

CRIMES (SENTENCING PROCEDURE) AMENDMENT (FIREARMS OFFENCES) BILL 2015**Bill introduced on motion by Ms Gabrielle Upton, read a first time and printed.****Second Reading****Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [5.14 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes (Sentencing Procedure) Amendment (Firearms Offences) Bill 2015, which makes good on the Government's election commitment to improve sentencing for gun-related crime. People want, and are entitled, to be safe and secure in their homes and communities. Guns and weapons are used by criminals as tools in their illicit trade. For too long, the community has felt that violent, serious criminals have been getting off too lightly for owning or using a firearm or weapon, or committing drive-by shootings. The New South Wales Government has listened to the community's expectations about safety. We are acting to better and more appropriately punish criminals who seek to create fear or hurt other members of the community with guns or other weapons.

This legislation establishes standard non-parole periods for five firearm offences that were not subject to that scheme, and increases existing standard non-parole periods for two offences relating to the unauthorised possession or use of firearms and prohibited weapons. It will help ensure that sentences for firearms and weapons offences are better aligned with community expectations and that they reflect the seriousness of these crimes. In 2013, the Government asked the NSW Sentencing Council to review the operation of the standard non-parole period scheme. The council was required to conduct community consultations, and make recommendations on what offences should be included in the scheme, what the standard non-parole periods for those offences should be, and how we should go about administering the scheme. The council then developed a series of recommendations on how the scheme can be improved, and we are pleased to introduce today the bill that will implement the second tranche of those reforms.

A number of recommendations have been progressed already as part of the Government's response to the recent report by the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. Indeed, its recommendations will come before the Legislative Council shortly in the form of a bill. Standard non-parole periods are an important mechanism in our sentencing laws. They are a bridge between the Legislature and the courts. They say to courts, in the clearest possible terms, "We see these types of offences as among the most serious that exist, and we want to ensure that the sentences imposed are consistent, adequate and appropriate, and that they meet community expectations." That is why the Government is today proposing the addition of a number of new offences to the standard non-parole period scheme, and why we are adopting the NSW Sentencing Council recommendations on setting the appropriate standard non-parole periods for these, and other, firearm and weapon offences.

This bill sets standard non-parole periods for five very serious firearm offences that are not currently included in the scheme. The NSW Sentencing Council recommended that these offences be added to the scheme because of the serious criminality involved, the significant risk of causing harm to innocent members of the community or law enforcement officials, and the fear and apprehension they create in the communities where they are committed. The proposed standard non-parole periods for these offences are set at the level identified by the NSW Sentencing Council, taking into account the seriousness of the offences and their relationship to other offences within the scheme. The bill also takes up the council's recommendations to increase existing standard non-parole periods for offences relating to prohibited firearms and weapons.

Under the bill, the standard non-parole period for unauthorised possession or use of a prohibited firearm or pistol will increase from three years to four years, and the standard non-parole period for unauthorised possession or use of a prohibited weapon will increase from three years to five years. These increases reflect the potentially serious consequences for the community arising from these offences, which gives rise to a special need for deterrence.

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I now turn to the detail of the bill. Schedule 1 amends the Crime (Sentencing Procedure) Act 1999. Items [1] and [2] of schedule 1 add five new firearm and weapon offences to the standard non-parole period scheme. Those offences and their corresponding standard non-parole periods are: first, discharging a firearm with intent to cause grievous bodily harm under section 33A (1) of the Crimes Act 1900 with a standard non-parole period of nine years; and secondly, discharging a firearm with intent to resist arrest or detention under section 33A (2) of the Crimes Act 1900 with a standard non-parole period of nine years.

Further offences include: thirdly, discharging a firearm at a dwelling house or other building with reckless disregard for the safety of any other person under section 93GA (1) of the Crimes Act 1900 with a standard non-parole period of five years; fourthly, discharging a firearm during a public disorder at a dwelling house or other building with reckless disregard for the safety of any person under section 93GA (1A) of the Crimes Act 1900 with a standard non-parole period of six years; and fifthly, discharging a firearm in the course of an organised criminal activity at a dwelling house or other building with reckless disregard for the safety of any person under section 93GA (1B) of the Crimes Act 1900 with a standard non-parole period of six years.

Item [3] of schedule 1 changes the standard non-parole period for the offence of unauthorised possession or use of a prohibited firearm or pistol under section 7 of the Firearms Act 1996 from three years to four years. Item [4] of schedule 1 changes the standard non-parole period for the offence of unauthorised possession or use of a prohibited firearm under section 7 of the Weapons Prohibition Act 1998 from three years to five years. Item [5] of schedule 1 is the savings and transitional provision, which provides that the amendments apply only to offences committed on or after the date of commencement

I thank the NSW Sentencing Council for its good work informing our legislative agenda in this House so that we can protect our community. I thank it also for its diligence and central approach, which is borne out in this report, and for its guidance that leads to good policy and good laws. Those laws improve community safety and increase the confidence of its members in our justice system. I commend the bill to the House.

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

Pursuant to sessional order private members' statements proceeded with.