



Firearms and Crimes Legislation Amendment (Public Safety) Bill.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [12.24 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Firearms and Crimes Legislation Amendment (Public Safety) Bill 2003. This bill introduces a range of new firearm and gun crime offences, introduces tough new penalties and provides police with the tools they need to crack down on firearm crime. New South Wales has the toughest firearms laws in Australia—with penalties for serious gun offences in the Firearms Act and the Crimes Act of up to 20 years imprisonment and a range of offences specifically targeted at illegal trafficking.

According to the Bureau of Crime Statistics and Research, over the two-year period to 31 December last year assault shoot-with-intent incidents involving a handgun fell by 26 per cent and assaults with a handgun fell by 36 per cent. The downward trend between 2001 and 2002 has continued in the first half of 2003. However, as recent incidents have shown, there is never any room for complacency in relation to illegal gun crime. There is clearly more work to be done. That is why on 23 September I released a package of measures to improve the comprehensive, co-ordinated approach taken by NSW Police to illegal gun availability, detection, apprehension and prosecution.

The initiatives in the package provide for increased detection and enforcement, legislative changes, improved security industry controls, better safe storage and the need for greater national controls. The Firearms and Crimes Legislation Amendment (Public Safety) Bill implements the legislative changes announced as part of the package. These include changes to the Crimes Act 1900 such as clarifying that a firearm which is inside a motor vehicle which is in a public place is considered to be in a public place for the purposes of the current Crimes Act offence of possessing a loaded firearm in a public place.

A recent court decision found that a firearm which is inside a private vehicle which is in a public place is not necessarily itself within that public place. That is clearly nonsense, and new section 93F in schedule 1 to the bill amends the Crimes Act to clarify this. New section 93GA creates a more specific offence in the Crimes Act of firing at a dwelling house or building with disregard for the safety of persons. The maximum penalty for this offence will be 14 years. This will allow police to more accurately target persons who commit so-called drive-by shootings. It also represents an increase on the current 10-year penalty for the less specific offences of causing danger with a firearm or spear gun, and trespassing with, or dangerous use of, a firearm or spear gun currently in sections 93G and 93H of the Crimes Act.

The bill also amends the Crimes Act. New section 93I in schedule 1 introduces a new offence where an unlicensed person carrying an unregistered firearm in a public place is liable to a maximum penalty of 10 years imprisonment, as well as a new aggravated carriage offence carrying a maximum penalty of 14 years. New section 154D introduces a new offence of stealing a firearm, with a maximum penalty of 14 years imprisonment. Amendments to the firearm legislation in schedule 2 to the bill include new sections 50AA and 51BA, which make it an offence to illegally purchase or sell a firearm part, attracting a maximum penalty of 5 years for non-prohibited firearm parts and 10 years for a pistol or prohibited firearm part.

New section 51B increases the time period for establishing the current ongoing trafficking offence from three illegal firearm sales in 30 days to three illegal sales in 12 months. This recognises that the modus operandi in regard to illegal firearm sales is very different from that in regard to prohibited drugs, on which the three sales in 30 days time frame was originally modelled. New section 51BB introduces a new offence of ongoing supply for major parts of a firearm. This clause is modelled directly on the current offence of ongoing illegal sale of a whole firearm, with the addition of the extension of the offence period to three sales in 12 months.

Schedule 2 to the bill also amends the firearms legislation to clarify the offence regime for forging licences and using a forged licence. New section 71A introduces a new offence of using a forged firearm licence or permit in an effort to illegally obtain a firearm. This will attract a maximum penalty of 10 years imprisonment. The bill also increases the penalty for forging a firearm licence or permit from \$5,500 to a maximum of 10 years imprisonment by deleting the current offence in section 71 (b) of the Firearms Act and making it clear, via the insertion of a note, that the existing offence in section 300 (1) of the Crimes Act applies to forgery of a firearm licence. The penalty for such a forgery is a maximum of 10 years imprisonment.

Schedule 3.2 [1] inserts a new clause 14 I in the Firearms (General) Regulation 1997 that requires licence holders to notify police of both the storage address of their firearm and any change of address where firearms are stored within seven days of the movement. The amendments in clause 87 in schedule 2 and clause 107 in schedule 3 will enable the

Commissioner of Police to more generally delegate the power to sign a certificate of evidence to an authorised registry officer, rather than the current requirement that requires the regulation to be amended each time the commissioner wants to exercise a delegation. This bill is part of the package of measures to improve the comprehensive, co-ordinated approach taken by NSW Police to illegal gun availability, detection, apprehension and prosecution. However, it does not constitute the entire package.

Other parts of the package include a new 47-member mobile team of Operation Vikings police, which has begun high-visibility, high-impact raids since the first week of October, targeting criminals and funds carrying concealed handguns in hot spots. An additional 20 firearm detector dogs will be deployed from the 2004-05 financial year to support searches, high-profile street policing, crime scene investigations and screening of public places and vehicles. The Government is seeking stronger sentences for handgun crimes and, to address consistency in sentencing, is asking the newly formed Sentencing Council to examine sentencing trends for serious firearms offences with a view to implementing standard minimum sentences.

The Government is also considering making more serious firearm crimes strictly indictable in order for such crimes to be tried in the District Court or the Supreme Court and, therefore, attract higher sentences. It is also examining measures to ensure that more cases are dealt with on indictment, and ensuring that the Commissioner for Police instructs prosecutors to instigate immediate appeals if firearms criminals receive sentences that the community views as inappropriate. In addition, a review of the use of firearms in the security industry is approaching finalisation. This review includes an examination of increased safe storage requirements, limiting the calibre and magazine capacity of firearms being purchased by the industry, limiting access to firearms to certain types of security work and examining whether certain sectors of the industry need to be armed, the ratio of guns held by companies relative to the number of employees, and better enforcement of annual training requirements.

The Operation Vulcan illegal firearms phone-in campaign has been reactivated, with callers eligible for increased rewards of up to \$5,000 for information leading to a conviction. NSW Police are to have an additional five sworn positions provided to the State Crime Command's firearms and regulated industries crime squad. They will undertake a number of measures, including pro-active intelligence gathering on gun crime and better education for police on gun handling and licensing procedures, and lead co-ordinated force-wide efforts in training and the development of intelligence plans. The New South Wales Government is leading the way in the fight against illegal firearms. The Carr Government has provided NSW Police with more resources than ever before to fight gun crime. A total of more than \$2 billion was allocated to meet the recurrent and capital expenses of NSW Police in 2003-04. This represents the ninth consecutive record police budget. The Firearms and Crimes Legislation Amendment (Public Safety) Bill will provide police with the tools they need to investigate, apprehend and prosecute criminals who use guns and illegal gun traffickers. I commend the bill to the House

[Your feedback](#) [Legal notice](#)

Refer updates to Hansard Office on 02 9230 2233 or use the feedback link above.