

Firearms Legislation Amendment Bill 2019

Ms MANISON (Minister for Police, Fire and Emergency Services): Clearly this bill has the support of many of the members of this parliament and I thank the deputy leader of the opposition for contributing to the debate because this is an important commitment through this legislation about keeping the community safe. I have got to stress that this is not about targeting those responsible gun users in the community—people that enjoy this great Territory lifestyle of going out, hunting, and sport shooting. This is about making sure that firearms do not get in the hands of violent offenders or people with track records who should not have access to them. This is about making sure that police have stronger powers to keep firearms out of the wrong hands and to prevent crime before it happens. This will help make a difference in that regard.

Some of the key features of the bill are creating the power for the Commissioner of Police to issue the firearm protection order if certain criteria are met. It provides power to police to ensure compliance with our firearm prohibition orders. It creates offences relating to non-compliance with firearm prohibition orders and creates procedures relating to the seizure, retention, forfeiture and return of firearms and firearm related items.

Speaker to the point that the deputy opposition leader has raised with regard to the Economic Scrutiny Committee report comment about the rank of the police officer who could issue the FPO and have that power delegated to them by the Commissioner of Police. Police were comfortable to superintendent level and above given the nature of what the firearm prohibition orders are.

If a person wants to dispute the issuing of a firearm prohibition order there is an avenue of review through the NTCAT they can go through to have that reviewed. An important part of this is that this is new legislation for the Northern Territory however, we have seen it successfully implemented in other jurisdictions as well—Victoria, New South Wales, South Australia, Tasmania—we have modelled this legislation off Victoria. We have taken into account the Ombudsman's report into New South Wales that looked at the effectiveness of firearm prohibition orders.

We have learned from other jurisdictions and how they have gone about the application of this legislation and we have made sure that we have modelled it upon best practice. This is new legislation—it allows for a review period within two years where the Ombudsman will be reviewing the firearm prohibition orders and how they have been going and making sure they are getting the intended result.

As these prohibition orders are issued, we will be making sure we keep close records on it to provide for the Ombudsman's office when it comes to that important assessment of how the legislation has gone. This will be a very important part of it. Ultimately, this gives the police more tools to do their important job of keeping the community safe and preventing crime. It will help them in targeting organised crime, it will help them stopping violent offenders getting a hold of firearms. This is about doing what we can to keep Territorians safe.

I would like to thank the hard-working police who have put a lot of time and effort into this legislation including the acting superintendent Drew Slape, the acting commander Shaun Gill and commander Tony Fuller. I also thank our law reform staff from the Northern Territory Police Fire and Emergency Services, Sandy Lowe, Isabelle Roper, and Beth Nolan. I thank the Office of the Parliamentary Counsel who have helped work on the committee stage amendments and the Economic Scrutiny Committee for their work and the people that made submissions so we can properly scrutinise this bill.

This is important legislation. I am very glad to bring it forward, because ultimately as Police minister, I believe this will help increase community safety and will be good for Territorians when it comes to targeting and preventing crime.

Motion agreed to; bill read a second time.

Consideration in detail

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4:

Ms MANISON: I move amendment 1 that clause 4, which amends section 3 of the *Firearms Act 1997*, inserts a definition of criminal intelligences. The Economic Policy Scrutiny Committee recommended that the definition of criminal intelligence in clause 4 be amended by reference to the definition of criminal intelligence in section 6 of the *Serious Crime Control Act 2009*.

The amendment addresses the concerns that there was an interpretation issue with the definition of criminal intelligence under the two acts.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5, by leave, agreed to.

Clause 5A:

Ms MANISON: I move that clause 5A be inserted after clause 5 to provide that delegation under section 49E, Commissioner's power to make a firearm prohibition order be limited to police powers of the rank of Superintendent or higher. This amendment addresses the concern of the Economic Policy Scrutiny Committee that there be sufficient oversight of powers in relation to firearm prohibition orders.

Amendment agreed to.

Clause 5A inserted.

Clause 6:

Ms MANISON: I move amendment 3 that the proposed section 49K and its heading in clause 6 of the bill be amended. These amendments address the concern of the Economic Policy Scrutiny Committee, that if a person subject to a firearm prohibition order was an officer of a body corporate holding a firearms licence, the body corporate's licence would be automatically cancelled.

Amendment agreed to.

Ms MANISON: Amendment 4 suspends the licence of the body corporate for 14 days. If the body corporate advises the commissioner of a new representative for the licence within that time period, the suspension will be lifted. If they do not advise of a new representative in the time, their licence will be cancelled. Amendment 4 goes to proposed section 49K and its heading in clause 6 of the bill.

Amendment agreed to.

Ms MANISON: I move amendment 5 of the proposed section 49N(4) in clause 6, that the word under this section is amended to read, 'under this division'. This amendment is made to correct a technical error.

Amendment agreed to.

Ms MANISON: I move amendment 6 of proposed section 49N(5) in clause 6, that the definition of 'classified information' is inserted. This amendment is made on the same basis as amendment 1.

Amendment agreed to.

Ms MANISON: I move amendment 7 of proposed section 49S(1)(c) in clause 6, so the word 'to' is inserted after the word 'relation'. This amendment is made to correct a technical error.

Amendment agreed to.

Ms MANISON: I move amendment 8 that the proposed section 49W(1)(6) of the bill be amended to allow police to search premises where a person subject to a Firearm Prohibition Order resides if reasonably required to determine whether there is a firearm or firearm-related item on the premises. This amendment is made on the same basis that the Economic Policy Scrutiny Committee identified an unintentional loophole in the operation of the police search powers.

The intention of the bill is to allow police to search premises to determine whether a breach of the Firearm Prohibition Order is occurring.

Amendment agreed to.

Ms MANISON: I move amendment 9 that in clause 6, the proposed section 49ZA(1) of the bill be amended to clearly indicate that the commissioner's power under this section only relates to firearms or firearms-related items that have been surrendered or seized under Part 8. The amendment addresses an interpretation issue identified by the Economic Policy Scrutiny Committee. The intention of the bill is that section 49ZA will only apply to firearms and firearm-related items seized or surrendered under Part 8A.

Amendment agreed to.

Clause 6, as amended, agreed to.

Remainder of the bill, by leave, taken together and agreed to.

Bill, as amended, agreed to.

Ms MANISON (Police, Fire and Emergency Services): Mr Deputy Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.