

New Amendment to NSW Firearms Regulation Misses an Opportunity for Positive Change

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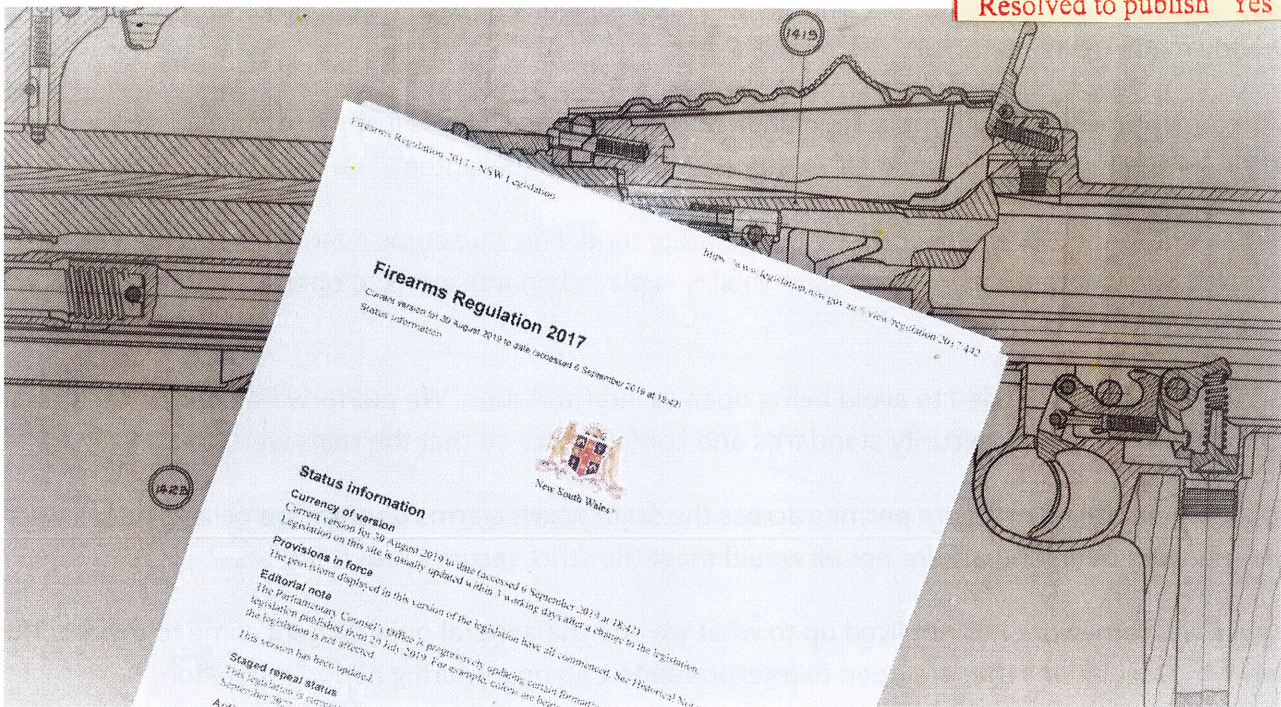
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On 30th August, the NSW Government released an Amendment to the 2017 Firearms Regulation as it relates to museum firearm permits.

The main change is the provision allowing the Police Commissioner in certain circumstances to grant a museum an exemption from having its pistols and prohibited firearms permanently deactivated.

Over the past 9 months, the Lithgow Small Arms Factory Museum (LSAFM) was prominent in its opposition to the 2017 Regulation. We argued for the reinstatement of temporary deactivation which existed prior to 2017 along with designated security systems being in place.

We also pointed out inconsistencies in the Regulations and the opportunity for Government to recognise the role of firearms museums.

We fundamentally disagree with the direction of the Amendment. It provides museums with no assurance. It treats them with tokenism and moreover, it does not seize the opportunity to bring positive change to the regulatory environment.

There are many other worrying aspects of the Amendment.

Firstly, permanent deactivation remains the underlying rule of the Amendment.

Secondly, one person (the Police Commissioner) has the absolute power over how a museum operates or doesn't.

And thirdly, there is no detail of the process and onus of proof which museums will be required to show.

What we now have is an Amendment that requires museums to argue their case as to why they should be given an exemption from permanent deactivation at the time of permit renewal for which there is no detail.

There is no certainty in any of this. A museum could well provide details of onus of proof only to see the Police Commissioner *'revoke the exemption if satisfied the exemption is no longer reasonable in the circumstances'* – whatever that means.

What disappoints us is that the last 9 months has been futile and even though we were in a consultative period with the Government, we were only given the opportunity to exchange views after the Government had already made up its mind.

To us, the Amendment is about more regulation and interference. This is just more bureaucracy and archaic thinking in having museums justify their existence without any guarantee".

We pointed out to the Government that the regulatory model for museums needed to change from one of regulation to one where the onus and responsibility is placed on museums to operate within strict operating guidelines.

Further, the Regulation needed to avoid being open to interpretation. We put forward specific requirements around museum definition, security standards and conformance so that the rules were clear.

We are told there are 63 museum permits across the State which alarms us since we believe not all would fulfil the museum definition and/or not all would meet the strict security requirements.

The regulatory framework has not lived up to what we and the general public would come to expect. This is precisely why Regulations that are open to interpretation end up requiring added regulation.

Organisations like ours are therefore penalised for the incompetence of others. There is enormous ignorance as to what constitutes a firearms museum and this is a very sad fact which lawmakers are happy to ignore, but in so doing are not doing their job.

We pointed out to the Government some of the Regulation's inconsistencies and suggested the regulatory process be re-considered and overhauled, if required, as part of the museum Regulation review. Examples of this being the discrepancies in the definition and treatment of handguns, issuing of museum permits where associated firearms are not registered in the Permit holder's name, and the blurriness of definition between collectors, RSLs and museums.

None of this has occurred and the opportunity to make a positive change is lost. We are saddled with a second-rate system, where it will get down to an individual who, in all likelihood knows little about how museums operate, making a call on a museum's future.

The LSAFM will continue to actively press its claims for reform as we sincerely believe museum accountability is far superior and a better practice than regulatory paperwork.