

11.6 Firearms Policy

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 21 JUNE 2023 ORDINARY MEETING
GOV400103, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Firearms Policy;**
2. **place the Firearms Policy (to be rescinded) on public exhibition for 28 days; and**
3. **rescind the Firearms Policy if no submissions are received and remove from the Policy register.**

Executive summary

The Firearms Policy was adopted by Council in April 2016 and subsequently Council purchased and introduced a single firearm for use by an authorised Council Ranger at the time.

Since its introduction in 2016, the firearm had only been used on two occasions for the purposes of euthanizing. On review by the Manager Customer Services & Governance and Executive in October 2022 it was decided to surrender the firearm to the Mudgee Police. This decision was made with no reported incidents with the firearm, however considering the safety of the community and staff, we did not consider it necessary to keep the prohibited weapon for the use on such rare occasions and when considering the local Police are able and available to euthanize animals when necessary.

The firearm was surrendered to the Mudgee Police Station by Council staff on 16 November 2022.

Disclosure of Interest

Nil

Detailed report

Following adoption of the Firearms Policy in April 2016, Council purchased a firearm for the purposes of a suitably trained and authorised Council Ranger to undertake the humane euthanizing of animals in our LGA (when legally authorised to do so). The examples where the use of this firearm may occur are when vehicle's impact livestock or other large animals' roadside and are deemed a danger to motorists or when injured animals are in significant distress.

In reviewing the logbooks, the firearm was last used in August 2021 to euthanize a cow at Council's Saleyards facility, and prior to that in August 2019 it was used to euthanize an injured dog at Rylstone.

Further to this, Council had been notified by the Firearms Registry that our Business Firearms Licence (no. 411868517) was due to expire on 25 November 2022. In addition, Council was unlicensed in August 2022 and with the departure of the authorised firearm licence holder Tim Johnston in June 2022 we no longer had the experience or authorisation to operate the firearm for Council duties.

In consultation with the Council Rangers, it was agreed that we should not extend the Business Firearm Licence and seek approval from the Executive to have the firearm disposed with the local Police and have the Policy rescinded.

In addition, it was agreed the euthanizing of animals in the field is not part of the Council Ranger's core duties nor is it specified in their Position Description. Also, the possession, transport and use of a firearm constitutes such a high level of risk wherein the potential consequences exceed any benefit to Council or the community.

Council employees have no delegated authority under the Prevention of Cruelty to Animals (POCTA) Act so are not authorised officers unlike NSW Police who hold primary authority under POCTA. Additionally, Police are available on a 24-hour basis, they possess more effective firearms by virtue of calibre and design and have received training specific to the task. Consequently, Police are the primary facilitator of this activity under POCTA and accordingly any requests for the euthanizing of animals in the field received by Council should simply be relayed to the Police.

Given this limited use, as noted in the log book, as well as the risk associated with its possession, transport and ultimately its use in the field, it is considered the ongoing possession of the firearm is not justified.

Following support by the Executive on 1 November 2022, the Council firearm and all remaining rounds stored in the firearm cabinet were surrendered to the Mudgee Police by Council staff member Nick Naoum on 16 November 2022.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Strategic implications

Council Strategies

Companion Animal Management Plan

Council Policies

Firearm Policy

Companion Animals Policy

Legislation

Prevention of Cruelty to Animals (POCTA) Act

Financial implications

Not Applicable

Associated Risks

With Council approving the recommendation to rescind the Policy, the final risk associated with firearm has been removed.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

5 June 2023

Attachments: 1. Firearms Policy - Adopted - April 2016.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Firearms Policy



ADOPTED	REFERENCE
COUNCIL MEETING MIN NO 92/16	REVIEW DATE APRIL 2020
DATE 20 APRIL, 2016	FILE NUMBER GOV400047

Introduction

This Firearms Policy requires the General Manager to establish procedures for managing Council's firearms used by the Council's Law Enforcement Officers (Rangers). It requires procedures to be developed relating to the 'licencing, use, safety and security' of firearms in accordance with the *NSW Firearms Act 1996* and *Firearms Regulations 2006*.

The availability of firearms is an essential requirement to ensure Council meets its Animal Welfare obligations for the exercise of its functions under the *Companion Animals Act* and to ensure compliance with the *National Model Codes of Practice for the Welfare of Livestock*.

Each Law Enforcement Officer is responsible for the implementation of this Policy and strict compliance of the Firearms Procedures adopted by the General Manager.

Purpose of Policy

This Policy requires the development of procedures that establish clear and consistent practices on the licencing, use, possession, transportation and storage of firearms by Mid-Western Regional Council Law Enforcement Officers (Rangers) so that they only utilise firearms in a manner that is responsible, authorised and safe to the operator and the public.

The General Manager is responsible for the development and implementation of procedures which outline the legislative, training and safety requirements and establish a framework for how and when firearms may be used.

Scope

This Policy applies to Mid-Western Regional Council employees who are Law Enforcement Officers.

Firearms must only be used for the official business of Mid-Western Regional Council to respond to Animal Welfare incidents.

Legislative Requirements

The licencing use, security and transportation of firearms in NSW is governed by the *Firearms Act 1996* and the *Firearms Regulation 2006*.

The General Manager is responsible to ensure appropriate audit and compliance activities are undertaken in accordance with procedures.

POLICY: FIREARMS POLICY | , ERROR! REFERENCE SOURCE NOT FOUND.

Safety

Firearms are recognised as having a high risk. The Policy and Procedures adopted and the planned compliance monitoring and competency testing of staff will mitigate this risk.

All firearms will be used in accordance with the Firearms Procedures document.

Contact

For further information about this Policy please contact Council's Governance Coordinator.