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CREATE CHANGE

# The Cost of Gun Control for Licenced Firearms Dealers in Australia

General Report



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## Executive Summary

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This report presents the findings from a study into the perceptions and experiences of Firearms Dealers across Australia. Using a qualitative methodology comprised of in-depth interviews, this study aimed to:

- understand and explore how gun dealers perceive the current firearms regulations as they stem from the National Firearms Agreement (NFA)
- understand the role that gun dealers have in the process of compliance with the implementation of the NFA as retailers
- understand how firearms dealers experience and work with police in the process of maintaining compliance with the NFA
- understand the financial and social costs to them and their businesses as a result of firearms regulations and changes to regulations

Drawing on advertised lists of gun dealer businesses across Australian from online directories and a list of dealers supplied by Sporting Shooters Association of Australia (SSAA) we identified respondents for the study if they:

- were listed as a licenced firearms dealer in an online public directory
- were listed as an ammunitions dealer in an online public directory
- were listed as a collector or antique arms dealer in an online public directory
- were recommended as a potential study participant from an industry representative (such as SSAA) or other firearms dealer

### Study Findings

In regard to firearms dealer experiences and perceptions of current regulations, the study finds:

- With a few important exceptions, the NFA formalised many practices that were already in place/practiced by the legal firearms owning community – dispelling the myth that there was no safety or best practice framework carried out by dealers prior to 1996
- All dealers agreed that regulation of firearms was important and necessary in order to protect people and communities from the misuse of firearms, particularly in terms of storage rules and safety training
- Dealers are frustrated with legislation in terms of its implementation for two primary reasons
  1. The level of bureaucracy make it difficult to perform their duties as a dealer
  2. The lack of voice in contributing to better regulation of firearms as experts in the field

- The largest financial costs to dealers often result from sudden changes to regulations that dealers must keep up with in order to maintain their business

In regard to how firearms dealers view their own role in the regulation compliance process, the study finds:

- Dealers are essential to the proper maintenance of laws and regulations concerning firearms
- Dealers report that police are primarily responsible for the prevention of firearms being issued to people who should not have access
- Dealers feel a sense of responsibility to educate customers who have been approved to purchase firearms by police but demonstrate a lack of experience and/or knowledge in handling a firearm when they present to purchase
- Dealers feel a strong sense of responsibility not to sell firearms to any persons, including those who have been approved by police, who present as intoxicated or under the influence of a mind altering substance, or emotionally unstable

In regards to firearms experiences with law enforcement in the process of carrying out their business, the study finds that:

- Dealers report mixed positive and negative experience in their interactions with law enforcement during audits and general business
- Dealers feel that police audits are sometimes geared towards finding problems in their dealership as opposed to working cooperatively to ensure compliance
- Dealers report more positive experiences with local licencing police with which they develop collaborative working relationships. Frustrations with police are more frequent in dealing with state level licencing personnel. This finding varies state by state.

The study also finds that:

- All dealers interviewed have experienced the effects of stigmatisation as a result of their profession, though dealers who were in businesses at the time the NFA was enacted/created in 1996 indicate more negative experiences than those who have come into business in the last 10 years
- State to state differences in the way legislation has been implemented make it difficult for dealers to conduct legitimate business across states and territories and provides a disincentive for collaboration and cross-state activities.
- Firearms regulations have latent consequences for firearms collectors' which provide increased difficulties in the preservation and collection of antique firearms across Australia.

## Chapter 1: Introduction

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### Study Background & Justification

Much of the academic research on firearms in Australia over the last 20 years has focused on the relationship between the increased regulation of firearms via the implementation of the National Firearms Agreement (NFA), and crime rates, suicide rates, and firearms related deaths. However, researchers have largely ignored the consequences of enhanced firearms regulation; the regulation of law abiding and legitimate firearms users and dealers. While the NFA aims to prevent gun violence in Australia, those who are genuine, law abiding users of firearms have arguably been the most affected by increased firearms regulation. Law abiding firearms users and dealers are often required to comply with complicated safe storage laws and an array of requirements enacted by state governments to regulate and track licenced firearms and their owners. Firearms dealers in particular are both subject to these regulations and also hold a critical role in how these regulations are maintained.

The understanding of how firearms are regulated is therefore important for understanding how compliance with existing legislation is maintained; maintaining a registry of firearms related sales and acquisitions, ensuring safe storage of firearms, firearms safety training, and the processes for acquiring a license or permit to purchase a firearm. However, these regulations come at both a financial and social cost. The *financial cost* of licencing and registering, and complying with safe storage laws of firearms fall to the firearms users and dealers. Furthermore, changes in regulations suggest that there may be increasing financial burdens for those who may already be under financial pressure. In addition, gun dealers are likely to shoulder increased financial burden to comply with increasing and/or changing regulation. *Social costs* include the increased scrutiny of legitimate firearms users and the tendency to shift the blame for gun violence towards the law abiding firearms community. While firearms regulation continues to be an important issue across Australia, current research fails to take into account the views and experiences of legitimate gun users such as sporting shooters, farmers, and gun dealers.

A broader understanding of the views and experiences of these groups (i.e. what they are required to do and how this affects them in terms of cost, livelihood, and freedom to participate in legitimate firearms use) is needed so that any increased regulation does not work against the legitimate aim of the state to reduce gun related violence. This is particularly important given that the law abiding firearms community plays a critical role in maintaining gun registries, safe storage compliance, and

have a vested interest in keeping firearms out of the hand of those who are not legitimate and law abiding users.

*Gun dealers* occupy a critical but dual role for police in obtaining NFA compliance. Dealers are treated both as subjects to be monitored as well as experts that inform registry police of gun sales and acquisitions (Bricknell, 2012). Dealers are monitored by registry police who take random samples of their inventory for inspection. This process is designed to ensure that dealers are complying with the NFA and keeping appropriate records. However, dealers are also treated as experts who inform the registry on gun sales and acquisitions. This information populates the national gun registry. While dealers may be a small sample of firearms users, they occupy a pivotal role in the success or failure of NFA monitoring and compliance.

The 1996 NFA had serious consequences for gun dealer businesses. Some dealers were unable to continue business under NFA gun restrictions while others have had their livelihoods significantly reduced (Altman, 2009). Reductions in dealer business and the restrictions on gun use put dealers at odds with police who implement and enforce the NFA (Bricknell, 2012). Despite this, no study in Australia has systematically examined dealer's perceptions of the law or how it has influenced their behaviour, their role in compliance, or their relationship with registry police. This project aims to fill this gap in understating their important role in gun compliance.

Over the last 10 years, pro-gun lobby groups and political parties have gained considerable political power. This increase in political power provides the platform, audience and credibility to transmit their stance on guns and gun control on a larger scale than ever before. Pro-gun groups aim to protect the interests of dealers in a post 1996 environment (Chapman, 1998), and some suggest that the proliferation of guns would lead to less violent crime in Australian society (Lott, 2013). These organisations are generally viewed as unsupportive of gun control legislation and its enforcement. Thus, how dealers perceive the legitimacy of the gun laws is critical to understanding how they fulfil their role in compliance. This project aims to increase our understanding of the gun control debate by talking directly to those who play a critical role in the compliance process but are also subject to regulations of firearms.

## **Research on Firearms Use & Regulation**

Existing academic literature has generally focused on large scale evaluations of gun control policy on rates of crime and violence both globally and in Australia. Other methodologically sound academic research has primarily concentrated on the culture of guns in the USA or on global public opinion

about firearms, the regulation of firearms and firearms ownership. We summarise some of this literature here in order to demonstrate the limited focus on the compliance process itself, as well as the limited focus of the Australian gun control experience.

### *Gun control and rates of firearms related deaths*

Gun control laws are often intended to reduce crime and violence rates through restricting the availability of firearms amongst those at greater risk of committing violent offences (Kleck, Kovandzic & Bellows, 2016). Therefore, it is of interest to both the public and policy makers to investigate the effects of gun laws on crime rates and in particular violent offending. The United States has long been the centre for debates around the impact of gun laws as they have the highest rate of private gun ownership and higher rates of violent crime than most industrialised nations (Killias, van Kesteren & Rindlisbacher, 2001). Much of this violent crime has been perpetrated by offenders armed with guns, including in 2014 67.9% of homicides, 40.3% of robberies, and 22.5% of aggravated assaults (FBI, 2015).

Research on the effect of gun laws on crime is still mixed. Some researchers argue that increased gun control could increase crime via the disarming potential victims who might otherwise be able to protect themselves (Kovandzic & Marvell, 2003; Moody & Marvell, 2005). However, much of the peer reviewed research of the link between firearms laws and crime rates suggest no statistical link at all (see Hahn et al., 2005; Kleck, 2013, Kleck et al., 2016), or that greater availability with limited regulations are related to increased homicide rates (Cook, 1979; Dugan, 2001). Furthermore, research following Washington D.C.'S 1976 ban on handgun acquisitions revealed a 25% decline in homicides and suicides committed with guns (Loftin et al., 1991). Within the context of the United States higher gun prevalence tends to be associated with more homicides, suicides and residential burglaries (Ludwig & Cook, 1999).

International evidence shares similar outcomes, in 2016 researchers at Columbia University examined 130 studies conducted across 10 countries to understand the association between legislation and related firearms injuries (Santaella-Tenorio, Villaveces & Galea, 2016). Evidence suggested that in certain nations laws targeting gun restrictions were associated with reductions in firearm deaths. Additionally, laws targeting purchasing and access resulted in lower rates of domestic violence deaths and unintentional death in children (Santaella-Tenorio, Villaveces & Galea, 2016). Building upon this, Brazilian research identifies gun control laws and disarmament campaigns as effective in reducing gun related mortalities (de Fatima Marinho de Souza et al., 2007). In Japan gun control laws play a vital role in the lowering of crime, Tokyo representing one of the safest major

cities in the world (Kopel, 1993). Scholars indicate however, it is important to consider that the Japanese are among one of the most law-abiding societies, indicating cultural norms and socialisation as being vital to the relationship between gun laws and crime (Kopel, 1993). Overall, these results suggest that regulation is important. However, each of these countries regulated firearms in different ways. Therefore, for those wanting to understand the effectiveness of gun control legislation, taking a deeper look at how that regulation is implemented is important.

Australian reforms implemented in 1996/1997 have been internationally recognised as effectively reducing crime rates and consequently become the subject of much examination. Analysis on the effects of the gun laws have revealed that after Port Arthur the rates of firearms deaths, homicides and suicides have substantially decreased (Chapman et al., 2006). Indicating that the removal of rapid-firing guns from civilians may be an effective method of reducing firearm deaths. Further research has similarly presented an associated decline in homicide since the reforms (Carcach et al., 2002). Furthermore, there has been a significant reduction in robberies committed with the use of a firearm since Port Arthur. For instance, in 1993 37% of robberies involved firearms, compared to reduction by more than half in the year 2000 at 14% (Mouzos & Carcach, 2001). As reflected in American debates on the effectiveness of gun control, Australian research has too presented findings that contradict this relationship. In 2016 a systematic review of the literature was conducted on the impacts of gun legislation on firearm homicide in Australia. The results showed that of the five studies included none presented evidence of changes in lethal violence following gun law reform (McPhedran, 2016).

The above findings suggest that understanding the relationship between gun control and firearms related deaths is complex and cannot be reduced to simple associations between legislation and crime rates. The effects of legislation on crime are not found in the existence of regulations, but in the way it is implemented and experienced on the ground. So far, very little is known about the way in which gun control legislation in Australia is working from a ground up perspective. This highlights the need for more in-depth understandings from those who are critical to understanding how legislation is working such as firearms dealers and law abiding gun owners.

### *Gun culture and the focus on the American experience*

Investigating gun culture includes considering the behaviours, attitudes and beliefs about guns and their use. Much of what has been researched about gun culture is directly related to the United States due to their constitutional right to bear arms which has woven firearms into the social, cultural and political fabric of the nation (Hofstadter, 1970). In a 2017 survey conducted by the Pew Research

Center, attitudes of gun owners were investigated. The results indicated that the views of gun owners and the resulting sale, manufacture, distribution and purchase of guns, are a response to the perceived weaknesses of government, a constant need for vigilance and interpersonal fears (Parker et al., 2017). Researchers have speculated the reason for this is due to the direct power guns imbue upon their owners in a society where civic belonging and trust are fleeting (Sarat & Obert, 2019). Furthermore, culturally, guns represent more than a reaction to political anxieties, they are a social asset that connect people to one another. Firearms are also a centre of recreational enjoyment for many, including a significant sporting culture that brings people together at expos, ranges and online communities (Parker et al., 2017).

These social connections organise gun owners' lives and make them meaningful, providing group norms and social contexts where gun ownership is a part of everyday life. These norms further create unique experiences for gun owners that create social bonds. For instance, it is common for those growing up in households with guns to have discharged a firearm at a young age; 12 years old for boys and at age 17 for girls (Parker et al., 2017). These early life experiences can significantly shape attitudes and behaviours within communities. A key defining aspect of gun ownership is linked to a strong sense of personal freedom in 74% of American gun owners (Parker et al., 2017). However, gun ownership is not a constitutional right in many countries, bringing to attention the ways gun culture is experienced outside of the U.S. context. In Canada the issue of "weapons control" has emphasised key aspects of gun culture. Their vast rural hinterland is populated by people whom possess historical attachments to gun ownership and Aboriginal communities who have ancient traditional attachments to hunting (Newman & Head, 2017). Threats that restrict the ability of rural communities to own guns and hunt has incited heated political debate.

While Canada has more rigorous mechanisms for gun control than the USA, Australia has employed stricter and farther-reaching gun restrictions than both Canada and the U.S (Newman & Head, 2017). This may be an indication of the difference in attitudes towards rights, freedoms and traditions across these countries. For example; an agreement between all Australian states and the federal government includes a legislative clause explicitly stating that the idea of self-defence is rejected as a valid reason for gun ownership (Chapman, 2013). Contrasting this with American attitudes and laws towards the belief in protection of the individual against others and the government, cultural attitudes towards guns become fundamentally different.

What has been documented about Australian gun culture further differs from that of America's when historical contexts are included. Australia did not experience the Revolutionary War, in which ties

were broken with Great Britain including a conflict that resulted in an entire new system of governance, including civilian gun ownership (Kohn, 2004). Consequently Australians have divergently cultivated their gun culture through shooting sports, hunting, and primary production. These better represent the attitudes and beliefs within Australian society, the promotion of values of sportsmanship, friendly competition, relaxation, focus, skill, professionalism, community, togetherness and pride (Kohn, 2004). Most importantly is the belief that respect of gun laws that relate to responsible use of firearms is integral to being a good shooter; an essence of civic duty conflated with national pride. Those who operate guns in Australia have created a culture encouraging active involvement in safety, teaching and making sure that people treat the sport and guns with the respect they deserve (Kohn, 2004). However, while these are identifiable aspects of how we understand Australian gun culture, there still remains a gap in the literature that does not meaningfully capture Australia's diverse group of gun owners, their perspectives and experiences.

### *What do the Public really think about guns?*

Gun legislation and control are often subject to the court of public opinion, including significant community debate and media attention. In recent years, the experiences of mass shootings, particularly in the U.S. has inflamed tensions and resulted in all but constant conversation on the issue of gun laws. Consequently, the discussion of recent mass shootings in the USA highlight key opinions and raises questions about gun laws. Political rhetoric and power often frame or drive these public discussions; Republicans often unanimously oppose gun control measures, reflecting their opposition as following direct preferences of its core interest groups and constituents (Miller, 2018). What this illustrates is the power of public opinion has on gun law debates.

Most of the public opinion literature on gun control has once again concentrated on the American gun debate. Both democratic and republican candidates in the 2020 election have united in a call to ban assault-style weapons and high-capacity ammunition magazines. Furthermore they have proposed required licensing and registration of all guns and assault weapons (Brownstein, 2019). In 2017 The Pew Research Center reported on 20 years of public attitudes data, which looked at ideologies about gun control. When asked "What do you think is more important – to protect the right of Americans to own guns, OR to control gun ownership?", Moderates and Liberals both showed shifting attitudes towards controlling gun ownership as ranking more important than protecting gun rights, while Conservatives showed an inverse response (The Pew Research Center, 2017). The results also showed overall, despite age, ethnicity and gender that public opinion of gun control has been garnering increasing support particularly over the last 5 years (The Pew Research Center, 2017).

While there has been considerable time and effort dedicated to understanding American public opinion on guns and potential legislative efforts to control them, there is a clear dearth of research dedicated to this elsewhere. Particularly in Australia, there is little study of gun owners and their opinions and attitudes towards gun policies. Australian public opinion has not replicated the same ideological battle seen in the research on public opinion from the USA. In fact, The Age conducted a poll of 2,058 Australians less than a week after the Port Arthur shootings in which 90% of respondents supported a national ban on all automatic and semi-automatic firearms (Parliament of Australia, 1996). Furthermore 88% supported the registration of firearms, 73% believed gun owners should pay annual registration fees on each gun in their possession and 69% thought gun owners should store their weapons at armouries or police stations.

The above summary of the current state of academic literature of gun control, firearms culture and public opinion and knowledge on firearms represents an incomplete picture of the nature of firearms compliance, culture and public opinion. This gap demonstrates an absence of the voice of those who are experts in the safe operation and use of firearms in Australia. Where Australia becomes the poster child for gun control debates around the world very little is known about how legislation and regulation work on a level deeper than just the broader links between laws and crime rates. Similarly, much of the knowledge about culture focuses on an American experience and therefore ignores the diversity found in Australia's firearms owners. Public opinion research has started to indicate that public opinion about firearms and legislation are not concentrated at the for-and-against extremes as media and political discourse suggest. These gaps in our knowledge underscore the importance of this study; to gain a deeper understanding of experiences of gun control by those who are most affected by legislation and regulation.

## **The Project and Expected Contributions**

This project includes in-depth interviews with firearms dealers across the country. It aims to provide increased public awareness of firearms dealers, what they do to contribute to the safe regulation of firearms and their perspective, as experts, in how firearms should be regulated in Australia. This research will provide a narrative of the important experiences of firearms dealers in terms of their role in gun safety as well as the social and financial costs of current regulation for themselves, their businesses, and their customers. Perspectives on firearms regulation from firearms dealers themselves is currently missing from academic research on gun control globally and in Australia.

The interviews of firearms dealers across the country will provide insight into how firearms dealers understand the consequences and benefits of compliance with the NFA. Given the important role that dealers play in reporting sales and acquisitions of firearms to the National Firearms Registry, this study will be able to illuminate how that role can be supported to foster a cooperative relationship with law enforcement whose primary role is to enforce the NFA. The project focuses on the following three key research questions:

1. How do gun dealers perceive gun laws in Australia?
2. How do they perceive their role in NFA compliance and contributing to the registry of firearms?
3. What is the nature of their interactions with law enforcement in the process of achieving compliance with the NFA?

## Report Structure

This report is structured over five chapters. This chapter, Chapter 1, has provided an overview of the study justification and a summary of the academic research literature concerning gun control, gun culture, and public opinion on firearms in order to highlight the gaps in research knowledge, the problem of reducing firearms research down to simple relationships between legislation and crime rates, and the ongoing need to have a more nuanced understanding of the legal firearms owning community. Chapter 2 details the research methodology and approach to data analysis. Chapter 3 includes research findings related to the three core research questions outlined above, as well as additional findings that arose from the interviews. Chapter 4 includes a summary of ongoing and/or planned research projects that the research team will be seeking to address in the second half of 2019 and into 2020. Chapter 5 includes a brief summary of the results as well as preliminary recommendations drawn from lessons learned from this study.

## Chapter 2: Project Methodology & Analysis

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### Overall Methodological Approach

This report draws on research that used semi-structured interviews to generate and analyse perceptions of gun control compliance and regulation across a sample of firearms dealers, collectors, and shooters in Australia. The semi-structured interview design recognises that dealers, collectors and other law abiding firearms users have a unique perspective about firearms regulation that is not easily captured by other methodological designs. Semi-structured interviews are a desirable tool for this research because it allows dealers to speak more freely about their perceptions and experiences without being constrained to pre-determined categories of answers (Weiss, 1995).

This qualitative study focuses on a broad range of firearms dealers and owners including those who are firearms importers, those who own or operate a retail firearms business that interact primarily with the public, collectors with interest in firearms preservation, and those who are involved in gun smithing or the sale of ammunition. Typically, these individuals are also sporting shooters, hunters, or engaged in other legitimate firearms related activities and therefore can offer a wide range of perspectives on firearms regulation. In-depth semi-structured interviews offer the best methodological approach to capture their experiences (Weiss, 1995).

The interviews were carried out between July 2018 and July 2019. They include one-on-one face to face interviews from four states in Australia (NSW, VIC, WA & QLD), and phone interviews where face to face interviews were not possible. In total, 24 interviews across four Australia states have been carried out to date. We aimed to interview at least 6 dealers in each state and territory. Challenges to recruitment for the project are discussed in the following sections. All research was approved by the University of Queensland Low and Negligible Risk Ethics Committee.

### Selecting the Sample

Given that firearm regulations are potentially different from state to state, dealers were recruited across Australia in each state and territory to capture any differences between state boundaries. Each state and territory of Australia has implemented the NFA according to their own legal context and political culture. Therefore, perceptions and experiences may differ between states. In this section, we will describe in detail how the sample of firearms dealers was selected and how the interview data was analysed in order to capture the complex nature of experiences with firearms regulation in Australia.

We utilised a dual recruitment strategy for study participants. First, Dealers were selected by compiling a comprehensive list of retail firearms dealers from each state in Australia from yellow pages and online phone books. A participant information form (Appendix A) was mailed to each of these businesses to notifying them about the study purpose and aims, to offer them a chance to volunteer for participation, as well as let them know that we would be contacting them in the future to ask if they were interested in participating. The scope of selection in this phase included any dealer who was listed as a firearms dealer/retailer in an online search of the public registry of business.

Second, we employed a method of snowball sampling (Noy, 2008) whereby we recruited study respondents based on the recommendation of our industry partner (SSAA) or other dealers who had volunteered to be part of the study. Some dealers volunteered for the study by way of hearing about it from fellow dealers or sporting shooters. The utilisation of both the sampling from advertised firearms dealer registries as well as snowball sampling meant that we could capture dealers who we may have missed in the online search. Table 1 depicts the number of dealers contacted in each state and the number of completed interviews.

*Table 1: Firearms Dealer Recruitment across Australian States and Territories*

State	No. of Dealers Contacted	No. of Dealers Interviewed
New South Wales	61	2 <sup>1</sup>
Victoria	55	7
Queensland	45	9
Western Australia	24	6
Tasmania	10	0
South Australia	16	0
Australian Capital Territory	2	0
Northern Territory	8	0 <sup>2</sup>
<b>TOTAL</b>	<b>221</b>	<b>24</b>

## The Interview Questions

Interviews with study respondents lasted approximately one to three hours and covered a range of topics in regards to experience with firearms regulation, law enforcement, and perspectives on the current forms and debates of gun control in Australia. Interview questions were structured around four themes in order to make sure that the data collected was comparable across interview

<sup>1</sup> There are ongoing conversations to set up interviews with approximately three more dealers in NSW that will be added to the project in 2019.

<sup>2</sup> We have one dealer in the Northern Territory who has indicated willingness to participate in the study in later 2019.

respondents but allowed for follow-up, probing or for the interview respondent to offer additional information or perspectives that were not covered in the original scope of the interview questions. This approach allowed for the opportunity to answer the core research questions as well as additional exploration of some of the most important issues currently facing legal firearms owners. These topics include:

1. Firearms Dealer thoughts, feelings, and experiences of National Firearms Agreement creation and implementation in 1996/1997.
2. Firearms Dealer thoughts, feelings, and experiences of changes to regulations in firearms legislation/policy since 1996/97 and over the course of their career.
3. Firearms dealer experiences with interacting with police and gun licensing personnel in the process of complying with regulations.
4. Dealer views about their own role in community safety.
5. How do dealers describe “gun culture” in the Australian context?
6. Gun dealer thoughts about overarching firearms ownership trends in Australia – specifically increases in ownership rates and increases in females taking up firearm related sports and activities.
7. In what ways have gun dealers been targeted and/or stigmatised because of their business or firearms use/ownership?
8. Overall suggestions for what could be done better in terms of firearms regulation.
9. Gun dealer thoughts about the destruction of firearms, safe storage rules, and preservation of firearms related history.

## Analytic Strategy

Interviews were recorded (with permission of the interviewee) and transcribed for analysis. During the process of transcription, dealer and business names were replaced with a code so that individual participants and businesses could not be identified. Data was then password protected and then stored on a secure server in order to ensure confidentiality and privacy of the participants. Original notes and recordings were then destroyed. Every participant signed a consent form prior to the interview.

Analysis of interview data was primarily inductive and we did not use a predetermined theoretical framework. The primary reason for this approach is due to the very little qualitative work in the Australian context on firearm dealer experiences. Using this ground-up approach is most useful in exploring and understanding understudied populations (Weiss, 1995; Braun & Clarke, 2012).

Qualitative *thematic analysis* (see Braun & Clarke, 2012) was used to identify and analyse themes from the interview data in two phases. First, interviews were coded specifically to describe the answers to the core research questions outlined in the original project description. These questions concentrate on general perceptions of firearms regulations, how gun dealers perceive their own role in the process of compliance with regulations, and gun dealer experiences of interacting with licensing and firearms police. Second, interviews were coded using a broad exploratory approach to analysis. This phase consists of coding interview transcripts for common themes that include general experiences, perspectives, phrases, and sentiments.

### **Limitations of the Project**

The benefit of utilising in depth interviews for this project is that, for the first time, systematic and methodologically sound analysis of the experiences and perspectives of gun dealers in Australia. However, while prioritising in depth information, this project sacrifices breadth in data collection. In depth interviews collected here do not allow for wide scale collection of views and perspectives across Australia that would be possible with a quantitative survey. As such, though we have included a sample of dealers from across a range of Australian states, the finding from this analysis may not be generalizable to gun dealers more generally, nor are they generalisable to the broader range of people who have an interest in firearms related activities.

We found differing levels of receptivity to this study across Australian states that have made recruitment of the sample of participants difficult. Firearms dealers in some states were very hesitant to participate and were wary of our interest in their views. This was particularly pronounced in Tasmania, New South Wales, and South Australia. Given the way in which firearms dealers have been portrayed in the media, it is understandable that some may be hesitant to participate. As a result of this, we have not been able to capture the views of firearms dealers who have experienced serious problems in interacting with law enforcement, or those who have had negative experiences with media or research.

## Chapter 3: Project Findings

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The findings below are based on the analysis of the 24 completed interviews that have taken place so far in this project. The project aims to address three specific questions; how do firearms dealers view the NFA and its implementation in their state; how do they view their own role in the compliance process; and how do they experience interactions with law enforcement within the process of complying with the legislation? This chapter provides detail on the core findings of these research questions. Furthermore, a range of other important concerns arose from the analysis of the data and are also discussed below. First, the experience of stigmatisation that firearms dealers and owners have felt as a result of their business, work, or hobby, and specific concerns by collectors who are also impacted by firearms legislation in Australia.

### Perceptions of NFA Creation and Implementation

In 1996, after the Port Arthur Massacre, the National Firearms Agreement aimed to create national guidelines on the regulation of firearms. In particular, this meant limiting the availability of certain firearms to the public. Since 1996, and as a result of ongoing public and political debate on gun control in the USA, discussion about what laws should look like, what they mean for legitimate firearms owners and gun dealers have taken a back seat to broader questions of the link between the crime/gun related death rates and the effectiveness of legislation. At the same time, anecdotal evidence suggest that conversation about the gun debate in Australia include law abiding gun owners, dealers as those who are unsupportive of regulation. However, no studies to date in Australia have focused on gun dealer perceptions and experiences with the creation and implementation of the NFA in Australia. As the NFA's implementation across all state heavily relies on the expertise of gun dealers in order for it to be effective, their perspective is a distinctive gap in the research literature.

#### *General attitudes towards the NFA and its implementation*

In this study, we asked gun dealers about their memories of when the NFA was created and implemented in 1996-97. Approximately 70% of dealers in our study were either a gun dealer during this time, were engaged in a legitimate firearms trade/sport, or had immediate family members who were gun dealers during this time. When asked about what they remember about the political discussion and implementation of the NFA over half of the respondents noted that much of the regulations that the NFA contained for the purpose of ensuring safety were a) already informally being practiced by the firearms owning community generally, and b) were modelled off state firearms laws that were already in existence – this is particularly true in VIC which was reported by dealers to

have some of the oldest regulations on firearms. The biggest changes were the formalisation of acceptable reasons for gun ownership as well as the restriction of semiautomatic rifles that were commonly used responsibly among the firearms owning community. The following dealer reports that the recording and reporting duties were already taking place before the NFA was implemented:

*“There was accountability prior to that [the NFA], people say there was no accountability and there was. Every firearm that was sold needed to be recorded, every firearm that moved through did as well. But now we’re just recording everything in triplicate, and we have another register we record things in. We’re just recording, recording and recording, and this is where mistakes are made.”*

This Dealer’s account reflects the sentiment from the majority of dealers in the study that the practices and policies that were already in place before 1996. This suggests that the spirit of the aims of the NFA were already in place across much of Australia prior to 1996. However all dealers in the study made a distinction between the NFA itself and the problems of its implementation. The Dealer below make this distinction by suggesting that the interpretation of the NFA goes above and beyond what is legislated:

*“The actual issue isn’t the actual NFA, the issue isn’t the firearms act, it’s the way in which it’s interpreted and the extra level above what’s in their legislation.”*

Dealers regularly distinguished between the intent of the legislation and its implementation and generally believe there are a lot of positive things to be gained from the NFA’s guidelines. Though there are multiple frustrations with the implementation of the NFA across the states and territories in Australia, dealers find that licensing and background checks, and safety training is important and are critical for reducing accidents involving firearms. The following dealer who also has experience working on gun ranges suggests that mandatory safety training has been critical in reducing accidents and incidents in firearms generally and on firearms ranges:

*“The compulsory safety training, I think, has made a difference. After they started making people do that, there are much less incidents and mishaps with firearms, especially on the range.”*

Dealers also widely agreed that there are some people in the community that should not have access to firearms and therefore all agreed that the principle of licencing and background checks were needed. Overall dealers felt very strongly that checking to make sure that firearms only were accessible to those who were not a danger to themselves or others was important as demonstrated in the quote below:

*“We agree with licencing. We think it’s a great idea. Vet the people, vet them as strongly as you want.”*

### *Too much bureaucracy & too little voice*

The above findings suggest an alternative narrative to the one so often found in media and political discourse; that firearms owners are against firearm regulation. These results suggest that firearms dealers in particular were already practicing many elements of the NFA prior to 1996 and the idea of safe regulation at the heart of the NFA was not novel or new for Australian firearms owners, and that they generally agree that regulation is important. However, Dealers did report a number of frustrations with the implementation of the NFA that were making their role in the registration process difficult and prone to error as well as a strain on their business. These frustrations generally relate to the level of bureaucracy in the registration process as well as the lack of voice that dealers have had as experts in the way in which the NFA has been created and implemented. 100% of the dealers in the study raised concern about bureaucracy as noted in the following quotes:

*“The NFA sort of standardised the method of licensing but not procedure and the procedure has been interpreted by firearms licensing and that is exceedingly onerous in WA, more so than what I understand other states have to go through. It costs a lot more and it takes a lot longer, that’s had the biggest impact.”*

*“They [the police] turn it into a nightmare. We are quite capable of logging onto the system and doing it ourselves.”*

*“I have serious concerns for my guy’s employment. My staff’s ongoing employment if it keeps getting more and more difficult, I’m going to have to lay staff off or cut hours back and not just because of a market downturn. It’s because the process of complying is just too overwhelming.”*

*“We have 9 different forms I have to fill in every month, now those forms we do in hard copy, then our firearm returns we do electronically.”*

The above sentiments from dealers provide examples of just a few concerns regarding the difficulties with bureaucracy in the licensing and registration process. Though there are some reported state differences, dealers consistently pointed out that errors or mistakes in the registry are likely a result of the level of bureaucracy, particularly in the form of unnecessary paperwork. Some states require multiple hard copy forms/documents just to transfer firearms ownership from one person, to the dealer, and then to the new owner. These hard copy paper processes were widely reported as prone to error. Some dealers also commented on the difficulty of getting those errors corrected as

expressed by a dealer below in relation to being proactive when he found errors in the police system and attempted to have them corrected:

*“I have never once in 8 years had weapons licencing admit fault. It could be on anything from minor stuff to major stuff”*

Some dealers (approximately 30%) have indicated that the lengthy bureaucratic process of licencing and registration has led to a decrease in clientele. In order to maintain a viable business, dealers are making it a core part of their business to help clients with the application process:

*“That’s why we made the decision at our store, we do the application process for our clients, if I didn’t do that we’d probably go broke – a lot of people would just go: ‘this is too hard’.”*

The second major frustration expressed by dealers was the lack of voice and agency they have been afforded in the implementation of the NFA given their expertise in the firearms trade/sport, as well as their important role in the process of compliance for every sale and acquisition. In terms of the creation of the NFA in 1996 and subsequent reviews of its implementation in the states, dealers indicated that they were willing to cooperate and provide expertise to law makers and police in regards to legislation but found that their expertise often went ignored as expressed by the following two dealers from different states:

*“I knew the process or lack of process [involved in the introduction of the NFA legislation]. Our senior people in our [organisation] went to Canberra, and desperately tried to have some consultation and were roundly refused. There was no consultation, for us to have any input into it, and we felt the NFA was presented in such a short space of time and there was a strong rumour that it had been prepared and been sitting there for quite some time and waiting for the opportunity to be laid on the table.”*

*“That’s probably why they [the police] won’t consult with us, is because they have no trust in us or anything we say. Even though we’ve got a wealth of knowledge about the firearms industry.”*

When opportunities for consultation have been provided by police, dealers often report feeling like this is a token opportunity rather than a genuine cooperative relationship. This sentiment varies between states however the sentiment expressed below indicates the level of frustration associated with the limited opportunities to have a respectful relationship with police:

*“Theirs is a consultative meeting where we’re all supposed to discuss all this stuff (legislation and policy). There’s no consultation, it’s all just; this is the way it’s going to be... we don’t really want to go to the meetings, there’s no point but we can’t pull out because then the police will just say; oh well we’ve tried... so you’re damned if you do, damned if you don’t.”*

### *Financial impacts to business as a result of policy implementation*

We asked dealers specifically about the impact the policy has had on their business over time in order to understand the financial pressures of the firearms industry in Australia. Dealers reported that in some circumstances the increased regulation of firearms, specifically the necessity for a licenced dealer to be part of the sale and acquisition of firearms in every transaction increased business for many dealers across the country. However, there were a number of reported exceptions, particular for smaller family businesses who were negatively impacted by the increased and more formalised methods of regulation:

*“We went from selling 40 firearms a week to zero in six months, we lost \$110,000 in the first year of trading after the implementation of the 1996 laws. The small amount of staff we had at the time, we had to let go, just family and one manager... for two or three years, and then we slowly built it back up from there.”*

Another dealer reported that more recent changes in regulatory procedure don’t always appear to be well justified and indicates that procedural changes don’t necessarily translate to more safety regarding firearms. This sentiment was felt more strongly among dealers from WA who appear to experience more procedural policy changes than other states:

*“From my side of it there’s procedural policy changes just for the sake of it. There’s no safety aspect behind it, from people on the front lines in terms of interacting with the public, it’s not a safety aspect”*

Though some dealers may have had detrimental impacts to their businesses at the start of the first buyback earlier on in the NFA’s implementation, many dealers report that the biggest financial costs to them involve having to keep up with sudden regulation changes that require them to invest substantial amounts of money into their business or dramatically shift the way in which their business operates. For example, in WA after a single incident where a dealer’s shop experienced a break-in and a number of handguns were stolen from a handgun safe, police issued new regulations on how firearms dealers must upgrade their handgun storage units in order to maintain their dealer’s license.

Though there is no evidence that handgun thefts from dealer shops/storage was a frequent problem, dealers were forced to invest considerable money to upgrade their facilities as expressed by the following dealer:

*“In the last 12 months or so, has been this sudden interpretation, it’s not law, it’s policy of this new pistol security. That’s cost us over \$35,000 so far which we will never recoup.”*

*“The new handgun policy has cost us 40,000 odd dollars in a brand new building that they were aware was coming when they approved us, they didn’t tell anyone, so it’s cost us.”*

Western Australian dealers have specifically noted the impact that this regulation change had on small businesses who can’t afford to invest this amount of money:

*“Suddenly this new pistol security came in, a lot of small dealers lost the ability to sell hand guns or store them, which is wrong. That created a massive problem in that sense”*

*“You’ve got guys in the country, in remote dealerships who are struggling to meet the policy requirements because of phone coverage or it’s not common sense for them to be able too. You might be in a store that’s brick and mortar but has timber floor board how are you going to fit a two and a half thousand kilo safe in there that meets a grade 4 or 5 safe that meets requirements without destroying infrastructure?”*

These findings suggest that regulation changes provide a very specific financial cost to dealers and their business. When these changes are not communicated properly to dealers, the lack of transparency provides additional strain on firearms dealers. Another example of how these regulation changes have carried significant financial costs to dealers in WA is found in changing firearms transport rules. Firearms used to be able to be sent via Australia Post in WA as is the norm along Australia’s east coast. After an incident where packages, including firearms, were taken from a postage van in WA, regulators changed transport laws to restrict the postage of firearms from Australia Post, forcing dealers to only use “approved” transport companies. Narrowing competition for transport, this drove the price up for dealers shipping products to their customers. One dealer in WA notes the strain that this has placed on their business:

*“Almost overnight we were stopped from using transport. Australia Post came next, two people were charged for using AusPost and they didn’t even know at the time. We are not allowed to use Australia Post yet in our legislation it says post... suddenly they said you can’t send firearms in Australia Post, there’s only one or two trucking companies that will take it, then suddenly we weren’t allowed to send parts... not allowed to send magazines or any other items of a firearm by post”*

Another dealer notes the increased costs for rural dealers:

*“As a result of that (the firearms theft during transportation) they pushed it all on to dealers and said; right, no one’s allowed to freight with any companies unless its approved by us. It’s not only the cost, it’s the accessibility to rural dealers.”*

Though these results focus on specific issues that are being felt by dealers in WA, they also have impacts on dealers around the country. Dealers in other states cannot use Australia Post to ship product into WA and therefore must also resort to “approved” private freight companies that are often more expensive.

## How do Dealer’s View their Role in Compliance?

Current regulation of firearms requires the critical support and engagement of firearms dealers. Their necessary involvement in every sale and acquisition of a firearms makes the registration of firearms and tracking of firearms possible across Australia. Firearms dealers are also those most likely to interact directly with firearms owners, particularly new owners once their licence and permit to acquire a firearms have been approved by police. Given this, and their expertise in firearms operation, dealers are also best placed to educate those about the responsible use of a firearms to their customers. We asked dealers how they view their role in the compliance process in regards to their responsibility to community safety. Gun dealers made a critical distinction that the police have the primary responsibility to vet and approve individuals who want to purchase a firearms, but all dealers also made it clear that it was important that they educate new owners on firearms safety and all said they were comfortable turning away customers who were under the influence at the time of purchase.

### *Police have responsibility to vet firearms owners*

As part of the process for purchasing a firearm, owners across Australia must take a firearms safety course and pass a background check as well as wait required waiting periods in order to receive a firearms licence and permit to acquire their desire firearm<sup>3</sup>. Though firearms dealers are those that most often deal with the public directly, it is clear in the legislation as well as the implementation of regulations, that police hold responsibility to vet owners prior to firearms purchase. The dealer below clearly demonstrates where police responsibility lies:

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<sup>3</sup> In WA, we note that firearms owners organise the purchase of a firearms prior to receiving their licence. Once their licence has been approved, they can pick up the firearm/s they have purchased from their licenced dealer.

*“I’ve has a customer exhibit some disturbing, disturbing behaviour as he’s going through the test and doing the process and you know well I can’t not say you’ve been successful, because you’ve legitimately passed the test, there you are. Questioned it with firearms branch and “well you just let us know his name and we’ll look into it””.*

While it is clear that the police are primarily responsible for vetting firearms owners, it is also clear that dealers are comfortable letting police know when they are concerned that the vetting process is not working. This demonstrates the critical role that dealers play in keeping the community safe. When we asked dealers specifically about community safety, we found that though they are aware they are not responsible for vetting, they did convey that community safety was a priority in their work, as seen in the quotes from two dealers below:

*“Every dealer has a role in public safety... I believe dealers do play a crucial part in community safety because they’re the people on the front line. They’re selling ammunition, they’re doing licence checks, they’re the middle person in the supply chain. They’re also responsible for safe storage in large numbers.”*

*“Where ever there is an avenue for us to be involved in public safety we’re involved.”*

The above results offer a counter narrative to what is most often found in media stereotypes of firearms owners and dealers. Particularly during the time of the NFA’s first implementation, media narratives frame dealers as those who were reckless and uninterested in community safety when it came to firearm regulation. We find no evidence in our study that dealers are unconcerned with firearms safety and responsibility, but find that they are actively involved in contributing to the safe and responsible use of firearms.

### *Dealers as educators of safe and responsible firearms use*

Dealers talked about two specific ways that they actively contribute to the safe use of firearms across Australia. First, dealers talked about how they feel it is their duty to educate customers about firearms use, and second, dealers refrained from selling firearms to customers who presented at the store as under the influence or not of sound mind. The quote below is indicative of the care to educate customers dealers reported in our study:

*“We do our best, always when we’re selling firearms to individuals, a new license holder, we talk to them about firearm safety. When they pick the firearm up we go through the firearm with them – safety, loading, unloading – always.”*

*“To the best of our ability we try and make sure that the person picking a firearm up is aware of the firearm, its operation and safety.”*

Alongside a strong desire to educate customers, dealers reported that even when approved for firearms ownership by police, some individuals presented too big a risk for dealers to sell to and saw their role to turn away those who might be a danger to themselves or others:

*“I have turned away people who have come here [to my shop] high or drunk. I would never sell to people like that. I’ve also turned away people who have asked question about firearms that made me think they were a danger to themselves. You never really know for sure, but I’d rather be safe than sorry.”*

*“It is legislated that you can’t sell to those people (without need, who are in distress or under the influence) but if it wasn’t legislated, I still don’t think it would be something that most dealers would do.”*

Though dealers widely reported willingness to take care in who they are selling to, multiple dealers also reported that this was a difficult position for dealers to be in. Dealers are not formally part of the vetting process for firearms owners, therefore are only aware that they have been approved for ownership via their licence and permit to acquire. Dealers are also not specifically trained in or are experts in mental health, which means that it is not reasonable for dealers to always be able to identify possible problems in clientele. Therefore it is unreasonable that this onus be specifically placed on dealers to act beyond their means to limit sales in this way. However, given that dealers clearly understand the implication and priorities of community safety in their work, it is recommended that police recognise the importance of gun dealer expertise in firearms education.

## **Experiences with Law Enforcement**

Dealers work closely with law enforcement as a daily part of their business in two specific ways. First, they collaborate with law enforcement in the daily task of sales and acquisitions of firearms. Second, dealers are subject to police scrutiny as part of the compliance process. Dealers can be, and are, audited by police as part of the regulation process. Police need dealers to cooperate and yet dealers are also subject to police scrutiny. We asked dealers about their experience with interacting with law enforcement in order to understand the nature of this relationship and how it is working.

## *Different experiences with local and registry police*

Dealers expressed very mixed feelings when talking about their interactions with police. Generally, dealers had the opportunity to develop good working relationships with local police with which they had more frequent contact. This close working relationship allows dealers and police to come to an understanding about the firearms business and the ability to problem solve issues together. Dealers typically expressed more satisfaction with local police representatives than with law enforcement working in the state firearms registry:

*“We seem to have a pretty good relationship with local police.”*

*“In QLD, the two officers that are in there now are very receptive to a.) to business, and b.) and trying to help the needs, offering the service for what they’re paid for.”*

As seen in the above quote, dealers often saw registry police as offering a service to the public in terms of maintaining the registry and saw the potential for partnership with the police. However, these experiences were highly individualised – for example, dealers very clearly expressed that their feelings and experiences in interacting with law enforcement were highly dependent on the specific individual they dealt with each time. There was no overall positive or negative feelings in regards to police in general. Dealers were quite pragmatic about the relationship they had with police – good experiences were generally expressed as a result of working with specific individual inside the police who were seen as respectful, collaborative and problem solvers. The dealer below expresses clearly that experienced depends on the specific individual inside the police agency:

*“The local people, it depends on who you get. Our local person at the moment is very, very good. But that can change overnight, and you can get a nightmare.”*

As part of the day to day running of their business, dealers often dealt with registry police over the phone. These are not typically the police that conduct audits or checks in person (often done by local police) but those that are at arm’s length from the dealer and their business. Dealers expressed more dissatisfaction with officers (uniform or civilian) from the registry office. These frustrations typically coalesce around a perceived lack of knowledge about firearms themselves by registry police. This was particularly frustrating for WA police who felt that registry police with very little firearms expertise were making judgement on what kinds of firearms were best suited to the genuine reason. These frustrations appear to be most stressful for dealers when the bureaucratic processes become overwhelming for dealers in the day to day operation of their business.

## Concerns about the “us vs them” mentality

The primary concern that dealers expressed about their interactions with police, was a perceived “us vs them” mentality. Dealers described some of the police led audits of their business as “tense” and felt that police were looking for mistakes that could be used against the dealer as opposed to working through mistakes and could be corrected. Dealers were quick to point out that the level of bureaucracy and a reliance on multiple hard copy forms required for purchase and sale of firearms were prone to error. The dealers below specifically describe police as having an “us vs them” attitude even though both police and dealers are working towards the same goals:

*“My biggest issue in this industry, as a firearms dealer, there is a ‘them and us’ attitude. Licencing will not work with you... We’re all working for the same end as far I’m concerned, and it’s a very ‘them and us’ attitude, it makes no sense.”*

*“It’s definitely a huge anti-gun culture within licencing [branch of police], it’s the culture of; we’re the police and we’re here to police the firearm dealers, not work with firearms dealers. It’s definitely us vs them”*

Dealers expressed concern that while they were proactive with attempting to resolve bureaucratic errors via phone, email, or mail, errors were slow to be resolved, leaving dealers to feel as though they were potentially vulnerable at the next audit or check by police. The following quote is representative of the feelings that many dealers expressed about the willingness of police to focus on mistakes that could be blamed on the dealer despite the innate potential for human error built into the bureaucratic process of licencing and registration:

*“There were a couple of officers from [city], and all they wanted to do was find something wrong and prosecute you for it... and I found that bizarre because anybody can make a mistake. An honest mistake, including them.”*

Given the pivotal role that dealers play in the process of maintaining the registry as well as the current regulatory models of firearms legislation across Australia the reported “us vs them” mentality dealers feel and experience when interacting with police demonstrates a missed opportunity for police to work cooperatively with dealers towards a common goal.

## Experiencing Social Stigma

The term “stigma” is typically used by social science researchers to refer to negative labels placed on individuals or groups of individuals in the process of interacting with others. Stigma results from behaviour, activity, or interest being negatively labelled as part of an ongoing social process. For

gun dealers, the Port Arthur massacre and the implementation of the NFA serves as a potential lens for understanding how and why stigma may be experienced by firearms dealers across Australia. In the academic literature, firearms dealers' and owners' experiences of negative labelling and stigma has been anecdotal. We asked dealers what kinds of negative backlash they have experienced personally as a result of their business or participation in shooting sports/activities in order to understand the anecdotal reports of stigma.

### *Stigma as a social cost to dealers*

The above findings suggest there are a number of increased financial costs to dealers due to the nature of the bureaucratic processes in the firearm licence and registration process as well as policy changes that require dealers to invest large sums of money in order to stay compliant. However, financial costs do not provide an entire picture of how firearms dealers have been affected by legislation change and enforcement. Social costs also include the unintended consequences of the political discourse, media framing, and public reaction as part of the social discourse on gun control in Australia.

We asked dealers if they had ever experienced negative reactions from others because of their business or involvement with the gun industry and found that firearms dealers that were conducting business back in 1996 when the NFA was implemented and gun control was a distinct part of social discourse linked their reported negative reactions from others specifically to Port Arthur, the NFA and the buyback scheme:

*"In 1996, you were a leper if you were a gun dealer."*

*"Generally shooters, the organisation, legitimate people, had been blamed for the Port Arthur incident, they felt victimised, and as it goes down the line, consistently demonised even to this day. It's always a negative connotation."*

*[During the buyback] "We saw it quite a bit, it was pretty stressful, very stressful. It hurt the businesses because of the public perceived idea of us and the media didn't help."*

Dealers who experienced negative reactions from others because of their link to the firearms industry report receiving hate mail to their business, graffiti on advertisement or business frontage, negative comments from members of the public who walk past their store, and messages on social media. Interview data demonstrate that dealers had experienced stigma and as such provide the first systematic study findings of the stigmatization of this segment of the population. Dealers typically understand that the negative reactions they receive are based on a *misperception* about firearms

and the legal use and ownership of firearms. The dealer below links stigmatisation he has experienced to perceptions the public have about crime involving firearms and the illegal use of firearms more broadly:

*“If you go to a place and get asked what you do, and you say you sell guns for a living, the first thing they think of is what they saw in the media: mass shootings, America, all that negative stuff. They go down that thought trail, that that’s you... We do get that people don’t necessarily like us, but our product is legal, what we do is legal, what they don’t necessarily like isn’t me or our industry, but what they don’t like is what they perceive it to be, which is quite often not the truth.”*

Though misperceptions may help to explain why the discourse around gun control in Australia has led to the stigmatisation of legal firearms owners, dealers also indicated that there are real consequences as a result of this misperception. Some dealers reported that they felt that the label of being a gun owner meant that they were treated with suspicion and mistrust. The dealer below talked specifically about feeling targeted by police because he was a licenced dealer and owner even though he had never violated the law:

*“...if you get pulled up in your car [by the police] and they run your number, you come up, red flagged “beware: a firearm owner”. We are in the crime portfolio, licensed people.”*

Dealers who had been in the firearms industry for a shorter period of time and in the last 5-10 years indicated that they too often felt the suspicion from others as a result of their profession. However, they also indicated that they thought it was much less negative attention than it had been in previous years and specifically at the time of the NFA’s first implementation. Dealers overall do feel that negative misperceptions have subsided since 1996.

The existing research on stigma and its consequences indicates that the negative perceptions experienced by dealers are likely to have consequences for a range of different issues – stigma and stereotypes about dealers are likely to influence police, court, legislator, and even voter decision making. The research on stigmatisation for this particular group in the Australian population is under developed and needs more systematic attention. Understanding stigma experienced by dealers in particular is critical to understanding dealer concerns, the difficulties they have in performing their duties as they relate to firearms compliance, and how they experienced interactions with law enforcement.

## Perspectives on Firearms Ownership Trends

A number of data sources indicate that firearms ownership across Australia has been increasing steadily in all states and territories. As dealers interact directly with the public, they are often best placed to help us understand why ownership trends have changed overtime. We asked dealers about a) whether they had noticed that ownership had increased in the last five to ten years in Australia, and if so b) why they thought that licencing and registration was increasing. The dealer below notes that the current generation of shooters and potential shooters have been raised to view regulation and the bureaucratic process involved as normal, and as such are not turned off by the lengthy and often complicated process in firearms licencing and registration:

*“In Australia today you need a licence to do about anything. You go online and you get a permit... You’ve got the social acceptance of the process. You’ve got the older generations that will never accept this process... Now the generation, the spending demographic, between 22-35... so that bracket is used to getting licences, is used to waiting for permits, is used to applying online to do recreational activities. Used to going online to find information to get a permit, because they don’t want a fine. That’s why compliance is up too.”*

Dealers did indicate that they have noticed an increase in female clients. Though shooting is often thought of as a “man’s sport” in current gun culture literature, women have had a long history in Australia with firearms as part of farming and primary production as well as shooting sports<sup>4</sup>. We asked dealers why they thought that women were increasing their participation in shooting sports and firearms ownership. Dealers consistently offered two interesting explanations. First, dealers often noted social changes that have had an impact on the role of women in the workforce; women’s engagement in firearms has increased with their engagement in the workforce. Second, dealers noted that women are often introduced to firearms though family connections and pick up the sport or interest as part of a community and family of shooters:

*“From a rural clientele perspective, the take up of firearms is because both men and women are now working. Whereas 10-15 years ago the wife didn’t have to work to make ends meet, but now the wife is working and engaging.”*

*“Socially husbands and wives, and families will participate as a recreation, whereas before it was dad and the kids... Now we see husbands and wives competing in clay target shooting, they’re both participating in the sport.”*

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<sup>4</sup> To see more about the role of women in Australian shooting sports see “Home on the Range: Queensland Rifle Association 1861-2011” by Bill Casey

Increases in firearms ownership in Australia could potentially be viewed as a reflection of a generational shift towards individuals who are more comfortable with heavy regulation. Longer waiting periods and extensive paperwork are not necessarily a deterrent to those taking up shooting sports/activities. However, given the difficult bureaucratic process currently in place and the changes to policy and practice that appear to happen across states, it is important for law enforcement to make sure that licencing and registration processes are clear and transparent for dealers and the public.

## Concerns from Collectors and Museums

Six of the dealers in this study were also licensed firearms collectors. Two of these also operate museums containing collections of firearms. These dealers raised a number of concerns with the current legislation as it related to the collection and curation of firearms in Australia. First, collectors were concerned with the lack of care and knowledge about firearms that police showed towards collections during times of audit and inspection. Second, dealers raised a broader concern around the destruction of historical and heirloom pieces during the firearms buyback.

We asked collectors specifically what kinds of concerns they had about the implementation of the NFA as it applied to collections. For the two dealers who also operate museum collections, both indicated that they were often concerned about the lack of care that police showed to collections during times of inspection. Though these dealers didn't characterise police attitudes and behaviour as purposefully destructive, they did indicate that the lack of firearms knowledge within registry police units put collections at risk. The following two collectors who are also involved in museum curations specifically raise these concerns in relation to potential risks to the collections of historical firearms.

*"We did have to get those police people to be careful with our firearms, they were very gung-ho about in trying to take screws out to get a look at serial numbers under grips. We had to stop them.*

*"The local licencing people, there are a good and bad. But when you get a bad one of them, you're in for a bad day. There is a lack of knowledge, they wouldn't know a flint lock from a bolt action."*

All dealers in our study, including collectors, raised a more general concern about the loss of historical firearms in the process of implementing and carrying out the firearms buyback in 1996. The buyback resulted in a large number of firearms being handed in and destroyed. Dealers raised the concern about the loss of heirlooms and historical firearms with law enforcement but felt that no real action was taken to properly identify firearms that could be valuable to collectors or collections of firearms. As indicated below, dealers again felt that it was primarily driven by lack of knowledge about firearms and their place in history:

*“They were taking anything and everything. The buyback was meant to be for self-loading but they were taking anything and everything, even flintlocks and stuff like that, that should never have gone into them. They said they were going to talk to museums and other interested people, they didn’t... And a lot of stuff got destroyed that way. Links between classic firearms have been lost, and they’re gone for ever.”*

Collectors and museum curators report that a lack of consultation with collectors has resulted in legislation being drafted and implemented that does not accurately reflect how firearms work, their purpose, or their historical value. For example, legislation geared towards a specific firearm, such as lever action shotguns, does not take into account the variety of lever action shotguns, and the variety in purpose that lever action shotguns take on. This could result in historical firearms being re-categorised unnecessarily and captures firearms that have been made permanently inoperable. These changes without proper consultation create financial costs and losses to collectors that are likely inconsistent with the overall spirit of the NFA.

## Chapter 4: Future Research

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This project provides an important contribution to both research literature and policy/practice as it is one of the first studies worldwide to account for the narrative experienced of gun dealers in the process of legislation and compliance processes. We found that while some firearms dealers were initially sceptical of the project aims, they also expressed appreciation for the opportunity to talk about their expertise, experience and feelings about gun control in Australia. As a result we have decided to leave the project open for other gun dealers to also share their experiences in the future. Therefore, this study can be updated overtime and provide further opportunities to understand how regulations are working. In addition to extending the duration of the Firearms Dealer Study, a number of other research questions have been raised as a result of this research and we plan to undertake these projects over the next 1-4 years. We have outlined this plans below for interest.

### **Australian Research Council (ARC) Linkage Project 2020<sup>5</sup>**

The NFA has been evaluated in terms of the extent of implementation and variation in implementation between Australia's states and territories. Yet, there remains continuing debate about whether the NFA's implementation has achieved its overall purpose to limit unwanted and criminal access to firearms while supporting legal use by the legitimate firearms owning community. This project will systematically evaluate the overall effect of NFA's implementation across Australian states and territories, giving consideration to both intended and unintended consequences for various groups (lawful gun owners, gun dealers, general community, security), including limitations in regulatory compliance.

This project aims to:

- Identify best practice / develop solutions
- Identify where current firearm regulations provide community safety benefits
- Identify where current firearm regulations provide unintended consequences for lawful users/firearms dealers

A number of specific research questions will guide the proposed project. These include:

1. To what extent does the operation of regulations fulfil the purpose of the National Firearms Agreement?

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<sup>5</sup> Project team includes Associate Professor Paul Henman, and expert in policy analysis at the University of Queensland

2. How well do regulations improve community safety while supporting law abiding/legitimate firearms use?
3. What are the unforeseen negative consequences of firearms regulation?

This project consists of three iterative and overlapping phases. To enhance policy learning it will involve comparisons between different states (i.e. Queensland; New South Wales, Western Australia, & Victoria).

**Phase 1: *Policy audit.*** Charting the detail of gun control policy and regulations provides the basis for understanding how regulation and compliance is enacted through the activity of multiple parties (e.g. legal gun owners; gun dealers; police).

**Phase 2: *Policy logic modelling.*** This novel approach draws on Stage 1 to develop the policy logic of how the formal policy is supposed to achieve its outcomes. This analytical process also identifies areas of weakness and risk that can undermine its objectives, as well as financial and non-financial costs associated with compliance.

**Phase 3: *Identify policy and regulatory reform.*** By undertaking the comparative audit, modelling and analysis of policy and regulations, the project will identify areas to enhancing compliance, including modifying laws and regulations, and the use of new digital technologies.

Throughout the project key stakeholders (e.g. SSAA, QRA) will be engaged to contribute insights into all phases. Such involvement includes one-on-one interviews, focus groups, round table discussions and a project advisory board.

### **Why participate in an ARC linkage Grant?**

ARC Linkage grants are designed to support the development of collaboration between researchers and industry “in order to apply advance knowledge to problems and to provide opportunities to achieve national economic, commercial, environment and social benefit” (ARC LP Grant Rule 2019)<sup>6</sup>. By collaborating with key stakeholders in this project we aim to provide a more well rounded understanding and solutions to key areas of firearms policy in need of improvement or revision.

## **Perceptions of Firearms Pre & Post Shooting Events**

In 2018, Dr Suzanna Fay took 40 of her senior *Criminological Theory* students to the Queensland Rifle Association (QRA) museum in Belmont. This exercise had two primary aims; to expose students to some of Australia’s shooting history, and to have students work with QRA staff to help

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<sup>6</sup> <https://www.grants.gov.au/?event=public.GO.show&GOUUID=D8F14C9F-BCBE-D702-135BB96E4CF1B7F1&keyword=go2093>

evaluate some of the current NFA guidelines. More specifically, students were asked to use criminological research to evaluate the claim made by some gun control groups that minors/youth should not have any access to a firearm until the age of 18. Student groups, relying heavily of existing criminological research, came together to provide recommendation to this criticisms of the current state of firearms regulation that leave room for youth to access firearms under specific conditions. Students recommended that ongoing access to firearms was important for youth given that the current legislative structure formally requires supervision and parental permission. Informally, these regulations expose youth to law abiding firearms owners in a range of communities where they can be socialised into responsible firearms handlers. A number of students commented on how this simple exercises and exposure to QRA changed their negative opinion about firearms and firearms owners.

As a result of this, we are now working on a new project that would aim to use survey analysis to measure student's assumptions and perceptions of firearms. Participants would then be taken to an organised "come and try" shooting experience similar to those routinely offered to the public by a variety of ranges in Australia. After this shoot, participants would then be re-surveyed about their perceptions of firearms in order to see what effect the exposure to the legal and law abiding community of shooters and their experience of shooting has on their overall attitudes towards firearms. As the results in Chapter 3 indicate that firearms dealers routinely combat stigmatisation, this proposed project aims to gain a better understanding of what kinds of experiences and education is necessary to combat media driven stigmatisation of the legal and law abiding firearms industry.

## **Cross State Comparison of Firearms Regulations in Australia**

The results of Chapter 3 indicate that state to state differences of firearms regulations have created challenges for dealers and travelling sporting shooters and collectors. However, there is no comprehensive analysis of how different regulations are between states and what the potential consequences of these differences are. In 2020, we plan to investigate regulations across Australian states and territories in order to provide a better understanding of the major similarities and differences in the way in which the NFA has been implemented.

This project is being pitched as a project to be undertaken by a UQ Honours student. The Honours program at UQ provides students with opportunities to increase their expertise and skill in research. The student would be supervised one on one by Dr Suzanna Fay who is keen to have industry experts as advisors for the project.

## **Media Framing of Firearm Issues in Australia**

The results in Chapter 3 indicate that firearms dealers have experienced stigmatisation by media, politicians and public in the wake of the government response to the Port Arthur massacre in 1996. Interestingly, though there is much research on the stigmatising process and the expertise of stigma for a range of disadvantaged groups in the population, we can find no studies that systematically documents the stigmatisation of legal gun owners.

Along with the future project outlined above, we seek to systematically study the framing of firearm related issues by mainstream media in Australia over the last 25 years. Media/document analysis will be used to understand how the media approaches firearms related news in order to gain a clear picture of where some of the stigma has originated and whether/why this stigmatisation persists.

## Chapter 5: Recommendations & Conclusions

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The original purpose of this study was to gain a deeper understanding of the concerns of firearms dealers as they conduct their business in relation to upholding firearms legislation and regulations. The financial and social costs to being a firearms dealer (and often by extension, owner) have not been the subject of any academic research despite their pivotal role in maintaining the firearms registry and ensuring compliance with the law. This study is the first in Australia that has sought to explore the experiences dealers have in the context of where their business and firearms regulation intersects.

### Summary of Findings

This study aimed to explore dealer perceptions and experiences with law enforcement, the NFA and their role in the compliance process for the regulation of firearms in Australia. We can conclude that while the creation and implementation of the NFA has caused a number of unintended consequences for dealers, dealers in this study generally are supportive of common sense regulations that protect firearms owners and the public. The primary frustrations that dealers have experienced with the NFA are primarily concerned with the unnecessary bureaucracy process that is embedded in the licensing and registration process. When the regulatory requirements are unnecessarily complicated and non-transparent, it is difficult for dealers and owners to make sure they are within the bounds of the law.

Dealers typically have a long history in the firearms industry. They have expertise not just in the working of firearms themselves, but in the licencing and registration process, as well as the ability to understand what safe operation and use of firearms looks like. Dealers do not feel their expertise has been routinely acknowledged or relied on for the creation or review of legislation or policy. This has led to a lack of voice for dealers in their own industry. The danger of this lack of voice is that it undermines the potential for collaboration between these experts and those who are responsible for enforcing the legislation.

These findings also suggest that it is important to distinguish between the legislation and the regulations that flow from it. Regulatory change is reportedly high. In part, this is because it is easier to make changes to regulations than legislation as regulations do not need to be passed in state Parliaments. However, even small regulatory changes can have big impacts on dealers, collectors and owners more broadly. These findings indicate that some of the most detrimental financial costs to dealers occur when regulations change. Regulation changes to the transport of firearms, storage of firearms, and changes to the categorisation of firearms are just some examples that dealers have

indicated have had large financial costs to their business. These changes impact rural dealers and small businesses even more when they are forced to make changes to comply with new regulations. When these regulatory changes are not transparently communicated, this process is made even more difficult for dealers who are most affected.

Media and political debate around gun control issues often frames firearms owners and dealers as uninterested in good quality gun control and community safety. Our results show a different narrative of how gun dealers see their role in the process of compliance. Dealers are essential to the proper maintenance of laws and regulations concerning firearms. Furthermore, the dealers in this study also conveyed their own sense of responsibility about the proper use of firearms. They are committed to education and preventing accidents as well as doing their part in keeping firearms out of the hands of those who might use them irresponsibly.

In this study, it was clear how important that responsible use and safety is to dealers and collectors. This group has ideas about how gun control can be done well in order to promote community safety without punishing those who were law abiding gun owners in the community. Unfortunately, dealers don't always feel like law enforcement recognises that dealers have these overarching goals of safety and responsibility. Based on the accounts from dealers, law enforcement working in firearms compliance need more training in firearms so as to have a better understanding in the range of issues that dealers are trying to resolve.

The negative experiences that dealers have experienced from law enforcement, the media, and the public are important for understanding how and why more cooperation with law enforcement and policy makers has not taken place. These negative reactions from the public appear to be based on misperceptions and negative stereotypes of who dealers and firearms owners are. The negative labels may result in entire groups of firearms owners being stigmatised as a result of their business, sport, hobby, or work. Research on stigma in the field of sociology and criminology suggests that stigmatisation has long term consequences for groups who have been negatively labelled. Though this is one of the only reports that have documented the stigmatisation of this particular group, more research needs to be done into understanding how dealers and gun owners combat these negative stereotypes.

Educating non-firearms owners about shooting sports, the importance of historical collections, and about the licencing and registration process is an important component of how to combat negative stereotypes about firearms and firearms owners. There is some indication that some of the negative

stereotypes have subsided over time; newer/younger gun dealers report fewer instances of these negative interactions and experiences than those who have been in business during the buyback and implementation of the NFA. However, given the enduring lack of “voice” as experts in the field, and the ongoing tensions with law enforcement, it is clear that there are some very real barriers that dealers face directly related to misperceptions of firearms and their owners.

## Preliminary Recommendations

These findings suggest a range of recommendations for firearms policy review and implementation as well as recommendations for future research. Below are some preliminary recommendations that have been derived from the data from this study. A more complete set of recommendations will be written after the results of this project can be discussed with dealers and the shooting industry in order to provide more detailed direction for policy and research. Some preliminary recommendations include:

1. Each state should review the bureaucratic process for firearms licencing and registration to ensure it is fit for purpose, easy to understand for dealers and customers, and transparent in their aim and purpose.
2. Lawmakers, regulators, and law enforcement should recognise the expertise that dealers can provide in regard to the creation and implementation of good quality firearms regulation.
3. Law enforcement officers working in firearms registries should undergo additional training in firearms so as to be able to perform their duties without putting firearms collections at risk.
4. Changes to firearms regulations should be transparent and in keeping with the overall aims of the NFA.
  - a. Regulation changes should be undertaken with particular attention to the possible unintended consequences for rural dealers and collectors.
5. Public education of the responsible use of firearms is needed. This kind of education would like aid in combating negative stereotypes of firearms and the law abiding firearms owning community.
6. Regulations between states must be reviewed and revised in order to create more consistency from state to state.

## About the Authors

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### **Dr Suzanna Fay**

Dr Suzanna Fay is a Senior Lecturer in Criminology at the University of Queensland. Suzanna received her PhD in Sociology at the University of Washington where she concentrated comparative perspectives of crime, immigration, and neighborhood action as well as research methodology via her association with the Centre for Statistics and the Social Sciences. Her current research considers how perceptions of gun regulation by police, dealers, and the community influence debate and enforcement of Australia's gun laws. More specifically, her research is concerned with understanding how public discussion and debate has marginalized particular groups, such as farmers/recreational shooters, and explores how gun control might be improved by a more inclusive public discussion about firearms.

### **Ms Emma Belgrove**

Ms Emma Belgrove is a current PhD candidate in the School of Social Science at the University of Queensland. Emma's PhD is concentrated on the firearms community in Australia, and specifically how women navigate this traditionally masculine space, using qualitative research methods. Emma looks at perceptions, stigma, gun culture, gender, and emotion work. Her current research outside her PhD (under supervision of Dr Suzanna Fay) considers how perceptions of gun regulation by police, dealers, and the community influence debate and enforcement of Australia's gun laws; with a specific focus on understanding public perceptions and the stigmatisation that can be felt by shooters in Australia.

### **Ms Kathleen De Rooy**

Ms De Rooy is a PhD candidate working in the field of criminology at the School of Social Science at the University of Queensland. Kathleen has been awarded a degree in both Arts and Social Science and an honours degree in Social Science (criminology) where she has focused on researching the corrections system in Queensland. She is a Life Course Centre affiliate via the Institute for Social Science Research and has published on offending patterns using the life course paradigm. Her current research considers the impact of program participation amongst female offenders on their recidivism and ability to remain in the community post-release. More specifically her research is concerned with understanding the rehabilitation strategies that improve female offender's lives and position them on a life course trajectory away from reoffending.

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# Appendix 1: Project Participant Information Sheet

## The Costs of Gun Control for Licensed Firearms Dealers in Australia

### Participant Information Sheet

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Researchers at The University of Queensland are interested in your experiences as a firearms expert of the implementation of gun laws and enforcement of gun laws in Australia.

Much of the academic research on firearms in Australia over the last 20 years has focused on the relationship between the increased regulation of firearms (via National Firearms Agreement), and crime rates, suicide rates, and firearms deaths. However, researchers have largely ignored the flip side of enhanced firearms regulation; the regulation of law abiding and legitimate gun users and dealers.

We are interested in your opinions of how the law has been implemented, your experiences of how this law has been enforced from your perspective as a firearms dealer, and the opportunity to hear how you think regulation can be improved.

The research team has received funding for this study from the Sporting Shooters Association of Australia.

#### INFORMATION ABOUT THIS RESEARCH

We have randomly selected over 100 firearms dealer businesses across Australia from the Business Pages to ask if they would be willing to participate in an interview with a member of our research team. Interviews would take approximate 1 hour either face to face at a location of your choosing or via telephone at a time convenient to you.

Interview questions will ask you about your opinions and experiences. We will not be asking about illegal firearms behaviour you have witnessed. All information collected will be de-identified – your responses are confidential. You will also have a chance to review the interview transcript and indicate any information that may identify you if used in a report. You will also have the opportunity to review the transcript and remove any information you would not like us to use as part of the research. No identifying information would be used in analysis or published material.

Participants in this research will also receive a copy of the final report at the conclusion of this study.

The SSAA National Office has provided funding for this research. They are not involved in recruitment of participants, data collection or analysis. While they will receive a report regarding the results of this research, they will not have access to data files or any information that could identify you as a participant in this study.

#### WHAT YOUR PARTICIPTION INVOLVES

Your participation in this study is important and will help inform us about the concerns and experiences you have about how gun legislation is implemented across Australia. It is important to note that by agreeing to participate, you are providing consent to be interviewed by one of the members of our research team about your opinions and experiences of the implementation of gun laws in Australia. However, should you decide not to participate in this study, you can do so without penalty, judgement, or discriminatory treatment.

All of the data being collected on behalf of the research team will be used to better understand your unique and important experience on how gun policy affects law abiding and legal gun owners. All data will be de-identified and stored in a secure location accessed only by the research team.

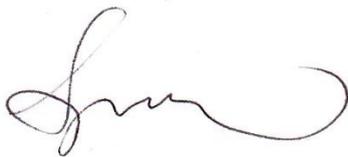
This study has been cleared by the Human Ethics Committee of The University of Queensland in accordance with the national Health and Medical Research Council's guidelines. If you have any questions about this study, please feel free to contact Dr Suzanna Fay from the School of Social Science by phone on (07)3348 2208 or by email ([s.fay@uq.edu.au](mailto:s.fay@uq.edu.au)).

If you would like to speak to an officer of The University not involved in the study, you may contact the Ethics Officer on (07)3365 3924.

#### **HOW TO PARTICIPATE**

If you would like to be a part of this research, you're welcome to contact Dr Suzanna Fay (Chief Investigator) by email at [s.fay@uq.edu.au](mailto:s.fay@uq.edu.au) or Ms Emma Belgrove (Research Assistant) at [e.belgrove@uq.edu.au](mailto:e.belgrove@uq.edu.au). If we do not hear from you within 2 weeks, a member of the research team will contact you via phone to ask if you would like to participate and answer any questions about the research that you may have.

Thank you for considering participation in this important research.



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