



Legislative Council

Firearms Amendment (Public Safety)

Bill Hansard - Extract

18/06/2002

Second Reading

The Hon. MICHAEL COSTA (Minister for Police) [8.24 p.m.]: I move:

That these bills be now read a second time.

I am pleased to introduce the Firearms Amendment (Public Safety) Bill and the cognate Summary Offences Amendment (Public Safety) Bill. Firearm-related crime is a major concern for both police and the community. In July 2001 the Government introduced tougher firearm trafficking laws designed to inhibit the illegal supply of firearms, and this bill is a further strengthening of our laws. The Firearms Amendment (Public Safety) Bill will authorise the use of firearm detection dogs by police in public places. Under proposed section 72A, firearm detection dogs may be used in any place or premises open to the public or used by the public, as well as any road. That includes streets, public transport services, licensed premises and entertainment venues.

These provisions are based on the Police Powers (Drug Detection Dogs) Act 2001, which commenced in February this year. Our firearm detection dog teams will increase from six to 26. The dogs will be deployed in metropolitan and regional hot spots to work with local police. The dogs will perform covert detection operations with plain-clothes police, and random detection sweeps. The dogs are capable of detecting firearms, ammunition, gunshot residue and explosives. Any licensed firearm users who are detected by a dog will simply need to show their licence to police and explain the reason for their carriage of a firearm in a public place.

The Ombudsman will prepare a report to Parliament on the exercise of the powers after two years. Currently there is no specific offence for those who manufacture a firearm without a firearms dealer licence. This bill will introduce a maximum penalty of 20 years in gaol for illegal manufacture of a prohibited firearm or hand gun. In order to allow sufficient time for consultation with firearm dealers, the bill includes, in part 4, transitional provisions to extend existing dealers' licences which are due to expire this year. Unless they are revoked or otherwise cease, existing dealer licences which would otherwise expire will automatically continue until 30 June 2003.

Proposed sections 11 (5A) and 29 (3A) will allow the Commissioner of Police to refuse firearm licence and permit applications on the basis of criminal intelligence holdings. This will mean, for example, that if police possess intelligence that a person has committed, or is about to commit, violent crimes the commissioner must refuse any firearm licence application from that person. Section 75 (3) provides that an appeal may be made to the Administrative Decisions Tribunal against any such decision by the commissioner. However, in order to avoid jeopardising police operations, the reasons for the refusal and the criminal intelligence on which it was based will not be released by the commissioner or the Administrative Decisions Tribunal.

To crack down on possession for the purposes of illegal trafficking, proposed section 51D will introduce an offence of possession by an unlicensed person of three or more unregistered firearms. This will mean that criminals warehousing illegal guns for sale on the black market will be liable to up to 20 years in gaol if the firearm is prohibited or is a hand gun. To avoid confusion for collectors of pre-1900 breach-loading firearms, who have only recently been required to licence and register their guns, there will be a 12 month licensing and registration amnesty. An offence is also to be created of knowingly supplying materials or information to illegally modify firearms.

Not only will proposed section 63 (3) ban the unauthorised conversion of a non-prohibited firearm to a prohibited firearm, but proposed section 63 (4) will prevent the illegal trade in information which teaches people to perform such conversions. Schedule 2 to the bill makes a number of miscellaneous amendments to the Firearms Act to clarify the operation of existing penalties. Schedule 3 to the bill will ban so-called brass catchers, which police are concerned are being used by criminals to prevent police detection and investigation of expended cartridges at crime scenes. Legitimate licensed shooters who use those devices will be able to possess them under their current firearm licence.

The Firearms Amendment (Public Safety) Bill builds on the 2001 firearm trafficking reforms to provide increased public safety in relation to illegal firearms. I reassure legitimate licensed shooters that this bill is aimed fairly and squarely at criminals and the illegal firearm market. I know that more reforms to the Firearms Act were flagged by the review of the Firearms Act that was produced in June 2000 by the Director-General of the Ministry for Police. To date we have concentrated on reforms to illegal firearm legislation. However, I intend to form a Ministerial Firearm Licensing Advisory Council in the near future. This council will provide me with advice on the way forward in relation to the remaining recommendations of the review and on other licensing matters. Whilst the exact make-up of the council has yet to be determined, it will include broad representation including shooter, regional and primary producer organisations.

Introduced cognate with the Firearms Amendment (Public Safety) Bill is the Summary Offences Amendment (Public Safety) Bill. The objects of this bill are to increase the maximum penalty for having a knife in a public place

without reasonable excuse to \$2,200 or gaol of two years, and to clarify the operation of the directions power in section 28F of the Summary Offences Act by making it clear that a police officer can proceed to the second direction and warning if a person fails at any time to follow an earlier direction, and police may give a reasonable direction to a group of persons in a public place. These laws will allow police to use their discretionary powers more efficiently in the interests of public safety. They are intended to be in place before the NSW Police restructure officially begins on 1 July. The Government is working closely with NSW Police to ensure officers have what they need to increase safety in public places. I commend these bills to the House.