

FIREARMS AMENDMENT BILL 2008

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Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Roy Smith.**Second Reading****The Hon. ROY SMITH** [11.17 a.m.]: I move:

That this bill be now read a second time.

The Shooters Party is pleased to move the Firearms Amendment Bill 2008. The bill proposes a number of amendments to the Firearms Act 1996 and the Firearms Regulation 2006. The proposed amendments to the Act and regulations will streamline and improve the operation of the system for the legal use and registration of firearms for law-abiding citizens within the State of New South Wales by removing some of the necessary impediments to legitimate sport shooting, hunting and collecting, without any adverse impact on public safety. These amendments have been drafted following extensive consultation with the Ministry of Police, the Firearms Registry, and approved sport shooting, hunting and collecting clubs over a number of years.

Items [1] and [2] of schedule 1 to the bill insert a new definition into section 4 (1) of the Act, defining a "theatrical armourer" as a person who carries on a business of providing firearms for the purpose of film, television or theatrical productions. This, together with other associated amendments in the bill, will effect a change in the type of instrument under which a theatrical armourer operates. A theatrical armourer runs a business that has to be able to meet very diverse needs at short notice. Depending on the production being filmed by the client, a theatrical armourer may be required to produce at short notice—preferably yesterday—firearms or prohibited weapons from any period over the last thousand years.

A theatrical armourer cannot possibly own every type of firearm, weapon or prop that a film production might require, and must be able to borrow or hire firearms, weapons and props from other theatrical armourers or, in many cases, from private collectors. Currently, theatrical armourers operate under a permit issued by the Commissioner of Police under clause 53 of the regulations. Unfortunately, a theatrical armourer's permit only authorises a theatrical armourer to use firearms or prohibited weapons that are registered to the theatrical armourer. To overcome this problem, the bill will amend the Act and the regulations to allow theatrical armourers to operate under a subcategory of the firearms dealers licence because firearms dealers, whilst having to record details of every firearm in their possession, are exempt from the requirement to obtain a permit when acquiring a firearm and are not restricted to dealing only in firearms that are registered to them.

Item [3] of schedule 1 inserts expanded versions of certain exemptions from the Act that are currently contained in the Firearms Regulation 2006. Proposed section 6A will exempt persons from being required to have a licence to possess or to register any firearm manufactured before 1900 if the firearm does not take breech-loaded metallic cartridges or is a firearm for which ammunition is not commercially available. This amendment is an extension of an exemption and temporary amnesty set out in the regulations. A similar exemption is currently contained in clause 116 of the regulations in relation to long arms and pre-percussion pistols manufactured before 1900. All the firearms in question are more than 108 years old. They are antiques and are highly prized by collectors. It is important to note that these firearms remain a firearm within the meaning of the Firearms Act 1996 and the proposed exemption does not allow any such firearm to be fired.

Proposed section 6B will enable unlicensed persons to shoot on approved ranges whilst under supervision and subject to the requirements set out in the regulations. The proposed section also exempts supervised persons who are handling firearms as part of an approved firearms safety course from the requirement to be licensed. This proposed amendment streamlines the current procedures by which unlicensed persons can experience target shooting by extending the system that currently applies to open day participants. Under the proposed amendment, unlicensed persons wishing to experience target shooting may do so on approved shooting ranges whilst under supervision, but only after having received appropriate instructions and after having completed and signed a declaration to the effect that they are a person who would be eligible for the issue of a licence or permit under the Act.

Item [6] of schedule 1 inserts new section 11 (2A), which provides that the mandatory 28-day waiting period for the issuing of a licence does not apply if the application is for the renewal of a licence. There is clearly no need for a mandatory waiting period when the applicant is already the holder of a current licence and is merely seeking to renew that licence. Item [7] of schedule 1 amends section 17A of the Act to allow members of clubs

affiliated with shooting bodies approved by the Commissioner of Police to apply for a special category C licence authorising the person to use a self-loading or pump-action shotgun in a recognised clay target shooting competition. Currently, only members of the Australian Clay Target Association or clubs affiliated with it may have access to category C shotguns for competition purposes in New South Wales. Western Australia, Victoria and Queensland have already extended this access to include people competing in shooting disciplines beyond those administered by the Australian Clay Target Association. Item [9] of schedule 1 removes the mandatory 28-day waiting period for permits to acquire a firearm where the applicant already has a firearm of that category registered to him or her. Former Minister for Police Paul Whelan, in his second reading speech to the Firearms Bill on 19 June 1996, said:

Permits to acquire will be issued as soon as possible at the end of a 28-day waiting period. This period is to give the police time to check that the applicant is properly licensed to purchase or otherwise acquire the firearm in question.

Some people refer to the 28-day waiting period as a cooling-off period, which is intended to minimise the remote possibility of a person acquiring a firearm in the heat of the moment with the intent to harm themselves or others. I will not go into the merits or otherwise of that argument here, other than to point out that neither a waiting period nor a cooling-off period are of any value whatsoever if the applicant already owns another firearm. The Northern Territory, Victoria and Queensland do not impose a 28-day cooling off period where applicants already have a firearm registered in their name. Western Australia does not have a permit-to-acquire system or a cooling-off or waiting period for each firearm, but a person cannot acquire a firearm within 28 days of obtaining their licence.

Item [10] of schedule 1 relates to the use of mail for sending firearms. The current legislation provides a general prohibition on the use of mail for sending firearms or firearms barrels. However, there is an exemption in the case of licensed firearms dealers enabling them to use mail to send firearms or firearms barrels to another licensed firearms dealer in another State. The proposed amendment will amend section 52 of the Act to make it clear that a licensed firearms dealer can send firearms or firearms barrels to another licensed firearms dealer, either interstate or within New South Wales, by mail provided it is the type of mail that requires delivery in person to the addressee, such as registered mail. Item [12] of schedule 1 inserts new section 85A, which provides that the Commissioner of Police may deal with certain minor offences under the Act and regulations by way of a penalty notice. Penalty notices will not be able to be issued for any indictable offence. Penalty notices may be issued only for those offences prescribed in the regulations. The bill does not set out the offences that are to be prescribed. That will be a matter for the Minister to determine after consultation. The issue of a penalty notice will not constitute a disqualifying offence unless the person to whom the notice was issued elected to contest the matter in court and the person was found guilty by the court of the offence.

These are the principal changes proposed in the bill. The explanatory notes within the schedules to the bill provide explanation for the other more minor amendments to both the Act and the regulations. All the proposed amendments have been carefully drafted so as to ensure that they do not compromise the principles and objects of the Firearms Act 1996 or negatively impact on public safety. However, these amendments will remove several anomalies and inequities which unreasonably impact upon legitimate firearms owners. I commend the bill to the House.