

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 introduce the Firearms Legislation Amendment Bill 2010, which 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. They remove some unnecessary impediments to legitimate sport shooting, hunting and collecting, without any adverse impact on public safety. These amendments are the result of extensive consultation with shooting, hunting and collecting clubs throughout the State. I will briefly go through the more significant amendments proposed in the bill.

The bill will exempt air rifles from the requirement to be registered, while maintaining the requirement for owners of such firearms to hold a category A firearms licence. This will significantly reduce the workload of the Firearms Registry, allowing its resources to be put to much better use on behalf of the community. Maintaining a register of tens of thousands of air rifles does nothing to enhance public safety. An additional amendment will allow minors under 12 years of age to be able to use air rifles on approved shooting ranges under the supervision of a licensed person. Air rifles are a popular way of introducing juniors to this sport. The Shooters Party wishes to support and expand opportunities for juniors to participate in the shooting sports. Air rifles are light and easy to handle, with little noise and recoil. They provide an excellent introduction for youngsters wishing to take up shooting. There is no reason why children under 12 should not be able to use them under supervision on approved shooting ranges.

The Shooters Party also sees no reason why a large calibre pistol permit should not be issued to the holder of a minor's target pistol permit, provided the applicant has held his or her minor's permit for at least 12 months and is a member of an approved pistol club. This would not allow a minor to purchase or take home either the pistol or ammunition but merely to use the firearm under the supervision of a licensed adult at an approved shooting range. Until 2003 some juniors were safely and responsibly using large calibre handguns—under supervision—in competitions. Unfortunately, they can no longer do so.

The Shooters Party recognises the particular sacrifices made by members of the Australian Defence Force. To reduce the inconvenience of continual moves between States and overseas postings, the bill proposes an amendment to ensure that serving members of the armed forces can renew their personal firearms licence even when not residing in New South Wales. Under the current rules those serving overseas cannot renew their licences in New South Wales, commonly causing them to either transfer or sell their firearms. Each time Australian Defence Force personnel are transferred interstate a new State licence is required to be taken out. Clearly, that anomaly needs to be fixed.

We also seek to reduce the disqualification period for the possession of a firearms licence by a person subject to an apprehended violence order from 10 years to 5 years. Currently, the Act prevents the Commissioner of Police from issuing a licence to a person who has been the subject of an apprehended violence order within the previous 10 years. Queensland, the Northern Territory, Victoria and Western Australia have a 5-year disqualification period. The 10-year disqualification period current in New South Wales exceeds the 5-year period set in the National Firearms Agreement.

Another anomaly in the current Act is that a primary producer who holds a category C licence for the purpose of pest control on his or her property cannot use that firearm on a neighbouring property. Unlike the law-abiding farmer, a mob of pigs has no respect for property lines. In order to effectively control a pest problem on a property, the farmer must be able to extend his or her control program to the properties of consenting neighbours. An amendment is proposed to allow a person who holds the licence for primary production to use his or her category C firearm on other rural properties, with the consent of the owner/occupier.

The bill also proposes to allow a person applying for a licence for the purpose of recreational hunting, vermin control or vertebrate pest management control to use permission given by any public or local authority to shoot on that authority's land in support of that genuine reason. This simply extends the current ways in which such a licence can be supported to include public and local authorities, such as local councils, which have a need for persons to control pests on council tips and other council land.

Following the passage of the Government's Weapons and Firearms Legislation Amendment Bill 2010 last night, we find that a further amendment to the Firearms Act is required in order to authorise a category H licence holder to use an antique revolver as, quite properly, a category H licence holder is not authorised to use an unregistered handgun. Most antique revolvers would, of course, be held on a collectors licence, and are never fired. However, some owners of antique firearms use them occasionally, and this provision will enable them to

continue to do so legally. Schedule 1 (6) is a consequential amendment to allow category H licence holders to use an antique revolver, other than an antique revolver that is a prohibited pistol.

The bill also removes the ridiculous provision whereby a person applying for a licence has to wait 28 days for the licence and then a further 28 days for a permit to acquire. Our amendment simply allows for the 28-day waiting periods to run concurrently. In 2008 I introduced an amendment to provide that the 28-day waiting period for a permit to apply did not apply when the applicant already had a firearm of that category registered in his or her name. The strict interpretation of that amendment has led to situations in which a person who owned such a firearm but recently sold and transferred its registration and then the next day applied for a permit to acquire another firearm of that category was required to wait 28 days for the permit because he or she no longer had a firearm of that category registered in his or her name. Accordingly, we seek to correct this anomaly through an amendment to provide that the 28-day waiting period for a permit to acquire a firearm of a particular category does not apply if the applicant had a firearm of that category registered in their name during the previous five years.

There is also a need to amend some other associated legislation, which unreasonably impacts on law-abiding firearm owners. The Crimes Act should be amended so that the act of possessing an unregistered firearm in a public place does not apply in the case of a firearm that is not required to be registered. This is needed to allow firearms that are not required to be registered—such as air rifles and antique firearms—to be transported legally. The National Parks and Wildlife Regulation 2009 also needs amending to allow a person to convey an unloaded firearm and ammunition through a national park in a vehicle on a road, so long as the person is authorised to possess that firearm or ammunition. In some areas the only means of access to or from privately owned land is via a road through a national park. This amendment does not authorise the use of a firearm in a national park.

All the proposed amendments have been carefully drafted to ensure that they do not compromise the principles and objects of the Firearms Act 1996 or negatively impact on public safety. They remove anomalies and inequities—

Ms Lee Rhiannon: Point of order: Madam President, I draw your attention to how members are required to conduct themselves in this House and the extreme insensitivity of this debate. Overnight 12 people were massacred in England and 25 people were injured, and we are talking about weakening gun control laws.

The PRESIDENT: Order! There is no a point of order. Ms Rhiannon will resume her seat.

Ms Lee Rhiannon: It is a very sensitive time.

The PRESIDENT: Order! I place Ms Rhiannon on a call to order for the first time. Members know that they should not make debating points under the guise of a point of order. The Hon. Roy Smith may continue.

The Hon. ROY SMITH: The amendments remove anomalies and inequities that unreasonably impact on legitimate firearm owners. I commend the bill to the House.