

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.50 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Firearms Amendment (Ammunition Control) Bill 2012. This bill will amend the Firearms Act 1996 to implement a series of reforms to further strengthen the regulation of the sale and transfer of firearms ammunition in New South Wales. Through the strategic and proactive measures provided in this bill, the Government is providing additional support to our law enforcement agencies to tackle gun-related crime. The measures proposed by the bill will further restrict the potential for firearms ammunition to come into the possession of criminals and be used in crimes such as robberies and drive-by shootings. The Government clearly condemns all such illegal activities whenever and wherever they occur. We have backed and will continue to back the NSW Police Force and New South Wales Crime Commission in their dedication of all available and appropriate resources in combating these crimes.

Currently firearms dealers are not required to record transactions in relation to ammunition. While these transactions are no doubt often recorded in some way for commercial reasons, unlike the current legislated obligations to record transactions involving firearms and firearms parts, no distinct records are kept by dealers for sales involving ammunition. To address this situation, item [1] of schedule 1 to the bill introduces a new requirement for licensed firearms dealers to keep a record of all transactions involving ammunition, including, where relevant, personal particulars and licence or permit details.

The amendment will require recording of transactions associated with both the sale of ammunition and the procurement of ammunition by a dealer in a prescribed form determined by the Commissioner of Police. Most importantly, these records will be required to be made available to a police officer for inspection and to be copied as required at any time. Dealers will also be required to furnish police with any other information held by the dealer with respect to any ammunition purchased or sold by the dealer. These new provisions will be of great assistance to police in their investigations and potentially in the collection of relevant evidence.

Any alterations to entries in a record kept under this new provision would be required to be done by interlineations or by striking out, not by erasure. To do otherwise would result in a maximum penalty of 20 penalty units. In addition to these new requirements to ensure transactions are recorded, the bill also introduces more stringent measures in relation to which individuals are able to purchase ammunition from a licensed dealer and to whom a dealer may sell ammunition. The National Firearms Agreement of 1996 stipulated that all Australian jurisdictions legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and, in addition, that on the purchase of ammunition the relevant licence must be produced.

The current Firearms Act 1996 requires that a person must not sell or purchase ammunition for any firearm unless the purchaser is a holder of a licence or permit for a firearm which

takes that ammunition or the purchaser is authorised to purchase it by a permit and the seller has seen the respective licence or permit. However, this does not necessarily mean that dealers must require an individual to possess a registered firearm for that type of ammunition before selling them ammunition. As a result, the ammunition sold could potentially be purchased for any firearm of the same licence category and/or on-sold, possibly falling into the hands of criminals. Clearly, this is not acceptable and provides a potential means for criminals to access ammunition for use in illegally obtained firearms.

Item [3] of schedule 1 to the bill consequently seeks to rectify this situation by requiring the buyer to produce and the firearms dealer to witness and record the current notice of registration issued for the firearm or the permit to acquire the firearm. Any non-compliance with this provision would attract a maximum penalty of 50 penalty units. These provisions essentially mean that unless you are appropriately licensed and own a registered firearm of a particular category that takes a specific type of ammunition, you will not be able to purchase that ammunition from a licensed dealer. While the majority of firearms licensees in New South Wales also own a firearm, a minority do not.

This bill does not seek to disadvantage those appropriately licensed individuals with genuine reasons for being granted a license. In most cases these are members of a shooting club, approved by the commissioner in accordance with the regulations, who have been granted their firearms licence on this basis and whose details are recorded appropriately by the club and reported to police as required under the legislation surrounding clubs. To address this, the bill provides for an exemption to this new requirement for ammunition sold by licensed club armourers to respective club members for use in firearms registered to the club. The club armourers will, however, still be required to maintain the same detailed transaction records as any other firearms dealer as elaborated upon earlier.

Finally, item [4] of schedule 1 provides that the Act will commence on proclamation, which would be timed to occur once the NSW Police Force has developed and agreed appropriate forms of record keeping and advised dealers in advance of the new requirements. The strategic and proactive measures contained within this bill will result in a much more stringent firearms ammunition regulatory environment within New South Wales and assist our law enforcement agencies in their combat of organised and other crime. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.