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**CRIMINAL
INTELLIGENCE
COMMISSION**

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ACIC Submission to the Victorian Inquiry into Firearms Prohibition Legislation

November 2019

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<<1 of n>>

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Introduction

The Australian Criminal Intelligence Commission (ACIC) welcomes the opportunity to make a submission to the 2019 Victorian Inquiry into Firearms Prohibition Legislation. This submission provides an overview of the ACIC and the role it plays in addressing illicit firearms, including the provision national policing systems that enable the sharing of information specific to firearms nationally. It also provides a summary of key intelligence findings as they relate to firearms in Australia and makes comments on emerging technologies such as 3D printing. The contents of this submission are unclassified and suitable for public release.

The Australian Criminal Intelligence Commission

The ACIC is Australia's national criminal intelligence agency, uniquely equipped with intelligence, investigative and information delivery functions. The ACIC works to identify new and emerging serious and organised crime threats and criminal trends, to create a national strategic intelligence picture across the spectrum of crime, to fill intelligence and knowledge gaps and to share information and intelligence holdings to inform national and international responses to crime.

Relevant to this Inquiry, the ACIC addresses illicit firearms through:

- its ACIC Board-approved Firearm Trafficking Special Operation
- the provision of information services which provide police with valuable tools, such as information sharing solutions, to assist them with solving firearm related crime and preventing gun crime in Australia
- its National Firearms Trace Program, and
- using its information and intelligence holdings to inform the development of firearms-related policy

National Firearms Management

Division of responsibilities

The Commonwealth has responsibility for regulating how firearms and firearm-related articles are able to be imported into and exported from Australia and for investigating the commission of firearms trafficking offences in the *Criminal Code Act 1995*. The Commonwealth also plays a key role in advocating for a consistent national approach to the regulation of firearms and for upholding the fundamental aspects of the National Firearms Agreement. State and territory governments have primary responsibility for the domestic management of firearms including firearms licensing, registration, possession and use and the systems to manage those responsibilities.

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AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

Page 2 of 5

<<1of n>>

OFFICIAL

While recognising that Firearms Prohibition legislation is a matter for individual states and territories, the ACIC supports such legislation as an appropriate means of reducing actual and potential community harm caused when inappropriate persons have access to firearms.

National Policing Information Sharing Systems

National Firearm Identification Database

The National Firearm Identification Database (NFID) is a national database hosted and managed by the ACIC that sets uniform national standards for the identification of firearms registered within Australia. It is a reference tool that enables police to identify and characterise a firearm, using descriptors such as make, model, calibre and magazine capacity. It assists police to ensure firearms are recorded consistently during registration, importation or transfer of ownership and movement across state and territory borders.

NFID is contributing to the reduction of the current poor standard of data quality within state and territory firearm management systems.

In July 2019, with the support of the ACIC Board, the ACIC CEO authorised access to the NFID by New Zealand Police for the purpose of identification of firearms subject to the New Zealand firearm buy-back in the wake of the 2019 Christchurch mass shooting.

Australian Firearm Information Network

The Australian Firearm Information Network (AFIN) is an information sharing system that assists police and other law enforcement agencies manage the registration, licensing and movement of firearms coming into Australia and moving between states and territories.

AFIN provides a national view of information available about each firearm in Australia which is known to police and law enforcement agencies, improving and enhancing the current information available to support law enforcement agencies and the officers who protect our communities.

National Firearms Trace Program

The source of illicit firearms can either be contemporary or historical. Firearms which were diverted to the illicit market decades ago are still appearing in the possession of criminals today, and will continue to do so for decades to come.

The tracing of illicit firearms does not solve crimes. The tracing builds a picture, over time, of the diversion methods used to move 'once-licit' firearms to the illicit market. It is more about answering the question: *where did the gun come from?*

The ACIC-managed National Firearm Trace Program (NFTP) enables the ACIC's law enforcement partners to submit web-based firearm trace requests. The ACIC consolidates the information and creates a national picture of the firearm types in the Australian illicit firearms market, and the diversion methods used to reach that point.

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Tracing firearms since 2004, the ACIC trace data indicates that the majority of illicit firearms in the Australian market were legally imported before the introduction of the 1996 National Firearm Agreement, and are either Category A rim-fire rabbit rifles or single and double barrel shotguns. Of the 11,000 firearms submitted by law enforcement agencies for tracing, 4,150 have been identified as handguns and, of these handguns, 150 have been identified as being manufactured in Australia, including a very small number of attempts to produce an operational firearm from the 3-D manufacturing process.

Since September 2018, Victoria has submitted 120 trace requests.

ACIC Intelligence Insights

Illicit firearms market

The ACIC considers the use and movement of illicit firearms to be a serious national problem. It impacts every Australian jurisdiction and affects the safety of the community. Despite Australia having some of the strongest firearm controls in the world, illicit firearms remain a desirable commodity and an enabler of criminal activity. The demand for and supply of illicit firearms in Australia is driven by a range of entities, from members of traditional organised crime groups to individual criminals at varying levels of sophistication. They continue to seek, acquire and use firearms to enable their criminal business, whether it is to protect their interests, to intimidate or to commit acts of violence.

Based on available data, as at October 2019 the ACIC conservatively estimates that there are 260,000 firearms (250,000 long-arms and 10,000 handguns) in the domestic Australian illicit market. This estimate is based on a range of intelligence sources, including firearm importation figures and seizure trends over time.

The exact extent of the Australian illicit firearms market cannot be determined as no historical data is available on its size prior to the implementation of the National Firearms Agreement in 1996. In 2011, the United Nations Office on Drugs and Crime estimated that the global illicit market contained the equivalent of approximately 10-20 percent of the number of firearms in the licit market.¹

The illicit firearms market in Australia is generally considered to comprise two distinct markets: the grey market and the black market. Grey market firearms are those firearms that should have been handed in or registered following the major firearms reforms in 1996, but were not.

Diversification of firearms to the illicit market is a major concern to law enforcement agencies in every jurisdiction, as firearms are an enduring commodity with an indefinite life-span. For example, the oldest unregistered firearm traced by the ACIC was manufactured in 1877 and

¹ United Nations Office on Drugs and Crime 2011, *The Globalisation of Crime*, UNODC, viewed 10 September 2019, https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf

OFFICIAL

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

Page 4 of 5

<<1 of n>>

OFFICIAL

was located in 2019 in working condition in the possession of an unlicensed person involved in illicit activity.

Firearms can be diverted to the illicit market by various means such as illegal importation, illegal manufacture and theft from licensed firearms owners. Although grey market firearms are not primarily held by people with criminal intent, these firearms can and do end up in the possession of people who use them for criminal purposes.

A key vulnerability exists due to gaps in the current arrangements for tracking the interstate movement of firearms, typically between firearms dealers based in different jurisdictions, where there is no uniform approach to tracking the transfer and receipt of firearms.

Australian law enforcement is aware that the prices paid in the illicit market far outweigh those on the legal commercial market.

3D Printing

The production of operational, fully functioning handguns by 3D printing has not been observed in Australia, although there have been a few attempts to do so which have failed to complete a functioning firearm.

ACIC engagement with international law enforcement agencies in relation to 3D printing of firearms and their threat to the community has constantly resulted in commentary that, with so many factory manufactured handguns in the Australian illicit market, the pursuit of an unreliable 3D handgun is a moot exercise.

The ACIC is aware of a large number of handguns that remain in the Australian illicit market, which were diverted from the licit market through means that are now closed by legislative reform. It is the view of the ACIC that it is very unlikely that a criminal with the available funds will seek out a 3D printed firearm when many reliable factory-manufactured handguns exist in the illicit market.

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