
Wednesday, 5 March 2008

TOUGH NEW FIREARMS LAWS TO TARGET CRIMINAL BIKIE GANGS

Minister for Police Paul Holloway will today introduce tough new legislation to combat violent firearms-related crime, the first of its type in Australia.

Mr Holloway says the proposed legislation follows the Tonic Nightclub shootings last year and targets the criminal element in society such as criminal bikie gangs and their associates that resort too readily to violence to advance their illegal activities.

“The Bill strengthens the powers of South Australian Police (SAPOL) to combat firearms-related violence by introducing Firearms Prohibition Orders,” Mr Holloway says.

“Firearms Prohibition Orders will be targeted at people with a known history of violence or serious criminal behaviour as well as their associates.”

Mr Holloway says very few violent crimes in South Australia are carried out by legitimate, licensed owners of firearms or through the use of legitimately owned, secured and registered firearms.

“This legislation not only provides strengthened police powers in relation to violent crime involving firearms but also allows police to take pre-emptive action against people who, through their past actions, have demonstrated that they are a menace to society and a threat to public safety,” he says.

A person against whom a Firearms Prohibition Order is in force must not acquire, possess or use a firearm, firearm part or ammunition.

Complementing the prohibition orders is a range of ancillary legislation that will provide South Australian Police with further tools to enhance their ability to investigate firearms-related crime.

“This is the first step in a process of refocusing the attention of police from regulation of the legitimate firearms community toward combating criminals who wield firearms in the pursuit of their criminal endeavours,” Mr Holloway says.

“SAPOL is already gathering and analysing information in preparation for the laws taking effect,” Mr Holloway says.

“Once in operation, members and associates of criminal bikie gangs can expect to be slapped with a Firearms Prohibition Order.”

Anyone breaching a Firearms Prohibition Order faces a maximum penalty of a \$75,000 fine and up to 15 years imprisonment.

A person subject to such an order can be stopped and searched on sight, any vehicle, vessel or aircraft of which they are in charge can be stopped and searched, and their place of residence can be inspected at any reasonable time, for firearms, firearms parts or ammunition.

Furthermore, the names of those people issued with a Firearms Prohibition Order will be made public through an online registry.

“The proposed powers are strong, but necessary,” Mr Holloway says.

The Bill creates a range of offences such as:

- Possession of a firearm, firearm part or ammunition in contravention of a prohibition order;
- Residing in premises where a firearm is present in contravention of a prohibition order;
- Bringing a firearm on to premises where a person subject to a firearms prohibition order resides;
- Supply of a firearm to a person subject to a prohibition order;
- Attendance at any shooting range or firearms dealership by a person subject to a prohibition order.

The Bill also creates aggravated offences under the Firearms Act. These consist of carrying a loaded firearm or firearms, a loaded magazine for the firearm, or concealing a firearm about the person. The maximum penalty for an aggravated offence will be 15 years imprisonment or a \$75,000 fine.

To assist police to secure a successful prosecution, certain terms and definitions will also be clarified or expanded by the Bill.

South Australian Police will be empowered to require a person whom they suspect on reasonable grounds is committing an offence in relation to firearms to state their full name, and whether they are the owner of the firearm, part or ammunition to which the question relates, or if not, to state who is the owner.

They will also be required to answer questions in relation to the purpose of possession of the firearm, and who else may have had possession.