



Firearms Amendment (Prohibited Pistols) Bill.

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [10.48 a.m.]: 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.

I am pleased to introduce the Firearms Amendment (Prohibited Pistols) Bill 2003.

This Bill will amend the Firearms Act 1996, the Firearms (General) Regulation 1997, and the prohibited weapons legislation to implement the Prime Minister's Handgun Controls.

This agreement occurred at the Council of Australian Governments on 2 December 2002.

The *Firearms Amendment (Prohibited Pistols) Bill 2003* fully implements the National Agreement, which places a range of restrictions on handgun target shooters.

These include restricting the handguns which can be used for target shooting to:

- a maximum of .38" calibre;
- semi-automatic handguns with a barrel length of 120mm or more; and
- revolvers and single shot handguns with a barrel length of 100mm or more.

Sections 4C and 8 of the bill create this new class of prohibited pistol, with section 58(2) making it an offence with a maximum penalty of 5 years imprisonment to unlawfully possess a prohibited pistol barrel.

However, in line with the COAG agreement, there will be two limited classes of person who may access a prohibited pistol.

Section 16B provides for persons participating in International Shooting Sport Federation events, which count as Olympic and Commonwealth Games qualifiers, to access highly specialised target pistols which fail to meet the new barrel restrictions.

The COAG agreed to this restricted use on the grounds that these highly specialised target pistols are large, visually distinctive and not readily concealable due to their overall size.

In addition, Schedule 2, clause 59A amends the Firearms (General) Regulation 1997 to allow the issue of a Commissioner's Permit for pistols with a calibre of more than .38 inch (but not more than .45 inch) which are used in an approved shooting competition.

In line with the COAG Agreement, these competitions have yet to be agreed nationally.

At this stage the Prime Minister is of the view that metallic silhouette and single (or western) action events should be the only events to be accredited to use .45 calibre handgun.

Representatives of the NSW handgun target shooters requested that the sport, International Practical Shooting Competition be accredited to use the .45 calibre.

The Premier wrote to the Prime Minister requesting that he consider including this as an accredited sport.

The Prime Minister has responded that he only supports metallic silhouette, and single action shooting as accredited events.

Under the National Agreement, pistol magazines with a capacity of above 10 shots will also be banned.

Section 51E of the bill implements this by making it an offence to possess or use a pistol with such a magazine in it.

This offence will attract a maximum of 14 years imprisonment.

The National Agreement also includes provision for a prohibited pistol buyback.

Section 78 of the bill provides the framework for this buyback.

The cost of the buyback will firstly be funded from the \$15million remaining from the 1996 buyback, and then shared on a two-thirds, one-third basis between the Commonwealth and NSW.

As the finer details of the compensation package have yet to be agreed with the Commonwealth, section 78A contains general regulation making powers in relation to compensation on items to be the subject of compensation - such as parts and accessories.

In line with the National Agreement, the bill also contains:

- provisions for firearm collectors in relation to the collection of pistols manufactured after 1946;
- a new probationary pistol licence scheme which limits ownership of pistols completely in the first 6 months, and provides for limited ownership in the second 6 months;
- a provision allowing the Commissioner to revoke a licence where negligence or fraud on the part of the licensee has caused a firearm to be lost or stolen; and
- a "no questions asked" amnesty for the surrender, without compensation, of illegal firearms to police.

Also as part of the buyback the Prime Minister has agreed that where a handgun owner wishes to surrender their target shooting licence then they can be compensated for both his prohibited and non-prohibited handguns.

Both the buyback and the illegal firearm amnesty will commence on 1 October 2003 in NSW, although some other jurisdictions will be commencing from 1 July.

Initially it was proposed that the new provisions would commence on 1 July.

However, the recent NSW election and consequent caretaker conventions delayed important policy decisions and certain administrative arrangements could not be put in place in this timeframe.

In addition, certain details of the agreement are still being finalised between the states and the Commonwealth. For example the list of compensation payments is still to be completed.

The result is that a 1 October commencement date is more feasible for NSW Police.

It is intended that the handgun buyback and the amnesty for surrender of illegal firearms will run for 6 months - from 1 October 2003 to 31 March 2004.

The Bill was developed following consultation with:

- The Coalition for Gun Control; and
- Members of the Firearm Licence Holders' Working Group.

This Group consists of representatives from a range of shooting disciplines and associations, including the Amateur Pistol Association, the Sporting Shooters' Association of Australia, and the Firearms Dealers Association - in addition to representatives from rural and farming groups such as the State Council of the Rural Lands Protection Board and NSW Farmers'.

Although it cannot be said that the Working Group supports COAG's decision to restrict access to certain handguns, members of the Group have nevertheless generously contributed their comments as part of the Bill's final drafting process.

Also section 82A allows that an executor or administrator of an estate does not commit an offence in respect of the possession of the deceased firearm if they are retaining the firearm for the purposes of disposing it lawfully.

Also this section creates a requirement that an executor or administrator must notify the Commissioner for Police of the death of the person who possessed the firearm as soon as practicable after the death.

This will assist the Firearms Registry with ensuring that firearms of the deceased are not in the community illegally.

The administrative procedures for the buyback are being developed by NSW Police.

NSW Police are establishing 3 mobile handgun buyback vans to collect guns and issuing compensation.

It is proposed that 2 vans will visit pistol clubs in metropolitan and regional centres, whilst the third processes stock held by Firearm Dealers.

The schedules of the vans will be posted on the NSW Police Website.

Letters will also be sent to handgun licence holders before a van visits their area to advise of the location and opening times.

Handguns surrendered under the buyback will be crushed and disabled at the van, before being transported via secure courier to Police Weapons Disposal.

Strict safety and accountability measures will be in place at each buyback van.

All handguns will be examined to determine whether they fall within the new prohibited class.

If this is the case, the owner will need to establish he or she falls within the limited class of persons able to access the prohibited pistol in order to retain it.

Operators in the van will enter customer details into the computer and customers will be issued with a cheque on the spot for surrendered handguns and accessories which are listed on the National Compensation List. The List has yet to be completed and agreed nationally, but will be placed on the NSW Police Website when it is finalised.

Customers owning non-prohibited pistols will be given a blue identification 'Tag' to reassure them that the firearm is legal.

A new firearms registration certificate will be sent out by mail at a later date.

If there is a dispute as to the amount of compensation which should be paid for a handgun, because of modifications made to it or because it is not on the National Compensation List, this can be referred to an independent valuation panel.

If a gun is identified as an historic firearm, it will not be destroyed but will be recorded by Police as reserved for independent assessment and referral to a relevant museum.

In addition to internal Police audit procedures, the Buyback process will be independently audited to ensure its integrity.

The Mobile buyback vans will be supported by a Website to answer questions from gun owners about the terms of the buyback and the amount of compensation to be paid.

Persons without access to the website will have access to a 1300 Buyback Hotline for further information.

NSW Police will be writing to all handgun licence holders to advise them of these details.

The changes in the Handgun Control Agreement will significantly strengthen the controls over access to handguns.

This Bill fully implements the National Agreement.

I commend the Bill to the House.

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