

Mr Matt Birney; Mr Rob Johnson; Mr John Kobelke; Mr Jeremy Edwards; Mr Terry Waldron; Acting Speaker;
Mr Paul Omodei; Mrs Cheryl Edwardes; Mrs Michelle Roberts

FIREARMS AMENDMENT BILL 2003

Second Reading

Resumed from 19 November 2003.

MR M.J. BIRNEY (Kalgoorlie) [9.42 pm]: I rise on behalf of the Liberal Party to offer its contribution to this debate. I hope that the Treasurer takes a little more notice of my speech than he did of the Minister for Community Development's speech. He had a case of the noddies. I am sure it was not a reflection on the minister's speech. Nevertheless, the Treasurer has left the Chamber, so I do not have that problem.

Mr R.F. Johnson: He is frightened the lights will go out.

Mr M.J. BIRNEY: Perhaps he is checking to see whether his airconditioning is still on.

On behalf of the Liberal Party, I am pleased to offer its support to the Minister for Police and the Government for the Firearms Amendment Bill 2003. I will outline a couple of the issues involved in the Bill and then perhaps even raise a few points. I add at the outset that, sadly, I have not had the opportunity of being provided with a full briefing on this Bill yet, although that briefing will be made available to me tomorrow morning. Nonetheless, the Bill has been around for some time and I am prepared to deal with it.

As I understand it, the Bill was largely born out of the Australasian Police Ministers Council meeting. That meeting made some recommendations to the Council of Australian Governments and some of those recommendations are contained in this Bill. The Bill increases penalties across the board for people who commit firearm offences. It also creates a number of new offences in connection with firearms. In particular, one of the offences created is the offence of aggravation when an offender is found to be in possession of an unlicensed firearm and a stash of illicit drugs and/or a stash of money. Currently, the law ensures that anybody caught with an unlicensed firearm attracts a maximum penalty of 18 months in prison and/or a fine of \$6 000. The Government is seeking to make the point that if a person is in possession of an unlicensed firearm and a stash of drugs and/or cash, there is a pretty good chance that that person is dealing in drugs at the pointy end of the system. The minister is seeking to make the penalty for possessing an unlicensed firearm in those circumstances considerably higher.

As I said, the current penalty for an unlicensed firearm is 18 months imprisonment or a fine of \$6 000. The Government is seeking to increase that penalty from 18 months imprisonment to 14 years imprisonment. Although I support the general thrust of what the Government is trying to do, it is a little bit annoying when, from time to time, the Minister for Police tries to increase maximum penalties for certain crimes. Will we get to the stage at which all criminals and all crimes are treated equally and everything has a maximum penalty of 14 or 20 years imprisonment? Clearly there are different crimes and there are different types of criminals. Those different crimes should attract different rates of penalties. However, over time the Minister for Police is seeking to increase the maximum penalties for a range of crimes, in the full knowledge that the courts will probably never hand out those maximum penalties. If the minister were truly tough on crime, as she would have the people of Western Australia believe, she would introduce tougher minimum penalties rather than simply increase the maximum penalties.

I cannot envisage a circumstance arising whereby a magistrate sentenced somebody to 14 years imprisonment for being in possession of an unlicensed firearm, even if he did have a stash of drugs and/or cash. The reality is that the magistrate would hand out some kind of punishment for the offence of having the unlicensed firearm. He would then hand out an additional punishment for the possession of the illicit drugs and perhaps even a little something for the stash of cash if it could be proved that that cash was gained by ill-gotten means. The reality is that anybody caught with an unlicensed firearm, illicit drugs and a stash of cash will get a helluva lot more than the 18 months imprisonment prescribed for somebody who has been caught with an unlicensed firearm.

It is fair to point out that this is an election year and that the Minister for Police enjoys running around town beating her chest. She is trying to make the point that the Government is tough on crime when in reality a magistrate would not sentence somebody to 14 years imprisonment for being in possession of an unlicensed firearm, even if the offender had a stash of drugs and cash with him. However, having said that, the Bill sends a clear message to those people who would seek to engage in the illicit drug industry. Of course, the types of people who carry shotguns or concealed weapons and drugs are the worst types. They are obviously prepared to use those firearms and I am sure that they will get the message, although they probably would not be sentenced to 14 years imprisonment, as is proposed in this Bill.

The Bill also seeks to make a number of other amendments to the Firearms Act 1973. In particular, it seeks to limit the types of hand guns that can be imported to Australia and that can be used by sporting shooters. For

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instance, it seeks to limit the calibre of guns able to be imported to Australia to a .38 calibre. I read that provision with some amusement. What is the difference between what a .38 calibre bullet can do to a person and what a .48 calibre can do to a person? A bullet from a gun of either calibre would probably kill the person if it hit the right spot. I am not sure where the concept of limiting the calibre of gun that can be imported into Australia comes from. I really do not see the need for that. Nonetheless, I think many people would probably be very happy if guns could not be imported at all.

While we are on that topic, I want to put on the public record my view on guns and gun control. My view probably differs somewhat from that of some of my colleagues, and certainly from that of some country people. The situation in America with regard to guns and gun control is an absolute disgrace. People are dying daily simply because of the unfettered access to guns, particularly hand guns, that exists in that country. As a country, and particularly as a State, we have a real opportunity to restrict access to guns. John Howard is very strong on that point. His views have put him offside with some sections of the community, particularly the gun lobby. I happen to share his view that if we can get to a point in this country and this State at which guns are simply not available, even if that is to the detriment of some sporting shooters and perhaps even some people who make a living from the land, we will all be a lot better off and will ensure that we do not go down the path that America is going down, as we see on television every night.

The Bill also seeks to limit the type of hand gun that can be brought into Australia by providing that a semi-automatic pistol will be restricted to a barrel length of 120 millimetres and a single-shot revolver will be restricted to a barrel length of 100 millimetres.

Mrs M.H. Roberts: That is the minimum length.

Mr M.J. BIRNEY: That is right. I imagine that the reasoning behind that is to prevent to some extent people concealing hand guns on their person. Once again that will ensure that we move away from the American experience whereby every third or fourth person carries a hand gun and every fifth or sixth person who carries a hand gun is prepared to use it. I strongly support that part of this Bill.

The minister said in her second reading speech that she drafted the Bill in consultation with representatives of Western Australian hand gun target shooters and other sporting shooting clubs. What the minister did not say is that not too many of those people are happy with the Bill. I guess that is understandable, particularly if shooting happens to be their chosen sport in life. However, there is certainly a greater public good in restricting access to guns, particularly small, concealable hand guns, and, unfortunately for the sporting shooters, the public interest will prevail.

A hand gun buy-back took place from 1 July last year and ceased to operate in June this year. I understand that 1 117 licensed guns and 235 unlicensed hand guns were handed in. I think we can all say that that buy-back has been a huge success. There are now 300 or 400 fewer hand guns on the streets than was the case at the same time last year. That can only be good for public safety. However, I have been contacted by a number of people who are particularly aggrieved by the gun buy-back process. One of my constituents contacted my office not long ago to advise me that he had handed in his gun some 52 days ago and still had not received any money from the Government. I hope the minister will be able to give us some indication of how the gun buy-back has worked and of what sorts of delays have occurred in paying people for guns that have been handed in. I am sure the minister would agree that 52 days is long enough. My constituent was so aggrieved that he had not been paid for his gun that he wanted to get his gun back. He was sorry that he had ever handed it in. If we are to have buy-back schemes, it is important that they operate well and do not inconvenience people.

The Bill will give the Commissioner of Police the option of revoking a hand gun licence on the basis of so-called criminal intelligence. Although I support that provision, I acknowledge that it is fraught with danger, because it will give the Commissioner of Police unfettered power to revoke a person's gun licence based simply on rumour or innuendo, or perhaps criminal intelligence. I am sure that a person who had a previous conviction for a firearms offence would not be able to get a gun licence anyway, and that, if a person had a previous conviction for some other offence, it might be argued that he was not a person of good character and should not have a gun anyway. I am sure a number of people will be aggrieved by that provision. However, consistent with my view on guns, I believe the public interest will prevail, and if a number of people lose the ability to use their hand guns because of this provision, then sad as that may be for those individuals, we will all be better off.

Part 3 of the Bill implements resolution 15 from the Council of Australian Governments, which endorses the requirement for shooting clubs to notify licensing authorities if they believe that one of their club members is not a fit and proper person to hold a gun licence. Once again, this may open up a Pandora's box. I am concerned that some issues may be related to this resolution, in particular who can make a recommendation to the licensing authority that a particular person is not a fit and proper person to hold a hand gun licence. Must it be the president, treasurer or secretary of the club, or could it simply be an aggrieved member who has a personality

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conflict with the particular person? That is not clear in the Bill, and it may lead to some animosity between club members. However, once again, I believe the public interest should prevail.

Resolution 19 from COAG, which has also been adopted by the Government, is probably one of the most controversial. It provides that medical authorities, in particular doctors, nurses, social workers, psychologists and professional counsellors, will have the power to advise the minister or the licensing authority if they believe that one of their clients is not a fit and proper person to hold a firearms licence. This goes to the very heart of the professional confidentiality that exists between a doctor or counsellor and a patient. People see a counsellor about issues that may be troubling them, and they do so safe in the knowledge that what they tell their counsellor will remain confidential between the two of them and no-one else will find out. Some issues will arise when a person pours out his heart to his counsellor or doctor and that counsellor or doctor then advises the licensing authority or the Commissioner of Police that he is very concerned that the person may have a gun licence. I am sure the doctors among us would probably be very concerned about that potential breach of confidentiality. Once again the public interest will win through. If that means that one person who probably should not have a gun has his gun removed from him, we will have achieved something. However, I place on record that I am concerned about a breach of confidentiality between people in authority and people considered to be clients. The Bill also indemnifies people from future prosecutions. That is probably a good thing, otherwise not too many people would breach confidentiality.

The 14-year imprisonment issue crops up throughout the Bill. I am sure we all agree that 14 years is a helluva long time to spend in prison. When we hear the words "14 years in prison" we associate them with a term served by rapists, murderers or people who commit grievous bodily harm.

Mr R.F. Johnson: They do not get 14 years.

Mr M.J. BIRNEY: They should do. They are the sorts of people we think of when we talk about 14 years in the can. The Bill provides for 14 years imprisonment for anyone who sells three or more unlicensed firearms. We do not want people to sell unlicensed firearms. We want to stamp out that behaviour at every opportunity. However, members should ask themselves which magistrate in this State would sentence someone to 14 years in jail for selling three unlicensed firearms. That penalty is not worth the paper it is written on. It is in the Bill so that the minister can refer to 14 years imprisonment at her various public engagements in the hope that someone somewhere might think that she is tough on crime. Nobody will be given 14 years in jail. If the minister were truly tough on crime and really wanted to do something about this issue, she would introduce a minimum penalty to ensure that anyone who sells three unlicensed firearms or more will receive a minimum jail term. Why does the minister not consider that? The reality is that harsh minimum jail terms are fraught with danger. They can lead to someone inadvertently spending too long in jail, depending on the crime. The minister is much more content to introduce a maximum term of 14 years, safe in the knowledge that nobody will be given 14 years. It is a bit of a joke.

The Bill also provides increases in penalties of up to seven years jail for defacing or altering identification marks on a hand gun. It is a massive increase on the 18 months or \$6 000 fine that previously applied. Who will sentence someone caught defacing a gun to seven years in jail? I do not think too many people will be sentenced to seven years in jail.

The Bill also refers to altering a gun. Presumably it refers to a shotgun being modified to become a sawn-off shotgun. That is usually so that someone of pretty bad character can conceal a gun. I assume that is at the upper end of the scale. I am still struggling to see a magistrate handing down a sentence of seven years because a person has sawn off the barrel of his shotgun. If he used the gun and shot someone he might get seven years, but I doubt he would get seven years because he took a hacksaw to the barrel of the gun. Once again, they are nice words that sound good. It probably will not do much good, although it might send a message to people who are thinking of engaging in that activity. The Opposition will support it for those reasons.

The Bill will impose significant penalties on gun dealers, repairers and manufacturers who fail to secure their firearms adequately. It imposes a fine of \$4 000 for the first offence and \$8 000 for any subsequent offence and/or two years imprisonment. They are strong penalties for people who are small businessmen going about their business trying to earn a quid. They might forget to lock their gun cabinet because everyone was busy or left the shop early that day. I can recall the many things that I have forgotten to do in my business. In fact I forgot to lock the door of my premises on one occasion. The next morning I was devastated to find that the place was unlocked. No-one had entered the premises, which was a good thing. I am a law abiding businessman. At least I was. That is, I was a businessman. I am still law abiding!

Several members interjected.

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[ASSEMBLY - Tuesday, 2 March 2004]
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Mr M.J. BIRNEY: I would be devastated if by some chance I left the gun cabinet open and as a result I was sentenced to two years imprisonment. I do not think a magistrate would give anyone two years imprisonment. Once again, they are just words.

The next issue concerns penalties for fitting a silencer to a gun. I support this provision strongly. The only reason someone would put a silencer on a gun would be to shoot the gun, safe in the knowledge that no-one would hear him. The only reason for doing that would be to shoot someone.

Mr J.P.D. Edwards: It could be to shoot rabbits.

Mr M.J. BIRNEY: It could be for rabbits but I do not know why anyone would need a silencer fitted to a gun to shoot rabbits. They would run away if they heard a branch break. Let us face it, a silencer still allows the gun to make some noise. The penalty for fitting a silencer to a gun has increased from 18 months to seven years imprisonment. I am sure that is a very good provision.

I am very pleased that the minister has taken the opportunity to include some very clear provisions for the recreational activity of paintball. Most members will be familiar with the activity of paintball. It is a team-building, physical game that involves exercise. I think that paintball will add something to the social fabric of Western Australia. It has been played in the past in Western Australia, albeit, it is fair to say that many people have been hesitant to play because they have been unaware of the legalities attached to it.

Mrs M.H. Roberts: Have you played it?

Mr M.J. BIRNEY: Why would I play it?.

Mrs M.H. Roberts interjected.

Mr M.J. BIRNEY: I am looking forward to playing a game against the minister.

Mr J.J.M. Bowler: I challenge the member to a game.

Mr M.J. BIRNEY: I am getting to that; it is in my notes. We will have a little game. In March last year, Magistrate Wheeler ruled that a paintball gun was not a firearm. That was a fairly groundbreaking ruling and probably gave the paintball industry a sigh of relief. Nevertheless, the police still hold the view that a paintball gun is a firearm. I am sure this Bill will clear up that matter once and for all. I think the Bill is silent about whether a paintball gun is a firearm; it simply alludes to the fact that if something is used to play the game of paintball there is no requirement to obtain a licence. That is probably a sensible way forward.

Broadly speaking, the Liberal Party supports the Bill even though much of it amounts to just words that are becoming very reminiscent of the Minister for Police and Emergency Services. However, it contains some good clauses and the clause covering paintball is one of them. People who think playing paintball is harmful should think about the sports of karate or judo. For the sake of self preservation I would much prefer to play paintball than one of those sports. It is a good, fun game designed to encourage team building. With those few words, I hereby issue a challenge to the Labor Party: if and when this legislation is passed, I am sure that half a dozen of our finest on the blue side would enjoy a game of paintball against half a dozen of the finest on the red side. Being the gentleman I am, I will be very careful when approaching the Minister for Police and Emergency Services during the game.

Mrs M.H. Roberts: I'm a pretty good shot, you know!

Mr M.J. BIRNEY: I will try to pick off the minister from afar, as I do in Parliament every day.

I am happy to offer to the Government the Liberal Party's support for the Bill.

Adjournment of Debate

MR R.F. JOHNSON (Hillarys) [10.10 pm]: I move -

That the debate be adjourned.

MR J.C. KOBELKE (Nollamara - Leader of the House) [10.10 pm]: The issue is that another speaker was going to speak on the Bill; therefore, the Government will not support the adjournment of debate at this stage.

Question put and a division taken with the following result -

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Mr Matt Birney; Mr Rob Johnson; Mr John Kobelke; Mr Jeremy Edwards; Mr Terry Waldron; Acting Speaker;
Mr Paul Omodei; Mrs Cheryl Edwardes; Mrs Michelle Roberts

Ayes (11)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr R.F. Johnson	Mr T.K. Waldron
Mr M.J. Birney	Mr J.P.D. Edwards	Mr P.D. Omodei	Mrs C.L. Edwardes (<i>Teller</i>)
Mr M.F. Board	Ms K. Hodson-Thomas	Mr R.N. Sweetman	

Noes (25)

Mr P.W. Andrews	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.J.M. Bowler	Mr R.C. Kucera	Mrs C.A. Martin	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr A.J. Dean	Ms A.J. MacTiernan	Mr A.P. O’Gorman	Ms M.M. Quirk (<i>Teller</i>)
Mr J.B. D’Orazio	Mr J.A. McGinty	Ms J.A. Radisich	
Mr S.R. Hill	Mr M. McGowan	Mr E.S. Ripper	
Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts	

Pairs

Mr J.L. Bradshaw	Mr C.M. Brown
Mr W.J. McNee	Mr J.R. Quigley
Mr C.J. Barnett	Dr G.I. Gallop
Mr M.G. House	Dr J.M. Edwards

Question thus negatived.

Second Reading Resumed

MR J.P.D. EDWARDS (Greenough) [10.15 pm]: I generally support the Bill. The member for Kalgoorlie raised an issue upon which I was going to comment; namely, that I would hate to see Australia go down the path that the United States has gone down over many years.

Ms J.A. Radisich: Talk to your federal colleagues, then.

Mr J.P.D. EDWARDS: I suspect that this Bill will help to some degree to ensure that we do not follow that course. Certainly, the federal Government, as a member opposite interjected, has also been making advances in that direction.

I understand the separation of the penalties that the minister suggests. The current penalty for possessing drugs, illegal cash and an unlicensed firearm is 18 months imprisonment. It is proposed that the penalty be increased, and I have no problem with that at all. However, we must be careful that we do not over-penalise. The member for Kalgoorlie referred to dealers, repairers and manufacturers, who are only small business operators. Having been a small businessperson, I realise the limitations placed on small businesses, and this measure could apply another limitation. To slam a \$4 000 fine, as well as two years imprisonment, on an operator is a little heavy. Most people running a business like a firearms dealership or repair or manufacturing shop operate because they have been given a police clearance and have passed all the relevant conditions, exams or whatever is applicable. Those people are obviously trusted to do their job.

I have some problem with paintball guns and paintball games. In my history with guns, I was fortunate to be brought up in a country situation in which guns were part and parcel of our lives. From the age of 10 years, I was taught how to use a gun, and I was taught never to point a gun at anybody - and for very good reason. The guns we used were lethal and fired a bullet or cartridge. I understand that paintball guns fire only a pellet containing paint. I was going to state that young people are involved in this game, but maybe I should re-phrase it because of the challenge the member for Kalgoorlie offered to the Government. The members of the Opposition and Government who may participate in the paintball game may not be that young. The paintball game is a fairly new phenomenon, and many safety factors have been taken into account. The guns use compressed air and, basically, do not make a large mark. The paint pellets only spatter on clothing and possibly cause bruising. I have some concern about the fact that we are teaching people to point guns. It seems to be an oxymoron in that legally the police say that a person should not point a gun as it is a criminal offence, but in a game such as this it is recognised that a person can point a gun. Perhaps there needs to be a little more training and education in the use of guns. Some people purchase guns for hunting or for use in a sporting club. Members of a sporting club are taught how to use and handle guns, and quite properly so. I question whether there is an education and training program for a young person who buys a gun to hunt a rabbit or whatever it may be. After

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all, before young people drive on the road, they must take a driving test. Maybe there is something in that that we need to consider, not that I want more regulations to be imposed on people. However, when it comes to guns, regulation is probably worthwhile. There is an argument for some training and education through the Police Service. Perhaps the minister will consider that issue. I do not know whether it could become part of the Bill, but it is something that could be borne in mind.

Mrs M.H. Roberts: It already happens. It is already in place.

Mr J.P.D. EDWARDS: I understand that. However, I do not think it will prevent a young person from owning a firearm and going into a police station and making an application. Admittedly, a person must meet given criteria to own a firearm, but I was referring more to training people in how to handle guns safely and that sort of background.

I also have a slight problem with club membership. Again, I am only repeating what the member for Kalgoorlie has said. However, it is an issue that could get out of hand if there were some personality clashes within a pistol or firearms club. Certain members of the club may wish to make things difficult for another member, and the Bill does not cover that area as well as it could. It leaves it open to some abuse. Maybe that is an area that could be tightened up or certainly reconsidered.

Another issue I want to raise - I am aware that it is probably more a federal issue, but I want to flag it and put it on the record of this place - is that I have had representation from various electors about historic firearms and the heritage value of Australian firearms. One example that springs to mind is the Owen submachine gun. It is an all-Australian gun. There are models of that gun in the eastern States, and there was some concern that, with the federal Government's buyback scheme, a lot of those guns would be lost to the nation. Although they were in museums or in the hands of collectors, the buyback scheme did not differentiate between them and other guns. If there were some influence from a State about that issue, that is a matter of concern that could be addressed.

I do not see a lot of point in repeating everything that the member for Kalgoorlie has said. I think I have raised all bar one issue; that is, the requirement for written permission to use a gun or firearm for hunting or shooting of a recreational nature on land. A letter must be obtained from the owner of the property stating that the applicant is permitted to use the property for shooting. I understand that the Ombudsman criticised the Police Service for requiring applicants to supply written permission. However, I see that it is considered reasonable and prudent to gain written permission. I do not have a problem with that; it is a good idea. It provides another area of safety and addresses a potential issue. With those few words I am prepared to support this Bill. I ask the minister to consider some of the points I have raised, although a couple of them are not particularly relevant to her Bill.

MR T.K. WALDRON (Wagin) [10.25 pm]: The National Party will be supporting this Bill. I am not the member of the party with responsibility for this area. We are a bit disappointed, because our spokesperson intended to attend the briefing tomorrow, and we thought the Bill would be adjourned until tomorrow. I wanted to make that point because we were not aware that the Bill would be dealt with tonight. We will support the legislation, but our spokesman will want to make some points, and no doubt he will make those points during consideration in detail and the third reading. It is disappointing that he did not have the opportunity to make those points during the second reading debate.

MR R.F. JOHNSON (Hillarys) [10.26 pm]: I did not intend to make a contribution to the debate on this Bill, but I feel that I must do so now in defence of my colleagues on this side of the House, who are expected to debate this Bill without having had the briefing that is promised for 11.00 am tomorrow. I cannot understand the actions of the Leader of the House in trying to ram this legislation through tonight, on the first sitting day back from the long recess. He told me earlier that he wanted to keep us here until 11.00 pm. I pointed out to him that that was unreasonable. There is no mad rush for this legislation. We were working quite well last year and getting through legislation, but that is not good enough for the Leader of the House. I told him that if he intended to be unreasonable and bullying, he would not continue to get the cooperation he has had for the past year or so from members on this side of the House. I feel so incensed about this because I do not want members on this side of the House to have to debate this Bill without a briefing. That briefing is now to be held tomorrow morning. I will be having a word with the Premier tomorrow about the actions of the Leader of the House in trying to ram the second reading stage of this Bill through the House. It is deplorable, and will have ramifications. I hope the Leader of the House enjoys himself down in Albany. He wants absolute cooperation down there, but if he wants to take the gloves off, I will also take the gloves off. That showpiece parliamentary sitting that the Leader of the House and the Premier want may not proceed quite as smoothly as they originally hoped for. If the Leader of the House intends to behave in this way, he should not expect the cooperation he has had in the past year from this side of the House.

Ms A.J. MacTiernan: That sounds like a threat.

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Mr R.F. JOHNSON: It is not a threat. I am just explaining about cooperation, and how it is needed on both sides of the House to get legislation through, to have good legislation and to ensure that members of this House receive the briefing that the minister is obliged to provide. We have not had that yet. It is to take place tomorrow, and we will see what happens then. I do not have a problem with the game the Leader of the House wants to play.

This legislation is not even correct at the moment. We are discussing a Bill that the minister has already given notice that she must amend to extend its scope to enable provisions relating to historical firearm collectors to be included. She must move another motion to include such firearms in the Bill we have before the House at the moment. What a shambles! On the first day back, the minister cannot even get it right. She is being aided and abetted by the Leader of the House, who will not listen to reason. He must get his own way. I know people like him. I have dealt with them before, and we will deal with the Leader of the House again.

I will speak to the Bill before the House, as I have a copy in front of me. We support the Bill. This is a nonsense! We support the Bill and the Leader of the House is still trying to ram it through this Parliament. I concur with the comments of my colleague the shadow Minister for Police, the member for Kalgoorlie, about paintball. I have never played it, but it sounds like fun. I do not see that there is a problem with it, provided it is done with instruction and the proper protective clothing is worn. The game is fine as long as the necessary constraints are in place. We have had this debate many times over many years. I remember that when we were in government we were lobbied by people who wanted to be able to play paintball. Why should they not be able to play? I suppose a bit of commonsense is prevailing with the inclusion of these provisions. I suggest that mainly younger people like to play paintball. There should be some sort of age limit for young people who want to play this game. I would not want to see 10-year-olds -

Mr N.R. Marlborough: It is very physical. It should be restricted to people under 60 years of age. Never mind the young ones - keep the old ones out of it. They die without being hit.

Mr R.F. JOHNSON: The old ones are more dangerous. The member for Peel would know that. The Opposition supports paintball not being illegal. We do not think it is reasonable to make it illegal.

Let us look at other parts of the Bill. I concur with the comments of my colleague the shadow Minister for Police, the member for Kalgoorlie, about silencers. He speaks a lot of sense in this place.

Ms J.A. Radisich interjected.

Mr R.F. JOHNSON: What was that? The member for Swan Hills wants to interject on me. Do not raise your eyebrows at me, young lady - you cheeky thing. Mr Acting Speaker, she is raising her eyebrows at me.

Ms J.A. Radisich: Don't call me that. You are lucky I let you get away with that.

Mr R.F. JOHNSON: My friend the Minister for Small Business is returning to his seat. I feel an interjection coming on.

Ms A.J. MacTiernan: Sit down and get your composure back.

Mr R.F. JOHNSON: The minister's colleague the Leader of the House wants us to keep going until 11 o'clock. I am trying to help him. I am doing my bit for the Leader of the House.

Mr R.C. Kucera interjected.

Mr R.F. JOHNSON: Is the Minister for Small Business trying to coax the Acting Speaker?

Mr R.C. Kucera: I am making sure that you withdraw that disgusting comment about this lady here.

Mr R.F. JOHNSON: What disgusting comment? I do not make disgusting comments about young ladies.

Mr P.D. Omodei: Why don't you call a point of order?

Mr R.F. JOHNSON: If the minister thinks I made that comment, he should stand and call a point of order. I would never dream of making a disgusting comment. Gracious me! The minister should not try to verbal me. He will not get anywhere verballing me.

As I was saying about silencers -

Mrs M.H. Roberts: Silence is golden.

Mr R.F. JOHNSON: Silence would be golden. We would all like a bit of solitude and silence now. That was certainly on my mind half an hour ago. It would be rather nice to have some silence.

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I am talking about silencers on firearms. I want to get back to the Bill before the House. I get sick and tired of distractions from members opposite, who are trying to prevent me saying the words which I want to say and which I firmly believe.

Ms A.J. MacTiernan: You are the most wanton seeker of interjections who has ever spoken.

Mr R.F. JOHNSON: I do not know whether to take that as a compliment or an insult.

The ACTING SPEAKER (Mr A.P. O’Gorman): Members! The member for Hillarys is trying to return to the Bill. The numerous interjections from this side are preventing him doing that. I want to hear the end of his speech.

Mr R.F. JOHNSON: I appreciate your protection from the Minister for Planning and Infrastructure, Mr Acting Speaker. I was talking about silencers that can be fitted to the end of hand guns, rifles and AK-47s, which can therefore fire rapid shots that people cannot hear clearly. What a frightening experience it would be to be faced with an AK-47 with a silencer fitted to it. I would be absolutely petrified if somebody pointed a gun at me, particularly an AK-47 with a silencer on the end of it. I am delighted that this provision that makes it illegal is contained in the Bill and that we are increasing the penalty. That is good news. We will support it and will vote for it at the appropriate time.

If everybody on this side of the House speaks tonight, we could be here until midnight and yet none of us would have had a briefing. What a great way to form legislation and to debate it. My good friend and colleague, the shadow Minister for Police, raised the issue of whether a gun cabinet might be left unlocked. Like him, I was a businessman before my life in Parliament.

Ms A.J. MacTiernan: He wheeled his wheelbarrow through streets broad and narrow.

Mr R.F. JOHNSON: Contrary to the belief of the Minister for Planning and Infrastructure, I have never wheeled a barrow through streets broad and narrow; not that I would be ashamed to, because it is a very honest profession. I have never wheeled a barrow through the streets of London town.

Ms A.J. MacTiernan: You ruled yourself unreliable for that profession.

Mr R.F. JOHNSON: Excuse me! I had retail premises, factories and warehouses, all of which contained security systems and cabinets that needed to be locked. In my case they were safes. I am sure that the member for Kalgoorlie, the shadow Minister for Police, has a safe in his premises in Kalgoorlie, because he is a very wealthy man.

Ms A.J. MacTiernan: Is he?

Mr R.F. JOHNSON: I am sure he is. The point I am trying to make is that anybody can forget to lock a door or lock a cabinet. It is human nature.

Mr J.N. Hyde: Even with a Howitzer or a Bren gun in it.

Mr R.F. JOHNSON: It could happen.

Mr J.N. Hyde: It would take me 27 seconds to strip a Bren gun.

Mr R.F. JOHNSON: The member for Perth tells me that he can strip a Bren gun in 27 seconds.

Ms M.M. Quirk: That is a Brendan!

Mr R.F. JOHNSON: A Brendan gun? Is it a Brendan or a Brendan gun? I am sorry; I am a bit lost here.

The ACTING SPEAKER (Mr A.P. O’Gorman): The member for Hillarys has the floor.

Mr R.F. JOHNSON: I do indeed, Mr Acting Speaker.

Mr J.N. Hyde: During the Malay insurgency -

The ACTING SPEAKER: Member for Perth!

Mr R.F. JOHNSON: I appreciate the interjection. I did not know that the member for Perth had ever broken down a Bren gun, or even a Brendan gun, so I have learnt something today. That illustrates the importance of having debates on these types of Bills in the Parliament, which is what we are having tonight. We should be having the debate tomorrow when we have had a briefing, but we are not. We have been denied a briefing before the debate. It is a bit like the chicken and the egg. What we are getting tonight is the chicken. It is essential that we know what we are talking about in this place.

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My trouble is that I get a second wind after 10 o'clock. I was referring to locked cabinets. I can understand the importance of locking a cabinet containing firearms. It is commonsense and it is logical. It is essential to lock cabinets containing firearms, because if they are not locked, somebody could get the firearms.

Mr J.N. Hyde: Unless somebody is in the cabinet.

Mr R.F. JOHNSON: That is an interesting point. It depends on how big the cabinet is. The legislation does not stipulate how big the cabinets should be. This legislation is a bit deficient. Perhaps it should stipulate the size of the cabinet, the height, the width and the breadth. The member for Perth is worried about somebody getting into the cabinet. I worry about that, because if a person gets in the cabinet, how does he get out? Unless the cabinet has a safety catch he may be locked in the cabinet. Maybe there is a safety issue here. That is something we may need to explore in much greater detail during the consideration in detail stage when we go through the Bill clause by clause, because I have a funny feeling that we might be spending some time on this Bill. At the end of the day, I wonder whether the time we are adding on tonight will be lost tomorrow or Thursday, unless of course we are going to stay late again tomorrow night. Is that the shock we shall get tomorrow? I do not mind if we do. If that is the game we are to play, that is fine. I have so much more to say, I apply for an extension of time.

[Leave granted for the member's time to be extended.]

Mr R.F. JOHNSON: I was talking about cabinets and the clause in this Bill that increases the penalty if they are left unlocked. Is it because the cabinets are left unlocked or is it because they are left open? There is a difference, because anybody can see if they are left open. If somebody sees that a cabinet is open he can put a hand in and grab something. There is a subtle difference between a cabinet that is left unlocked and a cabinet that is left open. A person may not notice that the cabinet is unlocked, but the penalty remains the same. The penalty is severe. Like my colleague and good friend the shadow Minister for Police and member for Kalgoorlie, I ask which magistrate or judge would impose a sentence such as the penalty in this Bill? This Bill worries me enormously. I become concerned when criminals go before the courts for crimes for which there is a maximum penalty of 14 years but they are sentenced to 18 months or two to three years. One must wonder why there are provisions for such lengthy maximum penalties. Like my good friend and colleague the shadow Minister for Police and member for Kalgoorlie, I say that it makes much more sense to consider minimum mandatory sentencing. The Labor Party does not like mandatory sentencing and finds it to be an enigma.

Ms A.J. MacTiernan: What is your lot in life?

Mr R.F. JOHNSON: I am sure the Minister for Planning and Infrastructure does not like it. She much prefers to maintain the facade of being really tough on crime, with a 14-year prison sentence for this and a 20-year prison sentence for that, knowing full well that those sentences are never imposed. The member for Girrawheen and she were lawyers by profession in a previous life; so they know that the maximum sentence was hardly ever imposed, except for a really horrendous murder. It might sound crazy to refer to a horrendous murder, but in some instances people who have committed murder have not been sentenced to the maximum penalty. There must be a really deplorable murder committed, such as a mass murder or a series of murders, for the maximum sentence to be imposed; yet is that more important than the sentence imposed on somebody who kills a person with a firearm in a premeditated way? I raise that issue as we are dealing with the Firearms Amendment Bill.

I sometimes wonder what goes on in the minds of some of my colleagues opposite. Why has the Minister for Police brought this Bill into Parliament with these massive and extensive sentences? I concur with my very good friend and colleague the shadow Minister for Police and the member for Kalgoorlie that the Bill is just a facade for the Labor Government to beat its chest at the public and say, "Look at us, we are tough on crime and we will increase sentences to 20 years for this, 15 years for that and 18 years for something else." The Labor Government is doing that, knowing full well that those sentences are never imposed. The crux of the matter is that some members of the public will be fooled. It is like the old saying that you can fool some of the people some of the time and you can fool all of the people some of the time, but you cannot fool all of the people all of the time. I will let members opposite think about that saying for a moment because it is a bit subtle for some of them. Most people in the community know the game that the Government is playing. They know that the Government is not serious when it says that it is hard on crime. They know that all the stuff the Government is saying is just hogwash and an attempt to build itself up to win the next election. It will not work.

I return to the Bill and will say a couple of words about the minister's second reading speech, which I have in front of me. There must have been some interjections during the minister's speech. I wonder why. The minister was talking about the member for Girrawheen. The minister said that earlier in the year the member for Girrawheen raised concerns in this place about the number of offences being committed by armed offenders. I give the member for Girrawheen top marks for raising that concern; it was very observant. It was important that the matter be brought to the attention of the House. It must be her lawyer upbringing. The minister stated -

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She urged the Government to send a strong message of deterrence by introducing tough penalties for offenders who carry unlicensed firearms and drugs or money.

It just shows who really led this legislation. I suggest it was the member for Girrawheen.

Mrs M.H. Roberts: Tell John Howard.

Mr R.F. JOHNSON: The member for Girrawheen brought the matter to the attention of the House before the minister did, and I give her top marks for that. I agree with her. I was of the same opinion at about the same time as the member. However, she beat me to it and brought the matter to the attention of the House. It is a great pity that the minister did not bring it to the attention of the House.

Mrs M.H. Roberts: Were you asleep when you were in government? You did not listen to any of my speeches when you were in government.

Mr R.F. JOHNSON: The minister was slow off the mark. The member for Girrawheen beat her to it.

Mrs M.H. Roberts: You are being nasty.

Ms A.J. MacTiernan: You are trying to create a division where there isn't one.

Mr R.F. JOHNSON: No, I am not.

Ms A.J. MacTiernan: The minister has been saying she was talking about this from the time she was in opposition.

Mr R.F. JOHNSON: The minister talked about a lot of things when she was in opposition. She said things when she was in opposition that she would not even dream of saying now and now that she is in government she certainly would not do some of the things that she said she would do when she was in opposition. The minister found it very easy to attack the police force and the police minister at the time. However, now that she is the Minister for Police, we do not hear a word of it. The Government has spent \$28 million of taxpayers' money on a police royal commission that has resulted in just two prosecutions.

I will refer to another comment from the minister's second reading speech. She did not refer to the member for Girrawheen again because she had given her enough glory. The minister also said -

By means of another example, if police arrest people guarding a large cannabis crop with an unlicensed shotgun, the offender is also likely to be able to be charged in relation to the firearm only under section 19.

That is amazing. The minister goes on to say -

On this occasion because the firearm is a shotgun and not a hand gun, the offence attracts a penalty of six months imprisonment or a fine of \$2 000, which is less than the penalty for the club pistol shooter who forgets to pay his licence. These scenarios are both incredible and unacceptable. This Bill introduces new and tough penalties to deal more effectively with such situations.

I agree with the sentiments the minister expressed in her second reading speech. She will find no opposition from me. That is why I will support this legislation and the minister. The minister said some very good and very significant things in her second reading speech. She does that occasionally. I cannot remember the last time she did it, but she does it occasionally.

Mrs M.H. Roberts: You were being nice. Can you keep that up?

Mr R.F. JOHNSON: I try to be nice to the minister. My time is running out, which is a shame because I know that members opposite are desperate to hear more from me. They will have to wait until consideration in detail. I will probably speak on every clause because this is such a significant Bill. I want to show the Government my support for this Bill, and the only way I can do that is to speak to the Bill properly on every clause. If I can do that, then members opposite and I will be happy.

Mrs M.H. Roberts: I am not sure whether John Howard would be happy, but I suppose I can live with that.

Mr R.F. JOHNSON: I do not know whether John Howard would be happy. I do not know what he is supposed to be happy or unhappy about.

Ms A.J. MacTiernan: He is not very happy with the Liberal Party in Western Australia.

Mr R.F. JOHNSON: I think he is far less happy with the Labor Party in WA. I do not think he has a very high opinion of the lot opposite. In fact, the Liberal Party does not have a very high opinion of that lot, nor does the public of Western Australia. Never mind what John Howard thinks; it is what the people of Western Australia think that matters. They will consider the contents of this Bill very carefully and say, "Good on the Liberal Party

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for supporting this Bill, because it could have objected to it, delayed it, filibustered and everything else.” However, the Liberal Party is not like that, because it supports the Bill.

I have only one minute left. In conclusion, I reiterate that all my colleagues support this Bill, particularly my very good friend and colleague, the shadow Minister for Police and member for Kalgoorlie, who has paid great attention to my comments, because he knows that he will need some of my comments when we are in consideration in detail, which is the next stage of this Bill. I look forward to the member for Girrawheen making a contribution to this debate. I have a lot of time for the member for Girrawheen. She started it off with the comments she made some time ago in this House. I have run out of time. What a terrible shame.

MR P.D. OMODEI (Warren-Blackwood) [10.57 pm]: I will try to keep my remarks to a minimum. However, one of the reasons that I want to make some comments this evening is that tomorrow I intend to attend the funeral of the young volunteer firefighter in Bridgetown, so I will not be here for this debate. I have no real problems with increasing the penalties for breaches of firearms legislation, providing those penalties are within reason.

Mrs M.H. Roberts: Why don’t you make your comments in consideration in detail on Thursday when you will be back? Would you like to sit down tonight?

Mr P.D. OMODEI: I thank the minister very much for the offer, but while I am on my feet I might as well complete my remarks. Is it not amazing how much things change over time? Long gone are the days when the old farmer had his gun on or just above the mantelpiece. If a wild dog or a dingo came on to his property, he would get down the firearm and shoot it, and he would also shoot a cow or a horse that had a broken leg. Nowadays everything must be locked up securely. We now tend to have legislation that is a sledgehammer to crack a nut. Currently, metropolitan Perth is the burglary capital of Australia. Of course, people are going into houses illegally. If firearms are readily available, those people could get access to those firearms. That is a serious situation, and there must be an associated penalty. Some of the maximum penalties in this legislation are akin to those for manslaughter. I believe that is far and away beyond the pale. For example, the penalty for having a firearm that is loaded is currently imprisonment for 18 months or a fine of \$6 000. That penalty will be increased to two years imprisonment or a fine of \$8 000. I do not regard that as a draconian change; it seems to be quite reasonable. If the firearm concerned is a hand gun, the person is currently liable, on conviction, to imprisonment for five years, or otherwise to imprisonment for 18 months or a fine of \$6 000. The penalty will be increased to imprisonment for seven years, or imprisonment for four years and a fine of \$16 000. That is a significant increase in penalty. I will not be opposing this legislation, because I believe the general public would agree that there should be an increase in the penalties. However, the penalties for some of these offences are well and truly above and beyond what would be deemed to be reasonable. In saying that, I am really speaking from the point of view of my constituents, who are mainly people in rural situations who use firearms on a regular basis. The vast majority of those people are good citizens who use those firearms responsibly. I am concerned that those people will be impacted upon adversely by this legislation. I understand all the arguments. I understand the Council of Australian Governments situation and so on. However, regardless of that, I believe the legislation goes beyond what is required to control the firearms situation.

I turn now to paintball and paintball guns. According to the minister’s second reading speech, it is estimated that since paintball was first played in Australia in 1987 there are now 70 paintball playing fields and about 200 000 players annually. The sport of paintball has been considered by the police in Western Australia to be illegal. I understand that in a court case concerning a person who ran a paintball business, it was deemed that a paintball gun was not a firearm. I beg to differ. I am not a supporter of the sport of paintball, but I know that a lot of young people, and people of all ages, enjoy the sport. As far as I am concerned, even within this legislation there is not enough control over the use of paintball guns. Clause 4 refers to paintball, paintball gun and paintball pellets. We have not had an explanation from the minister, because we have not yet had a briefing, as to why people will not be able to use red and brown paintball pellets. Clause 7 creates an offence if a person without lawful excuse alters a firearm from the design or characteristics of its original manufacture. Because of their design, paintball guns need to be maintained on a regular basis. Specifically, their seals need to be replaced periodically. The new provision will allow a person to maintain a paintball gun and modify it in accordance with the manufacturer’s specifications without contravening this provision. Under section 23(8) of the Firearms Act, the pointing of a firearm at another person is a serious offence, currently punishable by two years imprisonment. The game of paintball involves the pointing of a paintball gun at another person. Accordingly, clause 7(3) proposes to insert a new subsection (8a) that will exempt a person from that provision of the Act if he is playing the game of paintball. The legislation does not say anything about a paintball player who owns a paintball gun and takes that gun home. I would expect that if a person is checking the seals and maintaining the gun he will do some practice while he is at home. I believe that if there is a proliferation of paintball guns in our society it will lead to injury to other people. If it is an offence to point a normal firearm at another person, it should be an

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offence to point a paintball gun at another person outside a game of paintball. I believe it provides a training ground for young people to shoot at each other which, under any modern-day presumption, would be anathema to society. Young people should not be running around shooting at each other, whether it is with a paintball gun or a bow and arrow. I do not care what it is; I do not support that part of this legislation. Paintball should be banned, as it was in the past. It was banned for very good reasons, with which the current Minister for Sport and Recreation would agree, being a former police officer. Encouraging people to use a gun or something similar to shoot each other should not be encouraged in our society. The next natural progression is to teach people how to shoot at other people in a quasi-combat situation. That is my personal view; it is obviously not shared by all members of this House. That is why we have a democratic society. People are free to make up their own minds and to express their own opinions.

Mr R.F. Johnson: Unless they are in the Labor Caucus!

Mr P.D. OMODEI: Yes, as the member for Hillarys has quite properly said.

Paintball needs strong scrutiny to ensure it does not get out of control in Western Australia. Being the very good minister that she is, I am sure she is monitoring the use of paintball guns in Western Australia to make sure there are no injuries. As I understand it, the sport has remained relatively injury free. I remind members that the use of firearms in Western Australia in open places such as farms has been relatively injury free over a long period. However, every now and then there is a freak accident. The first thing that every farmer who grew up in my time would do was, as a 10-year-old, learn to shoot a Lithgow .22 single shot. I am sure most members would remember that. Farmers then graduated to either a slide action rifle or a rifle that had a magazine under its barrel, a semiautomatic or an automatic. They might then graduate to a high-powered rifle. To be a professional kangaroo shooter, a person must have a rifle that is capable of shooting a kangaroo through the head at 300 metres. Lots of people have access to firearms and lots of people use them very safely. They do not chase each other and try to shoot each other, either with live ammunition or blanks. Paintball encourages a type of behaviour that can be replicated in the community. I do not think that is good thing. Having said that, I will support this legislation as it increases penalties. However, many of the penalties are above and beyond what is necessary. I am referring specifically to people in country areas who may inadvertently leave a firearm cabinet door open. They should not be penalised to the extent proposed under this legislation.

I am disappointed that we were not briefed by the minister or the department on this legislation. The extra half-hour or so of tonight's sitting dealing with the second reading debate could have been avoided by a sensible arrangement whereby members could clarify some of their concerns before the legislation came before the Parliament.

Mr R.F. Johnson: Are spudguns incorporated in this legislation? Do you know what I mean by spudguns? To load them they are inserted into a potato and then fired. Are they illegal now?

Mr P.D. OMODEI: I am sure they are illegal. I am sure that the current firearm legislation applies to them on the basis that it is illegal to create a firearm that is of a dangerous nature. I understand serious penalties apply to using spudguns. I have never seen a spudgun, but I understand they could be a lethal weapon.

Mr R.F. Johnson: They are not really lethal.

Mr P.D. OMODEI: They have been used in riots and the like in the past. Some of the provisions in the legislation are over the top. Some of the penalties are acceptable and others are far too severe. If we want drug runners to be caught we should leave it up to the police. They have resources such as listening devices and the power of confiscation. However, I am somewhat concerned that this legislation will have similar effects to those that apply under WorkSafe regulations. A WorkSafe inspector visited a farmer on Seven Day Road who had just come in from the orchard after he had been shooting parrots. The inspector said he wanted to inspect the premises immediately. The farmer left his gun on top of the fridge and inspected the 30 matters with which he had to comply. He was in the middle of harvesting his apple crop and was quite angry. Finally, the inspector reminded the farmer that he had not put his gun back in the cabinet. Obviously the farmer learnt a lesson and in future will ask the inspector to wait while he puts the gun in the cabinet. In those types of situations honest people can be caught out and, if the law is applied to the letter, they can be severely affected. I support the legislation but reiterate that I am not in favour of paintball.

MRS C.L. EDWARDES (Kingsley) [11.12 pm]: I refer to the paintball game in relation to the protection of young children. Tonight we debated the second reading of the Children and Community Development Bill 2003. We discussed concerns about young people who are caught up in family crises and others who show antisocial behaviour. Surveys tell us that young people in their teenage and young adult years display antisocial behaviour for a number of reasons. There were examples of this during the weekend with riots that involved young people who thought the police were fair game. Obviously some people involved have a predisposition to

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violence. More importantly some of them were simply caught up in the particular scenario. I do not believe the Bill provides any restrictions to prevent young people from participating in the paintball game. I hope to find out at the briefing tomorrow.

In this country some video games are restricted to viewing by children 16 years and over, particularly games that contain levels of violence that depict people being shot. I recall that some serious issues were raised a couple of years ago when police officers were shot at, and that incident related to a video game. Young people become desensitised. People can sit at a computer screen and play a game for a long period, and the constant levels of violence experienced by young people can desensitise them.

Participating in a paintball game is another matter. I do not know whether any research has been done on what will happen in 10 years to those young people who are now playing paintball games. If a young person has a predisposition to a level of violence, and that person is allowed to participate in a game involving pointing a gun at another human being and shooting the person - remembering the aim of the game is to kill - what will it do to those young people? What will happen to the young person from a family situation already involving a level of violence? We have a large number of youth suicides already in this country. Attending funerals of young people is not nice, and it is worse when dealing with the families involved. As a community, we see scant regard shown for the increasing levels of violence we see on television, in films, in computer games and even in recorded music. For instance, the 18 years and over restriction is not given to some recorded music for nothing. Those restrictions are not for my young son, who has the ability to communicate with his mother and father and who gets a hug and a cuddle from time to time. It applies to kids who are not in such an environment. Some children are able to cope with the levels of violence displayed in video games, music and the like, but a large number - an increasing number - of young people cannot cope. If we allow the participation of our young people in a game enabling them to point a gun at and shoot another person to kill him - this is far more effective than a video game in enforcing these messages - we have a serious problem. I hope to ask at the briefing tomorrow what restrictions will be put in place regarding the ages of young people permitted to play the paintball game that is being legitimised. I do not dispute the magistrate's ruling last year about the definition of a firearm, and whether a paintball game gun should fall into that definition. The Government is bringing in the legislation only to put finishing touches to that decision. For goodness sake, let us look after our young people. Let us stop this diet of violence. Let us work to ensure that our young people do not participate in games that will encourage them to point a gun and shoot at another person. People had scant regard for the police during the violence last week, the week before that and on Australia Day. How much more do we as a community accept before we start to realise what is causing these riots and increasing levels of violence in our community? People are not born that way. Some people have mental issues. Mental health issues always arise as a result of family history and the like. However, people are not born to run out on Trigg Island and belt up the police. There must be a reason for that. If we continue to add to it by allowing one more game in which young people can point a gun and shoot to kill a human being, as a community we will quite happily keep spending money trying to fix the problem instead of putting in place a preventive model in the first place. I feel very passionate about this issue and I make no apology for my standing up in this Parliament on every occasion possible to protect our young people.

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [11.20 pm]: I thank members for their contributions this evening. One thing I have learnt is that there does not appear to be a unified position from members opposite, as we have heard a diverse collection of comments from the members who have spoken.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mrs M.H. ROBERTS: It has not just been in relation to paintball. Some members have supported paintball, some have been against it, some have supported increased penalties and some have been against them. To my way of thinking it has been all over the place. There has been a lot of talk about why members opposite have not had a briefing and so forth. Essentially, I introduced this legislation into the Parliament and second read it some three and half months ago. I understand that a letter was written to the Leader of the Opposition last November offering a briefing at that time. Subsequent to that, when I spoke to the opposition spokesperson on police, the member for Kalgoorlie, before we commenced the last week of parliamentary sitting last year, I said to him that I would like to be able to proceed with this legislation, and he said that he still was not ready for a briefing. At no stage over the summer period did he ask for a briefing. He knew that this legislation would be brought on today. He has said that he is happy to have a briefing tomorrow. The member also said that he was happy to proceed with the second reading debate this evening and advised me that he expected the member for Greenough and one of the National Party members to also speak this evening. It seems that, apart from there being a lack of consistency in approach and argument from members opposite, they do not have their strategy organised either.

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In response to the issues raised by the member for Kalgoorlie, he has suggested that sporting shooters are not happy. I suggest that he raise that issue with John Howard, because there is no person with whom sporting shooters are less happy than John Howard and the federal Liberal Party. The member also made some spurious comment that the Commissioner of Police was allowed to revoke people's gun licences simply on the basis of rumour or innuendo. That is not the case. The member also criticised me for vastly increasing penalties for offences with the circumstance of aggravation for someone who has a gun and also quantities of drugs and/or money. We have increased that penalty to a term of imprisonment of 14 years. The current maximum penalty is only 18 months. That penalty, of course, was put in place by the Liberal Party in 1996. A maximum penalty of 14 years vastly exceeds that of 18 months.

The member for Warren-Blackwood asked where people could have their paintball guns and pellets. Under clause 5, the memorandum I have provided states -

This new subclause allows members of the public to be in possession of a paintball gun and paintball pellets whilst playing the game of paintball at an approved venue by exempting them from the requirement to have a firearm licence (in such circumstances).

If the member had only read the memorandum, he could have answered most of his own questions. In fact, if members opposite had spent their time over the past three and a half months reading a combination of my speech, this rather simple Bill and the explanatory memorandum, they would not have made some of the more inane comments that they have made this evening. Essentially, this Bill satisfies the federal Government's requirement for the hand gun buy back. That is principally what this legislation is about. It is legislation that I thought the Liberal Party would want to support as early as possible. In addition to that, I have taken the opportunity to put in place a circumstance of aggravation when people are in possession of an unlicensed firearm in conjunction with large quantities of drugs and money. We have also, at long last, dealt with the paintball issue. Given that members opposite have said that they will enjoy the opportunity of speaking on every clause tomorrow, I will answer all their questions then.

Question put and passed.

Bill read a second time.

House adjourned at 11.25 pm
