



Full Day Hansard Transcript (Legislative Council, 14 June 2011, Proof)

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Extract from NSW Legislative Council Hansard and Papers Tuesday, 14 June 2011 (Proof).

FIREARMS LEGISLATION AMENDMENT BILL 2011

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Robert Borsak.

Second Reading

The Hon. ROBERT BORSAK [3.40 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Firearms Legislation Amendment Bill 2011. The bill proposes a number of amendments to the Firearms Act 1996 and the Firearms Regulation 2006. These amendments will introduce some minor improvements to some of the unnecessary restrictions suffered by ordinary people, who choose to collect, hunt or shoot using firearms. Some of these amendments were raised previously by my predecessor, the late Hon. Roy Smith. I hope that the new Government takes a more reasonable view on the legitimate use of firearms by private citizens. The amendments will not have any adverse impact on public safety. I will briefly take members through the amendments proposed in the bill. First, the bill removes air rifles from the requirement to be registered, and removes the need for a permit to acquire an air rifle. This would reduce the workload of the Firearms Registry, leading to a reduction in the cost of the registry. Public safety would not be compromised as it would still be necessary to hold a firearms licence to legally possess an air rifle. A related amendment allows minors under 18 years of age to use air rifles at an approved range under the direct supervision of a licensed person. Air rifles are particularly suited for use by junior shooters being introduced to the shooting sports.

The regulation of antique firearms is once again revisited in this bill, to address an anomaly left after last year's amendment of the Act. The bill makes it clear that handguns manufactured before 1900 that take ammunition deemed by the commissioner to be not commercially available are not required to be registered, and can be purchased without the need for a permit to acquire. Previous amendments to the Act have already extended this exemption to antique long arms that take ammunition that is no longer commercially available, and the commissioner has gazetted a long list of cartridges that people can no longer buy commercially. A licence or permit will continue to be required to allow the legal possession of these antique handguns, and this licence must be shown when purchasing them. Before the Greens erupt in a paroxysm of fearmongering, let me assure the House that pre-1900 pistols for which ammunition is no longer available are not the weapons of choice for criminals in the twenty-first century.

Schedule 1, items [9] through to [11] to the bill will allow a person applying for a licence for the purpose of vertebrate pest animal control to use permission given by any public or local authority to shoot on that authority's land, in support of that genuine reason. This simply extends the current ways in which such a licence can be supported to include public and local authorities, such as local councils, which have a need for persons to control pests on council tips and other council land that is not necessarily rural land. This amendment does not affect the authority extended to persons with a licence for recreational hunting or vermin control. It applies to certain employees, contract shooters and, under limited circumstances, to primary producers. Schedule 1 [13] similarly extends the recognition of a corresponding license issued in another State or Territory.

Schedule 1 [12] requires a person whose licence or permit is suspended or revoked to surrender their firearms after being directed in writing by the commissioner to do so. Schedule 1, items [14] and [15] allow a person with a probationary pistol licence to purchase no more than two pistols once they have held that licence for a period of more than six months, but removes the restrictions preventing them from purchasing a rim-fire and centre-fire pistol. Schedule 1 [16] streamlines the procedure for a person licensed in another State or Territory who moves to New South Wales and needs to apply for a licence and transfer the registration of their firearms. It simplifies and removes the cost of transferring the registration of their firearms.

The Shooters and Fishers Party Firearms Legislation Amendment Bill 2010 addressed the time-

wasting requirements whereby firearms dealers were required to record all transactions, even when a transaction either did not involve a change of ownership or involved a firearm for which a licence was not required. However, an amendment to our 2010 bill by the then Government was used to undo the intended effect of the amendment. The amendments in schedule 1, items [17] through to [19] make it clear that a firearms dealer is not required to record or report to the commissioner on transactions involving a firearm that is not required to be registered, or where the transaction does not involve a change of ownership, such as receipt of a firearm for repair.

Schedule 1 [20] omits long arms fitted with a revolving ammunition cylinder from the schedule of prohibited firearms. These firearms are a single action design revolver with a long barrel, classifying them as a long arm. The New South Wales Police Force is apparently worried that these long arms, which cost between \$1,000 and \$3,000 to buy, will be cut down and turned into handguns. No legal firearms owner would vandalise a valuable firearm in that fashion. Criminals will continue to buy cheaper handguns on the black market, and avoid the inconvenience of having to dock the barrel. The police ministry also seems to be confused as to the capability of a single-action, as opposed to a double-action, revolver, wishing to treat those firearms as if they were capable of firing each time the trigger is pulled. As devotees of spaghetti westerns will know, the hammer must be pulled back manually prior to firing a single-action revolver.

Schedule 2 [1] is a minor amendment that removes the current requirement for the holder of a range approval to record the details of a person who holds a firearms licence for a reason other than target shooting when they come to the range to sight in or test the function of their firearm. The gathering of this information is a waste of the time of the volunteers or staff manning our shooting ranges. It does not impinge upon public safety as it removes something that is useless in the first place. Schedule 2 [2] inserts a clause in the regulation pertaining to the approval of shooting ranges with the intention of preventing the Firearms Registry continuing to impose unnecessary restrictions on the activities conducted at approved shooting ranges. Currently, the registry insists that only events named on the range approval can be shot on a range. It does not allow other events to be conducted even when the other event merely uses rearrangement of elements taken from events already named on the range approval.

Schedule 2 [3] is a consequential amendment that exempts a person from the requirement to have a permit for an imitation of an antique firearm when the firearm of which the imitation is a copy can be held without a firearms licence. Put simply, if a person can own the real antique firearm without a licence, why should they have to have a permit in order to own a non-functioning imitation version of it? There is also a need to amend some other associated legislation that unreasonably impacts on law-abiding firearms owners—in particular, the National Parks and Wildlife Regulation 2009. Schedule 3 [1] removes a superfluous reference to air guns being banned from national parks. Air guns cannot be carried or used in a national park under a more general exclusion of firearms from national parks. Schedule 3 [2] amends that regulation so as to allow a person to convey an unloaded firearm and ammunition through a national park in a vehicle on a public road, provided that the person is authorised to possess that firearm or ammunition. It does not authorise the use of a firearm in a national park. It does not authorise the possession of a firearm in a national park other than in a vehicle on a road passing through the national park.

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In some areas the only means of access to or from privately owned land is via a road through a national park. People living on or visiting such farms or blocks of land currently are required to seek out a national parks and wildlife officer and get permission each time they wish to travel along the legal access to their land with a firearm. They may be leaving their property to target shoot at their local range, or to going hunting. This amendment does not allow them to take the firearm out of their car in the national park. It merely does away with the stupidity of their having to get permission each time they travel through a national park. The Shooters and Fishers Party will continue to put forward bills to remove the unnecessary regulation of shooters and fishers in New South Wales. This is the first of several bills that I will be introducing. I commend the bill to the House.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.