

# Changes to NSW Firearms Regulation Targets Museums

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In November 2017, the NSW Government amended the Firearms Regulation in a way that can deeply impact museum's firearms collections.



in the firing line ... museum stands to lose valuable historic artefacts

The new legislation, it seems, was 'rushed through', without proper consultation with advisory groups. It was never communicated to the various stakeholders affected and to this day, many are unaware of the new laws.

LSAFM only found out about the new Regulation when another regional volunteer-led museum had firearms confiscated in early February 2019, and contacted us for advice.

Basically the 2017 Regulation for Museums states that all pistols, self-loading longarms, sub-machine guns or machine guns are to be rendered permanently inoperable.

The irreversible destruction includes:

- inserting a steel rod traversing the length of the barrel and welding it at the muzzle and chamber;
- welding the barrel to the receiver;
- removing the firing pin and welding the hole;
- removing internal springs;
- welding internal components;
- welding any bolts and external hammers; and
- welding the trigger in a fixed position.

All other firearms, such as bolt action rifles and older antiques, remain temporarily inoperable. But they may well be next in line if this insidious legislation is not overturned. Collectors should also be concerned.

### **What has prompted this...**

We are at a loss to understand why Museums have been targeted. We have not been given any details as to why the Regulation was introduced.

The fact the Regulation has been in force since late 2017 without any knowledge of its existence suggests some other motive.

We are not aware of any firearms being stolen from Museums which may have prompted all of this.

### **Draft Amendment to the Regulation**

When we heard of the changes, we requested an urgent meeting with the New South Wales Minister for Police. We met with him on the 11<sup>th</sup> February.

The Minister tabled a draft Amendment to the Regulation, as it affects Museums. We are told the Minister for Police has written to each Museum seeking comment on the draft Amendment.

There are two key provisions of the draft Amendment:

1. All prohibited firearms are to be 'permanently inoperable'
2. The Commissioner has the right to issue exemptions on a firearm by firearm basis

### **What's at issue ...**

There are a number of issues at stake for Museums with firearm exhibits. They include:

1. Devaluation of the historical, educational and commemorative value of firearm exhibits. The firearms will become worthless in terms of museum artefact, visitor experience, research and historical merit, ballistics investigations and educational value;
2. The cultural, scholarly, and scientific significance of heritage firearms collections will be seriously compromised, as will our understanding of the technological evolution of such firearms within defence industries and wartime economies;
3. The treatment under the law of Museums being 'lumped in' with shooters, dealers, collectors and farmers fails to appreciate the dissimilarity of the work of Museums, and their contribution to

communities relative to those other categories;

4. The move to render any firearms 'permanently inoperable' will 'sap the energy' out of Museums and their volunteers. All of this goes against the grain of a museum, destroying its authenticity and rendering its collection irredeemable; and,
5. The proposal to have the Commissioner determining exemptions creates uncertainty for Museums. It doesn't make sense that issuing an exemption would suddenly guarantee that a firearm is safer or less prone to being stolen.

For the LSAFM, or other museums with comprehensive firearms collections that form a large part of their visitor experience, the following issues are especially pertinent:

1. Visitors will become disillusioned, disappointed and outright angry. It is only a matter of time that word of mouth and social media will lead to a dramatic drop in Museum visitations.
2. The fact a Commissioner can determine the fate of the Museum takes away its freedom to operate, to preserve the integrity of the collection, and to plan for the future;
3. The 'taking away' of the rights of volunteers in giving of their time and know-how in making the Museum a proud working environment and a place of significance is unforgivable. For privately operated Museums, the enthusiasm and interest will wane as the impressiveness of the collection is destroyed;
4. The destruction of key working elements of prototypes, first issues and rare examples is very worrying; and,
5. The viability of the Museum is placed in jeopardy as firearms are no longer 'Museum quality' and/or the quantity and diversity of firearms on display are most likely to be reduced as a result of the Regulation.

The relevance of all of this goes to the heart of operating a sustainable Museum able to plan their business in their own right.

Despite the proposal for exemptions, this is on a firearm by firearm basis. There is no blanket permit exemption where the nature of Museums is fully understood by those making the laws.

Interestingly, the Regulation as it stands is more onerous on a Museum than either a firearms dealer or collector.

In the case of self-loading rimfire longarms, permanent inoperability is applied to Museums, but not collectors. Dealers can have any firearms covered by their licenses – including machine guns – without any requirement for deactivation.

Rather bizarre conditions given the stringent security systems Museums are required to have operating.

### **What's the impact?**

Only you know what the impact might be on your Museum.

From the perspective of the LSAFM, about 70% of our firearms are impacted and if we were to make these firearms 'permanently inoperable' it will cost significantly, while also destroying the considerable value of our firearms.

If this Regulation cannot be overturned the Museum will not be worth operating.

And the impact won't just be felt at a Museum level, it will have a community impact, a regional impact, a tourism impact and an impact on current and future generations.

The right of the community to visit a Museum such as ours (or for that matter yours) will be taken away because a Museum with firearms is seen by law makers as risky and in need of onerous regulation.

Contrary to that, Museums have security systems and vigilantly ensure their currency for the protection of volunteers, visitors and the wider community.

Each Museum must assess its own position.

### **Is there a solution?**

While each Museum has different artefacts, with some being larger than others in terms of firearm displays, the underlying solution is simple.

1. Remove the wording 'permanently inoperable' and reinstate 'temporarily inoperable'. This in turn would negate the need for having Commissioner exemption provisions;
2. Isolate Museums from being integrated with users, sellers, buyers and collectors on the basis that Museums display firearms for community and stakeholder interest and future generations; and,
3. Allow Museums the right to have a permit with a blanket exemption on the basis that required minimum security and safety systems be in place and regularly audited.

As we all know, the regulatory regime for Museums per the 1996 Act have been satisfactory and practicable.

As Museums, we are the first to support and enact all necessary security of our facilities. But agreeing to onerous conditions without any reasoning is a step too far.

### **How to respond**

Each Museum needs to assess its position and submit comments and views on the draft Amendment (and Regulation) to the [NSW Department of Justice](#).

In addition to this, Museums should consider making other representations, and as a guide, actions the LSFAM will be taking include:

1. Engaging with the Department of Justice and Firearms Registry;
2. Making the local State and Federal Member and relevant Government and Shadow Ministers aware of the implications and impact;
3. Soliciting the support of key stakeholders and supporters, including our local Council;
4. Soliciting support from local, national and international organisations which use our facilities for research, historical and educational purposes;
5. Having paper-based and online petitions;
6. Communicating through our blog and social media; and,
7. Approaching select media outlets.

Having a united position on the Regulation and draft Amendment would be an ideal outcome. However, the main outcome must be that you understand the issues, the impact on your Museum, and respond accordingly.