

13 September 2012

The Hon. Michael Gallacher MLC
Minister for Police and Emergency Services
Governor Macquarie Tower
Level 33, 1 Farrer Place
SYDNEY NSW 2000

Dear Mr Gallacher,

FIREARMS ACT 1996 – PROPOSED AMENDMENT

The NSW Wildlife Council (NWC) is the peak body for NSW licensed wildlife groups and Independent General Licensees (IGL). The Office of Environment and Heritage licenses wildlife groups and IGLs and there are about 4,000 wildlife volunteers across the State. Included in these volunteers are a number of licensed 'shooters' who are authorised to discharge a weapon under the genuine reason of 'Animal Welfare'.

The *Firearms Act 1996* specifies the persons who may obtain a firearms licence for the genuine reason of Animal Welfare. Section 12 of the *Act* reads:

The applicant must be:

- (a) an officer of the RSPCA or Animal Welfare League who is a special constable, or*
- (b) a veterinary practitioner, or*
- (c) a person who is employed in the Department of Primary Industries or Livestock Health and Pest Authorities Division of the Government Service and who has responsibility for animal welfare, or*
- (d) an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.*

Up until the start of this year, the NWC, and indeed the General Manager, Firearms Registry, worked on the basis that wildlife group volunteers were included in the term "other handler of animals". However legal advice provided to the General Manager suggests this is not the case and the genuine reason of Animal Welfare does not apply to wildlife rehabilitators. This presents a problem in that the Firearms Registry cannot readily agree to licence wildlife rehabilitator applicants who need to be authorised to euthanase injured native wildlife in public places – particularly on roadways where a motorist has hit an animal. The General Manager is currently licencing new applicants on a case-by-case basis using the Commissioner's discretion to provide a permit, however this is not a

long-term solution. The *Act* needs to be amended to include “wildlife rehabilitators” specifically. It is understood the General Manager has made a similar proposal.

Wildlife volunteers currently euthanase 7,000 native animals across NSW annually. Most of the animals are macropods with a small number of wombats. Perhaps 50% of animals are euthanased on private land with others being dealt with on roadways and elsewhere. Typically wildlife groups maintain a helpline and react to calls for help from members of the public to deal with a native animal incident. Should it be obvious a shooter is needed, a firearms capable volunteer is despatched. The local Police are informed. Should a volunteer not be readily available, other options are considered, such as NPWS rangers or Police. The Police are most helpful, but they often have other priorities. Of those listed in the *Act* under Animal Welfare very few individuals or agencies are focussed on native wildlife. The RSPCA and Animal Welfare League have a very limited capability. Interestingly, NPWS is not included in the list.

Over the decades I am not aware of any incidents of inappropriate discharge of a weapon by a wildlife rehabilitator. Of the 4,000 wildlife volunteers, perhaps only 10% maintain a licence with an Animal Welfare category.

Without the help of wildlife volunteers the responsibility to deal with native wildlife needing to be euthanased would fall largely on the Police. Unfortunately, as a general rule, the Police have to resort to handguns to shoot an animal and this method is far from ideal when one wishes to carry out a procedure humanely. To avoid pulling the Police away from higher priorities it is vital wildlife rehabilitators are able to obtain a firearms licence with an Animal Welfare category.

It is for consideration that early action is needed to amend the *Act* to include wildlife rehabilitators under Section 12 “Reason: Animal Welfare”.

Yours sincerely

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