

FIREARMS AMENDMENT (PROHIBITION ORDERS) BILL 2013

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Bill introduced on motion by Mr John Robertson, read a first time and printed.**Second Reading****Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [10.28 a.m.]: I move:

That this bill be now read a second time.

The purpose of the Firearms Amendment (Prohibition Orders) Bill 2013 is very simple: Police officers in New South Wales will be given the necessary tough new powers to get guns off the streets; to enable them to gather evidence so that the Government can finally declare and shut down its first criminal gang; and, importantly, bring the day closer where law-abiding Sydney families can once again live in peace. Today Labor calls time on the Premier, who is now well into his third year and who has failed to declare a single criminal gang or heed police requests for more resources. The number one job of any Premier is to keep the community safe.

The reason Labor has introduced this bill is because the Premier has failed. Since this Government came to power there have been 264 shootings in New South Wales. In 2013 there have been 82 shootings and in the last month alone there have been 11 shootings. Since last October there have been 12 shooting fatalities and all this time the Premier has stood idly by. The people of Sydney are sick and tired of gunshots ricocheting across our streets, holes in their garage doors and windows, the screech of tires and the revenge attacks. In many suburban areas, especially in our city's west and south-west, gun violence is a never-ending ordeal that unfolds night after night, week after week. It is only a matter of time before another innocent person is shot and killed as the violence continues to escalate. I seek leave to complete my second reading speech.

Leave granted.

Over the past few weeks the police reports have made for brutal reading: August 18, shots fired at a house in Cranebrook; 17 August, shots fired at a house in Putney; 14 August, shots fired in Heckenberg; 13 August, Kellyville; 11 August, Colyton; 8 August, Leppington; 7 August, Parramatta; 5 August, Liverpool; 2 August, Eagle Vale; and on 29 July a 19-year-old was shot and killed in Bexley with another man slaughtered in Earlwood that same night. It has continued for over two years. These are our streets, our neighbourhoods and our communities. There have been 264 shootings on the Premier's watch, which is a record of colossal failure that frankly this Premier should be ashamed of.

Unlike the Premier, I have been to the sites of most of these shootings, I have knocked on doors, and I have seen the fears of local residents and the confusion in the eyes of the small children with their memories forever scarred. These shootings have left a trail of bloodshed all over Sydney. As the Premier has failed to act a message of weakness has radiated from his office in Macquarie Street to every criminal and every thug. The result has been a brazen and frightening escalation of violence. At first the bullets grazed doors and windows but the criminals soon started shooting to injure and maim their targets, leaving them blood-stained and staggering to the nearest hospital. Now the criminals are shooting to kill. There have been 12 fatalities in the last 10 months.

This is not the city of Sydney that any of us recognise and this is not the Sydney we know and love. This city is known for its friendliness and as the city that hosted the world's best ever Olympic Games, but these shootings have smeared the reputation of our great city. Under this Premier the day is approaching when Sydney's gun violence will be mentioned in the same breath as notorious American cities. The Premier may be content to let that happen, but I am not. Enough is enough. The community expects this Parliament to lead and if the Premier will not then the Opposition will.

The bill I am introducing today gives police a critical and long-overdue tool in their arsenal to fight gun crime. Our police will be equipped with the automatic ability to search a suspect who has been issued with a firearm prohibition order [FPO]. Under the current law the New South Wales Police Commissioner can place a firearm prohibition order on any person deemed unfit to possess a firearm, whether they are involved in a criminal gang or have a known history of serious crime or violence. The maximum penalty for failing to comply with an order is 10 years jail, in the case of using a prohibited firearm, or five years in any other case.

The problem is that the current law does not give police the power to search individuals who are subject to a firearm prohibition order without obtaining a warrant. Instead of focusing on raids and patrols and cracking down on illegal and stolen guns they have to jump through hoops, tick off boxes and waste time on paperwork, even though the police commissioner has already given a clear direction that the individual concerned is not a fit person to possess a firearm. This is the major reason why firearm prohibition orders, despite their potential, have barely been used in practice by New South Wales police. Today Labor will change all that.

Labor's bill transforms the firearm prohibition order from an obscure acronym into a front-line weapon in the fight against gun crime. Labor is prepared to give the firearm prohibition order real teeth and give police pre-emptive authority over people whose actions have shown that they cannot be trusted with a gun. As far as I am concerned the day someone chooses to join a criminal gang and carry a firearm is the day their rights take a back seat. That is why under proposed section 74A of Labor's tough new laws a police officers may detain a person subject to a firearm prohibition order; enter any premises occupied by or under the control or management of a person subject to a firearm prohibition order; and stop, detain and search any vehicle occupied by or under the control of such a person. They will be able to do these things without first obtaining a warrant.

Let us be clear, these are tough new search powers, tougher than anything that has ever been proposed in New South Wales, but they are necessary to protect the community. Another important feature of this bill is that it strengthens the restrictions on a person to whom the firearm prohibition order applies. Under Labor's proposed laws such a person will continue to be disqualified from holding or obtaining any firearms licence or permit; be banned from acquiring, possessing or using firearms or ammunition; and, as before, nobody will be able to supply firearms or ammunition to another person who is also on a firearm prohibition order.

Today Labor will legislate that a person subject to a firearm prohibition order must not be present at the grounds of a firearm club, a commercial firing range or a business that manufacturers, repairs or tests firearms; they must not be a member of a firearms club; they must not be in the company of a person who has a firearm; and they must not reside at a premises at which firearms or ammunition are kept. These are not laws that the Opposition introduces lightly. As is currently the case, a person may apply to the Administrative

Decisions Tribunal for a review of any decision by the police commissioner. Nonetheless, while sensible protections are written into this bill, tougher powers are necessary to hunt down illegal guns. I believe Labor has the balance right.

I remind the House that firearm prohibition orders are not served on just anyone. The intention of this bill is that a firearm prohibition order could be served on a range of people the police believe are unfit to possess a firearm including, but not limited to, criminal gang members and their associates; anyone charged with a prohibited firearms offence, or on bail for a firearms offence; violent offenders; repeat offenders; and people consorting with known violent offenders. In other words, the bill Labor introduces does not gratuitously target legitimate firearms owners but people the community would expect the police to come down on hard.

I also note that Labor's bill will finally bring our State's laws into line with South Australia. In South Australia firearm prohibition orders are considered a valuable tool in restricting firearms access to people with a known history of violence or criminal activity. In South Australia police already have the authority to conduct compliance searches without a warrant. As of April this year there were 90 firearm prohibition orders issued in South Australia and 47 of them are linked to members of outlaw motorcycle gangs with the remainder being serious firearms offenders.

Imagine that. Here in New South Wales the O'Farrell Government has huffed and puffed but failed to declare and shut down a single criminal gang. It has failed to name them, shame them and prevent members from meeting in places like clubhouses, where they plot their next round of mayhem. Yet in South Australia, dozens of gang members face lengthy jail terms if they even go near a gun.

This is the tough framework that is long overdue in New South Wales, and that is why I introduce it today. As I have said, the Premier is now well into his third year of office. Yet, when asked about Sydney's soaring level of gun crime, he either shrugs his shoulders or ducks for cover. How pathetic this Premier looked the other day as he grinned and nodded behind Tony Abbott as he announced he would raise penalties for gun importation, ignoring the fact that just 0.5 per cent of weapons being seized in Sydney's gun crime are imported.

The Premier is trying to shirk responsibility for what is squarely a State matter. A real leader would be using every legislative tool in his arsenal to ensure police have the powers and resources they need. In the *Sydney Morning Herald* on 28 April 2012 Peter Hartcher wrote about gun crime:

What is O'Farrell doing? Apart from damaging police morale by cutting their injury compensation entitlements, he is doing nothing more than posturing.

He has declared a ban on bkie gang members wearing their colours in a number of bars. What is he campaigning against here? Fashion crimes? And he is denouncing a judge for granting bail to a bkie accused of torching an empty police van. This fulmination merely exposes his own inaction.

He went on:

In short, O'Farrell's policy response has been risible

Yoni Bashan in the *Daily Telegraph* on 21 August this year wrote:

Illegally imported firearms are barely an issue, yet have become the focal point for the Coalition. Tony Abbott says he will impose five year minimum sentences on gun traffickers to stop the flood of smuggled weapons. But there is no flood.

Actual shootings are carried out using stolen guns, those not surrendered after Port Arthur, or those legally imported and diverted to the black market.

It is time for this Parliament to wake up and act to prevent the spread of guns in New South Wales. Labor stands with the decent law-abiding families of New South Wales. We stand with all the parents of New South Wales who hold their children tight—the parents who look around the world and shudder at countries where gun massacres routinely occur and urban areas are targeted night after night by gangs. This is not the future any of us wants to see. I will never stand by and allow America's gun culture to repeat itself in New South Wales. I do not believe we should wait until another innocent person is killed. The Premier has stood by as 264 shootings have occurred under his watch. The Premier has done nothing. He has not proposed a single new idea. He is prepared to give in to gun violence.

My position stands in stark contrast. There is no acceptable level of gun violence. There is no acceptable level of organised crime. We must get the guns off the streets, and to do that we must give police the tough search powers they are crying out for. I urge the Government to support Labor's laws and make our streets a safer place for the wider community.

Debate adjourned on motion by Mr Maguire and set down as an order of the day for a future day.