

FIREARMS AMENDMENT REGULATIONS 2014 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Rick Mazza was moved pro forma on 13 August —

That the Firearms Amendment Regulations 2014 published in the *Government Gazette* on 17 June 2014 and tabled in the Legislative Council on 24 June 2014 under the Firearms Act 1973, be and are hereby disallowed.

HON RICK MAZZA (Agricultural) [3.17 pm]: Members, last year I moved a disallowance motion on the outrageous increases in firearm application fees. Some of those increases were up to 150 per cent. Quite rightly, there was an outcry from firearm licence holders and the firearm community in general over these excessive public service charges. It triggered media coverage, a parliamentary inquiry into those fees, a public hearing, and a debate in both houses of Parliament. The committee report, an Auditor General's report and debate revealed a very inefficient, clunky and unnecessarily costly department; and those who spoke on that motion from both sides of the house generally agreed with that. Unfortunately, the motion was defeated through weight of government numbers, notwithstanding that Hon Nigel Hallett and Hon Simon O'Brien crossed the floor. I was advised at the time by the National Party that one of the reasons they did not support the motion was that they had spoken to the Minister for Police, and the minister had promised a timely review of the Firearms Act.

I will quote from the *Hansard* of the debate in this house on 20 November 2013, where Hon Paul Brown said the following —

My contribution to this motion is recommendation 1, which reads —

The Committee recommends that the Minister initiate a review of the Firearms Act 1973 and advise the Legislative Council and the Legislative Assembly of the time frame for the review.

I suggest there are quite a few inefficiencies in the current firearm licensing system ...

In fact, there was a comment in the *Herald Sun* by the minister after that, and there was a fair bit of coverage in the media and on talkback radio et cetera about how we did need a more streamlined, efficient and effective firearm licensing system so that the recovery costs could be reduced to a more realistic figure. The Minister for Police is quoted as saying in the *Herald Sun* on 1 August 2013 —

“The people who are using the system are the people who will be paying for the system,” Ms Harvey said.

She said the Law Reform Commission would also carry out a review of the Firearms Act this year.

I am concerned that over the last 12 months, if anything the situation has deteriorated. The fees on this last round of rises—although small increases, probably attached to CPI—are really just rubbing salt into the wound of the processing times and costs that persist within this department, which are unacceptable and out of step with other jurisdictions at many levels.

In my mind the promised review of the Firearms Act has stalled, with advice that the Law Reform Commission of Western Australia will not report until September 2015, which is two years later than promised. As far as I am aware the only meeting that the Law Reform Commission has held was about six or seven weeks ago, with a few stakeholders. One does not have to be too politically aware to work out that if the Law Reform Commission reports in September 2015—the end of next year—by the time that report goes through its procedural process, we will be into 2016, which is an election year. I do not think anything will happen with that review, or any amendments to the Firearms Act, in an election year. It will basically be on the never-never. In the meantime we are left with excessive fees and a firearms registry that was criticised by the Auditor General as not being completely secure. We desperately need a review of the Firearms Act to modernise and clearly define some of the regulations surrounding the act and also to streamline and modernise the system so that we have more efficient outcomes with the processing of firearms applications. Consequently, a more efficient system will allow for a reduction in cost-recovery fees.

Unfortunately, at this time we do not always have clear guidelines within the act. There is the capacity for opinion to allow personal prejudices and at times—for want of a better word—acts of bastardry within the firearms processing system. This is an important issue for a lot of people, so there are a lot of people in the gallery here today who have been very patient over the last 12 months regarding the review of this act and some improvements in the system. To give members an idea, a member of the firearms community made some inquiries about licensing an air rifle. He was told that he could not licence it. When he politely questioned why

and where it could be found in the regulations that he could not licence this air rifle, he received an emailed response, which I would like to read out. It states, in part —

You will not find anywhere in the Regulations that refer to these firearms as being listed as anything else other than a Category A Class, however, with the pending review, this branch has adopted the policy to not licence them until the review is completed.

I am absolutely perplexed how it can be said that the law allows it at this point in time; however, there is a possibility at some future date that the law may not allow a person to have this particular air rifle, so therefore we are making up this policy. I doubt it is a regulation because I have not seen anything come through. It basically says, “We are making up this policy because, sometime in the future, should this act ever be reviewed, it may be illegal to have this air rifle, so we are disallowing you to have that air rifle now.” That is an absolute nonsense, in my mind, and very poor treatment of this member of the community.

A recent situation arose involving a number of legally licensed firearms being confiscated. The firearm in question is described as a Colt 2012, a bolt action repeater rifle. A number of these were licensed over 12 months ago. Someone within the licensing department has suddenly thought they do not like the look of these firearms. They have gone out to all of these people who have put in an application for the firearm, and who have correctly described it on the serviceability certificate and gone through the process of having it licensed—by the way, these firearms are just under \$6 000 apiece—and then, 12 months later, the police have confiscated them because of their appearance. Let me say that again: because of their appearance! An obscure section of the act states that a firearm in category D—which is the semiautomatic machine-gun type weapons—could be classified as category D if it has the functionality or the appearance of a category D firearm.

The situation with those firearms is that every other jurisdiction in Australia—there is not one exception that I know of; we made a couple of inquiries in Victoria and Tasmania—licences these firearms quite readily. There is not a problem with them. But for some reason in Western Australia, this appearance issue has arisen with air rifles and, in this case, a Colt 2012. I believe there is another model—a Savage model—that has also been confiscated. People have made a large investment. They have done the right thing. They are law-abiding citizens. They have gone through all the processes required to licence this particular firearm. However, some bright spark has decided that they do not like the look of them. Their functionality is that of a bolt action category B firearm. I do not see how the appearance of that firearm makes it any more dangerous to the public than any other firearm and any other stock—because that is what it really is; it is just the plastic stock. It is quite a sexy looking firearm, by the way, but at the end of the day it does not make that firearm any more dangerous within the community.

Last week I received a briefing from senior police; one was from the police legal department. After the briefing it was casually asked, “Why are these firearms being confiscated? People are really disadvantaged. They have a \$6 000 firearm locked up with a dealer somewhere that might have to be sold interstate, or they will need some other way to recoup their money.” The answer we were given was because of the look of these firearms, there is a possibility that should there be an incident, police will escalate their response. A senior uniformed officer who was in the room at the time said, “Let me tell you: I do not care what it looks like, the response is escalated.” That is the point. It does not matter what a firearm looks like, if it is being used in a menacing manner, it has escalated. That particular point of it escalating a police response is absolutely ridiculous.

Not so long ago the Standing Committee on Public Administration held hearings into recreational hunting. It was a public hearing, so I can quote this—it is all on record in *Hansard*. There were some questions asked about hunting on public land and what effect that may have on police. Commissioner of Police, Karl O’Callaghan, was present giving evidence. In response to that question, Dr O’Callaghan said —

I think it is fairly low risk, I do not envisage we would be very much involved on the ground. You are dealing with people who are licensed, registered, responsible, so I would not imagine that our involvement will be very much at all; it will be very low.

That is the police commissioner acknowledging that responsible, licensed firearm owners are a very low risk.

During the last long weekend, the last Queen’s Prize competition was held at Swanbourne. It is a revered rifle shooting competition. A photo appeared in a newspaper—I do not have the name of the newspaper here—of the winner of the Queen’s Prize sitting on the shoulders of his colleagues after winning that coveted cup. The interesting thing is that the firearm he is holding, as a competitor of the Queen’s prize, looks very similar to the ones that the police had confiscated—that is, a colt M2012, which is a bolt action rifle with an adjustable stock at the back of it. The colt M2012 seems to be quite acceptable for target shooters, but for some reason this gun is causing an issue for some.

Notwithstanding we are dealing with a very responsible sector of the community, many firearms owners are in a lot of ways treated as pariahs and we get a lot of complaints in our office that they get a lot of attitude from

police licensing. Last week I asked a question without notice of the acting minister, which states according to the daily *Hansard* —

- (5) Can the acting minister advise how the appearance of a category B firearm resembling a category D firearm impacts on public safety?

The response I received stated —

A category B2 class firearm that has the appearance of a category D1 class firearm could impact on public safety by causing fear and panic if it is believed the firearm is a military-style firearm, similar to those used in the Port Arthur massacre.

Why would the Port Arthur massacre be referred to? It happened 20 years ago and was carried out by a criminally insane maniac; yet, the antis and the bureaucrats whenever they are locked into a logical argument always have this fallback position of the Port Arthur massacre because of its emotive and sinister history. I for one am very offended by it. I am offended that I am put in the same category as a maniac when it comes to police licensing because one of these firearms might look like a military firearm. As I said earlier, the police, regardless of the look of this firearm, would escalate their response. There has been some feedback on the grapevine for me—in fact, one very credible report came from someone who had an inspection at his place—that even camouflaged patterned stocks are now going to be considered as having a military appearance. Anyone who owns a firearm would know that camouflaged patterned stocks are garden variety hunting rifles these days, with acrylic and composite stocks. Some of them come in even pink camouflage, and I do not know if that makes it any less dangerous, but that is how out of hand a lot of these things are getting. Notwithstanding that we are a very responsible section of the community and we are constantly under scrutiny, I understand that on some levels, but I do not think that we should be treated like maniacs that could let loose at some stage.

To bring that into perspective, earlier this year we had Operation Unification. It seems that every year, around the middle of the year, a program is put out by the police to raise public awareness of illicit firearms. As part of the program, which is publicised on radio, television and in the newspaper, it was reported that there are estimated to be 26 000 illicit firearms in Western Australia alone. That is a lot of firearms—26 000. Part of that report stated that 370 firearms had been stolen last year from licensed firearm owners, who themselves are victims of crime. There was so much media focus on those 370 stolen firearms, it was mindboggling. There was a safe inspection blitz and a lot of publicity in the media that people in the country should make sure that their washers and bolts were the right size—which they should do; they should comply with all the safe-keeping requirements. There was a lot of focus on that. But I want to know about the other 25 630 firearms that were either smuggled or manufactured, probably of the type that are more towards a criminal's liking than a long-armed bolt action hunting rifle. Where is the focus on that? It seems that all of the focus is on the law-abiding people, as Karl O'Callaghan, our commissioner, has confirmed in his comments.

Those are some of the issues surrounding the fees that we have in this state, which are sometimes 17 times that of other states, and it is not something that will just go away. Fifteen minutes before Parliament started today, a parliamentary staff member came into my office and chucked a few brochures on my desk. Apparently everybody got a copy of this brochure *Conservation & Hunting*. It is not a publication associated with me, other than I am a member of one of the organisations mentioned in it; it is not something that I put together. The brochure contains a full-page article entitled “WA Firearms Licensing System Review: Just a Con?” This article comes from the firearms community, which feels betrayed that last year they were told that there was going to be a review of the act. I sat in during question time in the other place when the Minister for Police said that we would look at modernising and streamlining the system. Those people in the firearms community feel betrayed that 12 months later none of that has happened; in fact, the prices have increased more.

I would like to quote a couple of comments from the article. I do not know where they got these comments from, whether they actually rang and spoke to people or not. It states, part way down the page —

Meanwhile the Attorney-General ...

When questioned, he said that he did not know why the Law Reform Commission did not have to report until September next year or who chose the date.

He did not know why it was taking the Commission so long to get started and appeared to think that this sort of delay was not unusual.

He seemed to suggest that one of the reasons for the length of time being taken was that the Commission tended to engage somebody ‘specifically experienced’ to draft the draft discussion papers.

However when asked if a person had been found and appointed he did not answer the question.

He must have been contacted.

The article continues —

He also did not know when a discussion paper would be released and public comment sought.

The time being taken to organise this review suggests that the threat to review firearm licensing has achieved its purpose—seen off the criticism of the significant firearms licence fee increases in 2013.

People are becoming very cynical about the promised review and about cost-recovery coming down once a streamlined and better system is in place.

On 6 and 7 December for the very first time Western Australia will host the Sporting Shooters Association of Australia Shot Expo. For members who do not know what the Shot Expo is about, it has been running in New South Wales and Victoria now for well over a decade. It alternates between Melbourne and Sydney. It attracts some 20 000 visitors and is a really big tourism attraction with people coming from all around Australia. It is not just about firearms; there are all sorts of outdoor equipment and those sorts of things. The Sporting Shooters Association of Western Australia was fortunate enough to land it for Perth this year. For the very first time, Perth will host the Shot Expo in December. I am concerned that there have been bits of feedback back and forth that the licensing department may not be as cooperative as some of the distributors would like, which may cause some problems. From a tourism point of view, if those distributors find that the paperwork and the hassles are too much, they are unlikely to return. That would be a real loss for the economy and tourism in Western Australia and for people to come and look at these things. A lot of national exhibitors may not return if it becomes too unwieldy and too hard to operate, so this is something that we have to get across.

In closing, I ask members to support the motion. The system is definitely broken and needs fixing. Last year we were promised that steps would be taken to review, modernise and streamline the system and to bring cost recovery down. We need to provide an efficient, sensible and cost-effective firearm licensing and processing system in this state for some of the state's most law-abiding and responsible people.

I commend this motion to the house.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [3.39 pm]: On behalf of the opposition I rise to support Hon Rick Mazza's disallowance motion. I note that we had a similar debate about a year ago after there had been a significant range of increases of about 147 per cent across the spectrum of licences. One would not have expected there to be another round of increases fewer than 12 months later, given that a number of commitments were made at that time and a parliamentary committee report highlighted a range of concerns and issues that the committee thought needed resolving. At the time the National Party took a wait-and-see approach and wanted the review in place before it decided how to deal with issues around the fee increases. I listened to Hon Rick Mazza again, and his discussion was fairly broad and wide-ranging and covered a number of matters close to the hearts of the many people engaged in shooting as a recreational activity.

I return to what we are dealing with today, which is this particular round of increases. Although they are not, on the surface of it, as substantial as the increases brought forward last year, they still add up and add to the burden—they are an increase upon an increase—each licensed person will have to shoulder. I am not sure whether Hon Rick Mazza touched on it, but I would imagine—I do not know—that people who own a gun for sporting or farming activities may own more than one, necessitating multiple licences and more cost. I am not too sure how many people would have more than one gun—maybe we can discuss that at a later date—but the number is significant. I think last year Hon Rick Mazza talked about something like 80 000 people in this state owning guns, which is a substantial group. We were certainly inundated last year with emails and correspondence regarding the level of anger about the sharp hike in fees; some of my colleagues have been contacted this time around.

This is a significant issue, particularly for participants in gun clubs and other shooting activities in rural and regional areas. Just as people in the metropolitan area might go to football, soccer, hockey or other things, people in some areas choose to engage in shooting as a hobby, so adding to the cost burden just causes more difficulty. Increases such as this would normally be considered by the Joint Standing Committee on Delegated Legislation, and if they are low to moderate and around the consumer price index, as I think these are, normally we would say that they are reasonably acceptable. But I think in this case we have taken the decision to support the disallowance motion, given what happened last year with those substantial increases and the fact that the promised review has not really taken off. One would have thought that given the commitment made by the minister in August last year, by now—in October, a year later—there would have been a fair bit of traction, and more than one stakeholders' meeting. I do not know whether any advertising has been done requesting submissions from stakeholders and I do not know whether any hearings have been promoted or invitations extended to people to present evidence. I do not know whether any of those things have happened, and if Hon Rick Mazza knew, he certainly would have told us today. It is, indeed, very disappointing given that the public commitment made last year—it is something I know Hon Rick Mazza has been pushing for—has not been followed through on. Call me cynical, but I think Hon Rick Mazza was conned. I also think the National Party

was conned last year when it was persuaded to take that option because this review was to be put in place, and it quite genuinely thought it was going to get off the ground. I think Hon Rick Mazza was conned, and I think he is right when he says that it will take a long time. I would be very surprised if he gets a result prior to the 2017 election.

I think there needs to be a broad inquiry into these matters. Hon Rick Mazza still has motion 16 on our notice paper that calls for a review of the Firearms Act 1973. I imagine that Hon Rick Mazza put this motion on the notice paper long before the other disallowance that we dealt with last year. This is obviously a matter that Hon Rick Mazza is not going to let go. I think last year, to placate him, the government agreed to that review but I do not know whether its heart was in it. It certainly has not put the resources into moving it along and providing the opportunity for community discussion and debate about what should happen with the range of matters canvassed by Hon Rick Mazza, be they related to costs associated with one or more licence, issues around pensioner concessions or interstate licences—a whole range of matters. I think they are important issues. Hon Rick Mazza may have used this motion today as a mechanism to get that issue up so that we are able to say to the government that it made that promise so it should deliver on it. It should not be another broken promise; the government should get the ball rolling and deliver on the commitment it made more than 12 months ago. It is obviously a significant issue to the 80 000-odd people who engage in these activities around our state. I think it is a major disappointment that the review has not been undertaken.

The sixty-eighth report delivered by the Joint Standing Committee on Delegated Legislation last year highlighted a range of significant problems that it had become aware of in relation to the management of the licensing process. Hon Rick Mazza and a number of others canvassed those issues in the debate last year, and I think he might have touched upon them today—issues such as double handling, the computer technology currently available for processing licences, the approach taken to engaging with owners of licences. This report highlights a range of matters that I do not believe have been addressed appropriately by the government, and certainly would be addressed if that review had been on foot in a practical sense as it should have been by now.

Compared with other increases, in isolation this batch is probably relatively modest. But when we look at the range of increases last year, they just add to the difficulty. When we line them up with every other increase that those same individuals have to deal with, it is not just one increase for which people have to find additional funds to pay, we have to add to that the increases that they will be paying for the additional costs associated with their electricity, water, rates and land taxes—the whole range of other costs this government has increased in the past 12 months that have added to the burden of trying to manage a household budget. For people who participate in shooting and own guns, having an increase like this means they have to try to manage that budget in a much more creative way.

It is our view that these increases should not proceed until that review has been conducted and finalised and the much broader issues have been canvassed. Perhaps then the government will be able to put in place a much more modern approach to how it manages licensing arrangements. It should certainly look at a much more effective system for licensing, and a better comparable licence cost; Western Australian licence costs for gun ownership are still substantially higher, as I understand it, than those of other states.

A number of factors need to be taken into consideration when we are looking at this type of issue. This price rise should not be treated in isolation because it is not just one increase that these individuals have to bear; it is simply part of the whole arrangement of a number of increases that they have to take into account.

I say to Hon Rick Mazza that I know it is sometimes tough for a new player in this place, and the government tries to entice them and keep them on the good side so that they will support it when it needs their number. Next time the government promises Hon Rick Mazza something, he should pin it down to a date and time and ensure that it delivers on those commitments to him, otherwise every time there is a price rise or a negative change in his area of interest, his only option may be to get up and air his grievances about how poorly the government is treating these individuals or mismanaging the process.

On this occasion, Labor will certainly be supporting Hon Rick Mazza. We hope that the government does deliver on that review process in a timely fashion, and does not just keep holding the carrot out to him over the next couple of years in the hope that he behaves himself in here. I certainly hope that he is able to persuade his colleagues in the National Party and others to support him. I imagine that there are gun owners in our electorates who have a very strong interest in this. There are a number of active clubs and groups in the South Metropolitan Region that would be very keen to know where the government is going on this. I know that the government will argue that this is only a marginal change, it is in line with CPI and it is about being cost reflective. Given the substantial increases that came through last year, the government needs to justify why it needs another increase across another range of licences in less than 12 months. It also needs to justify what it has done in the past 12 months to address the matters canvassed in the report by the Joint Standing Committee on Delegated Legislation, which will have serious concern about how the licensing process was managed. It also needs to

explain why, when it has given a commitment to Hon Rick Mazza to establish a review into the Firearms Act, it has not delivered on that and why it made a token effort to hold a stakeholder meeting but has done nothing else. There are some serious issues for the government to respond to. It needs to explain to Hon Rick Mazza why these matters have not been dealt with appropriately and in a timely manner.

With those few words, the opposition will be supporting Hon Rick Mazza on this occasion to disallow the increases in firearms licence charges that are being put forward by the government.

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.52 pm]: I congratulate Hon Rick Mazza for bringing forward this motion because, if nothing else, it allows members to be entertained by the hypocrisy of the opposition yet again and the idiocy of some of the comments made by Hon Kate Doust.

Hon Kate Doust: Is that the best you can do?

Hon MICHAEL MISCHIN: No, it will get better. The member should just wait.

Several members interjected.

The PRESIDENT: Order! We have had a debate so far on the matters that are pertinent to this motion before the house, not on personalities or other issues. Let us keep it that way.

Hon MICHAEL MISCHIN: Thank you, Mr President. I was not commenting on Hon Kate Doust's personality, only the quality of the arguments that she put forward.

Hon Ken Travers: Stop questioning the Chair.

Hon MICHAEL MISCHIN: I was not. There was no question mark at the end of it. Do try to pay attention.

We have had suggestions that the government has been misleading Hon Rick Mazza in order to try to win his support for matters, which really is an insult to Hon Rick Mazza. I do not believe he is so foolish as to not be his own man and to represent the party and the constituency that got him into this place. I had always assumed, unless Hon Kate Doust thinks to the contrary, that Hon Rick Mazza casts his votes on the basis of what he perceives to be the merits of each and every matter before this house and is not being simply conned by the temptations of some review or any particular undertaking that is given to him and that he does not compromise his views on a particular matter, which he assesses on its merits, by some promise on something unrelated to it. I may be wrong about that but I have always thought that Hon Rick Mazza takes a somewhat more educated and informed view of matters before this place and his responsibilities than Hon Kate Doust seems to think.

Secondly, there has been no token effort. In February this year, after initial consultation by the Law Reform Commission of Western Australia, I settled the terms of reference for the review. Members will recall that during the debate in November last year we canvassed all these issues about the quality of the licensing system. The government readily admitted that the licensing system was unsatisfactory. It was also pointed out that notwithstanding the ALP's love of firearm owners and criticisms of the system, it was under its watch for something like eight years and nothing was done about it; the system was allowed to fall into disarray and the ALP did not recover the costs of administering that inadequate system. The ALP allowed the licensing system to meander on without any reform. It is only now when we are getting to the question of cost reflectivity in fees, that it has decided to support anything that does not allow for that under the principle that if the system is being paid for, it ought to be paid for by those who are not using it. The Labor Party complains about the imposition of costs on members of the community, yet what it wants here and what it wanted in November last year was for everyone else to pay for the administration of the system so that firearm users—firearm owners—did not have to pay an increase that reflected the cost of using the system. I am not quite sure how that helps out struggling families but the money has to come from somewhere. Until last year, it was heavily subsidised by the police and from the police budget. As was pointed out last year, there was a need for a significant increase because there had not been any for so long and that subsidisation was no longer sustainable. So, yes, firearm owners ended up being hit with a massive increase—not a gradual increase introduced over the years but a massive one—in order to get to some level of cost reflectivity for administering it. I entirely accept, the Minister for Police entirely accepts and the government entirely accepts that the licensing system is broken and that the Firearms Act 1973 that forms the linchpin to it and the regulations that flow from that need to be reviewed. The undertaking was given that that would take place. I accept that it is not going as quickly as having come to a conclusion at the end of last year, but that will not happen, nor can it with a substantial review of a significant piece of public interest legislation that regulates the ownership, sale, manufacture and control of firearms.

As I mentioned, a review has been initiated by the Law Reform Commission. I add that that is an independent statutory authority. The opposition is very quick to complain about compromising its independence but now it seems to want me or the Minister for Police to micromanage that body. I am not going to do that. It is capable of doing its own work. Some reviews take longer than others, and that is regrettable, but it is not through a lack of resources. Indeed, it has been asked to report back by September next year. After a period of consultation—I do

not know how many meetings it had with stakeholders—in February this year, I set the terms of reference. It is required to report back. It is expected that it will release a discussion paper before the end of this year, which will set out the issues concerned and the various considerations and options for discussion. That is part of a responsible process. If it does take time, it is regrettable, but if we want something to be done properly, it will take time. The reporting period will enable the Law Reform Commission to develop a comprehensive report of the act and this will include the submissions of all those who have an interest in its operation.

Getting back to the issue of these fee increases, it is not just that they appear to be modest; they are modest. It is regrettable, as I say, that it had to be the case that some significant increases were made last year to make up the gap that had occurred over the many years preceding. I will mention one thing about comparing the fees in Western Australia with those in other jurisdictions. As I pointed out on the last occasion we had this debate, and as was noted by the Joint Standing Committee on Delegated Legislation, it is an idle exercise to compare jurisdictions, because the costs of running these things may be different, and some states may be undercharging significantly. I think a figure of \$8 for some kind of licensing fee or renewal fee in Tasmania was mentioned. Plainly, that does not cover too many costs of administering any sort of licensing system. However, what has been established by the delegated legislation committee and confirmed by its study last year is that the increases that were then being sought by the government were reflective of the costs of administering the system.

On the issue of the increases this time around, Hon Kate Doust is not correct in supposing that because a person has more than one firearm on a licence, they pay a separate licence fee for each. It is my understanding that it is quite the contrary; if a person wants to add a firearm to an existing licence, yes, they will pay an additional fee, but whether they have five firearms or one firearm under a firearm's licence, they pay only one licensing fee. It would help if she understood the subject matter. The most substantial increase this time around is for a dealer's licence, a repairer's licence or a manufacturer's original licence, which is an increase of \$10.70, or 2.6 per cent. That is the most substantial increase of all the licence fees being sought this time around. The increase for an original issue licence is \$5.70, the increase for a firearm licence renewal is 20c, the increase for an additional firearm application fee is \$2.50, and so forth. In fact, some of the fees are being reduced by modest amounts, I will grant it, and in some cases there is no increase at all. However, the majority of them are in the order of \$2, \$3 or \$4 at the most, and some increases are in the order of cents.

Hon Rick Mazza mentioned something about the vagaries and the subjectivity of the licensing process. Again, that will have to be properly considered by the review, and there is a matter of judgement involved in all these matters. On the matter of the category D licences, he asked why the appearance of a firearm should matter. It is because the regulations currently say so. Regulation 6A of the Firearms Regulations 1974 was inserted in 1996 and was amended in 2003—it has been there for quite some time—and requires a categorisation of firearms in accordance with schedule 3 of the regulations. Subregulation (2) states —

- (2) If Schedule 3 specifies a genuine need test for a particular category of firearms —
 - (a) an approval or permit cannot be granted and a licence cannot be issued to a person unless the Commissioner is satisfied that the person has a genuine need to acquire or possess a firearm of that category; and
 - (b) a person cannot be considered to have a genuine need to acquire or possess a firearm of that category unless the test specified in Schedule 3 is satisfied.

The schedule 3 test provides that each firearm described in the table in division 4, which sets out the category D firearms, is a category D firearm. One of them is a D1, which is a self-loading centre-fire rifle designed or adapted for military purposes or a firearm that substantially duplicates such a firearm in design, function or appearance. One can argue whether something that looks like an armalite or a self-loading rifle but is in fact not ought to be banned, but the fact is that the regulations as they currently stand require it to be categorised as a D1 firearm, with all the restrictions around that. Clause 8 of schedule 3 states —

To satisfy the genuine need test for category D the applicant must satisfy the Commissioner that the firearm is required for Commonwealth or State government purposes.

So anything that looks like a military firearm, albeit it may not be, can be licensed only if the commissioner is satisfied that it is for state or commonwealth government purposes. One can argue the merits of whether it ought to be changed, and I see Hon Rick Mazza thinks that it should be changed. I do not offer an opinion on it, because I do not know the rationale for the insertion of that requirement at that particular time. There may have been a very good reason for it so that it does not cause alarm or a misapprehension by someone carrying around something that looks like a military-style firearm. One wonders why one would feel that one needed to go around with something that looked like, but was not, a military-style firearm, but there you go. That is the sort of issue that needs to be soberly debated and discussed by the Law Reform Commission based on rational arguments, with input from all those who may be interested in it.

However, the issue today is a little more narrow. Again, I do not detract from the earnestness with which Hon Rick Mazza has raised the several issues that concern the people he represents in this field. I can assure him that there is no delay involved. I will keep track of how the Law Reform Commission is performing its function. However, in assessing a piece of legislation such as the Firearms Act, a licensing regime and the regulations that underpin that licensing regime, I am confident that it is proceeding at an appropriate pace, and I am prepared to entertain any questions about progress that the member may have from time to time and, indeed, invite the commission to advise me on the progress it is making. What I do not propose to do is micromanage the commission and tell it how to do its job.

Hon Ken Travers: Are you confident that it has the resources?

Hon MICHAEL MISCHIN: Yes.

However, that is a separate issue to the issue of trying to manage the current system. I accept that there are inadequacies with it, but the question however is: who should pay? The real question is whether, to protest against the allowance of these modest increases in order to maintain a system, albeit not the optimum system, others who have no interest in the possession or ownership of firearms should pay for the management of that system. The government takes the view that those who want to use the system ought to pay for the system. Those who want to own firearms ought to pay for that, in the same way that those who want to own cars pay the car licensing fee, not those who want to remain pedestrians.

The subsidisation of the police that occurred up until now has ceased. It involved a significant increase because of that change in philosophy that had not been undertaken before. These increases are relatively modest. They have been fixed at 2.6 per cent, as the consumer price index figure. In fact, it was 2.75 per cent for the purposes of enterprise bargaining agreements for the first year, but 2.6 per cent was fixed as the increase and the cap, if in fact any cost recovery were to be greater than CPI. That is the maximum amount, and the vast majority of the increases are well below that; in fact, there have been some small decreases in some of the fees.

The government cannot support the disallowance motion, as it would impose a burden on the community that is not interested in the possession of firearms to pay for it, and the cost reflects the increasing CPI cost of the resources and salaries of those administering the system to date. I respect Hon Rick Mazza's approach to the matter. I can understand why he has taken this particular approach but, with respect, we cannot support it. It is unfortunate that the Australian Labor Party has suddenly decided that it loves firearms owners when it could not be bothered for some eight years to fix the problem.

Hon Ken Travers: You're an odious man sometimes!

Hon MICHAEL MISCHIN: The Labor Party neglected it for eight years and I have yet to hear anyone tell me what it did on the subject.

Hon Ken Travers: How long have you been in government? You guys have been in government for longer than us.

Hon MICHAEL MISCHIN: Really?

Several members interjected.

The PRESIDENT: I think the Attorney General is finished.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.10 pm]: As the Deputy Chair of the Joint Standing Committee on Delegated Legislation, I need to advise the house that we looked at this regulation. We found that it is within power, it has no intended effect on a person's existing right or interest and there is no aspect of the regulation that was presented to us that causes us concern. However, the committee is mindful that there is a genuine community interest in how the fees are raised; therefore in a bit of an unusual move, the committee resolved to extract a fee table from the explanatory memorandum and make it public so that it is in the public domain. That will enable people to actually see the percentage of fee increases associated with a firearm licence. As Hon Attorney General has indicated, when it comes to an original licence, some fees range from 2.3 per cent to 2.6 per cent; and additional firearm licence fee applications or renewals range from 0.04 per cent to 1.7 per cent. Some issues raised by Hon Rick Mazza, especially the one about air rifles, perplexed me as a former armourer; I am completely bamboozled by that one. Fortunately, though, it has little to do with the debate we are dealing with today.

Today we are dealing with the Firearms Amendment Regulations 2014. As the house knows, the committee tabled the sixty-eighth report in October 2013 in which we touched on the original issues raised by Hon Rick Mazza in his previous disallowance motion. Although again we found in that context the fees to be within power, we noted that within it were a number of major problems in the development of those fees and the way it had been gone about. We therefore recommended that aspects be referred to the minister, and that the

minister initiate a review of the Firearms Act 1973 and advise the Council of the time frame of that review. That review is now going on and is being conducted by the Law Reform Commission of Western Australia. It commenced in 2014 and is referred to as “Project 105—Firearms Act 1973”. The terms of reference read —

That the Law Reform Commission ...

1. Provide advice on and recommend appropriate legislative and/or procedural changes with regard to the licensing and storage of firearms, definitions and categorisation of firearms, and effects of changes in firearm technology incorporating national initiatives where appropriate.
2. Provide advice on and recommend appropriate legislative changes regarding penalties for firearm offences and in so doing consider consistency with penalties in other Australian States and Territories.
3. Review of any relevant issues arising from recent ‘Operation Unification’, the Auditor General’s Reports on the firearms licensing, Joint Standing Committee on Delegated Legislation Report 68, Explanatory Report in relation to the *Firearms Amendment Regulations 2013* and any other relevant Parliamentary Inquiry.
4. Provide advice on any other relevant matters.

I understand that the report is due in September 2015. Quite clearly, as the Attorney General said, the Law Reform Commission is an independent body that is reviewing these matters. I am mindful of the concerns of Hon Rick Mazza on this matter, but as the committee made no recommendation because it found the Firearms Amendment Regulations 2014 to be within power and dealt with the matter only by the consumer price index, the Greens do not find themselves in a position to support Hon Rick Mazza’s motion. However, I note again that some issues raised in Hon Rick Mazza’s commentary that were outside the scope of the matter we are dealing with were genuine. As somebody who has had some dealing as an armourer, I find some of the issues raised quite interesting. I make no observation on the fact that people can buy a rifle that looks like a self-loading rifle but is not an SLR, nor on the comments made by the representatives of the police in briefings to Hon Rick Mazza. Certainly, there is a major issue between centre-fire and rim-fire rifles. I would hope that no rim-fire firearm purports to replicate an SLR, a Kalashnikov or any of those sorts of firearms, because then that would give me some concern. However, I am assuming that the firearms that Hon Rick Mazza talked about are actually still sanctified. I have received a nod from Hon Rick Mazza, which indicates that is correct.

There are issues of concern raised by Hon Rick Mazza, but the substantive issue we are dealing with is the Firearms Amendment Regulations 2014, which seem to all accounts to be representative of CPI or in fact under CPI. The issue of cost recovery is an issue that we in the delegated legislation committee have taken very seriously. I suppose the question that most probably needs to be asked at some stage in the future is: if the inquiry proposes some tidying up of administrative procedure and that, in turn, leads to the fees being more than cost recovery, will that be a problem for the Joint Standing Committee on Delegated Legislation because it would be deemed to be raising a tax that is unlawful? On that account, I indicate to Hon Rick Mazza, apologetically, that we will not be supporting his motion.

HON PAUL BROWN (Agricultural) [4.18 pm]: Once again I thank Hon Rick Mazza for bringing this matter to the attention of the house. As previous speakers have already noted, we had a quite substantive debate about this matter some few months ago—in February, I believe—and that was really on the guts of the issue. We all stood in this place, represented our constituents and raised quite a few issues about firearms and firearms legislation, and the fees and regulations that apply to firearms. We had a report from the Joint Standing Committee on Delegated Legislation that said quite clearly there was full cost reflectivity in those fees. I agree with Hon Rick Mazza that in my contribution at that time I supported the first option from the delegated legislation committee in its report to endorse the fee increases because they reflected full cost recovery and removed the current subsidy by WA Police. That is true. That was a very good recommendation. The committee looked at all the issues with regard to that matter and came back to us with a very good report. We sat here and we considered and debated that report. We had the toing and froing and the tit for tat. But, at the end of the day, it comes down to the simple equation: are the fees full cost reflectivity? Unfortunately for Hon Rick Mazza, it is the case that the fees are full cost reflectivity.

I have great sympathy for all gun owners, not only those in my electorate of Agricultural Region, but those throughout the state, and also those who are sitting in the gallery at the moment. I am a gun owner. But we are here to debate this disallowance motion. We can listen to Hon Rick Mazza talk about camouflaged stocks and weapons that look like assault weapons. Once again, I have full sympathy for those gun owners who have been disadvantaged by these regulations. But in February of this year, the National Party, in conjunction with the Attorney General and the Minister for Police, undertook to have the Law Reform Commission review the firearms regulations and the fees. That is what is happening. I make no apologies for that. I said quite clearly in my contribution to the debate at that time that there are massive inconsistencies. We all recognised during that

debate that the fees are inefficient. That is because the systems that are applied to those fees are inefficient. I think I recounted—I will not repeat it here—the 14-step process that people have to go through to get a firearm licence. That is unacceptable. This is 2014, not 1960, when everything was done by hand. We should have a system that enables online applications and verifications so that people do not have to take a photograph of their gun safe and send that to the police to verify that they comply. That is outrageous.

To get back to the substantive motion that is in front of us today, we are looking at the consumer price index increases to those fees. I say again that I have sympathy for gun owners with regard to the fee increases. We would have liked not to have any increase to firearm fees while that review is taking place. But that is not the nature of government, and that is not the nature of government agencies and departments. They have ongoing costs, and they are not likely to absorb those costs, because that would put the government and other government agencies and departments in a compromised position with regard to fees.

When we look at the CPI increases to licence fees, it is not all one-way traffic. A number of fees have actually been reduced. I will not stand here and say that those fee reductions are substantial—they are very, very minor. Nonetheless, if we disallow all fee increases, as part of that we will also disallow fee reductions. We need to be very mindful of that when we make our decision with regard to this motion. I apologise if I missed it during that very vigorous debate, but I do not remember anyone talking about the fee decreases that are also reflected in these CPI changes.

The Law Reform Commission review is underway. At no time when we negotiated with the Minister for Police, Hon Liza Harvey, for that review did we negotiate an end date for that review. The review was initiated on 1 March this year. My advice from the relevant agencies is that, as promised, the review commenced on 1 March 2014, and it is anticipated that the final report will be completed by September 2015. No delays are anticipated with this review, and although the time frame may seem to be long, I believe this is a reasonable period for such a significant review of a piece of legislation that has wide ramifications, not just for recreational gun owners and professional gun owners, but also for the wider community. We are not talking about a game of tiddlywinks here. We are talking about guns—guns that kill people. The vast majority of gun owners—if not all—throughout Western Australia are very, very responsible with their weapons. Nonetheless, guns are a weapon. I say, as one of those gun owners, that I use my weapons with the utmost responsibility, as do most gun owners in Western Australia. I have full sympathy for all gun owners in Western Australia. Nonetheless, we in this house have a responsibility to make sure that when we review the regulations and the fees that apply, we get it right. When we ask another body to undertake a review for us, we need to give that body the time and the resources to enable it to conduct that review properly.

As I have said, the end date might seem lengthy. Some people who took part in the negotiations for that review might even say, as Hon Kate Doust said earlier, that we have all been conned. But I think she got that wrong. I think that is very small-minded of Hon Kate Doust. I am sure that if this review was being undertaken as part of a negotiation that she had made, she would want it to be done thoroughly. I certainly want it to be done thoroughly, and my colleagues in the Nationals want it to be done thoroughly. We did not negotiate the review of these regulations lightly. We could very easily have sat back and taken a very laissez faire approach to this review. But we did not do that. We wanted to get a better result for gun owners and the community by negotiating a Law Reform Commission review of the legislation. Ultimately, that review and the changes to the legislation will help bring down gun licence fees, because it will highlight the inefficiencies that exist currently and bring in efficiencies in a range of ways, not only at a manpower level but also at a technology level. As I have said, I do not want to see responsible gun owners having to go through a 14-step process in which the application goes to Australia Post and then to the firearms section of WA Police, and it mucks around with it for a while; it then goes back to Australia Post and it prints it and sends it off; then the applicant has to take a photograph of their gun safe and post that, and it all goes backwards and forwards like a tennis match. It is ridiculous. That is what this review will highlight and will change. I say to those in the gallery, and to all gun owners in Western Australia: have patience. It may well be frustrating. I am in the same boat as they are. I am paying the same fees as they are paying, and I imagine Hon Darren West, Hon Nigel Hallett and Hon Brian Ellis are paying the same fees on their properties. We are gun owners, and we are paying the same sorts of fees, and we have the same level of frustration as every other gun owner in Western Australia. But we in this house have a responsibility to make sure that the system works.

I would say to recreational gun owners as well that they should not forget that they are engaging in a recreational pursuit. Last night, I engaged in a recreational pursuit with a few of my friends and colleagues. We played in an AFL 9s competition down the road.

Debate interrupted, pursuant to standing orders.

[Continued on page 7540.]