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CRIMES (SENTENCING PROCEDURE) AMENDMENT (FIREARMS OFFENCES) BILL 2015

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.50 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Crimes (Sentencing Procedure) Amendment (Firearms Offences) Bill 2015.

The purpose of this bill is to make good on the Government's election commitment to deliver tougher sentences for gun-related crimes.

People want and are entitled to be safe and secure in their homes and communities.

They should not be forced to go to bed wondering whether they or their loved ones will wake up in the morning for fear of a drive-by.

That is why for so many the idea and reality of criminals possessing or worse yet using a gun or weapon is terrifying.

Criminals use guns and other weapons to instil fear and hurt others.

They are used by criminals as tools in their illicit trade.

For too long, the community has felt violent, serious criminals have been getting off too lightly for things like:

- owning or using a firearm or weapon;
- committing drive-bys.

The New South Wales Government has listened and we are acting.

We are acting to better and more appropriately punish criminals who seek to instil fear or hurt others with guns or other weapons.

This legislation establishes standard non-parole periods for a number of firearm offences 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 sentences for firearms and weapons offences better align with community expectations and reflect the seriousness of these crimes.

The changes send a clear signal to criminals that if they want to own or use an illegal gun or weapon they will face more time behind bars.

Importantly, the changes were recommended by the New South Wales Sentencing Council in 2013 as part of a review of the operation of the standard non-parole period scheme.

Standard non-parole periods are an important mechanism in our sentencing laws. 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 sentences imposed are consistent, adequate and appropriate".

They provide the judiciary clear guidance on what the community's expectations are on particular

offences.

The council recommend additional offences be included in the standard non-parole period scheme because of the seriousness of the crimes, 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 when they are committed.

The proposed standard non-parole periods for these offences are set at the level identified by the New South Wales 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.

I now turn to the detail of the bill.

Schedule 1 amends the Crimes (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 as follows.

- discharging a firearm with intent to cause grievous bodily harm, under s 33A(1) of the Crimes Act 1900, with a standard non-parole period of nine years;

- discharging a firearm with intent to resist arrest or detention, under s 33A(2) of the Crimes Act 1900, with a standard non-parole period of nine years;

- fire a firearm at a dwelling house or other building with reckless disregard for the safety of any person, under s 93GA(1) of the Crimes Act 1900, with a standard non-parole period of five years;

- fire a firearm, during a public disorder, at a dwelling house or other building with reckless disregard for the safety of any person, under s 93GA(1A) of the Crimes Act 1900, with a standard non-parole period of six years;

- fire 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 s 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 weapon", under section 7 of the Weapons Prohibition Act 1998, from three years to five years.

Item [5] of schedule 1 is a savings and transitional provision, which provides that the amendments only apply to offences committed on or after the date of commencement.

I thank the New South Wales Sentencing Council for its diligent and sensible approach to this report.

This bill will help improve community safety and increase confidence in the justice system by giving criminals tougher sentences for owning or using illegal firearms or weapons.

It is the latest effort in the Government's push to tackle gun-related crime.

I commend the bill to the House.