6.6	2010

Sources: UNODC, Global Study of Homicide, 2011  
 Police reported homicide data are provided to UNODC annually by the statistical office of the European Union.  
 Number of firearms per 100 persons estimated by Swiss Small Arms Survey, 2007  
 Chapter 2, Completing the Count, Civilian Firearms, Annex 4.  
 Pearson correlation -0.3542692

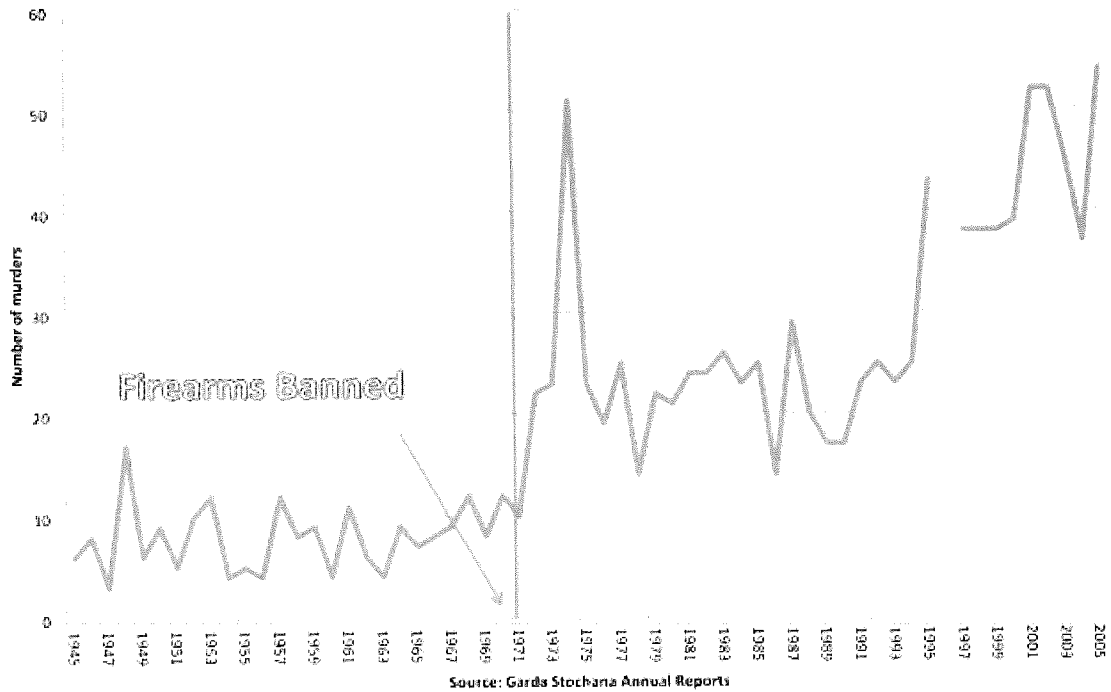
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**Chart 6. Murder Trend for Jamaica**



11

**Chart 7. Murder Trend in the Republic of Ireland**



## ENDNOTES

- 1 [Bill C-42](#)
  - 2 [Harper says guns are needed for safety and Mulcair shoots down Harper's comments.](#)
  - 3 Adam Cotter, 2014. Homicide in Canada, 2013. Juristat. Statistics Canada.
  - 4 Criminologists consider homicide rate as a valuable index for criminal violence because police in virtually all jurisdictions treat homicide with consistent and high-level attention. In addition, Statistics Canada collects more statistics about firearms involvement in homicides than they do with other violent crimes.
  - 5 This paper focuses exclusively on criminal violence. For a discussion of the role of firearms and suicide in Canada, see Gary Mauser "Hubris in the North: The Canadian Firearms Registry," 2007, Fraser Institute, pp. 49-50, and in the United States, see Gary Kleck, Point Blank, Aldine, 1991, Chapter 6.
  - 6 This assumption is widespread among public health activists. For example, Wendy Cukier and Victor W. Sidel. 2006. The Global Gun Epidemic: From Saturday Night Specials to AK-47s. Praeger.
  - 7 A thorough review of the American research on gun control is found in Gary Kleck, Targeting Guns, Aldine, 1997. In Chapter 7 he discusses in-depth the research linking firearms with violent crime, including (on p 222) the famous hypothesis that, "triggers pull fingers."
  - 8 Hansard. House of Commons Debates. Official Report. Vol. 147, No. 149, 2nd Session, 41st Parliament, Wednesday, November 26, 2014, p. 9839. His comment echoes the radical feminists who view all men as potential rapists. Barbara Kay cites a revealing quote from Alison Jaggar in her December 22, 2014 column in the National Post, "More rape statistics by the biased for the biased." In her 1983 book, Feminist Politics and Human Nature, a standard text in North American universities, Alison Jaggar argues that "[f]rom prehistoric times to the present, rape...is nothing more nor less than a conscious process of intimidation by which all men keep all women in a state of fear." Note, not some, but all men.
  - 9 Police misconduct, up to and including shooting suspects, is an ongoing problem. Perhaps the most egregious example is the RCMP killing of a distraught Polish tourist at the Vancouver airport. [RCMP taser death at YVR.](#)
  - 10 For elaborations of these benefits, see Gary Kleck, 1997, Op. cit., p. 74; John Lott, More Guns, Less Crime, 3<sup>rd</sup> Ed, 2010, U Chicago Press.
  - 11 A variety of countries currently rely on armed civilians, who have received military training at some point in their lives, to serve as a national militia for defence against invasion, including Finland, Israel, Norway, Singapore, Switzerland, Taiwan, and the United States. The threat of a protracted battle with the famously well-armed Swiss militia was one of the factors that persuaded Hitler's Nazi government not to invade Switzerland; see Stephen Halbrook, Target Switzerland, Swiss Armed Neutrality In World War II, HarperCollins, 1998.
  - 12 Many of these myths are promulgated by public health activists. For a thorough debunking of popular fallacies in gun control, see Gary Kleck, 1997, Op.cit. Chapter 1.
  - 13 This was confirmed in the recent Supreme Court of Canada decision. [Quebec has no legal right to long-gun data](#)
  - 14 For additional details see the [Canadian Firearms Program](#) website.
  - 15 A police instructor at the Ontario Police Institute told me that many young officers trust CPIC to alert them about the presence of a firearm. He was concerned that this attitude dangerously confuses firearm licences with firearms.
  - 16 Testimony to the Standing Committee on Public Safety and National Security, House of Commons, Tuesday, November 15, 2011 by Det Sgt Murray Grismer, and testimony to The Standing Senate Committee on Legal and Constitutional Affairs, Wednesday, March 28, 2012, by Rick Hanson, Chief, Calgary Police Service.
  - 17 See the RCMP's abbreviated [History of firearms law.](#)
  - 18 Friedland, M.L. (1984) A Century of Criminal Justice. Carswell, Toronto, Ontario, p. 137.
  - 19 The use of violent force to protect oneself or family is recognized in Canadian law. [A reasonable perception.](#) Diverse political philosophers, including John Locke, in Two Treatises of Government, and Thomas Hobbes, in his Leviathan, have argued that the use of force to protect oneself or one's family against violent attack is an inherent natural right. This right may also be found in the Jewish Torah and the Christian Bible, in Exodus 22: 2-3, Nehemiah 4: 13, Esther 8: 11-12, as well as in Luke 22: 35-38. Scholars, such as Maimonides and Augustine, argue that the right to use deadly force in defending oneself or one's family is based on scripture. See David B. Kopel, The Torah and Self-Defense, 109 Penn State Law Review 17 (2004) and Rodger Charles, An Introduction to Catholic Social Teaching 49 (1999).
  - 20 This is undoubtedly an underestimate. See G. Mauser, "Armed Self Defense: the Canadian Case," Journal of Criminal Justice, Vol. 24, No. 5, 1996, 393-406, and Gary Kleck, "Defensive Gun Use Is Not a Myth, Why my critics still have it wrong," [Politico.](#)
  - 21 Garry Breitkreuz, MP. [Gun control issues.](#)
  - 22 Serious problems with the overly-complex and expensive system were uncovered by the Auditor General in 2002; her investigations also resulted in criminal charges being laid for corruption. Auditor General of Canada. 2006. May Status Report of the Auditor General. Ottawa: [Chapter 4](#) Canadian Firearms Program. Queen's Printer.
- Auditor General of Canada. 2002a. December Report of the Auditor General. "Chapter 11. Other Audit Observations. Royal Canadian Mounted Police—Canadian Firearms Program." Auditor General of Canada. 2002b. April Report of the Auditor General of Canada. "Chapter 4—The Criminal Justice System: Significant Challenges." [OAG 2002 Chapter 4.](#)
- 23 Violation of criminal code Section 91(1) carries a penalty of up to five years imprisonment.
  - 24 See the Canadian Firearms Program website, Op. cit.
  - 25 Gary Mauser, Misfire, Firearm Registration in Canada, Fraser Institute Occasional Paper, 2001. [SSRN.](#) More recently, see Solomon Friedman's commentary in the National Post, 17 October 2011, Firearms laws deny law-abiding citizens their rights, [National Post.](#)
  - 26 Lott, John Jr. and Gary Mauser. 27 March 2012. "Ask Canada—gun registration won't make D.C. safer," [National Review Online](#)
  - 27 The federal cost of administering the firearms control program was \$15.5 million in 1993/94. See [Commons Debates, Garry Breitkreuz, MP, and Canada accounts.](#) I am indebted to Dennis Young, former Administrative Aide to Garry Breitkreuz, MP, for this information. Mr. Breitkreuz was an indefatigable critic of Bill C-68 for the Opposition.
  - 28 Duvall, M. (July 2004). [Canada Firearms: Armed Robbery.](#) Baseline, 1, 32: 55-57.
  - 29 See Gary Kleck, 1997, Op. cit., 336.
  - 30 CORE Graduate Report (2010-2014), Kerry Smith, BCWF Programs Coordinator.
  - 31 GPC Research (2001). Fall 2000 Estimate of Firearm Ownership. Submitted to the Public Policy Forum, Ottawa, Ontario (January 2). Since personal protection is actively discouraged by the authorities, it is likely that an unknown number of people also own firearms for protection in addition to their stated reasons of hunting or target shooting.

- 32 Federal, Provincial, and Territorial Governments of Canada. 2014. 2012 Canadian Nature Survey: Awareness, participation, and expenditures in nature-based recreation, conservation, and subsistence activities. Ottawa, ON: Canadian Councils of Resource Ministers, p 58.
- 33 Gary Kleck, 1997, *Op. cit.*, Chapter 3; Philip C. Stenning and Sharon Moyer, *Firearms Ownership and Use in Canada, A Report of Survey Findings*, 1976. Working Paper, U Toronto, 1981, Chapter 2.
- 34 A methodologically sophisticated study of adolescents in Rochester, New York found that children of legal gun owners had a lower level of delinquency than adolescents whose parents did not own firearms. "Boys who own legal firearms, however, have much lower rates of delinquency and drug use and are even slightly less delinquent than non-owners of guns. The socialization into gun ownership is also vastly different for legal and illegal gun owners. Those who own legal guns have fathers who own guns for sport and hunting." Huizinga, David, Loeber, Rolf, and Terence P. Thornberry. *Urban Delinquency and Substance Abuse, Initial Findings, Research Summary*, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. [NCJRS](#). See Figure 13, and discussion on page 18.
- 35 [Statistics Canada](#) finds that 82.6% of the farm population in Canada reported a religious affiliation in 2011. This was higher than the total population, in which 76.1% reported a religion affiliation. Reginald Bibby reports that Canadians living in small towns attend church services more often than do urban residents. The Bibby Report, (1995), *Social Trends Canadian Style*. Stoddart. p. 127. Canadian armed forces have traditionally relied upon residents in rural or small towns. [Journal Forces](#).
- 36 U-shaped distributions can yield radically different results depending upon how the categories are defined. Compare the multi-category table presented in this paper with recent reports by Statistics Canada that use fewer categories. See Northern vs. Southern regions of Canada, [Statistics Canada](#). Another Statistics Canada's study reported homicide rates higher in "rural" areas than in large cities, "A comparison of large urban, small urban and rural crime rates, 2005," [Urban vs. Rural Crime](#).
- 37 A complicating factor is that the definition of "owner" has a penumbra. Firearms are household property, much as the kitchen stove or television set, and are treated as such in divorce cases. Spouses own household property jointly and, as with other household property, are legally considered to be co-owners of household firearms. However, the law requires that each firearm have a single owner, although other people are allowed to use that firearm, "under direct supervision." Firearms are seen as tools in some households, tools that may be used by any family member to put food on the table or to protect farm animals or crops. Thus, since the cost of a firearm licence is non-trivial, households may elect to licence only one member of the household, even though more than one person may use the firearm on a regular basis.
- 38 There are a variety of reasons that law-abiding people might not want to tell a stranger on the telephone that they have firearms, including ignorance and uncertainty. Not only might a respondent forget that a long-unused firearm lies ignored in a closet, but given the complexity of firearm laws, he or she might not be confident about understanding them. Anyone unsure about the legal status of their firearm would be understandably reluctant to admit its presence for fear of alerting authorities—or criminals. It is also important to remember that we live in a multi-cultural society with large numbers of recent immigrants, some of whom have emigrated from countries intolerant of civilians owning firearms. Surveys of minority groups, such as Indo-Canadians living in British Columbia or Black Americans living in Louisiana, have much higher refusal rates, as well as finding exceptionally few minority respondents (if any) who admit to owning a firearm. See Bankston, William B., Carol Y. Thompson, Quentin A.L. Jenkins, and Craig J. Forsyth, "The Influence of Fear of Crime, Gender, and Southern Culture on Carrying Firearms for Protection," *Sociological Quarterly*, 31[2]: 287-305, 302, 1990, and Gary Mauser, unpublished research study, 2004.
- 39 This estimate excludes people with criminal records that would disqualify them from legally possessing firearms. Mauser, Gary (2005). *An Assessment of Canada's 1995 Firearm Legislation Ten Years Later*. *Journal on Firearms and Public Policy* 17 (Fall): 1-25.
- 40 Prior to the First World War, US President Teddy Roosevelt founded the [Boone and Crockett Club](#) to promote wildlife conservation in the US.
- 41 One of the foremost advocates of the North American Model is Professor Val Geist, Professor Emeritus of Environmental Science, The University of Calgary. For more information, see, "The North American Model of Wildlife Conservation as Means of Creating Wealth, Protecting Public Health while Generating Biodiversity," presented at the Wildlife Conservation: In Pursuit of Ecological Sustainability Symposium, 16-19 June 2004 Limerick, Ireland.
- 42 In 1960, Ontario was the first province in Canada to require hunters to complete [mandatory safety training](#). The other provinces soon followed. In the US, see the [National Shooting Sports Foundation](#).
- 43 Accidental firearms deaths in Canada have dropped from 143 in 1971 to 16 in 2011, the latest year statistics are available. Statistics Canada. Chapter XX: External causes of morbidity and mortality. CanSim, March 2015 extraction. The National Safety Council reports similar decreases in the US as well. See [NSC Injury Facts 2014](#).
- 44 Canadian Nature Survey, *Op. cit.*
- 45 See the websites of Ducks Unlimited Canada and the Rocky Mountain Elk Foundation for more information. As well, Canada's provincial hunting organizations have contributed vast resources to wildlife conservation. See, for example, the websites of BC Wildlife Federation and Ontario Federation of Anglers and Hunters. In the US, the Pittman-Robertson legislation has become the touchstone for other countries that wish to have sound conservation.
- 46 Jeannene Powers, *Investors in Habitat, Hunter Contributions to Wildlife Habitat Conservation in Canada*, 2000. Wildlife Habitat Canada, Presented at the 2000 Premier's Symposium on North America's Hunting Heritage, Ottawa, Ontario.
- 47 In New France and in British North America, firearms were important for defence of families in troubled areas. Consider the example of Madeline Vercheres who at 14 led the defence of her family fort. See this account: [Madeline Vercheres](#)
- 48 In *Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie*, Thomas Nelson, 2009, Clayton Cramer digs into many primary sources, including newspaper accounts and probate records, to show that people relied on guns to hunt, as well as being important to the success of colonial militias in the American colonies.
- 49 For a more detailed history of aboriginal threat to early Canadian settlers, see Desmond Morton, *A Military History of Canada*, 5<sup>th</sup> ed., 2007. Toronto, McClelland and Stewart.
- 50 For a discussion of the militia in Lower Canada, see Desmond Morton, *Op. cit.* and [The History of the Canadian Militia](#).
- 51 See R. Blake Brown's, *Arming and Disarming, A history of gun control in Canada*, University of Toronto Press, Toronto, 2012.
- 52 Sir John A. Macdonald opposed gun control legislation on the grounds that the defence of self, family or property was a legitimate reason for carrying a pistol upon the person. *Debates, House of Commons*, 5 June 1872, 997. Cited in Brown, *Op. cit.*, p 70.
- 53 Morton, *ibid*. In addition to the impressive military contribution that Canada made in both World Wars, Canadians served creditably during the South African War (1899-1902). However, it is less well known that the Canadian government issued rifles to civilians for coastal defence during World War II. Despite lacking formal military training, these volunteers, the Pacific Coast Militia Rangers, were formally designated a corps in the Canadian Army as [Special Forces](#).
- 54 The Charlie Hebdo terrorist attack in France and "lone wolf" attacks in Canada and elsewhere are reopening the debate over the wisdom of arming civilians. Rabbi Menachem Margolin urged the EU to allow Jews to carry firearms for protection. [Israel National News](#). In 2013, after the attack by al-Shabab at the Westgate shopping mall in Nairobi, Kenya that killed 67 people, Interpol Secretary General Ronald said, "What I'm saying is it makes police around the world question their views on gun control. It makes citizens question their views on gun control. You have to ask yourself, 'Is an armed citizenry more necessary now than it was in the past with an evolving threat of terrorism?' This is something that has to be discussed." [Interpol Secretary General Ronald](#).

- 55 See section 34 of the Canadian Criminal Code. However, the Ian Thomson saga illustrates how police approach those who use firearms to protect themselves. See the article in Macleans.
- 56 See G Mauser, *Armed Self Defense: the Canadian Case*, Op. cit.
- 57 This is usually stated as, "Under the common law and police statutes the police owe a duty to the public as a whole and not to specific individuals." For a discussion of exceptions to this standard, see Legal Standards on Policing Obligations.
- 58 Source: G Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2014 extraction.
- 59 Adam Cotter, Op. cit. A homicide is classified by Statistics Canada as gang-related when police suspect or confirm that the accused or the victim was either a gang member, or a prospective member, of an organized crime group or street gang, or was somehow associated with an organized crime group or street gang, and that the homicide was carried out as a result of this association.
- 60 Adam Cotter, Op. cit.
- 61 Source: G Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2014 extraction.
- 62 Adam Cotter, Op. cit.
- 63 Stolen firearms have not been found to be a major contributor to crime. According to the Toronto Police, between 2% and 20% of "crime guns" (depending upon the year) have been stolen from a lawful owner. In my 2014 Special Request to Statistics Canada I found that just 6% of guns used in murder had ever been registered, implying that firearms stolen from law-abiding owners must be even fewer than that. Philip J. Cook, Wendy Cukier and Keith Krause report similar findings in their article. The illicit firearms trade in North America, *Criminology and Criminal Justice*, August 2009, vol. 9, No. 3, 265-286.
- 64 In 2013, Canada imported over \$300 billion in goods from the US, and \$20 billion from China. International Imports.
- 65 Lott, John Jr., *Concealed Carry Permit Holders Across the United States*. 9 July 2014. Concealed Carry Permit Holders.
- 66 See Caillin Langmann, MD. 2012. Canadian Firearms Legislation and Effects on Homicide 1974 to 2008. *Journal of Interpersonal Violence*, 27(12) 2303-2321. IIPV Sage.
- 67 Between 1997 and 2012, 4.5 % of firearms used in murder were reported registered to the accused. Source: G Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2014 extraction.
- 68 GPC Research. 2002. Fall 2001 Estimate of Firearms in Canada, Report on Findings. These estimates are based on surveys, but such estimates tend to be low, Kleck, 1997. Op. cit. Import/export estimates of gun numbers tend to yield somewhat higher estimates, but they are undoubtedly too high because usually greater care has been taken to track imports than exports. Import/export estimates find at least 11 M and were calculated as follows: 1.9 M registered by RCMP in 1945, plus 6 M manufactured by Cooney between 1920 and 1970s, plus 8 M imported between 1945 and 2000. Approximately 4.7 M exported between 1970 and 1998, and approximately 300,000 were deactivated between 1978 and 2000. Garry Breitkreuz, MP. How many guns are there in Canada? 13 December 2001. Guns in Canada.
- 69 RCMP, Commissioner of Firearms Annual Report, 2011.
- 70 In general, homicide victims are male (71%), as are accused persons (88%).
- 71 Source: Gary Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2013 extraction.
- 72 Samara McPhedran and Gary Mauser. 2013. Lethal Firearm-Related Violence Against Canadian Women: Did Tightening Gun Laws Have an Impact on Women's Health and Safety? *Violence and Victims*, Volume 28, Number 5, 875-883. McPhedran and Mauser.
- 73 Adam Cotter, Op. cit. Research has shown that these decreases may be driven by social and economic changes such as the ageing society and increased labour force participation rates for women. For more information, see Dawson, M., V. Pottie Bunge and T. Baldé. 2009. National Trends in Intimate Partner Homicides: Explaining Declines in Canada, 1976 to 2001. *Violence Against Women*, Vol. 15, Issue 3. p. 276-306, and Sinha Mairé. 2012. Family violence in Canada: A statistical profile, 2010. Juristat. Statistics Canada, catalogue no. 85-002-X, Ottawa, Canada.
- 74 Adam Cotter, Op. cit.
- 75 Neither the federal Liberals nor the NDP appear eager to reinstate the long-gun registry. Trudeau forthrightly rejects its reintroduction, as do key lieutenants in the NDP, although NDP Leader Mulcair promises he would reintroduce it.
- 76 Source: G Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2013 extraction.
- 77 The Home Office reports that under 10% of firearms used in homicide are legally held by the murderer, see Home Office (2001), *Criminal Statistics*, England and Wales, 2000, Norwich: HM SO. The Australian Institute of Criminology report that 18% of firearms used in homicide are legally held, see Mouzos, J. (2000), *The Licensing and Registration Status of Firearms Used in Homicide*. Trends and Issues no. 151, Canberra, ACT: Australian Institute of Criminology.
- 78 Mairé Sinha. Op. cit.
- 79 Adam Cotter, Op. cit.; Gary Mauser, Special Request Statistics Canada, 2014.
- 80 The definition of "multiple-victim murders" varies from two or more victims to four or more victims. To conform to the definition used in a recent FBI report, multiple-victim murders will be defined here as murders with three or more victims in a single incident. *Investigative Assistance for Violent Crimes Act of 2012*, 28 USC 530C(b)(1)(M)(i).
- 81 Source: G Mauser, Special Request Statistics Canada, CCJS, Homicide Survey, 2011 extraction.
- 82 In addition to an aging society, other important demographic factors in Canada that are significantly correlated with the murder rate are unemployment, foreign immigration, and the relative size of the aboriginal population. See Gary Mauser and Richard Holmes, *An evaluation of the 1977 Canadian Firearms Legislation*, Evaluation Review, December 1992, Vol. 16, No 6, pp. 603-617.
- 83 Derek Abma. Canada's murder rate drops to lowest level since 1966. National Post.
- 84 Hahn, Robert A., Oleg O. Bilukha, Alex Crosby, Mindy Thompson Fullilove, Akiva Liberman, Eve K. Moscicki, Susan Snyder, Farris Tuma, Peter Briss, (2003). First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws. Findings from the Task Force on Community Preventive Services, Center for Disease Control. Wellford, Charles F., John V. Pepper, and Carol V. Petrie, eds. (2004). *Firearms and Violence: A Critical Review*. National Academies Press.
- 85 UK Legislation.
- 86 "England and Wales" is the principal jurisdiction of the UK. Scotland and Northern Ireland collect crime statistics independently.
- 87 Alison Walker, Chris Kershaw and Sian Nicholas. Crime in England and Wales 2005/06. Home Office Statistical Bulletin 12/06; Gary Mauser, *Do Restrictive Firearm Laws Improve Public Safety?* In *Prohibitions*, John Meadowcroft (ed.), the Institute of Economic Affairs, London, England, 2008.

- 88 Baker, J. and S. McPhedran. 2007. Gun Laws and Sudden Death: Did the Australian Firearms Legislation of 1996 Make a Difference? *British J. Criminology*. 47, 455–469; Wang-Sheng Lee and Sandy Suardi, 2008. The Australian Firearms Buyback and Its Effect on Gun Deaths. Melbourne Institute Working Paper No. 17/08; McPhedran, S., J. Baker, and P. Singh. 2010. Firearm Homicide in Australia, Canada, and New Zealand: What Can We Learn From Long-Term International Comparisons? *Journal of Interpersonal Violence* XX(X) 1–12; and
- 89 See Kates, Don B., and Gary Mauser. 2007. Would Banning Firearms Reduce Murder and Suicide? A Review of International Evidence. *Harvard Journal of Law and Public Policy* 30, 2 (Spring): 649–94.
- 90 The homicide rates are drawn from Global Study of Homicide, 2011, UN Office of Drugs and Crime. Estimates of civilian gun ownership are much more problematic, as observed earlier in this report. Despite their inadequacies, they nevertheless are the best available estimates of the number of civilian who own firearms in Europe. They were drawn from the compilation by Small Arms Survey. Completing the Count, Civilian Firearms, [Chapter 2, Small Arms Survey 2007](#).
- 91 According to the [Daily Mail](#) European rabbis demand that Jews be allowed to carry guns to protect themselves in the wake of recent terror attacks. The [Times of Israel](#) reports that a contemporary Polish politician argues that the Holocaust would have been preventable if every Jew had a gun.
- 92 The restrictions were policy interpretations of the 1925 Firearms Act. In Ireland, murder does not include manslaughter. For additional information, see [Gun Policy](#).
- 93 For more thorough discussion, see Gary Mauser, 2008. Op. cit.
- 94 The Gun Court Act, Ministry of Justice, Government of Jamaica. [The Gun Court Act](#). For supplementary information, see [Gun Policy—Jamaica](#)
- 95 I am indebted to Professor Emeritus Alexander Francis of the University of the Western Indies for access to his extensive time-series of crime statistics in Jamaica. The murder rates in Jamaica include manslaughter, as they do in the United States.



**Dr. Gary Mauser** is professor emeritus in the Institute for Canadian Urban Research Studies and the Beedie School of Business, Simon Fraser University. He has written two books and over 30 academic publications in criminology, economics, marketing, and political science. He has testified on criminal justice issues before the Supreme Court of Canada, the Senate of Canada and the Canadian House of Commons. Professor Mauser earned his doctorate from the University of California, Irvine in quantitative methods and interdisciplinary social science.

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*The opinions of the writers published herein do not necessarily reflect the views or politics of The Mackenzie Institute or its Board.*

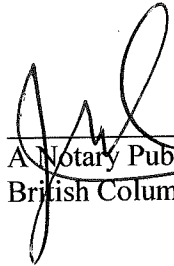
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The  
**Mackenzie Institute**  
Security Matters.



This is **Exhibit "K"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.

  
A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

Submission to the  
Federal Parliamentary Standing Committee on Public Safety and  
National Security on Bill C-71

April 2018

## Bill C-71 is a Red Herring

Gary A Mauser, Ph.D.  
Professor Emeritus  
Institute for Canadian Urban Research Studies  
Beedie School of Business  
Simon Fraser University

Thank you for this opportunity to present my observations to the Committee on Bill C-71, “An Act to amend certain Acts and Regulations in relation to firearms.”

I am concerned that Bill C-71 is founded on faulty assumptions. Assumptions that ignore the real problem of violent gang crime to focus exclusively – and unnecessarily -- on law-abiding firearms owners -- hunters, sport shooters, and firearms retailers -- individuals who do not pose a threat to public safety. The problem is violent crime, not firearms ownership.

There are many egregious problems with Bill C-71. In essence, this bill is a red herring, intended to distract the Canadian public from the government’s failure to deal with gang violence. Here, I will content myself with briefly identifying a few errors in the underlying assumptions in the bill.

**By selecting the year 2013 as the base of comparison, the government abuses statistics to argue shootings are increasing. The year 2013 is an outlier.**

The year 2013 saw Canada's lowest rate of criminal homicides in 50 years (1.45 per 100,000), and the lowest rate of fatal shootings ever recorded by Statistics Canada (0.38 per 100,000). Naturally, this results in 2016 (1.68 homicides and 0.61 fatal shootings per 100,000) being an increase from 2013.

	Homicide Rate	Percent Fatal Shootings	Percent Fatal Stabbings
1990-1999	2.2	32%	30%
2000-2009	1.8	31%	31%
2010-2016	1.6	30%	33%

Total homicides have declined at least since the 1990s, not the “steady increase” the government claims. If anything, stabbings have steadily increased, not shootings.

Firearm homicides have declined from 32% in the 1990s to 30% of homicides since 2010, while stabbing homicides have increased from 30% in the 1990s to 33% since 2010.<sup>1</sup>

**Canada has a gang problem, not a gun problem. Criminal violence is driven by a small number of repeat offenders, not by the many Canadians who legally own firearms.**

Statistics Canada reports that there were 223 firearms-related homicides in 2016; the bulk of the which (141 of the 223) were gang related. There are many instruments available to commit murder for those so inclined. Knives, clubs and fists suffice for many killers.

Licensed gun owners (Possession and Acquisition Licence holders) pose no threat to public safety. PAL holders had a homicide rate lower (0.60 per 100,000 licensed gun owners) than the national homicide rate (1.85 per 100,000 people the general population).<sup>2</sup>

**While Canada's legal guns are more likely to be found outside of metropolitan areas, the vast bulk (121 of the 141) of gang related homicides involving firearms were committed in metropolitan areas in 2016, according to Statistics Canada.**

Surveys find that 13% of households in urban areas report owning a firearm, while 30% in rural areas do so.<sup>3</sup> Despite the lower legal gun density, gun crime is higher in urban Canada.

In urban Canada (defined as Census Metropolitan Areas), firearms are involved in 33% of homicides while outside of CMAs, firearms are involved in just 25% of homicides.<sup>4</sup>

Minister Goodale is correct in pointing out the higher rates of gun violence in some rural areas. Unfortunately, property crime, violent crime (including gun crimes) are quite high on First Nations Reserves, which predominate in rural Canada (among non-CMA's with populations under 10,000).<sup>5</sup> These problems are particularly acute in the Prairie Provinces.<sup>6</sup>

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<sup>1</sup> Juristat, Homicide in Canada, 2016. <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/54879-eng.htm>

<sup>2</sup> Professor Gary Mauser. A Presentation to Senate Committee on Legal and Constitutional Affairs, The Senate of Canada. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2040531](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2040531)

<sup>3</sup> <https://www.fraserinstitute.org/sites/default/files/HubrisintheNorth.pdf>

<sup>4</sup> Professor Gary Mauser, Special Request, Statistics Canada, 2017. Number, CRO0163028.

<sup>5</sup> Jodi-Anne Brzozowski, Andrea Taylor-Butts and Sara Johnson. Victimization and offending among the Aboriginal population in Canada. Juristat. <http://www.statcan.gc.ca/pub/85-002-x/85-002-x2006003-eng.pdf>

<sup>6</sup> <https://www.statcan.gc.ca/pub/85-002-x/2016001/article/14631-eng.htm>

**There is no convincing empirical support for the assumption in Bill C-71 that tightening up restrictions on law-abiding firearms owners (PAL holders) will somehow restrict the flow of guns to violent criminals, and therefore, contribute to reducing gang violence.**

Criminologists agree that no substantial evidence exists that legislation restricting access to firearms to the general public is effective in reducing criminal violence.<sup>7</sup>

Criminals are not getting their firearms from law-abiding Canadians, either by stealing them or through straw purchases. At the height of the long-gun registry, only 9% of firearms involved in homicides were registered (135 out of the 1,485 firearms homicide from 2003 to 2010), Statistics Canada revealed in a Special Request.<sup>8</sup> To put this another way, just 3% of the 4,811 total homicides involved registered firearms during that time period.

All reputable research indicates that gang crime -- urban or rural -- is driven by smuggled firearms that flow to Canada as part of the illegal drug trade. Analyses of guns recovered from criminal activity in Toronto, Ottawa, Vancouver and the Prairie Provinces show that between two-thirds and 90% of these guns involved in violent crime had been smuggled into Canada.<sup>9</sup>

**The claim that criminals get their guns from “domestic sources” is false and misleading. This claim cannot justify additional restrictions on firearms ownership and use by PAL holders.**

---

<sup>7</sup> Baker, J. and S. McPhedran. 2007. Gun Laws and Sudden Death: Did the Australian Firearms Legislation of 1996 Make a Difference? *British J. Criminology*. 47, 455–469; Kates, Don B., and Gary Mauser. 2007. Would Banning Firearms Reduce Murder and Suicide? A Review of International Evidence. *Harvard Journal of Law and Public Policy* 30, 2 (Spring): 649–94; Kleck, Gary (1997). *Targeting Guns: Firearms and Their Control*. Aldine de Gruyter; Langmann, Caillin. Canadian Firearms Legislation and Effects on Homicide 1974 to 2008, *Journal of Interpersonal Violence*, 2012, 27(12) 2303–2321; Mauser, Gary and Richard Holmes. An Evaluation of the 1977 Canadian Firearms Legislation, *Evaluation Review*, 1992 16: 603; Mauser, Gary and Dennis Maki, An evaluation of the 1977 Canadian firearm legislation: robbery involving a firearm; *Applied Economics*, 2003, 35:4, 423-436; National Research Council of the National Academies, *Firearms and Violence: A Critical Review* 7; (2004), available at [http://www.nap.edu/openbook.php?record\\_id=10881&page=7](http://www.nap.edu/openbook.php?record_id=10881&page=7):

<sup>8</sup> Professor Gary Mauser. Presentation to the Canadian House of Commons, Standing Committee on Public Safety, C-19.

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2015724](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2015724)

<sup>9</sup> Cook, Philip, W Cukier and K Krause, “The illicit Firearms Trade in North America,” *Criminology and Criminal Justice*. Vol 9(3), 2009, 265-286. Toronto Mayor Tory told the Guns and Gangs summit meeting (7 March 2018) that at least 50% of the guns used in homicide had been smuggled, and that just 2% had no connection to the drug trade. Gary Mauser, “Will Gun Control Make Us Safe? Debunking the Myths. An evaluation of firearm laws in Canada and in the English Commonwealth,” invited address to the Ontario Police College, Toronto, Ontario, May 24-25, 2006.

The first problem with this claim is the unwarranted implication that the term “domestic sources” is synonymous with PAL holders. The authorities are embarrassed to admit there is a large pool of illegal firearms in Canada (and almost as many unlicensed gun owners as there are PAL holders).

When licensing was mandated in 2001, between one-third and one-half of then-law-abiding Canadian gun owners declined to apply for a PAL or POL.<sup>10</sup> Even though official estimates of civilian gun owners ranged from 3.3 million to over 4.5 million in 2001, fewer than 2 million licenses were issued.<sup>11</sup> As of 31 December 2016, the Canada Firearms Program reported there were 2,076,840 individual firearms licence holders.<sup>12</sup>

Secondly, the claim that criminals get guns from “domestic sources” is based on an inflated definition of “criminals” and “crime guns.” Traditionally, “crime guns” are defined as guns used (or suspected of being used) in criminal violence, however, Canadian police have now considerably expanded the definition by including any gun “illegally acquired.”

The traditional definition of a “crime gun,” as illustrated by the 2007 Ontario Provincial Weapons Enforcement Unit (PWEU):

A “crime gun” is any firearm:

- That is used, or has been used in a criminal offence;
- That is obtained, possessed or intended to be used to facilitate criminal activity;
- That has a removed or obliterated serial number.<sup>13</sup>

This traditional definition of “crime gun” is identical to that continuously used by the FBI<sup>14</sup> in the US and the British Home Office.<sup>15</sup>

This new definition, in addition to guns used in violent crimes, now includes guns confiscated for any administrative violation (e.g., unsafe storage) as well as “found guns,” including guns recovered from homes of suicides (even when the suicide did not involve shooting).

“A firearm is a crime gun if it meets any one of the following criteria: “any firearm that is illegally acquired, suspected to have been used in crime (includes found

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<sup>10</sup> Professor Gary Mauser. The Case of the Missing Canadian Gun Owners. Presented to the annual meeting of the American Society of Criminology, Atlanta, Georgia, November 2001.

<sup>11</sup> MEMORANDUM OF AGREEMENT RESPECTING THE FEDERAL- PROVINCIAL FINANCIAL AGREEMENT ADDRESSING THE ADMINISTRATION OF THE FIREARMS ACT AND REGULATIONS. March 29, 1999.

<sup>12</sup> [http://www.rcmp-grc.gc.ca/en/2016-commissioner-firearms-report#a5\\_1](http://www.rcmp-grc.gc.ca/en/2016-commissioner-firearms-report#a5_1)

<sup>13</sup> Minutes of the Toronto Police Services Board, January 22, 2004.

<sup>14</sup> Bureau of Justice Statistics. Guns Used in Crime.

<https://www.bjs.gov/content/pub/pdf/GUIC.PDF>

<sup>15</sup> ONS, Crime in England and Wales: year ending Dec 2016.

<https://www.ons.gov.uk/releases/crimeinenglandandwalesyearendingdec2016>

firearms), has an obliterated serial number, or has been illegally modified (e.g., barrel significantly shortened).” (Page 10 of the 2014 FIESD Report).<sup>16</sup>

The term “found guns” is a “trash can” category. One semi-official description is:

Found firearms not immediately linked to a criminal occurrence are referred to the Suspicious Firearms Index. Law enforcement officers may come into possession of firearms suspected of being associated with criminal activity, but which are not the subject of an active investigation. These typically include found and seized firearms where no charges are pending.<sup>17</sup>

In sum, the claim that criminals get their guns from “domestic sources” is misleading and cannot justify additional restrictions on firearms ownership and use by PAL holders. Given the large pool of firearms held by unlicensed Canadians, it is unsurprising that guns seized by the police or surrendered to them are “domestically sourced.” But these are not guns used to commit violent crimes; those are predominantly smuggled.

**Bill C-71 is unnecessary and does not contribute to public safety. Canadian gun laws are already enormously complex and constitute a maze for unwary firearms owners. Since 1998, gun crime is predominantly administrative violations not violent crimes.**

In 2012 Statistics Canada reported that there were 12,320 administrative firearms violations in Canada (outside Quebec) compared with 5,575 “firearm-related” violent crimes<sup>18</sup> or the 1,325 crimes where a firearm was used to injure a victim.<sup>19</sup>

The final total of administrative violations for Canada is somewhat higher than 12,320 because information from Quebec was excluded from this count due to Statistics Canada’s concerns over statistical irregularities in Quebec reports.

According to a special request to Statistics Canada, very few (4%) of these administrative crimes involved violence.<sup>20</sup> Almost all were merely paper crimes. In 96% of these cases, the

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<sup>16</sup> Professor Gary Mauser and Dennis Young. Critique of the RCMP's Firearms and Investigative Services Directorate (FIESD) 2014 Annual Report. The definition is on page 10 of the FIESD report. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3044135](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3044135)

<sup>17</sup> Heemskirk, Tony and Eric Davies. A report on illegal movement of firearms in British Columbia. PSSG-09-003. 2009 <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/independent/special-report-illegal-movement-firearms.pdf>

<sup>18</sup> A firearm need not be used in a crime for Statistics Canada to consider a crime “firearms-related.” A crime is “firearms-related” if a firearm the “most serious weapon present” during the commission of the crime (or is later found at the scene).

<sup>19</sup> Adam Cotter, Firearms and violent crime in Canada, 2012. <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/11925-eng.htm>

<sup>20</sup> Professor Gary Mauser, Statistics Canada Special Request number 85C9996, 17 May 2017.

gun owner in question was just charged with administrative violations, without involving any additional charges for violent crimes.

### **Summary and conclusions**

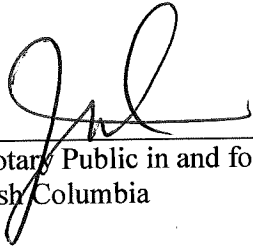
By conflating gang violence with gun violence, Bill C-71 breaks the government's repeated promises that criminal legislation will rely upon "evidence-based decision making." Bill C-71 exaggerates the problem with guns by relying upon false assumptions to target law-abiding citizens instead of criminals.

Bill C-71 is a red herring. The real problem, ignored in this bill, is gang violence. Bill C-71 focuses on PAL holders, not violent criminals. Hunters and sport shooters are not the problem. Legal guns are not a major conduit for criminals to get guns. The public is not at risk from law-abiding PAL holders.

The additional regulatory complexity created by Bill C-71 will increase demands upon government services and increase costs to taxpayers. This can only reduce public safety.

The problem is violent crime, not 'gun crime.' When will the government get serious about gang violence?

This is Exhibit "L" referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**





## Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3  
(416) 808-2222 FAX (416) 808-8202  
Website: [www.TorontoPolice.on.ca](http://www.TorontoPolice.on.ca)



Mark Saunders  
Chief of Police

File Number: .....

March 10, 2020

*RECEIVED  
MARCH 20, 2020  
CAF*

Dennis Young  
1330 Ravenswood Dr. S.E.  
Airdrie, Alberta  
T4A 0P8

Dear Dennis Young:

**Re: Your File No. ONT-013, Crime Guns – May 20, 2019**

I am replying to your request of access to information under the Municipal Freedom of Information and Protection of Privacy Act, our file number 19-2480.

Pursuant to several clarification emails with Analyst C. Kelly, full access is granted to a copy of this record as held by this **Police Service**. Please note, the response to question 6 can be located on page 7 of the responsive records.

The Coordinator is responsible for this decision.

If you have any questions regarding this letter, please contact Analyst C. Kelly at **(416) 808-7851**.

You may request a review of this decision\* by writing to: The Information and Privacy Commissioner of Ontario. 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8, telephone (416) 326-3333 or toll free 1-800-387-0073. You have 30 days to make this appeal.

In addition, you must send an appeal fee to the Commissioner's office. If your request was for your personal information, the appeal fee is \$10.00. The appeal fee for all other requests for information is \$25.00. Please include the fee in your letter of appeal in the form of either a cheque or a money order made payable to the Minister of Finance.

If you would like to appeal this decision, please provide the Commissioner's office with the following:

- (a) the file number listed at the beginning of this letter;
- (b) a copy of this decision letter;
- (c) a copy of the original request for information which you sent to this institution; and
- (d) the reasons why you believe the records exist (if the decision was that no records exist).

Enclosed is a copy of the record.

Yours truly,



Mr. P. McGee  
Coordinator  
Access & Privacy Section  
Toronto Police Service

PM:ck

Encl. 7 pages

**NOTE:**      \*'Decision' in this context does not refer to a review of the opinions/contents/conclusions of records examined or material contained in the documents provided, but to the determination to grant or withhold access to all or portions of records.

## Access & Privacy Request 19-2480

1. Definition of “crime gun”

As per TPS Service governance, “crime gun” means

- any firearm that has been used or suspected to have been used in a criminal offence
- any firearm that is obtained, possessed, or intended to be used to facilitate criminal activity
- any firearm that has had a serial number removed, altered or obliterated
- any weapon that has been adapted for use as a firearm.

2. Total number of crime guns and non-crime guns seized in 2018: 833 crime guns, 1470 non-crime guns

3. Total number of firearms “surrendered” in 2018 (i.e. amnesty, turned in for destruction): 528

Note: TPS does not distinguish between “seized” and “surrendered”. All guns that come into police custody are considered seized. This figure reflects the number of firearms turned in for destruction, or under a gun amnesty.

4. Number of crime guns seized by specific crime gun criteria – Not available

5. Number of Abandoned/Found firearms in 2018: 191

Note: “Found” and “Abandoned” are used interchangeably, and can refer to both crime guns and non-crime guns.

6. Number of firearms destroyed in 2018: \_\_\_\_\_

7. Number of firearms reported stolen from a) individuals and b) businesses in 2018:

Reportee Type	Reported Stolen Handguns, Rifles, Shotguns, Machine guns, Antique firearms	Reported Stolen Air Guns, Replica firearms, Paintball guns, Starter Pistols, Tasers	Total
Individual	15	5	20
Business	3	0	3

8. Number of crime guns seized that were reported stolen from a) licensed gun owners or b) licensed businesses – Breakdown not available.

Total number of crime guns seized in 2018 that were reported stolen in Canada: 33

9. Number of crime guns seized from licensed gun owners or licensed businesses in 2018: 49

10. Number of crime guns seized in 2018 that we attempted to trace (i.e. source): 833
11. Number of crime guns seized in 2018 that were successfully traced (i.e. sourced): 475
12. Number of crime guns seized in 2018 that were successfully traced (i.e. sourced) to the US: 333
13. Number of crime guns seized in 2018 that were successfully traced (i.e. sourced) to Canada: 142
14. Number of crime guns seized in 2018 that were legally registered in Canada: 66
15. Number of licensed gun owners who were arrested and charged in 2018 with Weapons Trafficking CC s. 99(1), Possession for the Purpose of Weapons Trafficking CC s. 100(1)(a), or Transfer Firearm without Authority CC s. 101(1): 6

Note 1: This figure may not include all licensed gun owners who were charged with Conspiracy to Commit an Indictable Offence CC s. 465(1)(c), Participation in Criminal Organization CC s. 467.11, or Commission of Offence for Criminal Organization CC s. 467.12 where the substantive offence was Weapons Trafficking CC s. 99(1).

Note 2: This figure does not include licensed gun owners who were charged with other firearm-related offences such as Unauthorized Possession of a Firearm, Possess Firearm Knowing its Possession is Unauthorized, Careless Use, Storage or Transport Firearm in a Careless Manner, Assault with a Weapon, Discharge Firearm with Intent, Attempt Murder, Aggravated Assault, etc.

16. Number of crime guns seized in 2018 by whether restricted, prohibited, or non-restricted:

Year	Non-restricted	Restricted	Prohibited
2018	82	155	393

17. Number of crime guns seized in 2018 that were registered, broken down by whether restricted or prohibited:

Year	Restricted	Prohibited
2018	49	17

18. Number of crime guns seized by type of firearm (e.g. rifle, shotgun, handgun, toy gun, replica):

Firearm Type	2018
Air Gun	157
Antique	11
Commercial Version	1
Derringer	2
Other	25
Pistol	429
Revolver	56
Rifle	61
Sawed-off Rifle	14
Sawed-off Shotgun	29
Shotgun	32
Toy Gun	16

TOTAL 833

**Requester:**

**Date of Accepted request:**

**Source:**

**Extraction date:**

**Date range:**

**Requester's Criteria:**

**Qualifiers:**

Carolyn Kelly
2019.06.26
PEMS
2019.10.31
January 1, 2018 to December 31, 2018
<p><i>The requester was looking for information about firearms seized and crime guns specifically. The Analytics &amp; Innovation Unit advised they would be able to provide information on:</i></p> <ol style="list-style-type: none"> <li><i>1. Total number of firearms surrendered to police</i></li> <li><i>2. Total number of firearms that were recorded as 'found'</i></li> <li><i>3. Total number of firearms destroyed</i></li> </ol>
<p>- The following data is sourced from the property management system (PEMS). It is reliant on the information being correctly entered into the database.</p> <p>- The table includes all firearms recovered and the reason for their recovery. The second tab shows the number of firearms destroyed in 2018 and the reason they were initially recovered.</p> <p>- The firearms destroyed in 2018 may include firearms that were recovered in previous years.</p> <p>- The requester was also looking for the number of firearms seized and the reason for their seizure. The total number of firearms seized has been provided as one of the categories. A&amp;I cannot accurately say the reason for the seizure (crime / non-crime)</p>

2018 Firearms Recovered	
Reason	Count
Abandoned	122
Amnesty	55
Deceased	24
Found	61
Prisoner	2
Safekeeping	444
Seized	1,068
Voluntary	1,321
<b>Total</b>	<b>3,097</b>



<b>2018 Firearms Destroyed</b>	
<b>Reason</b>	<b>Count</b>
Abandon	84
Amnesty	50
Deceased	29
Evidence	23
Found	68
Investigation	2
Safekeeping	44
Seized	529
Voluntary	1,323
<b>Total</b>	<b>2,152</b>

**NEW TORONTO POLICE SERVICES FOIP 'CRIME GUNS' – MAY 20, 2019**  
**MY FILE: ONT-013**

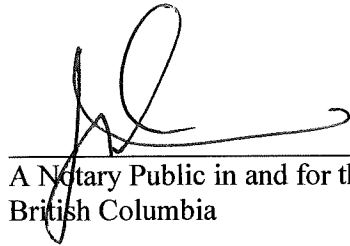
Reference is being made to the response provided by the Toronto Police Service response to FOIP File:  
2019:2061 dated August 24, 2018 <https://dennisryoung.ca/2018/08/30/toronto-police-release-crime-gun-stats-2007-2017/>

For the year 2018, please provide copies of records with the following information about firearms seized and crime guns:

1. The most current definition of a 'crime gun';
2. Total number of firearms seized for (a) Crimes and (b) Non-Crimes;
3. Total number of firearms surrendered to police (i.e. during a buy-back or amnesty, turned in voluntarily for destruction, issued with 'quit claim' receipts, etc);
4. Total number of crime guns seized that were: (a) 'used in a criminal offence'; (b) 'suspected of being used in a criminal offence'; (c) 'obtained, possessed, or intended to be used to facilitate criminal activity'; (d) 'serial number removed, altered or obliterated'; (e) 'adapted for use as a firearm';
5. Total number of firearms that were recorded as 'found';
6. Total number of firearms destroyed;
7. Total number of firearms reported stolen from (a) individuals and (b) businesses;
8. Total number of 'crime guns' seized that were reported as stolen from (a) licensed gun owners or (b) licensed businesses;
9. Total number of 'crime guns' seized from licensed gun owners or licensed businesses (a) for a violent crime, (b) for an administrative or paper firearms crime (i.e. expired license, current address not reported, Authorization to Transport violation, error on registration certificate, registered firearm not at correct address; etc);
10. Total number of 'crime guns' seized that you attempted to trace;
11. Total number of 'crime guns' seized that were successfully traced;
12. Total number of 'crime guns' seized that were successfully traced to the U.S.A;
13. Total number of 'crime guns' seized that were successfully traced to Canada;
14. Total number of 'crime guns' seized that were traced to a licensed gun owner;
15. Total number licensed gun owners charged with providing a 'crime gun' to a criminal;
16. Total number of 'crime guns' seized that were (a) restricted, (b) prohibited, or (c) non-restricted;
17. Total number of 'crime guns' seized that were registered (a) restricted, (b) prohibited (c) non-restricted and
18. Total number of 'crime guns' seized by type of firearm (i.e. rifle, shotgun, handgun, toy gun, replica, sawed-off gun, sub-machine gun, machine gun, etc).

Toronto Police Service  
Access and Privacy Section – RMS  
40 College Street  
Toronto, ON  
M5G 2J3

This is Exhibit "M" referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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A Notary Public in and for the Province of  
British Columbia

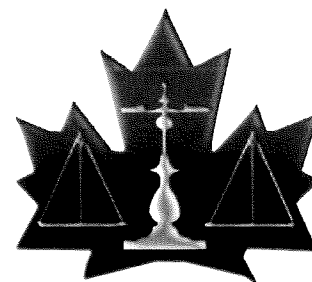
**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

## Juristat Bulletin—Quick Fact

# Firearms and violent crime in Canada, 2016

by Adam Cotter  
Canadian Centre for Justice Statistics

Release date: June 28, 2018



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## Firearms and violent crime in Canada, 2016

by Adam Cotter

In 2016, violent *Criminal Code* offences accounted for about one in every five crimes that came to the attention of police. While firearm-related violent crime represents a small part of all crime in Canada in a given year, it nevertheless has a significant emotional and physical impact on victims, families, and communities.

This *Juristat Bulletin—Quick Fact* provides information on recent trends in police-reported violent crime involving firearms,<sup>1</sup> including changes since 2009,<sup>2</sup> geographic variations over time and between regions, and the types of firearms involved. Of note, for an offence to be considered firearm-related, a firearm<sup>3</sup> need only be present during the commission of the offence, not necessarily used.

### Small proportion of police-reported violent crime involves firearms

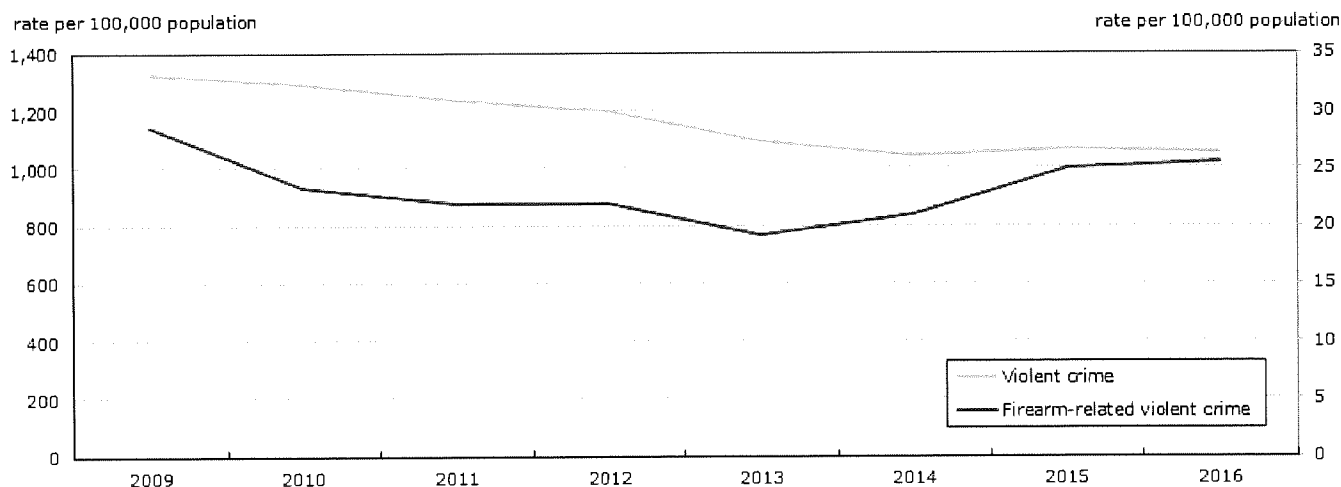
Overall, four in five (78%) police-reported violent crimes did not involve any type of weapon. If a weapon was present, it was most often a weapon other than a firearm (19%), such as a knife or a blunt instrument. About 3% of all violent crimes in 2016 were firearm-related. Between 2009 and 2014, between 1.9% and 2.3% of all violent crime involved a firearm, increasing slightly to 2.7% in 2015 and 2.8% in 2016 (Table 1; Table 2).

### Rate of firearm-related violent crime down from 2009, but up one-third since 2013

Firearm-related crime has been increasing in recent years—while other types of crime have been on the decline. In 2016, there were approximately 7,100 victims of violent crime where a firearm was present. This resulted in a rate of 25 victims of firearm-related violent crime for every 100,000 Canadians, a rate that was 33% higher than that reported in 2013 (19 per 100,000). Over the same time, the rate of overall police-reported violent crime declined by 4% (Table 1; Chart 1).

**Chart 1**

**Victims of police-reported violent crime and firearm-related violent crime, Canada, 2009 to 2016**



**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey (Trend Database).

However, the rate of firearm-related violent crime was at its lowest point in recent years in 2013.<sup>4</sup> Despite the increases noted since 2013, the rate of firearm-related violent crime in 2016 was slightly lower than that reported by police in 2009. In 2009, police reported about 7,300 victims of violent crime involving a firearm, resulting in a rate of 29 victims per 100,000 population.

There are two different ways that data on weapons are collected through the Uniform Crime Reporting Survey.

The first, **most serious weapon present**, collects information on the most serious weapon present during the commission of the crime, regardless of whether or not it was used. The second approach, **weapon causing injury**, captures information on the type of weapon used in the commission of the offence, but only if the victim sustained a physical injury as a result of the crime.

Relatively speaking, very few injuries that result from violent crime are caused by firearms. There were just over 116,000 victims of violent crime in 2016 who sustained injuries as a result; of these, about 1,500 (1%) were caused by a firearm. However, as would be expected, firearms were proportionately more responsible for incidents resulting in more severe injury. Among victims of violent crime, firearms were the cause of injury for just under 1% of all victims who sustained minor physical injuries, 6% of all major physical injuries, and 32% of deaths.

## Saskatchewan and Manitoba have the highest provincial rates of firearm-related violent crime

Similar to trends in violent crime in general, Saskatchewan (56 victims per 100,000 population) and Manitoba (48 per 100,000) recorded the highest rates of firearm-related violence among the provinces in 2016 (Table 2). In these two provinces, as well as in Ontario and Alberta, firearm-related offences accounted for 3% of all violent crimes that came to police attention, while the proportion ranged from 1% to 2% across the other provinces and territories (Table 2).

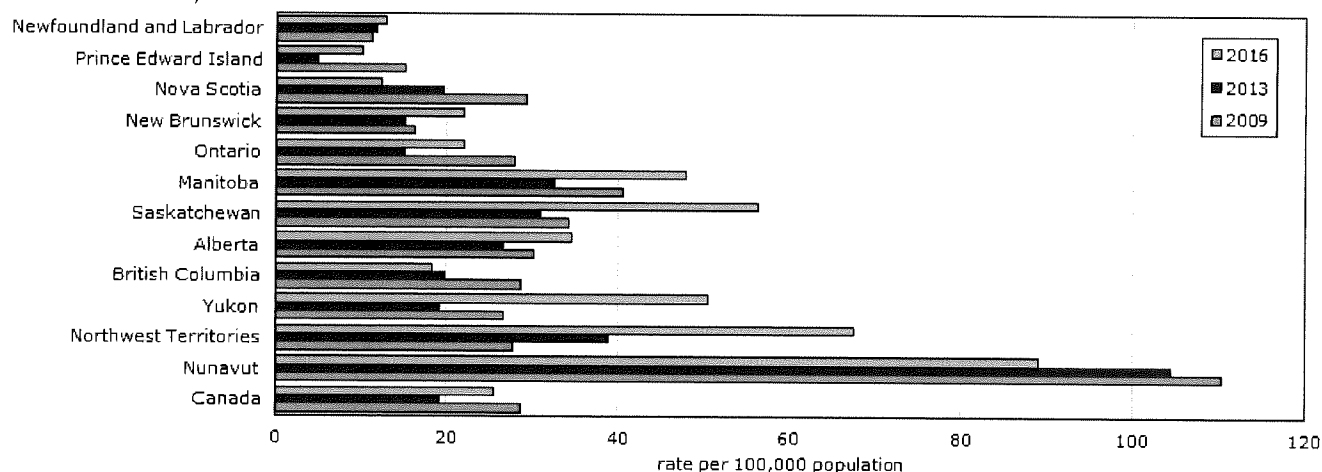
## Increases in victims of firearm-related violent crime since 2013 observed virtually across the country

When compared to what was reported in 2013, there were about 1,900 more victims of firearm-related violent crime in Canada in 2016. Over this period, nearly every reporting jurisdiction across the country saw an increase in the number and rate of victims of firearm-related violent crime (Chart 2).

**Chart 2**

### Victims of firearm-related violent crime, by province and territory, 2009, 2013, and 2016

Province and territory



**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey (Trend Database).

The increase since 2013 was driven by notable increases in firearm-related violent crime in Saskatchewan (83% increase in rate), Manitoba (+48%), Ontario (+46%), New Brunswick (+45%), and Alberta (+30%) (Text table 1).

**Text table 1**

### Changes in number of victims of police-reported firearm-related violent crime, by province and territory, 2009, 2013, and 2016

Province or territory	2016		Percent change in rate from 2013 to 2016	Difference in number of victims from 2013 to 2016	Percent change in rate from 2009 to 2016	Difference in number of victims from 2009 to 2016
	number	rate <sup>1</sup>				
Newfoundland and Labrador	66	12.9	10	4	15	8
Prince Edward Island	15	10.1	109	8	-33	-6
Nova Scotia	117	12.4	-37	-67	-58	-156
New Brunswick	166	21.9	45	52	36	45
Ontario	3,024	21.9	46	1,016	-22	-570
Manitoba	616	48.0	48	215	18	137
Saskatchewan	634	56.4	83	301	64	287
Alberta	1,472	34.6	30	410	15	364
British Columbia	864	18.2	-7	-38	-37	-400
Yukon	19	50.7	163	12	90	10
Northwest Territories	30	67.5	74	13	143	18
Nunavut	33	89.0	-15	-4	-19	-3
<b>Canada</b>	<b>7,056</b>	<b>25.5</b>	<b>33</b>	<b>1,922</b>	<b>-11</b>	<b>-266</b>

1. Rates are calculated on the basis of 100,000 population.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown. In order to facilitate comparisons over time, a specific Trend Database is maintained. This database contains only those police services who have consistently responded to the Incident-based Uniform Crime Reporting (UCR) Survey over the entire period of the database (2009 to 2016). As a result, there are some slight differences between the numbers from the trend database, used for making comparisons over time, and from the data for the individual year 2016, used when discussing characteristics of police-reported violent crime in Canada. Using the trend database, police services who have consistently reported to the UCR Survey each year over the seven year period reported 7,056 victims of firearm-related violent crime in 2016. Using only the 2016 data, police services reported 7,104 victims of firearm-related crime. This is the reason for the differences in the numbers of firearm-related victims in this table when compared to other tables and charts.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey (Trend Database).

On the whole, increases were noted in nearly every reporting province and territory between 2013 and 2016, with the exception of Nova Scotia (-37%), Nunavut (-15%), and British Columbia (-7%).

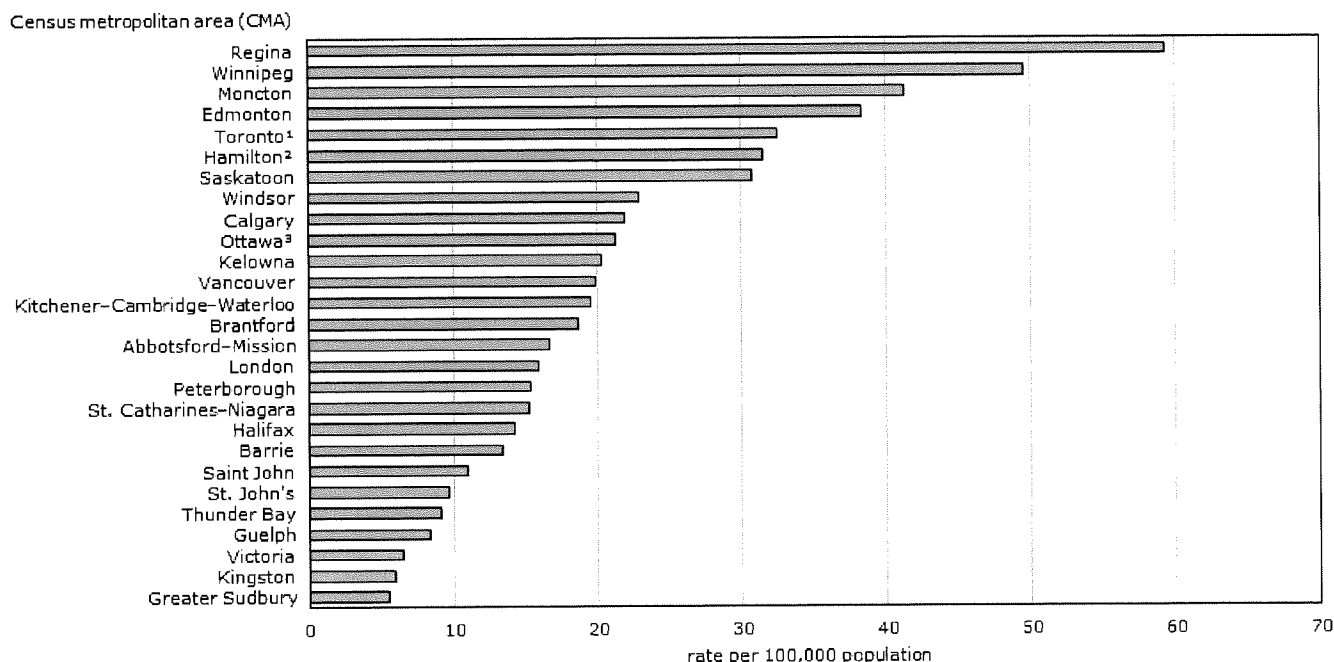
While many provinces saw increases from the national low in 2013, when compared to 2009, there were 266 fewer victims of firearm-related violent crime in Canada in 2016. This difference was driven by decreases in Ontario (570 fewer victims), British Columbia (-400), and Nova Scotia (-156). In contrast, over this period there were substantial increases in the number of victims and the rate of firearm-related violent crime in Alberta, Saskatchewan, Manitoba, and New Brunswick.

### Regina, Winnipeg report highest firearm-related violent crime rates among CMAs

Reflecting the provincial trend, Regina (59 per 100,000 population) and Winnipeg (50 per 100,000) had the highest rates of firearm-related violent crime among census metropolitan areas (CMAs) (Table 3; Chart 3). Moncton (41 per 100,000 population), Edmonton (38 per 100,000), and Toronto (33 per 100,000) reported the next highest rates.

**Chart 3**

#### Victims of police-reported firearm-related violent crime, by census metropolitan area, 2016



1. Excludes the portions of Halton Regional Police and Durham Regional Police that police the Toronto CMA.

2. Excludes the portion of Halton Regional Police that polices the Hamilton CMA.

3. Ottawa refers to the Ontario part of the Ottawa-Gatineau CMA.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000, of which 50,000 or more live in the urban core. To be included in the CMA, adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. CMA populations have been adjusted to follow policing boundaries. The Oshawa CMA is excluded from this chart due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Compared with 2013, the rate of firearm-related violent crime more than doubled in Regina (up 131%, from 26 per 100,000 in 2013 to 59 per 100,000 in 2016) and in Moncton (up 119%, from 19 to 41). Additionally, there were 869 more victims of firearm-related violent crime in Toronto in 2016 compared to 2013, resulting in an 83% increase in rate.

Since 2013, many of Canada's smaller CMAs have reported decreases in the number of victims of firearm-related crime, some resulting in substantial decreases in rate (St. John's, Saint John, Kingston, Peterborough, Brantford, Guelph, Barrie, Greater Sudbury, Thunder Bay, Abbotsford–Mission, and Victoria). Furthermore, in contrast to the national trend, Halifax (-44%) and Vancouver (-14%) have seen a downward trend in firearm-related violent crime since 2013.



### Break and enters to steal firearms increasing in recent years

Police services in reporting jurisdictions reported just over 1,100 incidents of break and enter where the incident was specifically committed in order to steal a firearm.<sup>5</sup> This represented a rate of 4 incidents per 100,000 population, and continued the general increase noted in this offence since 2009 (Text table 2).

**Text table 2**

#### Police-reported break and enter to steal a firearm, Canada, 2009 to 2016

Year	Incidents	Rate
2009	276	1.1
2010	526	2.0
2011	597	2.3
2012	743	2.8
2013	743	2.8
2014	817	3.0
2015	984	3.6
2016	1,116	4.0

**Note:** Excludes Quebec. This information is also reported by police services in Quebec, but is excluded here for the purposes of comparability with other findings in this report. Rates are calculated on the basis of 100,000 population. Includes the *Criminal Code* offences of break and enter to steal a firearm and break and enter of a motor vehicle to steal a firearm.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Of these offences, just over one-third (36%) involved breaking into a motor vehicle for the purpose of stealing a firearm. The remainder (64%) involved breaking and entering into another location, the majority of which were private residences.

Rates of breaking and entering to steal a firearm were also higher in Canada's northern regions (12 per 100,000) and rural areas (9 per 100,000) when compared to the south (4 per 100,000) and urban areas (3 per 100,000). As is the case with violent firearm-related offences, these higher rates may be related to higher rates of gun ownership in these areas.

### Handguns are most commonly involved in police-reported firearm-related violent crime

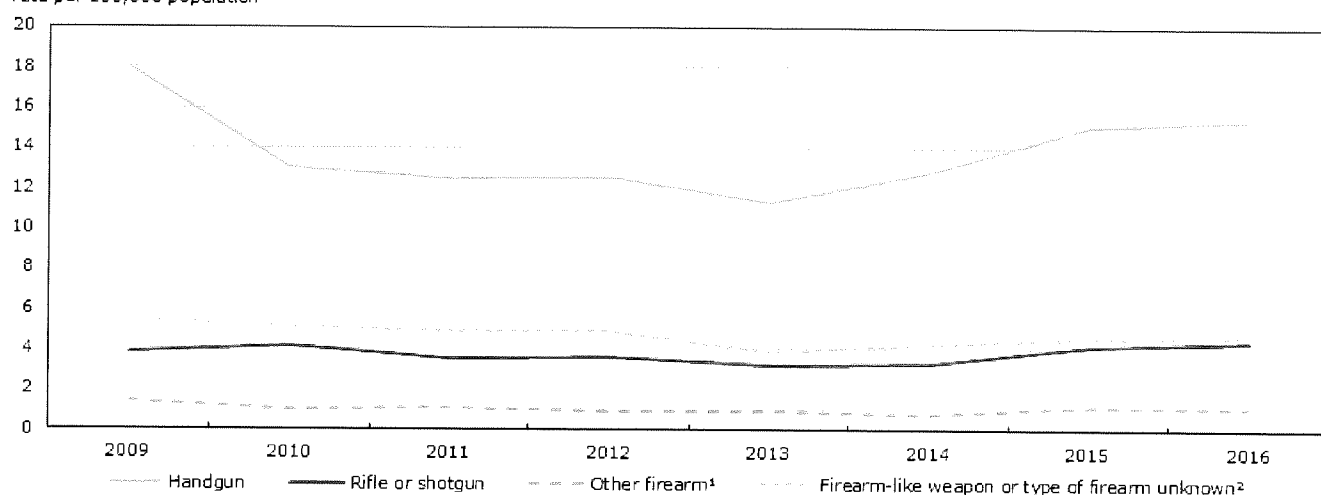
In 2016, more than half (60%) of firearm-related violent crimes involved handguns, followed by shotguns or rifles (18%) and other types of firearms (4%), such as fully automatic firearms or sawed-off rifles or shotguns. The remaining 18% involved a firearm-like weapon (such as a pellet gun or a flare gun) or an unknown type of firearm.

Since 2009, the rate of police-reported violent crime involving handguns has been well above the rates of violent crime involving rifles or shotguns, other firearms (i.e., fully automatic firearms or sawed-off rifles or shotguns), or firearm-like weapons or unknown types of firearm (Chart 4). In addition, much of the increase in firearm-related violence crime since 2013 has been driven by increases in violent crime where a handgun was present, as there were about 1,200 more victims and a 37% higher rate in 2016.

**Chart 4**

#### Victims of firearm-related violent crime, by type of firearm, Canada, 2009 to 2016

rate per 100,000 population



1. Includes fully-automatic firearms and sawed-off rifles and/or shotguns.

2. Includes all weapons that do not meet the *Criminal Code* definition of a firearm and that are capable of propelling any object through a barrel by means of gunpowder, CO2 (compressed carbon dioxide), or pumped air, such as flare guns, pellet guns, or starter's pistols. Also includes all firearm-related violent crime where the specific type of firearm was unknown.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey (Trend Database).

Among the provinces in 2016, Manitoba (22 per 100,000) as well as Alberta, Saskatchewan, and Ontario (17 per 100,000 each) reported rates of handgun-related violence that were higher than the national average (15 per 100,000) (Table 5). The Northwest Territories, with 11 victims of handgun-related violence, had a rate of 25 victims per 100,000 population, while there were 2 victims of handgun-related violent crime in Nunavut and 1 in Yukon.

In 2016, Saskatchewan reported a rate of rifle or shotgun-related violent crime of 19 victims per 100,000, nearly double what was reported by Manitoba, the province with the next highest rate (10 per 100,000) and just over four times higher than the national rate (4.5 per 100,000). Rates of rifle or shotgun-related violent crime in the Territories were considerably higher than in the provinces (Table 4).

Among census metropolitan areas (CMAs), handgun-related violent crime was highest in Winnipeg and Moncton (both 31 victims per 100,000 population), followed by Toronto (28 per 100,000) (Table 5). Overall, 86% of all police-reported handgun-related violent crime occurred within a CMA.

This article focuses on overall firearm-related violent crime and trends since 2009. Characteristics of victims and persons accused of firearm-related crime have remained relatively stable in recent years. For example, as was found in 2012, firearm-related violent crime in 2016 continued to be an offence more often committed by strangers (60%), and most victims (69%) and accused persons (90%) were male. As was the case in 2012, the offences of homicide, attempted murder, and robbery were more likely than other violent violations in 2016 to involve the presence of firearms. Additionally, young adults (ages 18 to 24) and youth (ages 12 to 17) continue to be accused of firearm-related violent crime at a higher rate than any other age group.

More information on general characteristics is available in Cotter 2014 or upon request.

### Firearm-related violent crime higher in northern regions

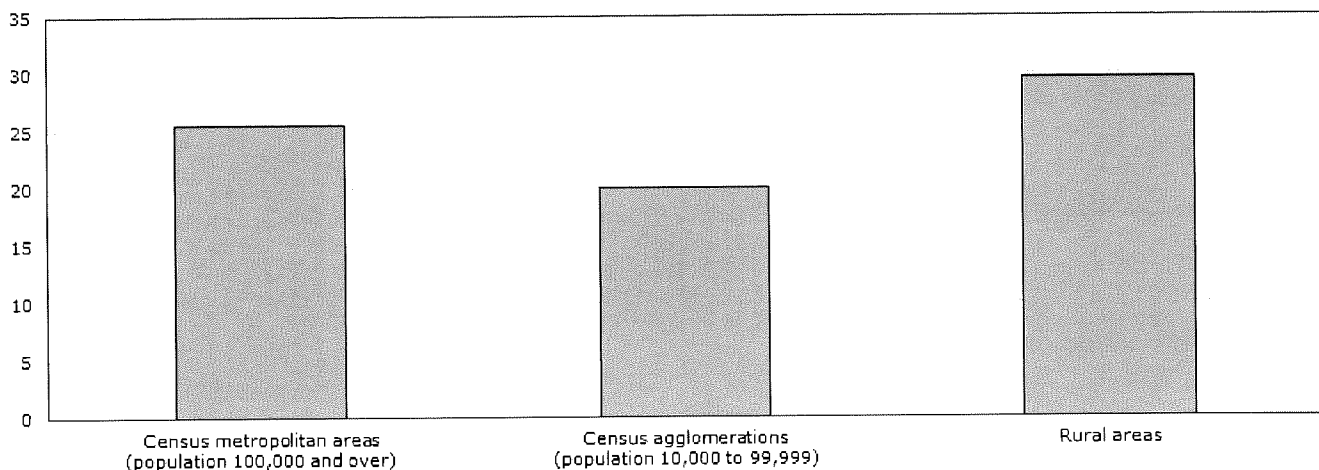
Overall, violent crime tends to be higher in Canada's northern regions, a trend which was also evident for firearm-related crime. The rate of firearm-related violent crime in the north was close to double what was reported in the south (46 victims per 100,000 compared with 24 per 100,000) (Table 6).<sup>6</sup>

Firearm-related violent crime was fairly similar in rural areas and urban areas<sup>7, 8</sup> (Table 6). There were 30 victims of firearm-related violent crime for every 100,000 residents of a rural area in Canada, compared with 25 per 100,000 residents living in an urban area. Despite this general trend, when looking closer at urban areas, rates—and volume—of firearm-related crime were higher in Canada's largest cities, while rates were lowest in areas with a population between 10,000 and 99,999 (Chart 5).

**Chart 5**

**Victims of firearm-related violent crime, by census metropolitan area, census agglomeration and rural area, 2016**

rate per 100,000 population



**Note:** Excludes Quebec due to a large proportion of incidents where the most serious weapon present was reported as unknown. A census metropolitan area (CMA) or a census agglomeration (CA) is formed by one or more adjacent municipalities centred on a population centre (known as the core). A CMA must have a total population of at least 100,000 of which 50,000 or more must live in the core. A CA must have a core population of at least 10,000. To be included in the CMA or CA, other adjacent municipalities must have a high degree of integration with the core as measured by commuting flows derived from previous census place of work data, where 50% or more of the population commutes into the core. Rural police services are those where the majority of the population lives outside of a CMA or CA.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

In most provinces and territories, rates were higher or similar in northern and rural areas. Ontario was an exception to this trend, as the rate of firearm-related violent crime was higher in southern Ontario (22 per 100,000) and in urban areas (23 per 100,000) when compared to rates in northern Ontario (13 and 10 per 100,000, respectively).

New Brunswick, British Columbia, and Nova Scotia also had higher rates of firearm-related violent crime in their largest cities than in their rural areas, while the rates were virtually equal in Manitoba. Among the provinces, Saskatchewan (68 victims per 100,000 population) and Alberta (53 per 100,000) recorded the highest rates in rural areas.

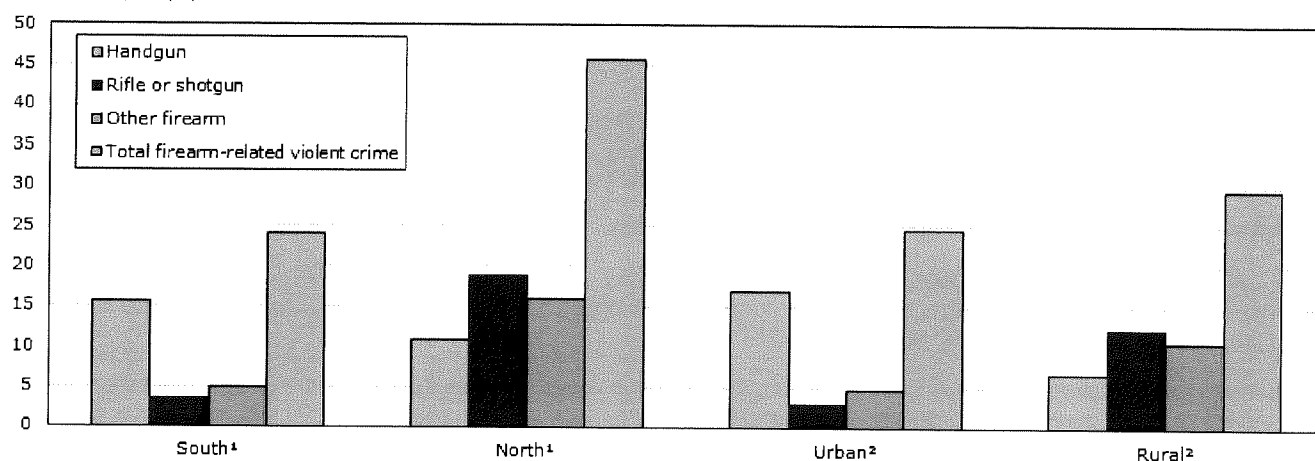
Violent crime involving handguns tended to occur in southern regions and in urban areas. The rate of handgun-related violence in urban areas was more than double what was reported by police services serving rural areas (17 victims per 100,000 population, versus 7).

On the other hand, the rate of violent crime involving a rifle or shotgun was 4 times higher in rural areas when compared to urban areas (12 versus 3 per 100,000 population) and 5 times higher in the provincial north and territories when compared to the provincial south (19 versus 3.5 per 100,000 population) (Table 6; Chart 6).

**Chart 6**

**Victims of firearm-related violent crime, by north-south region and urban or rural area, 2016**

rate per 100,000 population



1. North encompasses the Territories as well as the northern regions of Newfoundland and Labrador, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. South refers to the southern regions of these provinces and includes Prince Edward Island, Nova Scotia and New Brunswick.

2. Urban areas include police services where at least half of the population policed is located within a census metropolitan area (CMA) or a census agglomeration (CA). All police services which do not meet this criteria are coded as rural. A CMA must have a total population of at least 100,000. A census agglomeration must have a core population of at least 10,000.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Many factors can help to explain these higher rates in northern or rural communities. For example, rates of firearm ownership may contribute to higher rates in these communities, as firearms may be required for hunting or farming, and therefore a firearm is more likely to be present when an offence is committed.

## Data source

Data are drawn from the Uniform Crime Reporting Survey.

## References

Allen, M. and Perreault, S. 2015. "Police-reported crime in Canada's Provincial North and Territories, 2013." *Juristat*. Statistics Canada Catalogue no. 85-002-X

Cotter, A. 2014. "Firearms and violent crime in Canada, 2012." *Juristat*. Statistics Canada Catalogue no. 85-002-X

David, J.-D. 2017. "Homicide in Canada, 2016." *Juristat*. Statistics Canada Catalogue no. 85-002-X

Munch, C. and Silver, W. 2017. "Measuring organized crime in Canada: Results of a pilot project." *Juristat*. Statistics Canada Catalogue no. 85-002-X.

## Notes

1. This article includes information on firearm-related violent crime reported by police services through the Uniform Crime Reporting (UCR) Survey. All results exclude the province of Quebec due to a large proportion of incidents where the most serious weapon present was reported as unknown. For detailed analysis on firearm-related homicides based on the most recent Homicide Survey data, see David 2017. Information on the origin of firearms used in the commission of violent offences and the relationship between firearm-related violent crime and organized crime is not available through the UCR. The Canadian Centre for Justice Statistics has identified a number of best practices for collecting this information in the UCR moving forward (see Munch and Silver 2017).
2. The Incident-based Uniform Crime (UCR) Survey Trend Database is used in order to facilitate comparisons over time. This database contains all police services who have consistently responded to the UCR Survey over the entire period of the database. As of 2009, the UCR Trend Database includes data reported by police services covering 99% of the population in Canada, while coverage was lower in previous years. In order to maintain the highest level of consistent coverage over time, trend analysis begins in 2009.
3. In the Uniform Crime Reporting Survey, firearms are categorized into five groups: fully automatic firearms, sawed-off rifles or shotguns, handguns, rifles or shotguns, and firearm-like weapons or unknown types of firearm. Firearm-like weapons include all weapons that do not meet the *Criminal Code* definition of a firearm and that are capable of propelling any object through a barrel by means of gunpowder, CO<sub>2</sub> (compressed carbon dioxide), or pumped air, such as flare guns, pellet guns, or starter's pistols.
4. Many varying factors can help explain changes in crime rates. In 2013, the Crime Severity Index was 68.8; since the Crime Severity Index became available in 1998, only 2014 recorded a lower value.
5. This information is also reported by police services in Quebec, but is excluded here for the purposes of comparability with other findings. There were 134 incidents of break and enter to steal a firearm in Quebec in 2016, a rate of 1.6 per 100,000. Unlike the national trend, these offences remained relatively stable in Quebec from 2010 to 2015, before declining in 2016.
6. For more information on the methodology behind the mapping of police services, see Allen and Perreault 2015.
7. Urban area includes police services where at least half of the population policed is located within a census metropolitan area or a census agglomeration. A census metropolitan area (CMA) or a census agglomeration (CA) is formed by one or more adjacent municipalities centred on a population centre (known as the core). A CMA must have a total population of at least 100,000 of which 50,000 or more must live in the core. A CA must have a core population of at least 10,000. To be included in the CMA or CA, other adjacent municipalities must have a high degree of integration with the core as measured by commuting flows derived from previous census place of work data, where 50% or more of the population commutes into the core. Rural police services are those where the majority of the population lives outside of a CMA or CA.
8. Populations have been adjusted to follow policing boundaries.

## Detailed data tables

Table 1

## Victims of police-reported firearm-related violent crime, by type of firearm, 2009 to 2016

Year	Handgun			Rifle or shotgun			Other firearm <sup>1</sup>			Firearm-like weapon or unknown type of firearm <sup>2</sup>			Total firearm-related violent crime		
	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	% of total violent crime <sup>4</sup>	rate <sup>3</sup>
2009	4,590	62.7	17.9	977	13.3	3.8	360	4.9	1.4	1,395	19.1	5.5	7,322	2.3	28.6
2010	3,356	55.8	13.0	1,083	18.0	4.2	262	4.4	1.0	1,311	21.8	5.1	6,012	1.9	23.3
2011	3,251	56.9	12.5	916	16.0	3.5	277	4.8	1.1	1,269	22.2	4.9	5,713	2.0	21.9
2012	3,307	57.1	12.5	942	16.3	3.6	244	4.2	0.9	1,296	22.4	4.9	5,789	2.1	21.9
2013	3,005	58.5	11.2	857	16.7	3.2	236	4.6	0.9	1,036	20.2	3.9	5,134	2.0	19.2
2014	3,460	60.7	12.8	885	15.5	3.3	212	3.7	0.8	1,142	20.0	4.2	5,699	2.3	21.0
2015	4,125	60.5	15.1	1,141	16.7	4.2	306	4.5	1.1	1,244	18.3	4.5	6,816	2.7	24.9
2016	4,249	60.2	15.3	1,226	17.4	4.4	295	4.2	1.1	1,286	18.2	4.6	7,056	2.8	25.5
Percent change from 2013 to 2016	41.4	...	36.7	43.1	...	38.3	25.0	...	20.8	24.1	...	20.0	37.4	...	32.8
Percent change from 2009 to 2016	-7.4	...	-14.5	25.5	...	15.9	-18.1	...	-24.3	-7.8	...	-14.8	-3.6	...	-11.0

... not applicable

1. Includes fully-automatic firearms and sawed-off rifles and/or shotguns.

2. Includes all weapons that do not meet the *Criminal Code* definition of a firearm and that are capable of propelling any object through a barrel by means of gunpowder, CO2 (compressed carbon dioxide), or pumped air, such as flare guns, pellet guns, or starter's pistols. Also includes all firearm-related violent crime where the specific type of firearm was unknown.

3. Rates are calculated on the basis of 100,000 population.

4. Percent calculation excludes incidents where the most serious weapon present was reported as unknown.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown. Percentage calculations exclude cases where the weapon is unknown. In order to facilitate comparisons over time, a specific Trend Database is maintained. This database contains only those police services who have consistently responded to the Incident-based Uniform Crime Reporting (UCR) Survey over the entire period of the database (2009 to 2016). As a result, there are some slight differences between the numbers from the trend database, used for making comparisons over time, and from the data for the individual year 2016, used when discussing characteristics of police-reported violent crime in Canada. Using the trend database, police services who have consistently reported to the UCR Survey each year over the seven year period reported 7,056 victims of firearm-related violent crime in 2016. Using only the 2016 data, police services reported 7,104 victims of firearm-related crime. This is the reason for the differences in the numbers of firearm-related victims in this table when compared to other tables and charts.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Table 2

## Victims of police-reported violent crime, by type of weapon present and by province and territory, 2016

Province or territory	Firearm			Other weapon <sup>1</sup>			No weapon <sup>2</sup>			Unknown		Total	
	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	#	rate <sup>3</sup>
Newfoundland and Labrador	66	1.2	12.9	856	16.1	167	4,411	82.7	862	96	...	5,429	1,061
Prince Edward Island	15	1.5	10.1	104	10.1	70	910	88.4	612	42	...	1,071	720
Nova Scotia	117	1.4	12.3	1,167	13.9	123	7,134	84.7	751	195	...	8,613	907
New Brunswick	166	2.1	21.9	1,075	13.7	142	6,617	84.2	874	109	...	7,967	1,052
Ontario	3,052	3.1	21.9	17,348	17.5	124	78,623	79.4	564	1,852	...	100,875	724
Manitoba	625	2.8	48.5	5,363	23.7	416	16,605	73.5	1,287	856	...	23,449	1,818
Saskatchewan	635	3.2	55.9	4,464	22.6	393	14,671	74.2	1,291	926	...	20,696	1,821
Alberta	1,482	3.2	34.8	9,159	20.1	215	35,037	76.7	822	1,821	...	47,499	1,114
British Columbia	864	2.0	18.2	8,191	19.4	172	33,141	78.5	697	699	...	42,895	903
Yukon	19	1.6	50.7	176	14.4	469	1,027	84.0	2,739	88	...	1,310	3,494
Northwest Territories	30	1.0	67.5	366	12.7	823	2,482	86.2	5,581	179	...	3,057	6,874
Nunavut	33	1.3	89.0	335	12.9	903	2,222	85.8	5,992	104	...	2,694	7,265
<b>Canada</b>	<b>7,104</b>	<b>2.7</b>	<b>25.5</b>	<b>48,604</b>	<b>18.8</b>	<b>174</b>	<b>202,880</b>	<b>78.5</b>	<b>728</b>	<b>6,967</b>	<b>...</b>	<b>265,555</b>	<b>953</b>

... not applicable

1. Includes all other weapons other than firearms, such as knives, clubs or blunt instruments, poison, motor vehicles, ligature, or fire.

2. Includes physical force and threats.

3. Rates are calculated on the basis of 100,000 population.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown. Percentage calculations exclude cases where the weapon is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

**Table 3**  
**Victims of police-reported violent crime, by type of weapon present and by census metropolitan area, 2016**

Census metropolitan area (CMA)	Firearm			Other weapon <sup>1</sup>			No weapon <sup>2</sup>			Unknown		Total	
	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	#	rate <sup>3</sup>
Regina	147	5.7	59	696	27.2	281	1,716	67.1	693	63	...	2,622	1,059
Winnipeg	394	4.1	50	2,730	28.1	343	6,602	67.9	830	149	...	9,875	1,241
Moncton	65	3.2	41	325	15.9	207	1,648	80.9	1,048	23	...	2,061	1,310
Edmonton	532	3.8	38	3,157	22.3	228	10,483	74.0	756	302	...	14,474	1,043
Toronto <sup>4</sup>	1,824	4.6	33	7,673	19.4	137	30,155	76.0	538	861	...	40,513	723
Hamilton <sup>5</sup>	177	3.6	32	856	17.5	153	3,859	78.9	688	20	...	4,912	876
Saskatoon	98	2.9	31	847	25.2	266	2,410	71.8	757	43	...	3,398	1,067
Windsor	70	3.1	23	440	19.2	144	1,781	77.7	584	5	...	2,296	752
Calgary	324	3.2	22	2,300	22.5	156	7,584	74.3	514	554	...	10,762	730
Ottawa <sup>6</sup>	216	4.0	21	975	17.8	96	4,276	78.2	422	85	...	5,552	548
Kelowna	40	2.4	20	318	18.8	161	1,330	78.8	675	12	...	1,700	863
Vancouver	506	2.6	20	4,352	22.1	171	14,865	75.4	583	310	...	20,033	785
Kitchener–Cambridge– Waterloo	107	2.4	19	787	17.5	143	3,597	80.1	655	88	...	4,579	834
Brantford	26	1.8	19	279	19.1	201	1,158	79.2	833	5	...	1,468	1,056
Abbotsford–Mission	31	2.1	17	309	21.4	166	1,107	76.5	594	16	...	1,463	785
London	82	2.3	16	681	19.3	132	2,769	78.4	537	112	...	3,644	707
Peterborough	19	2.0	15	138	14.6	112	791	83.4	640	5	...	953	771
St. Catharines–Niagara	69	3.1	15	406	18.2	89	1,757	78.7	387	12	...	2,244	494
Halifax	61	2.0	14	411	13.3	96	2,627	84.8	617	14	...	3,113	731
Barrie	29	2.3	13	182	14.7	84	1,029	83.0	475	43	...	1,283	592
Saint John	14	1.1	11	128	10.2	100	1,117	88.7	873	43	...	1,302	1,018
St. John's	20	1.2	10	281	16.9	135	1,360	81.9	655	56	...	1,717	827
Thunder Bay	11	0.6	9	248	14.5	206	1,446	84.8	1,200	12	...	1,717	1,425
Guelph	11	1.4	8	113	14.1	85	676	84.5	511	21	...	821	620
Victoria	24	0.7	6	459	14.2	124	2,740	85.0	738	112	...	3,335	899
Kingston	10	1.0	6	160	16.6	95	796	82.4	474	13	...	979	584
Greater Sudbury	9	0.8	5	216	18.7	131	931	80.5	564	6	...	1,162	704
<b>Total census metropolitan areas<sup>7</sup></b>	<b>5,042</b>	<b>3.4</b>	<b>26</b>	<b>30,407</b>	<b>20.2</b>	<b>154</b>	<b>114,831</b>	<b>76.4</b>	<b>581</b>	<b>3,048</b>	<b>...</b>	<b>153,328</b>	<b>776</b>
<b>Non-census metropolitan areas</b>	<b>2,062</b>	<b>1.9</b>	<b>25</b>	<b>18,197</b>	<b>16.8</b>	<b>225</b>	<b>88,049</b>	<b>81.3</b>	<b>1,086</b>	<b>3,919</b>	<b>...</b>	<b>112,227</b>	<b>1,385</b>
<b>Total</b>	<b>7,104</b>	<b>2.7</b>	<b>25</b>	<b>48,604</b>	<b>18.8</b>	<b>174</b>	<b>202,880</b>	<b>78.5</b>	<b>728</b>	<b>6,967</b>	<b>...</b>	<b>265,555</b>	<b>953</b>

... not applicable

1. Includes all other weapons other than firearms, such as knives, clubs or blunt instruments, poison, motor vehicles, ligature, or fire.

2. Includes physical force and threats.

3. Rates are calculated on the basis of 100,000 population. CMA populations have been adjusted to follow policing boundaries.

4. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto census metropolitan area.

5. Excludes the portion of Halton Regional Police Service that polices the Hamilton census metropolitan area.

6. Ottawa refers to the Ontario part of the Ottawa–Gatineau census metropolitan area.

7. Includes Halton Regional Police Service and Durham Regional Police Service. May include a small number of offences that occurred outside of a CMA, as a small part of the population policed by Durham Regional Police Service falls outside of the boundaries of a CMA.

**Note:** A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. The Oshawa CMA is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. Excludes Quebec due to the large proportion of cases where the most serious weapon present was reported as unknown. Weapon is based on the most serious weapon present in the incident. Percentage calculations exclude cases where the weapon is unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

**Table 4**  
**Victims of police-reported firearm-related violent crime, by type of firearm and by province and territory, 2016**

Province or territory	Handgun			Rifle or shotgun			Other firearm <sup>1</sup>			Firearm-like weapon or unknown type of firearm <sup>2</sup>			Total firearm-related violent crime		
	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	% of total violent crime <sup>4</sup>	rate <sup>3</sup>
Newfoundland and Labrador	8	12.1	1.6	21	31.8	4.1	10	15.2	2.0	27	40.9	5.3	66	1.2	12.9
Prince Edward Island	0	0.0	0.0	6	40.0	4.0	0	0.0	0.0	9	60.0	6.1	15	1.5	10.1
Nova Scotia	46	39.3	4.8	28	23.9	2.9	6	5.1	0.6	37	31.6	3.9	117	1.4	12.3
New Brunswick	85	51.2	11.2	56	33.7	7.4	2	1.2	0.3	23	13.9	3.0	166	2.1	21.9
Ontario	2,344	76.8	16.8	242	7.9	1.7	78	2.6	0.6	388	12.7	2.8	3,052	3.1	21.9
Manitoba	281	45.0	21.8	129	20.6	10.0	23	3.7	1.8	192	30.7	14.9	625	2.8	48.5
Saskatchewan	194	30.6	17.1	212	33.4	18.7	54	8.5	4.8	175	27.6	15.4	635	3.2	55.9
Alberta	741	50.0	17.4	359	24.2	8.4	91	6.1	2.1	291	19.6	6.8	1,482	3.2	34.8
British Columbia	549	63.5	11.6	150	17.4	3.2	32	3.7	0.7	133	15.4	2.8	864	2.0	18.2
Yukon	1	5.3	2.7	9	47.4	24.0	0	0.0	0.0	9	47.4	24.0	19	1.6	50.7
Northwest Territories	11	36.7	24.7	11	36.7	24.7	0	0.0	0.0	8	26.7	18.0	30	1.0	67.5
Nunavut	2	6.1	5.4	22	66.7	59.3	0	0.0	0.0	9	27.3	24.3	33	1.3	89.0
<b>Canada</b>	<b>4,262</b>	<b>60.0</b>	<b>15.3</b>	<b>1,245</b>	<b>17.5</b>	<b>4.5</b>	<b>296</b>	<b>4.2</b>	<b>1.1</b>	<b>1,301</b>	<b>18.3</b>	<b>4.7</b>	<b>7,104</b>	<b>2.7</b>	<b>25.5</b>

1. Includes fully-automatic firearms and sawed-off rifles and/or shotguns.

2. Includes all weapons that do not meet the *Criminal Code* definition of a firearm and that are capable of propelling any object through a barrel by means of gunpowder, CO2 (compressed carbon dioxide), or pumped air, such as flare guns, pellet guns, or starter's pistols. Also includes all firearm-related violent crime where the specific type of firearm was unknown.

3. Rates are calculated on the basis of 100,000 population.

4. Percent calculation excludes incidents where the most serious weapon present was reported as unknown.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

**Table 5**  
**Victims of police-reported firearm-related violent crime, by type of firearm and by census metropolitan area, 2016**

Census metropolitan area (CMA)	Handgun			Rifle or shotgun			Other firearm <sup>1</sup>			Firearm-like weapon or unknown type of firearm <sup>2</sup>			Total firearm-related violent crime		
	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	%	rate <sup>3</sup>	#	% of total violent crime <sup>4</sup>	rate <sup>3</sup>
Regina	38	25.9	15.3	47	32.0	19.0	16	10.9	6.5	46	31.3	18.6	147	5.7	59.4
Winnipeg	244	61.9	30.7	47	11.9	5.9	16	4.1	2.0	87	22.1	10.9	394	4.1	49.5
Moncton	48	73.8	30.5	6	9.2	3.8	0	0.0	0.0	11	16.9	7.0	65	3.2	41.3
Edmonton	325	61.1	23.4	105	19.7	7.6	39	7.3	2.8	63	11.8	4.5	532	3.8	38.3
Toronto <sup>5</sup>	1,548	84.9	27.6	79	4.3	1.4	40	2.2	0.7	157	8.6	2.8	1,824	4.6	32.5
Hamilton <sup>6</sup>	133	75.1	23.7	3	1.7	0.5	5	2.8	0.9	36	20.3	6.4	177	3.6	31.5
Saskatoon	50	51.0	15.7	20	20.4	6.3	2	2.0	0.6	26	26.5	8.2	98	2.9	30.8
Windsor	45	64.3	14.7	12	17.1	3.9	2	2.9	0.7	11	15.7	3.6	70	3.1	22.9
Calgary	209	64.5	14.2	45	13.9	3.1	12	3.7	0.8	58	17.9	3.9	324	3.2	22.0
Ottawa <sup>7</sup>	172	79.6	17.0	11	5.1	1.1	4	1.9	0.4	29	13.4	2.9	216	4.0	21.3
Kelowna	25	62.5	12.7	10	25.0	5.1	2	5.0	1.0	3	7.5	1.5	40	2.4	20.3
Vancouver	378	74.7	14.8	31	6.1	1.2	18	3.6	0.7	79	15.6	3.1	506	2.6	19.8
Kitchener–Cambridge–Waterloo	85	79.4	15.5	2	1.9	0.4	2	1.9	0.4	18	16.8	3.3	107	2.4	19.5
Brantford	21	80.8	15.1	4	15.4	2.9	0	0.0	0.0	1	3.8	0.7	26	1.8	18.7
Abbotsford–Mission	20	64.5	10.7	4	12.9	2.1	0	0.0	0.0	7	22.6	3.8	31	2.1	16.6
London	58	70.7	11.3	6	7.3	1.2	3	3.7	0.6	15	18.3	2.9	82	2.3	15.9
Peterborough	13	68.4	10.5	2	10.5	1.6	0	0.0	0.0	4	21.1	3.2	19	2.0	15.4
St. Catharines–Niagara	48	69.6	10.6	11	15.9	2.4	2	2.9	0.4	8	11.6	1.8	69	3.1	15.2
Halifax	38	62.3	8.9	6	9.8	1.4	3	4.9	0.7	14	23.0	3.3	61	2.0	14.3
Barrie	23	79.3	10.6	3	10.3	1.4	0	0.0	0.0	3	10.3	1.4	29	2.3	13.4
Saint John	9	64.3	7.0	2	14.3	1.6	1	7.1	0.8	2	14.3	1.6	14	1.1	10.9
St. John's	5	25.0	2.4	4	20.0	1.9	1	5.0	0.5	10	50.0	4.8	20	1.2	9.6
Thunder Bay	4	36.4	3.3	5	45.5	4.1	0	0.0	0.0	2	18.2	1.7	11	0.6	9.1
Guelph	3	27.3	2.3	2	18.2	1.5	2	18.2	1.5	4	36.4	3.0	11	1.4	8.3
Victoria	15	62.5	4.0	3	12.5	0.8	3	12.5	0.8	3	12.5	0.8	24	0.7	6.5
Kingston	7	70.0	4.2	0	0.0	0.0	0	0.0	0.0	3	30.0	1.8	10	1.0	6.0
Greater Sudbury	2	22.2	1.2	2	22.2	1.2	1	11.1	0.6	4	44.4	2.4	9	0.8	5.4
<b>Total census metropolitan areas<sup>8</sup></b>	<b>3,647</b>	<b>72.3</b>	<b>18.5</b>	<b>486</b>	<b>9.6</b>	<b>2.5</b>	<b>178</b>	<b>3.5</b>	<b>0.9</b>	<b>731</b>	<b>14.5</b>	<b>3.7</b>	<b>5,042</b>	<b>3.4</b>	<b>25.5</b>
<b>Non-census metropolitan areas</b>	<b>615</b>	<b>29.8</b>	<b>7.6</b>	<b>759</b>	<b>36.8</b>	<b>9.4</b>	<b>118</b>	<b>5.7</b>	<b>1.5</b>	<b>570</b>	<b>27.6</b>	<b>7.0</b>	<b>2,062</b>	<b>1.9</b>	<b>25.4</b>
<b>Total</b>	<b>4,262</b>	<b>60.0</b>	<b>15.3</b>	<b>1,245</b>	<b>17.5</b>	<b>4.5</b>	<b>296</b>	<b>4.2</b>	<b>1.1</b>	<b>1,301</b>	<b>18.3</b>	<b>4.7</b>	<b>7,104</b>	<b>2.7</b>	<b>25.5</b>

1. Includes fully-automatic firearms and sawed-off rifles and/or shotguns.

2. Includes all weapons that do not meet the *Criminal Code* definition of a firearm and that are capable of propelling any object through a barrel by means of gunpowder, CO<sub>2</sub> (compressed carbon dioxide), or pumped air, such as flare guns, pellet guns, or starter's pistols. Also includes all firearm-related violent crime where the specific type of firearm was unknown.

3. Rates are calculated on the basis of 100,000 population. CMA populations have been adjusted to follow policing boundaries.

4. Percent calculation excludes incidents where the most serious weapon present was reported as unknown.

5. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto census metropolitan area.

6. Excludes the portion of Halton Regional Police Service that polices the Hamilton census metropolitan area.

7. Ottawa refers to the Ontario part of the Ottawa–Gatineau census metropolitan area.

8. Includes Halton Regional Police Service and Durham Regional Police Service. May include a small number of offences that occurred outside of a CMA, as a small part of the population policed by Durham Regional Police Service falls outside of the boundaries of a CMA.

**Note:** A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. The Oshawa CMA is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. Excludes Quebec due to the large proportion of cases where the most serious weapon present was reported as unknown. Weapon is based on the most serious weapon present in the incident. Percentage calculations exclude cases where the weapon is unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.



**Table 6****Victims of police-reported firearm-related violent crime, by province and territory and north-south region or urban-rural area, 2016**

Province or territory	South <sup>1</sup>		North <sup>1</sup>		Urban area <sup>2</sup>		Rural area <sup>2</sup>		Total	
	#	rate <sup>3</sup>	#	rate <sup>3</sup>	#	rate <sup>3</sup>	#	rate <sup>3</sup>	#	rate <sup>3</sup>
Newfoundland and Labrador	56	11.6	10	35.9	22	8.3	44	17.7	66	12.9
Prince Edward Island	15	10.1	...	...	5	5.2	10	19.1	15	10.1
Nova Scotia	117	12.3	...	...	85	13.6	32	9.8	117	12.3
New Brunswick	166	21.9	...	...	109	22.8	57	20.4	166	21.9
Ontario	2,949	22.4	103	12.9	2,897	23.3	155	10.5	3,052	21.9
Manitoba	483	40.7	142	136.2	426	47.9	199	49.7	625	48.5
Saskatchewan	526	48.0	109	270.7	347	48.7	288	68.1	635	55.9
Alberta	1,196	31.1	286	69.2	1,078	30.7	404	53.4	1,482	34.8
British Columbia	761	17.2	103	31.8	775	18.4	89	16.5	864	18.2
Yukon	...	...	19	50.7	7	23.0	12	169.0	19	50.7
Northwest Territories	...	...	30	67.5	5	22.7	25	111.6	30	67.5
Nunavut	...	...	33	89.0	...	...	33	89.0	33	89.0
<b>Canada</b>	<b>6,269</b>	<b>24.1</b>	<b>835</b>	<b>45.7</b>	<b>5,756</b>	<b>24.7</b>	<b>1,348</b>	<b>29.5</b>	<b>7,104</b>	<b>25.5</b>

... not applicable

1. North encompasses the Territories as well as the northern regions of Newfoundland and Labrador, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. South refers to the southern regions of these provinces and includes Prince Edward Island, Nova Scotia and New Brunswick.

2. Urban area includes police services where at least half of the population policed is located within a census metropolitan area or a census agglomeration. A census metropolitan area (CMA) or a census agglomeration (CA) is formed by one or more adjacent municipalities centred on a population centre (known as the core). A CMA must have a total population of at least 100,000 of which 50,000 or more must live in the core. A CA must have a core population of at least 10,000. To be included in the CMA or CA, other adjacent municipalities must have a high degree of integration with the core as measured by commuting flows derived from previous census place of work data, where 50% or more of the population commutes into the core. Rural police services are those where the majority of the population lives outside of a CMA or CA.

3. Rates are calculated on the basis of 100,000 population.

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

## Appendix tables

## Appendix table 1

## Changes in number of victims of police-reported firearm-related violent crime, by census metropolitan area, 2009, 2013, and 2016

Census metropolitan area (CMA)	2016		Percent change in rate from 2013 to 2016	Difference in number of victims from 2013 to 2016	Percent change in rate from 2009 to 2016	Difference in number of victims from 2009 to 2016
	number of victims	rate <sup>1</sup>	percent	number	percent	number
St. John's	20	9.6	-30	-8	15	4
Halifax	61	14.3	-44	-43	-67	-109
Moncton	65	41.3	119	38	154	43
Saint John	14	10.9	-24	-7	-45	-15
Ottawa <sup>2</sup>	216	21.3	31	57	-37	-100
Kingston	10	6.0	-30	-4	-63	-16
Peterborough	19	15.4	-28	-7	32	5
Toronto <sup>3</sup>	1,824	32.5	83	869	-20	-232
Hamilton <sup>4</sup>	177	31.5	40	54	-12	-13
St. Catharines–Niagara	69	15.2	4	4	-44	-50
Kitchener–Cambridge–Waterloo	107	19.5	28	26	19	23
Brantford	26	18.7	-33	-12	17	5
Guelph	11	8.3	-29	-4	28	3
London	82	15.9	33	22	-33	-33
Windsor	70	22.9	35	19	-8	-5
Barrie	21	9.7	-25	-6	2	8
Greater Sudbury	9	5.4	-55	-11	-71	-22
Thunder Bay	11	9.1	-20	-3	-22	-3
Winnipeg	394	49.5	63	151	27	99
Regina	147	59.4	131	87	117	89
Saskatoon	98	30.8	40	33	-15	3
Calgary	324	22.0	0	23	-38	-110
Edmonton	532	38.3	43	187	47	226
Kelowna	40	20.3	31	11	-22	2
Abbotsford–Mission	31	16.6	-18	-5	-55	-32
Vancouver	506	19.8	-14	-55	-41	-267
Victoria	24	6.5	-25	-7	-60	-33

1. Rates are calculated on the basis of 100,000 population. CMA populations have been adjusted to follow policing boundaries.

2. Ottawa refers to the Ontario part of the Ottawa–Gatineau census metropolitan area.

3. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto census metropolitan area.

4. Excludes the portion of Halton Regional Police Service that polices the Hamilton census metropolitan area.

**Note:** A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. The Oshawa CMA is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. Excludes Quebec due to the large proportion of cases where the most serious weapon present was reported as unknown. Percentage calculations exclude cases where the weapon is unknown. In order to facilitate comparisons over time, a specific Trend Database is maintained. This database contains only those police services who have consistently responded to the Incident-based Uniform Crime Reporting (UCR) Survey over the entire period of the database (2009 to 2016). As a result, there are some slight differences between the numbers from the trend database, used for making comparisons over time, and from the data for the individual year 2016, used when discussing characteristics of police-reported violent crime in Canada. Using the trend database, police services who have consistently reported to the UCR Survey each year over the seven year period reported 7,056 victims of firearm-related violent crime in 2016. Using only the 2016 data, police services reported 7,104 victims of firearm-related crime. This is the reason for the differences in the numbers of firearm-related victims in this table when compared to other tables and charts.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey (Trend Database).

## Appendix table 2

### Victims of police-reported firearm-related violent crime, by selected offences, Canada, 2016

Offence type	Victims where a firearm was present	
	number	percent
Attempted murder	291	50.2
Murder	195	37.9
Robbery	2,873	18.7
Forcible confinement or kidnapping	61	3.1
Extortion	29	2.6
Uttering threats	599	2.0
Assault (all levels)	1,675	1.0
Sexual assault (all levels)	56	0.4
Criminal harassment	14	0.2
<b>Total violent offences</b>	<b>7,104</b>	<b>2.7</b>

**Note:** Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown. Percentage calculations exclude cases where the weapon is unknown. Total does not equal the sum of the categories as not all offences are displayed.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

## Appendix table 3

### Persons accused of firearm-related violent crime, by age group, Canada, 2016

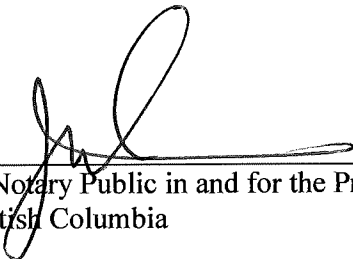
Age group (years)	Number	Rate
<b>Youth</b>		
12 to 17	843	46.1
<b>Adults—total</b>	<b>4,139</b>	<b>18.7</b>
18 to 24	1,644	62.6
25 to 34	1,422	36.1
35 to 44	542	14.8
45 to 54	337	8.5
55 to 64	129	3.4
65 to 89	65	1.5
<b>Total</b>	<b>4,982</b>	<b>20.7</b>
<b>Unknown age</b>	<b>1</b>	<b>...</b>

... not applicable

**Note:** Rates are calculated on the basis of 100,000 population. Excludes Quebec due to a large proportion of cases where the most serious weapon present was reported as unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

This is **Exhibit "N"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



---

A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

## Canada w/o Quebec

Does not include Public Service (police) firearms.

Registry Data : Nov 26 1998 to Apr 21 2012

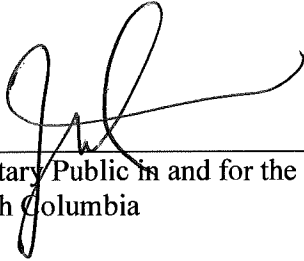
	total	stolen	%
Full Automatic	6,483	11	0.17%
Non-restricted	5,553,353	24,997	0.45%
Rifle	3,648,268	16,904	0.46%
<b>All</b>	<b>6,202,490</b>	<b>32,450</b>	<b>0.52%</b>
Prohibited	161,237	1,385	0.86%
Restricted	487,772	6,057	1.24%
AR-15	4,845	91	1.88%
Restricted AR-15	4,397	87	1.98%

Source Registry Data : Nov 26 1998 to Apr 21 2012

Best estimate of stolen firearms involved with violent crime 3% 974

	violent crimes	per year	1998-2012	
Juristat	with firearm present	6,000	15	90,000 <span style="border: 1px solid black; padding: 2px;">1%</span>

This is **Exhibit "O"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**



Australian Government

Australian Institute of Criminology

# Firearm theft in Australia 2008–09

Samantha Bricknell

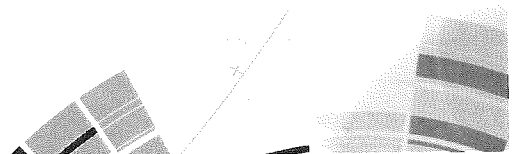
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# Firearm theft in Australia 2008–09

*Samantha Bricknell*

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Monitoring  
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16





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# Foreword

Theft represents one of most likely sources of firearms for the illicit market. Between 2004–05 and 2008–09, an average of 1,545 firearms were reported as stolen to Australian state and territory police, yet firearms from just 12 percent of reported incidents were eventually recovered by police. This proportion of firearms that were not recovered represents a considerable stream of firearms into the illicit pool.

The National Firearm Theft Monitoring Program (NFTMP), which covered the period 2004–05 to 2008–09, was established at the Australian Institute of Criminology to compile more detailed information on the nature and characteristics of reported firearm theft events. This information was to assist the Firearm and Weapons Policy Working Group, who played an important role in the establishment of the NFTMP, in developing initiatives to reduce the incidence of firearm theft and to assess whether currently prescribed firearm storage arrangements are being observed and are sufficient in preventing theft.

Patterns in firearm theft have shown considerable consistency over this time period. An average of one to two firearms have generally been reported stolen in each theft incident, the majority of which have been taken from private residential premises. Less restricted types of firearms (ie air rifles, rimfire rifles and single or double-barrelled shotguns) have comprised the bulk of firearms reported stolen, reflecting the prevalence of these firearms among the Australian firearm-owning community. Handgun theft has made up less than 10 percent of all reported firearms in any given year and restricted Category C and D firearms (such as pump action shotguns and semi-automatic rifles) have rarely featured in firearm theft reports. Very few stolen firearms are known to have been used to commit

a subsequent criminal event (or found in the possession of persons charged with other serious offences eg supply of a prohibited drug) but the fate of the rest has been largely unknown.

The number of firearms reported stolen each year during the monitoring period, which ranged from 1,445 firearms in 2005–06 to 1,712 firearms in 2007–08, was less than half the estimated average of 4,195 reported stolen each year in the previous decade. This reduction in theft numbers may in part be a consequence of stricter provisions around the safekeeping of firearms, which were introduced with the firearm law reforms that began with the National Firearms Agreement 1996. Nonetheless, compliance with firearm safekeeping laws was estimated at only 50–60 percent of owners who reported the theft of a firearm in the years covered by the monitoring program. Non-compliance rates were particularly high among owners who had firearms stolen from vehicles (58%). Further, around 25 percent of owners who had firearms stolen from a private dwelling (where the safekeeping of firearms should, in theory, be easier to comply with) were also found not to have taken all reasonable precautions to safeguard the unattended firearm. Overall, firearms not stored appropriately at the time of theft made up 18 percent or 1,133 of all reported stolen firearms.

State and territory police, firearm interest groups and other relevant stakeholders have played an important role in educating the firearm-owning community regarding their responsibilities around firearm ownership, including the safekeeping of firearms. Modifying current provisions around firearm storage may be one avenue that could further reduce offenders' ability to penetrate otherwise secure storage arrangements. Further, an investment in situational crime prevention strategies would be equally useful, although work is required to identify

and hone the types of techniques that could be employed effectively. These might include strengthening formal surveillance (eg burglar alarms and surveillance cameras), better concealment of targets (eg location of firearm safes), use of property identifiers (eg use of indelible markers on registered firearms) and strategies to assist compliance (eg dissemination of findings from firearm theft research to educate firearm owning community about potential and actual storage vulnerabilities). Further research into the nature and operations of the stolen firearms market in conjunction with policing agencies might also go some way to better determining the operation of the market and provide insights to further reduce the incidence of stolen firearms in Australia.

The NFTMP will conclude with this report. Overall, the program has provided a comprehensive record of the methods and facilitators of firearm theft, the categories of firearms more likely to enter the illicit market and the approaches taken by firearm owners to minimise risk. Equally importantly, the findings from the NFTMP have been used by various stakeholders (eg firearm owners and law enforcement) to reduce the incidence of firearm theft and to impede the flow of firearms into the illicit market and potentially into the hands of criminal elements.

**Adam Tomison**  
**Director**

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# Executive summary

The National Firearm Theft Monitoring Program (NFTMP) has collected information on all incidents of firearm theft reported to Australian state and territory police for the years 2004–05 to 2008–09. This report represents the fifth and final report in the NFTMP series and describes the nature and characteristics of firearm theft that was reported to police in the period 1 July 2008 to 30 June 2009. The findings described here refer to incidents of firearm theft reported in all Australian states and territories excluding Western Australia and Northern Territory; however, information on the number and type of firearms reported stolen does include data from the Northern Territory.

## *The number and type of stolen firearms*

- A total of 1,570 firearms were stolen in 620 reported incidents of firearm theft in 2008–09 from all Australian states and territories excluding Western Australia.
- The number of firearms reported stolen in Australia (excluding Western Australia) has risen by six percent each year since 2004–05.
- Fifty-five percent of all reported incidents involved the theft of multiple firearms. The number of firearms stolen in multiple-firearm thefts ranged from two to 19. The modal (most common) theft involved two firearms.
- Rifles accounted for the majority (60%) of all reported stolen firearms, with bolt-action rifles the most often recorded as stolen. One-quarter (24%) of stolen firearms were shotguns, mostly single barrel or double barrel. Handguns constituted six percent of firearms that were reported stolen; just over half (53%) of these were revolvers and 46 percent were semiautomatic pistols.
- Six in 10 stolen firearms were classified as a Category A firearm and one-quarter as a Category B firearm. Restricted firearms made up less than 10 percent of all firearms reported stolen in 2008–09—six percent were Category H firearms (ie handguns), one percent or fewer were Category C or D firearms.

- Ninety-one percent of firearms reported stolen were registered at the time of the theft.
- Firearms were recovered from 14 percent of thefts and were returned to owners in 45 percent of these cases.

## *Firearm owners reporting stolen firearms*

- Eighty-eight percent of firearm owners who reported a firearm theft in 2008–09 held a valid firearm licence for the firearms they reported stolen.
- Firearm owners held an average of 1.6 firearm licences; 90 percent of the total licences were for Category A and B firearms.
- Seventy-eight percent of firearm thefts were reported by the owner of the stolen firearms.

## *Location and other characteristics of the theft*

- The majority of firearm thefts (89%) followed an unlawful entry of a residential or business premises, or a vehicle.
- Six percent of theft locations were identified as the site of a repeat victimisation, although firearms were stolen in less than half (40%) of the previous theft events.
- Private residential premises were the primary target for firearm theft (77% of all thefts), as was the case in the previous four years of monitoring. More than 80 percent (n=1,273) of the total firearms reported stolen were taken from this location, the majority of which (55%) had been stored within the house.
- Theft from business premises accounted for six percent of all reported firearm thefts. Theft from vehicles accounted for nine percent of all reported firearm thefts; the vehicles were mostly parked in public or unsecured sites such as public roads and car parks or in private driveways.

- A substantial number of firearms thefts were aided by the premises or vehicle not being secured at the time of the theft. In almost a fifth (18%) of thefts from private residential and businesses premises and a third of vehicle thefts, offenders entered the premises or vehicle through an unlocked window or door.
- Ammunition was stolen with firearms in 27 percent of incidents of firearm theft.
- Other non firearm-related goods were stolen with firearms in 55 percent of incidents of firearm theft. Items commonly stolen with firearms were cash, tools, jewellery and watches, and personal electronic items such as mobile phones and iPods.
- Eighteen percent of firearms (n=1,133) stolen between 2005–06 and 2008–09 were not stored appropriately at the time of the theft.

### *Breaches of firearm laws*

- Since 2004–05, around 20–25 percent of firearm owners who reported a firearm theft were found or suspected to be in breach of one or more firearm laws. In 2008–09, 22 percent of affected firearms owners were found in breach by police.
- Sixty-two percent of owners found in breach of firearm laws were subsequently charged and/or disciplined.
- The majority of charges brought against firearm owners were again related to the offence of failing to secure or safeguard a firearm (57%). Eight percent of charges related to the unlawful or unlicensed possession of a firearm and a further eight percent to the possession of an unregistered firearm.
- Where formal proceedings had begun, just nine percent of firearm owners had received disciplinary action or such action was pending.

### *Firearm storage compliance*

- Firearms stolen in 63 percent of incidents had been stored in a firearm safe or otherwise secure receptacle. Firearms were described as being unsecured or left in the open for 10 percent of theft incidents in 2008–09.
- Firearm storage compliance rates have fluctuated between 52 and 60 percent of affected firearm owners over the five year monitoring program. In 2008–09, 60 percent of firearms owners reporting a firearm theft were found to be storage compliant and 24 percent were found to be storage non-compliant.
- Owners were considered non-compliant if receptacles were unlocked or unapproved (eg firearm stored in a wardrobe), the key to the receptacle had not been concealed, the firearm had been left in a vehicle, or no apparent attempt had been made to safeguard the firearm.
- Firearms stored in residential garages or sheds were more likely to have been secured correctly compared with firearms stored within the home (80% of theft incidents *cf* 58%).
- Vehicles were much more vulnerable to incidents of firearm theft than private residential or business premises because they were significantly more likely to be unlocked at the time the theft occurred and were significantly less likely to have been secured within the vehicle.

### *Proceeding against offenders and use of stolen firearms in crime*

- Police apprehended and initiated proceedings against offenders involved in 13 percent of reported firearm thefts in 2008–09. Higher apprehension rates were recorded in Victoria and Queensland.
- Offenders were charged with offences related to breaches of firearm laws, break and enter, theft and possession, receipt and/or disposal of stolen property.

Firearms stolen in three percent of theft incidents were later involved in the commission of an offence or found in the possession of an individual charged with a serious criminal offence. These included one incident of manslaughter, two incidents in which the offender had displayed dangerous conduct with the stolen firearm, two incidents in which the firearm was found in the possession of persons involved in prohibited drug cultivation or supply and one incident in which the firearm was found in possession of a member of an outlawed motorcycle gang.



# Introduction

---

Australian firearm laws have undergone major amendments since 1996 to incorporate changes recommended in the National Firearms Agreement 1996, the National Handgun Control Agreement 2002 and the National Firearms Trafficking Policy Agreement 2002. The purpose of these changes to firearm laws was to:

- restrict certain types of firearms;
- establish new licensing, registration, storage and training requirements for firearms; and
- introduce new penalties for the trafficking of firearms.

One potential outcome from these amendments, specifically those relating to stricter provisions around the securing of firearms, was a reduction in incidents of firearm theft. Between 1994 and 2000, an estimated average 4,000 firearms were reported stolen each year in Australia (Mouzos 2002), although this rate dropped considerably in the next decade (Borzycki & Mouzos 2007; Bricknell 2010, 2008; Bricknell & Mouzos 2007; Mouzos & Sakurai 2006). Firearm theft represents one very credible avenue through which firearms may be transferred into the illicit firearm market. An understanding, therefore, of the general methods used to steal firearms in Australia and specific vulnerabilities associated with current forms of firearm storage provide law enforcement agencies and lawful firearm owners alike with information that can assist in reducing the firearm theft rate even further.

## About the National Firearms Theft Monitoring Program

The NFTMP was established at the Australian Institute of Criminology following a recommendation from the then Firearms Policy Working Group to the then Australasian Police Ministers Council that there be longer term monitoring of reported firearms thefts in Australia. The NFTMP was funded by the Australian Government under the *Proceeds of Crime Act 2002* (POCA), for a period of four years.

The NFTMP compiles financial year data provided by Australian state and territory police services on:

- characteristics of reported stolen firearms (serial number, registration status, firearm type and category, and make, model, calibre and action type);
- storage arrangements for firearms at the time of theft;
- method by which the firearms were stolen;
- recovery rate of stolen firearms;
- apprehension and prosecution of offenders; and
- known use of stolen firearms to commit subsequent crimes.

Findings from the NFTMP are used to assist the Firearm and Weapons Policy Working Group in developing initiatives to reduce the incidence of



firearms theft and to present information on the status of, and any observed changes in, firearm storage arrangements and compliance. The latter is to be used to construct measures to both improve storage compliance and develop a minimum standard of firearm storage for application to all sectors of the firearm-owning community.

This is the final report in the POCA-funded series and covers all thefts of firearms reported to state and territory police between 1 July 2008 and 30 June 2009. For previous reports in this series and earlier work on firearm theft see Borzycki & Mouzos 2007; Bricknell 2010, 2008; Bricknell & Mouzos 2007; Mouzos & Sakurai 2006.

## Methods and data quality

Firearm theft data for the period 1 July 2008 to 30 June 2009 was supplied by all but two state and territory police services, using a purpose-designed template. The Northern Territory provided data on the number, type and category of firearms reported stolen, the number of theft incidents and postcode of theft but were unable to provide data for all other variables. Western Australia was not able to provide any firearm theft data for the 2008–09 report.

The original dataset comprised 655 cases of theft for a total of 1,591 reported stolen firearms for all Australian states and territories except Western Australia. One case was removed as the police eventually concluded the victim had contrived the theft to conceal the illegal sale of the firearm. Another 34 cases were removed as they described incidents of theft in which the firearms reported stolen were not classified as firearms for the purposes of the report. These cases referred to the theft of 20 firearms that were classified as either:

- replica or imitations firearms, or starter pistols (and where the firearm owner was not found in breach of firearms legislation); or
- deactivated or inoperable.

The final dataset comprises valid records for 620 incidents of theft, from which 1,570 firearms were reported stolen. Each record represents a single incident of theft, 55 percent of which resulted in the theft of more than one firearm.

Prior to analysis, state and territory data were cleaned and interrogated using logic checks to denote inconsistencies. Missing data again tended to be a relatively minor problem but the proportion of unknown responses remained substantial for some variables. Factors potentially contributing to a higher incidence of unknown returns included:

- the inability or reluctance of the person reporting the theft to relay specifics about the event or the firearms stolen;
- delayed reporting; and
- incomplete incident reports.

Care must be taken when interpreting data presented in this report, specifically that relating to the smaller jurisdictions of Tasmania, the Australian Capital Territory and the Northern Territory. These jurisdictions experience only a small number of firearms thefts each year and correspondingly, small changes in numbers can produce apparently significant, but not necessarily real, differences between years. Where numbers are particularly small, these will be removed from Figures and Tables and any accompanying text.

In this report, comparisons are made of data collected on recorded firearm thefts for the period 1 July 2005–30 June 2008 (ie the previous 3 years) or from 1 July 2004–30 June 2008 (ie the previous 4 years), depending on data comparability. In essence, the 2004–05 data described in Borzycki and Mouzos (2007) is generally comparable with data collected for all subsequent monitoring years, but there is a small group of variables for which data were recorded differently or were not collected at all.

## Data limitations

The data presented in this report represents only those incidents of firearm theft reported to police. Not every victim of crime reports the incident to police and hence, not every incident of firearm theft that occurred within the 2008–09 period is necessarily captured in the dataset. Those owners who illegally own firearms, either because they are unlicensed, their firearms were not registered at the time of the theft or the firearm is prohibited under Australian law, are least likely to report a theft because of the risk of being 'discovered' and consequently prosecuted for firearms offences.

Owners who were knowingly negligent regarding the securing of their firearms may also be less inclined to report a theft, again because of risk of sanction. Finally, owners might not feel compelled to report the theft if their firearm was old, inoperable or of negligible value.

Further, this report does not include information on theft incidents in which firearms were stored at the theft site but were not stolen. Police record information about cases of attempted theft, for example where there is evidence a firearm safe was tampered with but the firearms stored within were not retrieved, but this information may not be documented systematically and hence was not included in the dataset. Finally, police do not record items that were not stolen, irrespective of whether other items were stolen in the reported incident, if there was no evidence of an attempt to take the items. Hence, it was not possible to compare the rates or characteristics of theft incidents in which a firearm was stored on site but not stolen with those in which they were.

## Report outline

The report is comprised of four sections describing:

- the characteristics of stolen firearms and theft incidents, including type of firearms stolen;
- the nature of theft incidents, such as location, methods by which offenders gained access to firearms and the kinds of other items stolen with firearms;
- compliance with firearm laws and regulations, including storage, registration and licensing obligations; and
- recovery rates, the prosecution of offenders and use of stolen firearms in crime.

Trend data is presented alongside 2008–09 data for selected items. The final section incorporates a review of the findings from the NFTMP, examines some of the specific vulnerabilities around current storage arrangements made by firearm owners and suggests future research that would improve knowledge of firearm theft.

# Characteristics of stolen firearms

## Incidence of firearm theft

A total of 1,570 firearms from 620 separate theft incidents were reported stolen to state and territory police (except Western Australia) between 1 July 2008 and 30 June 2009 (see Table 1). The median number of firearms reported stolen for each incident was two. The largest number of firearms stolen in any one incident was 19.

The proportional distribution of stolen firearms across jurisdictions was generally associated with proportional differences in registration numbers, that is, a greater proportion of thefts and stolen firearms were reported

in the larger jurisdictions of New South Wales, Victoria and Queensland where there are a greater number of registered firearms. In 2008–09, however, the proportion of firearms stolen in New South Wales (38%) was around 10–12 percentage points higher than that reported in the previous four years, accounting for around a quarter of all stolen firearms.

With the absence of Western Australian data, it is not possible to comment on the overall trend in stolen firearms since 2004–05, other than to note that firearm theft appeared to be on the increase (see Table 2). When considering data for all jurisdictions but Western Australia, the number of firearms reported stolen has increased an average

**Table 1** Firearm theft incidents and number of stolen firearms

	Incidents		Number of stolen firearms		Mean number of firearms	Median number of firearms
	n	%	n	%		
NSW	220	35	592	38	2.7	2
Vic	134	22	302	19	2.3	1
Qld	132	21	319	20	2.4	2
SA	67	11	211	13	3.1	2
Tas	37	6	99	6	2.7	2
ACT	11	2	22	1	2.0	1
NT	19	3	25	2	1.3	1
Australia (ex WA)	620		1,570		2.5	2

Note: Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

six percent each year since 2004–05. These numbers, though, are still less than half the average number of firearms reported stolen in the previous decade (ie between 1994 and 2000; see Table 2).

While the national trend is for an increase in firearm theft, state and territory trends have varied (see Figure 1), particularly in Victoria where there was between a nine and 30 percentage point difference

**Table 2** Trend in stolen firearms 1994–2000 to 2007–08 (number stolen per year)

	1994–2000 <sup>a</sup>	2004–05	2005–06	2006–07	2007–08	2008–09
NSW	1,048	371	401	432	410	592
Vic	538	302	211	276	332	302
Qld	750	329	302	320	352	319
WA	602	207	191	232	297	n/a
SA	823	150	198	204	193	211
Tas	306	83	114	52	107	99
ACT	36	8	9	n/a	9	22
NT	92	20	19	10	12	25
Australia	4,195	1,470	1,445	1,526 <sup>b</sup>	1,712	–
Australia (ex WA)	3,593	1,263	1,254	1,294	1,415	1,570

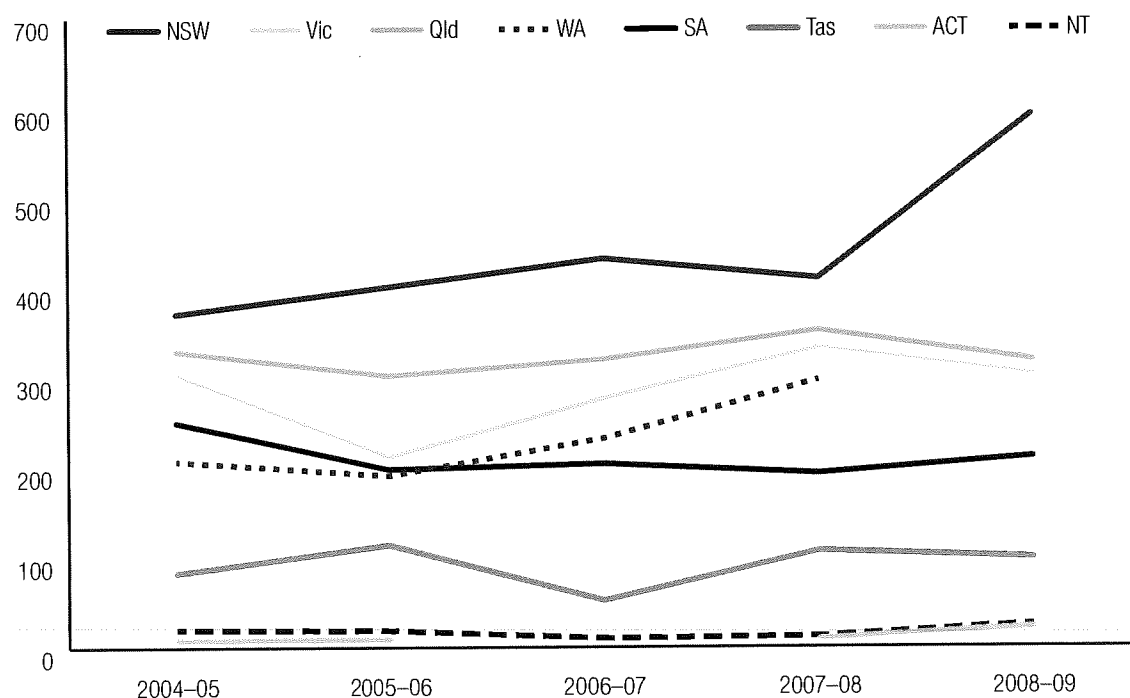
a: The figures in this column represent the average number of firearm stolen during this period

b: Excludes Australian Capital Territory. Because the number of firearms reported stolen in the Australian Capital Territory each year is small, the exclusion of ACT data does not overly underestimate the Australian total

Note: Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Sources: Mouzos 2002; AIC NFTMP 2004–09 [computer file]

**Figure 1** Trend in stolen firearms, 2004–05 to 2008–09, by jurisdiction (n)



Note: Data were not available for the Australian Capital Territory for 2006–07 and Western Australia for 2008–09. Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Source: NFTMP 2004–09 [computer file]

in firearm theft numbers between years. Nonetheless, the general pattern for New South Wales and Western Australia was an increase in the number of firearms reported stolen and an overall decrease for South Australia. There was little difference in theft numbers reported in Queensland over the four year period.

The prevalence of single versus multiple firearm thefts has varied since 2004–05, with multiple firearm thefts accounting for slightly more than half of all reported thefts in the most recent two years. Multiple firearm thefts were again more common in 2008–09, comprising 55 percent of all reported thefts (see Table 3). With the exception of Victoria, multiple firearm thefts predominated in the larger jurisdictions, in particular in South Australia, where 67 percent of reported incidents involved the theft of two or more firearms.

## Describing stolen firearms

### *Type of firearms stolen*

Rifles made up more than half of all reported stolen firearms (60%) in 2008–09 and shotguns accounted for almost a quarter (see Table 4). Handguns represented six percent of all stolen firearms. At least one rifle was stolen in three-quarters (74%) of all reported thefts in 2008–09, shotguns in 43 percent, air rifles in 16 percent of all thefts and handguns in seven percent. This general pattern has not changed over the five year reference period (see Borzycki & Mouzos 2007; Bricknell 2010, 2008; Bricknell & Mouzos 2007).

Rifles were the most common firearm stolen in each of the jurisdictions where data were available (see Figure 2; Table 36), reflecting the prevalence of this firearm type among the Australian firearm-owning community. There was, as in previous years,

**Table 3** Single versus multiple firearm thefts

	Single firearm theft (n)	Multiple firearm theft (n)	Single firearm theft (%)	Multiple firearm theft (%)
NSW	90	130	41	59
Vic	68	66	51	49
Qld	60	72	45	55
SA	22	45	33	67
Tas	16	21	43	57
ACT	7	4	64	36
NT	16	3	84	26
Australia (ex WA)	279	341	45	55

Note: Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 4** Type of firearm stolen

	n	%
Rifle	949	60
Shotgun	376	24
Air rifle	108	7
Handgun	88	6
Other	18	1
Unknown	31	2
Total	1,570	100

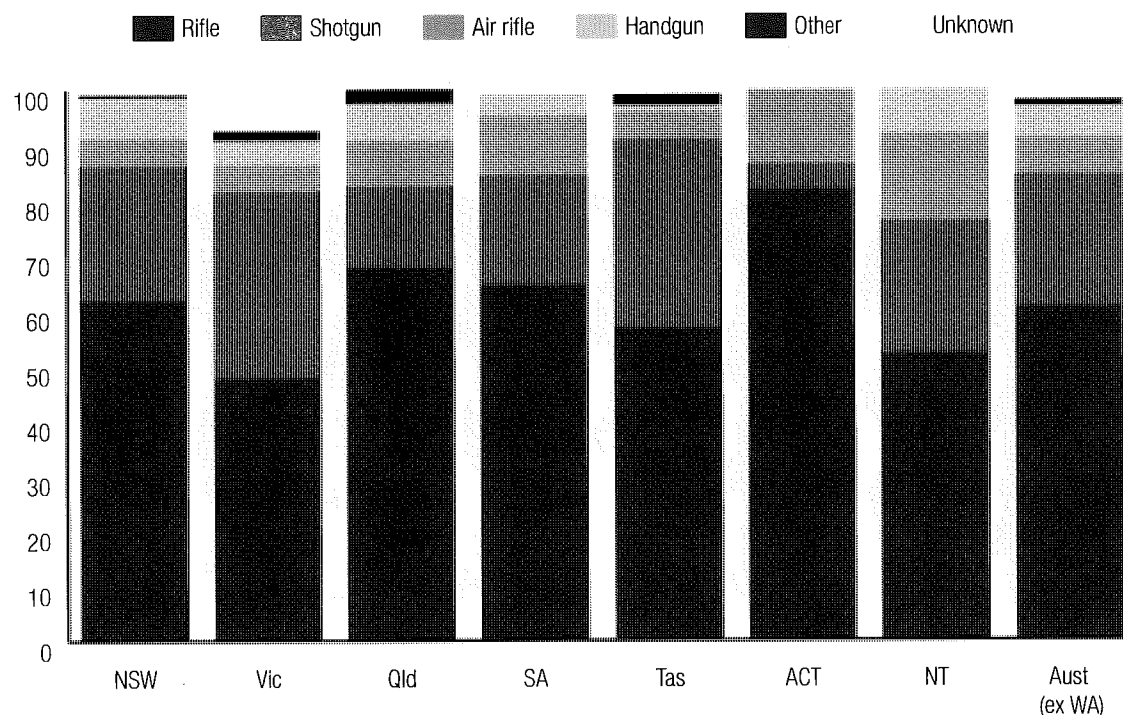
Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

variability among jurisdictions in the predominance of rifles in the pool of stolen firearms. In 2008–09, rifles comprised 47 percent of all firearms reported stolen in Victoria and up to 82 percent in the Australian Capital Territory.

Similarly, there was variation among jurisdictions in the proportion of shotguns stolen. Victoria again reported a higher rate of shotgun theft compared with most other Australian states and territories, at

around a third of all reported stolen firearms; shotguns also comprised a third of all stolen firearms in Tasmania. By contrast, handguns represented less than 10 percent of stolen firearms in New South Wales, Queensland and the Northern Territory, and less than five percent of stolen firearms in Victoria, South Australia and Tasmania. The Australian Capital Territory did not report any handgun thefts in 2008–09.

**Figure 2** Type of firearm stolen, by jurisdiction (%)



Note: Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia); Table 35

**Table 5** Action type of stolen rifles

	n	%
Bolt action rifle	688	78
Lever action rifle	117	13
Pump action rifle	35	4
Single shot rifle	11	1
Semi-automatic rifle	2	<1
Other	25	3
Total	878	

Note: Excludes rifles in which action type was unknown (n=71). Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 6** Action type of stolen shotguns

	n	%
Single barrel shotgun	61	36
Double barrel shotgun	38	22
Over and under shotgun	28	16
Pump action shotgun	6	4
Bolt action shotguns	5	3
Semi-automatic shotgun	2	1
Lever action shotgun	1	1
Other	30	18
Total	171	

Note: Excludes shotguns in which action type was unknown (n=205). Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 7** Action type of stolen handguns

	n	%
Semi-automatic pistols	37	46
Revolvers	43	53
Other	1	1
Total	81	100

Note: Excludes handguns in which action type was unknown (n=6) or recorded as a replica (n=1). Note: Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

Almost eight out of 10 rifles (78%) stolen were bolt action rifles, with lever action rifles the next most frequently stolen rifle type (13%; see Table 5). Single barrel and double barrel shotguns made up just over a third (36%) and a fifth (22%) respectively of all stolen shotguns (see Table 6). The stolen handguns were mostly revolvers (53%) or semi-automatic pistols (46%; see Table 7).

### *Category of stolen firearms*

For registration and licensing purposes, firearms in Australia are categorised according to a classification system based on firing action, calibre and other criteria. Each jurisdiction recognises five primary categories—A, B, C, D and H—although some have created additional categories for specific firearms (eg paintball markers; see Appendix B for description of generic firearm categories).

Category A and B firearms are the most commonly registered firearms in Australia and may be owned

for a range of sporting, recreational (primarily hunting) and occupational purposes. Accordingly, these firearms made up the majority of all reported stolen firearms. In 2008–09, 61 percent of all stolen firearms were Category A firearms and 26 percent were Category B (see Table 8), similar to proportions reported in previous years.

Category C and D firearms are restricted firearms and are only used for a limited range of sporting (eg clay target shooting: Category C), occupational (eg animal control) and official purposes. Just one percent of all reported stolen firearms in 2008–09 were Category C firearms and less than one percent were Category D firearms. Category H firearms are exclusively handguns and are also restricted; they may be acquired for specific sporting and occupational purposes. Category H firearms made up six percent of all reported stolen firearms in 2008–09.

Among the larger jurisdictions, Category A firearms comprised around six in 10 of all reported stolen firearms, except in South Australia where Category A

firearms comprised 68 percent of all stolen firearms (see Figure 3; Table 36). Queensland recorded a Category B firearm theft rate greater than the national proportion (35% compared with 26%) and Victoria recorded a lower theft rate (19%). Handgun theft rates for all jurisdictions were generally similar to the national proportion.

### Registration status of stolen firearms

As found in the previous four years, the great majority of firearms reported stolen in 2008–09 had been registered by a private owner or a dealer with the relevant state/territory police service (90%; see Tables 9 and 10). Only four percent of firearms

**Table 8** Category of stolen firearms

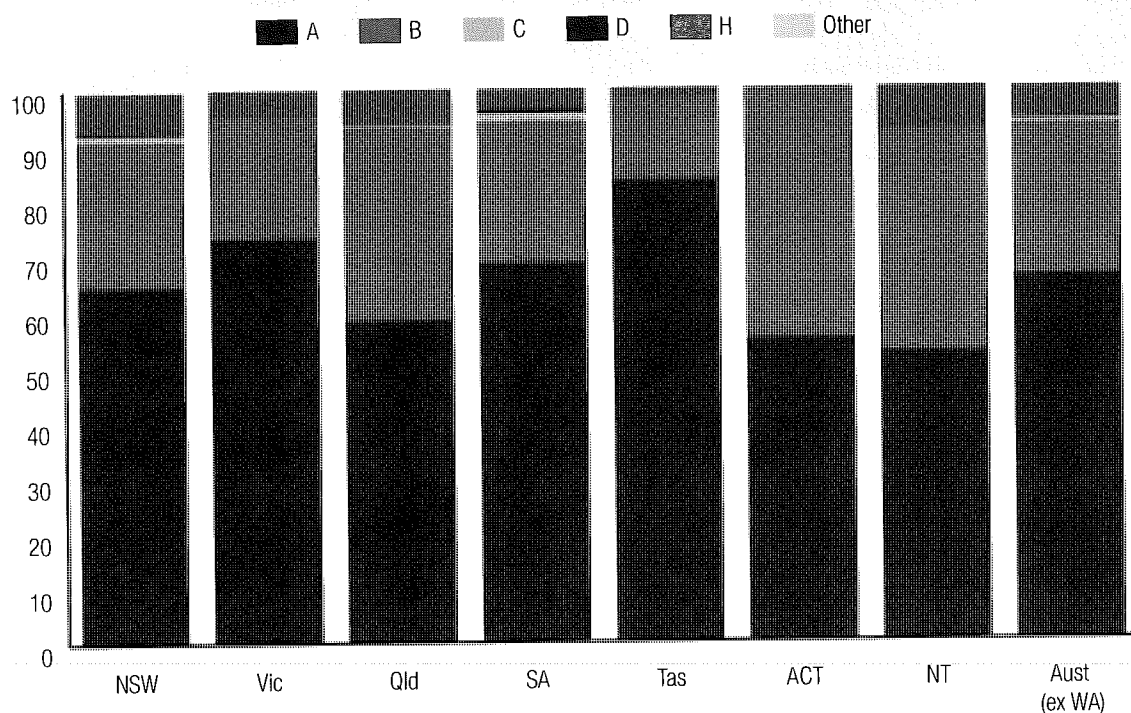
	n	%
A	958	61
B	402	26
C	10	1
D	2	<1
H	91	6
Other	2	<1
Unknown <sup>a</sup>	102	7
Total	1,567	

a: Includes firearms from which insufficient information was available to ascertain category

Note: Excludes firearms in which category was recorded as not applicable (n=3). Note: Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Figure 3** Category of stolen firearms, by jurisdiction (%)



Note: Excludes 107 firearms about which insufficient information was available to ascertain category or the category was recorded as other or not applicable. Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia); Table 36



overall, and no more than five percent in any one jurisdiction, were unregistered at the time the theft occurred. However, it is probable that this figure is an underestimate since owners of unregistered firearms would be less inclined to report the theft to police in order to avoid being charged for offences related to the possession of an unregistered firearm.

## Firearm licence holders

The majority of firearm owners (88%) who reported the theft of firearms in 2008–09 held the appropriate licence(s) for the firearms they reported stolen (see Tables 11 and 12). Nine percent of all owners were not licensed, a higher proportion than the average

**Table 9** Registration status of stolen firearms

	n	%
Registered <sup>a</sup>	1,410	90
Dealer stock <sup>b</sup>	12	1
Not registered	61	4
Unknown	77	5
Total	1,560	100

a: Registered to private owner

b: Registered to dealer

Note: Excludes 10 firearms in which registration status was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 10** Registration status of stolen firearms, by jurisdiction<sup>a</sup>

	Registered <sup>b</sup>		Not registered	
	n	%	n	%
NSW	525	89	31	5
Vic	256	85	10	3
Qld	285	89	16	5
SA	202	96	2	1
Tas	96	97	1	1
ACT	21	96	1	1
NT	25	100	0	0

a: Percentages are of all firearms reported stolen in that jurisdiction (ie including stolen firearms registered to dealers or whose registration was unknown or not applicable). Percentages in table rows will therefore not total 100

b: Registered to private owner

Note: Care must be taken when interpreting data from the Australian Capital Territory and Northern Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 11** Firearm licence holders

	n	%
Licensed	530	88
Not licensed	55	9
Unknown	10	2
Not applicable	6	1
Total	601	100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

six percent recorded in previous years. New South Wales and Victoria had the highest proportion of unlicensed owners reporting a firearm theft in 2008–09 (13% and 12% respectively).

A total of 991 firearm licences were held by the 601 owners who reported a firearm theft in New South Wales, Victoria, Queensland, South Australia,

Tasmania and the Australian Capital Territory (see Table 13). Ninety percent of the total licences were for Category A and B firearms, corresponding with the predominance of these firearm categories among the firearm owning community. Eighty-three percent of owners held a Category A licence and 66 percent held a Category B licence.

	Licensed		Unlicensed		Total (n)	% of all firearm owners
	n	%	n	%		
NSW	182	87	28	13	210	95
Vic	115	88	16	12	131	98
Qld	124	96	5	4	129	98
SA	63	94	4	6	67	100
Tas	36	97	1	3	37	100
ACT	10	91	1	9	11	100

Note: Excludes 16 theft incidents in which the licence status of the firearm owner was unknown or not applicable. Care must be taken when interpreting data from the Australian Capital Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

	n	% of firearm owners	% of licenses held
A	497	83	50
B	396	66	40
C	28	5	3
D	7	1	1
H	47	8	5
Other	16	3	2
Total	991		100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

# The nature of firearm theft incidents

## Reporting firearm thefts

Owners of registered firearms are required to notify police of lost or stolen firearms within a prescribed timeframe. The period of notification varies between jurisdictions, from 24 hours in Victoria to a maximum of 14 days (in writing) in South Australia. In 2008–09, 56 percent of firearm thefts were reported on the day the theft occurred (or was discovered) or the following day (see Table 14). A fifth of thefts were not reported until more than two weeks after the theft occurred. Compliance with mandatory stolen firearm reporting laws was high across all jurisdictions (excluding Western Australia). The lowest compliance rate was in New South Wales where 75 percent of owners reported the theft within the mandatory reporting period (in this case, within 7 days of the theft) compared with 91 percent

compliance in the Australian Capital Territory (where a theft must be reported within 48 hours of its event).

The majority of thefts reported in 2008–09 (94%) were committed within this 12 month period. Of the 37 thefts that occurred before the 1 July 2008, 73% (n=27) were reported two or more years after the date on which the theft was known or thought to have occurred. One theft incident was reported 14 years after it took place.

Seventy-eight percent of firearm theft incidents were reported by the firearm owner – 71 percent by the owner of a registered firearm and six percent by the owner of an unregistered firearm (see Table 15). Nine owners (1%) reported the theft of both registered and unregistered firearms, four of whom (44%) were found in breach of firearm regulations. Of the 35 theft incidents in which only unregistered firearms were

**Table 14** Period between incident date and report date

	n	%
0 (the day of the incident)	215	36
1 day	122	20
2 to 7 days	113	19
8 to 14 days	30	5
More than 14 days	121	20
Total	601	100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

stolen, two-thirds of the owners who reported the incident to police were found to be in breach of firearm regulations and just over a third (37%) of these were subsequently charged.

## Circumstances of the theft

As found in previous years, around nine in 10 (89%) firearm theft incidents that were reported in 2008–09 followed from an unlawful entry into a building or vehicle (see Table 16). Just two percent of reported theft incidents occurred as a result of an armed robbery, mostly of armed security guards. Another

two percent were associated with firearms being stolen while in transit (ie being transferred between locations by a commercial courier service).

### Location of theft

The majority of firearms stolen in recent years in Australia were taken from private residential premises (Borzycki & Mouzos 2007; Bricknell 2010, 2008; Bricknell & Mouzos 2007). In 2008–09, private residential premises comprised 77 percent of all firearm theft locations (see Table 17). A total of 1,273 firearms, or 82 percent of all firearms, were stolen from this location. The majority of firearms stolen

**Table 15** Persons who reported firearm theft to police

	n	%
Owner of firearm(s)	469	78
Owner of registered firearm(s)	425	71
Owner of unregistered firearm(s)	35	6
Owner of registered and unregistered firearm(s)	9	1
Owner of premises	14	2
Occupier of premises	28	5
Another licensed person	18	3
Police initiated inquiry	20	3
Other	46	8
Unknown	5	1
Total	600	100

Note: Excludes 1 incident where the identity of the person who reported the firearm theft was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 16** Circumstances of theft

	n	%
Theft, following unlawful entry	533	89
Theft, following robbery	12	2
Misplaced, presumed stolen	24	4
Presumed stolen in transit	10	2
Not returned to owner	2	<1
Other	11	2
Unknown	9	2
Total	601	

Note: Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 17** Location of theft

	Incidents		Firearms	
	n	%	n	%
Private residential premises	464	77	1,273	82
Business premises	38	6	88	6
Vehicle	56	9	83	5
In transit	10	2	28	2
Other accommodation	3	1	9	1
Other	25	4	43	3
Unknown	4	1	20	1
Total	600	100	1,544	100

Note: Excludes 1 incident where the location of theft was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

from private residences were taken from a room in the house (55% of theft incidents) or from the garage or shed (38%; see Table 18).

Business premises have tended to make up around 10 percent or less of theft locations; in 2008–09, six percent of all thefts targeted such locations, with the theft of 88 firearms (see Table 17). Firearms stolen from business premises were more likely to be stored in sites external to the head office or retail outlet, for example in a shed (24% of relevant theft incidents) or warehouse (18%). Thefts from vehicles also fluctuated, but remained at around 10 percent of all firearm theft locations. Eighty-three firearms were stolen from vehicles in 2008–09, most of which were parked on public roads or car parks (38% of theft incidents) or in private driveways (34%). A much smaller percentage of vehicle-related firearm thefts (9%) occurred with the vehicle being parked in a garage or shed. This difference possibly relates to the additional security the garage provided in thwarting theft attempts. It may also reflect the circumstances in which firearms are more likely to be left in vehicles ie firearms are more likely to be left in cars when the vehicle will be temporarily unattended (eg when parked in public locations).

### *Repeat victimisation*

Since 2005–06, less than 10 percent of firearm theft locations each year have experienced repeat victimisation. Repeat victimisation is considered to have occurred if some form of theft event took

place, irrespective of whether firearms were stolen in the earlier theft incident. In 2008–09, six percent of known theft locations (n=35) had been broken into or otherwise targeted at least once before; 69 percent of these (n=24) were private residential premises. Sixty percent of repeat victimisations (n=21) had occurred in the 12 month period prior to the recorded theft. A break-and-entry characterised nine of these 21 theft incidents and in five incidents a robbery was committed.

Not all repeat theft locations were the site of a previous firearm theft. Firearms (and in 1 incident, ammunition as well) were stolen from less than half (40%, n=14) of repeat theft locations. Some form of detail regarding the type of firearm stolen was provided in the majority of these cases, with a total of 17 rifles, 10 shotguns, two handguns and one air rifle taken from these sites.

### *How offenders gained access to theft locations*

As described earlier, nine in 10 firearm theft events were as a result of a building (or some other structure) or vehicle being broken into. In almost a fifth (18%) of incidents where private residential or business premises were broken into, the theft was aided by the premises being unsecured at the time of the burglary (see Figure 4; Table 37). This proportion was greater for firearm theft from vehicles—a third of firearms were taken from an unlocked car or truck. It might be expected that in

**Table 18** Specific location of incidents of firearm theft from private residential premises, business premises and vehicles

	Incidents		Firearms	
	n	%	n	%
<b>Private residential premises</b>				
Room in dwelling	255	55	696	55
Garage or shed	177	38	505	40
Other <sup>a</sup>	11	2	23	2
Unknown	21	5	49	4
Total	464		1,273	
<b>Business premises</b>				
Garage or shed	9	24	27	31
Warehouse	7	18	16	18
Administrative office	5	13	7	8
Retail	5	13	9	10
Other <sup>b</sup>	10	26	20	23
Unknown	2	5	9	10
Total	38		88	
<b>Vehicle</b>				
Public road or carpark	21	38	26	31
Private driveway	19	34	35	42
Garage or shed	5	9	6	7
Other <sup>c</sup>	9	16	14	17
Unknown	2	4	2	2
Total	56		83	

a: Includes ceiling cavities, external laundry, cellar, shipping container and workshop

b: Includes public road outside business premises, non-office space in premises, club facilities, piggery and yard area

c: Includes bushland or rural setting, camp site, parked outside a government office or club or rear yard

Note: Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

these cases the unsecured vehicles were temporarily parked (eg in public car parks) or in areas where the risk of theft would be considered comparatively low (eg rural locations), however, 44 percent of thefts from unlocked vehicles took place when the vehicle was parked in a private driveway, invariably outside the home.

In a small number of cases (6% or less), the theft was committed using a stolen key. In an equally small number of cases (included in the 'Other' category in Figure 4), the firearm was believed to have been stolen by persons (eg family members,

employees) who would have had legitimate access to the premises or vehicle, or was surrendered by the owner following a threat from the offender.

## Storage arrangements and access to firearms

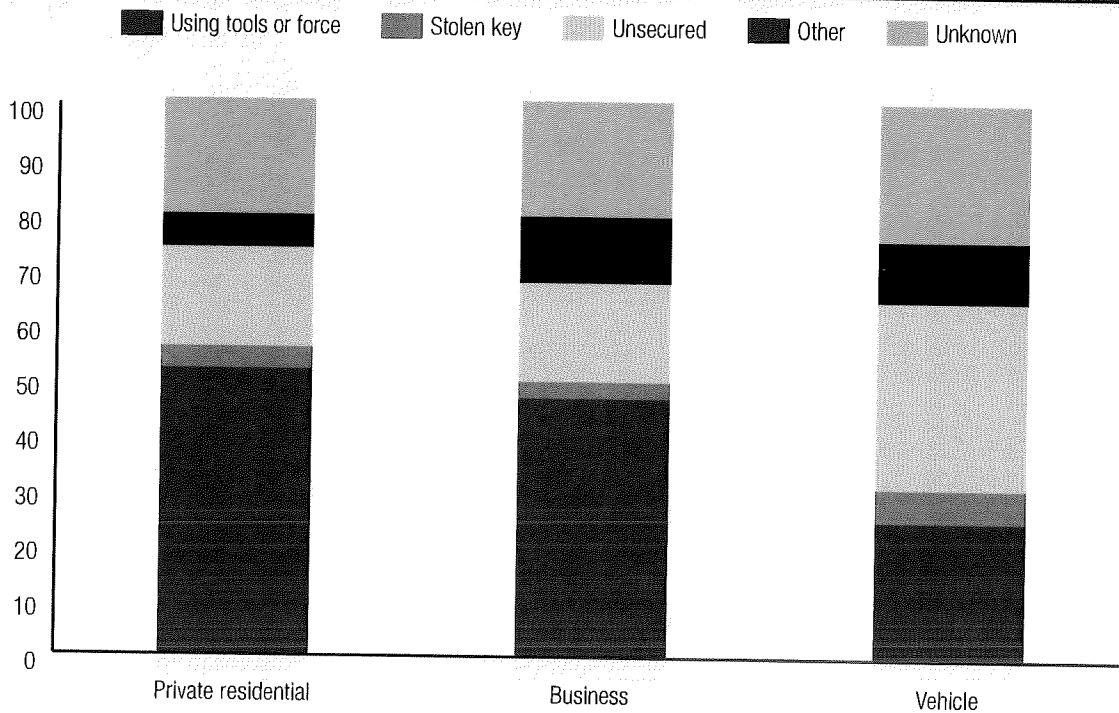
Firearms from 63 percent of all reported theft incidents were stored in a firearm safe or other apparently secure receptacle at the time of the theft (see Table 19). The prevalence of safe storage

arrangements has remained consistent since 2004–05, as has the percentage of firearms that were not secured in any way (10%) or were left in vehicles (security arrangements unknown; 9%). As was found in previous years, a very small group of owners (6%) experiencing firearms theft stored their

firearms in superficially secure storage arrangements, such as wardrobes and cupboards.

Data on storage arrangements for ammunition have been less detailed and consistent compared with data provided on firearm storage arrangements. Of the 137 incidents of ammunition theft where

**Figure 4 Method of access to premises or vehicle (%)**



a: Includes using threat, legitimate access and for firearms stolen from vehicles, vehicle stolen or forms of entry that did not involve the use of force or tools  
 Note: Excludes 11 incidents in which method of access was recorded as not applicable and 43 incidents in which the location was recorded as unknown or another location category

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and Northern Territory)

**Table 19 Primary firearm storage arrangements**

	n	%
Safe/other secure receptacle	378	63
In vehicle	55	9
Carried on person	10	2
Strong room or vault	7	1
On display	4	1
Unsecured/in the open	59	10
Unknown	49	8
Other	34	6
Total	596	100

Note: Excludes 5 incidents where the storage arrangement for firearms at time of theft was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

sufficient information on storage arrangements was provided, just under half (49%) were characterised by the ammunition being removed from an approved safe or receptacle (see Table 20). In all but two incidents, the safe was locked at the time of the theft.

### *Method of accessing firearms*

Describing the method offenders used to access firearms provides additional detail regarding how secure the firearms actually were at the time of the theft incident. The application of force or use of tools was required in 38 percent of incidents of firearm theft in 2008–09 (see Table 21). In 10 percent of incidents, the key was located or the offenders managed to break the combination to the place of storage; in eight percent of thefts, the offenders chose to steal the receptacle in which the firearms were stored, presumably because they were unable, or did not have the time, to break in to the receptacle

while on site. This suggests that in at least 56 percent of cases in 2008–09, the firearm had been secured in some way prior to the theft.

In another 16 percent of incidents, the firearm was easily retrieved by offenders because it was not secured properly or had been left in the open. This group of incidents includes thefts from vehicles in which the firearm was not stored appropriately (eg left under the seat, in the glove box). Since most firearms stored in vehicles were not further secured within the vehicle, offenders were able to easily retrieve the firearm once the vehicle had been broken into, if the vehicle was indeed locked.

### **Theft from storage-compliant receptacles**

While it was not feasible to collect specific information in the NFTMP dataset on storage arrangements (eg material the receptacle was made out of), other than the general form it took,

**Table 20** Ammunition storage

	n	%
Safe or secure receptacle	67	49
Unsecured/in the open	9	7
In vehicle	3	2
Other	13	9
Unknown	45	33
Total	137	100

Note: Excludes 25 incidents where insufficient information was recorded on storage arrangement for ammunition  
Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 21** Method of accessing firearms

	n	%
Using tools or force	225	38
Key located or broke combination	61	10
Entire receptacle stolen	49	8
Receptacle not locked	19	4
Using threat	12	2
Other	12	2
Unsecured/in the open	96	16
Unknown	121	20
Total	595	100

Note: Excludes six incidents where the method of accessing firearms was recorded as not applicable  
Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)



an examination of the method by which firearms were removed from apparently compliant safes or similar receptacles provides some evidence for how secure these firearms really were at the time of the theft. Force or the use of tools was used to breach safes or other secure receptacles in 56 percent of incidents in which the firearm(s) were stored, indicating that effort was required on the offender's part to penetrate the safe. In 12 percent of incidents, the offender(s) stole the receptacle the firearms were stored in (see Figure 5) but because of insufficient data as to whether receptacles were fixed to walls or floors, it was unclear whether these receptacles could just be carried away or the offenders had to lever them off before stealing them. In another 15 percent of incidents, the offender(s) located the key to the safe or they were able to break the combination, although it cannot be discerned what proportion of these incidents were aided by the key being located and in what proportion the offenders had to break the combination. These results parallel previous years findings regarding how offenders remove firearms from safes (see Borzycki & Mouzos 2007; Bricknell 2010, 2008; Bricknell & Mouzos 2007).

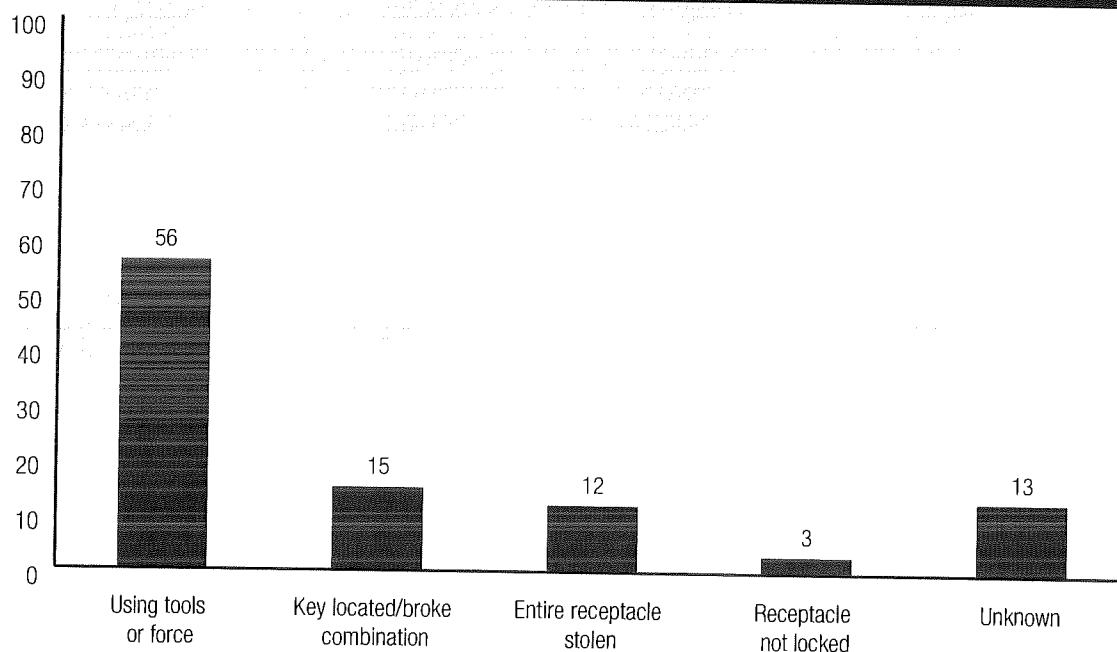
## Items stolen

### *Firearms and ammunition*

Multiple firearm theft was reported in slightly more than half (55%) of reported theft incidents in 2008–09. Twenty-two percent of all firearm theft incidents involved the theft of two firearms, 10 percent of three firearms and nine percent of four firearms (see Table 22). The largest number of firearms stolen in a single theft incident in 2008–09 was 19. Multiple firearm thefts were more common in private residential premises (61%) than they were from vehicles (23%; see Figure 6).

The theft of ammunition has consistently been reported in around a quarter of all firearm theft incidents; in 2008–09 ammunition was stolen together with firearms in 27 percent of reported thefts (see Table 23). It was known that stolen ammunition had been secured in an approved receptacle in at least 40 percent of reported theft incidents but the inconsistent quality of additional data on ammunition storage precluded further analysis.

**Figure 5** Method of accessing firearms stored in safes or other secure receptacles (%)



Note: Refers to those incidents in which firearms were stored in a safe or otherwise secure receptacle (n=378). Excludes 1 incident in which the method of access was the use of threat. Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

### Other non-firearm goods

Other goods were stolen with firearms in 55 percent of all reported theft incidents (see Table 24). Firearm thefts in which non-firearm goods were also stolen were classified by Mouzos and Sakurai (2006) as general burglaries, while thefts in which only firearms

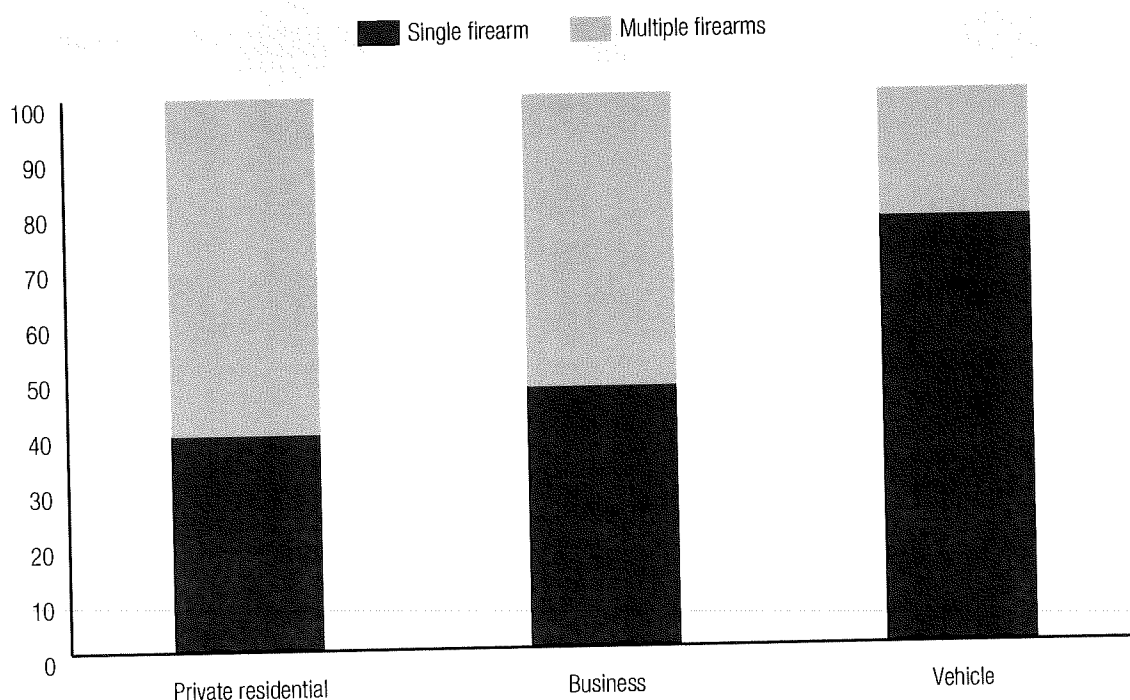
(and ammunition) were stolen were taken as possibly indicative of a targeted firearm theft. General burglaries have comprised around 55 to 60 percent of theft incidents since 2004–05. Items commonly stolen with firearms included cash (36% of all general burglaries), tools (31%), jewellery and watches (26%), and personal electronic items such

**Table 22** Firearms stolen per theft

Firearms (n)	Incidents (n)	Incidents (%)
One	279	45
Two	139	22
Three	64	10
Four	53	9
Five	26	4
Six	18	3
Seven	13	2
Eight	12	2
Nine or more	16	3
Total	620	100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Figure 6** Single versus multiple firearm theft, by location



Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and Northern Territory)

as mobile phones and iPods (24%; see Table 25). In some years, general burglaries have been more commonly associated with multiple firearm theft than incidents of targeted theft, which suggested that these thefts were characterised by a degree of

opportunism in which as many goods were taken as possible. However, this association was not always found to be significant and in 2008–09 this was also the case (see Figure 7).

**Table 23** Theft of ammunition

	n	%
Ammunition stolen	162	27
Ammunition not stolen	396	66
Unknown	42	7
Total	600	100

Note: Excludes 1 incident where the theft of ammunition was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

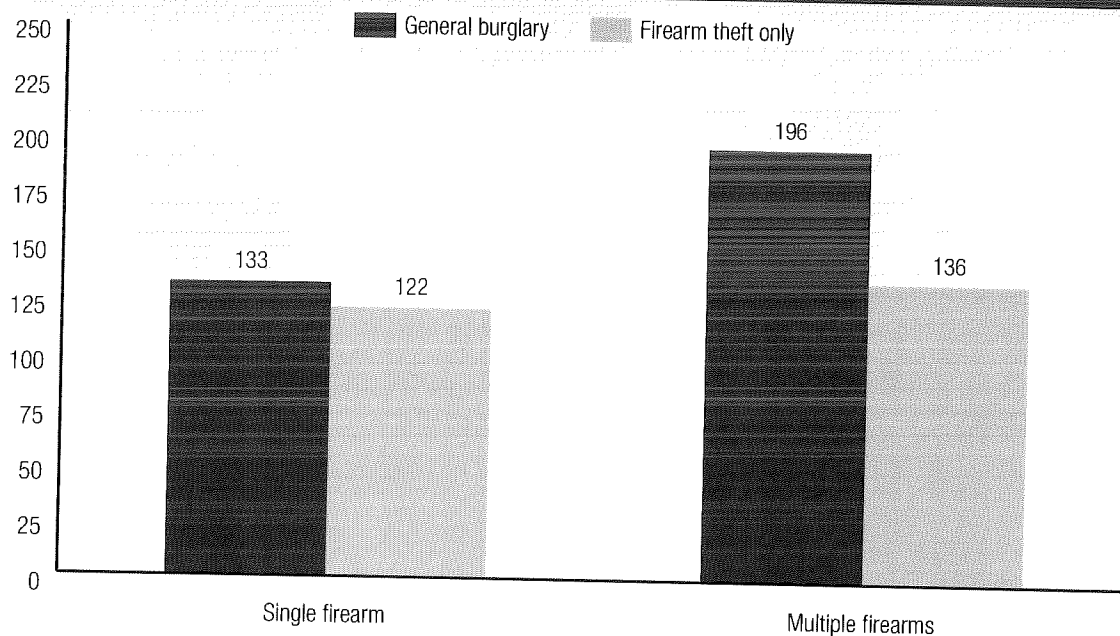
**Table 24** Theft of other goods

	n	%
Other goods stolen	329	55
Other goods not stolen	258	43
Unknown	11	2
Total	598	100

Note: Excludes 3 incidents where the theft of other goods was recorded as not applicable

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Figure 7** Firearms stolen, by type of theft (n)



Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 25** Types of other goods stolen

	General burglaries (n)	General burglaries (%)
Cash	95	36
Tools	84	31
Jewellery/watches	69	26
Personal electronic items	65	24
Luggage and other storage items	55	21
Home entertainment	48	18
Firearm accessories	41	15
Weapons	36	13
Personal items	30	11
Recreational items	29	11
PCs and accessories	28	10
Alcohol and other drugs	26	10
Vehicles	25	9
Other household items	22	8
Vehicle accessories	18	7
Agricultural items	15	6
ID and negotiable documents	14	5
Keys	11	4
Collectible items	9	3
DVDs, CDs, videos, games etc	8	3
Household electrical appliances	5	2
Other items	31	12

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

# Compliance with firearm laws

## Storage compliance

The means to ensure the safe keeping of firearms when they are not being carried or in use are prescribed in state and territory firearm laws. In summary, these provisions describe the construction, anchoring and locking arrangements for receptacles used to store specific categories of firearm and ammunition. Sixty percent of owners who reported a firearm theft in 2008–09 were determined to have complied with firearm storage laws (see Table 26). The compliance rate in 2004–05 was also 60 percent, dropping to just over half (52%) in the following two years before increasing again to 57 percent in 2007–08.

Overall improvement in storage compliance was observed in just one of the larger jurisdictions (ie South Australia), although Western Australia also

showed an increase in storage compliance for the years that data were available (see Figure 8). With the exception of 2007–08, South Australia has shown a consistently higher rate of storage compliance than other Australian jurisdictions, with at least two-thirds of owners recorded as storage compliant each year. New South Wales has also recorded a two-thirds or greater compliance rate, while Queensland's rate has tended to sit below 60 percent. Victoria's storage compliance rate was relatively even up until 2008–09 when it decreased 15 percent to 53 percent.

Figure 9 compares the compliance status recorded for key firearm storage variables; that is, stored in a receptacle (locked and unlocked), left in a vehicle or generally unsecured. Not unexpectedly, firearm owners who had secured their firearms(s) in a locked receptacle before the theft incident were mostly

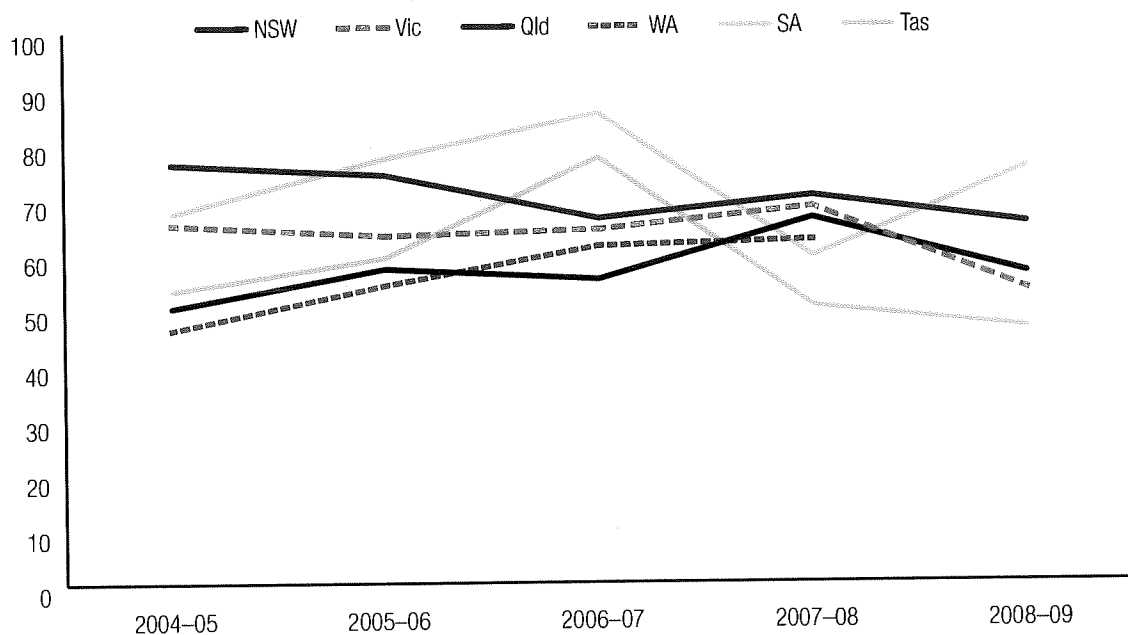
**Table 26** Status of compliance with firearm storage laws

	n	%
Complied	351	60
Not complied	138	24
Unknown	97	17
Total	586	

Note: Excludes 15 incidents in which method of firearm storage was recorded as not applicable and hence not subject to storage laws. Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

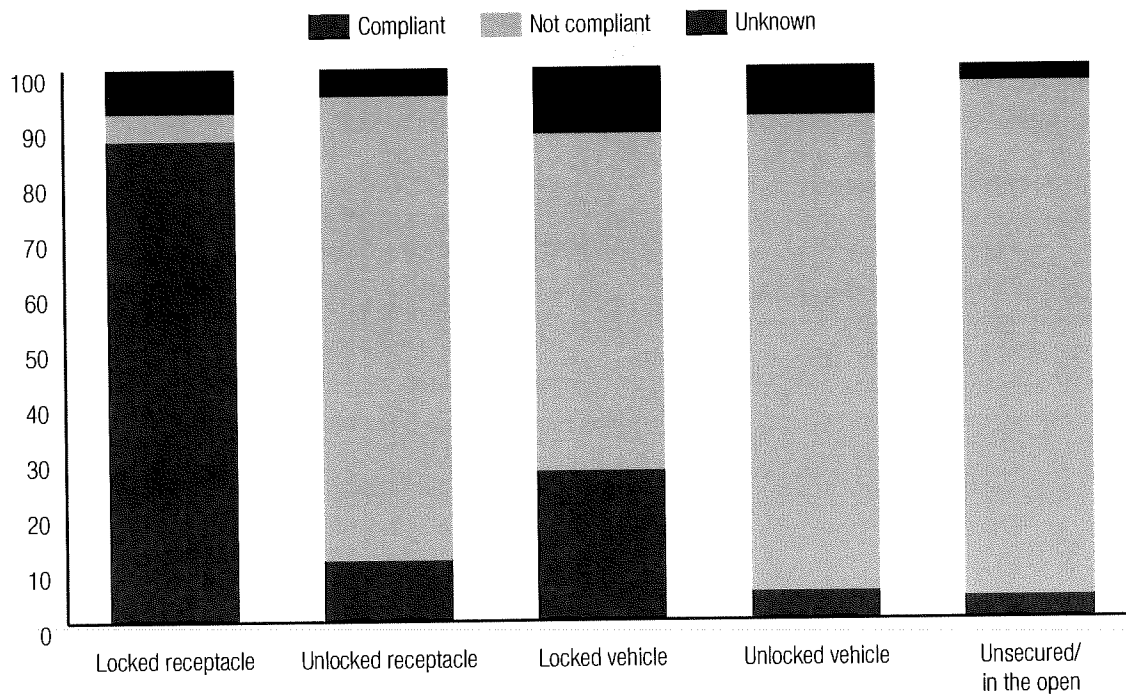
**Figure 8** Trend in storage compliance, by selected jurisdictions (%)



Note: Excludes Australian Capital Territory and Northern Territory due to the small number of firearm theft incidents reported in each territory each year. 2008-09 data for Western Australia not provided. Percentages are calculated from incidents in which the status of storage compliance was known (ie compliant or not compliant)

Source: AIC NFTMP 2004-09 [computer file]

**Figure 9** Type of firearm storage and status of compliance (%)



Note: Excludes 6 incidents in which compliance status was recorded as not applicable

Source: AIC NFTMP 2008-09 [computer file] (excludes Western Australia and the Northern Territory)

described as storage compliant (87%), while those who had left the receptacle unlocked were mostly described as non-compliant (84%; see also Table 38). The majority of firearm owners who had left their firearms in vehicles were also considered to have not stored their firearms in compliance with storage laws. Non-compliance was recorded for 61 percent of owners who had their firearm(s) stolen from a locked car and 86 percent for owners where the vehicle was unlocked at the time of theft. There have been a number of incidents in each of the monitoring years where the storage arrangements described did not correlate with the recorded storage compliance status and this was the case again in 2008–09. However, these incidents have been too small in number to warrant investigating whether additional factors may have determined the seemingly contradictory compliance status applied.

As discussed earlier, the majority of firearm thefts occurred in private residential premises and in these locations firearms were mostly stored somewhere within the house or in the garage or shed. Owners who had firearms stolen from the latter location had a higher storage compliance rate than owners whose firearms were stolen from within the house (80% *cf* 58%). This was also the case when considering compliance rates for the combined 2005–09 period (71% *cf* 56%). Firearm owners who stored their firearms in a garage or shed may be more inclined to secure their firearms because they perceive a greater theft risk to firearms stored away from the confines of the immediate domestic residence. Conversely, some owners who store their firearms within the home may feel the domestic residence affords better protection and hence are less vigilant with respect to the storage of their firearms. Firearms stolen from 17 percent of thefts in 2008–09 where the firearm was stored within a room of the house were described as unsecured or

left in the open compared with six percent of incidents in which firearms were stolen from a private garage.

Storage compliance was also considerably greater for owners who reported multiple firearm thefts (74% of all firearm owners who reported such a theft in 2008–09) than those who reported single firearm thefts (42%; see Table 27). While the data did not indicate if firearm owners who reported single firearm thefts actually owned other firearms, the finding, which replicates results from previous years, suggests that owners of multiple firearms were more inclined to secure their firearms, for reasons that may be related to cost of replacement or greater responsibility that comes with multiple firearm ownership. However, some of the pattern may be influenced by the different circumstances in which single or multiple firearms were stolen. Firearm thefts from vehicles, for example, were usually associated with non-compliant storage arrangements; they also usually involved the taking of a single firearm, possibly because firearm owners are more inclined to transport firearms one at a time.

Rates of storage compliance among owners who reported the theft of firearms remained at 60 percent or less during the four year monitoring period. Some of this non-compliance was certainly attributable to incidents of firearm theft from vehicles, where an average 58 percent of owners (who reported a theft between 1 July 2005 and 30 June 2009) were deemed not to have taken all reasonable precautions to ensure the safe keeping of their firearms. However, on average, 25 percent of owners who had firearms stolen from a private dwelling (the principal location for firearm theft in Australia) similarly did not secure their firearms in accordance with firearm laws. Theft incidents characterised by the absence of appropriate firearm storage arrangements were associated with the theft of 59 percent and 17 percent respectively of all firearms reported stolen from these two locations

Table 27 Storage compliance, by number of firearms stolen				
	Single firearm theft		Multiple firearm theft	
	n	%	n	%
Complied	105	42	246	74
Not complied	89	35	49	15
Unknown	59	23	38	11
Total	253	100	333	100

Note: Excludes 15 incidents in which method of firearm storage was recorded as not applicable and hence not subject to storage laws

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

between 1 July 2005 and 30 June 2009. Overall, firearms not stored appropriately at the time of the theft comprised almost a fifth (18%) of all reported stolen firearms during this period (see Table 28).

## Breaches of firearm laws

Since 2004–05, around 20–25 percent of firearm owners who reported the theft of their firearms were found, or were suspected, to be in breach of one or more firearm laws. In 2008–09, the proportion was the same again with just over a fifth of firearm owners (22%) reporting the theft of a firearm subsequently found in breach (see Table 29). The highest breaching rate in 2008–09 occurred in Queensland (28%) and the lowest in South Australia and Tasmania (12% and 11% respectively; see Figure 10).

The overall proportion of firearm owners found in breach and subsequently charged and/or disciplined was similar to that recorded in 2007–08 (62%; see Table 30). This rate varied between the four largest jurisdictions included in the 2008–09 dataset, from 45 percent in Victoria to 75 percent in New South Wales (see Figure 11). Consistently higher rates of initiating proceedings against firearm owners have

been recorded in New South Wales and South Australia since 2005–06, while rates have fluctuated considerably in Victoria and Queensland (see Figure 12). The absence of narrative in the data precludes reliable interpretation of this pattern.

Where formal proceedings had begun, only 11 firearm owners (or 9% of all owners proceeded against) had received disciplinary action or such action was pending. The remainder were known to have been charged (or charges were pending) but there was no indication if further action was to be taken (see Table 30).

The proportion of firearm owners found in breach of firearm laws and not proceeded against increased from 22 percent in 2005–06 to 36 percent in 2008–09. From earlier data it was apparent that owners were not charged due to:

- reasons related to the expiry of the statute of limitations, the pursuit of charges not being seen in the public interest or the owner being infirm or deceased; or
- a warning or caution being issued instead.

Where information was available as to the grounds on which police chose not to proceed with charges (n=48), 21 percent of owners were not charged as it

**Table 28 Firearms stolen from non-compliant storage arrangements**

	Firearms stolen from non-compliant storage arrangements (n)	Total firearms stolen (n)	Firearms stolen from non-compliant storage arrangements (%)
Private residential premises	847	5,111	17
Business premises	59	543	11
Vehicles	188	319	59
Other locations	39	218	18
Total <sup>a</sup>	1,133	6,191	18

a: Excludes firearms stolen from locations recorded as not applicable or unknown

Note: Excludes 2004–05 data due to some data variable comparability issues

Source: AIC NFTMP 2005–09 [computer file]

**Table 29 Firearm owners found in breach of firearm laws**

	n	%
In breach	132	22
Not in breach	404	67
Unknown	58	1
Not applicable	7	10
Total	601	100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)



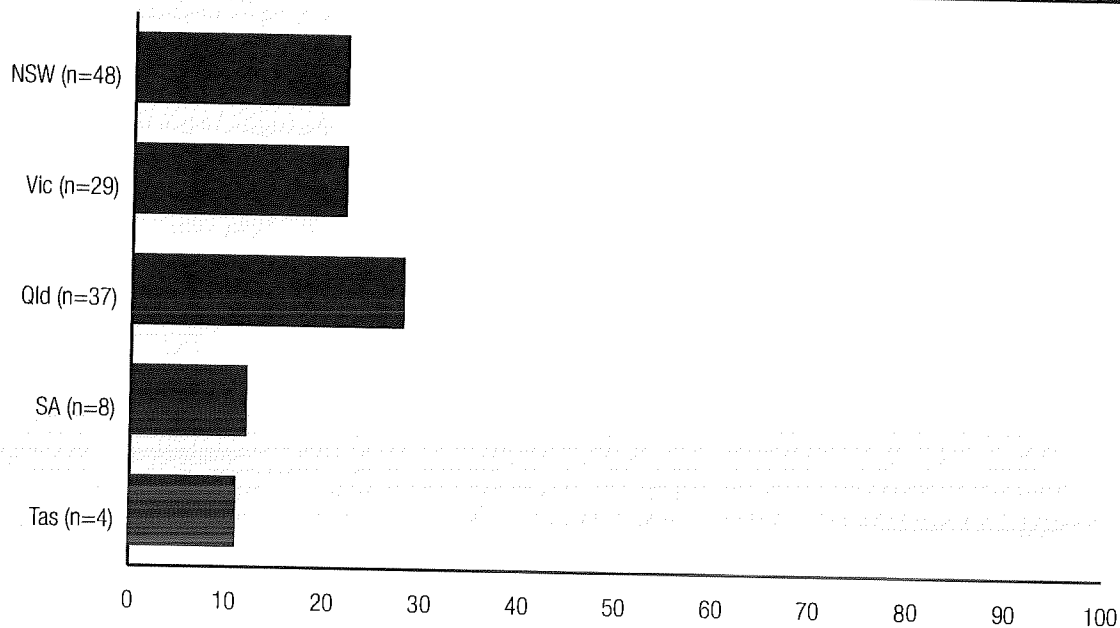
was deemed not in the public interest to do so; another 19 percent were not charged because the statute of limitations had expired. A further 19 percent were not charged due to other reasons, including that there was insufficient evidence, the owner was elderly or had dementia, or the police believed the owner had made a genuine mistake.

### Charges laid

A total of 101 charges were laid (or pending) against 82 owners who reported stolen firearms in 2008–09

(see Table 31). Thirteen firearm owners (16%) had multiple charges against them. The failure to secure or correctly store firearms was once again the most common offence firearm owners were charged with, making up 57 percent of all charges laid. The possession of an unregistered firearm accounted for eight percent of charges, as did the failure to possess the appropriate licence for the firearm stolen.

**Figure 10** Firearm owners found in breach of firearm laws, by selected jurisdictions (%)



Note: Excludes the Australian Capital Territory due to the small number of firearm theft incidents reported in the Territory each year

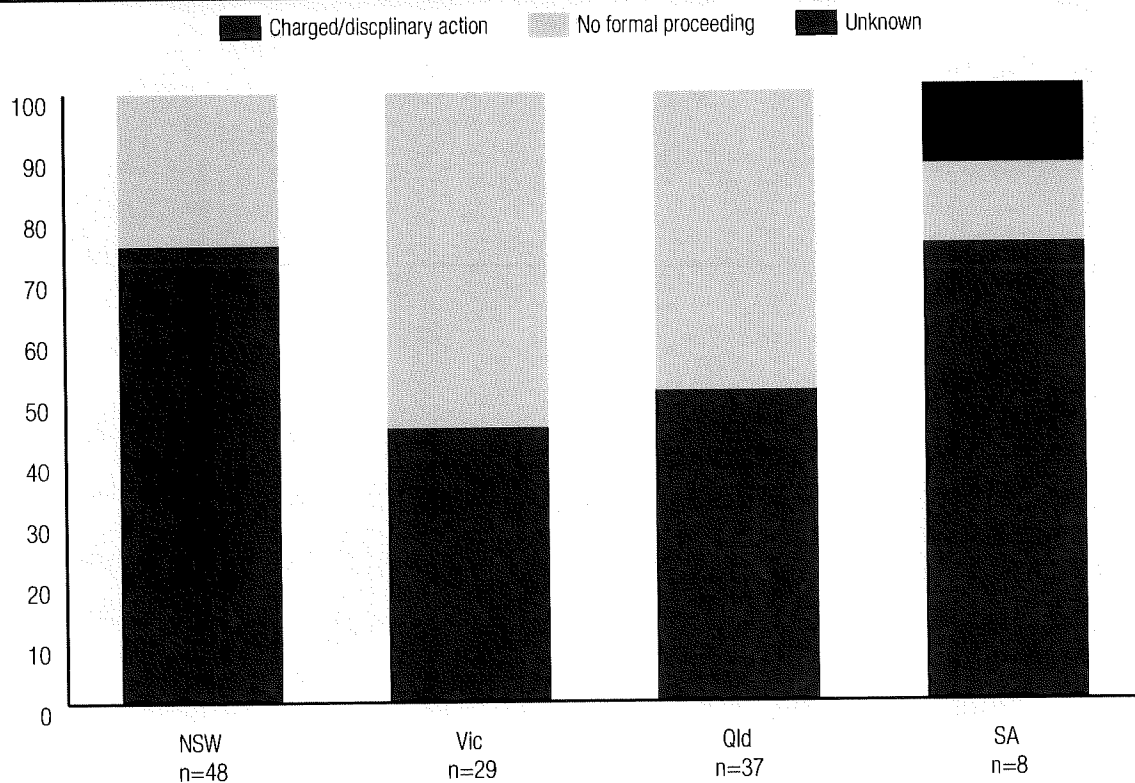
Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 30** Proceeding against firearm owners found in breach of firearm laws

	n	%
Proceeded against	82	62
Charged	63	48
Charges pending	8	6
Disciplinary action	9	7
Disciplinary action pending	2	2
No formal action	48	36
Unknown	2	2
Total	132	100

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Figure 11** Proceedings against firearm owners found in breach of firearm laws, by selected jurisdictions (%)



Note: Excludes Tasmania and the Australian Capital Territory due to small theft numbers. Note: Care must be taken when interpreting data from South Australia due to small number of incidents in which firearm owners were found in breach of firearm laws

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 31** Type of offences firearm owners charged with

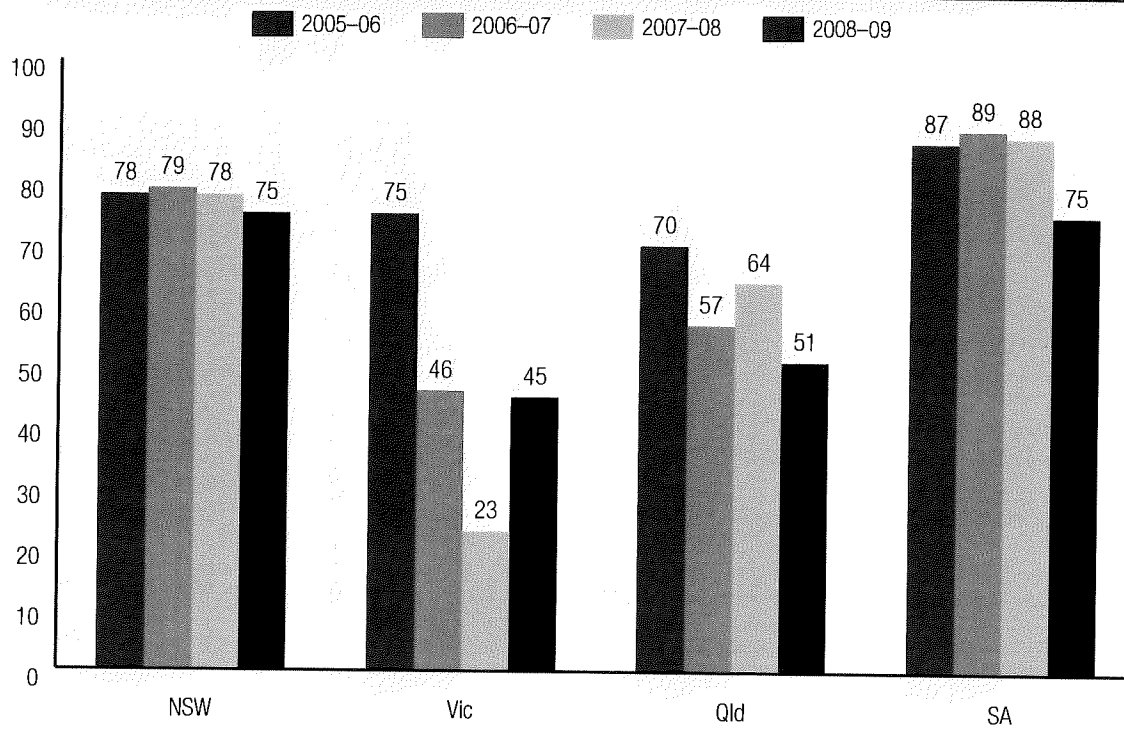
	n	%
Failure to secure or correctly store firearms	59	57
Unlawful or unlicensed possession of a firearm	8	8
Possession of an unregistered firearm	8	8
Breach of licence conditions	7	7
Failure to secure or correctly store ammunition	2	2
Other <sup>a</sup>	11	12
Unknown	6	6
Total	101	100

a: Includes offence of not prevent theft or loss of a firearm (n=4), failure to notify change of address where firearm is stored (n=2), unlawful possession of ammunition (n=1), use of a firearm in a national park (n=1) and not further defined (n=3)

Note: Multiple charges were laid against owners in 13 incidents. The total number of charges therefore exceeds the total number of firearm owners proceeded against (n=82)

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Figure 12** Formal proceeding rates, by selected jurisdictions, 2005–06 to 2008–09 (%)



Note: Excludes Tasmania and the Australian Capital Territory due to small theft numbers; excludes Western Australia and the Northern Territory due to absence of 2008–09 data

Source: AIC NFTMP 2005–09 [computer file]

# Other findings

## Recovery of stolen firearms

Stolen firearms were recovered by police from 14 percent of reported firearm theft incidents (see Table 32), consistent with recovery rates of 12–13 percent from previous years. Firearms were not recovered from 77 percent of incidents, while the recovery status was not known for nine percent of incidents. Recovery rates varied considerably between the larger states, from just five percent in South Australia to 24 percent in Queensland. Since 2005–06, Queensland and New South Wales have reported a consistently higher rate of stolen firearm recovery

compared with Victoria and particularly South Australia (see Table 33).

Recovered firearms were known to have been returned to owners in 45 percent of cases (n=38; see Table 32) but no explanation was provided as to why firearms were not given back to owners in the 39 other cases where return status was known. Previous data showed that firearms were not returned if the firearm had been tampered with or altered in any way, the original owner illegally possessed the firearm, or the firearm was still retained in police possession as exhibit property at the time of data collation.

**Table 32** Stolen firearm recovery and return rate

	n	%
Recovered	84	14
Not recovered	460	77
Unknown	57	9
Total	601	
Recovered firearms returned	38	45
Recovered firearms not returned	39	46
Unknown	7	8
Total	84	

Note: Recovery and return rate refers to incident numbers. Data on recovery rates refer only to those events in which the firearm was reclaimed in the jurisdiction in which the theft occurred. Percentages may not total 100 due to rounding

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

Firearms were more likely to be recovered if the theft was reported as part of a general burglary ( $\chi^2=19.5$ ,  $p<0.05$ ) and if the offender was eventually apprehended ( $\chi^2=249.7$ ,  $p<0.001$ ). Little information, however, was provided on the circumstances of the recovery event and it was not clear whether the firearm was found in possession of the original offender or a subsequent recipient. Firearms stolen as part of a multiple firearm theft were not usually recovered together and often only a subset of the original theft haul was located by the police.

## Proceeding against offenders

Offenders responsible for, or found in possession of firearms associated with, 13 percent of reported incidents of firearm theft in 2008–09 were subsequently apprehended and dealt with (see Table 34). Apprehension rates were significantly

greater for offenders if the theft was classified as a general burglary (76%;  $\chi^2=21.7$ ,  $p<0.01$ ). No apprehensions were recorded from 76 percent of incidents classified as firearms theft only and it was not known whether an offender had been apprehended from 11 percent of incidents. Of the larger jurisdictions, Victoria and Queensland again recorded higher offender apprehension rates among the larger jurisdictions and South Australia recorded the lowest (3%). No offenders responsible for reported firearm thefts in Tasmania in 2008–09 were proceeded against.

The type of offences with which offenders were charged and dealt with was provided by jurisdictions for 70 of the 78 applicable incidents and these are listed in Table 35. Data refer to the number of incidents in which a charge for a specific offence category (eg disposing of stolen property) was laid, regardless of whether one or multiple offenders were involved for that offence per incident. This has been done due to some ambiguity in the data as to the number of charges laid and offenders dealt with.

**Table 33** Recovery rate of firearms, by jurisdiction

	n	%
NSW	26	12
Vic	18	13
Qld	31	24
SA	3	5
Tas	4	11
ACT	2	18
Total	84	14

Note: Recovery and return rate refers to incident numbers. Data on recovery rates refer only to those events in which the firearm was reclaimed in the jurisdiction in which the theft occurred

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

**Table 34** Offenders proceeded against, by jurisdiction

	n	% of theft incidents
NSW	26	12
Vic	25	19
Qld	23	17
SA	2	3
Tas	0	0
Total	76	13

Note: Excludes the Australian Capital Territory due to small theft numbers

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)

At least 82 offenders were known to have been proceeded against 191 separate charges (see Table 35). Offenders were charged with illegal entry offences (64%) and theft of the firearm (and other items) in 60 percent of incidents. Seven in 10 incidents in which an offender was proceeded against related to firearm offences (such as unauthorised possession of a firearm or ammunition).

## Linking stolen firearms to crime

Information on whether firearms reported stolen in 2008–09 were used in subsequent criminal activity, or found in possession of persons charged with serious offences, was available for 65 percent of theft incidents (n=392). Of these, firearms stolen in 10 incidents (or 3%) were recorded as being used

in subsequent criminal activity, or in the possession of a person charged with serious offences. Firearms stolen from two additional incidents were used or believed to have been used in two sudden death events.

A total of 51 firearms were stolen from these 10 theft incidents (33 rifles, 10 shotguns, 7 air rifles and 1 handgun) but it was not specified which of these firearms were linked to specific criminal offences. Of the offences listed, firearms from two theft incidents were linked with an offender who had displayed dangerous conduct with the stolen firearm and there were two incidents in which the firearm was found in possession of an individual involved in the cultivation or supply of a prohibited drug. In another case the firearm was found in possession of a member of an outlawed motorcycle gang. Only one theft incident resulted in the use of a firearm to commit a violent crime, in this case manslaughter.

**Table 35** Offence type

	n	% of incidents <sup>a</sup>
Firearm offences <sup>b</sup>	49	70
Break and enter/burglary	45	64
Theft/stealing/larceny	42	60
Possessing/receiving/disposing of stolen property	24	34
Drug related	6	9
Violent crime <sup>c</sup>	3	4
Other	22	31

a: Percentage is of incidents where an offender was charged and dealt with and where information was provided on the offence type(s) (n=70)

b: Includes possession of unauthorised firearm, possession of unauthorised prohibited firearm, possession of ammunition without holding a licence/permit/authority, use unauthorised firearm, failure to surrender firearm, shorten barrel of longarm, alter firearm ID

c: Includes armed robbery and manslaughter

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia and the Northern Territory)



# Conclusion

The nature and characteristics of firearm theft that occurred each year in Australia from 2004–05 to 2008–09 has shown considerable consistency. Firearms have been predominantly stolen from private residential premises, usually along with other items such as cash, tools and jewellery. An average of one to two firearms has been stolen in each theft incident, most of which have been registered at the time of the theft and in the possession of a licensed owner. Less restricted firearms (eg Category A and B firearms) comprised the majority of firearms stolen, most likely a reflection of the prevalence of these firearms among the Australian firearm-owning community rather than a necessary preference to steal such firearm models. Handgun theft remained consistently below 10 percent and restricted Category C and D firearms (such as pump action shotguns and semi-automatic rifles) rarely featured in firearm theft reports. The fate of stolen firearms has generally remained unknown. Firearms from an average three percent of incidents reported each year have been identified as having been used in a subsequent criminal act or found in the possession of individuals charged with other serious criminal offences. Yet the majority of stolen firearms (from an average 88% of theft incidents each year) have not been recorded as having been recovered by police.

Compared with the previous decade, the number of firearms reported stolen each year has halved.

However, in the five years from the 1 July 2004 to 30 June 2009, there has been a steady increase in the number of firearms reported stolen, from 1,263 in 2004–05 to 1,570 in 2008–09 (in all Australian jurisdictions except Western Australia). Without access to data regarding changes in the number of firearms registered in Australia it is not possible to discern whether this increase in stolen firearms is influenced by a general increase in legally-owned firearms or rather, that it is a genuine indication that theft numbers are on the rise. The pattern observed across the states and territories is not uniform and in most jurisdictions the number of reported stolen firearms has tended to fluctuate rather than present a clear upward or downward trend.

A critical factor in the prevention of firearm theft is owner compliance with prescribed firearm storage standards. As mentioned previously, state and territory firearm legislation stipulates the type of safe keeping arrangements owners are obliged to observe when their firearms are not in use. Penalties apply (including custodial sentences in some jurisdictions) for cases of non-compliance. Nonetheless, rates of storage compliance among owners who reported the theft of firearms remained at 60 percent or less during the monitoring period. It was noted that in most incidents of theft of a firearm from a vehicle, the majority of owners (who reported a theft between 1 July 2005 and 30 June 2009) had

not taken reasonable precautions to ensure the safe keeping of their firearms. Similarly, a quarter of owners who reported the theft of a firearm from a private dwelling during the same period were also non-compliant. Firearms not stored appropriately at the time of the theft comprised almost a fifth (18%) of all reported stolen firearms during this period.

The nature of the data collected for the NFTMP does not allow a full assessment of risk since it only refers to situations in which a theft event was successful. It can be used, though, to gauge whether certain locations were more vulnerable to, or 'assisted' firearm theft due to the security arrangements (or lack thereof) practiced by firearm owners in these locations. In some theft incidents, private residential and business premises were unlocked and/or the firearms were unsecured at the time of theft but there was no significant association between the security arrangements for the location and the security arrangements taken for the firearm(s). Firearms stolen from private dwellings were mostly removed from rooms within the house or from the garage, with firearm owners appearing to make more effort to secure their firearms if they were stored in the garage than if kept in the home. However, the real vulnerability was found to lie with vehicles. Not only was there a more significant likelihood that vehicles, compared with private residential and business premises, would be unlocked at the time of the theft ( $\chi^2=47.92$ ,  $n=1,627$ ,  $p<0.001$ ) but that the firearms 'stored' in these vehicles had not been secured in any way ( $\chi^2=434.66$ ,  $n=1,933$ ,  $p<0.001$ ). While firearm thefts from vehicles made up a much smaller proportion of thefts compared with those that targeted private residential premises, they were similar in prevalence with theft rates from business premises and hence highlight the less vigilant approach firearm owners appear to take when transporting firearms by vehicle.

The twin purposes of the NFTMP were to assist state and territory police in identifying initiatives in reducing the incidence of firearm theft and developing a minimum standard for firearm storage common to all sectors of the firearm-owning community. The type of data provided on firearm storage arrangements was not descriptive enough to be able to comment on the adequacy of current storage specifications (as prescribed in state and territory firearm laws), except that it was evident that

determined offenders were able to penetrate otherwise secure receptacles. It was apparent from incident narratives (where they were provided) that in some cases of firearm theft, offenders came well prepared with equipment (or sought out equipment within the theft location) to either remove the receptacle or break into it to retrieve the firearms stored inside. From other incidents it was less clear what preparation, other than the basic method applied (eg application of force or use of tools), had been taken by the offender to breach the firearms safe. Firearms stored in garages or shed were found, on the whole, to be better secured than firearms stored inside the home, but paradoxically may be more vulnerable to theft due to the greater likelihood of tools or other paraphernalia that can be used to breach the firearm safe being available to offenders in this location site.

Modifying current provisions around firearm storage may be one option that law enforcement agencies may adopt in seeking to further reduce the incidence of firearm theft. Other options, involving investment from state and territory police and/or the Australian firearm-owning community, might focus on situational crime prevention methods. Situational crime prevention is based upon the premise that crime is often opportunistic and aims to modify contextual factors to limit the opportunities for offenders to engage in criminal behaviour (Tonry & Farrington 1995). Under this approach, the situational or environmental factors associated with certain types of crime are identified, manipulated and controlled, with reference to assumptions regarding the nature of the offending and of the participating offenders (Cornish & Clarke 2003). With regard to firearms theft, a situational crime prevention approach would focus on increasing the effort required on the part of the offender to successfully steal a firearm (ie target hardening), or focus on increasing the risk to the offender (of committing the crime) and reducing the rewards (related to the theft of the item). Further work is required to identify and hone the types of crime prevention techniques that could be employed, but obvious methods include strengthening formal surveillance (eg burglar alarms and surveillance cameras), better concealment of targets (eg location on firearm safes), use of property identifiers (eg use of indelible markers on registered firearms) and strategies to assist compliance (eg dissemination of



findings from firearm theft research to educate the firearm-owning community about potential and actual storage vulnerabilities).

One area that would benefit from further exploration is the stolen firearms market, the networks that support this market and potential methods of market disruption. Little is known about the structure and typologies of the stolen firearms market, to what extent it is facilitated by the range of relevant agents (eg residential and commercial 'fences') and the characteristics of its consumers. It is assumed that different agents are involved depending on the nature of the theft and the 'knowledge' of the offender with respect to the disposal of less conventional goods such as firearms. Additional research could provide an:

- 'inventory' of 'at-risk' firearms;
- a description of preferred methods of disposal;
- the manner in which firearms are bought and sold in illegal markets; and
- a jurisdictional outline of differences in firearms stolen and bought.

Results from such research may be used to inform future intervention strategies to further safeguard firearms from theft and interrupt specific typologies of disposal.

The NFTMP, which concludes with this report, has provided a comprehensive record of the methods and facilitators of firearm theft, the categories of

firearms more likely to have been entering the illicit market and the approaches taken by firearm owners to minimise risk. Although anywhere between 1,500 and 1,700 firearms were reported stolen each year of the monitoring period, there is no suggestion that the majority of firearm owners were not complying with laws around the safekeeping of firearms. That said, clearly some owners were not compliant and additional initiatives may now need to be considered to further reduce the incidence of firearm theft. The consistency in the findings from the NFTMP over the four year period, particularly with respect to theft locations and their associated vulnerabilities, provides a stable template from which these initiatives may be developed. Options for consideration would include recommending changes to legislation regarding minimum storage requirements, promoting additional auditing of safekeeping arrangements, enhancing educative programs for the firearm-owning community or encouraging additional investment in crime prevention strategies. Equally importantly, the findings from the NFTMP can be (and have been) used by the different groups of stakeholders (eg firearm owners and law enforcement) concerned with reducing the incidence of firearm theft to produce complementary approaches to disrupting future opportunities for theft and hence impede the flow of firearms into the illicit market and potentially into the hands of criminal elements.



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# Appendixes

# Appendix A:

## Additional tables

**Table 36** Types of firearms stolen from jurisdictions

	Rifle		Shotgun		Air rifle		Handgun		Other		Unknown	
	n	%	n	%	n	%	n	%	n	%	n	%
NSW	366	62	144	24	31	5	43	7	3	1	5	1
Vic	144	48	102	34	15	5	13	4	5	2	23	8
Qld	216	68	47	15	27	9	21	7	8	3	0	0
SA	136	65	42	20	23	11	8	4	0	0	2	1
Tas	56	57	34	34	5	5	1	1	2	2	1	1
ACT	18	82	1	5	3	14	0	0	0	0	0	0
NT	13	52	6	24	4	16	2	8	0	0	0	0

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 37** Category of firearm stolen, by jurisdiction

	A		B		C		D		E		Other	
	n	%	n	%	n	%	n	%	n	%	n	%
NSW	367	64	151	26	6	1	1	<1	43	8	2	<1
Vic	193	72	58	22	0	0	0	0	13	6	0	0
Qld	185	58	111	35	1	<1	0	0	21	7	0	0
SA	143	68	54	26	3	1	1	<1	8	3	0	0
Tas	45	83	8	15	0	0	0	0	1	2	0	0
ACT	12	55	10	45	0	0	0	0	0	0	0	0
NT	13	52	10	40	0	0	0	0	2	8	0	0

Note: Excludes 108 firearms in which insufficient information was available to ascertain category of firearm

Source: AIC NFTMP 2008–09 [computer file] (excludes Western Australia)

**Table 38 Method of access to premises or vehicle**

	Private residential premises		Business premises		Vehicle	
	n	%	n	%	n	%
Using tools or force	241	52	16	47	13	25
Using stolen key	17	4	1	3	3	6
Unsecured	81	18	6	18	18	34
Other	26	6	4	12	6	11
Unknown	95	21	7	21	13	25
Total	460		34		53	

Note: Excludes 11 incidents in which method of access was recorded as not applicable. Percentages may not total 100 due to rounding

Source: AIC NFTMP 2007–08 [computer file] (excludes Western Australia and the Northern Territory)

**Table 39 Type of firearm storage and status of compliance**

	Complied		Not complied		Unknown	
	n	%	n	%	n	%
Locked receptacle	326	87	19	5	31	8
Unlocked receptacle	2	11	16	84	1	5
Locked vehicle	7	27	16	62	3	12
Unlocked vehicle	1	5	18	86	2	10
Unsecured/in the open	3	4	68	93	2	3

Note: Excludes 6 incidents in which storage compliance was recorded as not applicable

Source: AIC NFTMP 2007–08 [computer file] (excludes Western Australia and the Northern Territory)

# Appendix B: Firearms classifications, National Firearms Agreement 1996

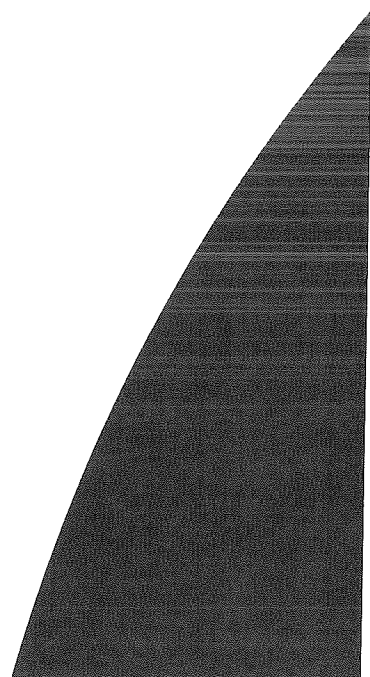
Category A	<ul style="list-style-type: none"><li>• air rifles;</li><li>• rimfire rifles (excluding self-loading); and</li><li>• single and double barrelled shotguns</li></ul>
Category B	<ul style="list-style-type: none"><li>• muzzle-loading firearms;</li><li>• single shot, double-barrelled and repeating action centre-fire rifles; and</li><li>• break-action shotguns/rifle combinations</li></ul>
Category C	<ul style="list-style-type: none"><li>• prohibited except for occupational purposes;</li><li>• self-loading rimfire rifles with a magazine capacity no greater than 10 rounds;</li><li>• self-loading shotguns with a magazine capacity no greater than five rounds; and</li><li>• pump-action shotguns with a magazine capacity no greater than five rounds</li></ul>
Category D	<ul style="list-style-type: none"><li>• prohibited except for official purposes;</li><li>• self-loading centre-fire rifles;</li><li>• self-loading shotguns and pump-action shotguns with a capacity of more than five rounds; and</li><li>• self-loading rimfire rifles with a magazine capacity greater than 10 rounds</li></ul>
Category H	<ul style="list-style-type: none"><li>• all handguns, including air pistols</li></ul>

Note: Firearm categories vary slightly between jurisdictions

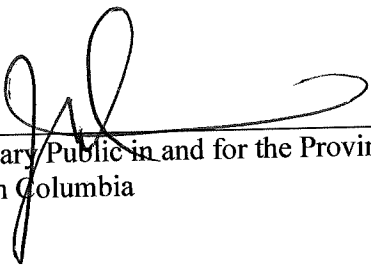
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This is **Exhibit "P"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



A Notary Public in and for the Province of  
British Columbia



# Liberal gun ban quietly expanded, potentially putting owners unknowingly on wrong side of the law

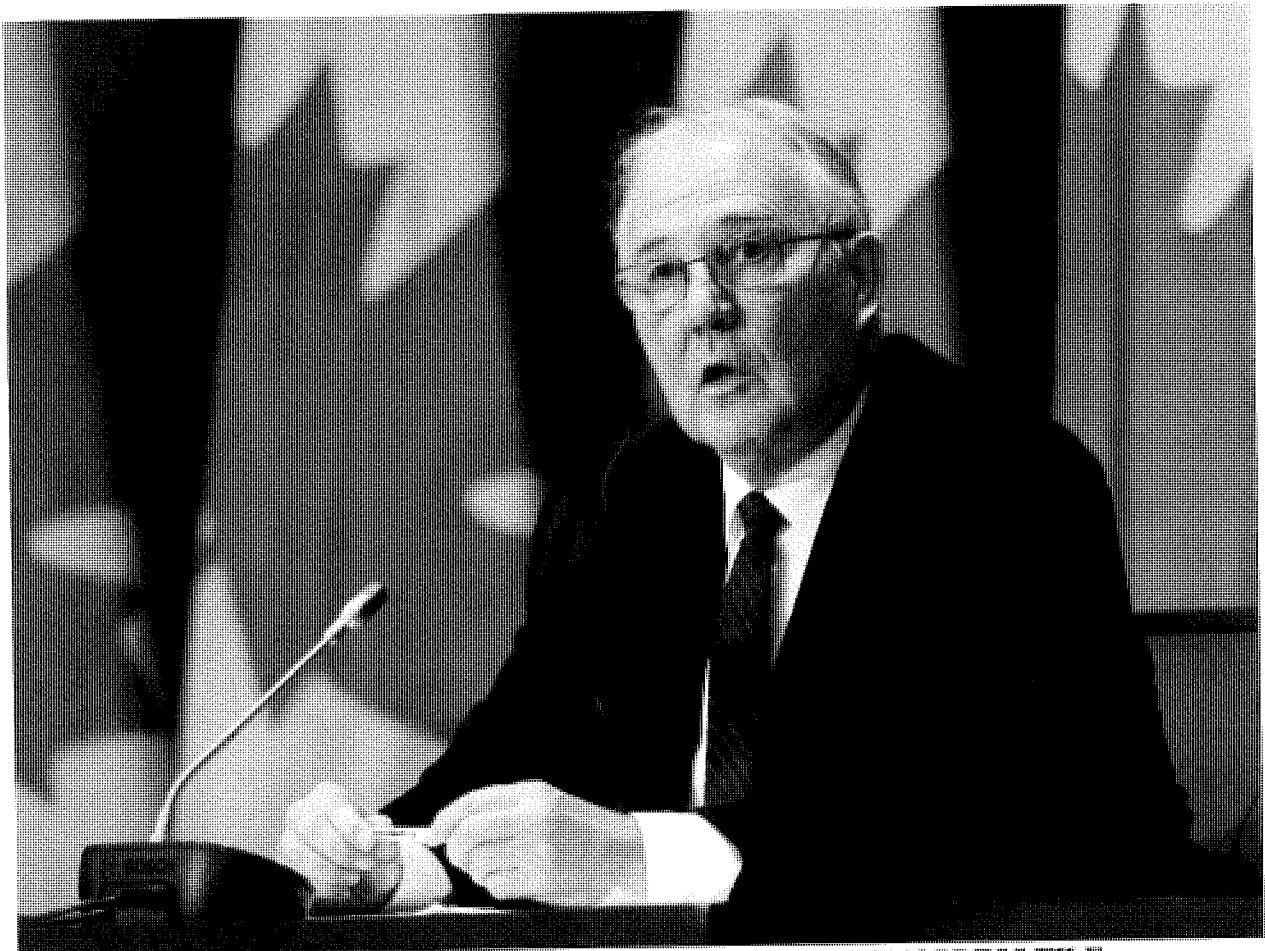
Author of the article:

**Jesse Snyder**

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<https://nationalpost.com/news/liberal-gun-ban-quietly-expanded-potentially-putting-owners-unknowingly-on-wrong-side-of-the-law>



Public Safety Minister Bill Blair. ADRIAN WYLD/THE CANADIAN PRESS/FILE

OTTAWA — The RCMP has quietly outlawed hundreds of rifles and shotguns over the past month, adding to the list of 1,500 firearms already banned by the Liberal government on May 1.

The list has been expanded without public notifications from either the RCMP or the federal government, raising concerns among gun sellers and owners that they could have unknowingly bought, sold or transported illegal firearms in recent weeks. The recently banned firearms have all been deemed illegal retroactively, as of May 1.

The new list also includes a number of single-shot and semi-automatic shotguns, and at least one Russian-made pump-action, despite repeated claims by Public Safety Minister Bill Blair that Ottawa's sweeping ban would not include guns used for bird hunting.

The ban covers some 1,500 models and variants of what the government considers assault-style weapons.

Liberal assault-style gun ban challenged by rights group in federal court

Some initially believed the Black Rifle Coffee Company, a Salt Lake City-based firm owned and operated by U.S. military veterans, was on the Liberal gun ban list.

Trudeau's gun ban appeared to prohibit some coffee, a website and a toy. Here's why

A shooter fires a round from his Russian SKS rifle at a Calgary firing range.

'Incoherent' Liberal firearm ban excludes several semi-automatics, potentially outlaws big-game hunting rifles

The RCMP did not respond to questions about how many firearms it has added retroactively to its Firearms Reference Table (FRT) since the beginning of May. The FRT serves as the official reference for what firearms are illegal under Canadian law. The RCMP designates firearms as legal or illegal based on its interpretation of Ottawa's regulations, which were updated on May 1 in an effort to ban military platform rifles like the AR-15 and AR-10.

A data set compiled by the Canadian Sporting Arms and Ammunition Association (CSAAA), shared with the National Post, suggests that at least 320 rifles and shotguns have been added to the original list of 1,500. The National Post independently verified 200 of the firearms included in the list, all of which appear in the updated FRT, but not in Ottawa's initial Order in Council.

A spokesperson for Blair said the government is "considering options" for how it can make the list of banned firearms more available and transparent for firearms owners, retailers and manufacturers.

"We continue to work with the RCMP to ensure that the public Firearms Reference Table is updated as quickly and as thoroughly as possible to reflect changes that were brought in that day," Mary-Liz Power said in a written statement.

Their discretion is wide-ranging

Blair defended the sweeping prohibition in early May, after some confusion emerged over whether some 10 and 12-gauge shotguns could be included in the ban, due to a provision that outlaws any firearm with a bore diameter greater than 20 millimetres.

Blair tweeted on May 5 that those claims were “absolutely incorrect” but did not update the terminology in the regulations. The RCMP later posted guidelines on its website that seemed to suggest shotgun bores would not be measured in a way that would outlaw them.

The RCMP’s updated list, however, does outlaw a number of four-gauge shotguns under the 20mm provision, including the Webley & Scott Wild Fowl Gun, a bird hunting firearm; the single-shot Duck Gun made by W.W. Greener, an English manufacturer; and the obscure Russian-made TOZ, among others. A number of other 12-gauge semi-automatic shotguns are now prohibited under the new FRT.

Ottawa’s May 1 regulations banned eleven types of firearms, which initially encapsulated roughly 1,500 types gun variants. The regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction.

Prime Minister Justin Trudeau justified the ban by saying it targets firearms designed to “kill the largest number of people in the shortest amount of time.” Recent updates to the ban include some Western-style single-shot shotguns that need to be loaded one at a time, as well as high-calibre rifles used for the explicit purpose of killing a single target at long range.

Alison de Groot, managing director of the CSAAA, said the vague provisions within the Liberal regulations act as a catch-all that could constantly keep firearms owners in the dark about the legal status of their guns. Ottawa has declined to provide details as to when the FRT update could be complete.

“It’s at their discretion, which means we have no assurances, either as businesses or firearms owners, about what is allowed,” she said. “Because their discretion is wide-ranging.”

She said the retroactive additions point to the hasty assembly of the regulations. The CSAAA has been calling on Ottawa to compensate retailers and distributors by up to \$1.1 billion, after the ban left small businesses sitting on massive piles of inventory that can no longer be sold. Sales in many stores have ground to a halt as owners struggle to navigate daily changes to the prohibition list.

“I’ve never seen anything like this, in any country,” said Wes Winkel, owner of Ontario-based Ellwood Epps Sporting Goods.

The federal government’s gun ban regulations broadly outlawed “assault-style firearms,” which many observers called an arbitrary distinction. JONATHAN HAYWARD/THE CANADIAN PRESS/FILE

Winkel says 22 per cent of his inventory is now unsellable due to the Liberal ban, and new additions to the prohibition list have only deepened the confusion. The Turkish-made F12 Typhoon shotgun, for example, is now considered illegal under the recent updates, while the nearly identical Derya MK12 made by the same company remains non-restricted.

"We're at a point now where it's become so nonsensical that we've just started to pull inventory," Winkel said.

In a letter to Blair last week, the Ontario Federation of Anglers and Hunters (OFAH) warned that illegal firearms "could have been used, transported, transferred or even attempted to be imported" due to the late classification of hundreds of rifle variants.

"The fact that the government is still determining what firearms are prohibited many weeks after the amended regulations came into force is a sure signal that these changes were not given the necessary time and scrutiny required for regulatory development of this magnitude," the letter said.

Retailers will also be forced to cover storage costs for illegally imported firearms held by the Canada Border Services Agency (CBSA), even if those purchases were made legally in early May, but later deemed prohibited.

We're at a point now where it's become so nonsensical  
The OFAH also decried the decision by the Liberal government to publish the Order in Council at a time when Parliament was operating on a limited basis, and when the general public was focussed on the COVID-19 pandemic.

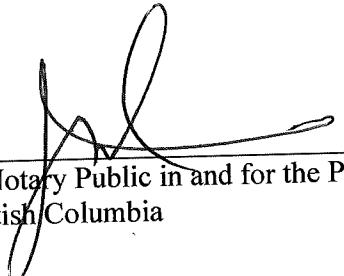
"An Order in Council (OIC) may be a legal instrument to prescribe prohibitions, but it does not exempt the Government of Canada from the due diligence and rigor of the robust regulatory process that Canadians deserve," the letter said.

Blair has said the Liberal government is crafting a buy back program for firearms deemed illegal under the new regulations, but has yet to provide details on the policy. Blair also said his government is looking to introduce a handgun ban when Parliament resumes, the enforcement of which would likely be left up to municipalities.

Gun advocates say the Liberal ban penalizes law-abiding citizens, while ignoring criminals who obtain their firearms illegally, and are responsible for much of the gun violence in Canada. People who support the ban say it will lower violence levels across the board by making guns less accessible to the public.

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This is **Exhibit "Q"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.

  
A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**

June 2007

# Hubris in the North

## The Canadian Firearms Registry

*Gary A. Mauser*

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## Executive summary

The shootings at Montreal's Dawson College in September 2006 reignited the controversy over the firearms registry and prompted the Conservative government to review its earlier pledge to scrap the registry. This paper is a timely effort to evaluate the effectiveness of the 1995 firearm legislation. In 1995, the government assumed that, by controlling the availability of firearms, the registry would reduce total criminal violence, not just gun violence, suicide and domestic abuse. I argue here that this legislation is fundamentally flawed because it relies upon public-health research to justify its moralistic approach to firearms. Public-health advocates have exaggerated the danger of citizens owning firearms through pseudoscientific research methods. The federal government's moralistic approach to public safety is compared with a more practical and consultative provincial program that is more successful.

The firearms registry involves licensing firearms owners as well as registering firearms. Even though the registry was created by the 1995 legislation, it was not implemented until 1998. Since that time there has been a significant reduction in the number of firearm owners, the number of crimes involving firearms, and the number of firearms-related deaths. Nevertheless, public safety cannot be said to have improved because total criminal violence and total suicide rates remain stubbornly stable, despite the drop in firearms-related violence. Since the registry, with its dual function of licensing owners and registering long arms, was first implemented in 1998, the total homicide rate has actually increased by 9%, while the overall rate of violent crime has decreased by 4%. Perhaps the most striking change is that gang-related homicides have increased substantially, more than doubling between 1998 and 2005. Despite the drop in firearm-related suicides, the overall suicide rate declined by just 3% since the registry began. Unfortunately, an increase in suicides by hanging has nearly cancelled out the reduction in the number of suicides involving firearms. No persuasive link has been found between the firearms registry and any of these changes. Provincial hunter-safety programs, in contrast, are more consultative, and available evidence suggests that such programs have been effective.

In conclusion, no convincing empirical evidence can be found that the firearms program has improved public safety. Violent crime and suicide rates remain virtually unchanged despite the nearly unlimited annual budgets during the first seven years of the firearms registry. Notwithstanding an estimated CDN\$2 billion cost to date, the firearms registry remains notably incomplete and has an error rate that remains embarrassingly high. As a result of its many failures, particularly its failure to reduce gang violence or stop senseless killings like those at Dawson College and Mayerthorpe, Alberta, the firearms registry has failed to win the trust of either the public or the police.

## Introduction

*Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.*

— C. S. Lewis, *God in the Dock* (2002): 292

The shootings at Montreal's Dawson College in September 2006 reignited the controversy over the firearms registry and prompted the Conservative government to review its earlier pledge to scrap the registry. More recently, the saturated media coverage of multiple killings at Virginia Tech in April 2007 has provoked calls for more extensive gun laws. This paper is a timely effort to evaluate the effectiveness of the 1995 firearm legislation.

Canada's 1995 firearms legislation was a bold attempt to improve public safety in Canada. In the words of Allan Rock, the Justice Minister responsible for shepherding the legislation through Parliament, the goals were sweeping indeed: "the primary objective of regulating firearms should be to ensure that Canada remains a peaceful and civilized country." [1] Rock's moral fervor was evident. In the same address to Parliament, the Justice Minister assured Canadians that licensing of owners and registration of firearms would save lives by reducing criminal violence, domestic violence, suicide, and firearm accidents. The legislation had three interlocking components: universal firearms registration, tighter border controls, and increased penalties for criminal misuse of firearms. [2] The firearms registry was viewed as the lynch pin of the government's plan [Rock, 1995a]. Sufficient time has passed since the introduction

---

[1] "Registration will reduce crime and better equip the police to deal with crime in Canadian society by providing them with information they often need to do their job. Registration will assist us to deal with the scourge of domestic violence. If a firearm is not readily available, lives can be saved. If registration, as the police believe, will encourage owners to store firearms safely so those impulsive acts are less likely, the result may be different." Excerpted from the motion for third reading by Allan Rock (Minister of Justice and Attorney General of Canada) [Rock, 1995b].

[2] The term "firearms registry" will be used here as short-hand for both licensing of owners and registration of firearms. Clearly, both programs are interdependent and both began in 1998.



of the registry to make an empirical evaluation of its effects on public safety possible. It is particularly important to know whether the firearms registry has lived up to the promises made at the time of its introduction. [3] Legislation must be assessed empirically in order for legislators as well as citizens to learn what works and what does not.

It is time to evaluate this legislation but there are several caveats. First, evaluating any legislative effort is an exceedingly difficult challenge, especially legislation as complex as this package. Second, the 1995 act has been phased in over time: a few provisions were implemented in 1995 but licensing of owners and registration of firearms only came into force in early 1998, and was not declared complete until 2004. Third, it is difficult to obtain the necessary information with which to evaluate the legislation as the government refuses to release crucial data. Nevertheless, it is important that an attempt be made to assess whether this expensive experiment was worth the cost. Citizens need to know what works and what does not. To simplify the task, I will focus on the firearms registry (including licensing) and leave to others further evaluation of the legislation. I will draw inferences from the best, albeit flawed, information available. I will inform the reader when evidence is weak or inconsistent but I will not ignore information that refuses to fit comfortably with other information or with my tentative conclusions.

The government's approach to public safety in the 1995 firearms legislation was inherently flawed because it was based on a moralistic stance that exaggerated the dangers of firearms. To justify this legislation, the government relied upon simplistic and misleading public-health studies. Compounding these errors, the government arrogantly ignored the experience of other countries with similar legislation. [4] I will assess the key public-health studies on firearms and argue that such unscientific analyses greatly exaggerate the dangers of firearm ownership. This legislation was driven by the kind of moral fervor that C.S. Lewis warns us about in the passage quoted at the beginning of this section. The firearms registry repeated the failure by an earlier generation of moralists who similarly overreached in their attempts to prohibit alcohol in

- 
- [3] This paper will focus exclusively upon evaluating the firearms registry (including owner licensing) even though it would also be important to evaluate the impact of other components of this legislation. In addition to the three components already mentioned, the 1995 legislation also prohibited over half of the lawfully registered handguns and introduced mandatory minimum sentences for violent offences involving firearms. No systematic attempts that I know of have been made to evaluate these components, except for a preliminary evaluation of the mandatory minimum sentencing in this legislation that found "little or no impact" [Roberts and Grimes, 1999].
- [4] The government knew about, but did not thoroughly investigate, the firearms regulatory systems in Australia, the United Kingdom, and New Zealand, *inter alia* [Gabor, 1994; MacLellan, 1995; Stenning, 1995].

the United States. [5] In general, consultative approaches have been found to be more effective than moralistic policing methods in democratic societies. [6]

Before we can begin our evaluation, we should describe the context in which the government was operating in 1995. The most important step in evaluating legislation is to identify the goals that were originally announced for it. This is crucial because, if legislation is introduced merely “to be seen as doing something,” then later rationalizations may be opportunistic rather than principled defenses of policy. If legislation is to be more than symbolic, then politicians must be held to account for their promises. As we shall see, the goals have subtly but fundamentally shifted over the past decade. I will first summarize who owns firearms as well as a history of firearm legislation in Canada and, then, I will briefly criticize the public-health approach to firearms. The 1995 legislation cannot be understood without understanding the intellectual framework upon which it is based.

The evaluation itself consists of asking three questions. First, has the legislation been able to reduce access to firearms? For if it has not, then, using the rationale of the public-health model, this legislation cannot be expected to improve public safety. Second, how successful has the federal government been in designing and implementing the databases (both of owners and of firearms) that is central to the firearms registry? Finally, has the firearms registry been effective in improving public safety, that is, in reducing violent crime, total homicide, total suicide, and in saving lives. In the final section, I compare the federal government’s approach to public safety with a provincial firearm-safety program that is more consultative.

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[5] The Women’s Christian Temperance Union campaigned in the United States against drinking alcohol and was finally successful in 1920 in achieving a nation-wide prohibition of the sale of alcohol. But by the early 1930s widespread illegal bars, known as “speakeasies,” and the rampant growth of gang-controlled alcohol smuggling (principally from Canada) led to prohibition’s repeal in 1933, when Franklin D. Roosevelt was elected president [Blocker, 1976].

[6] Consultation was thought essential to effective policing by the originator of modern policing methods, Sir Robert Peel, in 1822 [Reith, 1948]. For a thorough discussion of the various approaches to policing, see Oliver, 2001.

## The goal of the legislation: Improving public safety

Given the gift of hindsight, few currently admit to the hopes they initially held for this legislation back in 1995. Nevertheless, it is important to evaluate the legislation in light of its original goals, which were to improve public safety by limiting access to firearms. We also need assess the meaning of “public safety” since it is the rationale of the program. Unfortunately for efforts at evaluating the legislation, there has been some drift in the meaning of this term.

At the time the legislation was introduced, Allan Rock, then Minister of Justice, emphasized that its primary goal was to improve public safety and for him the key to public safety lay in controlling access to firearm. In his testimony before Parliament, he stressed that “the regulation of firearms should be the preservation of the safe, civilized and peaceful nature of Canada.” In the same address, Rock went on to define his goals this way: “[F]irearm registration would ... enable us to achieve the objectives of a safe and peaceful society, a more effective response to the criminal misuse of firearms and enhanced public safety.” [7] He boldly asserted that firearms registration would reduce violent crime and domestic violence and save lives.

Registration will reduce crime and better equip the police to deal with crime in Canadian society by providing them with information they often need to do their job ... Registration will assist us to deal with the scourge of domestic violence ... Suicides and accidents provide another example ... If a firearm is not readily available, lives can be saved. If registration, as the police believe, will encourage owners to store firearms safely so those impulsive acts are less likely, the result may be different. [Rock, 1995a]

In making these ambitious claims, Rock is either equating violence involving firearms with total criminal violence or, more likely, he is assuming that reducing the criminal misuse of firearms would lessen the frequency of criminal violence of all kinds. Fire-arms registration is credited with tremendous power to restrict criminal violence and save lives. He is claiming that acts such as suicide and accidents are impulsive and will be reduced by limiting the availability of firearms. This privileges firearms and assumes little or no substitution of methods.

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[7] Rock, 1995a; Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-68, an act respecting firearms and other weapons, be read the second time and referred to a committee.

For Allan Rock, the key to improving public safety lay in controlling the availability of firearms. Thus, in addressing Parliament, Rock stresses that firearms registration will keep firearms from those who should not have them.

Surely we must choke off the sources of supply for that underground market. Surely we must reduce the number of firearms smuggled into the country. Surely we must cut down on the number of firearms stolen and traded in the underground. How do we achieve that? Through registration.

As to the second source of guns, those stolen from lawful owners ... What does this have to do with registration? ... [R]egistration which obligates each of us to record the fact of our ownership of firearms will imbue the owners with a heightened sense of responsibility to comply with laws already on the books mandating safe storage ... With compliance with those safe storage requirements the incidence of firearms being stolen, of someone breaking and entering into a person's house and finding a shotgun leaning against the closet wall or a handgun in the bedside table will diminish. A second important source for criminals and guns will be addressed. [Rock, 1995a]

As demonstrated here, Rock believed that registration would control the availability of firearms, which would reduce the misuse of firearms, which in turn would reduce criminal violence—not just violence involving guns—and in addition reduce the total number of suicides as well as domestic abuse.

### **The “weapons effect”**

By focusing upon the ordinary firearm owner, Rock's comprehensive approach to public safety rests squarely upon the “weapon-instrumentality hypothesis” or the “weapons effect” [Zimring, 1968]. According to this hypothesis, firearms are inherently “violence enhancing” in that their possession acts to increase the likelihood of the victim's injury or death [Newton and Zimring, 1969]. The weapons effect makes two empirical claims: first, that firearms are inherently more “dangerous” than other weapons, that is, that gunshot wounds are more likely to lead to “serious injury or death” than are injuries from other weapons; [8] and second, that a sizable proportion of aggressors have “ambiguous motives,” so that the availability of a firearm can transform a relatively

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[8] Various ratios have been asserted. Zimring [1968] found that gunshot wounds were five times more likely to result in death than knife wounds, while others have found ratios of 4 to 1 or 3 to 1. See the discussion in Kleck, 1991: 163–65.

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minor confrontation into one where the victim is seriously injured or dead. [9] Based on these premises, some researchers advocate restrictions on firearms that would decrease their general availability in order to reduce the number of victims who are seriously injured or killed (Cook, 1991; Gabor, 1994; Hemenway, 2006).

Rock also argued that restricting firearms availability would reduce the human cost of impulsive acts such as suicide and accidents. [Rock, 1995a] While firearms are involved in only a fraction (under 25%) of suicides, suicide makes up such a large proportion (typically over 70%) of deaths involving firearms in Canada. Rock found support for his claims in a study done by Professor Thomas Gabor for Department of Justice Canada that purported to show that firearms availability is associated with total suicide rates, not just suicide involving firearms [Gabor, 1994: 203]. However, the assertion that the availability of firearms is linked with total suicide rates has not been corroborated. Professor Gary Kleck, one of the most widely respected researchers in criminology, has shown that Gabor's claim was based on a misrepresentation of the research literature on guns and suicide. [10] Kleck concluded in his review that Gabor had (a) padded the list of supportive studies by including irrelevant studies, (b) mischaracterized studies as providing support for his thesis that were in fact unsupportive, and (c) omitted studies from the review that were not supportive of the conclusions he desired [Kleck, 1997: 49–53]. [11] As we will see later, Canadian suicide rates have remained stable despite plummeting ownership of firearms.

A long series of Canadian Justice Ministers, most recently Stockwell Day, have reiterated that the primary goal of the firearms laws is to improve public safety [PSEP, 2006]. However, over time, “public safety” has been defined more narrowly. For example, in his report published in 2004, the Commissioner of Firearms, Canada Firearms Centre, William Baker, says,

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[9] See Kleck, 1991: 153–222 for a discussion and critique of these claims.

[10] Gary Kleck is a professor of criminology at Florida State University and the preeminent researcher on firearms and violence. His book on firearms, *Point Blank: Guns and Violence in America* [1991], won the Michael J. Hindelang Award of the American Society of Criminology in 1993 for the book that made “the most outstanding contribution to criminology.” He has published four books and more than 34 peer-reviewed academic articles in his career so far (see <<http://www.criminology.fsu.edu/p/vitae/Kleck.pdf>>). Perhaps the most vivid tribute to Kleck's research was given by one of the most distinguished criminologists, Marvin Wolfgang, in 1995, who praised the work of Kleck and Gertz [1995] by saying “an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years, namely, the use of a gun in defense against a criminal perpetrator” [Wolfgang, 1995: 188].

[11] The fallacious review of the literature by Professor Thomas Gabor (Criminology, University of Ottawa) has proven to be quite influential outside of Canada: it was cited as important in Lord Cullen's inquiry into the Dunblane shootings [Mayhew, 1996] and also in the Australian government's response to the Tasmanian shootings [Chapman, 1998].

The objective of the [Canadian Firearms] Program is to keep firearms from those who should not have them while encouraging safe and responsible firearm use by legitimate firearms owners. Through firearms control measures, such as screening and licensing of gun owners, registration and tracking of firearms, and safety training, the Program aims to prevent firearm crime while reducing the number of firearms-related deaths, accidents and threats. [Baker, 2004a: 1] [12]

Note how the goal has evolved since 1995. The original objectives for the firearms legislation were broader, to reduce criminal violence and to save lives; now the stated goal focuses almost exclusively on screening and regulating firearm owners and explicitly limits evaluative criteria to “firearms-related deaths, accidents and threats.” There is no mention of the more general goals, such as reducing criminal violence or saving lives overall. In one sense, this is quite reasonable. The Firearms Program is only charged with controlling firearms and is not responsible for other governmental programs, so, arguably, it should be evaluated on how successful it is in reducing problems related to firearms. However, this narrower goal is only justifiable to the extent that the firearms program helps to achieve the original, and more general, goal. In 1995, reducing gun violence was claimed to be important in order to reduce overall criminal violence, not just gun violence. Rock assumed reducing “gun deaths” was a way to save lives, not just a shift the way in which people die. [13] Originally, the gun registry was seen as the key to a general improvement in public safety, not as an end in itself. If people easily shift from one weapon to another, there is no necessary link between reducing “gun deaths” and actually saving lives. By introducing the criterion of “gun deaths,” the scope of the original goal to improve public safety has been abandoned and the organization has achieved an easier way to claim success. In addition, this definition shifts the focus of gun laws from reducing criminal violence to reducing suicides involving firearms.

The redefinition of the goals seen here is reminiscent of administrators who attempt to “game the system” [14] by setting targets to increase their chances of being seen as successful. When governmental administrators (or executives in large firms) discover their original goals are too ambitious, and they expect a negative evaluation

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[12] Stung by criticism, the CFC retroactively changed the mission statement given in the 2003 report. The most important change was to add a secondary goal: “providing police and other organizations with expertise and information vital to the prevention and investigation of firearms crime and misuse in Canada and internationally.”

[13] Rock’s view has not changed since 1995. He claimed in 2002 and again in 2007 that the registry was justifiable because it has saved over 300 lives per year [Matas, 2002; McCarthy, 2002; Gardner, 2007].

[14] “Gaming the system” refers to unethical exploitation of the rules [Potter, 1965].

in the future, they can react by redefining the goals (or the way in which the goals are measured) to make their goals easier to achieve. In 1995, the objectives for the firearms legislation, as set by Allan Rock, were very broad indeed: the reduction of total criminal violence, domestic violence, and suicide. Rock saw firearms controls as the means of effecting this reduction. The goals were not just reducing firearms violence, nor just keeping lives from being lost through the misuse of firearms. The government wanted to reduce criminal violence overall and to save lives from any kind of violence. The reduction of firearms violence was seen as the key to reducing overall criminal violence, not as an end in itself. The CFC's new goals focus myopically upon guns and ignore the big picture and, incidentally, they are much easier to achieve. [15]

Used in this way, "gun deaths" are a red herring. Given the many ways available to kill, a drop in "gun deaths" does not necessarily imply that any lives have been saved in total. If a gun is unavailable, a murderer can find a sharp knife or heavy object that may be used as a bludgeon in virtually any home. For anyone tempted by suicide, it is not difficult to find alternatives. The question of substitution (or displacement) remains open. There is no compelling evidence that general gun-control laws can reduce overall murder or suicide rates. [16] Australia is another country where the authorities tend to rely upon public-health experts and where "gun deaths" are dropping without any accompanying fall in suicide rates [Australian Bureau of Statistics, 2006; Ozanne-Smith et al., 2004]. Nor have the gun laws been shown to affect the total homicide rate or even the number of gun homicides in Australia [Baker and McPhedran, 2006; Chapman et al., 2006].

In summary, focusing upon "gun deaths" diverts attention away from the original objective, which was an overall improvement in public safety. The narrower goal is more easily attainable and it ignores the more difficult challenge of reducing suicide and homicide rates, that is, of saving lives overall.

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[15] Another example was provided by Canada Post some years ago when they were criticized for not being able to deliver the mail on time. Canada Post redefined the standards for being 'on time'. Previously, it had been one day across town. Canada Post changed it to two days. Reportedly, the Corporation cut its late mail rate by a third.

[16] See Kleck, 1997: 286–88 and the associated tables 8.2 and 8.4. Miller and Hemenway's review [1999] is consistent with Kleck's findings in that they could not find a compelling link between gun availability and overall suicide rates.

# Demographics and the history of firearms legislation in Canada

## Demographics

The primary reason (73%) people in Canada own a firearm is for hunting. The second most popular reason given is target shooting (13%) [table 1]. In contrast to the United States, few Canadians report owning firearms for protection. Only 4% to 6% of respondents volunteer that protection is the principal reason for owning a firearm; in the United States, surveys find between 15 and 22% who give this reason [GPC Research, 2001; Kleck, 1991; Mauser and Margolis, 1992; Mauser, 2001b]. In Canada, it is likely that many Canadian respondents who do so are employed in security or enforcement. In comparison to the general population, the owners of firearms are predominantly male, older, somewhat less well educated, but have a higher annual income [table 2].

Estimates of the number of firearm owners in 2005 range from the Canada Firearm Centre's estimate of 2.2 million to the National Firearm Association's estimate of 7 million [Canada Firearms Centre, 2005; Tomlinson, 2005]. My best estimate is that in 2005 there were between 3 and 3.5 million firearm owners [Mauser, 2005]. Estimates of how many firearms were privately owned in Canada range from 7.7 million (the government's preferred number) to over 25 million, plus an unknown number of air guns [GPC Research, 2002; Smithies, 2003]. Estimates based on import and export figures tend to be higher than survey-based estimates. Garry Breitkreuz, MP, estimates from government surveys and import and export figures that there are approximately 16.5 million firearms in private hands in Canada in 2001 [Breitkreuz, 2001]. Independently, I estimated there were between 12 and 15 million firearms in private hands in Canada in 1995 [Mauser, 1995b]. [17] However, since the estimate of the total firearm stock is based upon telephone surveys, this probably underestimates the number of firearms and fire-

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[17] The estimates for the numbers of firearms in civilian hands and the number of civilian firearm owners were independently determined. Together they imply that each firearm owner has between 3.4 and 5 firearms, which is somewhat higher than survey-based estimates (eg, the GPC 2001 survey estimated 3.22 firearms per owner). This suggests that either the survey estimates of numbers of firearms per owner are too low, which is not unreasonable, or my estimates of the number of firearm owners are too low. The problem in estimating the number of firearm owners is exacerbated by the mutating definition of "firearm owner." In many households with firearms, the firearms are available to all, or nearly all, members of that household. How many "owners" should be counted in such a situation? If firearms are common property, like the stove and the household furniture, then both the husband and the wife are joint owners of those firearms. But current Canadian firearm law requires a single owner for each firearm. For this reason coupled with the cost of obtaining a licence, households have been motivated to reduce the number of firearm owners over the past decade.



**Table 1: Reasons for owning a firearm in Canada**

Hunting	73%
Target shooting	13%
Pest control	8%
Protection	6%
Other	13%
Total	118%

Note: Total exceeds 100% because respondents could indicate more than one reason for owning a firearm.  
Source: GPC Research, 2001, Figure 11.

**Table 2: Demographic profile of firearm owners and general population**

	Owners of firearms	General Canadian population
<b>Sex</b>		
Male	88%	49%
Female	12%	51%
<b>Age</b>		
18–34	15%	33%
35–54	49%	40%
55 +	34%	27%
<b>Education</b>		
High school or less	51%	43%
College or some post secondary	28%	28%
University degree	19%	30%
No response	2%	1%
<b>Household income</b>		
Under \$20,000	8%	15%
\$20,000–\$39,999	24%	24%
\$40,000–\$59,999	25%	19%
\$60,000 and over	33%	27%
No response	10%	15%

Note: Totals may not equal 100% due to rounding.

Source: GPC Research, 2001, Table 5

arm owners, and so overestimates the share that is registered. Surveys must rely upon voluntary compliance from respondents. It almost certainly excludes any weapons in the hands of criminals, as violent criminals are extremely unlikely to be contacted in a telephone survey or, if contacted, to respond honestly. [18]

## Legislation in Canada

Many Canadians are not aware that Canada has long had strict firearm legislation. Criminal law is a federal responsibility and it includes the criminal misuse of firearms. Handguns have been tightly controlled in Canada by the federal government since the 1890s [Hawley, 1988]. The handgun registry, which began in 1935, had records of just over 1 million guns in 1995. Consequently, the registration legislation in 1995 really only applied to, or added, long guns.

The 1995 *Firearms Act* is not the first time firearms were included in the criminal code nor the first time guns were required to be registered in Canada. Legal restrictions have been imposed on handguns since the 1890s and registration has been mandatory since 1934. [19] During World War II, there was a temporary requirement to register long-guns (rifles and shotguns) [Smithies, 2003]. Prior to the current firearms legislation, passed in 1995, the firearms law was extensively amended in 1969, again in 1977, and further in 1991 [Kopel, 1992: ch. 4]. These changes are described below.

Under the Canadian constitution, hunting regulations fall under provincial jurisdiction as part of the provincial responsibility for managing non-renewable natural resources. Since the bulk of firearms owners are hunters, provinces have traditionally been responsible for regulating the normal usage of rifles and shotguns. This practice accords with other traditional regulatory powers of the provinces. Firearm safety training has traditionally come under provincial hunting legislation. Prior to the 1960s, firearm safety courses were voluntary and were offered by gun clubs and other non-profit groups. [20] Starting with Ontario in 1960, provinces began to make firearm safety training mandatory before one could obtain a hunting licence. By 1981, all provinces except Prince Edward Island required applicants to pass a provincial examination on hunter safety in order to qualify for a hunting licence. [21]

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[18] Gary Kleck made this same observation in Kleck and Gertz, 1995.

[19] The RCMP estimates that at the present time there are two or three million unregistered handguns in Canada.

[20] The earliest firearm-safety programs in Canada were introduced in Nova Scotia and were copied from programs developed by the National Rifle Association of America [Murray, 1987].

[21] Paul Adams, Program Manager, Hunter Safety and CORE, BC Wildlife Federation, personal communication (February 2006).

At the federal level, the basic framework for modern Canadian firearm legislation was established in 1969 when three classes of firearms (restricted, non-restricted, and prohibited) were defined; almost all rifles and shotguns were classified as “non-restricted.” The 1969 legislation was amended in 1977 as part of a Parliamentary agreement that ended the death penalty. [22] The 1977 firearms act for the first time required a police permit in order to purchase a firearm (the Firearm Acquisition Certificate), introduced a legal requirement for safe storage, and banned certain types of firearms, including fully automatic weapons.

In 1991, the government of Canada amended its firearm law in reaction to a horrific shooting at the University of Montreal [Dixon, 2003]. The 1991 law banned a number of “military-style,” semi-automatic rifles as well as “high-capacity” magazines, that is, those that held more than 10 rounds. In addition, stringent new requirements were added to the process of purchasing a firearm, including a firearm safety course, a mandatory 28-day waiting period, two character references (one of which must be from the applicant’s spouse), a passport-type photograph, and a long series of personal questions. [23] In addition, specific regulations were introduced covering safe storage, handling, and transportation of firearms.

The federal government that came to power in 1993 was determined to amend the firearms laws extensively. In their view, much tighter control of firearms was needed in order to improve public safety. The 1995 legislation made sweeping and radical changes and focused on firearms registration. Allan Rock, then the Minister of Justice, summed up the bill before Parliament:

The components of Bill C-68 [the 1995 firearms amendments] that we will be focusing on today are as follows: firstly, strict measures to counter the criminal use of firearms; secondly, specific penalties to punish those engaged in the smuggling of firearms; and thirdly, broad measures to define what constitutes the lawful use of firearms in a manner that poses no threat to public safety.

In the case of each component, universal firearms registration is a fundamental requirement for achieving the stated objectives. [Rock, 1995b]

In addition to the licensing of owners and the registration of all rifles and shotguns, this legislation also prohibited more than half of all currently registered firearms

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[22] See the discussion in Friedland, 1984; Hawley, 1988; or Carrigan, 1991. When the death penalty was abolished in 1976, no one had been executed in Canada since 1962.

[23] The requirement for a mandatory firearm safety course had been in place since the 1977 legislation but it had never been implemented due to disputes between the federal and provincial governments over cost sharing. Kim Campbell’s legislation brought a determination to implement this already-existing provision in the legislation.

(and scheduled their confiscation), and introduced a framework for detailed regulations covering all aspects of firearms in Canada.

The provisions in this complex bill were phased in over time. [24] The firearm prohibitions were introduced simultaneously with the first reading of the legislation in the House of Commons on February 15, 1995; the increased penalties for criminal misuse of firearms became operative when the bill was proclaimed into law, on January 1, 1996, after the bill received Royal Assent in December 1995. The provisions for the registry took longer to implement. Owner licensing and long-gun registration were implemented on January 1, 1998. [25]

Starting in 1998, Canadians were required to obtain a licence to own a firearm and to register all firearms, including long guns. [26] Failure to keep a firearm licence current without divesting himself of his firearms immediately made the owner subject to criminal penalties. All in all, this legislation includes a wide range of provisions that made sweeping changes to the legal status of firearm owners.

The sweeping new laws were brought in without a review of existing legislation or a cost-benefit analysis. [27] The government's approach, particularly the proposed firearms registry, generated intense controversy. The government did not engage in any meaningful consultation with user groups as had been done with previous firearm legislation. Nor did the government accept amendments in Parliament. Three of the four opposition parties (Reform, Progressive Conservatives, and New Democrats)—despite their mutual antipathy—joined together to fight Bill C-68. [28] Several provincial governments (spanning the political spectrum from NDP to Progressive Conservative) actively opposed the legislation. Almost all provinces (including Ontario, the largest province in Canada) backed a constitutional challenge to the legislation. When the challenge was finally rejected by the Supreme Court of Canada in 2000, 8 of 10 provinces, and all three territories, declined to cooperate with the federal government in enforcing the new law [Lindgren and Naumetz, 2003].

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[24] Indeed, as of June 2007, not all of the provisions have yet been implemented.

[25] Niemczak, Peter, Parliamentary Research Branch (2004). Letter to Garry Breitkreuz, MP, summarizing sections of the Firearms Act, S.C. 1995, c.39 compiled using the Table of Public Statutes and Responsible Ministers (December 31, 2003), updated to April 21, 2004 with Canada Gazette, Part II (April 22, 2004).

[26] It is important to remember when speaking of firearms registration, that handguns had been required to be registered and subject to strict controls since the 1930s.

[27] This failure was uncovered by Garry Breitkreuz, MP through the Access to Information Act. See Breitkreuz, 2003a, 2003b.

[28] The only opposition party to side with the government was the *Bloc Québécois*, who were rewarded with a separate firearms registry under the control of the provincial government of Quebec.

## Public-health advocacy and firearms legislation

The 1995 Canadian firearms legislation was critically flawed because it relied upon the public-health approach to firearms. This approach purports to be scientific but instead uses the trappings of science to mask a moralistic stance that exaggerates the dangers of firearms. In this section, I will briefly review the literature to demonstrate how public-health research systematically violates important scientific principles. The moralistic nature of the public-health approach to firearms is incompatible with the necessity of gaining broad support for legislation in a modern democracy.

The influence of the public-health approach on the federal government is evident in the idealistic goal of improving public safety that was set for the 1995 firearms legislation. Compare this goal with the more traditional goal for criminal legislation of protecting the public order. [29] Setting idealistic goals represents a subtle but significant expansion of police powers. Traditionally police powers have focused on guarding the public order and detecting crime. By ambitiously expanding the goals to improving public safety, the focus of criminal legislation has now become open ended; the focus has dramatically shifted away from the more modest goal of reducing criminal violence to the broader, more idealistic, goal of preventing any and all potential threats to safety. Suicide and accident prevention now receive as much or more attention from firearms law than do more traditional policing goals such as detecting and preventing crime. Further indications of the government's reliance upon public-health advocates may be seen in the frequent references to public-health activists in speeches to Parliament and media releases during the early years of this legislation. [30]

[29] "Public safety" has no commonly agreed meaning. The term is most closely associated with the Committee of Public Safety that was active during the French revolution in 1793. At the time, the phrase justified the identification and elimination of opponents as enemies of the revolution. More recently, the term has become identified with police or emergency service agencies. A review of the websites of public-safety departments in Australia, Canada, United Kingdom, United States, and New Zealand shows that, in practice, this has come to include traditional policing efforts as well as emergency services such as fire, rescue, and ambulance. Occasionally, it also includes prevention of suicides and accidents. In the twenty-first century, it has also come to include protecting against terrorism. See Palmer, 1971, for a discussion of the committee of Public Safety in Revolutionary France, and the website for Public Safety Canada, which was established in 2005 to oversee efforts to safeguard public safety and emergency preparedness, <<http://www.publicsafety.gc.ca/pol/index-en.asp>>.

[30] The Department of Justice distributed a list of experts with the information packet for the Media at the time Bill C-68 was introduced in Parliament. See also the submission to Parliament by the Canadian Public Health Association, which is available on their website [Canadian Public Health Association, 2007].

Idealistic goals put public support at risk. Modern policing recognizes the need for broad public acceptance in democratic society. In the 1820s, when Sir Robert Peel started professional policing in London, his basic premise was that “the police are the public and the public are the police” [Braiden, 1992]:

As (Sir Robert) Peel warned, “the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.” The increasing use of physical force by the police to impose unpopular laws will divide the police from the policed even further. Without resorting to military force, it is difficult to enforce laws that are not supported by people who do not wish to obey them. [Mauser, 2001a: 5–6] [31]

The effectiveness of any legislation depends upon the willingness of a large proportion of those affected to accept its legitimacy. The temperance movement failed in the United States and Canada in prohibiting alcohol because the prohibitionists overreached. This failure can be placed at the feet of the prohibitionists themselves, as they were utopian moralists, that is, they believed that eliminating the legal manufacture and sale of alcoholic drink would solve the major social and economic problems of American society [Levine and Reinerman, 2004]. Such lofty goals are utopian. Significant numbers of Americans and Canadians did not believe in the legitimacy of such radical legislation and refused to obey the law. [32]

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[31] Sir Robert Peel’s basic principles are described at greater length in *Misfire: Firearm Registration in Canada* [Mauser, 2001a]. A few of these principles are given here to illustrate the approach:

- 2 To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
- 3 To recognize always that to secure and maintain the respect and approval of the public means also the securing of willing cooperation of the public in the task of securing observance of laws.
- 4 To recognize always that the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessary of the use of physical force and compulsion for achieving police objectives. [Reith, 1948]

[32] Prohibition may be the clearest example of such a situation but other examples are readily available. Contemporary examples may be seen in the current American marijuana laws and gun laws in various American cities (e.g., Chicago, New York, and Washington, D.C) and in a variety of countries (e.g, Jamaica, Republic of Ireland, and the former USSR) [Kaplan, 1979; Kates and Mauser, 2007]. The classic example is the attempt by the English government to stop the smuggling of tea in their unsuccessful efforts to enforce the monopoly on tea importation by the East India Company in eighteenth century [Mui and Mui, 1968].

Like the Prohibitionists, public-health advocates are utopian moralists in their approach to firearms. The public-health zealots treat firearms as a “disease vector” and argue that only a drastic control on firearms will solve the world’s social problems [Cukier and Sidel, 2006]. If Prohibition was an attempt to impose rural values upon urban residents, then firearms registration is an effort to inflict urban values upon rural Canadians. Utopian moralism conflicts with effective legislation and good policing. When the law criminalizes behaviour that the public believes is legitimate, not only does public opposition render enforcement problematic, but the public is also likely to lose respect for the law and possibly even for the government itself. This danger is especially severe when the number of people willing to violate the law is high.

### **Public-health advocacy: Scientific or moralistic?**

Public-health advocates claim that their firearms analysis is scientific but it is not; it is fundamentally moralistic. They exaggerate the dangers of firearm ownership through pseudoscientific research methods. Firearms in public-health studies are assumed to be dangerous and research methods that confirm this assumption are chosen. Pseudoscience is then used in order to justify a moral crusade.

The public-health approach grows out of a concern about traumatic injury as a public-health problem and has shifted concern towards suicide and accidents and away from the traditional focus on criminal violence. While this broadened mandate has brought new data and new funding sources into criminology, it has had several problematic side effects: first, it diverts scholarly attention away from the perpetrator and focuses more on the instrument; and, second, it tends to shift policing away from community consultation and more towards paternalistic prescriptions. Perhaps the most negative consequence is the encouragement of moralistic reasoning that has accompanied such radical advocacy research. [33]

Despite their scientific pretensions, those in the public-health community primarily see themselves as advocates. This stance is illustrated in the mission statements of professional associations as well as in the writings of public-health researchers. Examples can be seen not only in the Canadian Public Health Association website but are also seen on the websites of the Public Health Association of Australia and the American Public Health Association. [34] “The Public Health Association of Aus-

[33] See Kleck, 1997: 56–62 for a more thorough discussion of the illogical and unscientific methods typically used by public-health researchers when studying firearms.

[34] The Canadian Public Health Association is perhaps typical of public-health associations in setting out its primary goals as advocacy or political lobbying rather than scientific: “The Association’s mission is to constitute a special national resource in Canada that advocates

tralia (PHAA) is a forum for the promotion of the health of the public ... The Association ... actively undertakes advocacy for public health policy, development, research and training" [Laut, 2004]. Similarly, the American Public Health Association: "APHA has been influencing policies and setting priorities in public health for over 125 years. Throughout its history it has been in the forefront of numerous efforts to prevent disease and promote health" [APHA, 2007].

Advocacy is not wrong in itself but it must be based on solid analysis. Indeed, it is a strong argument for policy if it can be shown that the policies are founded on scientific principles. However, if scientific methods are used merely as trappings for *a priori* convictions, then it becomes "sagecraft," not science. [35] Unfortunately, when public-health researchers study firearms, their moralism drives their research to the extent that they ignore basic scientific principles in their efforts to prove that firearms are evil.

### ***Use of the epidemiological model***

One of the most fundamental problems with the public-health approach to firearms is that it is based upon an unscientific version of the "epidemiological model." [36] In their oversimplified version of this model, guns are treated as if they were a disease vector and "gun deaths" a disease. Public-health moralists argue that strict governmental controls on firearms are justified because they see the availability of firearms as a public-health threat, even an "epidemic" [Hemenway, 2006: 635; Cukier and Sidel, 2006: 6]. Unfortunately, in their zeal to lobby government, public-health advocates have oversimplified the epidemiological model. [37]

The complexity of disease agents is not understood by public-health advocates in their use of the epidemiological model to analyze firearms. Epidemiologists have

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for the improvement and maintenance of personal and community health according to the public health principles of disease prevention, health promotion and protection and healthy public policy" [Canadian Journal of Public Health, 2007: <<http://www.cpha.ca/english/inside/about/about.htm>>].

- [35] I strongly recommend the excellent discussion of "sagecraft" in public-health research in Kleck, 1997: 1–62.
- [36] The epidemiological model is a valid scientific approach to understanding epidemics and is fundamental to the public-health approach to firearms. This model is used by academic researchers (e.g., Hemenway [2006]) as well as by anti-gun activists. The title of a recent book by prominent crusaders against firearms, *The Global Gun Epidemic: From Saturday Night Specials to AK-47s* [Cukier and Sidel, 2006], exemplifies the public-health orientation to firearms legislation.
- [37] This argument in this section relies upon the critical analysis of the public-health approach by Dr. Paul H. Blackman [1997]. See Rothman, 1993: 11 for a description of the epidemiological model as it is used in epidemiology.



long recognized that the same agent may be a disease hazard, a protectorant, a cause, or a preventative, depending in part upon the susceptibilities of particular hosts [Lilienfeld and Stolley, 1994: 37; Mausner and Kramer, 1985: 267–69; Rothman, 1986: 11, 52]. In the public-health literature, guns are treated as if they were merely disease hazards and their potential role as protectorants or preventatives is ignored. For example, criminologists have found that the manner of introduction to guns—by family rather than peers—has a strong influence upon how likely teenagers are to engage in violent behaviour [Lizotte and Tessoriero, 1991]. This suggests a direction for research to explain why firearms in one host neighbourhood are linked with criminal violence, thereby becoming a “disease hazard,” while in another community, firearms may act as a “protectorant.” Similarly, public-health researchers have ignored the factors of “hosts” or users, in preference to repetitious studies of the dangers of the “availability” of firearms.

Epidemiological studies are useful in identifying the susceptibility or immunity of segments of the population to morbidity and mortality from particular causes [Lilienfeld and Stolley, 1994: 3]. However, when public-health researchers turn to firearms, for some reason they have not attempted to determine which groups or individuals may be made more or less susceptible to homicide or violence because of the presence of a firearm. Textbook epidemiology recognizes that differences in frequency and severity of diseases vary importantly among racial groups but public-health researchers frequently ignore important differences in homicide rates that are related to ethnicity.

The failure to recognize the importance of “hosts” as a factor is typified by one widely cited study that compared homicide rates in the Canadian city, Vancouver (British Columbia), and the neighbouring American city, Seattle (Washington) [Sloan et al., 1988]. Despite the glaring differences in their ethnic profiles, the two cities are described as having a “comparable ... ethnic makeup” [Cotton, 1992: 1172]. This claim may be true in general but the authors ignore ethnic differences that undermine their claims. The black population of Seattle was 30 times larger than Vancouver’s and had a disproportionately high homicide rate. If the comparison of two cities is limited to more closely matched populations (e.g., non-Hispanic whites), no significant difference can be found between the homicide rates for the two cities [Blackman, 1997]. Rather than recognizing the problems of inner-city black youths, the study concluded that stricter Canadian gun laws were responsible for Vancouver’s lower overall homicide rate [Sloan et al., 1988].

Even more perplexing is the failure of public-health research to pursue the differences in exposure to guns. In the epidemiological model, “exposure” refers to the extent to which populations are in contact with a pathogen [Mausner and Kramer, 1985: 188–90]. Non-Hispanic white households are much more likely to have firearms in the home than are black households, particularly urban black households, and non-Hispanic

whites are much more likely to grow up with firearms in their home. [38] Thus, inner-city blacks are much less likely to be exposed to guns than are non-Hispanic whites [Kleck, 1991: 56-57; Wright, Rossi, and Daly, 1993: 87-89].

### ***Use of the case-control method***

Much of the public-health research into firearms relies upon the case-control method. The case-control method is a legitimate research methodology for identifying risk factors, that is, for generating hypotheses about what factors might increase the risk of catching a disease. In other words, this is a method for *discovering* hypotheses, not *testing* them [Campbell and Stanley, 1963: 12]. This model was not designed to be a confirmatory methodology, that is, it is not intended to test hypotheses that certain conditions cause the disease under study [Lilienfeld and Stolley, 1994: 227].

The case-control model is vulnerable to serious threats to both internal and external validity. Hypothesis testing is properly reserved to experimental methods. In public health, this typically means subjecting risk factors to clinical trials. All too often public-health researchers uncritically rely upon the results of case-control studies as if these studies confirmed their hypotheses. This tendency is particularly egregious when firearms are at issue. The case-control methods are used unscientifically to bolster distorted claims about firearms and violence.

The primary threat to internal validity in case-control studies is selection bias, which frequently occurs when experimental subjects are not randomly assigned. It is critically important in the case-control method to match subjects in the experimental and control conditions. Case-control research involves the comparison of “case” subjects, who have been exposed to the test stimulus, with a “control” sample, who have not been so exposed. Logically, to draw the inference that the test stimulus caused the observed differences between the groups on the dependent variables, the control group must be identical (not “similar”) to the case group except for exposure to the test. This is best achieved by random assignment of subjects. However, this design is critically weakened if the researcher selects the control group. All that can be done is to match the case subjects with those in the control sample as closely as possible on the variables the researcher believes are the most important. In social-science research, matching on background characteristics has all too often been found to be ineffective and misleading [Campbell and Stanley, 1963]. Matching cannot ensure that the groups are equivalent.

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[38] The point is that just as greater exposure to tobacco smoke has been found to result in a greater likelihood of illness among those exposed, the same mechanism should work with “exposure” to guns. Since non-Hispanic whites are more exposed to guns (i.e., more of them have guns and have them for longer periods), then, given their greater exposure, non-Hispanic whites should have the higher violent crime rates. But they do not; it is the blacks that do. Why? Because rates of violent crime are not the result of just “exposure” or “availability.” Don Kates observes that crime rates for blacks raised in rural areas of the United States are nearly identical to the crime rates of rural whites [Kates and Mauser, 1997].

The problems inherent in the case-control design are illustrated in a well-known public-health advocacy paper that found that the availability of firearms increases the risk of homicide [Kellermann et al., 1993]. In this case-control study, Professor Kellermann hypothesized that gun ownership was a risk factor for homicide in the home. He found that 63% of the victims of firearm homicides in their home also kept a firearm in their home. [39] He compared this percentage with the controls where there was not a homicide and only 35% of whom kept a firearm at home. After adjusting for other factors, Kellermann found that keeping a firearm at home increased the probability of being murdered. [40] Concerns about the methodology of this study resulted in the US Congress passing a motion to require Kellermann to release his original data. When Kellermann failed to comply, Congress cut funding for the Centers for Disease Control, who had supported his research, and set strict limitations on future research grants in order to encourage the CDC to comply with proper scientific research methods [Polsby, 1995].

Kellermann's methods have been severely criticized [e.g., Kleck, 1997]. For the "case" sample, Kellermann and his colleagues selected households in three urban counties in the United States where people had been murdered in their own homes. They excluded any instances (a) where intruders were killed by the homeowner, (b) where people were killed away from home, or (c) where any children were killed. To find out information about the conditions of the homicide, Kellermann and his colleagues interviewed, "persons who were close to the victim," whom they refer to as "proxies" [Kellermann et al., 1993]. The researchers did not ask the victim's proxy (from whom they derived their information about the victim and his or her household) whether the victim had previously defended himself or herself with a gun.

In order to approximate a "control group," Kellermann and his associates selected other households from the neighbourhood of the same sex, race, and age group as the victim. The "controls" were asked the same questions that had been asked of the victim's proxy. Respondents often find it easier to admit socially unacceptable practices about their friends or relatives than about themselves. It follows that there would be a significant amount of under-reporting in the control group. This is particularly problematic with firearm ownership. To the extent that firearm ownership was under-reported in the control group, the odds-ratio that is crucial to the findings of the study would have been undermined. [41]

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- [39] Originally, Kellermann reported that 93% of homicides in the home occurred in homes where guns were kept but later changed the percentage to 63% [Kellerman, 1998].
- [40] More specifically, he found that the adjusted odds ratio of keeping a gun or guns in the home increased the probability of being murdered in the home by a factor of 2.7.
- [41] An odds-ratio is a way of measuring relative risk. In public-health research, it is calculated by dividing the odds in the treated or exposed group by the odds in the control group [Bandalier, 1996].

As noted earlier, matching cannot ensure that the groups are equivalent. The control group differed markedly from the victim group. While matched on the demographic variables, the control group was distinctive on behavioural measures. Compared to the control group, the victim group was more likely to rent rather than own, live alone, drink alcoholic beverages, have problems in the household because of drinking, have trouble at work because of drinking, be hospitalized because of drinking, use illicit drugs, have physical fights in the home during drinking, have a household member hit or hurt in a fight in the home, have a household member require medical attention because of a fight in the home, have a household member involved in a physical fight outside the home, have any household member arrested, and be arrested personally [Kellermann et al., 1993: 1086–88]. In sum, the victim (or “case”) group and the “control” group reported very different lifestyles, with the homicide victims living a very high-risk lifestyle. If the groups are not equivalent, as they demonstrably are not in this study, then the odds-ratios are of doubtful validity. These and other factors render Kellermann’s conclusions about the danger of keeping firearms at home ludicrous.

Another crucial threat to the validity of case-control studies is non-participation. Kellermann reports that 30% of the people who were initially contacted to act as controls refused to participate. Epidemiological research has found that there is a tendency for less healthy respondents to refuse to participate [Austin, 1994]. The use of healthier controls exaggerates the differences between the controls and the victims and thus it may contribute to an overestimation of the odds ratio.

Kellermann’s study also has problems with external validity. It cannot be generalized because households were selected in only three urban counties in the United States where people had been murdered in their own homes. Since the households were not randomly selected, this means that the sample is not representative of households in the USA, nor is it even representative of urban American counties. For example, 53% of the case subjects had had a household member arrested, 25% had alcohol-related problems, 31% had a household history of illicit drug abuse, and 62% of the case sample were black, compared with 25% of the households in the urban counties where the study was conducted, and 12% of all American households. Thus, the results may not logically be generalized to any target population.

Finally, Kellermann over-interpreted his findings. Even though the case-control methodology is not designed to determine causality, Kellermann asserted an unambiguous causal result. Moreover, Kellermann claimed his findings of an odds ratio of 2.7 was a “strong” result but such an odds ratio falls below the well-established threshold set for identifying potential risk factors for disease [Lilienfeld and Stolley, 1994]. Because of his inability to control for the confounding factors already discussed, his results are most likely spurious. Despite all of these methodological problems, Kellermann’s results are widely accepted in the public-health field. All too

often, public-health studies are judged by their good intent, in this case the reduction of violence, regardless of their methodological flaws. Public-health advocates appear willing to run with any published study, regardless of how weak it is, just so long as its findings are congenial to their noble goals.

### ***Use of the weapons hypothesis***

Public-health researchers have also tended to exaggerate the importance of the “weapons hypothesis” so that the availability of firearms is equated with death or injury. This is a misrepresentation of criminological research findings. By focusing myopically upon “firearms death,” researchers gloss over important distinctions between suicide and homicide, as well as ignoring violence from other types of weapons. The narrow research focus of public-health researchers amounts to a refusal to even consider theoretically the diverse “susceptibilities” to firearms of particular hosts. Depending in part upon the susceptibility of particular hosts, firearms theoretically may act as a disease hazard, a protectorant, a cause, or a preventative, as can any “disease vector.”

Such a basic misunderstanding of criminology might be charitably ascribed to the unfamiliarity of public-health researchers with the research literature in criminology. Such a profound unfamiliarity is irresponsible because good epidemiological methodology requires researchers to learn as much as possible about a disease they are attempting to understand. Nevertheless, public-health researchers are often woefully ignorant of even the most basic research in criminology. If one wished to be uncharitable, these lacunae could be seen as due to efforts to promote their *a priori* agenda through pseudoscientific studies.

Sound epidemiological research requires establishing research protocols that conform to known biological and other important factors. This implies that when public-health researchers study violence involving firearms, they should become familiar with criminological studies. Unfortunately, public-health researchers appear to be ignorant of much of the basic research in sociology and criminology. For example, despite their intellectual importance, few public-health studies cite work by Professors Gary Kleck, Gwynn Nettler, or Jim Wright [e.g., Kleck, 1991, 1997; Nettler, 1982; Wright et al., 1983].

In summary, then, public-health researchers frequently ignore basic scientific principles in favour of advocacy of utopian schemes. The epidemiological model is oversimplified to justify moralistic campaigns against firearms, basic research findings in criminology are ignored, and the case-control method is misapplied. These failings lead too many researchers to draw conclusions that are not supported by their research methodology and to compound these errors by recommending legislative solutions that fall far outside the boundaries of their research. Such studies are not properly scientific but “sagecraft,” that is, exploiting the scientific trappings of research to win arguments rather than to test propositions. Many of the magazines where these

studies are published (e.g., *Canadian Medical Association Journal*) are not proper scientific journals because they do not subject manuscripts to blind review by academics qualified in research methodology. [42] These pseudo-scientific studies provide a flimsy foundation for public policy.

The Canadian federal government, by relying upon public-health advocates, exaggerated the dangers of firearm ownership by ignoring key research findings concerning firearms. The moralistic nature of the public-health approach to firearms contrasts with the consultative approaches that are more typical in a democratic society and that conform more closely to basic policing principles. It is difficult to enforce moral laws upon an unwilling populace.

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[42] Articles may well be subjected to “peer review,” in that they are circulated to MDs prior to publication. But editors pay insufficient care in ensuring that papers are reviewed by MDs who have been trained in quantitative research methods. The serious methodological problems in the medical research literature on firearms and violence have been extensively documented by well-respected researchers [Kates et al., 1995; Kleck, 1997]. For a concise description, see chapter 2 in Kleck, 1997.

## Organizational problems at the registry

Starting in 1998, three years after the firearms legislation became law, Canadians were required to obtain a licence to own a firearm and to register all firearms, including long guns. By any standard, this was a rushed effort. During this time period, the Canada Firearms Centre (CFC) attempted to create the necessary infrastructure to license an estimated 3 to 4 million firearms owners and register from 7.7 to over 25 million firearms. During this same time, the number of employees in the CFC jumped from a handful to at least 600 [Breitkreuz, 1999; Mauser, 2001], and the Auditor General estimated that program costs for the firearms registry had reached at least \$600 million, although she complained that she could not get all of the necessary financial information [Fraser, 2002]. Serious problems were uncovered each time the Firearms Centre was reviewed by the Auditor General [Office of the Auditor General of Canada, 2002a, 2006].

Large, sprawling government programs invite waste and inefficiency. It is not an easy task to create a large information database. [43] Creating and managing the firearms registry posed particularly challenging problems that were underestimated by the Canadian government. The Department of Justice failed to develop a clear understanding of the project's scope and to plan for the level of inter-governmental and inter-agency cooperation that would be needed. Apparently, no one in the Department of Justice had experience with designing and implementing an information technology project of this size or scope.

Another reason for this difficulty is that identifying firearms is uniquely complex, [44] and this complexity is reflected in the different agencies' widely differing information needs. Perhaps the best example of mismanagement is the department's failure to understand that the standards for data quality varied across the agencies involved and this created virtually insurmountable obstacles to the development of an accurate and common database. Freedom-of-Information requests have revealed that the Royal Canadian Mounted Police (RCMP) continue to have serious doubts about the validity and usefulness of the information it contains [Breitkreuz, 2003e].

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[43] The Department of Justice warned Allan Rock, then Minister of Justice, of the difficulties involved. See the Department of Justice internal memo uncovered through the Access to Information Act by Garry Breitkreuz, MP [Breitkreuz, 1996].

[44] Identification of firearms is inherently complex because of the profusion of model numbers, serial numbers, calibers, and years of manufacture. Firearms that are essentially similar, and made by the same manufacturer, may have a wide variety of serial numbers and calibers, for example. Radically different firearms may share identical serial numbers because they were made by different manufacturers in different countries. This complexity has always made this task very difficult in each country where it has been attempted.

The originally modest information-technology project grew rapidly in the face of numerous demands for change. Five years after the contract for the project was awarded, the development team had dealt with more than 2,000 orders for changes to the original licensing and registration forms or to the approval processes. Many of these changes required extensive additional programming. As the public learned about its problems, the Quixotic nature of the firearms registry was revealed. [45]

## Cost overruns

The cost overruns were caused by the failure of the government to anticipate the complexities of creating and maintaining the firearms registry. The Canadian government was aware of the decision of the New Zealand government to abandon a firearms registry but these warnings were ignored. The Canadian government even sent a delegation of MPs to New Zealand to study their experience with firearms registration. The New Zealand Police told the Canadians that, in their experience, firearm registration was difficult to justify: the results had been disappointing in that the registry was incomplete and highly inaccurate, and had proved of limited value in locating offenders. [46] The New Zealand Police also told the visiting Canadians that the registry was much more expensive than they had originally thought [McCallum, 1982]. Unfortunately, this practical advice fell on deaf ears. The Justice Minister had already decided to go ahead. Unwilling to admit failure, the government resorted to financing the ever-growing project through “supplementary estimates” that avoided reporting requirements [Janke, 2006; Stanbury, 2003].

The problems in the Department of Justice became widely known in Canada when Auditor General Sheila Fraser released a scathing report in December 2002. Despite promises at the time that the firearms program, including the registry, would not cost over CDN\$2 million, the Auditor General estimated that it would cost taxpayers at least CDN\$1 billion by 2005. [47] She summarized her report by saying, “This is certainly the largest cost overrun we’ve ever seen in this office” [Office of the Auditor General of Canada, 2002a].

This is a staggering cost overrun, but it is necessarily an underestimate. First, the scope of the Auditor General’s inquiry was formally limited to examining the

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[45] The Canadian gun registry is used as a case study of mismanagement [Duvall, 2004].

[46] Green, Joe, Inspector, Manager, Licensing and Vetting, New Zealand Police, personal communication, 2005. Wellington, New Zealand.

[47] In 2002, the Auditor General estimated that the Department of Justice’s costs alone on the firearms registry would reach \$1 billion in 2005 [Office of the Auditor General of Canada, 2002a].



Department of Justice but several other federal ministries are involved in administering the firearms program: these include the Solicitor General, Canada Border Services Agency, Department of International Trade Canada, Department of Foreign Affairs, and Native Affairs and Northern Development. Other ministries, such as Parks, Fisheries, and Environment, incur costs due to the firearms registry that have not yet been reported; the firearms in the hands of the police have yet to be registered; and the cost of destroying the guns confiscated since 1998 have yet to be accounted for. In addition, the federal government partially reimburses the program expenses of cooperating provinces and territories. [48]

When the full scope of this sprawling program is included and all governmental costs are considered, specifically those of other federal departments as well as the provincial expenditures that are reimbursed by the federal government, it was estimated that the total would exceed two billion dollars by 2005 [Breitkreuz, 2003c]. This is 1,000 times more than was originally budgeted, but this too is an underestimate. Unfortunately, the total costs remain unknown as many program expenditures related to this program remain hidden. [49]

The Auditor General also complained that the registry audit was the first time her office had had to discontinue an audit because necessary information could not be obtained. [50] The Auditor General had to end her audit precipitously, and leave her financial analysis incomplete, because the government either could not, or would not, cooperate with her by revealing all of the program's expenditures. [51]

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- [48] In 2003, many of these departments were integrated into Public Safety and Emergency Preparedness Canada (PSEPC), now Public Safety Canada (PS).
- [49] It is important to note that even this estimate only includes governmental costs. It does not include the costs to the owners of firearms or to society. Moreover, in terms of governmental costs, it also excludes prosecutorial and correctional costs.
- [50] This statement is reported by Tim Naumetz [2002], who also quotes the Auditor General as saying: "We stopped our audit when an initial review indicated that there were significant shortcomings in the data provided. We concluded that the information does not fairly present the cost of the program to the government." In the veiled language of government officials, this is strong criticism indeed. This criticism is also reported by Andrew McIntosh and Anne Dawson [2002].
- [51] [Office of the Auditor General of Canada, 2002a: 9]. This lack of cooperation motivated the Auditor General to ask the RCMP to investigate. This investigation is ongoing and resulted in then Prime Minister Paul Martin setting up the Gomery Commission in 1995 to investigate the procedural difficulties within a number of departments. This commission uncovered numerous instances of criminal conduct during its investigation—including hundreds of thousands of dollars diverted from the firearms registry. The Phase Two Report appeared in 2006. [See Ha, 2005; Makerenko, 2006].

The Auditor General saved her strongest criticism for the way the government deliberately misled Parliament: “The issue here is not gun control. And it’s not even astronomical cost overruns, although those are serious. What’s really inexcusable is that Parliament was in the dark” [Naumetz, 2002: A1]. The government knew about the mismanagement problems in the firearms registry years ago, but ignored questions from MPs such as Garry Breitkreuz whose requests for financial information were repeatedly refused on the grounds of “cabinet secrecy.”

In May 2006, the Public Accounts Committee issued a report censuring former Minister of Public Safety and Emergency Preparedness, Anne McLellan, faulting her for ignoring the advice of her senior bureaucrats and not reporting the cost overruns of the troubled gun registry. McLellan violated accepted accounting practices by deciding to move the cost overrun to the next fiscal year instead of going to Parliament to ask for additional funds. The most likely explanation for McLellan’s deviation from standard practice is that she deliberately misled Parliament because she thought the information would hurt the Martin government’s chances in the election that she expected to be held in early 2004. [52] In response to this independent assessment, in February 2003 the registry was relocated in the Ministry of the Solicitor General, joining the Royal Canadian Mounted Police (RCMP). Paul Martin became Prime Minister early in 2004 and the firearms program got another Minister. [53] When the Conservatives formed government in 2006, the firearms registry moved yet again; this time, responsibility for the firearms registry was transferred to the RCMP. At the same time, the Conservatives also reduced the annual operating budget for the firearms program by a further \$10 million. [54]

Because of heightened concerns about budgetary concerns, the firearms program is in an awkward position as it attempts to manage the firearms registry. Tight budgetary restrictions have led to complaints that the program has reduced the quality of service. Long waits are normal, and errors frequent. Nevertheless, the registry is ineffective in tracking stolen firearms, because of duplicate serial numbers and inadequate descriptive information [Naumetz, 2003b]. This again reflects the inherent difficulty of the task. [55]

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- [52] Support for this speculation has been uncovered in governmental documents recently released through FOI requests. For details, see Janke, 2006.
- [53] There have been a series of ministers in charge of the firearms program since 1994: Allan Rock, Anne McLellan, Martin Cauchon, Wayne Easter, and Anne McLellan, for a second time.
- [54] On May 17, 2006, the Conservative government announced they were transferring responsibility for the Firearms Act and regulations to the Royal Canadian Mounted Police (RCMP) from the former Canada Firearms Centre. See Public Safety and Emergency Preparedness Canada [PSEP], 2006.
- [55] Few people without familiarity with firearms realize just how many numbers there are to be found on them: serial numbers vie for place with, among other things, model numbers, patent numbers, and calibres. This profusion inevitably brings clerical errors.

Budgetary restrictions also compromise the quality of the data. Unfortunately, one of the cost-cutting decisions was to reduce efforts to verify descriptive information submitted about firearms. Applicants for firearm permits appear not to have been as thoroughly screened as they were prior to the introduction of the firearms registry. One imaginative Canadian even managed to register a soldering gun without the Canadian Firearms Centre knowing that it was not a “firearm” under the Canadian criminal code [CNEWS, 2002]. This example not only illustrates the level of screening given by the firearms registry but also demonstrates the contempt that many feel for the registry. Few now take seriously claims that the registry has any real use.

The 2004/05 budget eliminated funding for firearms safety programs altogether, even though it maintained the budget for public relations. [56] Despite the huge expenditures, the firearms registry is plagued with errors. Millions of entries are incomplete or incorrect [Breitkreuz, 2002]. The Auditor General also reported that the RCMP in 2002 announced that it did not trust the information in the registry [Office of the Auditor General, 2002b]. As the New Zealand Police discovered decades ago, it is exceptionally difficult to maintain a firearms registry [Kopel, 1992: ch. 6; McCallum, 1982; Thorp, 1997]. If police are to trust the registry when it is a case of protecting police lives, enforcing court orders, or testifying in court, the data contained in the registry must be both accurate and complete. An inaccurate registry becomes a self-defeating exercise and cannot be useful in aiding the police in protecting the public.

The firearms registry continues to be an expensive program. The budget for the Canada Firearms Centre was \$82.3 million in 2005/06. The operating budget was \$77.2 million (94% of the total), with \$15.7 million allocated to firearms registration and \$61.5 million for licensing. It is reasonable to assume that the lion’s share of this is due to long guns, since only 6% of registered firearms are handguns or other “restricted weapons.” Thus, approximately \$12.7 million is spent registering long guns, and \$49.9 million is spent licensing long guns. Of course, program costs do not exhaust the costs imposed on Canadian citizens by the registry. Laws require enforcement, [57] and laws impose compliance costs on the public. [58]

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[56] This was released in the departmental statement [Canada Firearms Centre, 2004].

[57] The minimum cost of enforcing the act is estimated to be between \$7 million and \$49 million annually. The Library of Parliament estimates that it costs taxpayers at least \$3,107 per case to pursue each violation of the Firearms Act through to conviction [Jackson, 2003b]. The lower estimate is based on the number of simple possession charges (2,265), while the higher estimate is based on the 18,000 Criminal Code, offensive-weapons incidents, minus the 11% of weapons-related offences that fell into the category of illegal firearms usage (e.g., using a firearm in the commission of an offence or pointing a firearm), for an estimated 16,000 incidents. [Personal correspondence between Garry Breitkreuz and author (May 9, 2006)].

[58] Estimates for registering a firearm vary from \$8 to re-register an already registered firearm over the phone up to \$110 to register a non-verified firearm [Jackson, 2003a].

## Inaccuracy and incompleteness

The principle of the registry demands an exceptionally high level of accuracy to guarantee to the police officer knocking on a door that the information in the registry is correct about the number and nature of the firearms owned in the residence. If any important percentage of the firearms remain unregistered, it is very likely that the firearms in the hands of the most violent criminals are not registered. If this is the case, police officers cannot trust the information that there are no firearms in a residence. Failure to register a firearm does not mean no firearm exists. Or, if there is only one firearm registered, the officer cannot safely infer that there are no other firearms. Practically speaking, the registry is not useful to an investigating officer since it must be assumed that a firearm is available when the officer knocks on a door, regardless of whatever is reported in the registry. Trusting the information in the registry could get police officers killed. [59] Despite its current cost of over one billion dollars, the police still have grave reservations about the usefulness of the firearms registry [Breitkreuz, 2004].

## Conclusion

In summary, the Canadian firearms registry has had numerous action plans, a series of ministers, and thousands of changes made to the computer system. This is not a recipe for effectiveness or efficiency. In other words, as New Zealand discovered decades ago, a firearms registry may not be worth the effort, as such a database is exceptionally difficult to maintain, outrageously expensive, and any benefits are all but impossible to demonstrate. In a subsequent section of this paper, I evaluate the success of the firearms registry in including all the firearms in the country. An incomplete registry is a guarantee that it will include only those firearms that are the least likely to be used in crime.

Large, sprawling, government programs are invitations to waste and inefficiency, even corruption. Some may find it comforting to dismiss the failures of the firearms registry by imagining that Canadians are uniquely incompetent or corrupt. Even if this were true, it is more salutary to recognize the universal implications for any large-scale national program (e.g., CBC or national day care). Citizens would be wise to make every effort to keep close control over large governmental programs to minimize waste and fraud. In the case of firearms registration in Canada, it is even more expensive because a new organization had to be created in order to set out to accomplish it and the goals kept changing.

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[59] The Canadian Association of Chiefs of Police disagrees with this assessment. They argue that, despite its limitations, the registry may still be of some utility in knowing positively that a weapon is in the house, and it would still be useful in enforcing court orders. Even if it is incomplete and inaccurate, the existence of the registry provides some reassurance to the police and the courts, the Chiefs argue, that when confiscation orders are issued, the police will be able to confiscate some or all of the weapons that pose a threat to the community [MacLeod, 2004].

## Cooperation by the owners of firearms

The Canada Firearms Centre (CFC) announces the number of firearm licences that have been issued, as well as the number of firearms registered, and it claims that this coverage is close to complete. But such claims are nearly impossible to evaluate given the difficulty in estimating how many owners have not taken out licences or registered their firearms. Part of the difficulty is that there is no agreement about the number of Canadians who own firearms, nor are there accurate counts of the number of firearms in private hands. Canada is not unique in this. Similar difficulties have been encountered in other countries. [60] In 1997, estimates of the total number of firearms in Australia ranged from 2.5 million to over 10 million, and estimates of the number of firearms to be prohibited ranged from 800,000 to 3.35 million [Sport Shooting Association of Australia, 1997]. It is essentially impossible to conduct accurate inventories of items, such as firearms, that the population does not want the government to count.

How well did the Canada Firearms Centre (CFC) do by the official deadline of July 1, 2004? As of November 11, 2004, the CFC reported that almost 2 million firearm owners had been licensed, out of a total of 2.2 million owners, and that nearly 7 million firearms had been registered. By their own figures, this means that, as of the official deadline in 2004, there were 406,834 holders of long-gun possession licences who had failed to register any long guns and, in addition, there were a further 316,837 handgun owners who had failed to re-register or dispose of their handguns [Naumetz, 2004b; Canada Firearms Centre, 2004]. Thus, according to the CFC, over 90% of owners have taken out a licence and registered at least one firearm. Currently, the numbers continue to grow. As of November 2006, the CFC reports that 2 million owners have licences and 7.1 million firearms have been registered [Canada Firearms Centre, 2006].

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[60] There is some evidence from a number of countries over a substantial time period that roughly a sixth of guns will find their way into the registration system in exercises such as this. When military-style, semi-automatic rifles were restricted in Canada in 1991, the RCMP estimated that approximately 12% of the firearms imported were actually registered [Mauser, 2001a]. Australia tried to introduce a gun registration system during colonization in 1796, and about a sixth of the known guns were registered. The Federal Republic of Germany began a registration system under the Baader-Meinhof threat in 1972; the government estimated there were 17 to 20 million guns in the country but only 3.2 million were eventually registered. In the 1980s, when the English authorities tried to register pump-action and semi-automatic shotguns, only 50,000 were ever brought forward out of the 300,000 shotguns that were known to have been imported. Again, in New Jersey, USA, registration requirements were handed down for so-called "assault weapons." A minimum of 100,000 firearms were included under the legislation (probably many more, but there were difficulties with the wording of the legislation). Fewer than 2,000 of these firearms were offered for registration [Kopel, 1992].

However, if we accept my best estimate that there were between 3 and 3.5 million owners in 2004, then the participation rate is much lower, between 60% and 65%. The large drop in the number of firearm owners since the registry was introduced indicates that a substantial number of former owners either have divested themselves of their firearms or they have simply not registered their firearms. [61] The number of these scofflaws is unknown.

Estimates of the participation rates among Aboriginal Canadians are even lower. Many bands have refused to comply, while others have only partially cooperated. [62] The government of Nunavut, one of Canada's three northern territories, has a court injunction that has forced the federal government to halt registration in Nunavut since 2002. The most optimistic estimate is that fewer than 25% of residents of First Nation communities have complied with the firearms act [Breitkrueze, 2003d; Naumetz, 2003a]. One band in British Columbia has even decided, in defiance of the federal government, to issue its own firearm licences [The Province, 2003].

### How complete is firearms registration?

Estimates of the actual gun supply range from 7.7 million (the government's preferred number) to over 25 million, plus an unknown number of air guns [GPC Research, 2002; Smithies, 2003]. If we accept my best estimate that there were between 12 and 15 million firearms in private hands in Canada [Mauser, 1995b], then, since the CFC claims 7.1 million firearms registered, then the best estimate is that approximately half (between 47% and 59%) of the private firearm stock is registered.

In summary, it is difficult to know the level of non-participation among Canadians because there is no agreement about the number of Canadians who own firearms, nor are there accurate counts of the number of firearms in private hands. Estimates of the number of previously law-abiding firearm owners who do not have a firearm licence range from approximately 700,000 up to 2.5 million. However, the number of former owners who have divested themselves of their firearms is unknown. Surveys show that the number of firearm owners has been decreasing since 1995, so the best estimate is between 60% and 65% of firearm owners have licences and approximately half of all firearms are registered.

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[61] There are no records available that would corroborate the sale or export of the necessary number of firearms.

[62] A constitutional challenge has been launched by a Saskatchewan native organization [Blackwell, 2004].

## The notion of "gun deaths"

In evaluating public safety, we need to avoid being misled by simplistic and emotional concepts like "gun deaths." Because of the problem of substitution, a rise or fall in "gun deaths" does not necessarily imply that any lives have been lost or saved overall. The variety of alternative ways of killing means that there is no necessary link between "gun deaths" and trends in suicide or homicide: murders involving guns may decline while murders involving bombs or knives may increase. The most appropriate measures of public safety are meaningful measures, such as rates of homicide and violent crime, because they tell us whether more or fewer human beings are actually dying or being hurt.

At first glance, the concept of "gun deaths" may appear plausible. Gun laws are supposed to stop the misuse of guns, so an obvious measure of success would be a drop in "gun deaths." However, there are conceptual problems with the term that detract from an understanding what firearms have to do with homicide or suicide.

"Gun deaths" is a *pot pourri* of suicides, homicides, and accidents. The supposed link is that these deaths share a common cause: a gun was accessible. But the mere availability of guns does not make ordinary people commit murder or suicide or have accidents. This term may be useful to frighten the public into thinking that expensive measures taken to reduce the number of guns held lawfully will automatically spill over into crime reduction but it does not aid understanding any more than it reduces the overall number of people killed.

The notion of "gun deaths" has another conceptual problem. "Gun deaths" would be a legitimate measure for evaluating a program specifically directed at the misuse of firearms were it not for the problem of substitution. That is, other weapons are easily substituted for firearms in committing homicide or suicide. Because of the problem of substitution, it is a fallacy to imagine that a reduction in "gun deaths" implies that any lives have been saved. [63]

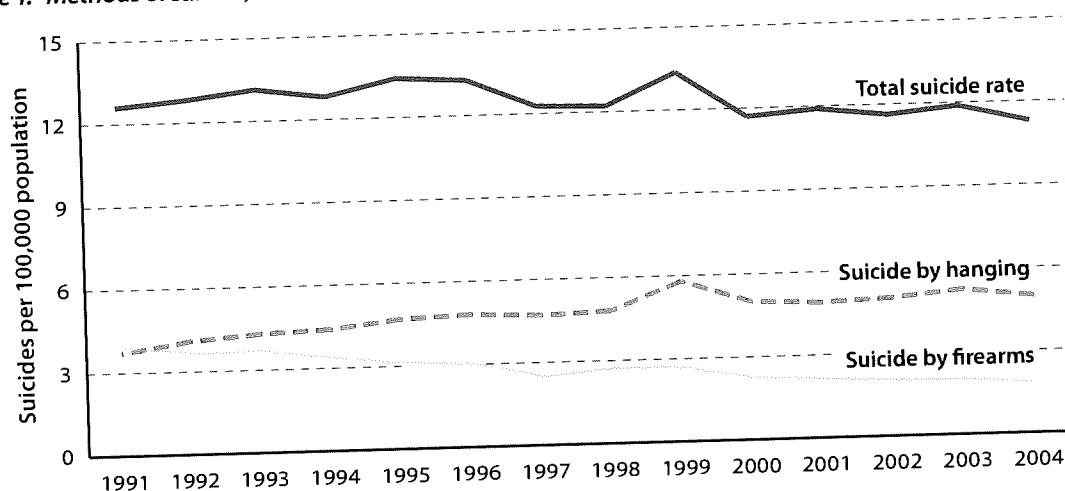
Japan has exceptionally tight firearms laws, but a high suicide rate. Mass killing in Japan has typically involved poisoning. In many countries, arson and bombing have been used in multiple killings. Whether or not these multiple murders involve the suicide of the perpetrator, they are obviously unaffected by firearm laws. Because of the variety of alternative ways to kill, the only useful measures of public safety are more meaningful ones, such as rates of violent crime, suicide, and homicide.

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[63] This is not to say that analyzing firearms-related homicides separately (or suicides or firearms accidents) is analytically useless. The extent of substitution in any situation is an empirical question, so it would be logical, for example, to hypothesize that total accidents might be reduced by focusing on firearms-related accidents. This would be a useful strategy even if the attempt only managed to reduce the number of firearm accidents, but the total accidents did not decline. My point here is that by mixing homicides, suicides, and accidents together simply because a firearm was involved is analytically valueless.

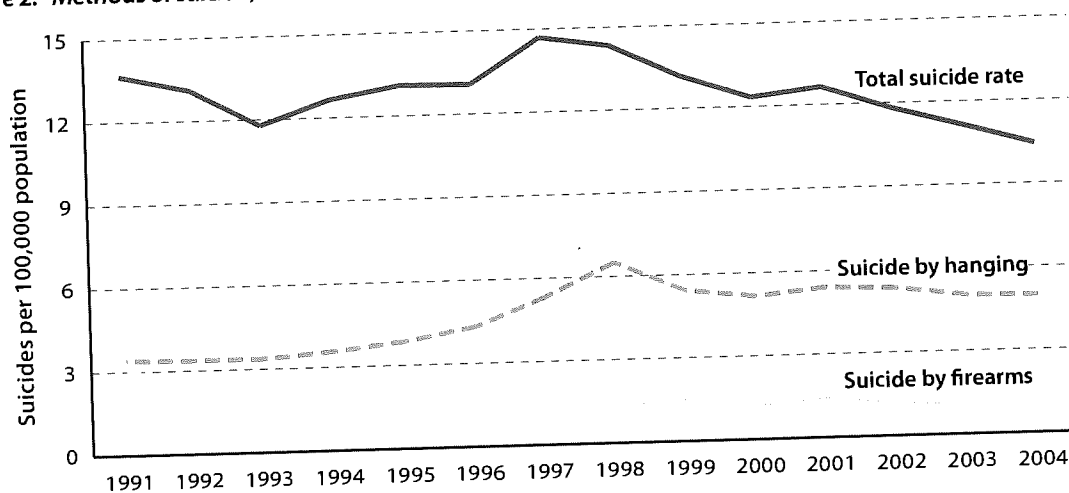
In Canada, trends in “gun deaths” are not good indicators of suicide trends, in part because firearms are involved in only a small fraction (18%) of suicides. An inspection of the trend in Canadian suicide rates since 1990 shows that they have stayed remarkably stable even though firearm suicides have fallen by 50% in the same time period [figure 1]. Nor is there a link between the decline in suicides involving firearms and total suicide rates in Australia [figure 2]: firearm suicides have been declining at least since 1991, while total suicide rates remained stable, even increasing, until more recently. For a more thorough analysis, see Baker and McPhedran, 2006.

**Figure 1: Methods of suicide, Canada (1991–2004)**



Source: Statistics Canada, 2007.

**Figure 2: Methods of suicide, Australia (1991–2004)**



Source: Australian Bureau of Statistics, 2006b.



The concept of “gun deaths” is a grab-bag that confuses rather than clarifies. As may be seen in table 3, “gun deaths” are largely suicides, some homicides, and a very small percentage of accidents. Suicide, homicide and accidents are distinct phenomena and are better understood when analyzed independently. If homicide, suicide or accident rates are influenced by firearm availability, then this will be seen in these analyses. The result is that, when gun laws are introduced—often very restrictive laws such as those of Jamaica in 1974 or of the Republic of Ireland in 1972 that impose total, country-wide bans—the number of people killed does not fall and may actually increase. Focusing on “gun deaths” diverts attention from the original goal of the Canadian legislation, which was to improve public safety.

One of the assumptions underlying the use of the artificial term “gun deaths” is that the availability of firearms increases the overall suicide rate. Comprehensive reviews of technically sound studies have not found strong empirical connections between the ownership of firearms and either overall homicide or suicide rates. Comprehensive reviews of the literature have been published by both Kleck [1997] and Hemenway [1999, 2004]. Kleck [1997] reviewed previous studies that examined the link between gun ownership and both violent crime and suicide. In his review of studies of the link between ownership and violent crime, he only included studies that actually measured

**Table 3: Canadian “gun deaths”**

	Homicide	Suicide	Accidents	Total
1992	214	1,048	63	1,325
1993	173	1,053	44	1,270
1994	170	973	38	1,181
1995	145	911	49	1,105
1996	177	811	46	1,104
1997	156	815	45	1,016
1998	129	816	31	976
1999	151	802	37	990
2000	156	685	20	861
2001	148	651	28	827
2002	152	633	31	816
2003	161	618	27	806
2004	173	568	23	764

Note: This table excludes firearm deaths from two minor sources, “Legal Intervention” and “Undetermined” because these data are unavailable for 2002 and 2003. Approximately 20 deaths per year on average fall into these two categories combined.

Sources: 1991–2001—Hung, 2006; 2002–2004, accidental and suicide deaths—Statistics Canada, 2007; 2002–2004, firearm homicides—Dauvergne and Li, 2006.

gun availability rather than simply assuming it, and only studies that measured rates of criminal violence, not percentages. The results were mixed for the entire set. After screening out those studies that did not meet rigorous methodological standards, none of those remaining reported a significant relationship between level of firearm ownership and homicide rate [Kleck 1997: 248–51]. In his review of 13 previous studies examining the link between guns and suicide, he reported that only two (including Kleck and Patterson, 1993) had found a significant association between firearm prevalence and total suicide [Kleck, 1997: 284–85]. However, both of these studies had methodological problems that undermined their findings.

Nor has convincing empirical support been presented for the thesis that gun laws have lowered the overall suicide rate or homicide rate [Kleck, 1997: 49–53, 286–88, 377; Marvell and Moody, 1995] [table 4]. In contrast, research consistently shows that the availability of one means of committing suicide has a strong influence on the frequency of suicides using that method [Kleck, 1997: 285]. Miller and Hemenway, while evading a direct answer to the question about firearms and suicide, after decrying the data quality, do say that the “evidence ... is currently less compelling” [1999: 73]. However, Hepburn and Hemenway [2004] disagree with Kleck’s assessment that no strong empirical link has been shown between firearm ownership and overall homicide rates.

## Method substitution

The use of “gun death” as a dependent variable merely muddies the water as there is no logical link between increases (or decreases) in the distinct components of “gun deaths”, that is, suicide or homicide. [64] It is frequently claimed that guns are uniquely more lethal than other methods of attempting suicide but this is misleading and wildly exaggerated. Kleck [1991: 258] reported findings that the fatality rates for hanging, carbon-monoxide poisoning, drowning, and shooting oneself were all in the 75% to 85% range. Similarly, Sayer et al. [1996] found that hanging had a higher fatality rate (82%) than firearms (75%) in New South Wales. Moreover, researchers frequently confound lethality of a method with the user’s determination. Anyone serious about committing suicide would be expected to choose an effective method. Given the ubiquity of ropes and motor vehicles, tall buildings and railway lines, there would appear no shortage of methods available that are highly lethal.

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[64] There is no logical link between these concepts, but empirical links might well exist. A decline in gun deaths conceivably might be empirically related to a decline in either homicide or suicide. Consequentially, some criminologists hypothesize that focusing on the means of murder or suicide might reduce the total number of gun deaths as well as the total of suicides or homicides. As such, it is an empirical question. At present, empirical research has not been able to support this hypothesis.

**Table 4: Studies of the association between gun laws and suicide rates**

Study	Sample	Number of control variables	Gun ownership measured	Number of gun controls assessed	Gun controls significantly reduce [a] rate of	
					gun suicide	total suicide
Geisel et al., 1969	50 states, 1960	7	No	1 (8) [b]	Yes / No [c]	No
	50 states, 1965	8	No	1 (8) [b]	Yes / No [c]	No
	129 cities, 1960	8	No	1 (8) [b]	—	No
Murray, 1975	50 states, 1970	9	No	7	No	No
Lester & Murrell, 1980	48 states, 1960, 1970	0	No	1 [b]	Yes	Yes
Nicholson & Garner, 1980	Time series, DC	0	No	1	Yes	Yes
Lester & Murrell, 1982	48 states, 1960, 1970	0	No	3 (8) [d]	Yes	—
Medoff & Magaddino, 1983	50 states, 1970	5	No	1 (2) [e]	—	Yes
DeZee, 1983	50 states, 1978	7	No	7	No	—
Sommers, 1984	50 states, 1978	2	No	9	No [f]	—
Lester, 1987a	48 states, 1970	0	No	1 [b]	—	Yes
Lester, 1988a	9 regions, 1970	2	Yes	1 [b]	Yes [g]	No
Boor & Blair, 1990	50 states, DC, 1985	9	No	2 (8) [h]	—	Yes
Rich et al., 1990	Time series, 2 cities	0	No	1	Yes	No
Kleck & Patterson, 1993	170 cities	9	Yes	13	No [i]	No [i]

**Notes**

[a] Significant at .05 level.

[b] Measured "strictness" of gun control; all types lumped together.

[c] Overall "strictness" index was significantly and negatively related to the gun suicide rate but separate gun-law dummies yielded no significant results.

[d] Used three factor scores grouping eight gun-control types together; individual controls not assessed.

[e] Lumped two gun-law types together into a single dummy variable.

[f] Only one of nine gun-law coefficients was significant at .05 level.

[g] Only bivariate association reported.

[h] Grouped eight types of gun control into two summary variables.

[i] Only one of 13 results was supportive for gun suicide rate, two of 13 for total suicide rate.

Studies about evenly divided but all of the studies reporting a negative impact of gun controls have been technically primitive.

**Specific criticisms**

Boor & Blair, 1990: did not separately study gun suicide rates, failed to measure local gun laws, and lumped controls together.

Lester & Murrell, 1980: no control variables that might be correlated with gun controls.

Nicholson & Garner, 1980: no control variables that might be correlated with gun controls.

Lester, 1987a: used gun-homicide percentage and gun-accident rate as proxy for gun ownership, which has positive correlation with suicide rate.

Lester, 1988a: used gun magazine subscription as proxy; not a valid measure.

Source: Kleck, 1997: 292, table 8.4.

The key question is method substitution, or displacement, and on this question the research is becoming clearer. There is considerable evidence showing that limiting the availability of one suicide method reduces the frequency with which that method is used; but support is conspicuously lacking for the assertion that reducing the availability of firearms reduces the overall suicide rate. [65] While some public-health researchers claim that the unique deadliness of firearms means that substitution effects are not important in suicide [e.g. Gabor, 1994], this is belied by the empirical evidence. Unfortunately, the public-health literature generally ignores the relevant criminological research. As shown above, the evidence is consistent with strong substitution effects. As seen in figure 1, as firearm suicides declined over the past decade, hanging suicides increased in Canada.

## Conclusion

In summary, the concept of “gun deaths” is not an appropriate measure for evaluating firearms laws. Certainly gun laws would be expected to reduce homicides with guns and violent gun crime. But reducing gun violence is only part of any master strategy to improve public safety, which must mean reducing homicide and violent crime overall. Evaluating the firearms registry means assessing its effectiveness in improving public safety. The government’s original goals were clear: “to reduce criminal violence generally, and more specifically, to reduce domestic violence and homicide.” The reduction in violence involving firearms was viewed primarily as a means of reducing total criminal violence, not as an end in itself. The federal government also thought that the gun laws would reduce loss of life due to impulsive acts such as suicide and accidents. Again, controlling firearms was seen not as just a way to reduce deaths from guns but as a way to save lives overall.

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[65] Several studies have agreed with Gary Kleck’s evaluation that “most technically sound evidence indicates that most types of gun controls have no measurable effect, for good or ill, on most rates of crime and violence” [Kleck 1997: 377]. Importantly, Kleck argued [1997: 387] that owner licensing and background checks could reduce both homicide and suicide. He may, however, have retreated from this position by 2001 [Kleck and Kovandzic, 2001].

## Evaluating the firearms registry

The most effective way to evaluate the firearms registry is by asking how well it has accomplished the goals originally set for it. If legislation is to be more than symbolic, then politicians must be held to account for their promises. At the time the legislation was introduced, the federal government asserted that the key to improving public safety lay in controlling the availability of firearms, and that universal firearms registration was the best way to achieve this. At that time, it was argued that restricting firearms availability would reduce homicide and criminal violence, as well as domestic violence, and, in addition, save lives by reducing suicides and firearm accidents. Each of these goals will now be examined in turn. Thus, the important questions are whether public safety has improved since universal firearms registration became mandatory in 1998, and if so, whether it is worth the cost. This approach is preliminary. For the present, it is possible to look only at broad trends in the overall national rates. Clearly, further work needs to be done to confirm these observations.

The first step is the most fundamental: has there been a decline in firearms availability since the introduction of the firearms registry? In 1995, the government argued that owner licensing and firearms registration were crucial in limiting accessibility to firearms. Restricting the availability of firearms would not only reduce firearm misuse but, more important, overall criminal violence, total suicides, and domestic abuse. Thus, before it is logically possible to credit the firearms registry with improving public safety, there would have to be a reduction in the number of firearms owners.

As table 5 shows, the answer to this question appears reasonably clear: the number of firearm owners has declined substantially. The best estimate is that there were between 4.5 and 5.5 million firearm owners prior to the 1995 legislation; this number had dropped to between 3.5 and 4 million firearms owners by 1996 [Mauser, 2001a; Mauser and Buckner, 1997]. And it has continued to drop. After firearms registration was

**Table 5: Number of civilian gun owners in Canada**

	Households reporting ownership of firearms to surveys (percent)	Estimates, Department of Justice	Estimates, Mauser
1976	35%		4.5–5.5 millions
1989–1994	29%	3.3 millions	4.5–5.5 millions
1995–1998	21%	3.0 millions	3.5–4.0 millions
2000	17%	2.3 millions	3.0–3.5 millions
2004		2.3 millions	3.0–3.5 millions

Source: GPC Research, 2001.

introduced in 1998, it dropped still further. I estimate there were between 3 and 3.5 million firearm owners in Canada by 2002. There are probably fewer still in 2007, although it is likely that the rate of decline has slowed.

Surveys show a continuous drop in numbers of people who admit to owning firearms since the early 1990s. Surveys during the early 1990s found that an average of 29% of Canadian households reported owning one or more firearms; surveys conducted between 1995 and 1998 found an average of only 21% of households reporting firearms. Later surveys have found still lower percentages. In 2000, only 17% of households admitted to owning one or more firearms [GPC Research, 2001]. But how much of this apparent drop is real?

The estimates presented here are based upon surveys, and surveys have well-known limitations. It is highly probable that some owners would deny in a telephone interview that they have firearms. Moreover, given the demonization of firearms over the past decade, the share of deniers may well have increased. To what extent this is true is unknown and probably undiscoverable. In the GPC survey, 6% of the respondents who admitted to owning firearms claimed they planned to divest themselves of their firearms because of the new legislation. Government estimates of the number of gun owners in 2001 assume that all of these respondents acted upon their declared intentions. It is impossible to know how many actually did so. Considering the way people tend to retain heirlooms, and the way guns are seen as valuable personal items (for instance, fine hunting shotguns have historically cost up to a year's wage for a working man), it is highly likely that a substantial proportion of these firearms have just been pushed back deeper into people's closets.

Another partial explanation for this drop is the definition of "firearms owner" has changed. The advent of licensing meant that a firearm could officially only have one unique legal owner; prior to licensing, firearms were frequently treated as family property, similar to other commonly owned goods, such as computers, refrigerators, or household furniture, and hence they could have more than one legal owner. This was particularly true in rural homes. Given that licensing costs are significant, some families probably have decided to limit the number of "official" owners. However true any of these considerations may be, the data suggest that there was a real and significant drop in the number of law-abiding firearm owners after the legislation was passed in 1995 and then again after the introduction of the firearms registry in 1998. It would appear that both events reduced the availability of firearms. [66]

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[66] The decline in the number of firearms owners in Canada has corresponded with a drop in the numbers of hunters [Husband, 2005]. Such a decrease bodes ill for wildlife conservation in Canada, as hunters are the mainstay of provincial budgets for wildlife management. The implications are substantial. Canadian hunters pay provincial governments almost \$70 million per year for hunting opportunities; this roughly equals what the provinces spend on wildlife management [Mauser, 2004]. In fact, hunters are the driving force behind conservation in Canada as they are throughout North America. Canadian hunters, in addition to what they spend

The drop in the number of firearms owners is in part due to demographics. [67] Firearms owners are older than the general population, so their numbers would be expected to shrink faster than the general population through differential mortality. It is generally true that a higher proportion of older cohorts die than younger cohorts. A second factor causing the fall in firearms owners is the firearms registry. Not only are older owners divesting themselves of firearms but the increasingly strict requirements for owning firearms have reduced the numbers of young people who become interested in the shooting sports and purchase firearms. Thus, as the older owners die, they are not being replaced by younger owners in proportionate numbers.

Some researchers have used proxies for estimating firearms ownership because survey estimates are not always available. Unfortunately, present research suggests that none of the widely used proxies are valid measurements for time series. That is, none of the proxies can accurately track survey estimates over time. The most widely accepted proxy for cross-sectional studies for the number of firearms owners is the proportion of suicides that involve firearms, although Kleck argues that while this proxy is valid in cross-sectional studies it cannot be relied upon for time series. [68]

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on licences and fees, also voluntarily contribute over \$33 million annually for habitat protection and conservation projects [Powers, 2000]. More important, the Canadian Wildlife Service reports that hunters spend almost half (\$2.7 billion) of the \$5.6 billion the Canadian public spends on wildlife-related activities each year on hunting-related tourism. In total, hunters contribute over \$10 billion annually to the Canadian economy [Filion et al., 1993]. A similar decline in the number of hunters has been also noted in the United States by the National Shooting Sports Foundation [Wentz and Seng, 2000].

Hunters are also important in controlling problem wildlife. Not only do wildlife cause economic losses for farmers and orchardists through crop damage, they are also hazardous for motorists [Cotter, 2005]. In just one province, British Columbia, there were over 4,700 wildlife-related accidents in 2000. That year, it was estimated that wildlife accidents cost the province over \$18 million in accident claims, \$600,000 in highway accident clean-up costs, and \$300,000 in lost provincial revenue from hunting licences. In addition, collisions between wildlife and motor vehicles kill at least two people each year in British Columbia alone [BC Ministry of Transportation, 2000]. A decline in the number of hunters would mean governments would have to pay to reduce the wildlife populations rather than having hunters pay government for the privilege. A recent study of another Canadian province, Manitoba, found that, if hunting were eliminated, problems in wildlife damage would increase substantially because deer and bear populations would increase over 200% and waterfowl would increase over 300%. Manitoba, with a population of 1.1 million people, had 10,475 collisions between wildlife and motor vehicles in 2003. As a result, Manitoba Public Insurance paid out \$20.1 million in insurance claims [IAFWA, 2005]. Hunters provide a vitally important tool for wildlife management.

- [67] This discussion focuses on aging. Other demographic forces, such as urbanization and immigration, may also play important roles in driving down firearms ownership.
- [68] Philip J. Cook argues that FS/S is a valid proxy for both cross-sectional and over-time variation [Azrael et al., 2004: 43–62]. Gary Kleck disagrees with the validity of FS/S as a measure of firearm ownership over time [Kleck, 2004: 3–36].

## Restricted availability and public safety

Now that we have shown that the firearms registry has restricted the availability of firearms, we can turn to evaluating whether it has improved public safety. Specifically, we ask: has the registry reduced homicide, criminal violence, and domestic violence, and has it saved lives by reducing suicides and firearm accidents? In 1995, the government promised the registry would achieve each of these goals. We will examine each of these in turn.

### **Homicide**

Since the firearms registry was introduced in 1998, the Canadian homicide rate has increased slightly [figures 3 and 4]. According to the most recent statistics for 2005, the homicide rate has increased by 9% since 1998 [Dauvergne and Li, 2006]. This trend offers no support for the argument that the registry is effective or has improved public safety. The homicide rate had been declining before the registry was introduced. Indeed, the homicide rate in Canada has been declining since the mid-1970s. This decline continued for a few years after the registry was introduced, reaching a low of 1.73 per 100,000 in 2003. In 2004, the homicide rate jumped up by 10% and it increased again in 2005 by another 5%.

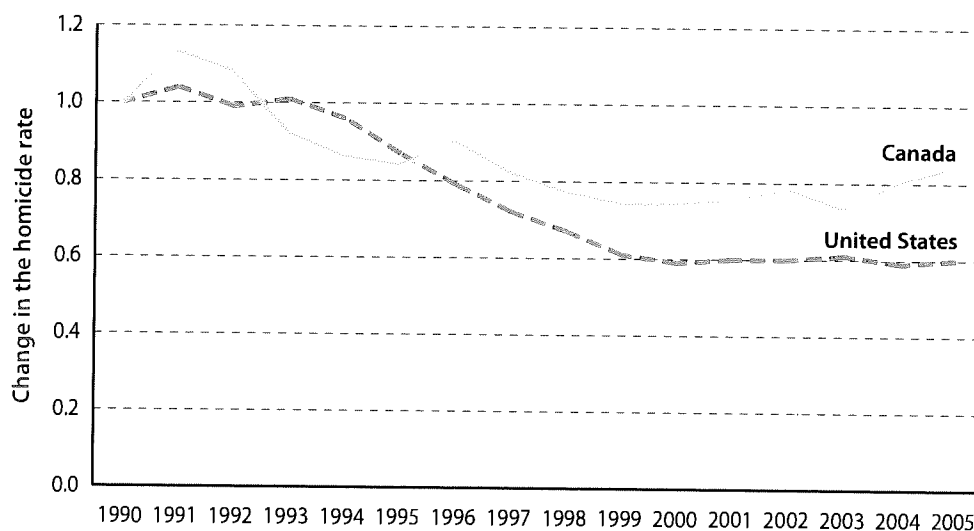
The homicide rate may have increased since the registry was introduced, but would it, perhaps, have increased even more without the registry? It is difficult to answer such a speculative question but some light may be shed by examining homicide trends in two countries, the United States and the United Kingdom, that resemble Canada but have taken quite divergent paths with respect to firearms laws. The United States offers a convenient comparison with Canada as it shares a similar demographic profile. [69] Although the American homicide rate is higher than Canada's, the homicide rate in the United States has dropped by 11% and the violent crime rate by 17% since 1998; during the same period, the Canadian homicide rate increased by 9% [Dauvergne and Li, 2006; FBI Uniform Crime Reports, 2006]. For all their faults, perhaps the Americans are doing something right. In contrast, British firearms laws, despite ever-increasing restrictions, have not been able to stop the homicide rate in the United Kingdom from continuing to increase. While the homicide rate in Canada has decreased by 16% since 1990, it has increased 31% in the United Kingdom.

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[69] The United States is similar demographically to Canada though not identical. Importantly, none of the differences undercut the argument being made here. The United States has a greater proportion of ethnic groups that have relatively high crime rates (e.g., blacks and Hispanics) than Canada. Moreover, the birth rates of these ethnic groups are higher than the rest of American society [US Census Bureau, 2006]. Another important difference is that the population in the United States is younger than that in Canada and that the American population is growing older more slowly than the Canadian [Statistics Canada, 2002]. Each of these demographic differences would be expected to act to increase the violent crime rates in the United States relative to Canada. Despite these factors, both homicide and violent crime rates have fallen faster in the United States than in Canada.



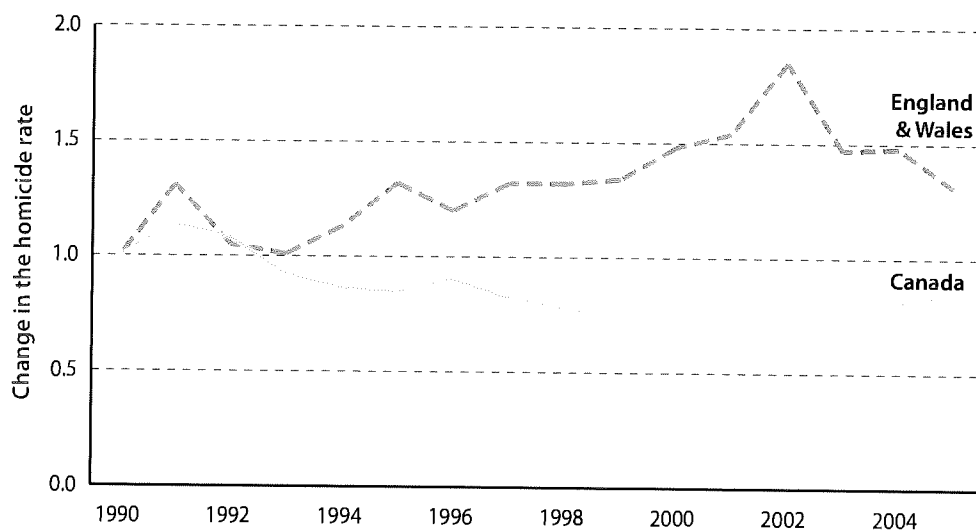
**Figure 3: Change in the homicide rate, Canada and the United States (1990–2005; base year = 1990)**



Note: 1990 was chosen as a base year for convenience to show that homicide rates have fallen more in the United States than in Canada over this time period.

Sources: Dauvergne and Li, 2006; Federal Bureau of Investigation, 2006.

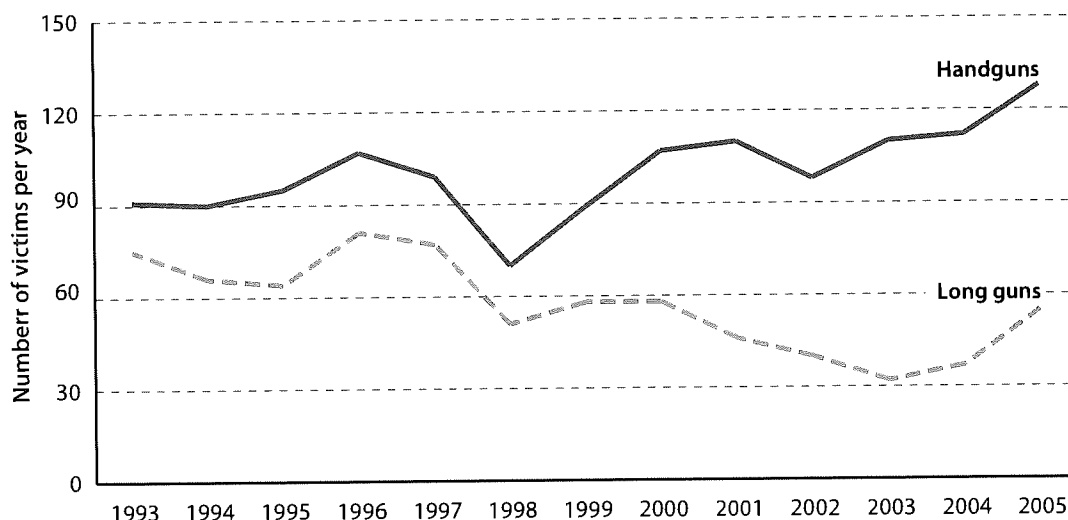
**Figure 4: Changes in the homicide rate, England & Wales and Canada (1981–2005; base year = 1990)**



Note: 1990 was chosen as a base year for convenience to show how homicide rates have diverged in the two jurisdictions. Homicide rates have dramatically increased in England and Wales since handguns were banned in the 1990s before declining to approximately the same level as during the mid-1990s.

Sources: Dauvergne and Li, 2006; Walker et al., 2006.

**Figure 5: Trends in use of handguns and long guns in homicides, Canada (1993–2005)**



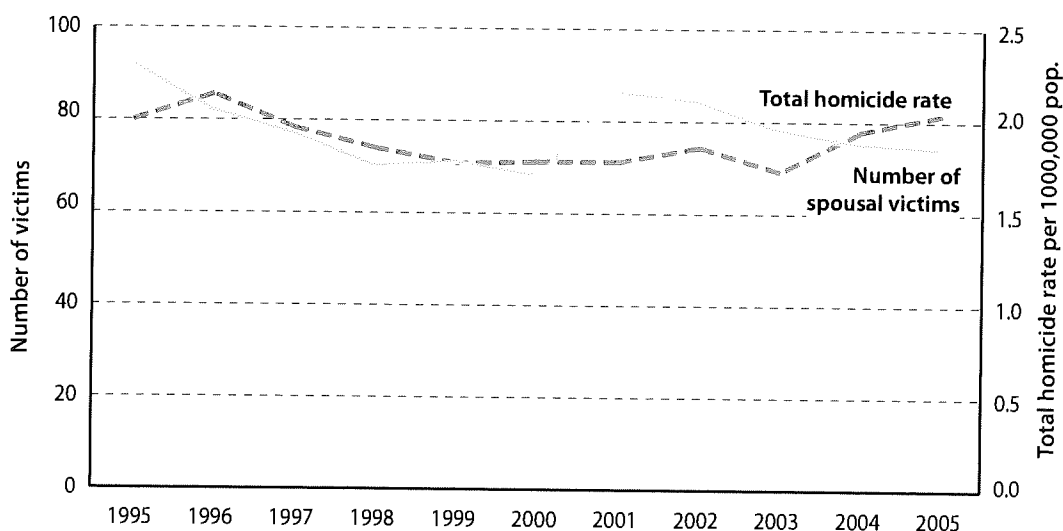
Source: Dauvergne and Li, 2006: 20.

An inspection of the Canadian homicide data shows that the percentage of homicides involving a firearm over the past decade has been basically stable [figure 5]. The percentage of homicides involving firearms was 31% in 1993, 27% in 1998, and 34% in 2005 [Dauvergne and Li, 2006]. The stability in the share of homicides involving firearms suggests that any change (whether an increase or a fall) is driven by more basic factors, such as demographics or economics, and not by a change in the availability of firearms [Bunge, 2005; Kates and Mauser, 2007]. Again, this does not lend support to the effectiveness of the firearms registry.

The frequency of family and spousal homicides has continued to decline slowly [figure 6]. This trend began at least in the early 1990s when detailed statistics of domestic homicides began being recorded and has continued through 1998 and up to 2005. As with total homicides, the proportion of spousal homicides involving firearms has remained relatively constant, at around 24% [Canadian Centre for Justice Statistics, 2004]. This stable proportion suggests that any reduction in domestic homicides is not being driven by restrictions on the availability of firearms but by demographic or economic forces. [70] The firearms registry may have restricted the availability of firearms, and it may have reduced the numbers of long guns (rifles and shotguns) used in homicides, but there has not been a corresponding decrease in the proportion of firearm misuse in homicide—either total or spousal. There appears to have been a slight decline in the number of

[70] Alternative explanations for this decline would be a reduced social tolerance for spousal abuse, and, more specifically, changes in zero-tolerance, mandatory charging policies by the police.

**Figure 6: Trends in spousal homicides, Canada (1995–2005)**



Source: Statistics Canada, 2006.

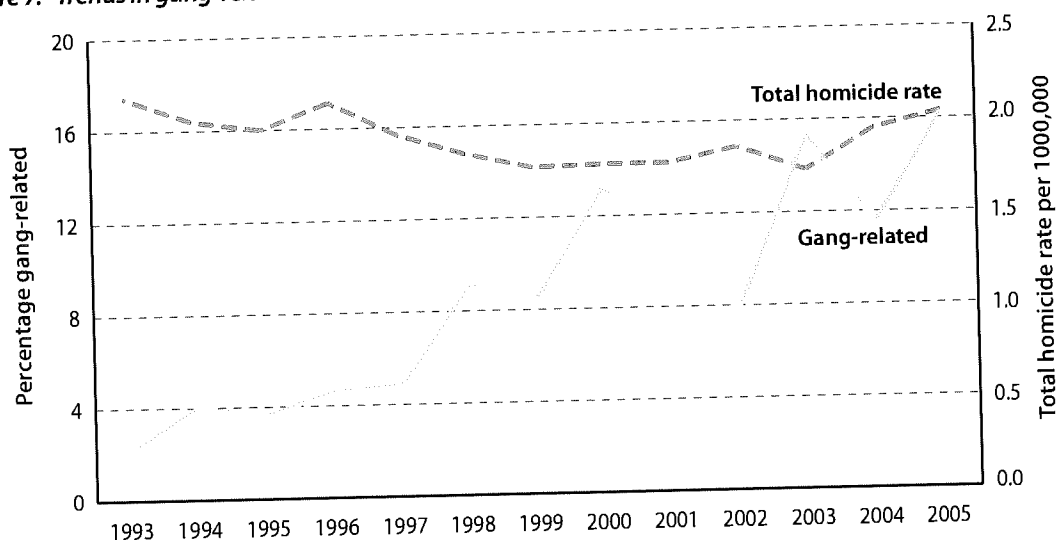
murder-suicides in the past few years: there were 34 murder-suicide incidents in 2004 and 35 in 2005, while the ten-year average is 38 incidents per year [Dauvergne, 2005; Dauvergne and Li, 2006]. There is no evidence that this decline is due to the firearm registry.

In contrast, the number of homicides that are related to gang activity has increased since the early 1990s, and since 1998 [figure 7]. Gang-related murders typically involve handguns. Although handguns have been registered since the 1930s, this has not reduced the level of their criminal misuse. The pessimistic predictions of some criminologists have been confirmed: the firearms registry did not act to reduce homicide rates and was particularly ineffective against gang activity. The increase in the use of firearms by criminal gangs is not consistent with the hypothesis that firearms crime should decrease with a declining availability of firearms.

### **Violent crime**

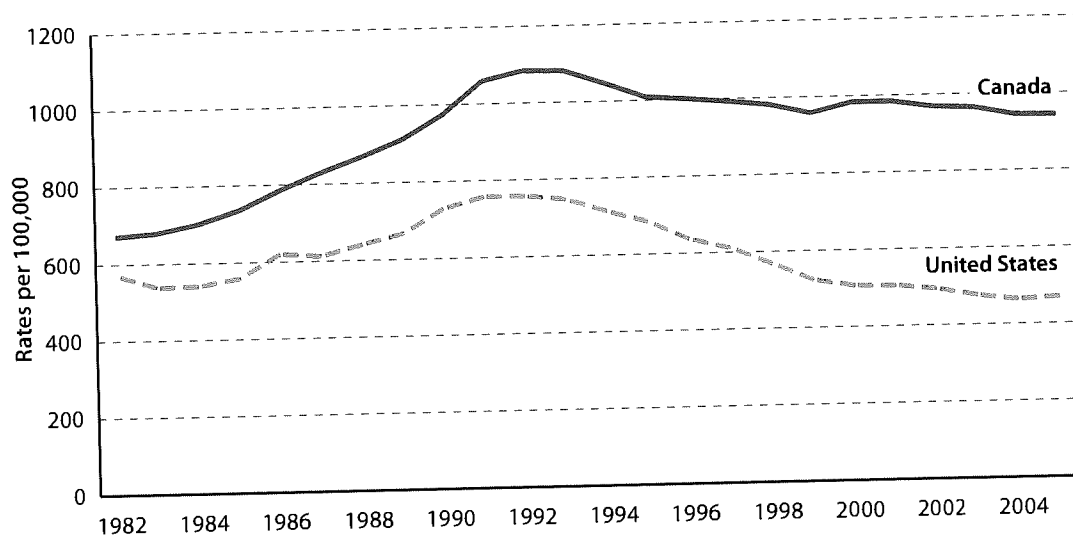
The rate of violent crime has decreased by 4% since the firearms registry was introduced in 1998 [figure 8] [Gannon, 2006]. However, it is difficult to give the gun registry credit for causing the decline because the decline in violent crime started well before firearms registration was introduced. As well, since handguns play a bigger role in criminal violence than do long guns, and the primary focus of the firearms registry is on long guns, the registry would not be expected to have a significant impact on criminal violence involving handguns, although it should be noted that almost all crimes—both violent and property crimes—peaked around 1992 and have fallen for the past 15 years. Such a pattern is also true in the United States. It is hard to imagine that the gun registry had a measurable impact in this environment.

**Figure 7: Trends in gang-related homicides, Canada (1993–2005)**



Sources: Dauvergne and Li, 2006; Statistics Canada, 2006: 23.

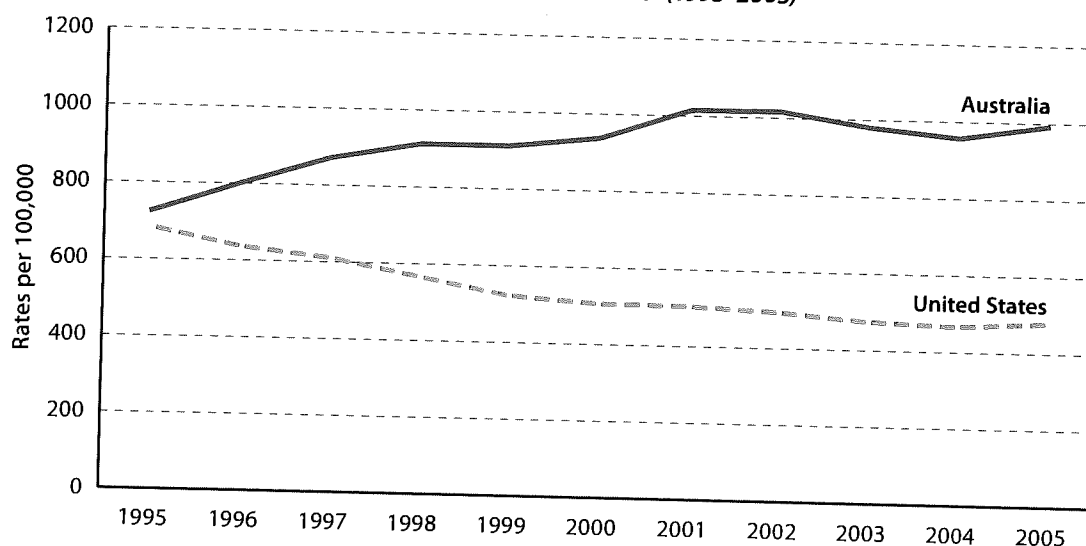
**Figure 8: Trends in violent crime, Canada and the United States (1982–2005)**



Note: This figure compares the official counts of violent crime. Unfortunately, violent crime is defined somewhat differently in Canada and the United States. The principal difference is sexual assault. In Canada, sexual assault is more broadly defined than in the United States so a larger number of crimes are included in the Canadian definition of violent crime than in the American. It is extremely difficult to make exact comparisons. Whenever efforts are made with more nearly comparable definitions, violent crime in the United States is found to be higher than in Canada [Gannon, 2001].

Sources: Federal Bureau of Investigation, 2006; Gannon, 2006: 16.

**Figure 9: Trends in violent crime, Australia and the United States (1995–2005)**



Note: In comparing violent crime across countries, direct comparisons are not meaningful since the list of crimes included in the catchall term “violent crime” varies from country to country. In Australia, violent crime includes homicide offences, except “driving causing death[s],” assault, sexual assault, and robbery. In the United States, violent crime includes murder, non-negligent manslaughter, forcible rape, aggravated assault, and robbery.

Sources: Australian Bureau of Statistics, 2006a; Federal Bureau of Investigation, 2006.

Figure 8 shows that, after a slight decline in the early 1990s, violent crime rates have remained essentially stable ever since, albeit declining slightly (4%) since 1998. There is no discernible impact from the firearms registry. These small changes are most likely due to demographic or economic causes. As prominent criminologists have predicted, the firearms registry has not had a significant impact on criminal violence [Gabor, 1995]. Since few of the firearms used by criminals are registered, or have ever been registered, firearm regulations have little effect on their access to firearms. [71] To the extent that firearm restrictions do limit their access to firearms, more serious criminals are willing to pay higher prices for firearms while less serious criminals substitute other weapons in order to commit violent crimes.

It is again instructive to compare trends in Canada with those in other countries. Over the past decade, violent crime has fallen faster in the United States than in Canada. Since the peak in 1992, violent crime in Canada has fallen by 13%, while it has plummeted by 38% in the United States. It is particularly important to note that violent crime continues to increase in several countries where very severe restrictions have been imposed on civilian firearms, at non-negligible cost, such as Great Britain and Australia [figures 9 and 10] [Mausser, 2003, 2004a]. Don Weatherburn, the

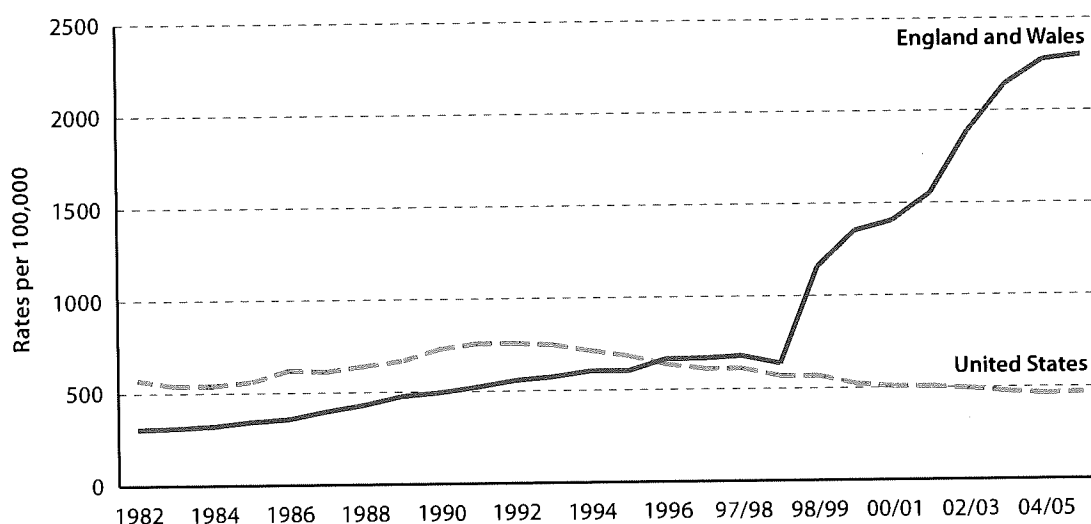
[71] Studies in Australia and United Kingdom, as well as Canada, show that only between 8% and 16% of firearms used in homicides have ever been registered or legally owned [Mausser, 2003].

head of the Bureau of Crime Statistics and Research in New South Wales, admitted that the firearms legislation had little impact upon armed robberies or abductions in his state [Wainright, 2005].

Contrary to Allan Rock's original hopes, the firearms registry did not have an impact on domestic violence. An analysis of the 2004 General Social Survey (GSS) shows that the percentage (7%) of Canadians 15 years of age and older who reported that they had experienced spousal violence over the previous 5 years has not changed since the previous GSS in 1999 [Milhorean, 2005].

My analysis suggests that the firearms registry may have contributed to the shrinking numbers of firearm owners and gun violence, including homicides involving firearms, but this did not cause a corresponding decrease in overall homicide rates or violent crime rates. This conclusion is consistent with other research [Bunge et al., 2005; Kleck, 1997: 377]. Powerful econometric studies could not find an impact of earlier

**Figure 10: Trends in violent crime, England and Wales and the United States (1982–2005/06)**



Note 1: In comparing violent crime across countries, direct comparisons are not meaningful because different crimes are included. In addition, similar sounding crimes are often defined quite differently.

Note 2: Much of the increase in violent crime in England and Wales may be explained by changes in the way violent crimes are counted.

Note 3: In 1988, the Home Office introduced a new set of rules, and additional changes were introduced in 2002. The malleability of definitions and counting rules for "violent crime" reinforces the argument that the homicide rate is the most preferred index for measuring criminal violence either in one country over time or among different countries.

Note 4: Rates for 1998/99 are presented two ways: (1) the number of crimes recorded in that financial year using the coverage and rules in use until March 31, 1998; (2) the number of crimes recorded in 1998/99 using the expanded offence coverage and revised counting rules that came into effect on 1 April 1998.

Sources: Federal Bureau of Investigation, 2006; Walker et al., 2006.

**Table 6: Canadian Suicide Trends**

	Suicide by firearms	Suicide by hanging	Total suicides
1991	1,110	1,034	3,593
1995	916	1,382	3,968
1998	818	1,434	3,698
2001	651	1,509	3,688
2002	633	1,570	3,648
2003	618	1,662	3,764
2004	568	1,590	3,613

Sources: 1991–2001—Hung, 2006; 2002–2004—Statistics Canada, 2007.

Canadian gun laws on either homicide [Mauser and Holmes, 1992] or violent crime [Mauser and Maki, 2003]. Murder appears to depend primarily upon motive, not the availability of a particular tool. Contrary to the purported findings of case-control studies, homicides are not more likely to occur in homes with firearms. No support was found in these econometric studies for the claim that Canadian gun laws have saved any lives by reducing homicide. Future analyses, when more data become available, may of course modify these conclusions.

### **Suicides**

Has the firearms registry been able to reduce impulsive acts and thereby save lives by reducing the number of suicides and accidents with firearms? Has the registry been able to reduce the rate of suicide? Notwithstanding the slight overall decline—approximately 7%—in the total suicide rate since 1998, the overall impression is one of remarkable stability [figures 1 and 2; tables 6 and 7]. [72] My preliminary inspection suggests that the firearms registry did not make a significant impact on the total suicide rate. It is likely that the gradual decline in total suicide is due to demographic factors. On the other hand, the fall in the number of suicides involving firearms is probably due to the increased difficulty in obtaining firearms caused by the firearms registry. However, this decline does not appear to have translated into a reduction in total suicides.

Two observations may help here. First, while fewer people have used firearms to commit suicide since 1998, there has been a compensatory increase in suicide by hanging. A similar trend can be seen in Australia where the tightening up of firearms laws in 1997 has not caused a corresponding drop in overall suicide rates [Baker and McPhedran, 2006]. The second observation is that the annual rate of decline in total suicide is lower after firearms registration was introduced than before. Between 1995 and

[72] Note that these rates have not been age-adjusted.

**Table 7: Australian Suicide Trends**

	Suicide by firearms	Suicide by hanging	Total suicides
1991	510	587	2360
1994	420	639	2258
1995	389	699	2368
1996	384	792	2393
1997	330	987	2720
1998	235	1217	2683
1999	270	1028	2492
2000	223	989	2363
2001	262	1050	2454
2002	218	1045	2320
2003	194	996	2213
2004	169	998	2098

Source: Australian Bureau of Statistics, 2006: 10.

1997, the annual rate of decline was 1.3%; between 1998 and 2002, it was 0.2%. However, further research is required. It would be particularly important to study those populations who are the most at risk.

### ***Accidents involving firearms***

Has the registry had any impact on the number of accidents involving firearms? First, we need to put firearm accidents into perspective. Concern about accidental deaths and suicides involving guns plays an important role in the debate over firearm laws although accidents involving firearms are infrequent compared with other accidental deaths in Canada [table 8]. There were an average of 26 accidental firearm deaths in Canada per year over the most recent five-year period reported by Statistics Canada (2000–2004) compared with 176 deaths from medical complications, 1,853 deaths from falls, and 3,081 deaths from traffic accidents. Statistics Canada shows that children younger than 10 years of age are much less likely to suffer from firearms accidents than are older people: on average, there were no firearms deaths for children under the age of 10 recorded during this time period and just three deaths for those between 10 and 19 years of age. The bulk of the accidental firearm deaths (22) occurred to adults. Children are much more at risk from drowning or motor vehicles than they are from firearms; 83 children under 10 died in traffic accidents and 33 children drowned each year during this same time period. Even hospitals pose greater risks for children than do firearms: annually, two children under 10 die from medical complications, while none die from accidental firearm injuries.



**Table 8: Annual average number of deaths involving firearms and other accidental means in Canada, by age (2000–2004)**

	< 1 year	1–4 years	5–9 years	10–14 years	15–19 years	20 years +	Total
Population (000s)	332	1,402	1,989	2,104	2,126	23,408	31,361
Accidental gun deaths	0	0	0	1	2	22	26
Medical complications	1	1	0	1	2	179	184
Drowning/submersion	4	19	10	11	25	211	280
Burns	2	11	8	7	7	230	264
Falls	0	4	2	2	11	1,833	1,853
Pedal cycling	0	0	4	7	6	43	51
Motor vehicles	4	31	48	74	357	2,566	3,081

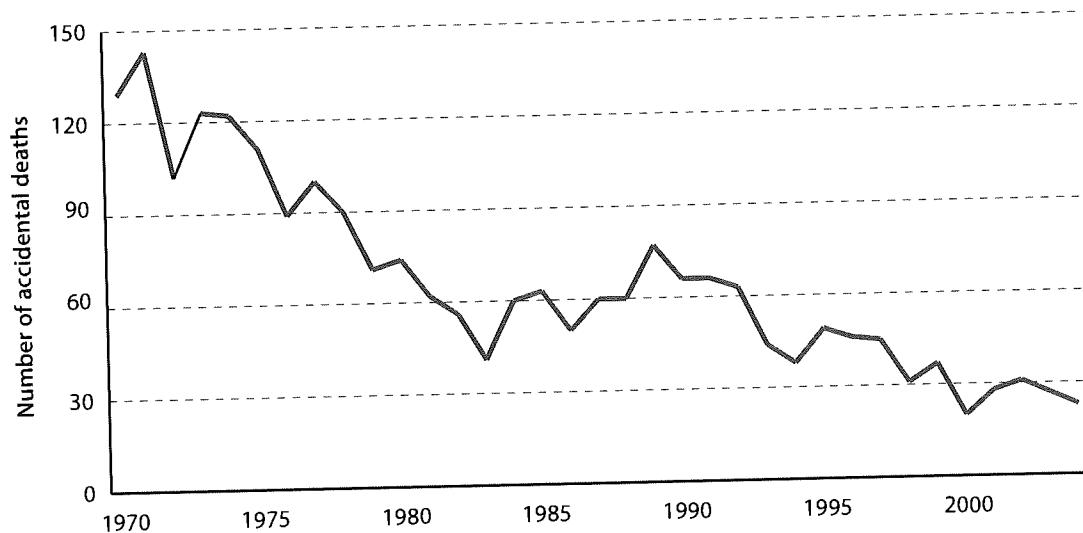
Accidents were categorized as following: accidental gun deaths, W32–W34; medical complications, Y40–Y88; drownings and submersion, W65–W74; burns, W85–99, X00–X19; falls, W00–W19; pedal cycling, V10–V19; motor vehicles, V01–V99.

Sources: Statistics Canada, External Causes of Morbidity and Mortality, Causes of Death, 2000, 2001, 2002, 2003, 2004, <<http://www.statcan.ca/english/freepub/84-208-XIE/2002/tables.htm>>; for population statistics: Annual Demographic Statistics, 2002, Cat 91-213-XIB.

National statistics show that since 1998 both the rate and frequency of accidental firearm deaths have declined since 1998. The frequency of such accidents is small so, as one would expect, there is considerable variability in these rates but an impressive decline is nevertheless easily visible. Indeed, firearm accidents have been declining since the early 1970s at least [figure 11]. And this is the absolute number of firearms accidents. It is possible that the same factors that caused the earlier decline continue to drive the decline since the introduction of the registry. Because this decline is of such long standing, it is difficult to credit the firearms registry with it, although the registry might possibly have been contributory in the past several years.

Scepticism about the effectiveness of the firearms registry still leaves us with the question of what can account for this decline. Three hypotheses have been put forward. First, there is a decreasing number of firearm owners; second, firearms owners are increasingly likely to be screened and to receive firearm safety training; and, third, emergency medical services have improved since the 1970s so that, while firearm injuries may not have decreased in frequency, fewer firearm deaths have resulted. Any attempt to evaluate these hypotheses faces nearly insurmountable difficulties. Each hypothesis involves concepts that are all but impossible to measure and, what is worse, the necessary data are rarely available. These are well-known problems that researchers have long complained about but they require restating. All I can do here is devise the best approximations I can for these concepts and report what I have done to measure them.

**Figure 11: Accidental deaths involving firearms, Canada (1970–2004)**



Source: Statistics Canada, 2007.

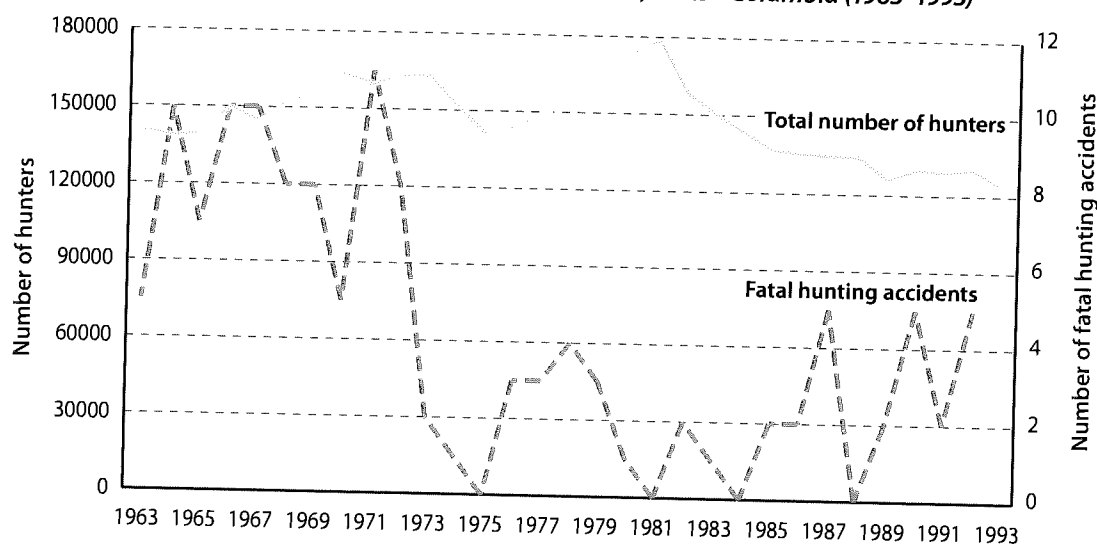
Even though high-quality annual data at the national level are available for deaths due to firearm accidents dating back decades, no data exist of similar high quality for determining the numbers of firearm owners. Survey data are spotty and thus inadequate, and no valid proxies have been found for tracking firearm ownership over time [Kleck, 2004]. Consequently, it is impossible to test these hypotheses at the national level. However, the necessary data do exist at the provincial level.

For most of the past 100 years, firearm safety training was viewed as a uniquely provincial responsibility. Thus, provincial data are available on the number of hunters, and the number of people who passed hunter or firearms safety classes. Sufficient data from British Columbia are available to allow examination of these hypotheses about the possible links between hunter numbers, quality of the emergency services, hunter training, and the frequency of accidental deaths. Safety courses for hunters have been the responsibility of the British Columbia Wildlife Branch since they became mandatory in 1974. [73] The province kept track of numbers of hunting licences, as this was a source of income to the government, and it also recorded the number of hunting accidents and accidental deaths that occurred during hunting expeditions. [74] These data provide an opportunity to test these hypotheses.

[73] Voluntary safety courses for hunters had been offered by the British Columbian government from 1969. Prior to that time, many fishing and hunting clubs had organized voluntary safety classes.

[74] Data on non-fatal hunting accidents in British Columbia have not been collected or published by the Wildlife Branch since the early 1990s when the British Columbian government turned over hunter training to a non-governmental body.

Figure 12: Fatal hunting accidents and number of hunters, British Columbia (1963–1993)



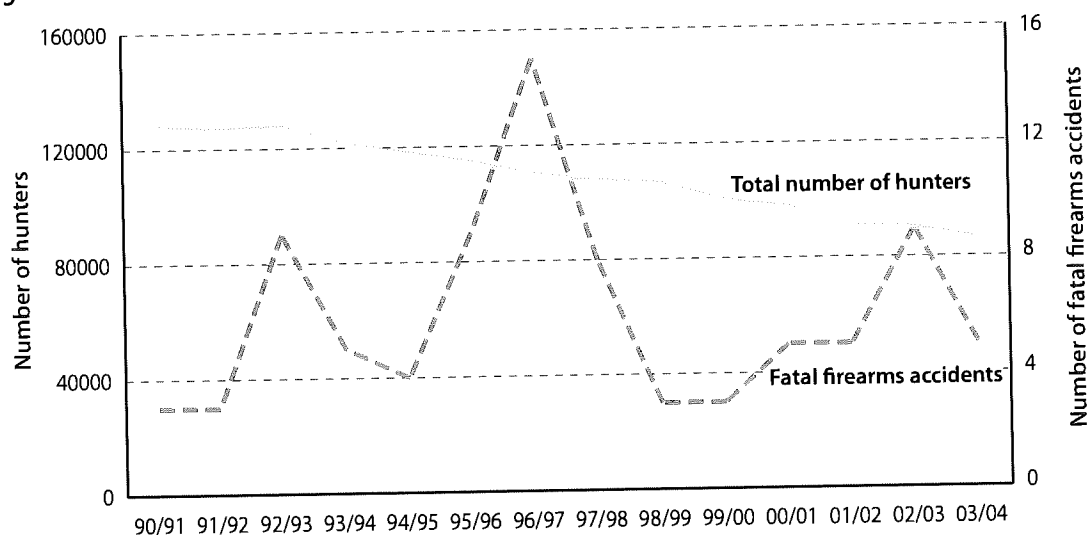
Source: Swannell, 1994.

The numbers of accidental hunting deaths in British Columbia has no correlation with the numbers of hunting licences over this time period [figure 12]. [75] If we focus on accidental firearm deaths since 1990 in British Columbia, again there is no decline in firearm deaths corresponding to the drop in the number of hunters [figure 13]. Neither of these findings is consistent with the hypothesis that accidents are declining because of the declining number of firearm owners or hunters. To be sure, these inferences should be considered tentative, as further research is required.

Another hypothesis is that improvements in medical emergency services accounted for the observed decline in accidental firearm deaths. It would be reasonable to suppose that a greater number of lives will be saved over this time period as a result of improvements in either emergency transportation services (e.g., the increased availability of helicopters or small planes to transport seriously injured patients to a larger metropolitan hospital) or because there have been improvements in the medical technology available at smaller regional medical facilities. To test this hypothesis, we need to find a ratio between hunting or firearm accidents and deaths stemming from those accidents. There are no national data that I could find that bear directly on this question, so again we must look to provincial data. To stay with our earlier example, in British Columbia data have been collected by the government on both the frequency of hunting accidents and hunting deaths. These data are quite limited and unfortunately the government stopped collecting them in the early 1990s when

[75] The correlation is virtually zero ( $r = .01$ , ns.).

**Figure 13: Fatal firearms accidents and number of hunters, British Columbia (1990/91–2003/04)**



Sources: British Columbia, Ministry of Environment, Fish and Wildlife Branch, 2006; Statistics Canada, 2007.

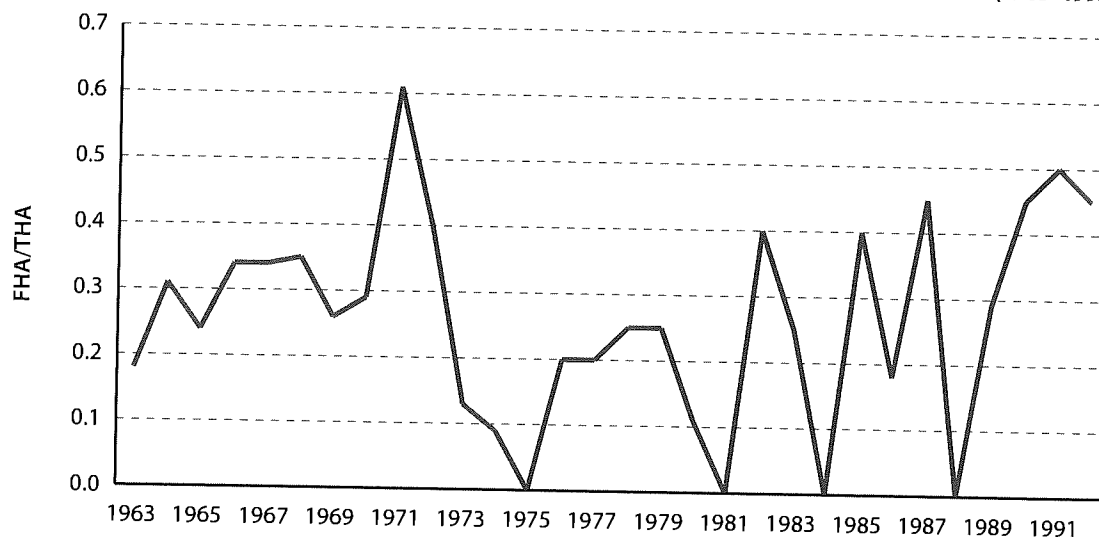
the province privatized firearms safety training. Nevertheless, they are indicative.<sup>[76]</sup> During the period when emergency services were presumably improving, there was no consequent increase in the percentage of lives saved from hunting accidents. As we can see in figure 14, there is no obvious change in the share of hunting accidents that result in fatalities over this time period. This lack of change suggests that emergency medical services have not improved in British Columbia from the 1960s to the 1990s. The explanation for this lack of improvement may lie in the poor economic conditions in the province during the 1990s. This prompted the government to make drastic cutbacks in services, so it would be unlikely that there were any improvements in emergency services. This suggests that organizational problems have increased faster than did improvements in emergency transportation services. <sup>[77]</sup>

In summary then, the drop in firearm accidents and hunting accidents does not appear to be due to either falling hunter numbers or due to improvements in emergency medical services. This leaves us with the question of explaining the decline in accidental firearm deaths. There appear to be two periods where firearm accidents fell: the number of fatal firearm accidents plummeted at the national level around the time provincial firearm safety courses became mandatory—the 1970s and early 1980s—and

[76] Hunting accidents and firearms accidents reflect similar, but not identical, phenomena: non-hunters have firearm accidents and hunters die from other types of accidents. For example, in Quebec the single largest cause of hunting deaths is drowning.

[77] Unfortunately, this is a common observation by emergency physicians.

**Figure 14: Ratio of fatal hunting accidents (FHA) to total hunting accidents (THA), British Columbia (1963–1992)**



Source: Swanell, 1994.

then they dropped again during the 1990s when changes to federal firearms legislation were introduced. These declines coincide with the two periods when provincial or federal governments were introducing changes to improve legislation governing firearm safety. This is consistent with the hypothesis that these drops are due to the increased requirements of firearm safety training, both provincially and federally. Hence, I tentatively conclude that this decline is due to improvements in screening (of either hunters and firearm owners or both) and firearm safety training although, because of the limited data available, alternative hypotheses cannot be ruled out.

## Conclusion

This paper is a preliminary effort to evaluate the effects of the 1998 firearms registry on public safety. I have examined only broad trends in the overall national rates, although I have also collected a few, more specific, trend analyses. Clearly, further work needs to be done to confirm these preliminary findings. I focused on the firearms registry because it was presented in 1995 as the key to the government's plan to combat criminal violence and to save lives through reducing impulsive suicides and firearm accidents. For the federal government, the key to improving public safety lay in controlling the availability of firearms, and Alan Rock, then the Justice Minister and instigator of the long-gun registry, believed firearms registration was the way to achieve this. Registration would control the availability of firearms, which would reduce misuse of firearms, which in turn would reduce criminal violence, not just gun violence, and total suicides, as well as domestic abuse.

At the time this legislation was introduced into the Canadian Parliament, expert opinion was divided on the question of the potential of firearms registration. One prominent Canadian criminologist thought the legislation was more symbolic than substantial [Gabor, 1995]. While he supported firearms registration because of its symbolic value, he doubted it would have any sizable impact. On the other hand, Professor Gary Kleck thought the basic elements of this legislation—screening prospective firearm owners and licensing owners—were among the most promising ways to reduce homicide and suicide [Kleck, 1991, 1997].

The results show that, since the firearms registry was implemented, the number of firearms owners has significantly declined, as well as the number of firearm crimes and the number of firearm-related deaths. While the reduction in the number of firearm owners appears to have contributed to the drop in firearm-related violence and suicide, this does not appear to have caused a significant reduction (or increase) in the overall homicide or suicide rates. My analysis did not find evidence that the firearms registry has been an important factor in the small increases or decreases in homicide or suicide rates.

On the basis of my research, public safety cannot be said to have improved because overall criminal violence and suicide rates remain stubbornly stable. The violent crime rate has declined by 4%, but the homicide rate has actually increased by more than 9% since the registry was implemented. Perhaps the most striking change is that gang-related homicides and homicides involving handguns have increased substantially. Overall suicide rates have declined by 7% since the registry was implemented. Despite a drop in suicides involving firearms, hangings increased, nearly cancelling out the drop in firearm suicides. No persuasive link was found between the firearms registry and these small changes, although further research should be conducted. The

provincial hunter-safety programs, in comparison, have more modest goals, to reduce hunting and firearm accidents, but limited evidence suggests that these programs have been effective.

As New Zealand discovered decades ago, a firearms registry is an expensive proposition that may not be worth the effort. It is exceptionally difficult to maintain such a large detailed database, which of course also ensures that it is necessarily expensive. Most importantly, benefits are difficult and perhaps impossible to demonstrate.

My conclusions, although they may be somewhat pessimistic, are consistent with other research on the general ineffectiveness of most gun laws [Kleck, 1997; Wellford, 2004; Hahn, 2003]. As noted earlier, a large body of research has been unable to find a strong empirical link between firearms availability and either criminal violence or suicide. These conclusions imply that more and better research is required before governments embark on massive expenditures on gun control programs [Wellford, 2004].

Gun laws that are generally believed to be beneficial may not be found to be effective. For example, it is widely believed that safe-storage laws (i.e., laws that require guns to be stored unloaded and with a trigger lock) help to reduce firearms accidents. Only one methodologically solid study of safe-storage laws could be found in the literature [Lott, 2003: 137–89]. In this study, Lott compared accidental death rates in 16 American states that have safe-storage laws with rates in states without such laws. Despite analyzing the results in various ways, he could not find any convincing evidence that these laws had any statistically significant impact on accidental gun deaths. This finding may be counter-intuitive, and it is certainly discouraging for proponents of this type of gun law.

The Canadian government's approach to public safety relied upon an analysis of firearms and violence that greatly exaggerated the dangers of firearm ownership. In this paper, I have set out to draw attention to the way that this misrepresentation stemmed from public-health researchers who ignored basic scientific principles in favour of advocacy. These activists drew conclusions that were not supported by their research studies and they compounded their errors by recommending legislative solutions that fell outside the boundaries of their research. Such studies are not properly scientific but sagecraft—the use of the scientific trappings of research to “prove” claims rather than testing hypotheses. The public-health approach to public safety often results in a moralistic campaign and may be contrasted with more consultative approaches, such as community-oriented policing or the United Kingdom's crime-reduction approach. As shown by the campaign against alcohol early in the twentieth century in the United States, high moral aims do not guarantee success. Despite costing an estimated CDN\$2 billion, the firearms registry remains notably incomplete and has an error rate that remains embarrassingly high. This legislation was flawed from the beginning in that it was a moralistic and overly simplistic approach to a complex social problem.

Almost a decade after the firearms registry was introduced, it has failed to win the trust of the public or the police. The legislation remains controversial among government officials, the police, the general public, and of course firearms owners themselves. Perhaps the public fails to understand the logic that banning a particular type of firearm will protect public safety. The 1995 Canadian legislation prohibited small-calibre handguns as a crime-prevention measure. Interestingly, Australia has done exactly the opposite—banning large-calibre handguns—for allegedly the same reason. How can such divergent bans be justified by the same argument? No strong empirical justification can be found for banning either type of handgun. This has been called the “Goldilocks approach” to firearm legislation: some guns are too big, and some guns are too small, and none are “just right.” This arbitrary approach to firearms legislation violates common sense.

The firearms registry does appear to have one clearly demonstrable effect: a large number of formerly law-abiding firearm owners have declined to cooperate with the new licensing or registration. It is difficult to assess accurately the percentage of firearms owners who are participating, but between 900,000 and 2.5 million hunters and target shooters have failed to obtain a licence or register a firearm. Despite its limitations, or possibly because of them, the legislation appears to have contributed in an unknown degree to the decline in the number of people who own firearms and who hunt. The decline in the number of firearm owners has exacerbated the problems caused by the declining numbers of hunters. This decline in hunters has reduced provincial revenues, increased human-wildlife conflict, and has harmed conservation efforts. The collateral damage from the gun legislation is rarely considered, yet, paradoxically, such consequences may be more readily determined than are changes in criminal violence or suicide.

One of the conclusions that I draw from this research is that policy makers should be more cautious in applying moralistic or simplistic solutions to complex problems. Solutions are elusive. Research to date has not been able to demonstrate convincingly that sweeping gun laws of general application are effective at reducing general homicide or suicide rates. These substantial uncertainties remain largely unacknowledged in the public-health community. The low incidence rate of firearms misuse means that there are large numbers of false positives, with substantial attendant financial costs, as well as implications for democratic society. We lose much of our inherited democratic freedom if we treat mature citizens as if they were patients rather than responsible adults.



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**Gary Mauser** is a professor in the Faculty of Business Administration and a member of the Institute for Canadian Urban Research Studies at Simon Fraser University. He received his A.B. from the University of California, Berkeley, and his Ph.D. from the University of California, Irvine. Recent works published by The Fraser Institute include, *The Failed Experiment: Gun Control and Public Safety in Canada, Australia, England and Wales* (2003), *Misfire: Firearm Registration in Canada* (2001), and *Gun Control Is Not Crime Control* (1995). Other publications on firearms and violence include "Do Restrictive Firearm Laws Improve Public Safety?" *Economic Affairs*, Institute of Economic Affairs, London, England (forthcoming in 2007); "Would Banning Firearms Reduce Murder and Suicide? A Review of International Evidence," *Harvard Journal of Law and Public Policy*, (2007, co-authored with Don B. Kates); "An Evaluation of the 1977 Canadian Firearms Legislation: Robbery Involving a Firearm," *Applied Economics* (2003, co-authored with Dennis Maki); *Canadian Attitudes toward Gun Control: The Real Story*, The Mackenzie Institute, Toronto, Ontario, Canada (February 1997; co-authored with Taylor Buckner); "Armed Self Defense: the Canadian Case," *Journal of Criminal Justice* 24, 5 (1996): 393–406; "The Politics of Gun Control: Comparing Canadian and American Patterns," *Government and Policy*, 10 (1992): 189–209 (co-authored with Michael Margolis); "An Evaluation of the 1977 Canadian Firearms Legislation," *Evaluation Review* 16, 6 (December 1992): 603–17 (co-authored with Richard Holmes).

Mr Mauser has been invited to make presentations to government on firearms and violence, including the United Nations Conference on Small Arms and Light Weapons and the Canadian House of Commons, and he has testified as an expert witness before the Supreme Court of Canada. He was appointed to the Canadian Firearms Advisory Committee in 2006 by Minister of Public Safety, Stockwell Day. His editorials have been carried in many newspapers, including the *Vancouver Sun*, *National Post*, *Vancouver Province*, and *Globe & Mail*.

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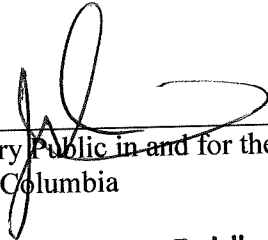
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This is **Exhibit "R"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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## Bill C-71 is a Red Herring

### A Presentation to the Standing Committee on Public Safety and National Security

Gary Mauser

29 May 2018

Thank you very much, Mr. Chairman and members of the committee. I appreciate this opportunity to appear before you.

I am Gary Mauser, professor emeritus at Simon Fraser University. As part of my academic duties, I have published in criminology and political science journals for more than 20 years. My presentation is based on Statistics Canada data, not heart-rending anecdotes.

**Bill C-71 is a red herring – it ignores violent criminality.**

**Canada has a gang problem, not a gun problem.**

Statistics Canada reports that there were 223 firearms-related homicides in 2016. The bulk of which (141 of the 223) were gang related. Two-thirds of gun murders are gang related.

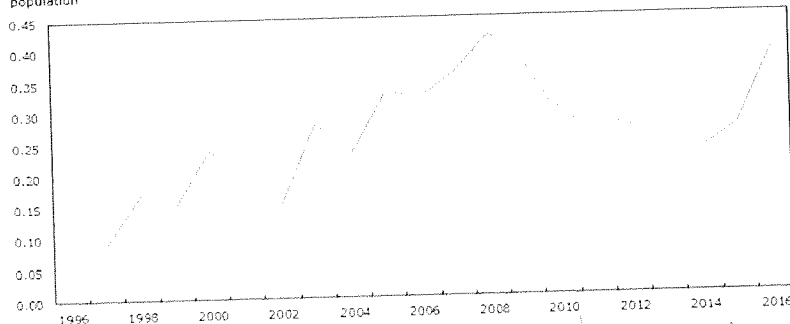
The lion's share is in bigger cities: 121 of the 141 of gang related homicides involving firearms were committed in metropolitan areas.

Gang crime is increasing at a shocking rate. Gang violence hit an all-time low in 2013 but has rebounded since. This accounts for the increase in gun crime since 2013.

*Journalist Article—Homicide in Canada, 2016*

**Chart 3**  
**Gang-related homicides, Canada, 1996 to 2016**

rate per 100,000  
population



**Note:** These data became available beginning in 1991. A homicide is classified as gang-related when police confirm or suspect that the accused person and/or the victim involved in the homicide was either a member, or a prospective member, of an organized crime group or street gang or was somehow associated with an organized crime group or street gang, and the homicide was carried out as a result of this association. Prior to 2005, police were asked if the homicide was "gang-related". Beginning in 2005, the question was amended to give police the option of specifying whether the homicide was: (a) confirmed as gang-related or (b) suspected as being gang-related. As such, figures may be underestimated prior to 2005 due to suspected gang-related incidents that were excluded from the figures. Populations are based upon July 1st estimates from Statistics Canada, Demography Division.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Bill C-71 ignores the suffering of Aboriginal people. According to Statistics Canada, Aboriginal people are:

5% of Canadian population  
24% of homicide victims  
36% of those accused of homicide

<http://www.statcan.gc.ca/pub/85-002-x/85-002-x2006003-eng.pdf>  
<http://www.statcan.gc.ca/pub/85-002-x/2017001/article/54879-eng.htm>

**Bill C-71's solution is to increase the regulatory burden for PAL holders and lawful retailers.**

Bill C-71 is fundamentally misguided. Public gun ownership does not threaten public safety. High-quality, peer-reviewed research finds no evidence that public gun ownership is linked to criminal violence. This was the conclusion found by professor Gary Kleck in a review of a large number of published studies of link between public gun ownership and violent crime rates.

Professor Kleck is one of the most knowledgeable and respected criminologists in the US. He is no supporter of the NRA. He is the David J. Bordua Professor Emeritus, Florida State University, and winner of the Michael J. Hindelang Award of the American Society of Criminology.

**Based on StatsCan data, PAL holders are much less apt to commit murder than are other Canadians.**

	Homicide rate
PAL holders	0.60 per 100,000 licence holders
Canada	1.85 per 100,000 people in general population

This is not a dangerous group.

**Rural Canadians have more guns per capita than urban Canadians, but firearm homicide rates are lower in rural areas than in bigger cities.**

	Census Metropolitan Areas	Outside CMAs
% households with firearms	13%	30%
% firearms used in homicide	33%	25%

**Guns can be mis-used, but they can also be used for good. It is vitally important to teach proper firearms handling at a young age. It teaches character.**

The results of a key research study of three groups of adolescents in Rochester, NY:



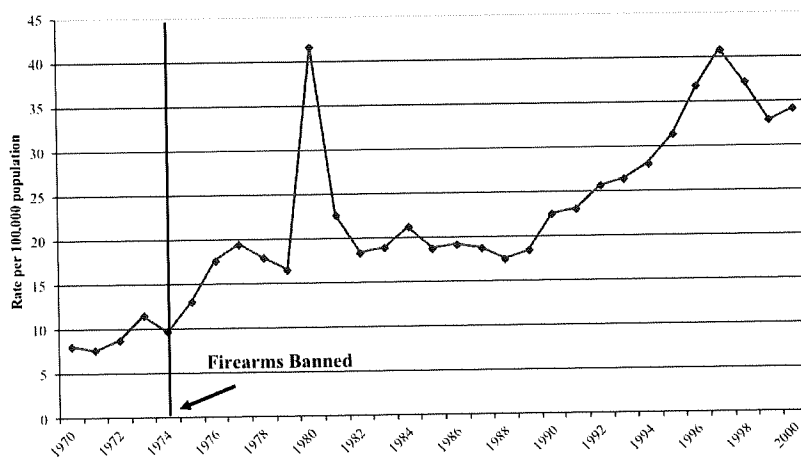
	Street crime	Drug use
Learned about guns from parents	14%	13%
Learned about guns from peers	74%	41%
No firearms	24%	14%

Youth who learned about firearms from their parents had the lowest levels of delinquency of the three categories.

<https://www.ncjrs.gov/pdffiles/urdel.pdf>

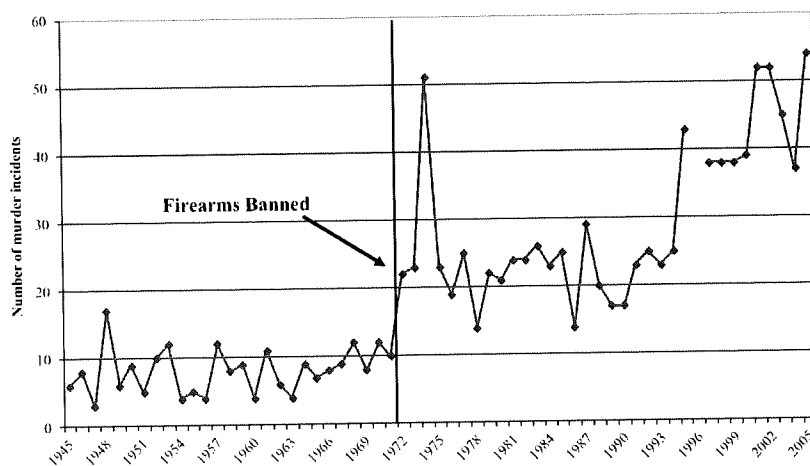
**General restrictions fail to stop criminal violence. Even draconian gun bans fail to stop firearms murders.**

Fig. 7. Murder Trend in Jamaica



Source: Professor A. Francis, University of the West Indies (2001)

Fig. 6. Murder Trend in the Republic of Ireland



Source: Garda Stochana Annual Reports

Reviews of US research on gun control corroborate this finding that general restrictions on firearms ownership are not effective in limiting violent crime:

**Centers for Disease Control found the evidence was insufficient to determine the effectiveness of a wide variety of gun control laws that focused on reducing general availability.**

Findings from the Task Force on Community Preventive Services. Centers for Disease Control and Prevention.

<https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5214a2.htm>

**EVIDENCE WAS INSUFFICIENT TO DETERMINE THE EFFECTIVENESS OF ANY OF THESE LAWS.**

- Bans on specified firearms or ammunition.
- Restrictions on firearm acquisition.
- Waiting periods for firearm acquisition.
- Firearm registration and licensing of owners.
- Child access prevention laws.
- Zero tolerance laws for firearms in schools.
- Combinations of firearms laws.

Similarly in Canada, high-quality, peer-reviewed research finds no evidence that public gun control laws act to reduce criminal violence.

Dr C. Langmann. Canadian Firearms Legislation and Homicide 1974 to 2008. *J. Interpersonal Violence*. [2012]

Dr. Samara McPhedran and Gary Mauser. Lethal Firearm-Related Violence Against Canadian Women: Did Tightening Gun Laws Have an Impact on Women's Health and Safety? *Violence and Victims*, Volume 28, Number 5, 875-883. [2014]

**Bill C-71 falsely assumes gangsters get their guns from lawful domestic sources.**

This claim is based entirely on secret changes to the traditional definition of "crime gun." Thanks to Bob Zimmer, MP, we were able to uncover the new, inflated definition. There is no evidence that the source of crime guns has recently changed other than what is hidden in secret police reports. In reality -- only the definition has changed. The new definition of "crime gun" includes paper crimes -- firearms found at the homes of suicides and absent-minded PAL holders.

Is the Minister aware that the definition has been changed?

**According to StatsCan, lawful owners cannot be a major source of crime guns.**

According to Statistics Canada, law-abiding Canadians are not an important source of "crime guns" -- either by theft or straw purchase.

At the height of the long-gun registry, only 9% of firearms involved in homicides were registered (135 out of the 1,485 firearms homicide from 2003 to 2010). Just 9%.

Why does Bill C-71 ignore 91% of crime guns? Tightening up laws on lawful owners does not touch the problem

**Occasionally, the police themselves admit that smuggling is the main source of crime guns.**

70% “crime guns” smuggled  
Toronto Police Chief Bill Blair  
99% of “crime guns” smuggled  
Vancouver Police  
2% - 16% “crime guns” stolen from Canadian owners  
Toronto Police Services (2000, 2004, 2005)

**What was the secret change in the definition of “crime guns?”**

“Crime gun” has traditionally meant guns used in crime, ... violent crime ...

A “crime gun” is any firearm:  
That is used, or has been used in a criminal offence;  
That is obtained, possessed or intended to be used to facilitate criminal activity;  
that has a removed or obliterated serial number.

This definition was standard in Canada before 2007 and is still adopted by the FBI and the British Home Office

But now, the police secretly changed the definition – to include “illegally acquired” – this means that “found guns” are now “crime guns.”

“A crime gun is “any firearm that is illegally acquired, suspected to have been used in crime (includes found firearms), has an obliterated serial number, or has been illegally modified (e.g., barrel significantly shortened).”

“illegally acquired” significantly expands the category “crime gun” to include: guns confiscated for any administrative violation (e.g., unsafe storage), as well as guns recovered from homes of suicides (even when the suicide did not involve shooting).

“Found guns” have not been used in a crime, but are just found by police during or after a contact. Any kind of contact.

**This new definition equates paper crimes with criminal violence. A firearm unsafely stored – is a “crime gun.”**

When police attend the scene of a suicide – even by hanging -- if a firearm is found in a closet, the gun is counted as a “crime gun” if the owner’s PAL has lapsed.

**Few realize that most ‘gun crime’ consists of paperwork violations. Almost all such cases are non-violent.**

Statistics Canada reported that: In 2012, there were 1,325 violent crimes where a firearm was used to injure a victim. From 1998 to 2016, there were 14,904 administrative firearms violations each year in Canada. 2,003 of the 14,904 violations involved charges for “unsafe storage” or “firearms documentation.”

In 90% of these cases, no additional charges for violent crimes were involved.

**The Minister uses “domestic sources” as if it meant PAL holders. This is false.**

There is a large pool of firearms with questionable legality. In 2001, between one-third and one-half of then-law-abiding Canadian gun owners declined to apply for a PAL or POL.

Official estimates of civilian gun owners ranged from 3.3 million to over 4.5 million in 2001, Fewer than 2 million licenses were issued. Many gun owners remain outside the system.

Bill C-71’s new regulations do not touch these guns.

### **Summing up:**

Government has not provided solid justification why more regulations would improve public safety. Nor has the government published an evaluation of the present regulatory system showing that it is effective in preventing violence.

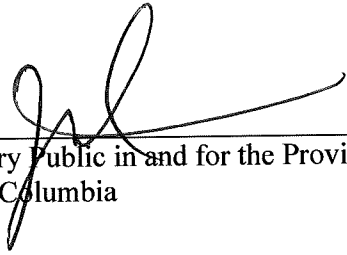
Other than police claims, based on a secret, bloated definition, there is no support for a change in the source of crime guns. According to StatsCan, lawful owners cannot be a major source of crime guns. According to StatsCan data, PAL holders are much less apt to commit murder than are other Canadians.

Increased regulatory complexity does not mean greater public safety. Additional rules merely increases the work load for the Firearms Program staff. This can only harass legitimate owners and decrease public safety.

Why is the government scapegoating PAL holders?

Thank you.

This is **Exhibit "S"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.



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# Firearm trafficking and serious and organised crime gangs

Samantha Bricknell

**AIC Reports**  
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# Firearm trafficking and serious and organised crime gangs

*Samantha Bricknell*

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# Foreword

Despite strict regulations on the import, export, ownership, use, transfer and storage of licit firearms, there exists in Australia a potentially large pool of illicit firearms, some of which are acquired, stockpiled and used for serious and organised crime. The composition of this pool, the sources of these illicit firearms and the general sustainability of the illicit firearm market, however, remains a largely unexplored subject in Australia, outside of knowledge that is generated through intelligence. A series of drive-by and other shooting events in a number of Australian states since 2011 refocused attention on the illicit firearm market, in particular its consumers and the methods by which firearms were being trafficked.

This report follows a modest group of publicly released examinations of firearm trafficking operations in Australia, to describe what can be determined about the composition and maintenance of the illicit firearm market, its use by serious and organised crime groups and the diversity of transaction arrangements used to vend illicit firearms. As the report was limited to open source material, some of the nuances of, or emerging trends in, the illicit firearm trade are still to be drawn out. However, the report presents, using data on unregistered firearm seized by Australian state and territory police, a fuller picture of the type of firearms that serious and organised crime groups are actively obtaining and the common routes of supply from the licit to the illicit market.

Australia's strict firearm laws permit only controlled access to handguns and automatic and semi-automatic long-arms. Hence, restricted models are commonly elevated to items of choice. Just under half of firearms found in the possession of serious and organised crime groups were models that were the subject of buybacks that accompanied the major firearms agreements in 1996 and 2002. The majority of these were semi-automatic rifles and semi-automatic pistols, supplemented by smaller quantities of pump-action shotguns, revolvers,

semi-automatic shotguns, submachine guns and single shot pistols. Many of these restricted firearms were seized from entities involved in the illicit drug market and/or firearm trafficking ventures, or from members of outlaw motorcycle gangs—a criminal fraternity commonly connected to the sale and purchase of illicit firearms. Not all illicit firearms, of course, are purchased by persons engaged in serious and organised crime, and this group of consumers and their engagement with illicit firearms is worth further examination.

The tenure of firearms in the illicit market is not well understood, although the methods of diversion are. Illicit importation, diversion by some corrupt firearm dealers, deactivation loopholes (which enabled the diversion of poorly deactivated handguns out of the licit market), theft of legally owned firearms and the 'grey market' (ie long-arms that were not surrendered during the 1996 gun buyback but are not conveyed for criminal purposes) all represent legitimate sources of trafficked firearms. There has been some contention about the importance of these sources. Analysis conducted for this report suggested that the 'grey market' was the primary source for illicit long-arms, while many illicit handguns originated from theft and the Queensland deactivation loophole.

The completeness of the data used for the report requires the addition of caveats about the need to use care in interpreting the presented findings. Data, along with intelligence, play a crucial role in understanding the dynamics of firearm trafficking. Since the 1996 and 2002 firearm reforms, important steps have been made in the collection of firearm data in Australia. Further changes to improve the standardisation and harmonisation of these data will deliver the 'cradle to grave' benchmark crucial for accurately tracing firearms, and consequently the means to support targeted enforcement responses.

**Adam Tomison**  
Director

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The author would also like to extend her gratitude to the Australian Crime Commission for the provision of data from the National Firearm Trace Database and particularly the ACC National Firearm Trace Program for their extensive work in cleansing the data for the report's analysis and assistance in interpreting the results. Many thanks also to Ashley Freeman of the Australian Federal Police for additional data collection, and to Penny Jorna and Lepa Petrovic of the Australian Institute of Criminology for their assistance in the compilation of open-source literature.

# Acronyms

<b>ACBPS</b>	Australian Customs and Border Protection Service
<b>ACC</b>	Australian Crime Commission
<b>AFP</b>	Australian Federal Police
<b>AIC</b>	Australian Institute of Criminology
<b>APMC</b>	Australian Police Ministers Council
<b>COAG</b>	Council of Australian Governments
<b>NFLRS</b>	National Firearms and Licensing Registration System
<b>NFMS</b>	National Firearms Management System
<b>NFTD</b>	National Firearm Trace Database
<b>OMCGs</b>	outlaw motorcycle gangs
<b>SOCG</b>	serious and organised crime groups
<b>SPPs</b>	small pocket pistols

# Executive summary

The size and composition of the illicit firearm market in Australia, and the methods by which firearms are trafficked, have been the subject of conjecture. This conjecture is born from the complexity of illicit firearm markets in general (Pierce et al. 2004), as well as limited open-source information on firearm supply networks. This report follows earlier, briefer studies of firearm trafficking (Alpers & Twyford 2003; Kerlatec 2007; Mouzos 1999) and was designed to describe more fully the characteristics of the illicit firearms market in Australia and its association with serious and organised crime groups (SOCG). Specifically it describes:

- the composition of the illicit firearm market, including the types of firearms commonly found in the possession of SOCG;
- the supply routes by which firearms are diverted, or are otherwise transferred, from the licit to the illicit market with a focus on restricted long-arms and handguns; and
- the legislative, procedural and technological systems that have facilitated (and may continue to facilitate) the diversion of firearms.

The aim was also to identify where improvements could be made in the tracing of firearms to better understand the nature and dynamics of both the licit and illicit market.

The project was undertaken by the Australian Institute of Criminology (AIC) in collaboration with the Australian Crime Commission (ACC) and the Australian Federal Police (AFP), and funded under the Research Support for National Security Program, which up until 2012 was administered by the Department of the Prime Minister and Cabinet. It involved:

- a review of open-source literature and court proceedings to provide an overview of the types

of firearm markets that operate in Australia; the types and known (or suspected) sources of illicit firearms; and the characteristics of participants (sellers and consumers) in the market;

- a review of Australian firearm laws to identify where legislative loopholes have been closed and where gaps that may facilitate diversion of firearms from the licit to the illicit market still exist;
- an examination of methods and systems for recording firearm data in Australia to illustrate where improvements could be made to enhance firearm tracing; and
- analysis of data compiled in the ACC's National Firearm Trace Database, which contains records of some of the unregistered firearms seized by federal, state and territory police, to describe the composition of, and major sources of supply to, the illicit firearm market.

## Legislative provisions

Australia's firearm laws underwent extensive revision in response to the recommendations set by the then Australian Police Ministers Council (APMC) and Council of Australian Governments (COAG) in the National Firearms Agreement (1996), National Firearm Trafficking Policy Agreement (2002) and National Handgun Control Agreement (2002). These revisions aimed to consolidate firearm legislation in the states and territories (which have responsibility for the regulation of the use, possession and sale of firearms), and included the creation of new offences, or an increase in penalties for existing offences. The changes to offence provisions that were relevant to deterring firearms trafficking included:

- unauthorised possession, use, sale and disposal of a firearm;

- trafficking in firearms;
- unauthorised manufacture of firearms and firearm parts;
- unauthorised modification of a firearm;
- defacement or alteration of a firearm's identification marks; and
- wilfully making false entries in dealer records and employing prohibited persons in dealerships.

The reforms also influenced the introduction of new provisions on the import and export of restricted (prohibited) firearms and handguns and the creation of two new offences in the *Criminal Code Act 1995* (Cth) (Division 360 Part 9.4) concerning the illegal disposal or acquisition of firearms across a state/territory border.

A 2008 AIC review of Australian state and territory firearm legislation found that jurisdictions had substantially complied with these resolutions (Davies & Mouzos 2008) and a subsequent review undertaken for this report showed that further refinements had been made to correct the legislative inconsistency that had existed in the past. However, a number of legislative loopholes were identified post-reform as being responsible for, or facilitating, the diversion of firearms from the licit to the illicit market. The most significant of these was the deactivation loophole in Queensland, whereby dealers and owners exploited a loophole in the *Weapons Act 1990* (Qld) regarding the 'accountable' (ie registrable) status of deactivated handguns, in order to reactivate poorly deactivated handguns and reportedly to move thousands of them into the illicit market (Project stakeholder personal communication 24 September 2010).

An examination of the current legislation shows that inter-jurisdictional inconsistency, where it exists, is mostly localised, in that one or two states or territories have failed to incorporate amendments as they have been adopted elsewhere. It is difficult to rate the significance of these inconsistencies, yet it is likely that those with a comprehensive understanding of the legislation will continue to search for such inconsistencies or gaps and test them for weakness (Project stakeholder personal communication 4 May 2011). Areas where legislative accord could be improved concerns scrutiny around sale and disposal records maintained by dealers, and

specifically, increasing penalties on the wilful entry of false information. Diversion by the recording of false information has contributed to the trafficking of firearms in the past (see section on *Data analysis*).

There is also a need to offset issues around vulnerabilities of firearm parts, as opposed to full firearms, in the illicit trade, particularly if there is an increase in illicit domestic manufacture. Some further standardisation across the state and territory firearms laws as to what constitutes a major firearm part or component for the purposes of regulation may be warranted to prevent instances of firearms being manufactured using non-registrable parts.

## Characteristics of firearm trafficking

There are three primary firearm markets in Australia. The licit market comprises all firearms that are subject to registration and held by a person with the approved authority to do so. The grey market consists of all long-arms that were not registered, or surrendered as required during the gun buybacks, following the National Firearms Agreement (1996). Grey market firearms are not owned, used or conveyed for criminal purposes but may end up in the illicit market. Illicit market firearms are those that were illegally imported into or illegally manufactured in Australia, diverted from the licit market or moved from the grey market.

It is not possible to estimate the size of the illicit market. Describing the likely composition of illicit stock is, however, a more realistic objective. This study used data on some of the unregistered firearms seized by state and territory police, compiled in the ACC's National Firearm Trace Database, to quantify the types of firearms seized from SOCG, and as a comparison, persons or groups determined not to be involved in organised crime.

A high proportion of firearms seized from SOCG were restricted (alternatively referred to in the legislation as prescribed or prohibited) models—47 percent of all firearms recovered from entities involved in serious and organised crime were subject to either the 1996 long-arm or 2003 handgun buybacks. Seventy percent (n=368) of all restricted long-arms were

seized from SOCG, as were 68 percent (n=431) of restricted handguns. Semi-automatic rifles were the most common restricted long-arm recovered from SOCG, accounting for 69 percent (n=253) of all restricted long-arms. Semi-automatic pistols were the most common handgun item (72% (n=311) of all restricted handguns), for reasons likely related to their ease of concealment, capacity to quickly reload and (for some models) a large magazine capacity (up to 10–13 rounds).

Restricted long-arms and handguns were not as common among non SOCG-related seizures but still made up a sizeable proportion of firearms located. Indeed, the prevalence of restricted handguns as a proportion of all handguns seized for each of the two groups considered was the same for SOCG seizures (67%) as it was for non-SOCG seizures (65%). The preference for restricted handguns among persons not associated with serious and organised crime is probably, in many cases, an acquisition to fulfil a curiosity rather than a criminal need. Historically stricter regulations around handgun use, and legal ownership dependent on the granting of formal membership to a pistol club, would have barred some enthusiasts from acquiring a handgun. The more determined ones may have then looked to the illicit market to satisfy this aspiration.

Overall, the trafficking network is not considered to be overly organised in structure, but largely dominated by serious and organised criminal entities (such as outlaw motorcycle gangs (OMCGs)) who traffic illicit firearms as a side venture and smaller operators, who move firearms around by word of mouth (ACC 2011; Alpers & Twyford 2003; Kerlatec 2007; Mouzos 1999; Qld CMC 2004). An examination of court appeal proceedings for persons charged with trafficking or other relevant firearm offences from the last 10 years distinguished two categories of suppliers—more committed operators who relied on the trafficking of firearms as a regular or primary source of income (and generally had access to a larger supply of sale items, including illegally manufactured firearms) and part-time vendors, who sold illicit firearms on a more ad hoc basis, often to support a drug habit or as a minor side business to their main occupation of dealing in illicit drugs.

The supply lines to the illicit market also consist of a mix of organised and opportunistic transferral. Illegal

importation, theft, illicit manufacture, some corrupt dealers, legacy legislative loopholes and interstate transfer are all recognised methods of supply to the illicit firearm market (ACC 2009; Kerlatec 1999; Mouzos 1999; Qld CMC 2004) but the importance of these, historically and in the present time, is disputed. From the analysis of the aforementioned seizure data, it was evident that the grey market was the predominant source of long-arms to the illicit market—it accounted for 92 percent of all restricted long-arms and 86 percent of all non-restricted long-arms. Theft or loss contributed to 12 percent of non-restricted long-arms entering the market and just four percent of restricted models. The grey market is likely to continue as a legitimate source of long-arms to the illicit market but this all-capturing reservoir, which inadvertently emerged from the 1996 firearm reforms, potentially masks where diversion or other illegal methods of supply have actually occurred.

There is better differentiation of the methods used to traffic illicit handguns but issues around the quality of the data qualify the strength of the findings. Based on the available information, the deactivation loophole was an important contributor to the illicit handgun market, identified as the source for 39 percent of restricted handguns and 21 percent of non-restricted handguns. Theft has been just as important a source. Half of all non-restricted handguns seized by state and territory police (where information was available) were stolen items, as were 31 percent of restricted handguns. The data indicated that illegal importation, however, has played a minor role (despite predictions elsewhere) and illicit domestic manufacture contributed to around one in 10 of both restricted and non-restricted handguns entering the market. These findings, however, need to be treated with caution due to the large number of cases (70%) that had unknown information on the diversion pathway.

## Tracing firearms

These data give an indication of historically important supply routes (the deactivation loophole being a relevant example) but are possibly less reliable in predicting future patterns of supply. Further, the issues of data completeness that affected many



variables in the dataset mean that there are limitations to some of the findings, in particular the source of illicit handguns. Firearm data are recorded across numerous sites, including police administered firearm registers, material inventories, ballistic library inventories and firearms in police possession records, such as:

- the Integrated Cargo System, Firearms Tracking System and Detained Goods Management System operated by the Australian Customs and Border Protection Service (ACBPS);
- the Defence Export Control System administered by the Defence Export Control Office; and
- the National Firearms and Licensing Registration System (NFLRS) administered by CrimTrac.

A recommendation from the National Firearms Agreement (1996) was not only to establish an integrated licence and firearm registration system in each jurisdiction but to promote the collation and exchange of data between jurisdictions. This is also a provision outlined in the 2001 United Nations *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* (UNGA 2001).

The original and existing model stemming from this particular National Firearms Agreement (1996) recommendation is the abovementioned NFLRS, but considerations (and actions) have since been made to improve and expand on this concept to better facilitate and simplify current capacities to trace the movement of firearms. However, the establishment of an all-encompassing National Firearms Management System (NFMS) or its equivalent, through which an array of relevant data custodians can upload, update and trace information on individual firearms and track individual firearms using a shared authoritative identity record, is still to be realised.

To ensure an NFMS operates well, attention must also be drawn to improving the recording of firearm data. Tracing firearms through an integrated system will be compromised if fundamental identification data are not recorded accurately or recorded in a myriad of formats. Correct initial capture data on serial number (the 'fingerprints' of a firearm) and other identifying markers are paramount to the efficacy of a system such as NFMS, as is conformity to the standardisation of terms. Discussion with stakeholders to the project indicated that these fundamentals continue to plague the accurate capture of firearm data, because persons involved in data recording do not always have the technical expertise for firearm identification procedures and/or previous and current data capture systems have permitted the entry of inconsistent (often wrong) information which cannot necessarily be validated post-entry.

In its most complete sense, firearm tracing refers to the tracking of a firearm from 'cradle to grave', recording different stages in the tenure of a firearm's legal custodianship (eg manufacture, import, sale, deactivation, lawful export). When firearm data are captured consistently and comprehensively, they can be used to denote where firearms have been lost to the system and to recognise preferences in the types of items being transferred out of the licit market and the methods by which they are diverted. Data-recording practices (mostly in the past) have however, resulted in certain data useful or critical to firearm tracing being captured only recently, being captured inconsistently or not being captured at all. Implementing the suggested improvements to both the recording and dissemination of firearm data has the potential to assist law enforcement in identifying and disrupting the flow of firearms into the illicit market and refine targeting of enforcement activity.



# Introduction

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Firearm trafficking in its most general sense, and as defined in the United Nations *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, refers to the unauthorised '...import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition...' across internal or state borders (UNGA 2001: 4). The term *trafficking* can also be used to designate the 'intentional diversion of (firearms) from legal to illegal commerce' (Wright, Wintermute & Webster 2010: 353), without involving the movement of item(s) across a physical border.

Tied to the venture of firearm trafficking is illicit manufacture which, according to the UN Protocol, incorporates the 'manufacture or assembly of firearms, firearm parts and components or ammunition' from illicitly produced parts and components and/or without the appropriate authorisation (UNGA 2001: 3–4). The Protocol (as per Article 8) also recognises a firearm as illicitly manufactured if, at the time of manufacture, it was not given a unique mark that enables it to be identified and traced.

Despite strict regulations on the import, export, ownership, use, transfer and storage of licit firearms, there exists in Australia a potentially large pool of illicit firearms, some of which are acquired,

stockpiled and used in organised crime. Calculating the size of this illicit pool has proved impracticable, not least because even verifying the number and type of *legal* firearms in Australia was not possible until the late 1990s with the implementation of compulsory registration schemes for *all* firearms. It has also remained unclear to what extent the current illicit pool requires replenishment and is serviced by the movement of firearms from the licit market. These aspects of the Australian illicit firearms market will, most likely, continue to evade estimation, yet other features of the market, such as:

- firearm composition and preferences;
- the methods by which illicit firearms are sourced;
- the patterns of reliance on these methods and their future sustainability; and
- the legislative, law enforcement and procedural environment that impede (or in some cases, facilitate) the illegal trade in firearms.

All represent equally crucial and importantly, more feasibly examined elements of inquiry. It is these features of firearm trafficking, its operation in Australia and the connection with serious and organised crime, that will form the basis of the research presented in this report.

## Aims

In this study, an examination is undertaken into legislative, procedural and technological systems related to firearm registration and tracing in order to identify loopholes and gaps that facilitated and may continue to facilitate the diversion of firearms, firearm parts and ammunition into the illegal market. Investigation is also made of the extent to which SOCG have relied on various trafficking channels and how this relates to the types of firearms they favour. This research will add to a modest collection of Australian studies that have examined the routes by which firearms are transferred from the legal to the illegal pool and how this transfer is facilitated.

## Methods

The research was undertaken as a collaborative project involving the AIC, ACC and AFP, and was funded under the Department of the Prime Minister and Cabinet's Research Support for National Security grants program. The project was approved by the AIC Human Research Ethics Committee on 19 May 2010.

The project consisted of:

- a review of open-source literature and compilation of case studies and court findings for prosecuted cases of firearm trafficking and other, relevant firearm offences;
- a review of Australian state and territory firearm/ weapons legislation;
- analysis of the ACC's National Firearm Trace Database (NFTD); and
- compilation of data on the importation of selected calibre ammunition (ie 25 ACP, 32 ACP and 380 ACP) from ammunition distributors and ACBPS.

## Literature review

The literature review used information contained in open-source documents (mostly peer-reviewed papers and government publications) that described the characteristics and dynamics of firearm trafficking and illicit firearm markets in Australia and other selected regions (England and Wales, the United States, New Zealand and Western Europe). The literature was supplemented with an examination of transcripts of court proceedings available on publicly accessible legal databases—Australasian Legal Information Institute (ie AustLii), NSW LawLink and

**Table 1** Australian firearm legislation

### State and territory legislation

*Firearms Act 1996* (NSW)

*Firearms Act 1996* (Vic)

*Weapons Act 1990* (Qld)

*Firearms Act 1973* (WA)

*Firearms Act 1996* (SA)

*Firearms Act 1996* (Tas)

*Firearms Act 1996* (ACT)

*Firearms Act* (NT)

### Provisions contained within Commonwealth legislation

*Criminal Code Act 1995* (Cth)<sup>a</sup>

*Customs Act 1901* (Cth)<sup>b</sup>

Customs (Prohibited Imports) Regulations 1956 (Cth)<sup>c</sup>

a: Amended by *Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Act 2002* (Cth)

b: Amended by *Customs Legislation Amendment (Criminal Sanctions and Other Measures) Act 2000* (Cth)

c: Amended by Customs (Prohibited Imports) Amendment Regulations 2000 (No. 7) (Cth) and Customs (Prohibited Imports) Amendment Regulations 2002 (No. 4) (Cth)

the Supreme Court of Victoria Court of Appeal Registry. Search terms used to identify relevant court cases were *firearm trafficking, prohibited firearm, unregistered firearm, prohibited person, manufacture*, as well as relevant sections of state and territory firearm or weapons legislation. It must be noted that most Australian court proceedings are only made available for cases heard in higher courts (generally, those that have gone to appeal) and hence represent a subset of actual relevant cases heard. Indeed, a number of 'high profile' court cases reported in the media were not found in the legal databases, the details of which could not be confirmed or expanded upon.

### *Review of Australian firearm/ weapons legislation*

The review of Australian firearm and weapons laws included an examination of relevant Commonwealth, state and territory legislation listed in Table 1. This work referenced and updated an earlier review undertaken by the AIC (see Davies & Mouzos 2008) to:

- describe the extent of compliance of Australian firearm laws with the resolutions specified in the National Firearms Agreement (1996), National Firearm Trafficking Policy Agreement (2002) and the National Handgun Control Agreement (2002); and
- identify where legislative inconsistencies still exist that could potentially facilitate firearm diversion.

### *Analysis of the Australian Crime Commission's National Firearm Trace Database*

The NFTD, the primary data source for this study, is a compilation of unit record data on some unregistered firearms recovered by federal, state and territory police agencies. The data compiled by the ACC were supplemented over the course of the project, with records collected by the AFP on some of the firearms that had been the subject of police investigations in four jurisdictions (New South Wales, Victoria, Queensland and Tasmania) over the period 1 January 2003–31 December 2010. There were a total of 2,750 records on individual firearms in the

data used for analysis. Almost all of these (ie 99% and where information was recorded on the date of seizure (n=2,341)) were seized by police between June 2002 and October 2011.

Data was de-identified by the ACC before it was provided to the AIC. Individual firearms recorded in the database were also categorised by the ACC before transmission as being recovered in association with SOCG or not (referred to herein as non-SOCG). A SOCG is an entity engaged in an activity described as serious and organised crime as defined in the *Australian Crime Commission Act 2002* (Cth) (see Table 2). Of the 2,750 firearm records used in the analysis, 61.9% (n=1,701) were categorised by the ACC as firearms seized from SOCG.

Each unit record in the NFTD refers to an individual firearm and includes information on:

- the make, model, calibre, action and category of the firearm;
- modifications made to the firearm;
- the country in which the firearm was manufactured and date of import;
- registration history;
- whether the firearm was subject to the 1996 gun buyback (long-arms) or the 2003 handgun buyback;
- the date and state or territory the firearm was recovered;
- the reason or activity by which the firearm became illicit; and
- the illicit context in which the firearm was recovered.

Restricted firearms were defined as those long-arms that were subject to the 1996 buyback and those handguns that were subject to the 2003 buyback. The findings from this analysis were described in the Milestone 1 progress report.

Some of the variables in the NFTD were compromised by missing information. The high 'unknown' return for these variables, which ranged between 11 and 98 percent of responses, depending on the variable considered, was likely related to the absence, until recent years, of a systematic method of recording and disseminating information on the importation, acquisition and disposal of firearms. This affected the validity of

## Table 2 Definition of serious and organised crime

Serious and organised crime is defined under s 4 of the *Australian Crime Commission Act 2002* as:

an offence

- (a) that involves 2 or more offenders and substantial planning and organisation; and
- (b) that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques; and
- (c) that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind; and
- (d) that is a serious offence within the meaning of the *Proceeds of Crime Act 2002*, an offence against Subdivision B or C of Division 471, or D or F of Division 474, of the *Criminal Code*, an offence of a kind prescribed by the regulations or an offence that involves any of the following:

- (i) theft;
- (ii) fraud;
- (iii) tax evasion;
- (iv) money laundering;
- (v) currency violations;
- (vi) illegal drug dealings;
- (vii) illegal gambling;
- (viii) obtaining financial benefits by vice engaged in by others;
- (ix) extortion;
- (x) violence;
- (xi) bribery or corruption of, or by, an officer of the Commonwealth, an officer of a State or an officer of a Territory;
- (xii) perverting the course of justice;
- (xiii) bankruptcy and company violations;
- (xiv) harbouring of criminals;
- (xv) forging of passports;
- (xvi) firearms;
- (xvii) armament dealings;
- (xviii) illegal importation or exportation of fauna into or out of Australia;
- (xix) cybercrime;
- (xx) matters of the same general nature as one or more of the matters listed above; and
- (da) that is:
  - (i) punishable by imprisonment for a period of 3 years or more;
  - (ii) a serious offence within the meaning of the *Proceeds of Crimes Act 2002*;

but

- (e) does not include an offence committed in the course of a genuine dispute as to matters pertaining to the relations of employees and employers by a party to the dispute, unless the offence is committed in connection with, or as part of, a course of activity involving the commission of a serious and organised crime other than an offence so committed; and
- (f) does not include an offence the time for the commencement of a prosecution for which has expired.

some of these variables, a number of which had to be removed from the final analysis. The nature of the data allowed only for simple statistical treatment.

### *Importation and distribution of ammunition*

Twelve ammunition importers and suppliers in Australia were contacted regarding the provision of data on the quantity of various calibres (25 ACP, 32 ACP and 380 ACP) of ammunition sold during 2008–10. These calibres can only be used in small pocket pistols (SPPs), which are restricted under Australian firearm laws. Of the group of importers/suppliers contacted, nine responded to the request but only four were able to provide any data. The two major importers/dealers, responsible for the majority of ammunition imported into and sold in Australia, declined the request on the grounds that they did not have the resources to commit to the collation of such a large volume of data.

A data request was also made to ACPBS for information on the importation (legal or illegal) of these selected ammunition calibres. ACBPS was able to provide this information for the period 1 January 2009 (when ACBPS commenced collecting electronic data on import matters) to 31 December 2011.

## Role of the Project Committee

The Project Committee was made up of representatives from the three research partners—the AIC, ACC and AFP—as well as representatives from the Department of the Prime Minister and Cabinet, the Attorney-General's Department and ACBPS. The Committee met five times over the course of the project (between November 2010 and April 2012) to discuss project methodology and scope, milestone findings and their interpretation, and recommendations stemming from the final analysis. Draft and final versions of the milestone and substantive reports were circulated to the Project Committee for their comment.

Observations from Project Committee members and other personnel from their respective agencies were included as personal communication citations in this report where open-source material was not available and the subject was of relevance to the discussion. The author of these citations is not identified in this report.

# Legislative reforms



Starting in the late 1990s, Australia underwent an extensive national firearm law reform process, primarily in response to specific incidents such as the Port Arthur shootings in Tasmania in 1996 and the Monash University shootings in 2002. Following these events, the Australian, state and territory governments, through the then APMC and COAG, entered into three national agreements that became responsible for the shaping of contemporary Australian firearm laws.

These agreements were the:

- National Firearms Agreement (1996);
- National Firearm Trafficking Policy Agreement (2002); and
- National Handgun Control Agreement (2002).

The aim of these agreements was to encourage the adoption of consistent firearms legislation in all states and territories to ensure a uniform national approach to the regulation of firearms. While the Australian Government has constitutional power to legislate in relation to the importation of firearms, the responsibility for regulation of the use, possession and sale of firearms in each jurisdiction is held by the relevant state or territory government. Many of the provisions adopted in response to these three agreements were relevant to disrupting the diversion of firearms to the illicit market and facilitation of illegal transactions.

Also shaping Australia's firearm laws is its commitment to international controls. Australia is a signatory to, although has yet to ratify, the United Nations *Protocol against the Illicit Manufacturing and Trafficking of Firearms, Their Parts and Components and Ammunition 2001* (herein referred to as the UN Protocol; UNGA 2001), and is thus committed to find measures to handicap the illegal trade in firearms and their diversion into the illicit market. The preventive provisions specified in the UN Protocol recommend signatory states to make legislative changes around manufacturing, marking, record keeping, deactivation and licensing (or similar type of control) on the import and export of firearms. These obligations include:

- the establishment of a criminal offence for the unauthorised manufacture of firearms;
- ensuring firearms are marked at time of manufacture (and preferably also at time of import, time of disposal [other than destruction], time at deactivation and time at transfer from government stocks to civilian use);
- the maintenance of records (for not less than 10 years) on firearm transactions;
- the establishment of criminal offences to prevent the illicit reactivation of deactivated firearms; and
- the establishment or maintenance of an effective system of export and import licensing or authorisation for the transfer of firearms, their parts and components and ammunition.

## National agreements

### *National Firearms Agreement (1996)*

The first of the national agreements—the National Firearms Agreement (1996)—emerged in response to the mass shootings that occurred at Port Arthur in 1996. The Agreement resulted in restricted legal possession of automatic and semi-automatic firearms and further restricted the legal importation of non-military centrefire self-loading firearms to those with a maximum magazine capacity of five rounds. The Agreement further committed all states

and territories to a firearms registration scheme and licensing of persons in order to legally possess and use firearms. Previously, only handguns needed to be registered; obligations around long-arm registration varied between jurisdictions. In addition was the introduction of laws that were designed to minimise the legal acquisition of firearms by unsuitable persons. The resolutions passed by the APMC on 10 May 1996 are summarised in Table 3.

The National Firearms Agreement (1996) was implemented by the states and territories in stages in the following years, including a provision for a

**Table 3** National Firearms Agreement (1996) resolutions

#### **Bans of specific types of firearm**

All jurisdictions to ban the sale, resale, transfer, ownership, possession, manufacture and use of automatic and semi-automatic long-arms banned or proposed to be banned from import other than in exceptional circumstances.

All jurisdictions to ban competitive shooting involving the aforementioned firearms.

#### **Nationwide registration of all firearms**

States and territories to establish an integrated licence and firearms registration system or review existing registration systems to ensure compatibility.

#### **Genuine reason for owning, possessing or using a firearm**

Personal protection will not be regarded as a genuine reason for owning, possessing or using a firearm.

'Genuine reason' must be demonstrated to own, possess or use a firearm (eg recreational shooters/hunters who produce permission from a landowner; bona fide collectors of lawful firearms; sporting shooters with a valid membership of an approved club).

Applicants for a licence for a Category B, C, D and H firearm must also demonstrate a 'genuine need' for the particular type of firearm.

Category C firearms will be limited to primary producers.

#### **Basic licence requirements**

In addition to the demonstration of 'genuine reason', a licence applicant should be aged 18 years or over, be a fit and proper person, be able to prove identity (ie 100 point system) and undertake an adequate safety test.

The licence bears a photograph of the licensee and the holder's address, be endorsed with the category of firearm, be issued after a waiting period of not less than 28 days and for a period of no more than five years, be issued subject to undertakings to comply with storage requirements and submit to inspection by licensing authorities and be subject to immediate withdrawal of licence and confiscation of firearms in certain circumstances.

The following categories be used in the licensing of firearms:

- Category A—air rifles; rimfire rifles (excluding self-loading); single and double barrel shotguns
- Category B—muzzle-loading firearms; single shot, double barrel and repeating centre fire rifles; break action shotguns/rifle combinations
- Category C (prohibited except for occupational purposes)<sup>a</sup>—semi-automatic rimfire rifles with a magazine capacity no greater than 10 rounds; semi-automatic shotguns with a magazine capacity no greater than five round; pump action shotguns with a magazine capacity no greater than five rounds
- Category D (prohibited except for official purposes)—self-loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance; non-military style self-loading centre fire rifles with either an integral or detachable magazine; self-loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than five rounds; self-loading rim-fire rifles with a magazine capacity greater than 10 rounds
- Category H—all handguns, including air pistols.



**Table 3 (continued)**

**Training as a prerequisite for licensing**

All jurisdictions require the completion of an accredited course in safety training for firearms for all first time licence applicants (the course will be comprehensive and standardised across Australia for all licence categories).

All jurisdictions establish a specialised course for training of persons employed in the security industry.

**Grounds for licence refusal or cancellation and seizure of firearms**

Among other provisions, jurisdictions set out in legislation circumstances in which licence applications are refused and licences cancelled. These would include:

- General reasons—not of good character, conviction for an offence involving violence within the past five years, contravene firearm law, unsafe storage, no longer genuine reason, not in public interest, not notifying change of address, licence obtained by deceptions.
- Specific reasons—applicant/licence holder has been the subject of an Apprehended Violence Order, Domestic Violence Order, restraining order or conviction for assault with a weapon/aggravated assault within past five years.
- Mental or physical fitness—reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm.

**Permit to acquire**

Separate permits will be required for the acquisition of every firearm and the issue of a permit should be subject to a waiting period of at least 28 days to enable appropriate checks.

**Uniform standard for the security and storage of firearms**

It should be a precondition to the issuing of a new firearms licence that the licensing authority be satisfied as to the proposed storage and security arrangements.

Legislation should include an offence relating to failure to store firearms in the manner required.

Introduce legislative provisions regarding the storage of specific category firearms (Cat A/B and Cat C/D/H).

Introduce legislative provisions regarding the safekeeping of firearms when temporarily away from their usual place of storage.

**Recording of sales**

Firearm sales to be conducted only by or through licensed firearm dealers.

Firearm dealers should follow specified principles regarding the recording of firearm transactions, including ensure purchaser is appropriately licensed, record detailed records of each firearm purchased and sold, provide records to firearms registries, allow police personnel investigating a crime or checking dealer compliance to inspect records.

Ammunition should be sold only for those firearms for which the purchaser is licensed. There should also be strict limits put in place on the quantity of ammunition that can be purchased in a defined period and the purchaser must produce the relevant licence.

**Mail order sales**

Mail order arrangement to apply only to licensed gun dealer to licensed gun dealer exchange.

Advertisement for sales will be prohibited unless conducted by or through a licensed gun dealer.

The movement of Category C, D and H firearms must be in accordance with prescribed safety requirements.

The commercial transportation of ammunition will be prohibited.

a: The APMC later resolved to add a restricted case of shooters—clay target shooters who possess a semi-automatic or pump action shotgun and affiliated with the Australian Clay Target Association—to gain access to Category C firearms

**Table 4 National Firearm Trafficking Policy Agreement (2002) resolutions**

1. Increase border protection against illegal firearms.
2. Consider the need for a national ballistics information system.
3. Clarify legislation governing safety testing of imported firearms.
4. Examine legislative or administrative changes required to prevent the release of large quantities of handguns that entered Australia prior to recent changes in importation laws.
5. Ensure that provisions in the *Australian Postal Corporation Act 1989* (Cth) do not render invalid provisions in state and territory legislation regarding the sending of firearms through the mail.
6. Ensure substantial penalties for the illegal possession of a firearm
7. Introduce nationally consistent regulation of the manufacture of firearms
  - To include provisions encompassing (a) the commercial manufacture of whole firearms (b) small volume whole firearm manufacture and (c) the manufacture of firearm parts.
8. Introduce offences relating to defacing serial numbers:
  - To possess a firearm with a serial number that has been defaced or removed.
  - To remove or deface a serial number.
9. Introduce an offence of illegal manufacture which attracts substantial penalties.
10. Extend the definition of possession of a firearm.
  - To include circumstances where an illegal firearm is found in premises with a person or persons but not actually physically possessed by any person.
11. Introduce close associate provisions for firearm dealers.
12. Proscribe certain persons from employment in firearm dealerships.
  - Includes persons (a) who have had a firearms dealer licence revoked in preceding 10 years or had an application for a firearm licence or permit refused or revoked, based on the grounds of being not fit and proper and not to be trusted to have possession of firearms without danger to public safety or to the peace; or that issue of the licence or permit would be contrary to public interest or (b) are subject to an apprehended, domestic or family violence order or (c) are the subject of a good behaviour bond relating to an offence of violence or (d) subject to a firearm prohibition order.
13. Provide for increased recording, reporting and inspection of firearm part dealings.
14. Introduce laws designed to restrict the illegal supply of firearms.
  - To expand the definition of 'sell' and 'purchase' a firearm.
  - To establish an offence of selling, or knowingly taking part in the sale of a firearm to another person unless the purchaser is authorised to possess the firearm by licence or permit and the seller has inspected the purchaser's licence or permit and, if the purchaser is not a licensed firearms dealer, the purchaser's permit to acquire the firearm.
  - To establish an offence of a person other than a licensed dealer selling, or knowingly taking part in the sale of, a firearm to a person who is not a licensed dealer unless (a) the sale has been arranged by a licensed dealer or (b) the sale is witnessed by a police officer (if a dealer is not available).
  - A person taking part in the sale of a firearm to include (a) a person who takes, or participates in, any step, or causes any step to be taken, in the process of the sale (b) a person who provides or arranges finance for any step in the process or (c) a person who provides the premises in which any step in that process is taken.
15. Make it an offence to conspire to commit an interstate firearm offence.
16. Introduce substantial penalties for firearm record falsification.
  - To establish an offence of making, with intent to deceive, a false or misleading entry in, or altering, a record regarding a transaction or dealings concerning firearms or firearm parts.
  - To establish an offence of making, with intent to deceive, a false or misleading entry in, or altering, any record required by law to be made in relation to a firearm.
17. Establish a Commonwealth cross-border firearms trafficking offence.

12 month national amnesty and a compensation buyback scheme. During this period, the Australian Government continued to work with state and territory governments to develop new legislative and policy initiatives in support of the National Firearms Agreement and to improve community safety through the regulation of firearms more generally.

### *National Firearm Trafficking Policy Agreement (2002)*

In July 2002, the APMC further resolved that additional provisions be made to control the illegal trade in firearms in Australia. The Trafficking Agreement sought to achieve this purpose through:

- increased border protection;
- the introduction of nationally consistent regulation of the legal manufacture of firearms;
- the establishment of new offences or substantial penalties for matters relating to:
  - the illegal possession and supply of firearms;
  - the defacing of serial numbers;
  - conspiracy to commit interstate firearm wrongdoings; and
- tighter recording and reporting provisions for dealer transactions involving firearm and major firearm parts.

The resolutions derived from the National Firearm Trafficking Policy Agreement (2002) are summarised in Table 4.

### *National Handgun Control Agreement (2002)*

Following the death of two students in a handgun shooting at Monash University in October 2002, the Australian, state and territory governments implemented further legislative reforms through the introduction of the National Handgun Control Agreement (2002). The Agreement comprised 28 resolutions aimed at restricting the availability and use of handguns, particularly those that are easily concealable. The resolutions included a restriction on the possession of handguns based on calibre, barrel length and magazine capacity, a system of graduated access to handguns for legitimate sporting shooters and provisions to

prevent 'club shopping', through the introduction of requirements for a person wishing to join a club to provide details to the club of any other shooting clubs to which they belonged and the firearms they owned. Handguns would be limited to a maximum of .38" calibre (up to .45" calibre for shooters attending specially accredited sporting events), with prohibition on semi-automatic handguns with a barrel length of less than 120mm and revolvers and single shot handguns with a barrel length of less than 100mm. In reference to the National Firearms Trafficking Policy Agreement (2002), the resolutions reiterated the need to establish substantial penalties for illegal possession.

The National Handgun Control Agreement (2002) was accompanied by a national handgun buyback scheme which ran from 1 July to 31 December 2003. This scheme provided compensation to owners surrendering handguns, handgun parts and accessories to state and territory authorities during the specified six month period. States and territories providing compensation were reimbursed by the Australian Government under the *National Handgun Buyback Act 2003* (Cth) which enabled the Commonwealth to 'appropriate funds for the purpose of providing financial assistance'.

## Specific legislative changes

Australian firearm laws consequently went under considerable revision to implement the reforms as specified in the aforementioned Agreements. These amendments included the introduction of new offences and increases to penalties for existing offences; many of these amendments were directly relevant to deterring the trafficking of firearms or were 'defacto' responses to this activity (eg increasing penalties for illegal possession).

New offence provisions were introduced relating to:

- unauthorised possession (or use) of a prohibited firearm;
- unauthorised possession of firearms in 'traffickable' quantities;
- unauthorised sale or purchase of a firearm;
- 'trafficking' in firearms;
- unauthorised manufacture of a firearm or firearm parts;

- unauthorised modification of a firearm (eg shortening, conversion);
- defacement or alteration of identification marks or possession of a firearm with defaced identification marks;
- failure to record dealer transactions on firearm and firearm parts;
- wilful entry of false records; and
- conspiracy to commit a firearm offence outside jurisdiction of residence.

In 2008, the AIC undertook a review of Australian, state and territory government legislation to examine the extent of compliance with the resolutions specified in the National Firearms Agreement, the National Firearms Policy Trafficking Agreement and the National Handgun Control Agreement (see Davies & Mouzos 2008). This review found general compliance across the states and territories but highlighted where differences in laws between the jurisdictions still existed. A re-examination of inter-jurisdictional compliance and comparability, incorporating the further changes made to firearms laws in the interim period, is presented in Table 5 and below.

### *State and territory amendments*

#### **Unauthorised possession of (a) an unregistered firearm and (b) a prohibited or prescribed firearm**

The resolutions from the National Firearms Agreement (1996) concerning the nationwide registration of firearms and the establishment of restricted categories of firearm were accompanied by the creation of offences relating to the possession of an unregistered firearm and the possession of a prohibited or prescribed firearm or pistol. Offence provisions regarding unregistered firearms are extended in New South Wales, Western Australia, Tasmania, the Australian Capital Territory and Northern Territory to include the use, sale and purchase of such firearms. A separate offence to possess, carry or use a prohibited or prescribed firearm does not exist in Queensland weapons legislation; instead more substantial penalties are applied to the possession of standard restricted firearm/weapon categories (ie Category D, H and R). In Victorian firearms legislation, there is a separate

offence to possess etc a prohibited handgun (*Firearms Act 1996* (Vic), s 7A) but not a prohibited long-arm. Penalties for the latter offence are, as in Queensland, dealt with through the application of more substantial penalties for restricted firearm categories in the generic possession offence (*Firearms Act 1996* (Vic), s 6A).

Tasmania has yet to include provisions regarding the possession or use of a prohibited or prescribed firearm. Section 9 of the *Firearms Act 1996* (Tas) refers to the offence of possessing or using a firearm without the appropriate licence but there is no provision for possession or use of a prohibited firearm, through either a separate offence or application of a greater maximum penalty.

#### **Unauthorised possession of firearms in 'traffickable' quantities**

Four jurisdictions—New South Wales, Victoria, Queensland and the Australian Capital Territory—have created offences or introduced more substantial penalties for the unauthorised possession of multiple numbers of firearms. In New South Wales, the prescribed quantity is three or more firearms; in Victoria, Queensland and the Australian Capital Territory it is 10 firearms, although in legislation from the latter two jurisdictions there is an intermediate penalty attached to the possession of 10 firearms, of which three are prohibited or restricted models. The creation of this offence in the *Firearms Act 1996* (NSW) (through the *Firearms Amendment (Public Safety) Act 2002* No 47 (NSW)), and presumably the rationale for its inclusion in firearms laws in the other three jurisdictions, was to prevent the 'warehousing' or stockpiling of firearms and the potential accumulation for the purposes of trafficking. There are no stipulations in firearm laws in the remaining jurisdictions to deter warehousing of firearms.

#### **Unauthorised sale or purchase of firearms**

New South Wales and the Australian Capital Territory are the only jurisdictions to have fully complied with the legislative requirements relating to the sale and purchase of firearms. Most jurisdictions have included some form of legislative definition for selling (disposing of) and purchasing (acquiring) a firearm, although they vary in their conformity with that

recommended in the National Firearm Trafficking Policy Agreement (2002). Western Australia has yet to implement a definition for either.

All jurisdictions have complied with the creation of an offence to sell a firearm unless the purchaser is authorised; and an offence for a person, other than a dealer, to purchase a firearm from a person other than a licensed dealer, unless the transaction has been arranged by a licensed dealer or other approved authority. There is variability, however, among the jurisdictions regarding requirements to physically inspect a seller's or purchaser's licence or permit, with these conditions most explicitly stated in NSW and ACT firearm laws.

Among the resolutions in the National Firearm Trafficking Policy Agreement (2002) around new laws to restrict the illegal supply of firearms was one to expand the definition of involvement in an illegal sale to include:

- any person who takes, or participates in, any step, or causes any step to be taken, in the process of sale;
- any person who provides or arranges finance for any step in the process; or
- any person who provides the premises in which any step in the process of sale is taken.

New South Wales, South Australia and the Australian Capital Territory are the only jurisdictions to have implemented the full definition. Victoria has, however, established a specific offence for 'providing financial accommodation' to the illegal acquisition or disposal of firearms (*Firearms Act 1996* (Vic), s 101B).

### Trafficking in firearms

All jurisdictions except South Australia have an offence of firearms trafficking or the illegal sale of firearms on three or more separate occasions. Differences exist between the jurisdictions in the quantity of firearms specified, the number of sales that need to occur and the time period over which sales are to take place for an offence to be committed. For example, the offence of unlawful trafficking in firearms in Tasmania simply refers to the unauthorised sale of unregistered firearms (quantity not stipulated) on 'one or more occasions' (*Firearms Act 1996* (Tas), s 110A), whereas in New South Wales and the Northern Territory, the illegal sale is to occur

on three or more separate occasions, although like Tasmania there is no provision regarding the quantity of firearms trafficked. For a trafficking offence to be committed in the Northern Territory, those three sale events must occur within a 30 day period, while in New South Wales and the Australian Capital Territory, that timeframe has been extended to 12 months. It was noted in the second reading speech to the *Firearms and Crimes Legislation Amendment (Public Safety) Act 2003 No 92* (NSW) that the extension of the timeframe from three illegal firearm sales in 30 days to a period of 12 months was to reflect the different *modus operandi* used to traffic firearms compared with drugs, on which the 30 day turnaround was based. Unlike other jurisdictions, New South Wales has also created an additional offence of trafficking in firearm parts (*Firearms Act 1996* (NSW), s 51BB).

Western Australian firearm laws define what is ostensibly a trafficking offence in prescribing the volume of firearms that can be sold—s 19(1)(1aa) of the *Firearms Act 1973* (WA) refers to the sale of three or more firearms without a licence or permit entitling the sale of any of the firearms tendered. Victorian and ACT firearm laws also attach volume stipulations to trafficking offences—s 110A of the *Firearms Act 1996* (Vic) defines a 'traffickable quantity' of firearms as 10 or more unregistered firearms, which for an offence to be committed must be acquired or disposed of by a person without a dealer's licence within a seven day period. In the *Firearms Act 1996* (ACT), the offence specified in s 220 comprises either the contravention of a dealing provision (per ss 177, 226 or 227—see Table 4) on three or more separate occasions over a 12 month period (similar to the trafficking offence specified in New South Wales) or the contravention of a dealing provision involving four or more firearms on the same occasion.

### Illegal manufacture of firearms

The scale of domestic illegal manufacture of firearm and firearm parts is unknown but, as described in the following section, is likely to comprise mostly small-scale, made-to-order operations. Nonetheless, it was recognised as being a potentially important contributor to the illicit firearms market and hence the offence of illegal manufacture was to be established in state and territory firearm laws, with substantial maximum penalties attached.

**Table 5** Specific offences introduced or modified into Australian state and territory firearm/weapons legislation\* to deter firearm trafficking

Offence	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Unregistered firearms	s 36 Offence to sell, purchase, possess or use unregistered firearm	s 6A Offence to possess, carry or use unregistered longarm  s 7B Offence to possess, carry or use unregistered handgun	s 50A Offence to possess an unregistered weapon	s 19(1) Offence to sell, deliver, dispose, purchase or possess an unlicensed firearm	s 23 Offence to possess an unregistered firearm	s 74 Offence to sell, acquire, possess or use unregistered firearm	s 177 Offence to dispose, acquire, possess or use an unregistered firearm	s 59 Offence to sell, purchase, possess or use an unregistered firearm
Unauthorised possession of a restricted firearm	s 7 Possession or use of a <i>prohibited</i> firearm or pistol	s 7A Possess etc <i>prohibited</i> handgun  s 7B Possess etc unregistered handgun	s 50 Unlawful possession of a weapon	s 19(1) Unauthorised possession of a firearm or ammunition  s 19(1)(1ac)(b): Possession of a handgun or <i>prescribed</i> firearm	s 11 Unauthorised possession or use of a firearm	s 9 Unauthorised possession or use of firearms	s 42 Unauthorised possession or use of a <i>prohibited</i> firearm	s 58(6) Unauthorised possession or use of a <i>prohibited</i> firearm
Unauthorised possession of firearms in 'traffickable' quantities	s 51D Unauthorised possession of firearms in aggravated circumstances ie three or more firearms that are not registered and owner is not authorised to possess by licence or permit  s 51D(1) non-prohibited firearms  s 51D(2) prohibited firearm or pistol	s 7C Possession of a traffickable quantity of unregistered firearms, that is more than 10 firearms that are not registered	s 50(1a) Unlawful possession of 10 or more weapons (5 of which are Category D, E, H or R)  s 50(1b) Unlawful possession of 10 or more weapons	—	—	—	s 42(a) Unauthorised possession or use of 10 or more prohibited firearms  s42(b): Unauthorised possession or use of three or more prohibited firearms but less than 10 prohibited firearms  s 43(a)(i) Unauthorised possession or use of 10 or more firearms other than prohibited firearms	—

Table 5 (continued)

Offence	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Unauthorised sale and purchase of firearms	<p>s 50 Unauthorised purchase of a firearm</p> <p>s 50AA Unauthorised purchase of firearm parts</p> <p>ss 51(1) &amp; 51(1A) Sale of firearm/prohibited firearm or pistol to person not authorised to purchase</p> <p>s 51(2) &amp; 51(2A) Sale of firearm/prohibited firearm between persons that are not licensed firearm dealers</p> <p>s 51A(1) &amp; 51A(2) Purchase of firearm from unauthorised seller</p> <p>s 51BA Unauthorised sale of firearm parts</p> <p>s 65 Unauthorised sale and purchase of ammunition</p>	<p>s 93 Persons from whom a dealer can acquire firearms</p> <p>s 94 Persons to whom a dealer can dispose firearms</p> <p>s 95 Prohibition on acquisition of a firearm except from licensed firearms dealer</p> <p>s 96 Prohibition on disposal of firearm except to licensed firearms dealer</p> <p>s 101B Prohibition on providing financial accommodation</p> <p>s 125 Disposal of cartridge ammunition to unauthorised persons</p>	<p>s 35(1) Unauthorised acquisition of a weapon</p> <p>s 36(1) Unauthorised disposal of a weapon</p> <p>s 50B Unlawful supply of weapons</p>	<p>s 19(1) Unauthorised sale, disposal, delivery or purchase of a firearm or ammunition</p> <p>s 19(2) Sale, disposal or delivery of a firearm or ammunition to unauthorised purchaser</p>	<p>s 14 Unauthorised acquisition of a firearm</p> <p>s 14a Unauthorised supply of a firearm</p> <p>s 16 Dealing in firearms and ammunition without a dealer's licence</p> <p>s 21B Unauthorised acquisition of ammunition</p>	<p>s 10 Unauthorised acquisition of a firearm</p> <p>s 11 Unauthorised dealing in firearms (eg sell, possess for purpose of sale)</p> <p>s 24 Purchase by unlicensed dealer</p> <p>s 25 Licensed dealer purchase or sale from unauthorised person</p> <p>s 105(1)(2) Unauthorised sale and acquisition of ammunition</p>	<p>s 177 Unlawful disposal or acquisition of an unregistered firearm</p> <p>s 226 Unlawful disposal of a firearm</p> <p>s 227 Unlawful acquisition of a firearm</p> <p>s 248 Unlawful acquisition of ammunition</p>	<p>s 62 Unauthorised purchase of a firearm</p> <p>s 63 Unauthorised sale of a firearm</p> <p>s 68A Unauthorised sale and acquisition of ammunition</p>

**Table 5 (continued)**

Offence	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Trafficking in firearms	s 51B Contravene s 51 (unauthorised sale of firearms) on three or more occasion over 12 month period  s 51BB Contravene s 51BA (unauthorised sale of firearm parts) on three or more occasions over 12 month period	s 101A Prohibition on the acquisition or disposal of traffickable quantities of firearms	s 65 Unlawful trafficking in weapons	s 19(1)(1aa) Unauthorised selling, delivering or disposing of three or more firearms	—	s 110A Unlawful trafficking in firearms	s 220 Trafficking in firearms	s 63A Contravene s 63 on three or more separate occasions during course of 30 day consecutive period
Unauthorised manufacture	s 50A(1) Unauthorised manufacture of a firearm  s 50A(2) Unauthorised manufacture of a prohibited firearm or pistol	s 59 Carry on the business of being a firearms dealer without licence or permit (note: includes manufacturing a firearm or possessing any parts to manufacture a firearm)	s 69(1A) Manufacture of a weapon by person other than licensed armourer	s 19(4) Manufacture a firearm without authorising licence	s 27 Unauthorised manufacture or taking part in manufacture of firearm or firearm part	s 11 Unauthorise d dealing in firearms (note: dealing includes manufacture firearms and firearms parts)	s 228 Unauthorised manufacture of a firearm	s 61(1) Manufacture a firearm without a licence or permit  s 61(2) Manufacture a prohibited firearm or pistol without a licence or permit



Table 5 (continued)

Offence	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Unauthorised modification	<p>s 62 Unauthorised shortening of a firearm</p> <p>s 63 Unauthorised conversion of a firearm (1) shorten to a pistol (1A) alter construction or action to convert to prohibited pistol (2) alter construction or action to convert to non-prohibited firearm (3) alter construction or action to convert to prohibited firearm</p>	<p>s 134 Alteration of a firearm (1) shorten barrel (2) reverse inoperability</p> <p>s 134A Unauthorised conversion</p>	<p>s 61 Shorten a firearm</p> <p>s 62 Modify construction or action</p>	<p>s2 3(5)(c) Unauthorised alteration—from design or characteristics, calibre etc</p>	<p>s 29A(2)(a) Possession of mechanism to convert firearm to automatic</p>	<p>s 116 Shorten a firearm &lt;65cm</p> <p>s 117 Unauthorised alteration of construction or action of firearm</p>	<p>s 240 Unauthorised shortening of a firearm</p> <p>s 241 Unauthorised conversion of a firearm (1) shorten into a pistol (2) alter construction or action to convert prohibited firearm to non-prohibited firearm</p>	<p>s 61A Unauthorised modification (or repair) of a firearm</p> <p>s 68 Unauthorised alteration of safe operation or conversion to another category</p>
Alteration of identifying marks	<p>s 66 (a) Deface or alter identification mark on firearm or barrel (b) Possess firearm or barrel with deface or altered ID</p>	<p>s 134(3) Deface or alter any number, letter or other identifying symbol or mark on firearm</p> <p>s134C Unauthorised possession of a firearm without a serial number</p>	<p>s 63 (a) Deface or alter identifying serial number of mark (b) possess such a weapon (c) acquire or sell such a weapon</p>	<p>s 23 (5)(a) Defaces or removes any number or identification mark (b) possesses such a firearm</p>	<p>s 24A(7)(a) Defaces, alters or removes identifying characters (b) possesses such a firearm</p>	<p>s 124 Intentionally or recklessly deface or alters any number, letter or identification mark on any firearm or firearm part</p>	<p>s 252 (1) Defaces, alters or removes a number, letter or other identification mark on a firearm or firearm barrel (2) possesses such a firearm and knows a number, letter or other identification mark has been defaced etc</p>	<p>s 74 (1) Alter an identifying mark (2) Knowingly possess such a firearm (3) Deface or remove an identifying mark (4) Knowingly possess such a firearm</p>
Conspiracy to commit offence outside jurisdiction of residence	<p>s 51C Conspire to commit or aid commission of offence outside New South Wales</p>	<p>s 124AA Conspiring to commit and aiding the commission of an offence outside Victoria</p>	—	—	—	<p>s 120A Conspiracy to commit firearms offence in another jurisdiction</p>	—	<p>s 60A Conspiring to commit and aiding commission of offence outside Territory</p>

**Table 5 (continued)**

Offence	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Close associate provisions for firearm dealers	s 44(4) Provision of false or misleading information about close associates	s 75A Requirement to notify Commissioner of close associates	s 10C Licensed dealers associate to be fit and proper person  s 25A Provision of information on dealer's associate if requested	s 6D Information about close associates of applicant for issue or renewal of dealer's licence  s 6G Provision of information on close associates	s 17(3)(a)(1a) Register to refuse application for dealers licence if close associate is not a fit and proper person  s 20 Cancellation etc of licence if close associate is not a fit and proper person	s 99A(1b) Cancellation of licence—close associate is not fit and proper person s 93A Failure to provide Commissioner with business management declaration (including information on close associates)	s 186 Information about close associates of certain firearm dealers <sup>a</sup>	s 16A Failure to keep or provide false and misleading information about close associates
Proscribe certain persons from employment in firearm dealership	s 44A Proscribed persons not to be involved in firearms dealing business	s 75B Offence to employ prohibited persons in management of business	s 70 Employees of dealers and armourers to be qualified weapons employee	s 6F Persons not to be involved in firearm dealership	—	s 96A Employment restrictions—proscribed persons	s 190 Prohibited persons not to be involved in firearms dealing business	s 20 Restriction on employing proscribed persons
Increased recording	s 45(1) Ensure recording of transactions and dealings concerning firearms and firearm parts	s 87 Requirement to keep register of transactions	s 71 Licensed dealers and armourers to keep register	ss 17–18 Maintain records of ammunition sales and firearm dealings	s 18 Failure to keep records on dealings in firearms and ammunition	s 89 Keep records of all dealings with firearms, firearm parts and ammunition	s 193 Failure to keep records on each acquisition and disposal of firearm and firearm parts	s 18 Records to be kept by dealers

a: *Firearms Act 1996* (NSW), *Firearms Act 1996* (Vic); *Weapons Act 1990* (Qld); *Firearms Act 1973* (WA); *Firearms Act 1996* (SA); *Firearms Act 1996* (Tas); *Firearms Act 1996* (ACT); *Firearms Act* (NT)

b: Criminal Code offences for giving false or misleading information

Six of the eight jurisdictions have introduced an offence of unauthorised manufacture; the offence in South Australia also includes the manufacture of firearm parts as well as complete firearms. The exceptions are Victoria and Tasmania, which include manufacturing under the definition of 'carrying on the business of being a firearms dealer' (*Firearms Act 1996* (Vic) s 59(3)(d)) or 'deal, in relation to a firearm' (*Firearms Act 1996* (Tas) s 3) respectively. Depending on jurisdiction, maximum penalties vary according to the class or restricted status of the firearm being manufactured.

### Unauthorised modification/alteration of identifying marks

The implementation of restricted categories of firearm was later accompanied with the inclusion of offences relating to the modification of firearms, specifically the shortening of firearms and alterations to the construction or action of a firearm to convert it from a non-prohibited to prohibited model or vice versa. Most jurisdictions have complied with these provisions, although Western Australia has not included an offence related to the shortening of a firearm, and in Tasmanian legislation the sole modification offence relates only to the possession of a mechanism to convert a firearm to automatic firing.

An additional measure recommended in the National Firearm Trafficking Policy Agreement (2002) was to create an offence of altering or defacing a firearm's identifying marks. Illicit firearms often have obliterated serial numbers or similar identifying markers. There has been cross-jurisdictional compliance in the creation of an offence of altering or defacing a firearm's identifying mark, or in Victoria of possessing a firearm without a serial number, but Tasmania has not implemented a complementary offence of possessing a firearm with defaced markings. The offence in New South Wales and Australian Capital Territory extends to defacing an identifying mark on a firearm barrel, not just the complete firearm, as well as possessing a firearm barrel with an obliterated identifying mark. Possession offences in the Australian Capital Territory and the Northern Territory stipulate the owner knowingly possessing a firearm with a defaced or obliterated identifying mark, whereas

in New South Wales, Queensland, Western Australia and South Australia this intention is not explicitly stated (and presumably must be established for an offence to occur).

### Commission of an interstate firearm offence

Four jurisdictions (New South Wales, Victoria, Tasmania and the Australian Capital Territory) have complied with the resolution to establish an offence to conspire to commit an interstate firearms offence. In these jurisdictions, the offender is subject to the same penalty that the offender would be subject to had the offence been committed within the jurisdiction of residence.

The remaining four jurisdictions have no such provisions. While some jurisdictions do have offences relating to conspiracy to commit an offence and aiding or abetting in the commission of an offence, such as the ACT's *Criminal Code 2002*, these extensions of criminal responsibility relate only to offences against the jurisdiction's laws and not to an interstate offence as intended by the resolution.

### Record keeping

It was resolved in the National Firearms Agreement (1996) that dealers should be required to record and maintain details of each firearm purchased or sold (against the prescribed particulars of the client) and to provide records to the state/territory licensing authority on a consistent (usually quarterly) basis. These records must also be made available for inspection to police when requested.

All jurisdictions have complied with the requirement for dealers to record and maintain the details of all transactions and dealings, to send these records to the licensing authority for inclusion in the register and to allow police to inspect dealers' records. These provisions comprise dealings relating to both firearms and firearm parts—these are either expressly included under the recording requirements or comprise major component parts under the definition of a firearm.

The provision of false or misleading information has been established as an offence in firearm legislation or, as in the case of Western Australia, in reference to the general offence of giving false or misleading

information as stipulated in the Criminal Code. Only New South Wales, Queensland and Western Australia have additionally established a specific offence for a firearms dealer making a false or misleading entry or altering a record in the dealer's register.

### Close associations and employment of proscribed persons

To prevent the potential exploitation of firearm dealerships, state and territory firearm laws have been amended so that applications for (or renewal of) dealer licences can be refused where a close associate of the applicant is deemed not to be a fit and proper person. Close associate provisions also prevent ineligible persons from using eligible persons to 'front' a firearms dealership. A 'close associate' is defined as someone who holds or will hold any relevant financial interest (or other relevant power) in the business or holds or will hold any relevant position. In all jurisdictions, the disclosure of this information is incorporated in stipulations on acquiring a firearm dealers' licence and forms the basis of offences of failure to provide, or provision of false or misleading, information.

South Australia is the one jurisdiction that has not introduced provisions prohibiting the employment of proscribed persons in dealerships. A proscribed person is one that:

- has, within the preceding 10 years, had a firearm dealer licence revoked; or
- has, within the preceding 10 years, had an application for a firearms licence or permit refused or revoked, on the grounds of not being fit and proper and not to be trusted of having possession of a firearm without danger to public safety or peace; or that issue of the licence or permit would be contrary to the public interest; or
- is subject to an apprehended, domestic or family violence order (or similar); or
- is the subject of a good behaviour bond relating to an offence of violence; or
- is subject to a firearms prohibition order.

Queensland has legislated to restrict dealers from employing a person who will have access to weapons unless the person is a 'qualified weapons employee', meaning a person who is 18 years or

over and holds a firearms licence. This scheme substantially complies with the requirements not to employ proscribed persons, as 'proscribed persons' as defined would also be disqualified from obtaining a licence. The one difference is the period of restriction, which in Queensland only refers to the past five years and not 10 years as specified elsewhere.

### Commonwealth amendments

Together with the changes to state and territory firearm and weapons laws, which absorbed the bulk of these reforms, were amendments to Commonwealth law, specifically the import and export of firearms and the cross-border trafficking of firearms.

In 2000, the *Customs Act 1901* (Cth) was amended by the *Customs Legislation Amendment (Criminal Sanctions and Other Measures) Act 2000* (Cth) to introduce special criminal offences relating to the import and export of Tier 1 and Tier 2 goods (ss 233BAA and 233BAB respectively). Offences relating to the importation and exportation of restricted firearms (as specified under s 4F of the Customs (Prohibited Imports) Regulations 1956 (Cth), Tier 2 goods) were now made punishable on conviction by a penalty of up to \$250,000 fine and/or 10 years imprisonment.

Restrictions on the importation of handguns and handgun parts were introduced first with the Customs (Prohibited Imports) Amendment Regulations 2000 (No. 7) (Cth) so that handguns were 'released into the community on an 'as needs' basis [only] and once a legitimate end user ha[d] been established' (Explanatory Statement: np). The Regulations also ensured that only a limited number of handguns, as well as Category C firearms, could be imported as dealer stock for the purposes of testing and demonstration. The Customs (Prohibited Imports) Amendment Regulations 2002 (No. 4) (Cth) imposed further controls on the importation of handguns and handgun parts, specifically prohibiting the importation of handguns (and handgun parts) for models with a calibre greater than .38", a barrel length of less than 120mm for semi-automatic handguns and less than 100mm for revolvers and single-shot handguns, and/or a magazine/shot capacity exceeding 10 rounds.

The firearms provisions of the *Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Act 2002* (Cth) amended the *Criminal Code Act 1995* (Cth) and commenced on 16 January 2003. The changes to the Act established a criminal offence, in the course of trade or commerce between any states and territories, to illegally dispose of or acquire a firearm, or to take or send a firearm from one state or territory to another, intending that the firearm will be disposed of illegally (see Division 360 Part 9.4 *Criminal Code Act 1995* (Cth)). The maximum penalty on conviction for either offence is 10 years imprisonment, a fine equivalent to 2,500 penalty units or both.

## Specific loopholes

Part of the National Firearms Agreement (1996) resolved that jurisdictions were to establish an integrated system for the registration of firearms. All states and territories complied; however, variations in the legislative definition of a firearm resulted in inconsistencies arising between jurisdictions in the requisite registration of deactivated firearms and of specified firearm parts.

### Deactivation

A deactivated (or inoperable) firearm is one that has been rendered incapable of discharging shot, bullets or other projectiles by means of an explosive charge or compressed gas and cannot be returned to its original firing condition (without modifying the appearance of the firearm; see Customs (Prohibited Imports) Regulations 1956—Reg 4F). The legislation in New South Wales and the Australian Capital Territory describes a firearm as a gun or other weapon that is (or at any time was) capable of propelling a projectile by means of an explosive; deactivated or inoperable firearms are thus included in the definition of a firearm. Similarly, in Victoria, Tasmania and the Northern Territory, the definition of a firearm is broad enough to include deactivated or inoperable firearms. In these jurisdictions, firearms remain ‘accountable’ even when deactivated. This means that a firearm’s registration status is not invalidated if it is deactivated and record of the firearm is retained with the relevant firearm register.

Deactivated firearms, however, do not fall within the legislative definition of a firearm in South Australia and Western Australia. Deactivated Category H firearms in Queensland are still considered a firearm but not deactivated long-arms. A firearm in these two former states, and a long-arm in Queensland, loses its accountability status on being certified as deactivated. This poses a problem where deactivation standards are not uniform or verified by the licensing authority. One way ‘deactivated’ firearms that have been deemed unaccountable may enter the illicit pool is through the transfer of the serial number from the deactivated firearm to another, operable firearm, with the purpose of concealing the identity of the latter firearm. The other is through the reactivation of (deliberately) poorly deactivated firearms. A deactivation loophole in Queensland legislation inadvertently led to the deactivation of reportedly thousands of handguns by Queensland-based dealers and based on firearm seizure data, the transfer of some of these handguns into the national illicit pool (Project stakeholder personal communication 24 September 2010). Prior to amendments to the *Weapons Act 1990* (Qld) and Weapons Regulation 1996 (Qld), a handgun if rendered inoperable lost any requirement to remain registered in Queensland. Compounding this vulnerability was the lack of inspection of the firearm once the deactivation process had taken place and many thousands of poorly deactivated handguns were reactivated by firearm enthusiasts and criminals, and made their way into the illicit market (Project stakeholder personal communication 24 September 2010). Of note is the inclusion now in Queensland legislation of an offence to reverse the inoperability of a firearm that has been proscribed under the Act to be rendered inoperable (*Weapons Act 1990* (Qld)), s 62(2)).

State and territory firearm laws now stipulate deactivation standards that *generally* align with each other and those prescribed in the Australian Federal Police Firearm Deactivation Standards, which were endorsed by the then APMC in 2006. Depending on jurisdiction, these standards apply to specific firearm types, categories and/or models. In Queensland, the *Weapons Amendment Act 2011* (Qld) amended the Weapons Regulation 1996 (Qld) to include firearm deactivation standards consistent with the aforementioned AFP Firearm Deactivation Standards

(Schedule 2A), while in South Australia, a SAPOL deactivation policy stipulates deactivation procedures to be adhered to. The latter policy requires deactivated firearms, irrespective of whether an owner or dealer has undertaken the deactivation, to be inspected by the SAPOL Armoury Section. A 'Certificate of Deactivation' is issued only where the deactivation has been completed according to standard.

### *Registration of firearm parts*

Prior to the implementation of the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW), a technical error in the definition of a handgun in New South Wales legislation enabled the diversion of many handguns to the illicit market (Project stakeholder personal communication 24 September 2010). The *Firearms Act 1996* (NSW) as originally enacted, required firearm barrels, but not frames or receivers, to be registered under Part 3 (Registration of Firearms) of the Act. The exemption of frames and receivers meant handguns without barrels could be sold without having to observe regulations on firearm disposal and frames/receivers could be purchased without need to register them. This opened up opportunities to convert or build up new handguns using non-registrable parts purchased in New South Wales with parts purchased elsewhere (Project stakeholder personal communication 24 September 2010). Among the amendments prescribed in the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW) was the stipulation that registration now 'applies to every firearm frame and firearm receiver in the same way as it applies to a firearm' (s 93(1)).

Legislation regarding the registration of firearm parts is not clear but it appears that jurisdictions excluding Western Australia, Tasmania and the Australian Capital Territory have made (at least some) firearm parts subject to registration. Jurisdictional variation exists as to whether specified firearm parts are contained within the definition of a firearm; for example, Queensland includes 'a major component of a firearm' in its definition of a firearm (*Weapons Act 1990* (Qld), sch 2) and South Australia includes 'a receiver of a firearm and any device, which if in working order, would be a firearm' (*Firearms Act 1977* (SA), s 5). The Northern Territory also includes firearm parts in its definition of a firearm. In New

South Wales and Victoria, specified parts require registration.

The registration of firearm parts was not considered by the National Firearm Agreements (1996) and regulation of all firearm parts is not necessarily a feasible option. However, ensuring the mandatory registration of major component firearm parts (eg frames and receivers) in all jurisdictions would enable police to more easily trace ownership history and the movement of firearms constructed illegally from firearm parts.

## Conclusion

Prior to the firearm law reforms described above, it could be argued that opportunities to divert firearms were inadvertently facilitated by legislative loopholes or oversights and/or a general lack of deterrence based on the offences proscribed and the maximum penalties attached. The extensive nature of the reforms and the subsequent amendments to close identified gaps and further increase penalties suggest a considerable amount has already been accomplished in legislatively deterring the flow of firearms from the licit to the illicit market. This is not to suggest that inconsistencies in firearm laws, particularly between jurisdictions, cannot or will not be tested. For example, it has been suggested by stakeholders consulted for this project that dealers who are involved in the illegal diversion of firearms will continue to test the legislation to identify avenues for exploitation (Project stakeholders personal communication 4 May 2011; 28 November 2011). These avenues may not be detected by law enforcement agencies until after the fact, such as occurred with the Queensland 'deactivation' and New South Wales 'firearm receiver' loopholes described previously.

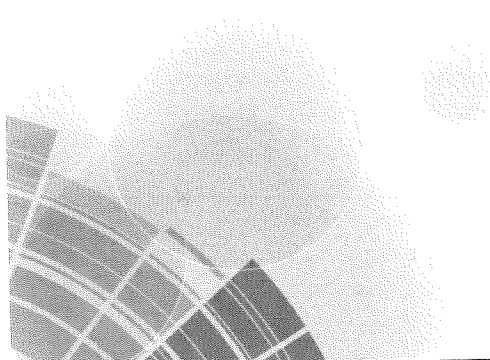
Areas where legislative accord could be improved concern the activities of dealerships and registration and manufacture of firearm parts. Resolutions specified in the National Firearm Trafficking Policy Agreement (2002) aimed to deter dealer involvement in the illicit market by prohibiting certain persons being employed in dealerships, requiring the provision of close associate information, enabling better scrutiny of firearm dealings (through

mandatory recording and provision of transaction records) and making it an offence to wilfully record a false or misleading entry in records on firearm and firearm part transactions. Strengthening provisions around false entries, such as recording false disposal or sales notices, false interstate transfer or failure to record receipt of goods, may deter (some) dealers from making wilful false entries to conceal the diversion of firearms. The maximum penalty for this offence, usually a relatively minimal fine, may not produce the adequate deterrence to offset the temptation to falsify records.

State and territory firearms laws are not completely consistent in the legal definition of a firearm or what constitutes a major firearm component or part (and hence requires registration). It was noted above that registration of all firearm parts has not been judged a feasible option (eg the registration of components would require considerable resources and technical expertise to implement properly) but uniform regulation of major parts (including spare receivers and frames) would prevent diversion opportunities as witnessed in New South Wales with non-registrable receivers. The vulnerability of firearm parts to the illicit trade additionally recommends the uniform adoption of an offence to illegally manufacture parts, not just complete firearms, which is presently only an offence in South Australia.

Inter-jurisdictional inconsistencies in legislation, however, tend to be localised in that one or two jurisdictions have failed to introduce specific offences that have been implemented elsewhere (eg the absence of an offence of trafficking in firearms in South Australia or the possession of a prohibited or prescribed firearm in Tasmania). The significance of these inconsistencies is debatable, although as noted in Davies and Mouzos (2008: 55), the 'departures from the resolutions of the firearm agreements...are potentially detrimental to the integrity of the scheme' and standardisation would 'give full effect to the national principles of firearm controls as envisaged'.

Nonetheless, the review undertaken by Davies and Mouzos (2008) and revisited for this study, suggests that most of the past legislative looseness has been tightened and outside of increasing penalties, which *might* produce further deterrence, other avenues of scrutiny and control are better served by revision or improvement.



# Characteristics and dynamics of firearm trafficking

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In their study of illegal firearm markets in the United States, Pierce et al. (2004: 392) emphasised that the 'complexity' of these markets and the paucity of information about how illicit firearm markets operate 'presents substantial challenges to policy makers and law enforcement agencies in disrupting supply'. Information on firearm trafficking and the intricate workings of the illicit market in Australia is similarly limited. There is general agreement on the likely sources of illicit firearms, and the conduits through which they are trafficked, but less consensus on the importance of these in supplementing the illicit market. Some of this difference in opinion relates to the viewpoint of different interest groups, in particular whether market replenishment is mostly derived from 'internal' sources (such as the theft of legal firearms) or reliant on a consistent flow of items from outside Australia (through illegal importation). Yet much of this uncertainty ultimately derives from the difficulty in estimating contribution in the absence of complete data.

## Type and size of markets

Three primary firearm markets exist in Australia—the licit, grey and illicit markets. These are as follows:

- The licit market comprises all firearms that have been registered with the relevant authority and held by an owner with the appropriate licence(s) to possess and use the specified firearm(s).

- The 'grey market' comprises unregistered firearms. Prior to the National Firearms Agreement (1996), only handguns had to be registered in all Australian jurisdictions; mandatory long-arm registration varied between the states and territories. Grey market firearms are those firearms that should have been registered or surrendered (for restricted models) in the gun buybacks that have occurred since the National Firearms Agreement (1996), but for a multitude of reasons were not. In some cases, this was probably because the owner chose not to comply with the new legislative requirements but in others because the firearms had been misplaced, lost or forgotten about. Grey market firearms are not held, used or conveyed for criminal purposes but have been identified as often ending up in the illicit market.
- The illicit market comprises any firearm that has been illegally imported into Australia, illegally manufactured in Australia or diverted from the licit or grey markets. Illicit firearms may be used in criminal activities.

The introduction of mandatory registration requirements with the firearm reforms now provides a count of the legal market—there were over 2.7 million firearms registered in Australia as of December 2011. It is not possible, however, to estimate the size of either the grey or illicit markets. The grey market may be substantial but there are no reliable estimates of the volume of it or the illicit market.



## Sources and conduits

Illegal importation, theft, illicit manufacture (albeit small), the activities of some corrupt dealers, and legacy legislative and procedural loopholes all represent recognised methods by which firearms, firearm parts and ammunition have been or currently are trafficked into or within Australia (ACC 2011, 2009, 2008; Kerlatec 2007; Mouzos 1999; Qld CMC 2004). The trafficking of illicit firearms might be described as being dependent on two sources of supply—point sources and diffuse sources (Braga et al. 2002). Point sources represent the more organised spectrum of illegal firearm transfer, best typified by ongoing diversion of firearms from some corrupt firearm dealers or illegal importation. Diffuse sources are less routine or less dependable 'acquisitions', for example, from theft or informal, clandestine sales. These recognised methods of trafficking are described here.

## Illegal importation

Many, if not the majority of, firearms in both the grey and illicit markets were most likely legally imported into Australia prior to the firearm and related reforms (see next section). In 2010–11, a total of 85,035 firearms were legally imported into Australia and 4,540 were exported (ACBPS 2011a). In the same period, ACBPS recorded the detection of 5,922 undeclared firearms/airguns, parts and accessories, although not all of these undeclared items were brought in through deliberate, illegal import activity and most of these items were described as 'low risk' (Project stakeholder personal communication 7 December 2011).

Aside from the concern that restricted firearm models are being illegally brought into the country is the risk surrounding the illegal importation of parts and accessories which can then be used to manufacture restricted firearms or modify existing

**Table 6** Reported illegal importation of firearms, parts and ammunition 2004–11

Item	Method of import
Parts for Uzi sub-machine gun	Post
'Handgun' parts	Post
MG42 machine gun parts	Post
Airsoft handgun and ammunition (with other prohibited weapons)	Luggage
Rifle barrel for M1 carbine	Post
Replica handguns/replica flintlock rifles	Not specified
Frame and 3 15-round 9mm magazines for semi-automatic pistol	Post
76 replica flintlock pistols/22 replica flintlock rifles	Sea cargo
9mm semi-automatic pistol	Post
Six handguns (4 x .32 semi-automatic pistols, 1 x .25 semi-automatic pistol and 1 x .22 revolver)	Sea cargo
Handmade shotgun	Air cargo
9mm semi-automatic pistol	Sea cargo
AK-47 assault rifle (dismantled)	Post
Airsoft firearm parts	Luggage
15 military style firearm magazines and stock for 'Steyr' rifle	Post
Air rifle (disassembled)/air rifle ammunition	Post
Four magazines for semi-automatic pistol and firing pin	Post
2,000 airsoft BB guns	Sea cargo
'Parts' for a semi-automatic pistol	Post
1,500 BB guns	Sea cargo

Source: ACBPS 2011b, 2009, 2008a–f, 2007a–c, 2006a–d, 2005a–c, 2004a–b

firearms. Media reports from the ACBPS (see Table 6) and AIC discussions with stakeholders indicate that it is the illegal importation of parts which is the more common scenario. The servicing of the current illicit market through illegal imports is not an unproven channel but may not be as important a trafficking route as some commentators expect or assert (eg see ABC 2011) and despite more recent high-profile cases (eg see AAP & Davies 2012). This may be because the process of illegal importation is possibly perceived as a less reliable option for firearm acquisition due to increased surveillance from the ACBPS, in combination with police agencies, and thus a greater chance of detection (Project stakeholders personal communication 28 November 2011; 7 December 2011).

### *Theft*

Theft is cited as an important source of illegal firearms in countries such as the United States (Kleck & Wang 2009; Pierce et al. 2004; Wright & Rossi 1994) and inferred in other jurisdictions such as England and Wales (Hales, Lewis & Silverstone 2006) and within the European Union (Spapens 2007). Data collected for the AIC's National Firearm Theft Monitoring Program showed that over the five years between 1 July 2004 and 30 June 2009, an average 1,545 firearms were reported stolen to Australian state and territory police (Borzycki & Mouzos 2007; Bricknell 2011, 2009, 2008a; Bricknell & Mouzos 2007), less than half the average number of firearms reported stolen during the previous decade (Mouzos 2002). Around three-quarters of thefts were from private residential premises, with a mix of targeted and opportunistic incidents recorded. Less restricted firearms (eg Category A and B firearms—see Table 8) comprised the majority of firearms stolen in this period, most likely a reflection of the prevalence of these firearms among the Australian firearm-owning community rather than a necessary preference for such models. Handgun theft has remained consistently below 10 percent and restricted Category C and D firearms (such as pump action shotguns and semi-automatic rifles) rarely featured in firearm theft reports (less than 1% of all reported stolen firearms). Firearms from just 12–14 percent of reported theft incidents between 2004–05 and 2008–09 were recovered by police in

the 12 months following the report of the theft (Borzycki & Mouzos 2007; Bricknell 2011, 2009, 2008a; Bricknell & Mouzos 2007), indicating a sizeable, annual contribution of stolen firearms to the illicit market.

### *Illicit manufacture*

Illicit manufacture refers to the unauthorised production of a firearm from raw materials or assembly using disassembled and/or new firearm parts. It has been predicted that the illicit firearm market will (increasingly) be supplied by a 'growing domestic market of locally manufactured firearms' (Kerlatec 2007: 160), presumably as other methods for diversion become less viable. The current scale of illicit domestic manufacture is unknown, although the ACC (2011: 76) lists 'backyard manufacturers' as a source of firearms for SOCG. Given the risks associated with detection, illicit manufacture is likely to occur in small-scale, made-to-order operations.

### *Corrupt licensed dealers*

Licensed firearm dealers are well placed to divert firearms—they have access to large firearm collections, and their familiarity with legislation and processes around the importation, sale and distribution of firearms will have revealed where vulnerabilities exist and can be best exploited. This form of diversion often relied upon the abuse of legislative or administrative inconsistencies and weaknesses (such as the deactivation loopholes described below), which was nominated as a key conduit in the supply of handguns to the illicit markets in New South Wales and Queensland (ACC 2011; Qld CMC 2004).

### *Legislative loopholes*

The exploitation of legislative and procedural loopholes primarily by, although not confined to, some corrupt licensed dealers contributed in the past to the diversion of reportedly thousands of legal firearms, notably handguns (Project stakeholders personal communication 24 September 2011; 30 November 2011). Legislative and procedural anomalies recognised as being particularly damaging concerned the 'accountable' status of

deactivated firearms, the definition of a firearm and mandatory registration of frames and receivers, and the historical non-existent recording of firearms transferred across state and territory borders.

### Deactivation/reactivation

In all but two jurisdictions, firearms remain 'accountable' even when deactivated. This means that a firearm's registration status is not invalidated if it is deactivated and the firearm remains 'on the books' of the relevant firearm registry. Deactivated firearms, however, do not fall within the legislative definition of a firearm in South Australia and Western Australia. A firearm in these two states loses its accountability status on it being certified as deactivated. Once a deactivated firearm is unaccountable and reactivation occurs, its transfer out of the legal pool is complete.

A deactivation loophole in Queensland weapons legislation inadvertently led to the deactivation of a substantial number of handguns (estimated to be upwards of 4,000) by Queensland-based dealers and probably the transfer of some of these handguns into the national illicit pool (Project stakeholders personal communication 24 September 2011; 30 November 2011). Prior to amendments to the *Weapons Act 1990* (Qld) and *Weapons Regulation 1996* (Qld), a handgun if rendered inoperable lost any requirement to remain registered in Queensland. Compounding this vulnerability was the lack of inspection of the firearm once the deactivation process had taken place. Subsequently, many thousands of poorly deactivated handguns were reactivated by firearm enthusiasts and criminals, and made their way into the illicit market (Project stakeholders personal communication 24 September 2011; 30 November 2011).

### Technical loopholes

Prior to the implementation of the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW), a technical error in the definition of a handgun in New South Wales legislation enabled the diversion of many handguns to the illicit market (Project stakeholders personal communication 24 September 2011; 30 November 2011). The *Firearms Act 1996* (NSW) as originally enacted required firearm barrels,

but not frames or receivers, to be registered under Part 3 (Registration of Firearms) of the Act. The exemption of frames and receivers meant handguns without barrels could be sold without having to observe regulations on firearm disposal, and frames/receivers could be purchased without need to register them. This opened up opportunities to convert or build up new handguns using non-registrable parts purchased in New South Wales with parts purchased elsewhere. Among the amendments prescribed in the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW) was the stipulation that registration now 'applies to every firearm frame and firearm receiver in the same way as it applies to a firearm' (s 93(1)).

### Interstate transfer

Diversion by interstate transfer is potentially facilitated by a mix of legislative and administrative loopholes. Until recently, there was no structured system agreed to by all state and territories in the reconciliation of firearm transactions between jurisdictions. Aware of this anomaly, some dealers have diverted licit firearms to the illicit market by falsely declaring on their dealer returns disposal of firearms to other companies or individuals interstate, when in fact the firearm never left the dealer's possession. This vulnerability assisted in the intra- and inter-state diversion of firearms, predominantly handguns.

### Illicit market suppliers and consumers

The trafficking of illicit firearms in Australia is not considered to be organised in structure (Alpers & Twyford 2003; Kerlatec 2007; Mouzos 1999; CMC 2004). Rather, it is dominated by a collection of criminal gangs (OMCGs are frequently nominated) in which illicit firearm trafficking is run as a side business to the primary criminal venture (eg the drugs market) and small networks or individual operators, such as corrupt licensed dealers, who move illicit firearms around by word of mouth.

The consumers of the illicit market comprise much the same group again, consisting of persons, gangs

or more sophisticated entities acquiring firearms to commit crime, for protection of themselves or their assets, to perpetuate gang rivalry and violence and/or for stockpiling purposes. It is fair to assume that few, if any, consumers of illicit firearms sit outside criminal networks but it is quite probable there are collectors or other firearm enthusiasts who might look to the illicit market for restricted firearms if they wish to acquire them.

There is a predilection for handguns among the criminal fraternity, in acquisition and to use to commit crime (Blumstein 1995; Braga et al. 2002; Hales, Lewis & Silverstone 2006; Kleck & Wang 2009; Smith et al. 2010; SOCA 2006; Spapens 2007; Williams & Poynton 2006; Wright & Rossi 1994; Wright, Wintermute & Webster 2010). While the large-scale, cross-border trafficking franchises are occupied with the movement of military-style firearms and similar firearms, there is 'limited use' for such items in domestic criminal enterprise (UNODC 2010: 129). Military-style firearms (such as Bren Light Machine Guns, AK-47 assault rifles, M1 carbines) do permeate the domestic illicit market but they are bought for different reasons (possibly stockpiling) and generally do not feature in the commission of crime. Handguns dominate firearm-perpetrated violent crime statistics from the United States (FBI 2010), England and Wales (Smith et al. 2010) and Canada (Mahoney 2011), despite differential rates of firearm crime overall in these jurisdictions. This has not been the case in New Zealand where long-arms were often used in the commission of violent crime, but this apparent preference for long-arms could be related to the comparative scarcity of handguns, compared with long-arms, in New Zealand (Newbold 1999). More recent data on firearm violent crime in New Zealand, however, are not available.

In Australia, the number of victims of firearm-perpetrated homicide (ie murder and manslaughter) has declined by half between 1989–90 and 2009–10 from 24 to 12 percent (Chan & Payne forthcoming). The predominance of handgun-perpetrated homicide, as a proportion of all firearm homicide, rose from 17 to 45 percent between 1992–93 and 2006–07 (Bricknell 2008b; Dearden & Jones 2008) but dropped again in the following three years to a little over 10 percent. For the most recent year

available (2009–10), handgun homicide comprised 13 percent of all homicides that were committed with a firearm (Chan & Payne forthcoming). Data on weapon use from the AIC's National Armed Robbery Monitoring Program show that armed robberies involving a firearm comprised 14 percent of all armed robberies reported in 2009. This percentage has remained stable over the seven year period from 2003 to 2010. More than half of all firearm-perpetrated armed robberies in 2009 were committed with a handgun (56%, n=2,708), with long-arms used in 10 percent or less of firearm armed robberies reported that year (eg shotguns 10%, n=490; rifles/airguns 5%, n=5; AIC unpublished data).

Hales, Lewis and Silverstone (2006) have differentiated between two types of 'gun culture' that sustains the illicit firearms market in England and Wales. The first is the *instrumental* criminal firearm culture where firearms are obtained specifically for offensive criminal purposes, armed robbery being the most common criminal pursuit. The second is the *complex* criminal firearm culture, in which firearms are procured for often a mix of offensive, defensive and symbolic functions. It is the latter group of purchasers that Hales, Lewis and Silverstone (2006) have argued is becoming the dominant culture in illicit firearm ownership and use, and that is often connected to, or immersed within, the illicit drugs market. This is a credible scenario for Australia too and may help to explain the type of firearm that comprises the illicit firearm market here.

Handguns, as noted earlier, are the firearm of choice for many criminal groups. Handguns are preferred by the very fact they are concealable and some models have large magazine capacities (Blumstein 1995; Hales, Lewis & Silverstone 2006; Lizotte et al. 2000; Wright & Rossi 1994). Long-arms, in particular sawn-off shotguns, are chosen probably because of general availability but also because of the intimidatory effect they have on victims (Hales, Lewis & Silverstone 2006; Newbold 1999). Select-fire firearms (ie firearms that have at least 1 automatic and semi-automatic mode) hold a 'symbolic value' among criminal users that 'conform(s) to gangster stereotype(s)' (Hales, Lewis & Silverstone 2006: 55); their power and quick reloading capacities are equally attractive.

Access to the illicit firearm market, or a broader selection of items within the market, usually depends on the extent and strength of criminal connections and length of service in criminal enterprise (Hales, Lewis & Silverstone 2006; Newbold 1999). Older, established consumers tend to be more technically savvy and more discerning in their choice of firearm. Younger or less experienced purchasers may be less knowledgeable about firearms and possibly more impulsive in their selection (Cook et al. 2006; Hales, Lewis & Silverstone 2006).

The reasons for acquiring illicit firearms can be related to the 'gun cultures' described before. Some firearms are bought primarily to commit a criminal offence. Others, particularly handguns, are acquired for self-defence or protection and, for younger users, as status symbols (Blumstein 1995; Bricknell 2008b; Cook et al. 2006; Hales, Lewis & Silverstone 2006; Lizotte et al. 2000). Cook et al. (2006) noted that gang members often possessed firearms so that their rivals knew they had a firearm—just showing someone your firearm was sufficient for being left alone. Self-defence and the avoidance of future victimisation were regularly mentioned reasons for firearm ownership by gang members involved in the drugs market, particularly those at the retail end of the market. Then there are purposes related to establishing and maintaining control of illegal economic activities (Markowski et al. 2009), such as handling territorial disputes and 'sanctioning' acts of trespass (Hales, Lewis & Silverstone 2006). Finally, there is the acquisition of firearms for stockpiling, to be used when and if more serious skirmishes arise. Military-style firearms may be more likely to be obtained for stockpiling purposes.

## Australian cases of firearm trafficking

The nature of firearm trafficking in Australia can be discerned from examining open-source material but with the caveat that the absence of intelligence prevents the construction of a more complete picture. As noted earlier, there is a paucity of open-source literature addressing the illicit firearm trade within Australia, indeed on firearms in general, outside the occasional report (usually) prepared by

government agencies or interest groups. The Queensland Crime and Misconduct Commission's assessment of the illicit firearms trade in Queensland in the early 2000s described the market as 'not large or overly organised' and was mostly supplied, at least in the past, by the diversion of firearms from the legal market, 'boosted by opportunistic theft' (Qld CMC 2004: 203).

Similarly dated assessments of firearm trafficking (Alpers & Twyford 2003; Mouzos 1999) supported the opinion that the illicit market was not organised and supply was predominantly from 'domestic leakage' of legal firearms, rather than wholesale illegal importation. A more recent report, on firearm trafficking in New South Wales (Kerlatec 2007), listed diversion, a growing industry in domestic manufacture (presumably unlawful), and illegal importation as methods of supply, although it also predicted an increase in the use and acquisition by criminal elements of imitation and replica firearms. The ACC (2011: 76), in its 2011 assessment of organised crime in Australia, stated that the trafficking in firearms is largely furnished by 'corrupt licensed dealers, loose networks of criminal gangs and 'backyard' manufacturers' but did not predict any escalation in activity into the near future.

Missing from these more generalised accounts of firearm trafficking is the identity and backgrounds of suppliers and consumers, and specificities around the type of firearms that are bought and sold. Media reports can only go so far in revealing these identities, not least because this form of source material may tend to focus on the more substantial (or sensationalist) cases (eg see AAP & Davies 2012; ABC 2012, 2009; Bell 2008; Earley 2009; Hughes 2007; Nankervis 2012; Nicholson & Ziffer 2004; O'Brien 2007; Robertson 2011; Rule 2009; Trembath 2009; Trenwith 2009). From these, it is clear that some trafficking syndicates have access to significant caches of (usually) restricted firearms (and other weapons) and the link to OMCGs and other criminal groups involved in the drugs trade is readily advanced. The role of licensed firearm dealers and armourers is also apparent, either as a channel by which firearms are moved into the illegal market or as on-sellers. However, the scenarios presented in these reports simply confirm stereotypes around firearm trafficking without detailing the different typologies of involvement. The following discussion

examines transcripts from court proceedings to ascertain whether more can be established from this source about suppliers and different levels of trafficking enterprise.

### *The 'business of selling'*

Among the recommendations specified in the National Firearm Trafficking Policy Agreement (2002) was the introduction into law of new offences or an increase in penalties for activities connected with the illicit firearms trade. These were described in full in the previous section but briefly include, where they were not present in the legislation before:

- the creation of offences related to the defacement of identifying marks (eg serial numbers) and the illegal manufacture of firearms;
- an increase in penalties for illegal possession;
- new provisions for licensed dealers in the recording, reporting and inspection of firearm part transactions and close associate arrangements; and
- the addition of an offence for employing a prohibited person in a dealership business.

The sample of court proceedings assembled for this report was expectedly small (n=20) and therefore the description of illicit firearm sales contained in these transcripts can only be taken as indicative of trafficking operations. As noted in the *Methods* section, court proceedings are generally available only for cases heard in higher courts and those cases reported here were mostly those that went to appeal. It was not possible to establish the proportion of cases that proceeded to prosecution that were represented by the cases described here. Indeed, a number of high profile firearm trafficking cases reported in the media in recent years could not be located in publicly available court records.

Two categories of suppliers might be distinguished from the compiled cases. The first category comprised individuals or groups of individuals who were evidently in the 'business of selling' — the sale or supply of firearms was a regular or major form of income, at least for a sustained period of time. These suppliers were known or suspected to have engaged in multiple, illegal sales of firearms, usually restricted models, to persons who did not have the appropriate licence to own the firearms being

disposed of or were designated a 'prohibited person' under the relevant state or territory law. For example, in *The Queen v NP* [2003] NSWCCA 195 (17 July 2003), the defendant was described as clearly 'being in the business of supplying firearms [and prohibited drugs]' and that 'business had been good and profitable' (Transcript of proceedings, *The Queen v NP*, New South Wales Court of Criminal Appeal, Hodgson JA, 17 July 2003: 8). In a number of cases, the appeals judge represented the seriousness of the matter with the defendant's apparent disregard for the identity of the eventual purchaser of the firearm or the reason for the purchase. In *The Queen v Nash* [2008] SASC 48 (29 February 2008), Justice David noted it was 'clear that the respondent acquired the firearms illegally' and on the respondent's plea the act of sale 'was made on the basis of recklessness, it [was] difficult to imagine that these firearms were to be used by the purchasers for anything other than a sinister purpose' (Transcript of proceedings, *The Queen v Nash*, Supreme Court of South Australia, David JJ, 29 February 2008: 127).

Nash had been found guilty of taking part in the supply of a prescribed firearm (an Uzi 9mm submachine gun), 12 Category H firearms (6 handguns on 2 separate occasions) and two Category D firearms, contrary to s 14A(1)(b) of the Firearms Act 1977 (SA). Similarly, in *The Queen v Dunn* [2003] NSWCCA 169 (13 August 2003), in which it was determined in the sentence hearing that 40 firearms had been illegally sold, Justice Meagher, while acknowledging the specifics of the sale(s) were not established, stated 'one might be forgiven for speculating that the purposes were hardly likely to be benign or the participants to be savoury' (Transcript of proceedings, *The Queen v Dunn*, New South Wales Court of Criminal Appeal, Meagher ACJ, 13 August 2003: 19).

The sale of firearms to persons who had the intention of taking firearms to a state other than the jurisdiction of sale informed in part the decision to dismiss the appeal in *The Queen v Howard* [2004] NSWCCA 348 (12 October 2004). In this case, the offender, who lived in Queensland, had sold two handguns and was offering to sell another two handguns with silencers (contrary to s 51(1A) of the *Firearms Act 1996* (NSW)), to a buyer (an undercover police officer) who had made it known

to the offender he was from New South Wales and intended to take the firearms back across the border. While the offender had no previous criminal history, the appeals judge agreed with the district court judge's summation that:

...like others of his ilk, he regards personal financial gain as of more importance than the safety of the community. I am totally satisfied that he knew exactly what he was doing; that he was deeply steeped in his love for firearms and felt no sense of responsibility, so long as he did not pull the trigger (Transcript of proceedings, *The Queen v Howard*, New South Wales Court of Criminal Appeal, Spigelman CJ (citing Ducker ADCJ): 8).

The second category of supplier could be defined as part-time vendors, who sold firearms on a more ad hoc basis. While involvement in the drug market, either as a user or dealer, was not unique to this group of suppliers, the available cases suggest that the sale of firearms were for these offenders, a means to support an existing drug habit or a minor side-business to dealing in drugs. In *Baxter v the Queen* [2007] NSWCCA 237 (10 August 2007), the respondent was described as a heavy drug user who purchased and sold amphetamine and methylamphetamine. Telephone intercepts indicated the offender was also occasionally occupied in sourcing and selling firearms; he was convicted, along with drug offences, for the sale of a shotgun, contrary to s 51(1) of the *Firearms Act 1996* (NSW), as well as possession of a replica Smith & Wesson handgun, contrary to s 7(1) of the Act. Supporting a drug habit was the primary factor in the illegal sale of firearms in *Regina v Justin Van Turnhout* [2007] NSWDC 363 (9 November 2007). The firearms the respondent sold were his own or that of a friend, rather than items acquired elsewhere, which he sold along with various quantities of methylamphetamine. Joint sales of firearms with prohibited drugs is also described in *The Queen v DJM* [2002] NSWCC 493 (9 December 2002), in which a self-acknowledged drug dealer was involved, on two separate occasions, in the sale of heroin and semi-automatic pistols to a police operative.

A separate group of participants involved in the illicit movement of firearms are those not directly involved in the selling of firearms, or the procurement of firearms for sale, but rather engaged in the exchange

or receipt of firearms in return for another illegal commodity. In *The Queen v Gasmier* [2011] SASCFC 43 (20 May 2011), it was noted that 'the appellant was sentenced on the basis that he had been approached by a friend who asked him to take the guns and 'move them on', in exchange for drugs' (Transcript of proceedings, *The Queen v Gasmier*, Supreme Court of South Australia (Court of Criminal Appeal), Sulan JD: 5). The firearms were a Category A 12-gauge single barrel shotgun and a Category D .22 calibre semi-automatic rifle, which were located in the boot of the appellant's car. Similarly, in *Howlett v Tasmania* [2010] TASCCA 15 (12 October 2010), the appellant was shown to have been involved in the exchange of drugs for firearms, in this case brokering the exchange of two ounces of methylamphetamine for five firearms. The appellant was to receive one of the five firearms as commission; he was ultimately not charged with an offence contrary to s 110A of the *Firearms Act 1996* (Tas) (unlawful trafficking in firearms). However, the appellant's 'motive' for possessing the methylamphetamine—'to facilitate the crime of trafficking in firearms'—was noted at sentencing and in the subsequent appeal as an influential factor for sentencing purposes (Transcript of proceedings, *Howlett v Tasmania*, Supreme Court of Tasmania (Court of Criminal Appeal), Blow: 16).

### Sale items

The origin of the trafficked firearms was not commonly stated in appeal proceedings. Theft was cited as the source of firearms in *R v Mundy* [2011] QCA 217 (2 September 2011) (55 firearms stolen from an Ipswich dealer), *R v Anderson* [1998] QCA 272 (11 September 1998) (theft of 45 firearms from a residential property) and *R v Nash* [2008] SASC 48 (29 February 2008) (firearm specifics and quantity not cited) but outside these and the handful of cases regarding import offences, the method by which the firearm was trafficked was not known or only inferred. It was evident that all but a few of the firearms listed were unregistered.

Where information was available regarding the firearms offered for sale or sold, the great majority were handguns, mostly semi-automatic pistols. Other, less commonly tendered items were Category D semi-automatic rifles, submachine guns and a mix

of restricted and less restricted (eg Category A bolt action rifles) long-arms. In incidents of trafficking categorised above as involving the more 'committed' seller, the serial numbers and other identifying features on the vended firearms (again, predominantly semi-automatic pistols) had been defaced or obliterated and some of the pistols had been modified for or were fitted with silencers (eg *The Queen v NP* [2003] NSWCCA 195 (17 July 2003); *The Queen v Dunn* [2003] NSWCCA 169 (13 August 2003); *The Queen v Howard* [2004] NSWCCA 348 (12 October 2004); *The Queen v Nash* [2008] SASC 48 (29 February 2008); *The Queen v Mundy* [2011] QCA 217 (2 September 2011); *Samac v The Queen* [2011] VSCA 171 (17 June 2011). Evidence of long-arm modification—shortening of the barrel and/or the stock to render the firearm (more) concealable—was described in *Regina v Justin Van Turnhout* [2007] NSWDC 363 (9 November 2007); *The Queen v Dogan* [2011] NSWDC 86 (28 July 2011); and *Yammine v The Queen* [2010] NSWCCA 123 (23 June 2010). Many of these firearms were loaded at the time of sale, or when located, and ammunition and/or magazines were generally proffered with the sale item.

## Warehousing

A number of trafficking cases revealed that suppliers (or potential suppliers) stored or had access to substantial numbers of firearms. In *The Queen v Mark Isaac Shane Brown* [2006] NSWCCA 249 (17 August 2006), the offender was described as a 'warehouser' of prohibited weapons, contrary to s 51D(2) of the *Firearms Act 1996* (NSW) (unauthorised possession of prohibited firearms or pistols in aggravated circumstances). The warehousing of firearms also formed the charges referred to in *Yammine v The Queen* [2010] NSWCCA (23 June 2010) where seven prohibited firearms were found on the appellant's property, allegedly accumulated due to a build-up of tension between rival OMCs.

Similar stockpiling of firearms was described in *The Queen v Henderson and Warwick* [2009] VSCA 136 (16 June 2009) and *DPP v Fleiner* [2010] VSCA 143 (18 June 2010). In the former case, a search warrant executed on a storage unit frequented by the appellants discovered seven firearms, five of which

were unregistered. The amount located was less than the 10 stipulated under s 7C of the *Firearms Act 1996* (Vic) (ie possession of a traffickable quantity of firearms) but the appellants, who were convicted of drug trafficking offences, were both prohibited persons as defined under the Act and hence disqualified from owning any type of firearm. An explanation for the firearms was not provided at the appeal hearing.

In *DPP v Fleiner* [2010] VSCA 143 (18 June 2010), the respondent concerned, also designated a prohibited person for the purposes of s 5 of the *Firearms Act 1996* (Vic), was found to have amassed 45 unregistered firearms, a 'large amount' of ammunition and 'dozens' of firearm parts. The respondent's counsel in the sentence hearing described the firearms as collector's items, to which the Crown demurred, arguing 'this number in one place could accurately be described...as an arsenal' (Transcript of proceedings, *DPP v Fleiner*, Supreme Court of Victoria (Court of Appeal), Harper J (citing the Crown): 29). While the respondent pleaded guilty to an offence against s 7C of the *Firearms Act 1996* (Vic), along with various offences related to the possession and trafficking of a drug of dependence, there was no evidence the owner was vending the firearms nor where they were obtained from.

The vulnerability of warehoused firearms, even if amassed by persons with no apparent 'sinister intent', underlined the case in *The Queen v Cromarty* (2004) NSWCCA 54 (22 March 2004) and highlights the grey area between the accumulation and possession of large numbers of firearms and trafficking. The firearm collection at the centre of this case was described as the 'largest cache of weapons ever taken from a private individual in Australia' (Transcript of proceedings, *The Queen v Cromarty*, New South Wales Court of Criminal Appeal, Kirby J: 11). Among the firearms collected by the respondent were 35 firearms prohibited under Schedule 1 of the *Firearms Act 1996* (NSW), 103 unregistered firearms, 10 pistols on which the serial number had been defaced, two shortened self-loading rifles, 147 firearm parts, 2,850 cartridges of ammunition and seven silencers for rifles and pistols. The firearms were distributed throughout the house and garage and none were secured according to legal requirements. Among the five counts Cromarty pleaded guilty to was the unauthorised possession



of firearms in aggravated circumstances, contrary to s 51D(2) of the *Firearms Act 1996* (NSW).

The respondent, who had a dealer's licence and licences to possess Category A, B and H firearms, was not thought to have been involved in the trafficking of illegal firearms; however, 'he was certainly conscious of his obligations under each Act, and understood the security risk that he ran' (at 55) by cultivating such a large collection of firearms. In considering the appeal against sentence from the Crown, Justice Kirby stated:

...although the primary object of s 51D...may have been the punishment of criminals who warehouse illegal firearms, the objective was, I believe, broader than that. The measures...were 'designed to inhibit the illegal supply of firearms'. The purpose of the amendments extended to the stockpiling of weapons, as happened here, where that stockpile was vulnerable and, if violated, may feed the market in the illegal supply of firearms (Transcript of proceedings, *The Queen v Cromarty*, New South Wales Court of Criminal Appeal, Kirby J: 86).

## Conclusion

Past descriptions of the illicit firearm market in Australia have suggested the market is not highly organised and combines the activities of criminal gangs trafficking in firearms as sideline commerce and individual players (such as corrupt dealers) who organise illegal sales (or diversion of firearms) on a personal-order basis. This general depiction is more or less confirmed based on what can be ascertained from other open-source materials although the cast of suppliers is not as neatly defined. It includes those who utilise the sourcing and sale of illicit firearms as a major (rather than secondary) form of revenue; those with no formal links to trafficking networks but who move or broker the occasional sale of a firearm, often as part of a drug transaction; and provisional contributors who act based on need (eg to support a drug habit). Handguns, mostly semi-automatic

pistols, appear to be the primary commodity, supplemented with military-style long-arms (such as Category D semi-automatic rifles) and less restricted long-arms. The differentiation in activity likely reflects a combination of factors, including sophistication in the establishment of networks of access and supply, the types of customers, product volume available and consumer preferences.

The illicit firearm consumer in Australia is not so easily drawn from the literature cited, although they may match those described by Cook et al. (2006) and Hales, Lewis and Silverstone (2006), with firearms acquired for offensive and defensive functions, to instil status and to amass arsenals. What is not clear is the extent of consumption by persons not engaged in criminal activity but who have looked to the illicit market to obtain their firearms. The presence of the grey market probably offsets some acquisition of long-arms from the illicit pool but handguns, if denied to consumers through legal avenues, are generally only available from the illegal supply.

Numerous sources for illicit firearms have been identified, yet different commentators have elevated the relative importance of these in stocking the illicit market. The contribution of legislative loopholes and stolen firearms is probably the least disputed of these sources, although more could be learned about the incidence of genuine targeted theft incidents versus opportunistic theft (ie where an array of goods found by the offender are stolen with the firearms). Other sources, such as illegal importation, illicit domestic manufacture and the role of corrupt dealers are less clear, not so much because their contribution is necessarily considered negligible but because evidence is not as complete, is not publicly available or is largely anecdotal, is less likely to be detected, or is a combination of these. A clearer understanding of the relative importance of different avenues of supply could be used not just to determine the success of targeted responses (eg the closing of legislative loopholes) but potentially to predict future vulnerabilities and changes in the dominance of supply pathways.



# Illicit market firearms and organised crime

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There has been considerable speculation in the public sphere, particularly in response to apparent increases in drive-by shootings and other gang-related shooting offences, on the nature of the illicit firearms market in Australia, specifically the sources of these firearms. However, little formal examination of what this market comprises, how it is replenished and its relationship to SOCG has been available to test this speculation. This lack of analysis is partly due to universal difficulties in quantifying and describing illicit good markets, particularly in the absence of comprehensive information sources.

The best available data to assist in the construction of the illicit firearms market in Australia is that compiled by the ACC on seized firearms. Using analysis of data from the ACC's NFTD, this section describes the characteristics of firearms found in the illicit market, where these firearms originated and the means by which these firearms ended up in the illicit market. The section focuses on firearms acquired by SOCG (see Table 1 for a definition of serious and organised crime), the prevalence of prohibited firearms in SOCG caches and whether similar patterns of supply to the illicit market are used for restricted and non-restricted models.

## General firearm characteristics

A total of 2,750 seized firearms were recorded in the NFTD as of March 2012 (see *Methods* in first section on the compilation of this data). Where information was recorded on the date of seizure ( $n=2,341$ ), all but 10 were seized between June 2002 and October 2011. Of the 10 that were recovered earlier, one was seized in 1977 and the others between 1995 and 1999.

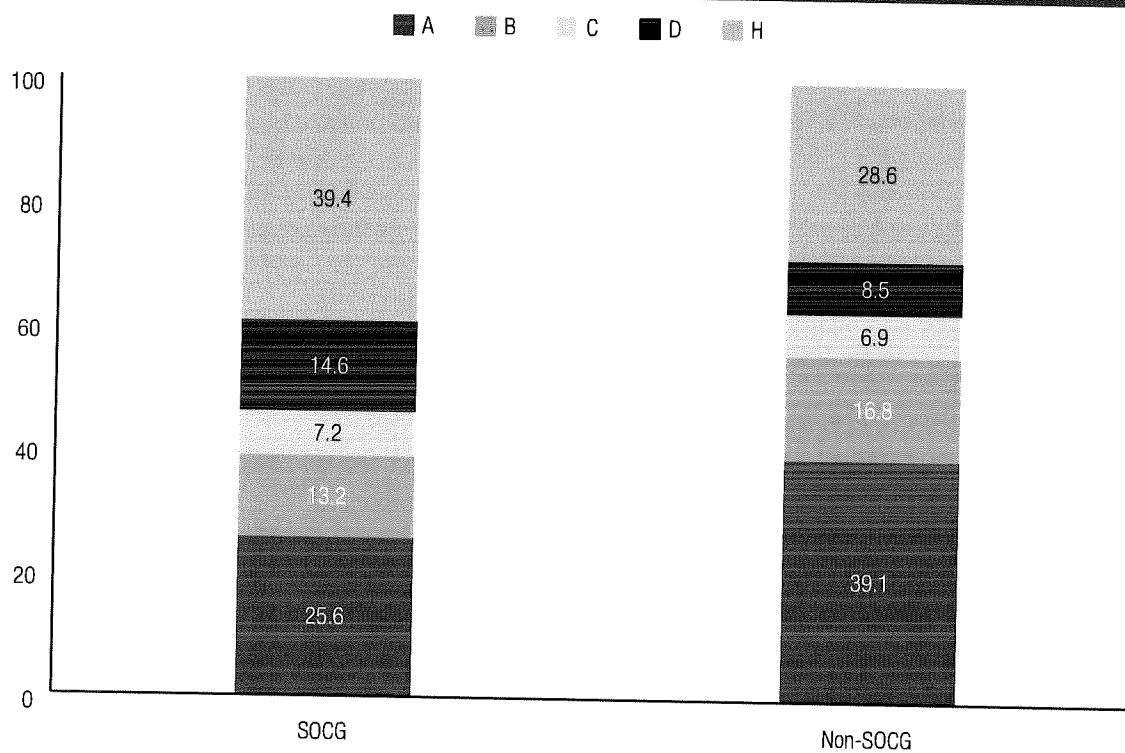
Of these seized firearms, 43 percent ( $n=1,184$ ) were rifles, 34 percent ( $n=960$ ) were handguns and 16 percent ( $n=448$ ) were shotguns (see Table 7). Only a small number of prohibited machine gun models have been recorded, comprising less than one percent ( $n=26$ ) of all seized firearms. Some of these firearms were seized as part of multiple-firearm recovery events, but the quality of the data precluded determining how many firearms were seized individually or as part of a larger assemblage and what these multiple seizures consisted of. The largest number of firearms seized as a collection was 102, recovered in New South Wales from individuals involved in firearms trafficking. Other larger seizures

Firearm type	SOCG		Non-SOCG		All	
	n	%	n	%	n	%
Rifle	672	40	512	49	1,184	43
Shotgun	278	16	170	16	448	16
Air rifle	48	3	58	6	106	4
Handgun	665	39	295	28	960	34
Other	26	2	10	1	36	1
Sub-machine gun	16	1	3	<1	19	<1
Light machine gun	4	<1	2	<1	6	<1
Heavy machine gun	0	0	1	<1	1	<1
Combination firearm	6	<1	4	<1	10	<1
Unknown	12	1	4	<1	16	1
Total	1,701		1,049		2,750	

a: Percentages may not total 100 due to rounding

Source: ACC National Firearm Trace Database

**Figure 1** Firearm category (%)<sup>a</sup>



a: Excludes unknown category (n=16)

Note: Percentages may not total 100 due to rounding

Source: ACC National Firearm Trace Database

associated with SOCG included the recovery of 85, 45 and 35 firearms, all from entities involved in the illicit drugs market, and 60 firearms from a firearms trafficking venture. There was a small group of large seizures from non-SOCG too—55 unregistered long-arms from a licensed firearm owner in New South Wales and seizures of 21 and 22 grey market-sourced long-arms from individuals in Queensland.

Similar proportions of rifles (40%) and handguns (39%) were recorded from SOCG seizures, while in non-SOCG seizures, rifles were significantly more commonly recovered (and hence it can be assumed more commonly acquired) than handguns (49% of all firearms seized compared with 28% respectively;  $\chi^2 = 35.26$  df=2  $p < 0.01$ ). SOCG and non-SOCG seizures contrasted solely in the prevalence of handguns, with a significantly greater proportion of handguns found in association with SOCG.

Both SOCG and non-SOCG firearms were disproportionately skewed towards restricted firearm categories (ie Category C, D and H firearms as classified in the National Firearms Agreement (1996); see Figure 1 and Table 8). Category C and D

long-arms comprise self-loading (ie semi-automatic and automatic) rifles and pump action shotguns that were subject to the 1996 gun buybacks and Category H comprise handguns. Altogether, Category C, D and H firearms make up less than 10 percent of all registered firearms in Australia but comprised over 50 percent of all seized firearms. This skew towards restricted models was significantly more marked among firearms seized from SOCG, where 61 percent of all seized firearms were Category C, D or H compared with 44 percent of non-SOCG firearms ( $\chi^2 = 78.2$  df=2  $p < 0.01$ ).

Category H handguns comprised the largest proportion of restricted firearms in both SOCG and non-SOCG seized firearms but, as described earlier, were significantly more prevalent among firearms recovered from the former group. There was little difference in the percentage of Category C firearms between SOCG and non-SOCG but the proportion of Category D firearms seized from SOCG (15%) was almost double that of non-SOCG firearms (9%).

Thirty different firearm types were seized from SOCG and non-SOCG alike and, while there were similarities in the predominance of specific firearm

**Table 8** Firearm classification according to the National Firearms Agreement 1996

Category A
Air rifles
Rimfire rifles (excluding self-loading)
Single- and double-barrelled shotguns
Category B
Muzzle-loading firearms
Single shot, double-barrelled and repeating action centre-fire rifles
Break-action shotgun/rifle combinations
Category C (Prohibited except for occupational purposes)
Self-loading rimfire rifles with a magazine capacity no greater than 10 rounds
Self-loading shotguns with a magazine capacity no greater than five rounds
Pump-action shotguns with a magazine capacity no greater than five rounds
Category D (Prohibited except for official purposes)
Self-loading centre-fire rifles
Self-loading shotguns and pump-action shotguns with a capacity of more than five rounds
Self-loading rimfire rifles with a magazine capacity greater than 10 rounds
Category H
All handguns, including air pistols

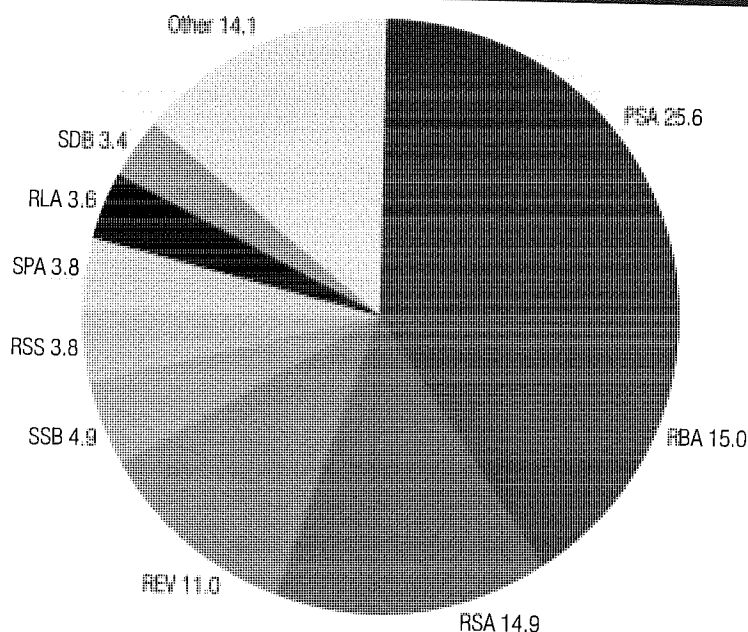
types in both groups, the proportional composition was significantly different between the two ( $\chi^2=135.13$   $df=2$   $p<0.01$ ). Just over a quarter (26%,  $n=436$ ) of all SOCG-seized firearms were semi-automatic pistols and 15 percent each were bolt action rifles (either Category A or B,  $n=255$ ) and restricted semi-automatic rifles (either Category C or D,  $n=253$ ; see Figure 2). Semi-automatic pistols and semi-automatic rifles were also among the more common firearms seized in non-SOCG contexts, making up 18 percent ( $n=191$ ) and 11 percent ( $n=116$ ) of all non-SOCG firearms (see Figure 3). Bolt action rifles, the most widely held rifle type among legal owners, were the most common firearm type recovered from non-SOCG (21%,  $n=217$ ).

Defacement or obliteration of serial numbers is used to conceal the identity of a firearm (eg if used to commit a violent crime or stolen from a victim of violent crime such as armed robbery) and disguise the method of diversion. A total of 542 firearms or a fifth of all firearms seized were recorded as having the serial number defaced. Three-quarters of these

were handguns, possibly reflecting the long-prescribed legal requirement for handgun registration and hence the impetus to conceal the identity of items leaving the licit market. Although the difference was not statistically significant, of note is that the larger percentage of firearms (53%) with defaced serial numbers was seized from non-SOCG.

Other, typical modifications come in the form of shortening or converting long-arms to produce a handgun-like model. Around one in 10 (9%) of seized long-arms had undergone a category change (to Category H), the overwhelming majority of which (77%) were found in the possession of SOCG. When it can physically be achieved, shortening the barrel and butt stock of a firearm makes it easier for criminals to conceal it in the commission of crimes. One seized semi-automatic rifle had been modified to a Category R firearm as classified under the Weapons Categories Regulation 1997 (Qld). While the specifics of this conversion were not available in the data, Category R weapons include fully automatic machine or submachine guns.

**Figure 2** Firearm action type<sup>a</sup>—SOCG (%)<sup>b</sup>



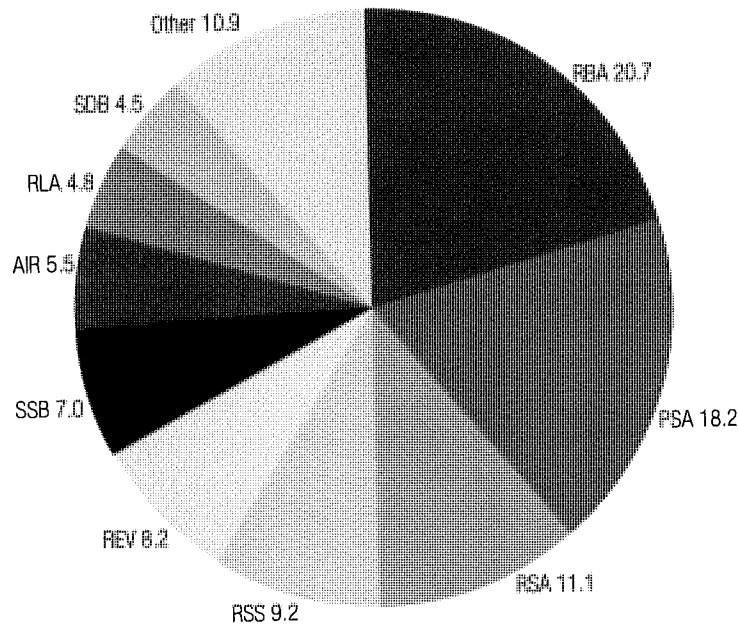
a: PSA=semi-automatic pistol; RBA=bolt action rifle; RSA=semi-automatic rifle; REV=revolver; SSB=single barrel shotgun; RSS=single shot rifle; SPA=pump action shotgun; RLA=lever action rifle; SDB=double barrel shotgun

b: Percentages may not total 100 due to rounding

Note: Excludes unknown action type ( $n=12$ )

Source: ACC National Firearm Trace Database

**Figure 3** Firearm action type<sup>a</sup>—non-SOCG (%)<sup>b</sup>



a: RBA=bolt action rifle; PSA=semi-automatic pistol; RSA=semi-automatic rifle; RSS=single shot rifle; REV=revolver; SSB=single barrel shotgun; AIR=air rifle; RLA=lever action rifle; SDB=double barrel shotgun

b: Percentages may not total 100 due to rounding

Note: Excludes unknown action type (n=4)

Source: ACC National Firearm Trace Database

## Restricted firearms

Through the National Firearms Agreement (1996), states and territories amended their firearms legislation to restrict the importation and use of military-style automatic and semi-automatic firearms to designated occupational and official purposes. Firearms now restricted are:

- self-loading automatic or semi-automatic rimfire rifles;
- self-loading automatic or semi-automatic centre fire rifles;
- self-loading shotguns; and
- pump action shotguns.

The National Firearms Agreement (1996) was accompanied by a 12 month firearms amnesty and compensation scheme whereby owners and dealers were compensated for the surrender of newly restricted firearms. Approximately 642,000 firearms were surrendered during this period.

New restrictions around the ownership and use of handguns were brought in with the National

Handgun Control Agreement (2002). Restricted handguns were any model that had:

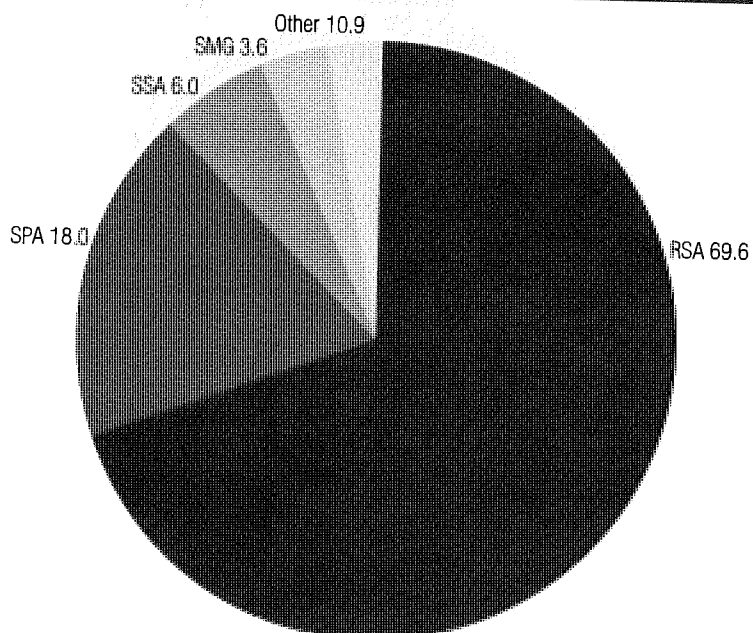
- a calibre greater than .38"; or
- a minimum barrel length of less than 120mm for semi-automatic handguns or less than 100mm for revolvers and single shot pistols; or
- a magazine capacity of greater than 10 rounds.

Approval for handguns with a calibre of .45" may be granted for use in specialised accredited sporting events. A six month nationwide handgun buyback was held between 1 July 2003 and 1 January 2004 to primarily compensate owners of registered handguns rendered restricted by the new laws. An amnesty was run concurrently for unlicensed owners or owners of unregistered handguns.

## *Restricted long-arms and handguns*

Restricted long-arms are defined here as any long-arm denoted in the NFTD as being subject to the 1996 buyback. Altogether, 529 or 30 percent of all seized long-arms recorded in the NFTD were

**Figure 4** Firearm action type of restricted long-arms<sup>a</sup> (%)



a: RSA=semi-automatic rifle; SPA=pump action shotgun; SSA=semi-automatic shotgun; SMG=submachine gun; Other includes select fire rifle, light machine gun and heavy machine gun

Source: ACC National Firearm Trace Database

**Table 9** Firearms by category and action type of restricted long-arms by SOCG status

Category	SOCG		Non-SOCG	
	n	%	n	%
C	122	33	72	45
D	246	67	89	55
Total	368		161	
Action type <sup>a</sup>	n	%	n	%
RSA	253	69	115	71
SPA	64	17	31	20
SSA	26	7	6	3
SMG	16	4	3	2
RSF	5	1	3	2
LMG	4	1	2	1
HMG	0	0	1	1
Total	368		161	

a: RSA=semi-automatic rifle; SPA=pump action shotgun; SSA=semi-automatic shotgun; SMG=submachine gun; RSF=select fire rifle; LMG=light machine gun, HMG=heavy machine gun

Note: Percentages may not total 100 due to rounding

Source: ACC National Firearm Trace Database

restricted long-arms. The majority of these restricted long-arms were Category D firearms (63%, n=335), which are prohibited under Australian law except for official purposes (mostly related to animal control and welfare). Semi-automatic rifles comprised 70 percent (n=368) of these restricted long-arms and pump action shotguns a much less prevalent 18 percent (n=95; see Figure 4).

Restricted long-arms were predominantly associated with SOCG— 70 percent (n=368) of all restricted long-arms were seized from entities associated with serious and organised crime. The composition of restricted long-arm types in SOCG and non-SOCG seizures was comparable and the majority of restricted long-arms (mostly semi-automatic rifles) were highly restricted Category D firearms, but the proportions of these were significantly greater among SOCG seizures (67% compared with 55%; see Table 9). Two-thirds (77%, n=194) of semi-automatic rifles seized from SOCG were classified as Category D firearms compared with 62 percent (n=72) of non-SOCG semi-automatic rifles.

Restricted handguns are defined as any handgun denoted in the NFTD as being subject to the 2003 handgun buyback (ie they had a calibre greater than 38", a barrel length shorter than the length prescribed and/or a magazine capacity greater than 10 rounds). Compared with long-arms, a much higher proportion of recovered handguns were restricted models (65%, (n=631) compared with the 30% for long-arms). Most (68%) of these 631 restricted handguns were seized from SOCG. Semi-automatic pistols were favoured by SOCG

and non-SOCG alike, making up 72 and 74 percent respectively of seized restricted handguns (see Table 10). Revolvers comprised around a fifth of restricted handguns for SOCG, as they did for non-SOCG.

Another way of differentiating the acquisition of restricted firearms by SOCG and non-SOCG entities is to compare the proportions these firearms represent in the individual firearm pools. With regard to handguns, around two-thirds of all handguns seized from SOCG were restricted forms (65%) as was the case for handguns seized from non-SOCG (67%). This suggests that, while most restricted handguns were associated with SOCG, as stated above, either there was no overwhelming predilection for restricted models by SOCG entities or access to restricted models was equally open to both SOCG and non-SOCG buyers. However, a different pattern emerges with long-arms. Over a third (36%) of all SOCG long-arms were restricted models, significantly higher than the 21 percent found for non-SOCG long-arms ( $\chi^2=43.3$  df=2  $p<0.01$ ).

### Restricted ammunition

As noted under *Methods*, attempts were made to acquire data on the import of 25 ACP, 32 ACP and 380 ACP ammunition, calibres of ammunition that can only be used in SPPs, a restricted handgun model that is attractive to criminals due to its small size. SPPs are also manufactured in other calibres but as ammunition for these SPPs can be used in other firearms (such as rifles) the actual quantity of

**Table 10** Firearm category and action type of restricted handguns by SOCG status<sup>a</sup>

Action type	SOCG		Non-SOCG	
	n	%	n	%
PSA	311	72	148	74
REV	95	22	39	20
PSS	13	3	4	2
BPR	7	2	3	2
Other	5	1	6	3
Total	431		200	

a: Percentages may not total 100 due to rounding

Note: PSA=semi-automatic pistol REV=revolver PSS=single shot pistol BPR=black powder revolver Other=air pistol, black powder pistol, derringer, double barrel pistol, multi barrel pistol

Source: ACC National Firearm Trace Database



ammunition associated with the use of SPPs cannot be identified. A total of 143 SPPs chambered for these calibres were seized, 63 percent (n=90) of which were denoted as SOCG seizures. Issues with the quality of import and registration data collected in the NFTD (see below) prevents determining when these SPPs entered the country (ie before or after the 2002 handgun reforms) or whether the import was legal or not.

An examination of quantities of ammunition seized by police (n=62,133 rounds) found the most common ammunition calibres recovered were .22 (rimfire; 44% n=27,587), followed by .30 calibre (7.62mm; 13% n=8,211), .38 calibre (9mm; 12% n=7,597) and 12 Gauge (10%, n=6,359). Of the .32 calibre ammunition seized (n=2,065; 3% of all ammunition seizures), 63% was restricted 32 ACP. Almost all of the .25 calibre ammunition, which made up just one percent (n=838) of all ammunition seizures, was restricted calibre 25 ACP (90%). Of the 27 cases that involved the use or ownership of a pistol chambered for one of these calibre, 10 were seized from individuals charged with drug offences, another

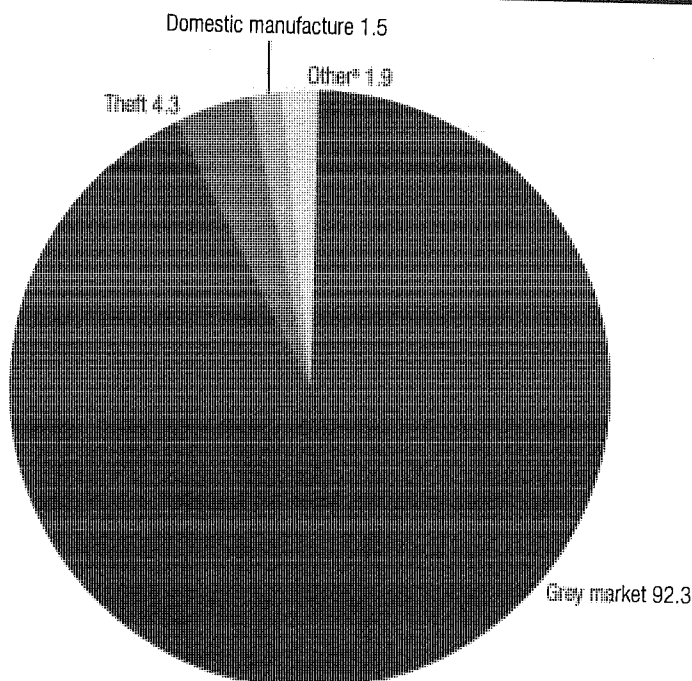
10 for the commission of a violent crime (homicide and armed robbery), six from individuals involved in the supply of a prohibited firearms and one for a drive-by shooting.

### *Firearms among outlaw motorcycle gangs*

OMCGs are involved in a variety of illicit markets, including the stockpiling and trafficking of illicit firearms (ACC 2011, 2008). Just 218 of the illicit firearms recorded in the NFTD were recovered from OMCGs, 13 percent of all SOCG firearms and eight percent of all seized firearms recorded in the NFTD.

Handguns were more common among OMCG-recovered firearms (55%) than among firearms recovered from SOCG in general (39%). Semi-automatic pistols were not just the handgun of choice but the firearm of choice for OMCGs—40 percent of the firearms recovered from OMCGs were semi-automatic pistols. Semi-automatic rifles and revolvers each comprised less than half the number of semi-automatic pistol numbers seized

**Figure 5 Source or method of diversion for restricted long-arms (%)**



a: Other includes deactivation, failure to notify interstate transfer, illegal import, diversion by reporting false loss and serial number transfer (n=8)  
n=467

Note: Excludes unknown source or method of diversion (n=62)

Source: ACC National Firearm Trace Database

from OMCGs. Eighty-two percent (n=73) of these semi-automatic handguns were restricted models, significantly higher than the proportion found for SOCG more generally and non-SOCG. Long-arms were correspondingly a less prevalent item (45%) but 50 percent of these were restricted models.

## Source of illicit firearms

The grey market, as described earlier, comprises long-arms that should have been registered or surrendered, depending on the restricted status of the firearm, following the 1996 firearm reforms. Grey market firearms were the main source of both restricted (92%) and non-restricted (86%) long-arms (see Figures 5 and 6). Where recognised forms of diversion had been identified, theft was the most common method of transfer, although accounting for just 10 percent of non-restricted long-arms and four percent of restricted long-arms seized from the illicit market. Other methods of supply included illicit domestic manufacture, false deactivation, failure to notify interstate transfer of a long-arm and illegal

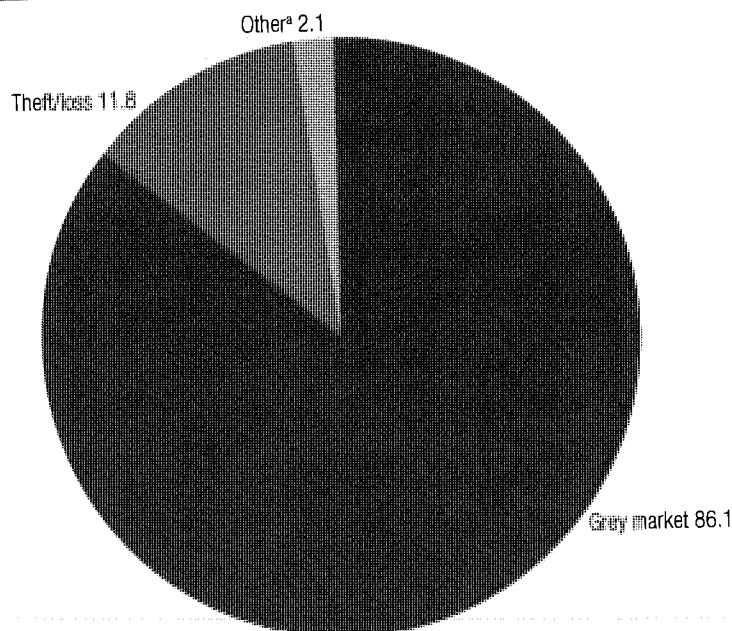
import – but only for a few of the seized long-arms recorded in the NFTD.

The data on the source or method of diversion for restricted and non-restricted handguns returned very high unknown responses rates (70% and 68% respectively). This is problematic on two levels:

- the relative importance of trafficking pathways described below may be skewed, producing an over- or underestimation of probable supply routes; and
- it emphasises where there has been a failure to record or retain relevant tracing information. Some degree of caution is hence required when interpreting this data.

The sources of restricted handguns, and the means by which they were trafficked, stand in contrast to those found for long-arms and reveal the role exploitable legislative provisions had in facilitating the transfer of handguns into the illicit market. False deactivation (39%) and theft or loss of (31%) were the primary sources of restricted handguns that had entered the illicit market where a method of diversion was known (see Figure 7). Other less common forms

**Figure 6** Source or method of diversion for non-restricted long-arms (%)



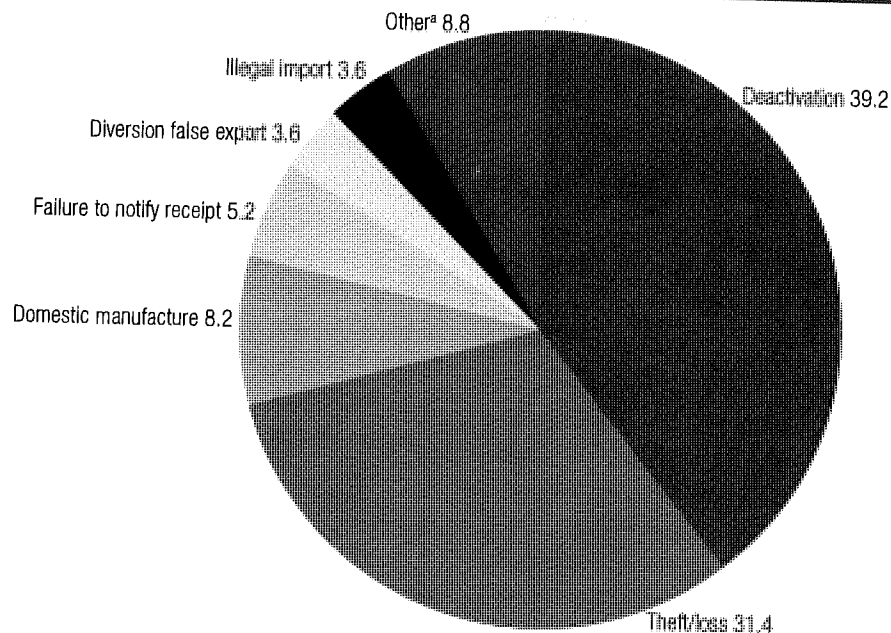
a: Other includes failure to notify interstate transfer, diversion by reporting false loss and nfa (n=9)

n=1,098

Note: Excludes unknown source or method of diversion (n=158)

Source: ACC National Firearm Trace Database

**Figure 7** Source or method of diversion for restricted handguns (%)



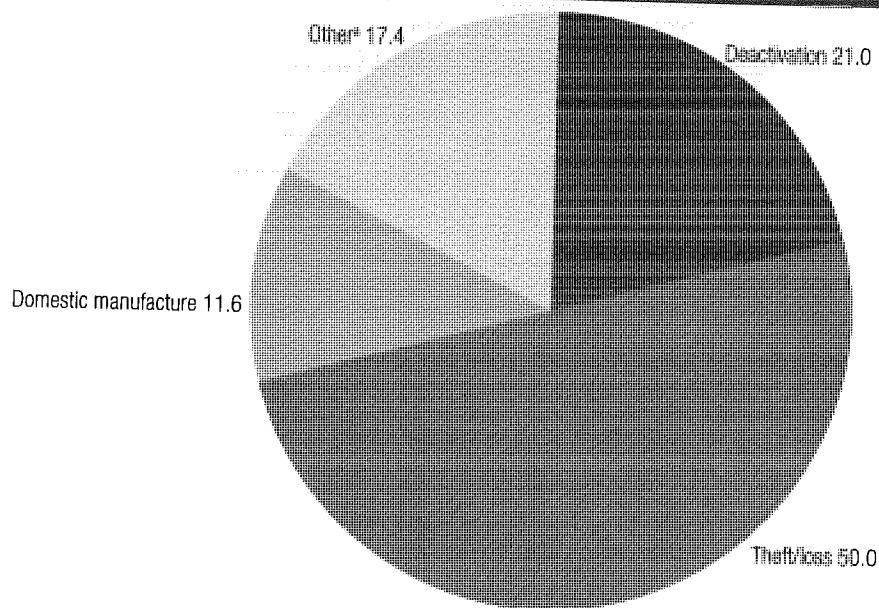
a: Other includes diversion by false theft, diversion by false frame, failure to notify interstate transfer, serial number transfer, theft staged, diversion nfa and information pending (n=17)

n=194

Note: Excludes unknown source or method of diversion (n=301)

Source: ACC National Firearm Trace Database

**Figure 8** Source or method of diversion for non-restricted handguns (%)



a: Other includes diversion false export, diversion by spare frame, failure to notify disposal or false disposal notice, failure to notify interstate transfer, illegal import, false loss claim and diversion nfa, (n=24)

n=138

Note: Excludes unknown source or method of diversion (n=136)

Source: ACC National Firearm Trace Database

of diversion collectively made up around a fifth of all seized restricted handguns and included illicit domestic manufacture (mainly of single shot pen guns), dealers failing to record the receipt of a handgun or diverting handguns through false export claims and illegal import.

Theft or loss, rather than false deactivation, was the primary method of supply for non-restricted handguns—50 percent (n=69) of all non-restricted handguns were items stolen from legal owners (see Figure 8). Just over a fifth (21%, n=29) of non-restricted handguns were displaced to the illicit market by reactivating inadequately deactivated handguns. This difference in diversion methods for restricted and non-restricted handguns was significant ( $\chi^2=909.5$  df=2  $p<0.01$ ).

## Illicit link

Illicit link data refers to the criminal entity or activity in which the firearm was seized. Any firearm seizure from an individual or group involved in the illicit drug market and/or firearm trafficking, or associated with an organised criminal entity (such as OMCGs), was assigned to SOCG, based on the definition used by the ACC in compiling the NFTD. Other matters, such as seizures of firearms following an incident of violent crime, are assigned to SOCG or non-SOCG depending on the identity or activities of the individuals or entities involved. Illicit link data is not directly comparable between SOCG and non-SOCG.

There was a significant difference in the seizure circumstances for restricted long-arms compared with restricted handguns ( $\chi^2=365.7$  df=2  $p<0.01$ ). Of the 368 restricted long-arms recovered from SOCG, 41 percent were seized from entities involved in

**Table 11** Illicit link for restricted long-arms and handguns<sup>a</sup>

	n	%
<b>Restricted long-arms</b>		
Firearm trafficking	150	41
Drug	125	34
OMCG	49	13
Violent crime	24	7
Firearm offences	12	3
Illegal import	2	1
Other	6	2
Total	368	
<b>Restricted handguns</b>		
Drug	165	39
Firearm trafficking	92	22
OMCG	89	21
Violent crime	40	9
Firearm offences	27	6
Illegal import	3	1
Other	11	3
Total	427	

a: Percentages may not total 100 due to rounding

Source: ACC National Firearm Trace Database

**Table 12** Last known registration status for restricted and non-restricted long-arms<sup>a</sup>

	Restricted long-arms		Non-restricted long-arms	
	n	%	n	%
Australian dealer at import	140	53	124	26
Australia dealer stock	32	12	46	10
Australian individual licence	25	10	187	39
Local commercial manufacture	27	10	96	20
Other	9	3	6	1
<b>Australia (all)</b>	<b>233</b>	<b>89</b>	<b>459</b>	<b>95</b>
Overseas dealer	8	3	5	1
Overseas manufacture	18	7	15	3
Other	3	1	2	<1
<b>Overseas (all)</b>	<b>29</b>	<b>11</b>	<b>22</b>	<b>5</b>
<b>Total</b>	<b>262</b>		<b>481</b>	

a: Percentages may not total 100 due to rounding

Note: Excludes unknown=1,023

Source: ACC National Firearm Trace Database

firearm trafficking, 34 percent from persons involved in the illicit drug market and 13 percent were seized from members of OMCGs (see Table 11). Less than 10 percent were used in the commission of a violent crime. Restricted handguns were mostly seized from persons or groups involved in the illicit drug market. The proportion of handguns seized from persons involved in the drug market was almost double that seized from OMCGs (21%) and persons engaged in firearm trafficking ventures (22%).

## Last known registration status

Detail on the last known registration status of a firearm, combined with data on the location of firearm recovery, can provide information on the transfer of firearms before they are recovered by law enforcement agencies. Pierce et al. (2004) used United States Alcohol, Tobacco, Firearms and Explosives data to do just this, although the data includes records of sales from dealers rather than registration status. In their analysis, Pierce et al. (2004) attempted to calculate:

- the proportion of recovered firearms that were still in the possession of the original purchaser;

- the location of first sale and recovery (evidence for jurisdiction transfer); and
- the length of time between first sale and recovery (time-to-crime).

Unfortunately, the absence until recently of a systematic method of recording Australian firearm imports and domestic sales/transfers and the mandatory registration of all firearms means the data collated on last known registration status not only contains a large number of unknown responses but may not always represent the actual last legal ownership of a firearm before it was diverted into the illicit market. The findings described below can therefore only suggest the possible point or penultimate point of diversion.

From the results presented in Tables 12 and 13, where information was recorded, the last known registration status for the majority of restricted long-arms and handguns was with an Australian dealer, either at import or registered as stock (65% and 56% respectively). By contrast, the last known registration status for non-restricted long-arms was comparably divided between Australian dealers (36%) and individual licence holders (39%). This was not the case for non-restricted handguns which, like restricted handguns, were more likely to have been

**Table 13** Last known registration status for restricted and non-restricted handguns<sup>a</sup>

	Restricted handguns		Non-restricted handguns	
	n	%	n	%
Australian dealer at import	23	11	18	11
Australia dealer stock	96	45	58	36
Australian individual licence	30	14	43	27
Other	9	4	14	9
<b>Australia (all)</b>	<b>158</b>	<b>74</b>	<b>133</b>	<b>83</b>
Overseas dealer	18	9	5	3
Overseas manufacture	33	16	20	12
Other	4	2	4	2
<b>Overseas (all)</b>	<b>55</b>	<b>26</b>	<b>29</b>	<b>18</b>
Total	213		162	

a: Percentages may not total 100 due to rounding

Note: Excludes unknown=582

Source: ACC National Firearm Trace Database

last registered with an Australian dealer than a private owner (47% compared with 27%). It is difficult to determine whether these findings suggest there was a genuine risk of diversion of restricted firearms by some dealers or whether they are an artefact of previous issues with sales and registration records.

A difference also existed between long-arms and handguns in the site of the last registration, with a larger proportion of handguns having a last known registration with an overseas dealer or manufacturer. This was the case for both restricted and non-restricted handguns.

## Conclusion

The results presented here provide an indication of the make-up of the illicit firearm market and the suite of firearms held by SOCG and other consumers of illegal firearms. It is suggested by these findings that a combination of preference, availability and connections determines the composition of firearms accumulated.

### *A preference for restricted models*

Not unexpectedly, a high proportion of firearms recovered from SOCG were restricted models—

47 percent of all firearms retrieved from these groups were subject to either the 1996 or 2003 buybacks, compared with 34 percent of firearms recovered in non-SOCG circumstances. Restricted handguns were particularly prevalent. While handguns comprised 34 percent of all firearms seized, restricted handguns accounted for over half (54%) of all restricted firearms recovered. Overall, 65 percent of all handguns found in association with SOCG were restricted models, as were three-quarters of all semi-automatic pistols.

While the majority of firearms recovered from SOCG were in fact long-arms, the apparent preference for handguns is related to their favoured use, according to overseas research, as both a means of protection and in the commission of crime. Data on the use of firearms in the commission of violent crime indicates such a preference (eg Bricknell 2008b; Borzycki 2008; Smith, Dossetor & Borzycki 2011; Smith & Louis 2010, 2009; although there has been a sharp drop in handgun-perpetrated homicides since 2007–08: Chan & Payne (forthcoming); Dearden & Jones 2008). The types of handguns, especially the restricted models, recovered from SOCG have the dimensions and characteristics which most suit SOCG activities. Some semi-automatic pistols and revolvers with 2–3" barrels are concealable and easily carried, an important feature cited in interviews with criminal owners of handguns (eg see Blumstein

1995; Hales, Lewis & Silverstone 2006). Semi-automatic pistols are additionally attractive because their magazines can be easily and quickly changed, and even concealable versions have large magazine capacities of some 10–13 rounds. Concealable revolvers generally have a smaller magazine cartridge capacity (6–5 rounds) and are difficult to reload quickly under stress, which makes them less attractive for use in confrontation episodes. It is concluded in the available literature that handguns are favoured by criminal gangs, or at least by those involved in particular criminal activities such as the illicit drugs market, primarily for self-defence and protection purposes (Blumstein 1995; Bricknell 2008b; Cook et al. 2006; Hales, Lewis & Silverstone 2006; Lizotte et al. 2000). Status is another influential factor, although this is more likely for younger or more impressionable gang members.

Long-arms recovered from SOCG were mostly less restricted Category A and B models (39%) but the proportion of highly restricted Category C and D models (22%) was much higher than is found among registered long-arms. Around a quarter of all SOCG-recovered firearms were Category A firearms and their significance here is probably attributable to the fact that this category of firearms is widely available and hence easily sourced. Category D firearms were of a similar proportion to Category B firearms (15% and 14% respectively) despite being a much less common item in the legal market.

Category C and D firearms tend not to be used in the commission of violent crime and related offences to the same extent as handguns, and their purchase by SOCG is unlikely to be related to the sorts of reasons for which handguns are acquired. Instead it is possible that Category C and D firearms—semi-automatic rifles, semi-automatic shotguns, machine guns etc—are amassed partly due to the ‘attraction’ of owning highly lethal firearms but also to form a cache of firearms that can be drawn upon if and when there is a serious or rapid escalation in animosity between rival groups.

An interesting finding from the preliminary analysis was the difference in the relative proportion of restricted long-arms and handguns between SOCG and non-SOCG. It is assumed that criminal entities are more inclined to possess restricted firearms because they are perceived as the best tool to both

protect assets and deter assault. Criminal entities are also much likelier to have established connections with, or operate within, groups that are involved in illicit firearm markets and hence have access to a wider selection of items. Restricted long-arms made up just over a third (36%) of all long-arms seized from SOCG but the proportion was significantly higher than that found for non-SOCG seized long-arms (21%). This was not so for handguns. While the majority of restricted handguns were recovered from SOCG (ie 68%), the proportion of handguns seized from just SOCG that were a restricted model was the same as that proportion found for handguns retrieved from non-SOCG (ie just over two-thirds).

The high concentration of restricted handguns in the non-SOCG pool is probably the result of persons acquiring handguns to suit a curiosity rather than a criminal need. Regulations on handgun use have always been stricter than those for (most) long-arms, and handguns could only be obtained if a person was granted formal membership of a pistol club. Restricted models hence became a coveted item among enthusiasts who may have always wanted a handgun but could never legally obtain one (Project stakeholder personal communication 30 November 2011). The difference then was that handguns were more freely ‘available’ than they are now, an availability that was facilitated by previous state laws regarding the definition and accountability of handguns.

### *Methods of diversion*

In 2000 and 2001 respectively, amendments were made to the *Weapons Act 1990* (Qld) and *Firearms Act 1996* (NSW) to close loopholes which inadvertently facilitated the diversion of firearms into the illicit market. The Queensland deactivation loophole, described in the second section of this report, was ‘open’ for at least a decade and almost certainly led to the transfer of possibly thousands of handguns from the licit to the illicit market. The Police Powers and Responsibilities and Another Act Amendment Bill 2000 subsequently amended the definition of a firearm to include ‘any Category H weapon that is permanently inoperable’, introduced registration requirements for any Category H firearm (ie handgun) rendered inoperable and prescribed the

requirement that a collector's licence be acquired if a person possesses a permanently inoperable Category H firearm.

The *Firearms Act 1996* (NSW) as originally enacted required firearm barrels, but not frames or receivers, to be registered under Part 3 (Registration of Firearms) of the Act. The exemption of frames and receivers meant handguns without barrels could be sold without having to observe regulations on firearm disposal and frames/receivers could be purchased without need to register them. This opened up opportunities to convert or build up new handguns using non-registrable parts purchased in New South Wales with parts purchased elsewhere. Among the amendments prescribed in the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW) was the stipulation that registration now 'applies to every firearm frame and firearm receiver in the same way as it applies to a firearm' (s 93(1)).

Long-arms, regardless of restricted status, were predominantly drawn from the grey market. Inconsistent inter-jurisdiction regulations on the registration of long-arms allowed a store of unregistered long-arms, including restricted models, to accrue well before the 1996 National Firearms Agreement. This grey market of firearms has thus served, and probably continues to serve, as a reliable and well-stocked resource for the illicit market.

The trafficking of illicit handguns has relied on alternative methods of transfer, influenced in part by the traditionally stricter controls on handgun ownership and use. The Queensland deactivation loophole almost certainly contributed to the trafficking of illicit handguns and while the NFD data does not allow confirmation of this assumption, the significance of this category in the findings strongly suggests it played a substantial role. Other forms of diversion were apparently much less important, as was illicit domestic manufacture and illegal import. Theft, however, seems to have made a reliable contribution. It was the source for 50 percent of non-restricted handguns and 31 percent of restricted handguns. These results, however, must be interpreted with caution as the data on the source of illicit handguns was largely incomplete.

The contrasting role of deactivation in the diversion of restricted and non-restricted handguns probably

reflects the efforts that would be taken to distribute a coveted item (ie a restricted form of semi-automatic pistol). Theft is a risky enterprise but often an opportunistic one too; deactivation (and other complex forms of diversion) is more likely to be used for firearms of greater value and/or models that are in demand.

### *Data limitations*

It is probable that the great majority of restricted handguns, like long-arms, were already in the illicit market well before the respective gun buybacks, but it is not clear whether this past supply has produced a pool of illicit firearms large enough to address current (or future) levels of demand. Reports in recent years of large-scale trafficking operations, alongside smaller, single-order transactions, indicate that additional supplementing, through illegal import, domestic manufacture and theft, has been occurring. To what extent recycling, rather than replenishing, characterises any of these operations, however, has not been considered; nor is data available to explore this matter further.

The analysis presented above describes the general characteristics of the illicit firearms market in Australia and how it has been sustained but it also reveals how dependent analysis of this type is on the availability of accurate, comprehensive data. It was possible with the available data to describe the composition of the illicit market, and the firearm preferences of serious and organised crime groups, but the validity of other findings, particularly around points of diversion, was affected by a substantial number of unknown responses. The poor quality of the recorded data also prevented any substantive comment on the contribution of illegal importation in supplying the market, potentially concealed information on diversion pathways for long-arms (with the grey market; being the de facto source assigned to most unregistered firearms); and precluded reliable identification of last legal ownership of illicit firearms. These deficiencies were not a problem of the dataset itself but rather an illustration of the deficiencies in the documentation of key firearm transactions, an issue affecting the tracing of firearms that is discussed in the next section.



# Improving the tracing of firearms



Firearm tracing, in its broadest sense, refers to the tracking of a firearm from 'cradle to grave'—that is, from manufacture to (its eventual) deactivation, destruction or legal export. In this scenario, a firearm is traced from its source through 'different points in its line of supply' to its eventual removal from the registration record. The trace line shows the passage of transfer between manufacturer, importer(s), dealers, owners and (if it occurs) police possession. If methodically followed, this process improves the likelihood of identifying the site of diversion if the firearm is transferred into the illicit market. This represents the ideal for authorities engaged in firearm regulation and control but an ideal that has proved difficult to realise.

The preventative provisions outlined in the UN Protocol incorporate action to prevent the illicit transfer of firearms, their parts and components and ammunition across state borders, but some of the measures serve domestic agendas too. Of particular pertinence to Australia is the management and exchange of information on firearms that, along with the application of unique identification marks, is fundamental to firearm tracing. This section reviews the current status of firearms information management in Australia and where improvements in the collation and sharing of this information could occur.

## The problem with data

Issues around quality, consistency and standardisation of data are certainly not unique to the collation of information on firearms. The quality of the data used for the analysis, which was dependent on the recording of consistent data from different agencies, and subsequent discussions with project stakeholders have shown this to be the case. The tracing of firearms in Australia has been compromised by two factors—a general absence of historical data and issues around current standard data collection procedures, information sharing and resources. These factors have restricted the scope of the analysis that could be achieved for this study.

There are numerous reservoirs of primary firearms data in Australia. These include:

- state and territory police firearm registers;
- material inventories, ballistic library inventories and record systems of firearms in police possession (ie firearms surrendered to, seized by or otherwise appropriated by police) administered by police services;
- the Integrated Cargo System, Firearms Tracking System and Detained Goods Management System administered by ACBPS;

- the Defence Export Control System administered by the Defence Export Control Office. This Office controls the export of firearms and ammunition through the issuance of permits and licences, and import of firearms under Regulation 13E of the Customs (Prohibited Exports) Regulations 1956 (Cth); and
- the Attorney-General's Department Firearm Policy Unit, which manages applications for the importation of certain firearms prescribed under Regulation 4F of the Customs (Prohibited Import) Regulations 1956 (Cth).

At the most fundamental level is the data collected by state and territory police firearm registries. Firearm registers compile information on licensed firearm owners and dealers and the firearms registered to them. As discussed earlier, only handguns were subject to compulsory registration in Australia before the period of firearm reforms described earlier, and not every state and territory required registration of long-arms. The absence of a nationwide registration system for long-arms contributed to the phenomenon of the grey market, or the assemblage of long-arms that sit outside the legal pool that, and while not necessarily used or owned by persons involved in criminal activity, can and do flow into the illicit market. These firearms are effectively untraceable—records *might* exist on their place of manufacture and/or year of import and the circumstances of their seizure (if recovered by police), but documentation on the transfer of ownership between these two 'life markers' is often missing. It is for this reason that the pattern of long-arm diversion in Australia tends to be opaque, as shown in the analysis section where the majority of seized long-arms were denoted as originating from the grey market. Compulsory handgun registration does provide for better historical data and hence contributed to better delineation of sources regarding common points of diversion. The large amount of unknown or missing data, however, indicates underlying problems with data gathering and recording.

Among the resolutions from the National Firearms Agreement (1996) was the establishment of an integrated licence and firearm registration system in all jurisdictions. All states and territories adopted or modified their systems to incorporate a licensing

scheme for persons to possess/use firearms and a registration scheme for firearms. Western Australia implemented a system different to other jurisdictions whereby the register is a record of firearm licences, permits and approvals, rather than a register of firearms *per se*. The licence details particulars about the licence owner and the types of firearms owned by the licence holder, which are then recorded in the register.

Together with the implementation of nationwide registration of all firearms was the recommendation that state and territory firearm registers be linked to enable the exchange of information. The original model for information exchange, still in operation, is the NFLRS, which is administered by CrimTrac. NFLRS stores data on registered, lost, stolen and destroyed firearms, licence holders and licensed firearm dealers and can be linked to other CrimTrac-administered police reference systems. The data on the system, however, is not complete and there are problems with misclassified and miscoded records originating from police registers (Project stakeholders personal communication 28 November 2011).

The ultimate goal is the implementation of an integrated national firearms licensing and registration (or national firearms management) system that would allow information on firearms to be electronically transferred between jurisdictions. The primary purpose of such a system is two-fold—to facilitate law enforcement agencies' capability in tracing the movement of firearms throughout Australia and to streamline existing licensing processes for firearm owners. At its simplest, the system would allow state and territory firearm registers to 'communicate' (particularly important for reconciling inter-jurisdictional movements of firearms, which has been the cause of, or method for, diversion) but could incorporate links to other government firearm data resources. Two studies have already examined the logistics of establishing a NFMS but a final product has yet to materialise.

Historical data shortcomings are likely affected by 'weaker' firearm laws and past ambivalence to recording firearm movements, compounded by technological limitations in the documentation of large amounts of data. In more recent decades, or at least since the firearm reforms, impetus and

(presumably) technological capacity have both been present to produce better records on firearms. A case in point was the absence in the ACBPS of a centralised electronic recording system for firearms data and the changes made since the early 2000s to improve the consolidation of this information. In 2002, the ACBPS first started recording the serial numbers (and other firearm markers) of all handguns released from ACBPS custody (as part of the Category H Handgun Certification Scheme). This was followed by the introduction in April 2006 of the Detained Goods Management System, which allowed for the capture of serial numbers from all detained firearms into the one centralised database. The firearms that were now being recorded in the Detained Goods Management System accounted for the vast majority of firearms legally imported into Australia, such as those contained in commercial shipments and firearms that required safety testing on entry into the country. In response to a 2008 resolution from the then Ministerial Council for Police and Emergency Management Police around the collection and dissemination of firearm data, the ACBPS commenced the third phase in its consolidation of firearm data by recording information (including serial numbers) on all legally imported firearms. Starting from 1 January 2009, the ACBPS began recording serial numbers from all legally imported firearms, including those firearms entering Australia that had not been previously detained due to importers not having the relevant documentation with them at the time of import because they were not subject to safety training testing requirements. These firearms were typically ‘accompanied firearms’ that were entering Australia through the passenger stream.

Yet to achieve a consolidated record of firearms data, such as envisaged for a NFMS, that would permit straightforward firearm tracing, some fundamental processes are still in need of mastering. Many of these are specific to the recording of firearm information at the registry level, but the fundamentals of technical expertise and improved data recording practices extend to the maintenance of firearms data in a number of the other listed data systems, particularly with regard to import and export, seizure/recovery, ballistics and firearm disposal records.

## Achieving the fundamentals of firearm data recording

### *First capture recording of firearm identification and other features*

A critical fundamental in producing data suitable for tracing is the accurate recording of a firearm’s identification marker—the serial number—and other classifying features (eg make, model). Previous audits of serial number data have returned high error rates (Project stakeholder personal communication 30 November 2011), including evidence for high duplication rates. Data on other classifying features of recorded firearms (eg make, model, calibre) have been similarly compromised, although this is not as much a problem as incorrect serial numbers.

Firearm identification is highly technical and requires considerable proficiency and knowledge. The technical nature of firearm identification creates the risk (and the reality) that personnel, such as staff in firearm registries, may not always have the knowledge or training to accurately record the features that are vital to identifying individual firearms. The quality of recorded serial number data is particularly affected—serial numbers, depending on the make of a firearm, can be located on different components of the firearm and their visibility is not always obvious. Some firearms may also have multiple stamps or have been poorly stamped, thus rendering the serial number difficult to distinguish, but these anomalies may not be (or cannot be) noted. A lack of expertise in identifying or locating the serial number may result in an incorrect serial number entry—an erroneous ‘nil visible’ record, the model number recorded instead, or a modified or truncated version of the full serial number. Additional information regarding the location of the serial number is additionally pertinent, particularly where a serial number is located on a firearm component that is not accountable under firearm legislation (eg a slide versus a frame).

Serial numbers, while the most important firearm identifying marker, are not 100 percent unique and hence it is equally important other identifying features—make, model, calibre, action—are also captured correctly. An accurate record of these features is particularly useful if a firearm returns to

police attention and the serial number has been defaced. Again, technical expertise is often necessary to properly identify or recognise these additional markers.

A further complicating factor relates to the initial capture of firearm data. In firearm registries, this is often in handwritten format, on registration forms completed by licensed owners. This carries the additional risk of inaccurate data being recorded if there is a misinterpretation or misreading of handwritten entries, or the provision of misspelt or otherwise inaccurate information.

Comprehensive training in firearm identification is an obvious response to rectify inaccurate recording practices and ideally would extend to all personnel responsible for extracting identification material from firearms. Training is a resource issue and outside crucial roles, such as in ballistics, might not always be feasible. One method being used in firearm ballistics is to compile digital images of firearms for examination, but this is not a practicable option in other data recording contexts, not least because electronic filing would be unmanageable. Instead, other measures need to be applied that assist in self-correcting and/or standardising identification material, as discussed below.

### *Data standards*

A further, exacerbating factor in the collation of consistent, quality firearm data is a lack of data standardisation. Different systems are operated across the states and territories, a few of which have been upgraded or replaced in recent years. Resource issues do not always permit regular, methodical data cleaning (which systems may benefit from) and hence first-level data entry is a crucial step in maintaining accurate records. Data entry systems relying on free text fields and no autocorrect function can (and do) produce multiple variations of the same classifier item (eg calibre) and the structure by which serial numbers are entered. Some of this inaccuracy may originate in the technical competency of the original recorder, but it is also created by human error in data entry and a lack of consistency produced by multiple data entrants.

The creation of standardised templates (at least for important classifier data items), and filtering

functions that validate item combinations and force prompts that constrain the length, type and format of alphanumeric entries would have two practical effects. First, it can prevent and correct inaccurate or incorrect items produced by typical data entry mistakes and potentially prevent the entry of misidentified items. Actual autocorrection in the latter situation is really only viable for classifiers such as make, model and action but potentially could flag, where other information is correct, problems with the *configuration* of the serial number. A number of firearm register systems already employ these functions, such as filtering, and the use of drop-down or standardised templates. Victoria Police have developed a series of standardised templates—the Weapon Identification System, or WIDS—that are available on their website to assist firearm owners to correctly identify their firearm. Verification searches can be undertaken if the owner knows the make or model of their firearm and retrieve information on other firearm characteristics. For example, if the owner knows their firearm has a model name of '700 Special' the system retrieves the related template, which determines the firearm type (handgun), firearm category ('H'), firearm make ('Astra'), action ('semi-automatic') and calibre variants (.32AUTO) associated with that model type.

The current standard of jurisdictional firearm data, however, creates difficulty in trying to link a particular firearm record to the data stored within any firearm identification system. Until the existing data is subject to manual preliminary cleansing, the correlation of existing records to preferred identification standards will remain a problem. Once a preliminary cleansing has taken place then the preferred data standards may be further applied.

## Removing the data gaps

The problem of the quality, consistency and standardisation of data collected for registration and evidentiary purposes is not a new one; nor are the remedies proposed to improve the quality of firearms data. These remedies, however, are not options that can be achieved quickly or without considerable financial investment, and jurisdictions and bodies such as the Firearm and Weapons Policy Working Group continue to make and consider methods of improvement.

An evident and important outcome of improving data quality is the elimination of data gaps, the next step in achieving the goal of tracing the life course of a firearm. Data gaps are created and sustained by dirty data *and* incomplete or unconnected systems of information exchange. The NFLRS was established as a national database to support information exchange on all registered firearms and licensed owners. It is used by firearm registries to upload new records and is available to registry staff and operational police to conduct record searches. An alternative or replacement to NFLRS has received consideration in past years, based on the creation of a single shared 'authoritative identity record' for each individual firearm, and onto which updates in its movement between custodians is documented. Key entry-into-the-system or transfer flags would include import or export, sale, inter-jurisdictional transfer, theft or loss, surrender, seizure, recovery, deactivation and destruction events. This deceptively simple premise, however, was determined, in the model proposed, to require substantial investment. The status quo was hence retained, albeit with incremental improvements in data quality assurances at the jurisdictional level and alternative approaches to better document and alert incoming jurisdictions of the transfer of firearms, an event known to be associated with an increased risk of firearms being lost to the system.

Stakeholders for this project suggested that an information-sharing scheme founded on linked records still represented the ideal solution to safeguard accurate data and minimise the emergence of data gaps. One option would be a simplified version of previously recommended products comprising a distributed database with single records for firearm and licensed owners. Jurisdictions would retain custodianship of their data but maintain communication with each other through a data linkage system based on firearm and licensed owner records. The specifics of a linkage system require further exploration that cannot be accommodated in this report but would necessitate adaptation to a common ontology for the classification of firearms. The importance of such a common ontology has featured in broader discussions by the Firearm and Weapons Policy Working Group on the development and instalment of a National Firearms Identification Database.

To resolve the suitability of a distributed database, stakeholders in the project further suggested the

possibility of conducting a limited-scale study involving two jurisdictions (1 large, 1 small) to estimate the cost of integrating to a data linkage system. An important component of the study would be for participating jurisdictions to determine what is being lost (in time, resources and efficiency) with their current system and what might be gained through integration. If integration does prove to be the more efficient approach, it would help promote the creation of better, more consistent data. Efficiency in data collation and dissemination would also assist in freeing up crucial resources for additional compliance monitoring and auditing work.

## Conclusion

Past practices, as evidenced by the data collated in the NFTD and discussion with project stakeholders, have resulted in certain data useful or critical to the tracing of firearms being captured only recently (such as serial number data on import and registered long-arms), being captured inconsistently or not being captured at all. Incomplete or incompatible data hamper (or potentially render impossible) the back-capture of information. At a minimum, it prevents more sophisticated analyses of firearm markets and adds qualifiers to the strength of the findings discussed earlier. At a more critical level it potentially impedes law enforcement agencies to reconcile firearms data during different stages of a firearm's history. Yet when done well, it can help prevent or at least flag where firearms have been lost to the system and disrupt the flow of firearms into the illicit market.

Important steps have been made in the collection of firearm data, compelled by inter-governmental and domestic policies, enabled by technological capabilities and encouraged by genuine need to trace firearms. Further steps in standardising and harmonising data on a national level are still needed, although these steps are still being explored, with the dual purpose of ensuring that the logistics of application are achievable. If complemented with a system that supports cross-jurisdictional and cross-agency data transmission or access, and training of personnel in the accurate recording of firearms information, the compilation of Australian firearm data will be of a quality that promotes the efficient tracing of firearms and, consequently, a targeted enforcement response.



# Conclusion

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The complexity of illicit firearm markets has hampered abilities to predict and disrupt supply. It has also led to conjecture about the sources and mechanics of the market that without comprehensive analysis has been difficult to substantiate or refute. The nature of this report prevents the use of closed source information that would have assisted in drawing out some of the less well understood (or less publicised) facilitators of the market and allowed confirmation of trafficking operations that are described here. Further, the nature and quality of the available information has additionally influenced how much can be revealed about market composition and supply and its relationship with organised crime. Nevertheless, this research has achieved two constructive goals. First, it has described the likely composition of the market, specifically the preferences for restricted long-arms and handguns by SOCG and suggested the mix of deliberate and fortuitous diversion pathways exploited to obtain these firearms. Second, it has highlighted where irregularities in documenting firearm transfer has potentially concealed the point or time at which firearms have left the legal market.

The quantity of restricted long-arms and handguns found among seized illicit firearms is not unexpected. Australia's strict firearm laws permit only controlled access to handguns; automatic and semi-automatic long-arms, and restricted models are commonly

elevated to items of choice because they have features regarded as essential or preferential for the offensive, defensive and symbolic purposes for which they are acquired (Hales, Lewis & Silverstone 2006). Long-arms and handguns that were subject to the gun and pistol buybacks that accompanied the major firearms agreements comprised almost half (47%) of all firearms seized from SOCG. Other handguns not subject to the pistol buyback, but still restricted under Australian laws, made up another 15 percent of seized firearms from SOCG. The majority of these restricted firearms were semi-automatic rifles and semi-automatic pistols, supplemented by smaller quantities of pump-action shotguns, revolvers, semi-automatic shotguns, submachine guns and single shot pistols. The predominance of restricted long-arms and handguns among SOCG is not just a function of preference but is almost certainly connected to contacts within the illicit market.

The types of handgun recovered from SOCG, particularly among OMCGs, likely represent the ideal weapon as they are concealable, transportable, and have magazines that are easily and quickly changed and (for some models) capable of firing 10–13 rounds. Research from England and Wales and the United States shows the dominance of handgun ownership among participants in the manufacture, distribution and sale of illicit drugs (Blumstein 1995;

Cook et al. 2006; Hales, Lewis & Silverstone 2006; Lizotte et al. 2000; Wright & Rossi 1994) and this association was found here too—around four in 10 restricted handguns were seized from entities involved in the illicit drugs market.

Restricted long-arms were found to be less common than restricted handguns but, again, predominantly connected to SOCG. The function of such firearms is arguably not as recognisable as handguns, at least in relation to their portability and practicality. Their acquisition is possibly more closely related to the attraction of owning highly powered, high-capacity and highly lethal items. Hales, Lewis and Silverstone (2006: 55) cited symbolism, along with 'overwhelming power' and 'indiscriminate aim' as features that attracted certain gang members to automatic firearms (these firearms included both long-arms and handguns), although they noted that this appeal did not extend to the majority of persons interviewed. The cost and impracticality of operating such firearms were nominated as dissuading factors. Restricted long-arms, then, are possibly acquired largely for defensive purposes, stockpiled in arsenals for use when rivalry or hostility intensifies between two competing groups. However, 41 percent of SOCG restricted long-arms were possessed at the time of seizure for the purposes of being trafficked, indicating that the ultimate destination or use of these long-arms is not immediately apparent.

The consumers of illicit firearms are not, of course, exclusively criminal entities involved in serious and organised crime. Over 1,000 of the firearms included in the analysis were seized from non-SOCG individuals. The circumstances of seizures of non-SOCG firearms were largely denoted as the commission of firearm offences, and although information on the offender status of the individual prior to the seizure was not contained within the data, it was assumed that the acquisition of firearms by non-SOCG persons was for reasons or purposes different to those for SOCG acquisitions.

Nonetheless, restricted handgun seizures from non-SOCG were proportionally the same as SOCG handgun seizures, indicating a similar proclivity for concealable, higher powered handguns. Historically stricter provisions for handgun ownership, coupled with further tightening of laws post-reforms, has likely augmented the attraction of restricted handguns, and enthusiasts may have needed to

consult with suppliers from the illicit market to obtain these items.

The conduits of supply to the illicit market are better differentiated for handguns than they are for long-arms, but the quality of data used to identify these supply routes, in particular the very high 'unknown' response rate for handguns, compromises the strength of these findings. The 'grey market' has and likely continues to be a legitimate source of long-arms to the illicit market, but this all-capturing reservoir that emerged post-1996 conceivably masks some diversion events. Most of the seized long-arms, irrespective of restricted status, were recorded as having originated in the grey market, with a much smaller percentage being stolen items. Theft appears to have made a much more substantial contribution to the supply of illicit handguns and the 'deactivation loophole' described earlier was identified (where information was available) as the source of 70 percent of restricted handguns and 71 percent of non-restricted handguns seized by police.

These data give an indication of historically important supply routes (the deactivation loophole being a relevant example), but are less reliable in predicting future patterns of supply. Further, the limitations of the data should be noted as they provide important qualification to some of the findings. The question of illegal importation is a case in point. Illegal importation has been touted (by some) as a critical source for illicit firearms, but the analysis suggests it has made an apparently minor contribution. However, additional variables on the legal status of importation could not be used to further investigate the proportion of seized firearms that were legally or illegally imported into the country, and hence be used to help corroborate the findings from the analysis.

Along with questions about the contribution of illegal importation to the illicit market is how much contribution 'domestic leakage' is making at present and will make into the future. There have been a small number of publicised cases of illicit domestic manufacture in the last decade, with the majority of illegal industries producing prohibited models. The analysis showed that illegally manufactured firearms comprised around eight to 11 percent of seized handguns (although mostly pen guns) and two

percent for restricted long-arms. The direction of scale of activity, however, is difficult to predict. The risk of detection has probably meant most manufacturing operations are small, made-to-order ventures and this model of operation may continue into the immediate future. Other common forms of domestic leakage are the theft of legal firearms and dealer diversion. Data from the AIC's National Firearm Theft Monitoring Program found an average of almost 1,500 firearms were reported stolen and hence entering the illicit market between 2004–05 and 2008–09. The great majority of these firearms were not models commonly acquired by SOCG but they still made up around 30 percent of all firearms seized from SOCG and a larger proportion for non-SOCG. The National Firearm Theft Monitoring Program data does not enable definitive identification of targeted thefts, but incident narrative indicated where targeting was suspected, usually associated with multiple thefts, thefts from transport or courier companies and armed robberies of security guards. The largest theft incident from this period was the theft of 55 firearms, mostly handguns, from a firearm dealer in Queensland.

The involvement of some corrupt firearm dealers in furnishing the illicit market is established, but more conclusive information on the manner of involvement sits outside open-source material. Dealers were instrumental players in the exploitation of the deactivation loophole that facilitated the inflow of reportedly thousands of handguns into the illicit market and in other large-scale diversion ventures such as the 'Starlight' operation in South Australia. Outside deactivation, dealer-related diversion was responsible for a small number of the seized firearms recorded in the analysis data, largely enacted through the provision of false information to disguise inter-state transfers or receipt and disposal of items, or the staging of false exports.

While these analyses establish some specifics on the supply to, and composition and consumption of, the illicit firearms market, issues of data quality and the strength of some of the findings from the analysis emphasise the need for standardised records on firearms to be developed. Before the firearm reforms, records on firearm import, sales, transfer of ownership and disposal were not systematically collected. For example, documentation of serial numbers on imported firearms did not occur until 2001 for handguns and 2006 for long-arms; many jurisdictions did not require the registration of long-arms, and interstate transfer of firearms were not always followed up by the jurisdiction of departure or receipt. These and other factors, such as a lack of standardised data-recording procedures and a lack of technical expertise in recording firearm characteristics, have produced data that can only support to an extent the tracing of firearms.

The suggestions made in the previous section about improving first capture recording of firearms identification features, such as the critically important serial number, standardisation of data entry fields and the creation, at the very least, of data linkages between firearm record systems are not new. The ideal of a fully integrated data system, as envisaged in the National Firearms Agreement (1996), has been explored but it is not yet realised. Small, incremental steps, including a commitment to upgrade technical expertise, create common ontologies and generate additional platforms for information exchange will assist in the momentum to develop data in a format and a level of completeness suitable to delivering the 'cradle to grave' benchmark crucial for accurately tracing firearms. It will also assist in a better understanding of the mechanics of the illicit market, and hence methods to combat its supply, by signposting preferences in items and the common and newly exploited modes of transference.



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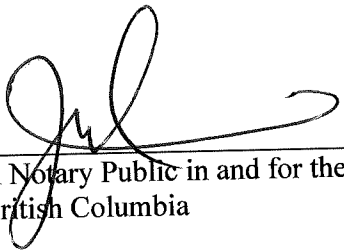
Despite strict regulations on the import, export, ownership, use, transfer and storage of licit firearms, there exists in Australia a potentially large pool of illicit firearms, some of which are acquired, stockpiled and used for serious and organised crime. This report follows a modest group of publicly released examinations of firearm trafficking operations in Australia, to describe what can be determined about the composition and maintenance of the illicit firearm market, its use by serious and organised crime groups and the diversity of transaction arrangements used to vend illicit firearms.

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This is **Exhibit "T"** referred to in the Affidavit of Gary Mauser, sworn before me this 22 day of July, 2020.

  
A Notary Public in and for the Province of  
British Columbia

**A Notary Public in and for the  
Province of British Columbia  
JAMES L. ROBINSON  
Permanent Commission**



B.29[20b]

## Implementing the firearms buy-back and amnesty scheme

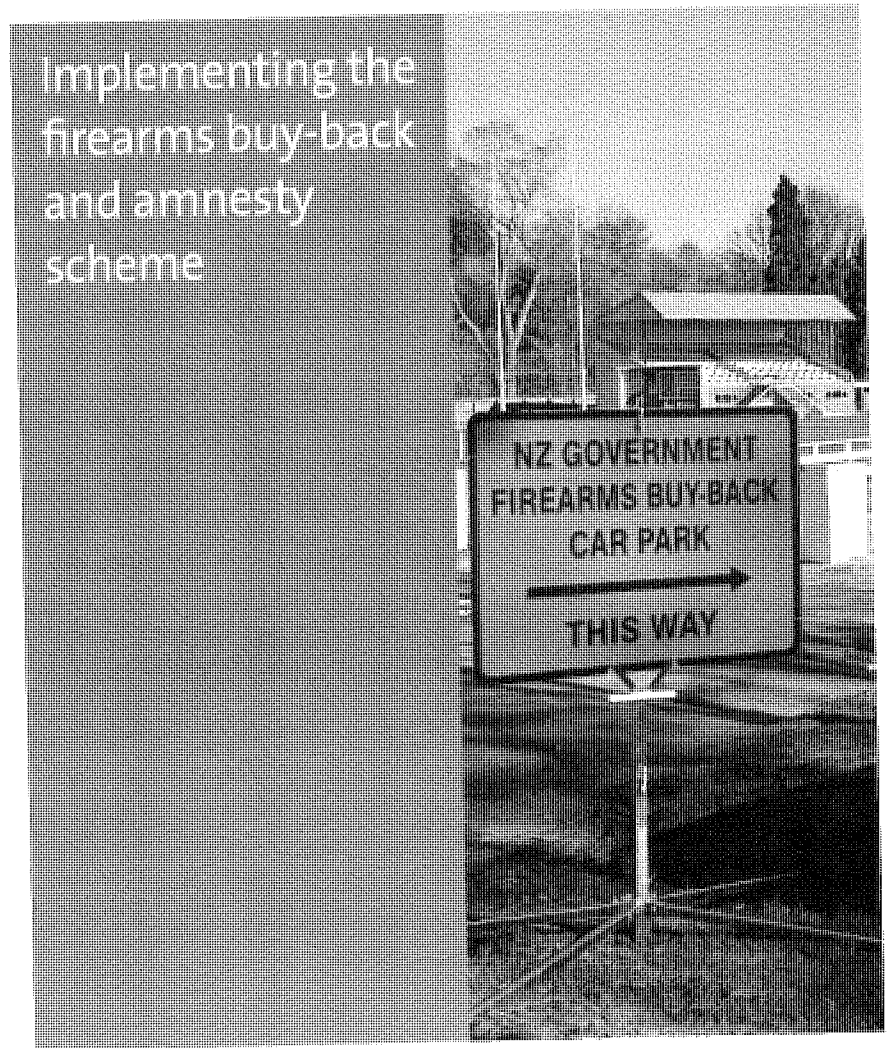


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# Implementing the firearms buy-back and amnesty scheme

Presented to the House of  
Representatives under section 20 of  
the Public Audit Act 2001.

May 2020

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# Auditor-General's overview

E ngā mana, e ngā reo, e ngā karangarangatanga maha o te motu, tēnā koutou.

On 15 March 2019, attacks at two Christchurch mosques left 51 people dead and a great many others with injuries that will stay with them for the rest of their lives. The violence on that day shocked and saddened our nation. It deeply affected the Muslim community, the first responders and hospital staff, the residents of Christchurch, and all New Zealanders. Many people had believed that New Zealand was highly unlikely to see such an attack, and the effects were felt worldwide.

As part of the response to the attacks, Parliament passed the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 on 11 April 2019. The Act prohibited firearms with the ability to cause harm in a rapid and highly destructive way from a distance.

The Act, supplemented by a set of associated statutory regulations, included a provision for a firearms buy-back and amnesty scheme (the scheme). The scheme allowed owners of newly prohibited firearms, magazines, and parts to hand them in to the New Zealand Police (the Police) in exchange for compensation. The purpose of the scheme was to improve public safety. We examined how effectively and efficiently the Police implemented the scheme. My appointed auditor, Ernst & Young, provided assurance to the Police during the scheme's implementation.

We thought it important to provide the Police with real-time feedback so that they could make any improvements the scheme needed quickly. The Police were open to receiving and acting on Ernst & Young's feedback and recommendations. I commend the Police for the open approach they took to this assurance work.

We make no comment on the policy decision to have a buy-back scheme because commenting on policy decisions is outside of my statutory mandate. The extent to which the changes to firearms regulation and the implementation of the scheme will make New Zealand safer will become apparent only over time. We have recommended that the Police evaluate and report on the difference that changes to firearms regulation and the implementation of the scheme have made.

A Royal Commission of Inquiry is investigating events relating to the Christchurch mosque attacks. It might comment on the Police's performance in managing firearms regulation. Our report does not assess the Police's performance before the attacks. Nonetheless, some of the matters raised in this report suggest that the Police experienced challenges in getting information about the operating environment under the previous regulatory regime for firearms.

### **The Police managed the scheme effectively**

Implementing the scheme was a complex, challenging, and high-risk task, and the Police had to do it in tight time frames. The Police provided people with many opportunities to hand in their prohibited firearms, magazines, and parts, including at 605 local collection events, 43 firearms dealers' retail stores, and police stations. The Police also collected firearms, magazines, and parts from people's homes in exceptional circumstances (for example, if someone had large quantities of firearms or parts) and arranged for private collections at gun clubs.

The Police bought back firearms dealers' stock of newly prohibited firearms and parts at cost (essentially at wholesale or import price) if it was not possible for dealers to return that stock to the manufacturer for a refund. This process continues but has proved more challenging than the Police anticipated.

The Police's provisional information,<sup>1</sup> as at 13 February 2020, showed that:

- 61,332 newly prohibited firearms had been collected and destroyed, or modified by Police-approved gunsmiths so that they complied with the new requirements and remained the property of their owners; and
- 1750 endorsement applications had been received to continue to use newly prohibited firearms for a specific legal purpose.

At the time of writing this report, no firearms that were part of the scheme had been lost, stolen, or not accounted for while in the Police's custody. The Police tagged, tracked, and traced all firearms from when they were handed in to final destruction.

There was a planned and co-ordinated approach to health and safety to keep the public safe. This included reporting and reviewing incidents that could have caused harm.

Despite this, there were two incidents where firearms were discharged. Although these happened in secure and non-public spaces, the consequences could have been extremely serious. The Police responded by improving how they checked that firearms were not loaded and providing additional training to staff.

### **The Police communicated with the public well**

For many firearms owners, having to hand in their firearms was distressing. Most of the newly prohibited firearms, magazines, and parts were previously lawfully owned property and used for activities such as sports shooting, hunting, or pest control, or were owned as an investment. Some firearms were part of private collections, and others were kept as family heirlooms. It was important that the Police treated firearms owners fairly and with empathy.

We found that the Police, assessors, and support staff treated people handing in firearms with empathy and respect. Firearms assessors were trained extensively to make fair decisions on compensating people for their firearms.

An independent organisation surveyed people at 19 local collection events and found that 93% of respondents were positive about their experience of the events. The number of formal complaints, including to the Independent Police Conduct Authority, was low. However, we found that the Police's process for resolving disputes about compensation could have been clearer and more transparent.

### **Determining the level of compliance with the scheme is difficult because of uncertainty about the number of prohibited firearms, magazines, and parts**

Neither the Police nor any other agency knows how many prohibited firearms, magazines, and parts were in the community when the law was changed. The Police have several estimates based on historical data. Taken together, these estimates range from about 55,000 to 240,000 firearms.

The New Zealand Institute of Economic Research (NZIER) carried out work on the Police's estimates. It concluded that, although it would be possible to improve the reliability of the estimates with significant investment, confidence in them would remain low. This is because import data categories do not match the types of newly prohibited firearms, and the ease of using parts to modify firearms makes the boundaries between what is prohibited and not highly permeable.

As at 13 February 2020, the Police's provisional information reports that 61,332 firearms had been handed in or modified. This is at the lower end of the range of the Police's estimates of the number of newly prohibited firearms in the community.

### **Firearms covered by an E endorsement**

The Police have records of only certain types of firearms held by certain categories of firearms licence holders. This includes military-style semi-automatic firearms, which a person previously needed an E endorsement on their firearms licence to own.

Deficiencies in how the information was recorded in the past mean that the Police's records of the numbers of firearms covered by an E endorsement are not certain, ranging from 13,175 to 15,037.

The Police were successful in obtaining and locating the types of firearms covered by an E endorsement. As at 20 February 2020, 10,009 firearms covered by an E endorsement had been handed in, and 4211 were in progress (this includes pending P endorsements,<sup>2</sup> pending applications from dealers, and some applications for unique and prohibited items).

<sup>2</sup> A P endorsement enables firearms owners to use a newly prohibited firearm for a specific purpose.

The Police are actively following up on the remaining estimated 817 firearms covered by an E endorsement to determine their status. Those firearms include those:

- that are legitimately being retained by licensed firearms owners for modification;
- that are no longer prohibited because prohibited parts were handed in (for example, extendable magazines for shotguns);
- that people have indicated would be handed in but have not been and for which no endorsement has been sought; and
- where there are issues with the accuracy and/or currency of the recorded information.

### **The scheme was supported by good systems and processes**

The Police used a software system to register and track handed-in firearms and process compensation payments. This system was well designed and thoroughly tested before it went live. Although it mostly worked well, some internet connectivity issues caused delays at some local collection events.

In December 2019, a change to the system, that the Police did not authorise, resulted in some firearms dealers potentially having access to the details of individual firearms owners. According to the Police, one firearms dealer accessed this data. The Police shut the system down when they found out about the security incident. Access to the system was reinstated for police staff after rigorous testing. The Police decided not to reinstate public access to the system.

Although it was a provider of services and not the Police that made the unauthorised change, the Police are ultimately responsible for the stewardship of the private information they hold to operate the scheme. They remain accountable to the public for this.

### **Compensation payments did not exceed what was appropriated, and ACC's contribution was compatible with its statutory functions**

The 2019 Budget included an appropriation of \$150 million in Vote Police to fund compensation payments for people handing in their prohibited firearms, magazines, and parts. The Police's provisional information at 20 December 2019 shows that compensation payments to that date totalled \$102 million. The final compensation cost is currently unknown, but it will be more than this amount because the Police have not finished processing applications for compensating firearms dealers and modifying firearms. The Police estimate that the final compensation cost will be about \$120 million.

The Accident Compensation Corporation (ACC) decided to contribute up to \$40 million towards the compensation costs of the scheme because it is an injury prevention scheme. This contribution was made possible by the Government's decision to have a firearms buy-back scheme.

We reviewed how ACC made the decision to contribute funding and concluded that the assumptions behind it were reasonable but based on a high degree of judgement. The decision was compatible with ACC's statutory functions. ACC will monitor firearms-related injuries to understand the effect of the scheme on its Outstanding Claims Liability. To date, ACC has contributed \$20 million of funding to the scheme.

### **Administering the scheme cost considerably more than estimated**

In March 2019, the Police produced an initial estimate that administering the scheme would cost \$18 million. The 2019 Budget included \$18 million as a new initiative as part of the General Crime Prevention Services appropriation for these costs.

The estimate was based on limited information from the Australian buy-back scheme and was completed quickly, before the costs of the supporting technology were fully known. The Police now estimate that, once fully completed, administering the scheme will have cost up to \$35 million. This includes costs of tracked staff time, contractors, and goods and services.

This is nearly double the \$18 million the 2019 Budget provided and includes about \$5.5 million the Police spent on the scheme in 2018/19. The Police used baseline funding from the General Crime Prevention Services appropriation to cover the excess administrative costs.

There were appropriate financial controls over administrative spending, including procurement. We saw no evidence of wasteful spending by the Police when implementing the scheme.

### **The Police need to finish implementing the scheme and make improvements to support their regulatory responsibilities**

The Police still have much work to do to complete the scheme. Regulations were amended in November 2019 to allow for applications for endorsements to be processed after the scheme ended on 20 December. The changes also allowed dealers to continue to hold stocks of newly prohibited firearms until applications for compensation are completed.

The process of implementing the scheme is ongoing and has proved more challenging than the Police anticipated. Some firearms still need modifications to comply with the new regulatory requirements, and the Police are still processing applications for endorsements to use newly prohibited firearms for a limited range of purposes. In my view, the Police should continue to report publicly on the performance of the scheme until they have completed this remaining work. The Police should also report to Parliament about the final outcomes of the scheme.

Importantly, the scheme is only one component of firearms regulation the Police have to implement. The Government introduced a Bill on 13 September 2019

that includes a wide range of controls on the use and possession of firearms. Parliament was considering this Bill at the time we were writing this report.

In my view, regardless of any changes made, the Police should build on the knowledge and relationships they have gained through the scheme. This includes continuing to improve their understanding of the firearms environment, realising opportunities from strengthened engagement with firearms owners and dealers, and making effective use of relevant information they have gathered to support their regulatory responsibilities.

### Concluding thoughts

The Police managed the scheme well. They were effective in providing people with a wide range of opportunities to hand in firearms and receive compensation, which was paid in a timely manner. The public was kept safe at local collection events, and the Police made considerable efforts to treat people with empathy and respect. However, there is still much work to be done, and the Police should continue to focus on completing the scheme.

We do not yet know how effective the scheme was in removing all newly prohibited firearms, magazines, and parts from the community. This is because there is no reliable picture of how many newly prohibited firearms, magazines, and parts remain in the community. Without this picture, I cannot determine whether implementing the scheme has delivered value for money.

In my view, given the high level of public interest and expenditure, and the importance of this scheme for the well-being of all New Zealanders, more work should be done to find out what level of compliance with the scheme has been achieved and the extent to which it has made New Zealanders safer.

I thank staff from Ernst & Young who carried out assurance work on the scheme, representatives of the Council of Licensed Firearms Owners, Gun Control New Zealand, and the New Zealand Police Association, police staff, and members of the public who shared their experiences of the scheme with us.

Nāku noa, nā,



John Ryan  
Controller and Auditor-General

4 May 2020



# Our recommendations

We recommend that the New Zealand Police:

1. build on their engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and future firearms regulatory framework is implemented;
2. improve the information they use to support their regulatory responsibilities for firearms and firearms owners, and their management of that information; and
3. design and implement a framework to evaluate the extent to which changes to firearms regulation have made New Zealand safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament and the public have trust and confidence in their administration of firearms legislation.

# 1

## Why and how we did this work

- 1.1 We looked at how effectively and efficiently the New Zealand Police (the Police) implemented the firearms buy-back and amnesty scheme (the scheme).<sup>3</sup> We did this because of the significant public interest in the scheme, its intended public safety benefits, and the amount of taxpayer money that funded it. We also wanted to provide the Police with feedback and the opportunity to act on recommendations while the scheme was running.

- 1.2 In this Part, we discuss:
- the scope of our work;
  - how we approached our work; and
  - how the scheme fits into the wider regulatory regime.

### Scope of our work

- 1.3 This report assesses how the Police implemented the scheme. It does not evaluate the effect of policy changes on the regulation of firearms in New Zealand. It is outside our statutory mandate to comment on the merits of policy decisions.
- 1.4 The extent to which the policy changes will meet the objective of making New Zealand safer will only become apparent over time. We have recommended that the Police design and implement a framework to evaluate the effect these policy changes have had on making New Zealand safer (see Part 5).
- 1.5 We did not examine the Police's management and oversight of firearms regulation before the Christchurch attacks on 15 March 2019. Nonetheless, some of the matters raised in this report suggest that the Police experienced challenges in getting information about the operating environment under the previous regulatory regime for firearms.
- 1.6 We have examined the overall effectiveness of the Police's implementation of the scheme. This included gaining an understanding of the systems and controls used to implement the scheme. We have not examined every transaction in the scheme, nor every judgement involved in each of those transactions.

### How we approached our work

- 1.7 We assessed the effectiveness of the scheme's implementation according to the following six criteria:
- whether there were enough opportunities for the public to hand in or modify firearms, or apply for an endorsement, and whether the Police made sure that firearms owners knew about these opportunities;
  - whether local collection events (public events where people could hand in their firearms, magazines, and parts) were well run and whether the public and police staff were kept safe;

- whether firearms owners received the compensation they were entitled to, were treated fairly, and received payment in a reasonable time frame;
- whether licensed firearms dealers (dealers) had enough opportunities to hand in prohibited stock and receive payment in line with the policy decisions;
- whether all firearms, magazines, and parts collected during the scheme were accurately recorded, tracked, and destroyed; and
- whether the number of firearms accounted for was in the range of the Police's estimates of the number of newly prohibited firearms in the community at the end of the scheme and whether all firearms covered by an E endorsement were accounted for.

1.8 Soon after the Government announced the scheme, we agreed that Ernst & Young (EY), our appointed auditor for the Police, would provide independent assurance about how the Police were implementing the scheme while it was running.<sup>4</sup> This real-time assurance work meant that EY gave the Police regular feedback on how they were managing the main aspects of the scheme. We have drawn on the findings of EY's work and further analysis we carried out to assess how well the Police implemented the scheme.

1.9 The Police were open to receiving and acting on EY's feedback and recommendations as the scheme was running. That approach supported improvements to how the Police ran the scheme. To provide complete transparency on the work done, we encourage the Police to make the reports from the assurance work public.

1.10 EY provided real-time assurance feedback to the Police about:

- the planning and setting up of the scheme, including reporting requirements, resourcing, risk identification and management, and governance;
- how firearms assessors were selected, trained, and monitored;
- the process for resolving disputes;
- the exemption and endorsement process;
- the process for people to get their firearms modified to comply with the new legislation and associated statutory regulations;
- how unique prohibited items were dealt with;
- collecting dealers' stock of newly prohibited firearms, magazines, and parts and compensating dealers for it;
- the SAP<sup>5</sup> system, including the process for managing and processing compensation payments and for what happens after a security incident; and
- how firearms were collected, stored, and destroyed.

<sup>4</sup> EY's assurance work was done under section 17 of the Public Audit Act 2001.

<sup>5</sup> SAP is a German-based company delivering enterprise resource planning software, among other things.

- 1.11 EY's work involved:
- discussions with senior police officers responsible for the scheme, and contractors and other staff working on different aspects of the scheme;
  - observing local collection events in Auckland, Christchurch, Dannevirke, and Masterton;
  - visiting two dealers' retail stores in Auckland that were acting as collection points for prohibited firearms, magazines, and parts;
  - observing the Major Operations Centre at Police National Headquarters;
  - observing the process for transporting prohibited firearms to a location for final destruction and the destruction process;
  - obtaining and reviewing documentation about the scheme and its operation; and
  - providing the Police with 10 assurance reports and regular feedback as the scheme was being implemented, commenting on what was and was not working well, and providing recommendations.
- 1.12 The Police told us that EY's work helped them to implement the scheme consistently.
- 1.13 As well as drawing on EY's work, we also:
- interviewed senior police officers;
  - met with representatives from the Council of Licensed Firearms Owners, Gun Control New Zealand, and the New Zealand Police Association to hear about their experiences of the scheme;
  - reviewed various documents on the establishment and operation of the scheme;
  - attended local collection events in Paraparaumu and Trentham; and
  - reviewed about 60 emails we received from individuals, mainly firearms owners, about the scheme.

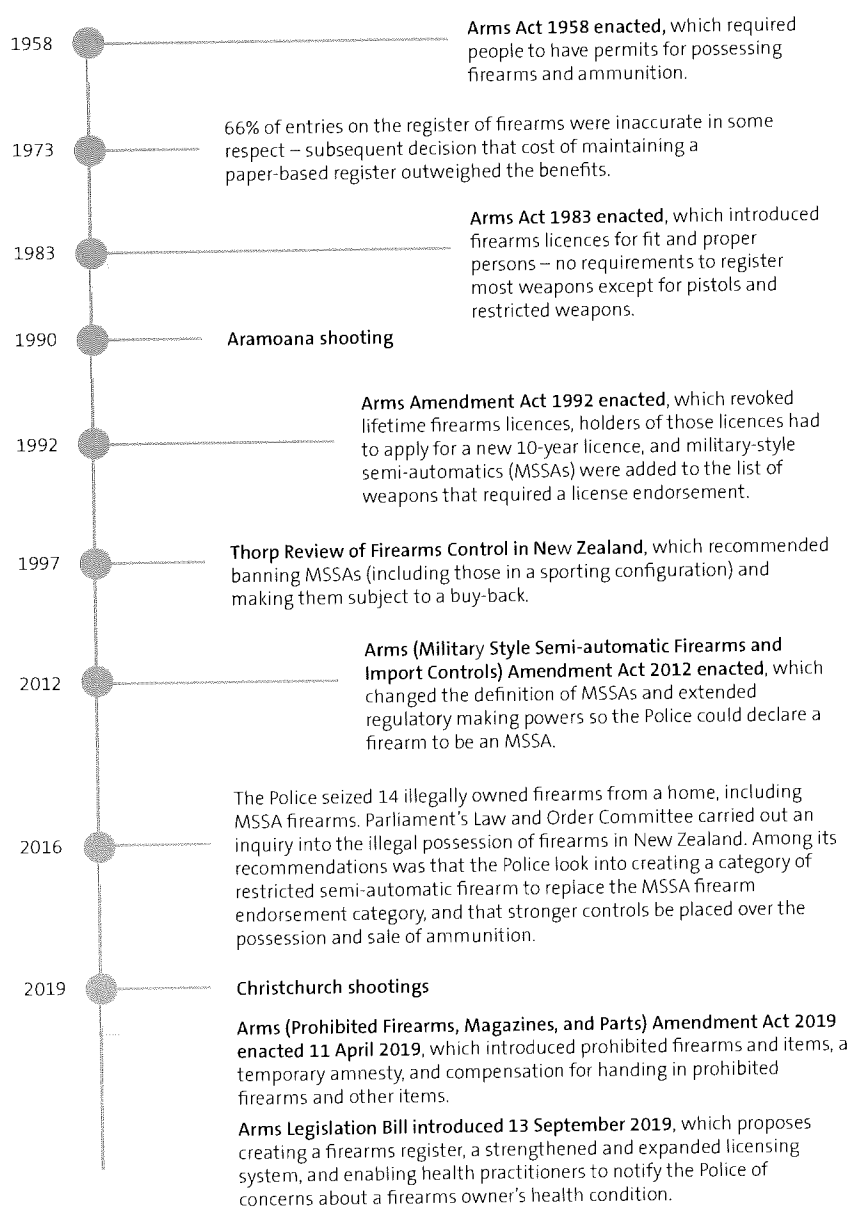
## The firearms buy-back and amnesty scheme is part of a wider firearms regulatory regime

- 1.14 Although designing and implementing the scheme was a considerable task, it is only one part of the Police's regulatory responsibilities for firearms and firearms owners.
- 1.15 There is a long history of firearms regulation in New Zealand.<sup>6</sup> Figure 1 shows that, throughout this history, the Police have been responsible for licensing owners of firearms, recording firearms, or some combination of both.

<sup>6</sup> For more comprehensive information about the history of firearms regulation in New Zealand and attempts to amend it over time, see *A turning point for firearms regulation: implications of legislative and operational reforms in the wake of the Christchurch shootings*. This paper was authored by Nathan Swinton on an Axford fellowship to New Zealand. The paper is available on Fulbright New Zealand's website at [www.fulbright.org.nz](http://www.fulbright.org.nz).

**Figure 1**  
**Selected milestones in New Zealand firearms regulation**

The figure describes selected milestones in the history of New Zealand's firearms regulation, from 1958 to 2019.



## Part 1

Why and how we did this work

- 1.16 At the time of the Christchurch attacks, the Police were responsible for implementing the licensing system for firearms owners. This included managing the endorsement process. This is where licence holders could apply for an endorsement on their licence that would allow them to own certain types of firearms, such as military-style semi-automatics.
- 1.17 This endorsement was called an E endorsement. The Police kept a record of military-style semi-automatics used by licence holders covered by an E endorsement. There was no requirement for the Police to keep information about most other types of firearms held by licence holders, including semi-automatics that could be readily converted to a military-style semi-automatic firearm by adding unregulated large-capacity magazines.
- 1.18 The Police were also responsible for enforcing the firearms owner licensing and endorsement systems and for licensing dealers. They also had some responsibilities for regulating firearm imports and exports.
- 1.19 After the Christchurch attacks, changes were made to the regulation of firearms in New Zealand. The first suite of changes were the subject of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019. Those changes included introducing a scheme for handing in prohibited items. Parliament almost unanimously supported the passing of this legislation.
- 1.20 At the time of writing this report, a second suite of changes to the regulation of firearms and firearms licence holders had been proposed. These changes are outlined in the Arms Legislation Bill, which is currently being considered by Parliament. The Bill proposes a firearms register for all firearms and a strengthened and expanded licensing system for firearms owners.

# Establishing the firearms buy-back and amnesty scheme

## 2

- 2.1 In this Part, we:
- describe why and how the scheme came about;
  - provide our view on the Police's work designing and establishing the scheme; and
  - provide our view on the Police's programme design and planning for the scheme.

- 2.2 We conclude that the Police:
- worked effectively with multiple government agencies in a tight time frame to provide advice to Ministers on the objectives and design of the scheme; and
  - planned the implementation of the scheme effectively, including identifying the main risks and establishing a robust governance framework.

### About the firearms buy-back and amnesty scheme

- 2.3 On 15 March 2019, attacks at two Christchurch mosques resulted in 51 deaths and multiple injuries.
- 2.4 In response to the attacks, the Government re-classified some types of firearms as military-style semi-automatic firearms through an Order in Council. Parliament then passed the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 on 11 April 2019. The Act was supported by a set of associated statutory regulations. The Act introduced a temporary amnesty,<sup>7</sup> and the regulations allowed for a compensation scheme.
- 2.5 The scheme ran from 20 June 2019 to 20 December 2019. The purpose of the scheme was to remove semi-automatic firearms from the community because of their potential for significant harm.
- 2.6 The scheme required people to hand in their newly prohibited firearms, magazines, and parts for destruction. They would then receive compensation from the Crown if they had a valid firearms licence. Dealers were also able to hand in their stock for compensation if they could not return it to their supplier for a refund.
- 2.7 The Police intended for compensation to encourage people to participate in the scheme. Compensation also recognised that licensed firearms owners had acquired these firearms legally, so they should be paid for handing them in. Deciding how much to compensate people for their firearms, magazines, and parts required finding a balance between:
- an amount that would encourage people to participate in the scheme; and
  - being fair to the taxpayers providing public money for the compensation.
- 2.8 The Police provided five different ways for owners to hand in firearms, magazines, and parts. These were:

<sup>7</sup> The amnesty meant that, for a fixed time, people possessing newly prohibited firearms, magazines, and parts would not be prosecuted.

- local collection events, which were generally held in community venues such as stadiums and community halls;
- private venues, such as gun clubs;
- collection from owners' property in exceptional circumstances (for example, if they had large quantities of firearms or parts);
- retail outlets of dealers; and
- police stations.

### **The Police established the firearms buy-back and amnesty scheme well**

- 2.9 The Police worked quickly and effectively with multiple government agencies to set up the scheme so that it was consistent with the Government's policy decisions and regulatory requirements.
- 2.10 The Police's work included:
- providing advice and preparing policy proposals;
  - supporting the Minister of Police to move proposed legislation through Cabinet and parliamentary processes;
  - advising Parliament's Finance and Expenditure Committee during its examination of the proposed legislation; and
  - working with the Parliamentary Counsel Office to draft legislation.
- 2.11 The Police met with their counterparts from Australia to find out about the scheme that Australia implemented after the 1996 mass shooting at Port Arthur. Two people from Australia worked with the Police to help develop the scheme. The lessons from the Australian buy-back scheme included:
- being clear about the scheme's objectives and purpose;
  - being clear about the scheme's scope (that is, what is and is not included);
  - the need for an extensive public education campaign, including nationwide advertising to support compliance;
  - having magazines in the scope of the buy-back scheme;
  - allowing people who did not have a licence, or who possessed firearms that were illegal before the scheme, to hand in firearms without prosecution (but also without compensation); and
  - the need to use information technology to support the scheme.
- 2.12 The Police had to do a significant amount of work in a tight time frame to set up the scheme. Six days after the Christchurch attacks, an Order in Council declared certain firearms to be military-style semi-automatics. The first reading in Parliament of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill was less than three weeks after the attacks. The second reading of the Bill was



about a week after that. The resulting Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 took effect on 12 April 2019.

- 2.13 There was good cross-agency collaboration. Staff from several government departments were brought in on secondment to develop policy advice and draft legislation. The work also included more than 90 staff from multiple agencies working for three days to analyse about 13,000 public submissions on the Bill. The Police and others worked effectively to meet the Government's expectations about timing.

#### **The Police's planning of the scheme was thorough**

- 2.14 The Police planned and set up the scheme well. They engaged consultants to develop a programme management plan. The programme management plan:
- was robust and followed many aspects of good practice that we expect;
  - included operational and reporting requirements for each work stream;
  - clearly described roles, responsibilities, and lines of accountability; and
  - had a clear and concise methodology that met the short- and long-term objectives of the scheme.
- 2.15 The programme management plan identified key risks associated with implementing the scheme and detailed strategies to mitigate and/or minimise these risks. The risk management strategy aligned with the Police's wider risk-management approach, which included standardised and clear reporting requirements for regional teams to manage, mitigate, and own risk. The main risks to the scheme included the possibility of:
- newly prohibited items not being handed in and remaining in the community;
  - an increase in illegal trade of newly prohibited firearms; and
  - relationships with the community of firearms owners breaking down.

#### **The governance framework was effective**

- 2.16 The Police established a clear and robust governance framework for the scheme. The framework included having four governing bodies to provide oversight. These were:
- an executive steering group, which provided oversight of overall programme delivery and achievement of objectives;
  - a design authority, which provided oversight of the integration of the design and alignment of deliverables;
  - reference groups, which provided advice and guidance on areas of specific expertise; and
  - a programme management office, which provided programme management, including oversight of risks and issues, and support to the other governing bodies.

## Part 2

### Establishing the firearms buy-back and amnesty scheme

- 2.17 The governance and team structures were clearly defined and established, with clear definitions of work stream responsibilities and accountabilities.
- 2.18 EY recommended that the Police develop a reporting framework and associated reporting for Ministers and other key stakeholders that would bring together measures of the scheme's progress. Where applicable, the reporting framework would also refer back to the original assumptions that underpinned the original budgets and planning. EY suggested that the reporting could include the:
- number and type of firearms handed in;
  - average cost;
  - average condition;
  - rate of firearms and parts collection;
  - references to other applicable benchmarks; and
  - stakeholder satisfaction measurements.
- 2.19 EY also recommended that the Police consider proactively releasing data and reporting to the public on the operation of the scheme.
- 2.20 In September 2019, the Police published a "performance dashboard" on their website. The information the Police reported on this dashboard included:
- the number of firearm hand-ins completed;
  - the number of firearms, magazines, and parts collected (through both the buy-back and the amnesty aspects of the scheme);
  - the number of prohibited firearms that had been modified to be no longer prohibited;
  - the number of local collection events held; and
  - the total payments committed to, paid out, and pending.

### Procurement of goods and services for the firearms buy-back and amnesty scheme was well managed and co-ordinated

- 2.21 The Police had to purchase a range of goods and services to implement the scheme. This included:
- software to administer and record the collection of firearms, magazines, and parts;
  - assessors and support staff at local collection events;
  - venue hiring for local collection events;
  - equipment to make the collected firearms inoperative;
  - services to destroy the collected firearms, magazines, and parts; and
  - other items as needed (such as vehicles to transport collected firearms).

- 2.22 The Police also contracted consultants to help set up programme and project structures, and provide assurance over the scheme. The Police estimate that, once they complete the remaining work, administering the scheme will have cost up to \$35 million in total.
- 2.23 The Police used a direct procurement process for services from professional services firms using existing panels of suppliers. Other services procured for the scheme were either procured centrally through Police National Headquarters (for example, uniforms, “bulldozer” machines for making firearms inoperative, and tags for firearms) or regionally by police staff who were informed by guidelines about what was required and the price (for example, venues for local collection events). Services for destroying firearms, magazines, and parts were provided by a supplier that had worked with the Police before.

### Information systems

- 2.24 The Police learnt from their Australian counterparts that a good information system was critical to successfully implementing the scheme.
- 2.25 The Police had SAP develop the main system (the SAP system) that supported the recording and processing of prohibited firearms, magazines, and parts. We describe the performance of the SAP system in Part 3.
- 2.26 The Police procured SAP’s services as an “opt-out” procurement under the *Government Rules of Sourcing* (now called the *Government Procurement Rules*). The Police told us that they spent, in total, about \$9.4 million on computing services for the scheme, including third-party and SAP’s services.
- 2.27 The use of an “opt-out” procurement meant that the Police did not have to openly advertise the services they were seeking and was able to approach SAP directly for those services. Under Rule 13(3)(m) of the *Government Rules of Sourcing*, the Police could procure goods and services directly as “measures necessary for the protection of essential security interests, procurement indispensable for national security or for national defence, the maintenance or restoration of international peace or security, or to protect human health”.<sup>8</sup>
- 2.28 It is clear that going through an open-market procurement would have delayed the design and implementation of an information system to support the scheme. SAP already provided other services to the Police, including their finance system, and any system used for the scheme would need to work with the Police’s finance system.

<sup>8</sup> The *Government Rules of Sourcing* were replaced by the *Government Procurement Rules* from 1 October 2019. Rule 12(3)(m) in the new rules is equivalent to Rule 13(3)(m) in the previous rules.

## The Police took a principled and informed approach to compensation

- 2.29 The Police provided advice to Ministers on different options for how much to compensate people handing in newly prohibited firearms, magazines, and parts. Compensation was an important way of encouraging compliance with the new firearms regulations. It also recognised that newly prohibited firearms were previously legally owned property.
- 2.30 In advice to Ministers, the Police took a principled and informed approach to setting compensation prices. That is, the Police's objective was to set compensation prices that encouraged firearms owners to comply with the scheme while also being fair and reasonable to taxpayers.
- 2.31 In advice to Ministers in early April 2019, the Police assessed the fairness to firearms owners and the reasonableness of costs to the taxpayer of several pricing approaches.
- 2.32 The Police recommended an "individualised pricing approach [for each make and type of firearm] with new or used price points" or a version of that approach using three price points. This was similar to the approach used for the Australian firearms buy-back scheme.
- 2.33 On 4 April 2019, Cabinet agreed that the Police should seek independent advice to prepare the price list for the scheme. The Police commissioned KPMG to do that work.
- 2.34 KPMG prepared an initial base price list for more than 300 types and/or brands of firearms, identified potential buy-back options, and created a short list from those options. KPMG's process included speaking with retailers, wholesalers, importers, collectors, representatives of gun clubs, auctioneers, and specialists from the firearms industry. KPMG also reviewed the buy-back approach used in Australia.
- 2.35 Each buy-back option was assessed against how much it supported a set of particular principles, including effectiveness in removing firearms from the public, fairness to the owners of prohibited firearms, and cost to the taxpayer.
- 2.36 The option that the Police recommended to Ministers, and was agreed by Cabinet, involved a detailed pricing catalogue that contained base prices, by make and model, for each newly prohibited firearm. A three-tier percentage discount (95%, 70%, and 25%) was then applied to the base price depending on the condition of the firearm.
- 2.37 The three tiers were new or near-new condition (little to no use and maintained to a high standard), used condition (some to regular use but still operates as effectively as a new firearm because it has been well maintained), and poor condition (inoperative or in a condition where the firearm is not safe or comfortable). The

Police's provisional information, as at 21 December 2019, showed that 58% of the firearms that people handed in were in new or near-new condition.<sup>9</sup>

- 2.38 Prices for the newly prohibited firearms, magazines, and parts reflected the market value just before March 2019. KPMG took into account retailers' prices and online prices and whether the firearm was a current, superseded, or discontinued model. KPMG also considered the risk of people dismantling prohibited firearms into parts and seeking compensation for them (the aggregate value of which could, in some instances, be more than that of an assembled firearm).
- 2.39 To ensure that pricing was appropriate (that is, within the context of what the industry considered to be a distressed sale situation), KPMG used a wide range of sources. These included:
- price databases, TradeMe sales data, specialist valuations, and retailer price lists;
  - consultation with a range of specialists, including retailers, wholesalers, specialist dealers, and auctioneers; and
  - review by an independent data analytics team.
- 2.40 In a survey conducted for the Police, 78% of respondents felt that the compensation they received was fair. The survey took place between 31 August and 30 September 2019 at 19 local collection events and had 438 participants.

**Changes were made to the price list part way through the scheme**

- 2.41 The limited knowledge of the types of firearms and parts in the community resulted in the Police adding more types of firearms and parts to the price list over time. The first price list was published on 20 June 2019 and listed 314 firearms. The final price list was published on 25 October 2019 and listed 454 firearms.
- 2.42 These changes to the price list, and other changes introduced part way through the scheme (such as options to hand in firearms at dealers' retail stores or have them modified), were frustrating and confusing for some firearms owners. However, most firearms owners who participated in the scheme were not affected by these changes because mostly specialised or less common items were added to the price list.
- 2.43 The Police increased the payments for 273 items after hand-in. This included 56 payments as a result of additional models being added to the price list and 42 payments where there was an increase in price for a model on the price list when more information became available. The remaining 175 payments resulted from reassessments of firearms.

<sup>9</sup> The Police's provisional information is unaudited and subject to revision over time.

# 3

## Implementing the firearms buy-back and amnesty scheme

- 3.1 In this Part, we assess:
- how well the local collection events were run;
  - how the Police provided different ways for people to hand in their firearms, magazines, and parts;
  - the Police's process for recruiting and training firearms assessors;
  - the Police's communications plan and how it was implemented;
  - how firearms, magazines, and parts were destroyed;
  - the Police's systems and processes to implement the scheme; and
  - the Police's information about the number of prohibited firearms and the implications of that information for implementing the scheme and assessing its performance.
- 3.2 We conclude that the Police implemented most aspects of the scheme effectively. However, the Police:
- could have communicated the complaints process better and made it more transparent; and
  - could have introduced the option to modify firearms so they complied with the law sooner.
- 3.3 The number of firearms and parts collected or modified (61,332 as at 13 February 2020) was at the lower end of the range of the Police's estimates of the total number of newly prohibited firearms.
- 3.4 However, we are not able to form a conclusion on the level of compliance with the new regulatory regime because of the low confidence in, and wide range of, estimates of the total number of newly prohibited firearms in the community.

### Local collection events were well run

- 3.5 Local collection events were the main way that people could hand in their newly prohibited firearms, magazines, and parts, either for compensation (buy-back) or under the amnesty. Typically, local collection events were held in community facilities such as community halls and stadiums.
- 3.6 The Police also provided the option to have firearms collected at people's homes in exceptional circumstances (for example, if they had large quantities of firearms or parts) or private collection events at gun clubs.
- 3.7 There were 605 local collection events. The first local collection event was held in Christchurch on the weekend of 13 and 14 July 2019. The final local collection events were held on 20 December 2019, the day the scheme ended. Local collection events took place throughout the country, including the Chatham Islands.

- 3.8 Planning and running each local collection event was a considerable logistical exercise and needed a significant amount of work. It involved setting up and running information communications technology (ICT) systems, and identifying and managing a range of risks, particularly to the health and safety of the public and police staff.
- 3.9 The Police used regional teams to manage the local collection events. For most events, an Inspector of Police led each local collection event, with a Senior Sergeant acting as second in command. Each team included police officers, assessors, administrative staff, and a telecommunications technician. Typically, at least 16 police staff and nine contractors were required to run a local collection event. These included:
- two armed police officers patrolling the car park and entrance to the building;
  - a telecommunications technician;
  - two people checking firearms for ammunition and making the firearms safe to continue through the local collection event;
  - two or three assessment teams, each comprising an assessor, an administrator, and a person to photograph and label each item;
  - a person transporting the firearms, magazines, and parts to a place for making them inoperative;
  - a person operating a machine that bent the firearm in three places, making them inoperative;
  - a concierge role to keep the public participating in the event engaged and informed or to answer questions from the public;
  - an armed police officer overseeing security at the facility where the event was being held; and
  - staff involved in off-site back-up security arrangements.
- 3.10 In the days leading up to each local collection event, the Police's Major Operations Centre provided real-time intelligence about risks in the area so the Police could put in place mitigation steps, where required.

### **The Police were empathetic to firearms owners**

- 3.11 Many people have emotional and financial attachments to their firearms – for example, firearms that have been handed down from generation to generation. Giving up a legally obtained item that had been previously used lawfully was also distressing for some people.

- 3.12

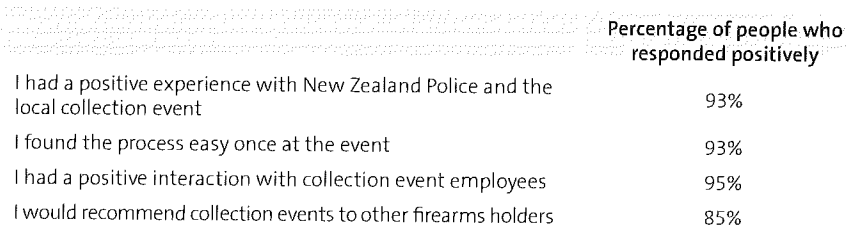
Police staff, assessors, and other support staff understood this and showed empathy towards people handing in their firearms. Senior police staff were present at most of the local collection events. They engaged with firearms owners and their families at those events and stressed to them that handing in their firearms, magazines, and parts was the right thing to do.

**People attending local collection events were positive about how the events were managed**

- 3.13

The Police commissioned a research company to carry out face-to-face interviews at local collection events between 31 August and 30 September 2019. Overall, there were 438 interviews at 19 local collection events. Respondents were largely positive about their experiences at local collection events (see Figure 2). The interviews identified that the Police could improve two areas: communication about events and waiting times.

**Figure 2**  
**Surveyed experiences of people participating in local collection events**



Source: Research First research report (October 2019), *Firearms buy-back process review*.

- 3.14

The Police collected information midway through the scheme that showed that the waiting time was less than 30 minutes for about half the people attending local collection events. The waiting times likely increased towards the end of the scheme, when there was an observed increase in the volume of firearms collected. This is consistent with the Australian Police’s buy-back experience.
- 3.15

The number of formal complaints, including to the Independent Police Conduct Authority (IPCA), was low when compared to the total number of those taking part. As at 17 January 2020, the Police received 18 formal complaints out of more than 36,000 transactions.



### **There was a planned and co-ordinated approach to health and safety**

- 3.16 The Police's approach to health and safety at local collection events was well planned and well co-ordinated. It was informed by risk assessments and a review midway through the scheme. A person at each event had overall responsibility for health and safety. There was a positive approach to reporting any incidents that could have caused harm and capturing lessons learnt from them, which reflected a good health and safety culture.
- 3.17 Loaded firearms were discharged in two incidents. Although these happened in a secure, non-public space, the effects could have been extremely serious. Fortunately, nobody was injured in either case. This brought to attention the need to strengthen the procedures to check that firearms were not loaded – in particular, those with tubular magazines. The Police provided staff with additional training after these incidents.
- 3.18 By the end of the scheme, there were 22 incidents that could have caused harm at local collection events. Of these, 17 involved ammunition that the Police and staff found after initial checks.
- 3.19 The Police told us that there were no arrests for disorderly behaviour at local collection events. Three participants at local collection events voluntarily removed themselves, and the Police had to remove only one person from an event.

### **The Police provided other ways for people to comply with the firearms buy-back and amnesty scheme**

#### **Handing in firearms, magazines, and parts to dealers**

- 3.20 The Police identified dealers' retail stores as important collection points. This was informed by the Australian buy-back scheme, which used dealers extensively. By working with dealers, the Police hoped to increase community engagement, build the public's trust and confidence in the scheme, and provide more opportunities for people to hand in firearms.
- 3.21 The Police worked closely with some dealers to design an approach that would work for the public, the dealers, and the Police. Some dealers agreed to allow people to hand in their prohibited firearms, magazines, and parts at their retail store. However, the Police's assessors assessed the firearms handed in to decide how much to compensate the owner. Dealers received a \$50 administration fee for each buy-back application.
- 3.22 The Police and the dealers involved successfully piloted the approach to using dealers as a collection point in early September 2019. The Police then recruited dealers through an online "invitation to treat",<sup>10</sup> which 60 dealers responded to.

<sup>10</sup> An invitation to treat is an invitation for people to express a willingness to participate. It is not legally binding.

A Police evaluation panel reviewed the applicants. The panel approved 43 dealers to be part of the scheme.

- 3.23 From mid-September 2019, dealers participated in the scheme. However, they stopped taking newly prohibited firearms, magazines, and parts at the end of November 2019 because they had to prepare for the Christmas period. Also, towards the end of the scheme, the Police wanted to consolidate the ways firearms, magazines, and parts could be handed in. As at 21 December 2019, about 11% of all firearms collected was through dealer collection points.

### **Modifying firearms to make them comply with new regulatory requirements**

- 3.24 Police-approved gunsmiths could modify newly prohibited firearms to comply with the new regulatory requirements. For example, a modification could reduce the number of rounds or cartridges a firearm can fire. Under the scheme, the Police subsidised modification work from Police-approved gunsmiths up to \$300. Any modification work to a prohibited firearm must be permanent.
- 3.25 The option to modify a prohibited firearm became available in the scheme from mid-September 2019. Because the gunsmith industry is unregulated, it took some time for the Police to establish a list of authorised gunsmiths.
- 3.26 As with recruiting dealers, the Police used an online invitation. Through that process, 43 gunsmiths applied to be certified as a Police-approved gunsmith, and 34 were approved. An evaluation panel consisting mainly of police staff reviewed the applications.
- 3.27 The Police's provisional information, as at 21 December 2019, showed that 2717 firearms were modified through the scheme to comply with the new regulations. As at 13 February 2020, 1208 applications for modification were still to be completed.

### **Endorsements**

- 3.28 Under the scheme, people were able to apply for an endorsement and permit to continue to legally own newly prohibited firearms, magazines, and parts. This includes people who need to use their firearm:
- for pest control or wild animal recovery;
  - as part of a collection or as an heirloom or memento;
  - for museum or theatrical use; or
  - as a licensed dealer, or employee or agent of a licensed dealer.
- 3.29 People needed to apply for an endorsement from the Police before 20 December 2019. There was a \$204 fee for the application.

- 3.30 The Police's provisional information shows that they had received 1750 applications for an endorsement as at 13 February 2020. Of these applications, 1022 applications were pending, 611 were approved, and 117 were refused.
- 3.31 The Police are prioritising their consideration of endorsement applications from people who most rely on an endorsement for their livelihood, such as professional pest controllers.

**Compensating dealers for stocks of newly prohibited firearms, magazines, and parts has been challenging**

- 3.32 The Police identified that, as at 29 November 2019, there were 517 licensed dealers in New Zealand. The new firearms regulations and the scheme will affect dealers differently, depending on the size and type of their business. At the time the scheme was being implemented, some dealers had a lot of newly prohibited firearms, magazines, and parts in stock.
- 3.33 Under the scheme, dealers could hand in their newly prohibited stock for compensation at cost (essentially, at wholesale or import price, including any direct or attributable costs) or, if dealers chose to return stock to suppliers, the difference between cost and the discounted refund. Dealers were prohibited from using local collection events to hand in, and receive compensation for, commercial stock.
- 3.34 Initially, dealers could hand in personal items (that were not part of their commercial stock) at local collection events. However, this was complex and time consuming because of the need to establish that these items were personally owned and not part of their stock. Instead, the Police decided that they would case-manage all dealer hand-ins and requested that dealers make a one-off submission for both personal items and dealer stock. These submissions were, and continue to be, managed by a central team.
- 3.35 The Police took some steps to mitigate the risk of dealers presenting commercial stock as personal items (that would be eligible for nearer to retail value compensation, rather than as commercial stock that was eligible to be compensated at cost only). These steps included:
- flagging the personal firearms licences belonging to people who also hold a dealer licence so that they could be asked appropriate questions if they attended a local collection event;
  - performing a series of checks against the Police's records and other information that is available about a licensed dealer; and
  - on-site interviews and formal investigations, where required.
- 3.36 At first, the control implemented to block dealers from getting compensation for their personal items at local collection events did not work – dealers were still able

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#### Implementing the firearms buy-back and amnesty scheme

- to hand in firearms at those events. That was later rectified. Until then, about 20% of dealers handed in personal items at local collection events.
- 3.37 As at 20 December 2019, the Police were intending to review the payments made for those items. The Police told us that their view is that dealers who handed in personal items at those events did so as fit and proper persons asserting that these items were personal property and not commercial stock.
- 3.38 The process for buying back dealers' personal and commercial stock was ongoing at the time of writing this report. Implementing the process has been more operationally challenging than the Police anticipated.
- 3.39 The Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 provided an explicit evidentiary threshold that a dealer had to meet to be entitled to compensation. This has been challenging for several dealers and requires the Police to provide high-level support to enable dealers to participate in the stock buy-back process.
- 3.40 The Police worked with some dealers to develop the process for compensating dealers. However, many dealers (especially dealers with smaller businesses) did not have sophisticated information systems to support this process.
- 3.41 Many of those dealers run small businesses that sell low numbers of firearms and have basic information systems. We understand that this has meant delays in receiving applications from dealers, and the Police rejecting some of those initial applications.
- 3.42 As at 13 February 2020, 1195 stock firearms had been collected. There is substantial work left to do to compensate dealers for their stock, with 144 out of 517 claims still being processed. The claims that still need to be processed include those from dealers with larger businesses.
- 3.43 Regulations were put in place that enable dealers to hold prohibited items after 20 December 2019, providing they have registered their intention to participate in the scheme before that date.
- 3.44 The Police's case-management approach involves working closely with dealers, talking through their applications, and resolving disagreements where possible. Formal resolution of disputes might involve legal action in the future.
- 3.45 The Police did not use their SAP system to track dealer stock. Instead, the Police used a dealer portal developed for the scheme, in combination with their standard emergency management information system used to task operational responses and provide case management of incidents. These systems did not support the same level of traceability of individual items as the SAP system.

## The process for recruiting and training firearms assessors was robust

- 3.46 The Police employed independent contractors to assess firearms, magazines, and parts that people handed in to determine how much compensation would be paid.
- 3.47 Because assessors' decisions determined the amount of money people would receive for handing in their newly prohibited firearms, magazines, and parts, they were exercising a delegated financial authority on behalf of the Government. It was important that the Police recruited people with relevant skills, expertise, and experience and provided good training.
- 3.48 The Police advertised the assessor role to groups likely to have firearms expertise, such as the Army Reserves and those already in the Police's talent pool. The Police also accepted applicants referred by a police officer. The assessor role description had clear expectations about professional duties, service delivery and quality, knowledge of health and safety, and a focus on customer satisfaction and engagement.
- 3.49 Each applicant for the assessor role had to:
- demonstrate that they had significant knowledge and experience to make accurate assessments on the condition of firearms, magazines, and parts;
  - pass the Police's standard vetting check;
  - hold a current Firearms Safety Certificate;
  - possess the temperament and personal qualities required for the role (which the Police assessed in interviews); and
  - satisfy personal health requirements to perform prescribed duties.
- 3.50 The Police recruited people as assessors who had previously held positions such as Police-approved firearms instructors, armourers, dealers, and military roles.

### Firearms assessor training

- 3.51 The main features of assessor training included:
- a detailed training needs analysis for each phase (prepare, collect, manage, and pay);
  - a clear training and delivery plan, with subject-matter experts embedded throughout to help deliver a consistent approach;
  - training resources specifically designed to facilitate alignment and co-ordination of the framework for identifying firearms, magazines, and parts and assessing their condition;

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#### Implementing the firearms buy-back and amnesty scheme

- clear separation of duties between the assessor role and other roles, such as the administrator; and
  - using customer profiles to support the establishment of a customer-centric approach.
- 3.52 Assessors also received training and associated testing on:
- determining buy-back eligibility by applying the legislation;
  - accurately identifying firearms, magazines, and parts in conjunction with the condition-assessment framework; and
  - accurately communicating the rationale behind their assessment to firearms owners.
- 3.53 The risk of assessors having conflicts of interest (that is, the risk of an assessor assessing the value of a firearm of a person they know) was also carefully considered. Assessors were instructed to notify the senior police officer in charge if they knew someone handing in a firearm at a local collection event and to not be involved in assessing compensation for that person's firearms, magazines, or parts.
- 3.54 The Police's quality assurance over assessors included on-site monitoring and sampling assessments at local collection events, and central monitoring and sampling assessments after local collection events by examining photographs of the assessed firearms. EY recommended that the:
- ... Police keep a log of the assessments where a formal central-based quality assurance check was undertaken along with a record of any findings and associated actions. This should be supported by a minimum assessment requirement (with this being adjusted as required based on assurance assessment outcomes).*
- 3.55 The information available to us suggests that complaints about assessors and technical errors in their assessments were low. This includes the low numbers of formal complaints about how the Police implemented the scheme to either the Police or the Independent Police Conduct Authority (IPCA). As at 17 January 2020, the Police had received 18 formal complaints.
- 3.56 The IPCA told us that it had received a very low number of complaints about alleged underpayment for firearms. It also received some complaints about police officers' attitudes. The IPCA told us that these complaints were all successfully resolved with the complainants.

### **Assessing unique prohibited items**

- 3.57 From mid-September 2019, the scheme included the option for people to apply for a unique prohibited item assessment if they had a prohibited firearm that was not on the price list or a firearm that was on the price list but that had a significantly higher value. This was for items that were:
- rare or had distinguishing characteristics that significantly affected their value;
  - otherwise unique and substantially different from any other listed prohibited item; and/or
  - modified in such a manner and to such an extent that the owner had reasonable grounds to believe the value of the items was at least 30% more than the listed price.
- 3.58 There was a non-refundable fee of \$138 to apply for a unique prohibited item assessment.
- 3.59 Applications were assessed by a panel (called the Unique Prohibited Items Advisory Panel), which included four mandatory members, a private sector commercial expert, an insurance expert, a valuation expert, and an international firearms expert.
- 3.60 The unique prohibited item assessment process was well documented, and the assessment panel operated in accordance with the documented process.

### **The Police's communication with the public was well planned and co-ordinated**

#### **The Police had a sound and well-targeted communications plan**

- 3.61 The Police had a comprehensive communications plan. It was informed by 20 "personas" likely to participate in the scheme. Examples included a "reactive confirmer" (a person who wishes to comply at the minimum level and is not deliberately difficult) and a "sentimentalist" (a person who has several firearms with significant financial or sentimental value attached and who might be reluctant to part with them).
- 3.62 The communications plan identified the likely behaviours of each persona and their information needs. Communication was, to some extent, tailored for each persona.
- 3.63 The Police regularly monitored the effect of their communications. They used multiple communications channels and targeted particular publications, radio, and television, and communicated directly with firearms owners and

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#### Implementing the firearms buy-back and amnesty scheme

organisations. This included directly calling licence holders with an E endorsement on their licence. The Police used an 0800 number dedicated to questions about the scheme, which received more than 30,000 calls.

- 3.64 The Police provided extensive information about the scheme on their website, including videos. Some of that information was hard to navigate and some detailed, specific technical information was difficult to locate. Feedback we received from EY, the Council of Licensed Firearms Owners, and firearms owners shared this view. However, the information on the website about the process for getting an endorsement for a prohibited item was clear, comprehensive, and transparent.
- 3.65 Between 1 May and 20 December 2019, there were 939,000 page views of firearms-related content on the Police's website.
- 3.66 EY recommended that the Police "monitor the sentiment of the firearms community as a lead indicator for the success of the Scheme" and include that information as part of the broader reporting framework.
- 3.67 The Police have not included that information in their public dashboard reporting about the scheme. Apart from their survey of people at local collection events, the Police did not have a formal mechanism to monitor the sentiment of firearms owners during the scheme.

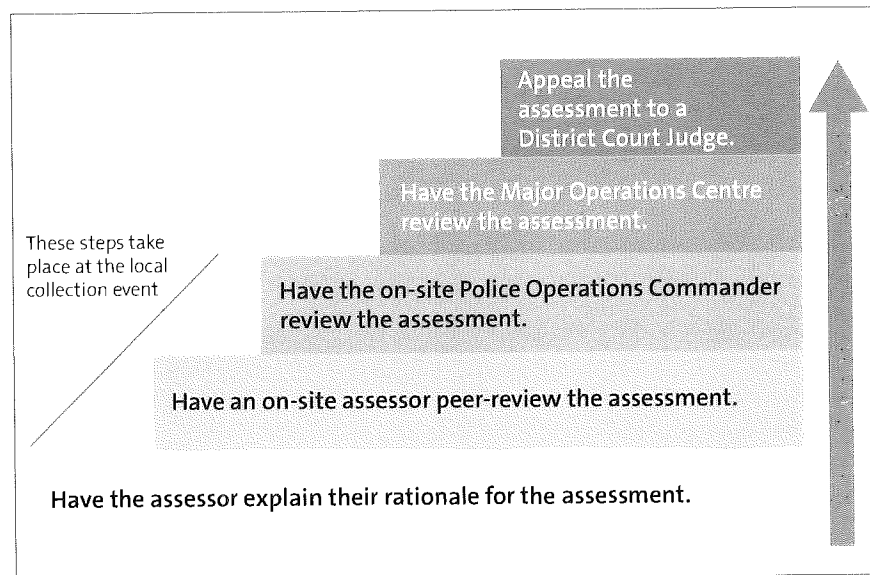
#### **The disputes resolution process could have been communicated better**

- 3.68 The Police had a standardised disputes escalation process for when a person did not agree with the amount of compensation offered for their firearm. The escalation steps are shown in Figure 3.
- 3.69 The escalation process for disputing an assessment at dealers' retail stores was the same, except that the assessors and Operations Commander were not on site.
- 3.70 The Police securely held prohibited items that were being disputed, and they were not made inoperative until the dispute had been resolved.
- 3.71 It would have been preferable if the Police had made information about the disputes resolution process more available so that it was clear that people could dispute assessors' decisions without appealing to a District Court Judge.
- 3.72 EY recommended that the Police increase the transparency of the dispute resolution process by putting more information about it on their website.



**Figure 3**  
**Steps a person could take to escalate a dispute about an assessment they disagree with**

The steps someone could take to escalate a dispute about a firearms assessment were: having the assessor explain their rationale for the assessment, having an on-site assessor peer-review the assessment, having the on-site Police Operations Commander review the assessment, having the Major Operations Centre review the assessment, and, finally, appealing the assessment to a District Court Judge.



### All handed-in firearms, magazines, and parts were securely destroyed

- 3.73 At local collection events, the Police made handed-in firearms inoperative on site. This was done by a machine press that bent and crushed the firearm in three places (the barrel, the receiver, and the stock).
- 3.74 Firearms handed in at dealers' retailer stores were stored safely for the Police's regional teams to collect and make inoperative.
- 3.75 The Police securely stored inoperative firearms that were handed in at Police locations. They were then transported to another location to be fully destroyed. We did not see evidence that any firearms, magazines, or parts in the Police's custody

had been lost, stolen, or not accounted for. The Police performed a three-way reconciliation process between when items were collected and when they were destroyed to support this. There was no evidence of material gaps in this process.

- 3.76 The process included a final reconciliation between the SAP system information and the physical storage crates, and checking final shredded material for any remaining identifiable pieces that required re-shredding.

### **The firearms buy-back and amnesty scheme was supported by good systems and processes**

- 3.77 The Police engaged SAP, one of their existing providers of information systems (including their finance and payroll system), to develop and support the SAP system to process applications and compensation payments. The SAP system also provided a means to track and trace firearms, magazines, and parts from the point they were handed in to final destruction. The SAP system was a strength of the scheme.
- 3.78 The Police's documentation for the SAP system identified and reported on risks and controls, and there was a comprehensive testing strategy.
- 3.79 On 2 December 2019, there was a privacy incident. The Police told us that a user accessed 436 citizen records, of which 34 were at a detailed account level (including bank account details and firearms licence numbers). The Police contacted all of the affected individuals and briefed the Privacy Commissioner and the Government Chief Digital Officer.
- 3.80 The incident occurred after an external provider updated the system in a way that the Police did not authorise. Although the Police did not make the unauthorised change to the system, the Police are ultimately responsible for the protection of private information.
- 3.81 The Police's response to, and management of, the incident was professional. Other government agencies provided the Police with good support when responding to the incident.
- 3.82 Local collection events were able to continue after the incident. The Police suspended public access to the SAP system (which people would use to register their intention to hand in prohibited firearms, magazines, or parts). Instead, staff in the Police's call centre and at local collection events had access to the SAP system and would enter that information after talking with a member of the public.
- 3.83 Although the incident might have affected public confidence in the scheme, members of the public continued to participate in local collection events.

- 3.84 The Police had adequate ICT controls over the systems managing the scheme. The controls included those over user access management, data loss prevention and system output, change management, IT disaster recovery, and network security and vulnerability management.
- 3.85 Penetration testing (that is, testing how easy the Police's systems were to hack) was done at the design stage of those systems and throughout the development of the system. The incident was not a result of those systems being hacked.
- 3.86 Access to the cloud-based SAP system databases supporting the scheme was tracked and reported on. Between September and December 2019, monthly access ranged from 99% (in November 2019) to 61% (in December 2019, reflecting the impact of a privacy incident and the decision to stop direct public access to the application).

### **Determining the level of compliance with the firearms buy-back and amnesty scheme is difficult because of uncertainty about the number of prohibited firearms**

#### **Estimating the number of prohibited firearms**

- 3.87 One of the most important ways to judge the effectiveness of the scheme is to determine the proportion of newly prohibited firearms and parts that were handed in.
- 3.88 To do this, we need to know how many prohibited firearms there are in the community. The previous regulatory regime focused on firearms owners instead of individual firearms. In part, because of this, the Police do not have accurate information about how many firearms there are in the community. Therefore, the Police can only provide estimates. Figure 4 shows the Police's estimates of the number of newly prohibited firearms.

**Figure 4**  
**The Police's estimates of the number of newly prohibited firearms in New Zealand**

		Low estimate of prohibited number		High estimate of prohibited number	
Estimate by type of firearm	Total	%	Estimate	%	Estimate
The Police's estimates as at 20 March 2019					
Military-style semi-automatics	13,175	100%	13,175	100%	13,175
Rifles	758,811	5%	37,941	20%	151,762
Shotguns	379,405	1%	3,794	2%	7,588
All types	1,151,391	5%	54,910	15%	172,525
The Police's estimates as at 2 April 2019					
All types	1,200,000	5%	60,000	20%	240,000
KPMG's estimates as at 7 June 2019 (commissioned by the Police and using volume estimates provided by the Police)					
Military-style semi-automatics	14,286	100%	14,286	100%	14,286
Rifles	758,811	5%	37,941	20%	151,762
Shotguns	379,405	1%	3,794	2%	7,588
All types	1,152,502	5%	56,021	15%	173,636
The Police's estimates as at 21 December 2019					
Military-style semi-automatics	15,037	100%	15,037	100%	15,037

Sources: New Zealand Police 2019, KPMG 2019.

Note: The numbers in bold are the numbers we refer to in this report when discussing the Police's range of estimates.

- 3.89 The only records of newly prohibited firearms were of military-style semi-automatics that were covered by an E endorsement.
- 3.90 However, because of deficiencies in how the information was recorded in the past, the Police's records of the numbers of firearms covered by an E endorsement are not certain, ranging at different times from 13,175 to 15,037.
- 3.91 It is important to note that not all centrefire semi-automatic rifles are covered by an E endorsement. Although the Police had a record of firearms covered by an E endorsement in private ownership, they did not know the number of other semi-automatics.
- 3.92 Some firearms could be relatively easily altered to, or from, a type of firearm requiring an E endorsement. For example, adding a previously unregulated large-capacity magazine to a semi-automatic firearm would make it a firearm that required an E endorsement. Removing a "bar" between the stock and trigger housing of a semi-automatic firearm so it had a free-standing trigger mechanism would also make it a firearm that required an E endorsement.

3.93 EY recommended that the Police take steps to better understand and manage the accuracy of their estimates of newly prohibited firearms. To do this, the Police commissioned the New Zealand Institute of Economic Research (NZIER) to:

- review the current estimates of the amount of civilian firearms, including the proportion of those firearms that are now prohibited;
- clarify the confidence that can be placed on the estimates; and
- explore whether existing data sources could be used to improve the estimates.

3.94 NZIER assessed the information used for the different estimates of newly prohibited firearms against four criteria:

- reliability and consistency;
- validity and accuracy;
- verifiability; and
- bias.

3.95 NZIER concluded that only a low level of confidence could be placed in the different estimates of newly prohibited firearms. This was based on a medium level of confidence in the Police's estimate of the total number of firearms in the community, but a low level of confidence in the information about what proportion of the total number is made up of newly prohibited firearms.

3.96 NZIER found that it would be possible, with significant investment, to improve the reliability of the estimate of the total number of firearms and, to a lesser extent, the estimate of the number of newly prohibited firearms using existing data.

3.97 However, in NZIER's view, confidence in that estimate would remain low. This is because the ease of using parts to modify firearms makes the boundaries between prohibited and non-prohibited highly permeable, and because import tariff categories do not map readily on to what is or is not prohibited.

### **Quantity of collected firearms, magazines, and parts**

3.98 The level of compliance with the scheme can be judged only against the Police's estimates of the total number of prohibited firearms in New Zealand. According to NZIER, these estimates have a low level of confidence.

3.99 The Police's provisional information about the number of prohibited firearms that have been collected or modified (61,332 as at 13 February 2020) is at the lower end of the Police's estimates of the total number of newly prohibited firearms (54,910 to 240,000).

### Part 3

#### Implementing the firearms buy-back and amnesty scheme

- 3.100 As at 21 December 2019, nearly two-thirds (63%) of the firearms handed in (excluding dealer stock) were characterised as centrefire semi-automatics (valued at under \$10,000), and a further 22% were rifles capable of firing 11 or more rounds from a single magazine (valued at under \$2,000). Of the firearms handed in, 58% were assessed as being in new or near new condition. Only 2% were assessed as being in poor condition.
- 3.101 As at 21 December 2019, nearly one-tenth (8.7%) of firearms and only about 3% of parts collected in the scheme were collected for amnesty.

#### **Most firearms covered by an E endorsement were accounted for**

- 3.102 According to the Police's provisional information, 67% (10,009 out of 15,037) of firearms covered by an E endorsement were handed in as at 20 February 2020. A further 4211 were in the process of being assessed through the dealer buy-back, E endorsement application process, or as unique prohibited items.
- 3.103 Taken together, this means that 95% of firearms covered by an E endorsement (out of a total of 15,037) have been either collected or accounted for under the new regulations. The Police are actively following up on the remaining estimated 817 firearms covered by an E endorsement. Those firearms include those:
- that are legitimately being retained by licensed firearms owners for modification;
  - that have become no longer prohibited because prohibited parts were handed in (for example, extendable magazines for shotguns);
  - that people have indicated would be handed in but have not been and for which no endorsement has been sought; and
  - where there are issues with the accuracy and/or currency of the recorded information.
- 3.104 Until the Police have fully completed processing the endorsement applications, all of the applicants will continue to hold firearms covered by an E endorsement. They must store them securely and not use them.

## Costs and funding of the firearms buy-back and amnesty scheme

- 4.1 In this Part, we assess:
- the costs and funding of compensation to firearms owners;
  - ACC's contribution to the scheme; and
  - the costs and funding to administer the scheme.
- 4.2 We conclude that:
- the Police did not exceed the appropriation for the cost of compensation to date;
  - ACC's decision to provide funds to the scheme is consistent with its functions and relied on reasonable actuarial assumptions that involved a high level of judgement; and
  - the administrative costs of the scheme were higher than the Police's estimates, and the Police used a lot of their wider resources to support the scheme's administration.
- 4.3 We have assessed the efficiency and cost of the scheme's implementation according to the following four criteria:
- whether compensation and administrative costs were managed to budget;
  - whether expenditure on compensation and administrative costs was appropriately authorised;
  - whether expenditure on compensation and administration was well tracked and reported; and
  - whether expenditure on compensation and administration was well managed to get value from the use of public funds.

### Compensation costs did not exceed what was appropriated

- 4.4 The 2019 Budget included an appropriation of \$150 million in Vote Police for compensation payments made as part of the scheme. This amount was based on the mid-range of estimates that the Police prepared. The known number of military-style semi-automatics and the estimated number of prohibited rifles and shotguns informed the Police's work.
- 4.5 The Police's 2018/19 annual report included a provision and associated expenditure of \$150 million for compensating people handing in newly prohibited firearms, magazines, and parts. The estimated level of future costs was based on the best information available to the Police at the time.
- 4.6 The Police applied the following main assumptions in determining the cost of compensation:
- All newly prohibited firearms would be handed in.

## Part 4

### Costs and funding of the firearms buy-back and amnesty scheme

- All of the roughly 15,000 military-style semi-automatic firearms are prohibited and would be handed in – this knowledge was based on the required record of ownership.
- Up to 20% of the estimated total 760,000 rifles and 2% of the estimated total 380,000 shotguns would be prohibited and handed in. These estimates were created using internal knowledge and discussions with trusted retailers.
- Pricing has been estimated based on discussions with trusted retailers and second-hand firearms data from the last three years.

- 4.7 As at 20 December 2019, the Police's provisional information reported that compensation costs were \$102 million. The final compensation costs are currently unknown but will be higher because not all compensation for dealers has yet been processed.
- 4.8 At the end of February 2020, the Police were forecasting those costs to be about \$120 million once they have completed remaining work for the scheme. This included the remaining payments yet to be made for unique prohibited items, dealer stock, gunsmith invoices for modifications, and dealer administration fees (the fees paid to dealers for being a collection channel).

### **ACC's contribution to the firearms buy-back and amnesty scheme was compatible with its statutory functions**

- 4.9 Within two days of the Christchurch attacks, the Treasury considered several potential sources of funding for a firearms buy-back scheme. These sources included ACC, existing or new budgets, a tax or duty, funds obtained back from criminals under proceeds of crime arrangements, or baseline savings.
- 4.10 The Treasury informed the Office of the Minister of Finance that, without changing legislation, ACC could contribute funding to the scheme under section 263 of the Accident Compensation Act 2001. Section 263 allows ACC to promote measures that reduce the incidence and severity of personal injury. Section 263(3) sets conditions for any ACC contribution to injury prevention measures, including that they are likely to result in a cost-effective reduction in actual or projected levy rates.
- 4.11 ACC carried out an actuarial assessment to assess whether it would be cost-effective for ACC to contribute to the scheme. This assessment concluded that, in the next 20 years, the benefits (the reduction in claim costs) will be about \$70.5 million, or \$1.76 for every \$1 that ACC invested.
- 4.12 ACC's approach to assessing the funding contribution was consistent with its assessments of other funding decisions about injury prevention. ACC's injury



prevention portfolio target for 2018/19, as described in its Service Agreement, was \$1.80 of savings, on average, for every \$1 invested.

- 4.13 The ACC Board made the decision to contribute funding of up to \$40 million to the scheme. The decision to contribute funding was a resolution of the full Board, and the Board documented that decision through a written resolution, as required by the Crown Entities Act 2004.
- 4.14 The Chairperson of ACC wrote to the Minister for ACC on 4 April 2019 to offer funding support. The Minister accepted ACC's decision to contribute funding to the scheme and wrote to accept the offer on 14 June 2019. We understand that ACC determined that a contract was not needed in addition to the letter from the Minister accepting the ACC Board's offer of funding.
- 4.15 ACC's contribution was limited to funding compensation costs and the modification of newly prohibited firearms, and not the administrative costs of the scheme.
- 4.16 EY is also ACC's appointed auditor. We commissioned EY's actuary team to test ACC's actuarial assumptions behind the funding decision. EY concluded that, although the assumptions were based on a high degree of judgement, they appeared to be reasonable. The main uncertainty is that ACC's assessment of the extent of the reduction in claims might not be as expected.
- 4.17 To date, ACC has paid \$20 million to the Police for the scheme. ACC told us that any further payment will depend on the final cost of the scheme. This is because ACC wishes to limit its contribution to 21.1% of the total firearms owners' compensation cost. This reflects the ACC Board's initial decision to contribute \$40 million when it looked like the compensation cost could be about \$190 million.
- 4.18 ACC will monitor firearms-related injuries and their effect on the Outstanding Claims Liability.

### **Administrative costs were higher than the Police's estimates**

- 4.19 In March 2019, the Police produced an initial estimate of \$18 million to fund the scheme's administrative costs. This amount was included as a new initiative in Budget 2019 as part of the General Crime Prevention Services appropriation.
- 4.20 The Police's estimate was completed quickly, before the costs of supporting technology were fully known. The estimate was based on a per-capita proportion of both the nationwide, and Australian Capital Territory's, costs of the Australian buy-back scheme. The Police took foreign exchange rates and inflation into account.
- 4.21 The Police now estimate that it will cost up to \$35 million to administer the scheme. This includes the costs of staff time, contractors, and goods and services.

#### Part 4

#### Costs and funding of the firearms buy-back and amnesty scheme

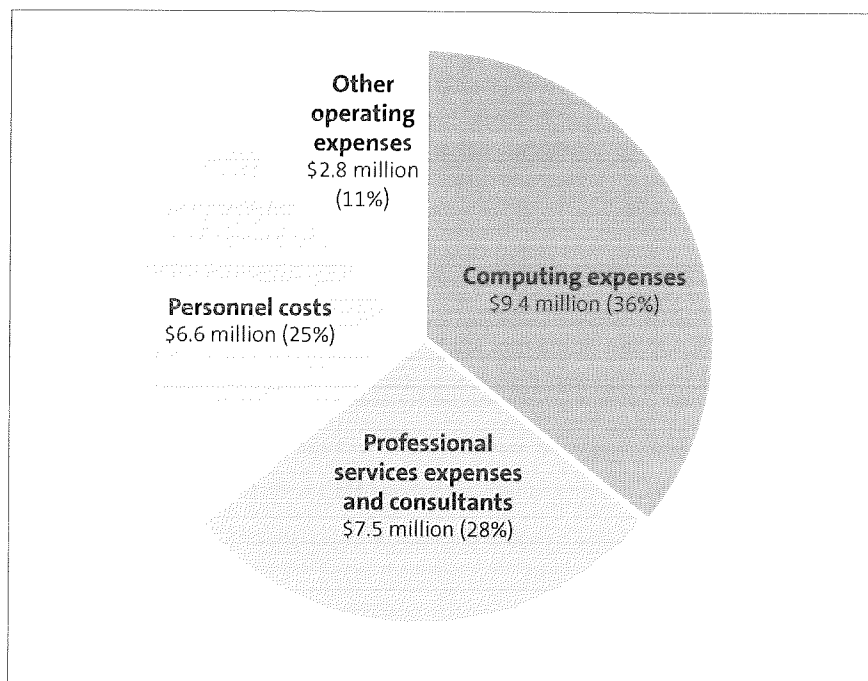
This is nearly double the \$18 million provided through the 2019 Budget for 2019/20 and includes about \$5 million the Police spent in 2018/19 on the scheme's administration.

- 4.22 Figure 5 shows a high-level breakdown of the administrative costs at 31 December 2019. The total administrative cost at that date was slightly more than \$26 million, with about two-thirds of the costs for computer services and for professional and consultancy services. One-quarter was for personnel costs (which exclude the personnel costs of police staff not engaged full time on the project).

**Figure 5**

#### **Administrative costs of the scheme, by category, as at 31 December 2019**

The administrative costs categories are divided into four segments. They are computing expenses (\$9.4 million), professional services expenses and consultants (\$7.5 million), personnel costs (\$6.6 million), and other operating expenses (\$2.8 million).



Source: Unaudited information from the New Zealand Police.

Note: The numbers have been rounded to the nearest \$100,000.

- 4.23 The Police have sought an increase to the \$18 million provided for administrative costs in 2019/20, but decisions about that had not been finalised at the time of writing this report. If an increase is not approved, the Police will need to use resources from their General Crime Prevention Services appropriation to cover any administrative costs in excess of \$18 million.
- 4.24 Authority to use those resources comes from the Police's general spending authority in the Crime Prevention appropriation (which can be used for any crime prevention activities). Doing so will affect other areas of the Police's work that could have been delivered with this funding.
- 4.25 Although the administrative costs of the scheme were considerably higher than what the Police estimated, there were adequate financial controls over administrative spending, including procurement. EY did not identify any material gaps in supplier management, purchasing, invoice processing, and payment processes. We did not see evidence of wasteful spending.
- 4.26 Administrative costs were not sufficiently covered in the original programme documentation. EY noted that police staff and contractors were investing significant time setting up and running the scheme, and it was likely that this time would have affected the Police's resources.
- 4.27 EY recommended that the Police report on the administrative and opportunity costs of the scheme. That information was not included in the Police's publicly reported dashboard information about the scheme's performance (see paragraph 2.20).
- 4.28 The Police's other resources also supported the scheme's implementation – for example, frontline staff working at local collection events. Using these resources to support the scheme meant that they were not available for other police work. This is an opportunity cost.
- 4.29 The Police do not separately record the time spent on the scheme by routinely rostered staff working less than full time on the scheme, so they cannot calculate this opportunity cost. This also means that the real cost of the scheme will be higher than the cost we have referred to in this report.

# 5

## Realising the benefits of the firearms buy-back and amnesty scheme

- 5.1 In this Part, we describe the work the Police need to do to complete the scheme. We also provide some recommendations for the Police to consider as they prepare for future approaches to firearms regulation.

### The Police still have work to do

- 5.2 Although the period when firearms owners could get compensation for handing in their newly prohibited firearms, magazines, and parts ended on 20 December 2019, the Police have yet to complete several aspects of the scheme. These include:
- **Endorsements so that certain people can continue to use newly prohibited firearms under certain conditions.** As at 13 February 2020, there were 1022 applications for endorsement pending. The Police have prioritised applications from people who most rely on an endorsement for their livelihood, such as professional pest controllers.
  - **Compensation for stock held by dealers.** As at 13 February 2020, the process to collect, destroy, and compensate dealers for stock of prohibited firearms, magazines, and parts was not fully completed, and some stock had not yet been collected or compensated for. Out of 517 claims, 144 were still in the process of being assessed.
  - **Modifications to firearms so that they comply with the new regulatory requirements.** As at 13 February 2020, 1208 applications for modification were still to be completed.
  - **Processing applications of unique prohibited items.** As at 13 February 2020, there were 77 applications pending.
- 5.3 It is important that the Police complete these outstanding aspects of the scheme soon, particularly applications for an endorsement to hold and use prohibited firearms, magazines, and parts.
- 5.4 When the Police complete these aspects of the scheme, they should be able to provide an accurate figure of the total number of firearms, magazines, and parts that have been collected and destroyed, have been modified, or are now owned and used by licensed firearms owners with an endorsement. It will also be possible to identify the total cost of the scheme, including administrative costs.
- 5.5 In our view, the Police should continue to report publicly on the performance of the scheme until this remaining work is completed and report to Parliament about the final outcomes of the scheme.

## The Police should build on their engagement with firearms owners and licensed firearms dealers

- 5.6 Through the scheme, the Police had a high level of engagement with firearms owners, gun clubs, collectors, and dealers. In our view, the Police should take the opportunity to build on this engagement to continue to strengthen relationships and foster trust and confidence in how the current and future regulatory framework is implemented.

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### Recommendation 1

We recommend that the New Zealand Police build on their engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and future firearms regulatory framework is implemented.

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## The Police should continue to improve their information

- 5.7 Having good information is important for effective regulation. As discussed in Part 3, the Police did not have accurate information about the different types and numbers of firearms in the community under the previous regulatory regime. The Police state that this was largely because previous firearms regulation was focused on licensing users, rather than regulating most firearms types.
- 5.8 The Police had information on the number of firearms covered by an E endorsement because owning these types of firearms required a special endorsement, and a record was kept. However, there were issues with the certainty of the information about these firearms – the number that the Police reported that they knew about varied at different times from 13,175 to 15,037.
- 5.9 Some people with E endorsements on their firearms licence told us that the Police had inaccurate records of what they owned. Some people also told us that the Police approached them to hand in prohibited firearms that they had already handed in.
- 5.10 The Police kept the record of firearms covered by an E endorsement on their National Intelligence Application, which was not integrated with the SAP system used for the scheme. Rather than focusing on reconciling information from the two systems, the Police prioritised contacting every person with an E endorsement on their firearms licence to make sure that they had enough opportunity to comply with the scheme and were fully aware of the consequences of not complying.

- 5.11 In our view, the Police should ensure that newly endorsed licences are recorded and maintained more accurately than the previous records of firearms covered by an E endorsement.

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**Recommendation 2**

We recommend that the New Zealand Police improve the information they use to support their regulatory responsibilities for firearms and firearms owners, and their management of that information.

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- 5.12 The Police have gathered a lot of data during the scheme. They now need to consider how they can realise benefits from this data, particularly in designing their approach to implementing future regulatory frameworks and approaches. It is important that those future regulatory frameworks and approaches take into account manufacturing technologies that could complicate managing the availability of firearms in New Zealand.

**The Police should evaluate the firearms buy-back and amnesty scheme's effectiveness in improving public safety**

- 5.13 The purpose of the scheme was to improve public safety by reducing the availability of firearms that can cause harm in a rapid and highly destructive way from a distance. The extent to which this will have been achieved will become apparent over time.
- 5.14 The Police might also inform this work by using information collected through their Gun Safe work. This is an initiative to centrally record incidents where firearms are encountered during normal police work. Over time, it might be possible to observe the effect of the scheme using the Gun Safe information (for example, whether there is a reduction in the use of firearms, or changes in the types of firearms presented at the Police and used for criminal purposes).

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**Recommendation 3**

We recommend that the New Zealand Police design and implement a framework to evaluate the extent to which changes to firearms regulation have made New Zealand safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament and the public have trust and confidence in their administration of firearms legislation.

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