

FIREARMS BILL 2024

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 5: Terms used —

Debate was interrupted after the clause had been partly considered.

Mr R.S. LOVE: When the business of this consideration in detail was interrupted by other events in Parliament, the issue we were talking about was the firearm authority health standards and how they would be prescribed in the regulations. The minister gave some explanation, but I was in the middle of seeking further clarity on that when we were interrupted. Perhaps the minister was providing it; I cannot really remember. The minister had just described that the commissioner would make a determination about whether somebody met the standard, but they would be advised by others to that effect. I am just trying to get an understanding. Do other pieces of legislation have a standard prescribed as is outlined in this matter? Just to be clear for everybody in the room about what we are talking about, the bill states —

firearm authority health standards means standards of mental or physical health that are prescribed by the regulations as health standards that a person must meet to be considered a fit and proper person to hold a firearm authority;

Will those standards be clear so that people understand the standards? Is there another example of a standard that the minister can point to?

Mr P. PAPALIA: I answered the member before on this matter by saying that every individual is different. Every case will be assessed, rightly, as an individual person. People's circumstances are likely to be different. I gave the member an indication of the types of things that are part of the dangerous goods driver's licence medical assessment. They include temporary conditions, substance misuse, intoxication, chronic illness and conditions, age-related changes, multiple medical conditions, and medications and other treatments. I said that a health professional will complete their assessment, but a yes or no question will not be put to them. They will provide information to the commissioner, who, rightly, will assess a range of other matters. We have talked about criminal records, and there is reference to other matters that the commissioner will consider in determining whether someone is a fit and proper person. Right now, the commissioner can request that someone get a health check. The commissioner does that. I am aware of a case right now in which the commissioner has requested that an individual go to a specialist and seek a health check. It does not mean they will get rejected. It will provide information to the commissioner to inform their decision-making. That is essentially what is happening here. It will be made a very clear part of the legislation and a requirement for all licence applicants.

Mr R.S. LOVE: With respect, minister, it is not clear at all. This piece of legislation says that health standards will be prescribed in regulations, yet the minister can give no indication of what those health standards will be or how they will be framed in any way whatsoever. I would like to know exactly what the minister can tell the Western Australian public about the expectation of how those standards will be developed and what the standards will contain.

Mr P. PAPALIA: I will repeat how they will be developed. The working group, which has been meeting already—we have answered questions in Parliament about that working group's meetings and deliberations—is ongoing. In advance of commencing to draft regulations, it has already been meeting and considering the matter. That working group consists of representatives from the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the Mental Health Commission, the Department of Health, the Minister for Health's office, the Western Australia Police Force and the Australian Medical Association. It has been deliberating and working on the nature of what the regulations will require and will continue to do so. I have given an indication for the benefit of people out there. There are a lot of heavy haulage truck driver's licence holders amongst the light gun or firearm licence holding community who are familiar with this type of test. Many members of the Primary Producers Advisory Board from the north have pilot licences. The requirement will be similar to those for recreational pilot licence health checks. That is an indication of what it will be like.

Specifically, the types of matters that might be considered are the ones that I have read in twice now. Ultimately, they will not be the factor determining whether someone is a fit and proper person. They will inform the commissioner, who will seek out other information about all manner of considerations around someone who is applying for a licence.

Mr R.S. LOVE: The minister mentioned several times during his answer that the government would look at other health examinations, such as those for people with a dangerous goods licence or a recreational pilot's licence. They are matters relating to transport in which other lives are at risk due to the dangerous nature of the vehicles that might be driven. That is when someone is in control of a vehicle. Is the minister suggesting that the same

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health standard would be required for a person who wishes to possess a firearm as that required to drive a heavy vehicle or to have a recreational pilot's licence? I cannot see how the government can justify simply applying that standard to someone who wants a firearm to shoot rabbits on a farm.

Mr P. PAPALIA: I refer the member to the key principle that we are seeking to embed at the start of this legislation in accordance with the recommendations of the Law Reform Commission; that is, firearm possession and use is a privilege that is conditional on public safety being given primary consideration. That is the starting point.

A dangerous goods driver's licence enables people to drive around the state with explosives on the back of their truck. Explosives are pretty dangerous. In a similar fashion, having a firearms licence is a reason for a test of this nature, noting that it is also for the benefit of the individual, not just for the benefit of the public. It is quite reasonable.

I understand that the opposition wants to oppose this legislation on behalf of a small number of people in the state who feel that the laws should not be changed. We are driven by the intent of making public safety the primary consideration of rewriting the act. Given that, the public is at risk if the wrong people have access to firearms. That aside, the individuals themselves are potentially in a dangerous situation if they should not have a firearm. It is for the benefit of not just the public, but also individuals.

The dangerous goods driver's licence has been drawn to my attention. It is not just about driving a vehicle containing dangerous goods; it is about the possession and use of explosives. It is very much like someone thinking they are entitled to have, or empowered by having, a dangerous goods driver's licence. That is the reasoning. That is why we gave that example. Regardless of the fact that an aircraft is a form of transport, potentially it is also a pretty dangerous form of transport not only for the people inside the aircraft, but also for anyone else. It is a reasonable thing. I do not think anyone has ever questioned the need for a health check for a pilot. That is quite a reasonable thing. All we are trying to do by citing those examples is to give an indication of where the regulation will go. I have referred to the working group, which is made up of professionals; they are specialists who have knowledge and will provide advice on the regulations that will be written. We are seeking to indicate to people as much as we can what the regulations will contain before they are written.

I will add one thing because, again, there is a lot of misinformation out there. In a lot of ways, assumptions have been made by people that the system will be identical to the one that is currently in place. We have indicated that the health check could be done at five-year intervals, which is not as onerous as the current licensing regime that requires everyone to renew their licence every year. Yes, there will be more requirements, but there will be a longer span between the requirements that need to be met.

Mr R.S. LOVE: I am trying to understand what the government is seeking to achieve. If a person had a chronic heart condition that ruled them out of being able to drive a vehicle containing dangerous goods, would that person necessarily also be ruled out from having a firearms licence? Is poor physical health really a reason to deny someone the ability to access a firearm if they still have a genuine reason to own a firearm?

Mr P. PAPALIA: No. I have never said that. It has never been suggested that that would be the case, in the same way that I was at pains to convey to the public that someone suffering a significant mental illness may not be a reason for them to not have a licence. I was referring to veterans who suffer from PTSD, but plenty of people have that. That will not preclude someone. I reiterate that every single person's case is individual, and they should be assessed in that manner. That is why the specialist working group will advise on the development of the regulation on the health check. A professional clinician will conduct that assessment.

Mr R.S. LOVE: I think we counted the word "thing" 350 times in the legislation.

Mr P. Papalia: Every time you ask this.

Mr R.S. LOVE: I am trying to understand —

Mr P. Papalia: You were in government when "thing" was a thing.

Mr R.S. LOVE: I remember the conversation about "thing" and the thumb locks very well.

Mr P. Papalia: When you were in government.

Mr R.S. LOVE: Yes, I remember that. I am trying to point to the fact that the thing exists. Then we have "thing relevant to an offence" on line 16 on page 9, and "related thing" on line 28 on page 8. I am trying to understand the difference between a thing relevant to an offence and a related thing.

Mr P. PAPALIA: The member is being frivolous, and he knows that. He knows that "thing" is a standard reference that has been employed in legislation for years. I have been here for 17 years and "thing" is a word that has been employed in all that time, and well before I got here. With regard to the example given by the member, we must look at the context. The member referred to "related thing" or "thing relevant to an offence". They both should be considered and assessed in context. There might be some conspiracy theorist out there who thinks that this is somehow

related to the Magna Carta, but it is just a thing. It is employed in legislation all the time. There is no trickery or some sort of flaw; it is just what governments have included in legislation for a long time.

Mr R.S. LOVE: Let us look at the definition of “related thing”. It means a major firearm part, ammunition and a prohibited accessory. When will we know the definition of “prohibited accessory”? Will that also be reliant on regulation? There may be examples within the legislation. What else will be considered to be prohibited accessories?

Mr P. PAPALIA: I draw the member’s attention to clause 5, at line 28 on page 7, which states —

prohibited accessory means any of the following —

- (a) a sound suppressor;
- (b) a device commonly known as a bump stock, being a stock that is made or modified to allow a self-loading firearm to fire more rapidly than is possible with trigger-finger manipulation alone;

Does the member want me to read all these out?

Mr R.S. LOVE: No, I don’t.

Mr P. PAPALIA: That is a pretty clear definition.

Mr R.S. LOVE: If the minister goes down to paragraph (f) and the regulations.

Mr P. PAPALIA: That is to potentially encompass any other things that have not been foreseen at this stage. That is a pretty long list of things that are defined as prohibited accessories. If it becomes apparent that another accessory should be prohibited after the passage of the legislation, paragraph (f) will enable that to be addressed.

Mr R.S. LOVE: We do not expect that any other prohibited accessories will be in the regulations at this stage; otherwise, the government would already have put them in the legislation. Or can we expect a list of other things to come into the regulations as this is being developed?

Mr P. PAPALIA: I am informed that some prohibited accessories in the current legislation’s regulations may be retained. They may not be listed in this bit of legislation’s prohibited accessories, but they may be retained when this legislation comes into effect; it will enable that. It will also potentially enable other accessories that may not yet be apparent but should be prohibited to be covered if they come to the attention of police subsequent to the passage of the legislation. Ultimately, I imagine that this legislation would be amended to specify them later, but this will enable them to be captured.

Mr R.S. LOVE: Why do we have five categories—paragraphs (a), (b), (c), (d) and (e)—of specifically named prohibited accessories and then a whole bunch of other accessories that are already in the regulations and not named? Why have some been elevated to legislation when others are in subsidiary legislation?

Mr P. PAPALIA: I am informed that the intent of listing prohibited accessories is to give an indication of what will be prohibited. It does specify some. As I indicated to the Leader of the Opposition, some in current regulations may be retained, but the final paragraph (f) will enable the legislation to encompass others that may not have been foreseen. It will also give the flexibility to respond rapidly if something becomes evident. The Leader of the Opposition is talking about a drafting peculiarity; I do not think there is any great conspiracy behind it or anything of that nature. It is just listing some prohibited accessories and, if we have not thought of any others, the last paragraph is there.

Mr R.S. LOVE: I have one other question about authorised accessories or those that are permitted and not excluded accessories. What guidance can be given or when will guidance be given about what is permissible for manufacturers and licensed firearm owners to hold as permitted accessories, rather than accessories that are not permitted?

Mr P. PAPALIA: I am informed that in response to discussions, questions and consultation about the legislation—the consultation paper and subsequently during the drafting of the legislation—the police took action to ensure the list of exclusions because excluding what people cannot have is most important. Lists of other authorised accessories are now on the Western Australia Police Force website. I assume those lists are not necessarily finite. This is a big industry and it is pumping things out at a great rate. It regularly changes and adopts technology, and new offerings become available all the time. That will be addressed by the list of prohibited accessories and potentially through paragraph (f). There is much more information about what is allowed than there was, and that is in response to this process, which resulted in questions from interested parties and the police trying to provide them with answers and additional information.

Mr R.S. LOVE: I have one final question on the definitions. The prohibited accessory that starts the list is the sound suppressor. People who are hunting would like to not alert all the other animals in the area that they are active. At any stage, were any categories of firearm licensee or firearm use considered to be allowed to use a sound suppressor or was it something that was specifically ruled out without any consideration?

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Mr P. PAPALIA: I am informed that government-entity licensees can use them, and that is essentially the Department of Biodiversity, Conservation and Attractions type. The Department of Primary Industries and Regional Development has them as well. They are professional shooters employed or engaged by those agencies to cull birds and animals, and they, but not others, have authority to use suppressors.

Mr R.S. LOVE: Was consideration ever given to allowing private contractors who perform similar pest-management services to the government officers access to sound suppressors?

Mr P. PAPALIA: I am informed that it was considered and determined not to include them. Essentially, the people we have referred to were deemed to need those accessories to perform their task. Ultimately, the public safety case came out on the side of not enabling other people to potentially access suppressors, and we will restrict access to those suppressors.

Mr R.S. LOVE: The government employees will be allowed to use sound suppressors even though they are undertaking the same task as private contractors. I am aware of many contractors who do the same work as DPIRD and others. What will be the restrictions to the government employees' access to that technology or accessory?

Mr P. PAPALIA: The reason those people will be authorised and other non-government entities or non-government engaged individuals will not be is the enhanced storage requirements and oversight through records that are currently required of those people, which will give more comfort with regard to public safety than if non-government individuals were to be enabled to use suppressors.

Ms L. METTAM: I have a further question on this clause. I tried to ask a question on the firearm authority health standards; I just did not get the call. I appreciate that this will come up further in the bill, but I want to take the opportunity to ask a question based on a genuine concern that has been expressed to me by a farmer.

He presented himself to emergency a couple of years ago with concerns for his own mental health. He pulled me aside to explain that and his genuine fear that that would have an impact on his firearms licence—not that he felt that he would be unfit to hold the licence, but that in doing the right thing, he felt that that would have an impact now. I know the subjective nature of this, which is why we have concerns, and I appreciate there will be other questions asked, but can the minister provide some assurance for those seeking mental health support on how this matter will be managed?

Mr P. PAPALIA: I have addressed it, but it is a matter worth readdressing. I will reassure people. Every case will be treated individually. The intent is not to prevent someone who is suffering from a mental illness from having access to a firearms licence. This is what the police currently do, so this is essentially the way it will be managed. If someone is being treated and it is well managed, there is no reason for them to be unable to get or retain a licence. I hope that people will view this as an opportunity to ensure that they do seek assistance, welcome that assistance and provide care for themselves. That is the intent; it is to ensure that people have the opportunity to be cared for and treated. It is not to exclude people.

I made that point about veterans; I cannot remember whether it was in question time or earlier in consideration in detail. As I said, I have had it personally raised with me by people who have served their nation and been wounded or injured physically or psychologically, and they held a concern that the intent of this legislation was to somehow prevent them from pursuing their hobby. For some of them, it may be the only physical recreational activity or sport that they can pursue as a consequence of their injury. It is not the intention of this part of the law to prevent people of that nature being able to get a firearms licence or to remove it from them. It is just another measure to ensure that we afford greater public safety, and, ideally, it will also be something that will encourage people to seek assistance if they are not currently doing that.

I have heard concerns in this regard, and I worry that there are people out there right now who are not seeking assistance. They may be concerned about themselves in the manner to which the member has referred, and they may not be seeking assistance at the moment. There is no compulsion or incentive for them to do that. This will hopefully provide an incentive and encourage people to seek help if they need it.

Ms L. METTAM: I appreciate that we will get to this more fulsomely, but I think there will need to be a lot of work done to get that message out, because we would not want to see unintended consequences of licensed firearm owners not seeking that support, which is a very genuine concern.

Mr P. PAPALIA: I thank the member and I appreciate that. I agree. There is a communications plan, and it will be resourced.

It has been brought to my attention that this element will be able to be reviewed by the State Administrative Tribunal. As opposed to some of the other mandatory disqualifications or things of that nature, this element will be subject to review by SAT. I am saying that it is absolutely our intent—I have told people and tried to reassure them—that they will not be excluded solely because they suffer a physical or mental illness. That is not the intent. But if they were to be found not fit and proper by the commissioner after this process, they will be able to appeal to SAT.

Clause put and passed.

Clause 6: Firearms —

Ms L. METTAM: I note that under the definitions in clauses 6(2) and 6(3), a device can be a firearm whether the device is operable or inoperable, but a firearm that has been rendered permanently incapable of operation is not a firearm. Can the minister explain the difference between a firearm that is inoperable but still defined as a firearm compared with a firearm that is rendered permanently incapable of operation and is therefore not considered a firearm?

Mr P. PAPALIA: The difference is an inoperable firearm might be one that is damaged and is temporarily potentially incapable of firing but can be repaired. A firearm that has been rendered permanently inoperable will have been rendered so by a licensed firearm repairer or manufacturer. It will be certified permanently inoperable by those who are qualified to do so. That is the difference. The other firearm the member is referring to would be akin to someone's vehicle breaking down. It does not mean it cannot be driven again; it just means they must get it fixed, whereas if they remove the engine, it cannot be driven. That is not the greatest analogy, because I am sure there are people out there who will say that they can put another engine in. But the bottom line is that someone certified to render it permanently inoperable will do so, and then it will not be considered a firearm under the act.

Mr R.S. LOVE: If we turn to the first part of clause 6, the definition, it states —

- (1) A **firearm** is a device that is made, modified or capable of being modified to fire or propel a projectile by means of —

It goes through the various things —

- (c) any other method of propulsion that is prescribed by the regulations.

Are there at present any other known methods of propulsion that we expect to see prescribed by regulations?

Mr P. PAPALIA: I am informed that it is anticipated the following methods of propulsion will be included in the regulations and will be taken to be firearms—hydraulically operated plunger technology devices, electronically operated plunger technology devices, magnetic rail gun technology and Gauss gun technology.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Firearm categories —

Ms L. METTAM: I note that under this clause the regulations must provide for six categories of firearms and specify the firearms that are in each category. Can the minister provide details of each category that the regulations will cover and the types of firearms that will be captured by each of these categories?

Mr P. PAPALIA: I am informed that the list will predominantly be what is currently in the regulations, with the addition of air rifles and button-release firearms.

Ms L. METTAM: Can the minister confirm that the categories in the regulations will not be changing?

Mr P. PAPALIA: There will be some amendments to the current regulations with regard to those two categories I referred to, the air rifle and button-release firearm.

Ms L. METTAM: Can the minister explain subclauses (4) and (5) and whether subclause (5) is redundant given that subclause (4) provides —

If a firearm is not in any category, the firearm is taken to have been prescribed by the regulations as a prohibited firearm unless the regulations provide otherwise.

Mr P. PAPALIA: I am informed that subclause (4) does what the member anticipated. It states that a firearm is taken to be prohibited as prescribed if it is a new type. Subclause (5) is a legislative procedural matter. It essentially says that even though something is currently not prohibited, we can make it thus if we choose to do so. Further to that explanation, I am advised that it means, for instance, if a category C firearm met the definition for category C, we would still be empowered to make it a prohibited firearm. It will enable that further action, which may not have been encompassed by subclause (4).

Ms M. BEARD: I think I know the answer to this, but I will ask anyway. Gas projectiles are used in orchards and vineyards. I understand that they do not project anything other than noise, but they are attached to a bottle of compressed gas. Is that not included in this?

Mr P. PAPALIA: The member is right; that is not captured. That is a noise maker, essentially, and it is not something that has to be licensed, so it is not captured.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Membership of disqualifying organisation —

Ms L. METTAM: This clause states that a —

member, of an organisation, means a person —

- (a) who has been accepted as a member of the organisation, whether informally or through a process set by the organisation; or
- (b) who identifies in any way as belonging to the organisation; or
- (c) whose conduct in relation to the organisation would reasonably lead another person to consider the person to be a member of the organisation.

Can the minister explain how a person will be considered to be a member of an organisation when they could be considered to be accepted informally?

Mr P. PAPALIA: Essentially, the wording replicates that of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. Nevertheless, the manner in which someone is determined to be a member is through intelligence, action, behaviours and information available to the Commissioner of Police. A range of sources can provide information to enable the commissioner to determine that the person is a member.

Ms L. METTAM: How will that informal acceptance of membership be considered and proven?

Mr P. PAPALIA: The organisations are listed under the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. The commissioner will make a determination based on intelligence and other action to determine that a person is a member of the organisation. That determination by the commissioner can be challenged in the State Administrative Tribunal. What cannot be challenged in SAT is the make-up of the list of organisations that are identified; however, the claim or the determination by the commissioner that the person is in that organisation can be challenged.

Ms L. METTAM: On the same issue, how would one be considered a member of a disqualified organisation based on their conduct that would lead another person to consider that they are a member of such an organisation?

Mr P. PAPALIA: This is in reference to that legislation. I recall that membership was debated fulsomely at the time. I will not give the member a finite list, but an indication would be someone wearing the colours of that organisation, someone associating with the people within that organisation or someone attending the clubrooms of that organisation on a regular basis. They could be funded by them. There would have been significant discussion around this. It has been tested by the courts. The unlawful insignia legislation has been tested thoroughly, with 85 per cent of cases successful. I am informed that it would be any conduct in relation to the organisation that would reasonably lead another person to consider that person to be a member of the organisation. In essence, a range of things might lead the commissioner to make that determination. It is essentially the same process for the purposes of consorting notices, dispersal notices and prohibited insignia because they are the people we are talking about.

Clause put and passed.

Clause 11: Finding of guilt —

Ms M. BEARD: What procedures will be in place for when a person is found guilty of an offence that would disqualify them from owning a firearm? Will a search be conducted each time an offender is found guilty of a relevant offence?

Mr P. PAPALIA: We are talking about people who have committed a disqualifying offence, which is a serious offence subject to a penalty of five or more years' imprisonment. At the time they are charged, their firearms will be seized. That will happen. In the event that they are found guilty, they will not get those firearms back; they can be disposed of. Is that what the member was after?

Ms M. BEARD: Yes. A couple of people have asked me this question because they have been involved in traffic offences in which there was a fatality and they have done time. They were found guilty and spent a period of time in prison—less than five years—but it was not related to firearms. I am just trying to clarify whether they will be disqualified from hereon in.

Mr P. PAPALIA: I am hoping that I have the answer for the member. The member for North West Central is concerned about someone. In that case, yes, if it was a serious offence subject to a penalty of five years or more, they will be subject to this part of the law. If they had served a lesser time in prison, their time of exclusion or disqualification will extend from the time that they have done. If the maximum sentence was five years and they

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served three years in prison, the disqualification period would be five more years. The disqualification period will be applied from when they exit the prison. Is that what the member was after?

Ms M. Beard: It was someone involved in a fatal car accident. It was an unfortunate set of circumstances.

Mr P. PAPALIA: Sadly for that person, given that it was a serious offence subject to a penalty of five or more years of imprisonment, they will be subject to it.

Ms M. BEARD: My question is about whether a search will be conducted each time an offender is found guilty of a relevant offence. Will sufficient resources be provided for that to take place, and can the minister outline how the resourcing will be provided to oversee that process?

Mr P. PAPALIA: I think I understand the nature of the member's question. In some ways, what will happen with the disqualification orders will be akin to what happens now with violence restraining orders, in that the police will go to the residence and request the firearm that they know to be there because of the licence, and they will confiscate it. That will essentially be the same role; it is not significantly different from what currently happens. Obviously, there will be one moment in time when a large number of people will be dealt with.

The police will be resourced to achieve that task. They will be able to manage it because they will be the ones determining when to confiscate the firearms. It is something that the police will manage, but they are resourced to do that. There is resourcing available to apply the legislation. With regard to the actual task itself, it will not be a lot different from a lot of other policing activity that happens.

Ms M. BEARD: If someone is found guilty, is there a scale? The minister said that if a person receives a penalty of five or more years' imprisonment, they will never get the gun back. I guess what I am asking is: Can they never reapply? Once that happens, will they be able to appeal or apply for a gun at any point in their lives?

Mr P. PAPALIA: No, people will not be able to appeal this one. The disqualification period will be aligned with the maximum penalty that the offence is subject to. If a serious offence has a 10-year maximum penalty, that will be the disqualification period.

Mr R.S. LOVE: This follows on from the question asked before about convictions or offences outside Australia. Under clause 11, "Finding of guilt", subclause (1) states —

A reference to a *finding of guilt* in relation to an offence committed by a person is a reference to any of the following —

- (a) a court making a formal finding of guilt in relation to the offence;

Could that be a court in another jurisdiction? Could it be, for instance, a New Zealand court that finds a person guilty of such an offence? Would that lead to such a disqualification? I meant to ask this when the minister was talking before, but what measures will be in place to ensure that information such as that can be known to the police in WA?

Mr P. PAPALIA: We did kind of refer to this earlier. Essentially, there are matters in other jurisdictions that the commissioner must inquire into, and that is stated. It is stated in clause 151(2) —

This section does not prevent the Commissioner from inquiring into relevant criminal records held by other law enforcement agencies, including law enforcement agencies outside Australia.

Our Western Australia Police Force regularly collaborates with international law enforcement agencies via Interpol and other relationships, so it is not an unusual practice for police to seek out and acquire information about people they have concerns with.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Immediate possession —

Mr R.S. LOVE: Again, I go back to the word "thing". The clause states —

- (1) A person's possession of a thing is *immediate possession* of the thing if the person —
- (a) has actual physical possession of the thing; or
- (b) has custody or control of the thing in close proximity to the person.
- (2) A person does not have a firearm or other thing in the person's *immediate possession* when possession is possession in compliant storage.

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Could the minister clarify the use of the word “thing” in this clause in reference to immediate possession? Is it referring to, for instance, a firearm part or a complete firearm, or both, or an accessory? What exactly is the thing we are talking about?

Mr P. PAPALIA: The answer is yes, it could be a range of things that may be relevant under this legislation. As opposed to just identifying the word “thing”, it is generally used to specify a firearm or related things. It is not considered to be in a person’s immediate possession when the firearm or other thing is in compliant storage. The word “thing” is used in context. It might be technology, ammunition or parts. That is not a finite list, so do not go getting excited out there! That is the reason for the use of the word “thing”, and the member knows that; he has been in Parliament and witnessed legislation for long enough to understand that that is why this word is utilised.

Mr R.S. LOVE: Subclause (2), which is on page 16, states —

A person does not have a firearm or other thing in the person’s *immediate possession* when possession is possession in compliant storage.

How will that apply in the case of someone who is transporting a firearm? What would be considered to be compliant storage in that circumstance? Would it be being locked up in a compliant storage case? Could the minister explain to us whether that would be considered being out of a person’s immediate possession?

Mr P. PAPALIA: I am informed that this particular reference is about compliant storage being used to store a firearm when someone’s licence has been suspended, so it is stored somewhere that is compliant. That is what it is specifically referring to. It is in that circumstance. A person has had their firearm removed and it is being stored somewhere that is compliant for the purposes of the legislation. That is what that reference is about. It is not about transport.

Clause put and passed.

Clause 14: Major firearm parts —

Mr R.S. LOVE: The minister will recall that there was quite a discussion in Parliament about firearm parts and manufacturing during debate on the previous amendment bill. There seem to have been some changes from the previous iteration of the Firearms Bill. Can the minister explain whether there were discussions that led to any changes that might have occurred?

Mr P. PAPALIA: I have been informed that effectively there is no difference between that bill and this bill, other than the piece about the stock blank, which is a bit of wood that is shaped into a stock. That has been removed, but everything else essentially reflects that.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Delegation of Commissioner’s powers and duties —

Mr R.S. LOVE: This clause is broadly consistent with the provision in the existing legislation. I think the delegations are also referred to in clauses 148 and 149. We can discuss those at that point, or can we talk about those now?

Mr P. Papalia: How about you air your concern and we will think about whether we can answer it now or whether it would be more appropriate later?

Mr R.S. LOVE: In terms of gathering evidence from the health practitioners, which we talked about before, and the delegate’s ability to access and require that sensitive information, what will happen to ensure that anyone who is delegated to perform those tasks keeps that information as confidential as possible? What will be the chain of information flow for some of those matters under the delegations? Is there a chart that shows the responsibility? How will that be laid out?

Mr P. PAPALIA: There are currently delegations for this type of practice. The Commissioner of Police will not necessarily seek out the information that will inform the decision-making process himself; he might delegate the authority to seek out that information to other subordinates. They are within the chain of command. I would not say that a specific person will be designated every time, or some sort of flowchart that we could provide the member with. That aside, police regularly encounter sensitive and classified information and, in the course of their duties, are required to comply with the law in respect of the security of that information. I am informed that at the moment, for example, there are two sergeants who seek out the type of information the member is talking about. They acquire that information for the commissioner to inform the decision-making process. But I do not know that it would necessarily change anything to say any more than that; they are delegated personnel, chosen by the commissioner to be granted that authority as part of their job, and they comply with the law whilst they are doing it.

Mr R.S. LOVE: I am just trying to get an understanding, as a member of Parliament, of the structure of the delegation system within police that can allow this to happen, and what that information sharing looks like in respect of who has unfettered access to certain information and who has access to necessary information et cetera.

Mr P. PAPALIA: I can give comfort to people that a clear line of responsibility is retained at all times. The commissioner delegates to the superintendent, licensing enforcement, who has subordinates who then conduct that task. Responsibility flows up the chain; delegation does not devolve all responsibility. The person ultimately responsible is the commissioner. The superintendent is subordinate to the commissioner, and the individuals who carry out the task are subordinate to the superintendent. They all have responsibility for the retention of privacy and the security of information. Ultimately, though, that responsibility resides with the commissioner and it is not in any way removed as a consequence of the devolution of the task.

Clause put and passed.

Clause 17: Exemptions —

Mr R.S. LOVE: Again, I understand that this is fairly consistent with the current legislation. I wonder what the circumstances are if the person who is exempt is a police officer, an officer in the department, a member of the Australian Federal Police, a member of another police force or defence personnel. Under those exemptions, are there any actions that would trigger a disqualification or suspension of that exemption? For instance, if the person was later found to be involved in criminal activity, even though that fact was not known at the time. Would they then be subject to charges for offences created under this legislation?

Mr P. PAPALIA: I am informed that a very limited number of organisations are subject to the exemptions. They have their own internal processes and practices around those types of matters. In the event that someone has broken the law, police would be compelled to notify the person's organisation about that fact, which would result in consequences inside that organisation but also, having broken the law, the person would be subject to the law in the same way as anyone else.

Mr R.S. LOVE: Could their conduct at any stage lead to a finding that they had actually no right to that exemption at that point, because they had already involved themselves in criminal activity? I am thinking, for example, of someone who was knowingly involved in activities that might compromise public safety in some way. Would they fall foul of some of the provisions of this legislation if, for example, they had supplied ammunition or firearms? To what level would those exemptions apply to someone who has wilfully engaged in activity that is not in the public interest?

Mr P. PAPALIA: I think I understand the intent of the member's question, but if I do not, let me know and we can chat about it. Ultimately, if someone has broken the law with regard to the provision of ammunition or things of that nature, that is a serious offence and there would be consequences within their organisation. Those organisations all have consequences for behaviour of that type as part of their own disciplinary processes, but having broken the law, the law would apply to these people regardless. The exemptions referred to fall under part 5, which requires the authority of a licence or permit for the possession and use of, and other activities involving, firearms and related things; and part 7, which relates to security and storage of firearms and related things. That is for the ADF guys; we are not going to tell them who they can authorise to use a Steyr, for instance. We are not going to tell them where they should store it, or anything of that nature; that falls within the structure of their organisation. However, if the person commits an offence that breaches the act, which is outside these exemptions, we would notify the ADF and they would suffer the consequences of having broken the law and charges would be proffered.

Mr R.S. LOVE: I had one other question I was going to ask on exemptions, but as I stood up, it fled from my mind, based on what the minister was saying!

Mr P. Papalia: You have all the sympathy in the world!

Mr R.S. LOVE: With regard to losing the exemption, what about a situation in which a member of one of those organisations was subject to a domestic violence order or similar; would that trigger a disqualification or suspension of the exemption?

Mr P. PAPALIA: Pretty much all the organisations to which we have referred have their own disciplinary processes and responses to breaches of that nature. With regard to our law, if the person is a licence holder in their own right, as a civilian, their outside firearm licence is not related to the fact that they might be in the ADF or a police officer or whatever. But if they break the law, they are subject to the same consequences as anyone else who breaks the law. That is what already happens. If a police officer commits a domestic violence offence, it is the same process and they are subject to investigation. There are internal processes. The commissioner would initiate an investigation and there would be a response. There are practices around what they are allowed to do and what they are not allowed to do, and often they are stood aside whilst the investigation is being completed. If they are found to have done something, I can tell the member that they will kick them out now. That aside, the Australian Defence Force has its own process, as does everyone else, but this law is all about our licensing process. We licence someone to have a firearm as an individual. In the event that they commit one of these disqualifying offences, they will be subject to the law.

Clause put and passed.

Clause 18: Antique firearms —

Ms M. BEARD: This provision defines an “antique firearm” as —

- (a) a muzzle loading firearm manufactured before 1900; or
- (b) any other firearm manufactured before 1900 that is not an excluded firearm;

What is the reason for choosing the year 1900?

Mr P. PAPALIA: That moment in time is reflected in the current legislation. I am informed that that is when there was a pivotal shift in technology. There was a move from some of other older technologies to the use of cartridges. It might not have specifically occurred in that year, but it happened around that time, and subsequent legislation has reflected that.

Ms M. BEARD: Has the minister received any representations from owners of firearms manufactured after 1900 that are considered to be antique; and, if so, can he outline who made those representations?

Mr P. PAPALIA: Thank you for that question, member. I am informed by acting Inspector Walker that they have been in continuous conversation with the historical firearms society of Western Australia while preparing the legislation and that it has no concerns with what is being proposed.

Ms M. BEARD: This last question is for my benefit. If someone were to have what they consider to be an antique firearm, is there scope for them to apply for a licence, or is the 1900 date and the age of the firearm a definitive line in the sand?

Mr P. PAPALIA: I am informed that it is a line in the sand. If the firearm is dated post 1900, yes, they will be required to licence it. The owner can retain it but will be subject to other parts of the legislation.

Clause put and passed.

Clauses 19 and 20 —

Clause 21: Requirement for genuine reason for licence for firearm —

Ms L. METTAM: Clause 21(1) states —

A licence to authorise the possession of a firearm must not be granted to a person unless the Commissioner is satisfied that the person has a genuine reason for the licence because the person genuinely intends that the firearm will be possessed for a purpose to be authorised by the licence.

Can the minister explain what would constitute a genuine reason under this clause and how an applicant for a licence will prove a genuine reason? For example, will it be by way of a statutory declaration prescribed by the regulations?

Mr P. PAPALIA: I will read this out and if I do not cover it, the member can ask a further question. A genuine reason relates to the type of licence sought by a person. A genuine reason can be, for example, wanting to hunt on property or carry out a trade involving firearms. The genuine reason must be proven by providing evidence to the Commissioner of Police. An applicant for an individual licence for competition purposes, for instance, may be asked to provide evidence such as a membership to a club for competition shooting or an affiliation to a shooting discipline and/or any relevant competition endorsements. A trade licensee may be asked to provide a business plan, structure or ABN et cetera to prove that they have a genuine reason for a trade licence.

It will depend on what licence the member is talking about because they require different information. If we are talking about someone who hunts on another property, they will need to provide an authorisation from a property owner. The information will differ depending on who is applying for the licence.

Mr R.S. LOVE: Clause 21 refers to the requirement for a genuine reason for a licence for a firearm. I want to talk about a subject that has been raised with me to do with the loss of an activity, if you like. I can see no recognition in the bill of a recreational licence. I cannot talk about it under a clause in the legislation because it is not mentioned, so perhaps I can raise it here. Why has a recreational licence been excluded as a type of licence? It has been put to me that people may simply wish to engage in recreational shooting, as opposed to being part of an organised clay target club or a fixed-target club of any sort. The minister may remember that late last year, I brought a grievance to this place about an individual who has such a facility in the Kalbarri area where individuals shoot recreationally. Why has the pursuit of recreational shooting not been considered by this legislation?

Mr P. PAPALIA: I will give the member a bit of an answer. If my advisers think that I have not covered it off enough, I will sit down and then talk again. There used to be a recreational/hunting licence, as I understand it. The terminology has shifted to refine the genuine reason. In the past, probably three types of shooting were allowed under one licence. They will now be under different licences. We will have a licence for primary producers, which will address those people, and they will be able to conduct hunting and all those practices on their land with a firearm. The sort of thing that the member is talking about can be done on their land with a primary producer licence. Then we will have what is termed a competition licence for people who join clubs; they may or may not participate in

high-level competitions, but they will shoot on a range, which is recreational shooting. In the past we had one category of licence, but we will now have three categories, with the third category of licence being for hunting. In this instance, for a person to get a licence, we have focused on the genuine reason being to assist somebody to control vermin on their property. That will be the genuine reason that will enable a person to get a licence. For a person to conduct the type of activity that the member talked about, they will have to get a licence using the genuine reason of hunting, which means that they will be required to get authority from the owner of an appropriately sized property. They will then be able to do that type of shooting on that land. They will not be prevented from doing that, but target shooting outside a club is not a genuine reason for getting a licence.

Mr R.S. LOVE: I return to the fact that this legislation was supposed to conform with the third National Firearms Agreement. Is that approach—that recreational shooting will be ruled out as a genuine reason—consistent with other jurisdictions?

Mr P. PAPALIA: I will refer to what I said earlier. Primary producers can be engaged in recreational shooting on their property. Target shooting at a club is essentially classified as a recreational activity. Hunters on an authorised property with the authorisation of the property owner will be able to do what the member was talking about, but that will not be a genuine reason for acquiring a licence. That is a considered intent of the change to the legislation. The issue was not about the member's constituent inviting people to shoot on their property, it was about the fact that the constituent was selling letters that were used as a genuine reason for acquiring a significant number of licences. People may or may not have shot on his property. He is not alone in that regard. The member for Burns Beach referred to someone on a 100-acre property in Margaret River who had sold thousands of letters. It is ridiculous to suggest that there is any integrity around that practice. The genuine reason for having the firearm was supposedly to control vermin on that property and that was not the case.

Sixty-five per cent of firearms are held in the metropolitan area. Unashamedly, we wanted to effectively focus on the means by which people have been acquiring firearms for a stated genuine reason that is not genuine. They will not shoot on that property. They did not get their firearm for the sole purpose of controlling vermin. They got a firearm because they could under the current system. We are unashamedly focused on reducing the number of those types of licence holders because that will reduce the likelihood of firearms finding their way into the hands of people who cause harm with firearms.

Mr R.S. LOVE: Was it the case that when initial consultations were held with the Western Australian public and groups, recreational shooting was referred to as a genuine need? When did the government's policy change? Was it a government decision or a recommendation from the police? How did it come about?

Mr P. PAPALIA: Under the current legislation and the original National Firearms Agreement, there is reference to an activity called recreational shooters/hunters. To understand what the discussions were about and the nature of what was being referred to, that terminology was utilised. We have arrived at the point at which what I have just explained is the motivation. A lot of firearms are held by people who have acquired them for no other reason than that they can. These people are not using them to assist a primary producer to control vermin on their properties. They are not in a club and shooting on a range. They acquire a letter, by whatever means, because it is a corrupted system.

Mr R.S. LOVE: It is the system that is in place.

Mr P. PAPALIA: It is a corrupted system. Before 2009, people had to go into a police station to apply for a licence. As a consequence of having this letter system and everything being centralised and brought online, no-one is necessarily physically encountered in the process. We have seen an escalation in the number of firearms. A lot of them—65 per cent—are in the metropolitan area. A lot of those people will not necessarily shoot on a property to control vermin. They have a gun in their home in suburbia for no real reason. The whole premise of the rewrite of the act and the belief of the government for a long time is that possession and use of firearms is a privilege subject to the primacy of public safety. Allowing the proliferation of firearms that are not really delivered for a genuine reason does not accord with that principle, so we are responding to it.

I understand that at the moment some people have a gun because they wanted one and not because they are a primary producer, in a club or helping to control vermin on someone else's property. They may find it difficult to keep their gun. If they have a gun and anticipate that they will not be able to get a genuine authority from a property owner under the new law, because they will have to, I would encourage them to go to the police now and afford themselves the benefit of the buyback scheme. More than 5 000 firearms have been handed in over the last three weeks. This is an opportunity for people in that situation. They should not expect that at the end of all this, some loophole will enable them to keep the firearm if their only genuine reason to keep it is some letter that does not mean anything—they do not have a relationship with a property, they have never been there and they do not intend to go there. The farmer who issued the letter just sold thousands of them. They should assume that it might be really difficult for them to get an authority under the new system.

Mr R.S. LOVE: At this stage I need to put on the record that the person I was referring to had many people coming onto the property for recreational reasons. It was not as though the letters were sold and people never utilised the ability to come onto the land. A regular number of people—one group at a time—were coming onto the property. That is the situation. I do not want it to be on the public record that that constituent was undertaking that activity as the core of their business.

We are ruling out the recreational use of a firearm by someone who does not want to be formally involved in a club as opposed to someone who does want to be involved in a club. In reality, what is the difference? The difference is that people are doing something either informally or formally, but is it not the same activity? Therefore, how did the government come to the understanding that these people will have no right, as individuals, to enjoy shooting at targets, whereas people who want to come together as a group in some formal structure will be able to enjoy the same activity?

Mr P. PAPALIA: Ultimately, the key principle is public safety. It trumps everything else. It trumps someone's desire to have a gun just because they like shooting bottles or whatever. The idea that somehow people will be prevented from shooting for recreational purposes under the new law is not correct. People will have the opportunity to join a club and shoot. Recreation is associated with that. Having received a genuine authority from a farmer or a property owner, someone can conduct that activity, albeit it is not the genuine reason for getting a firearm. Provided that the property owner authorises them to do it, they will be able to shoot on that property. Similarly, a primary producer with a primary producer licence will be able to shoot on their property or on properties on which they are doing primary producer licensed shooting. All those opportunities will be afforded to people. Consideration has been given to whether or not doing that alone is a genuine reason. We have a corrupted system in which there is no guarantee that people are even doing that. All that was needed was a letter acquired from a property owner suggesting that a person might shoot on their property, and then they could use that licence anywhere—or not. They could keep a firearm in their suburban home and not use it for that purpose at all. That practice will not be allowed anymore. This bill is unashamedly focused on reducing the number of firearms out there that were acquired under a distorted system that enabled people to acquire firearms for a stated purpose for which they were not going to use it.

Mr R.S. LOVE: We will talk about the transitional elements and how the government will examine the current purpose for which someone holds a licence as we transition from the previous system to the new system; however, will that transition be entirely retrospective or will it look at the use at the time that the transition commences? At what point will we assess the reason a person holds a licence?

Mr P. PAPALIA: We will assess it from the point of the new legislation taking effect. Any new applicant—someone who does not currently hold a licence—will be subject entirely to this law. The member is talking about those who hold a licence and need to renew. I am talking about people who will look for authorisation from a property owner. Again, I urge those people, if they are thinking about this, to look at the new law and consider whether or not they are likely to get an authorisation from a property owner. In the event that their current reason for having a firearm is a letter acquired at some point in history and they no longer have a relationship with that property and are unlikely to get an authorisation from anyone else, they should consider availing themselves of the buyback. Otherwise, if they do not have a genuine reason for renewing their licence when the law comes into effect, they will have to either sell the firearm before that time of renewal or surrender it. It will not be lawful from that moment onwards to have that firearm. That is why we are encouraging people to look at the laws and consider their impact.

The Primary Producers Firearms Advisory Board has been working with us. Most farmers—I think we can say pretty much every farmer—will not be impacted in terms of the current firearms they possess. They may have to get a different category of licence, depending on the size of their property and the number of firearms they are holding, but most of them will not be impacted. The vast majority of competition shooters will not be impacted in terms of a reduction in the number of firearms they hold. In fact, subject to their reason for having firearms, they will be able to seek authority to have more than 10.

For those who have a genuine relationship with a property owner, and they shoot on that property, I imagine they will get an authorisation pretty simply from that person and retain their right to the proposed five-firearm limit. I encourage anyone who exceeds those limits to consider these changes. It will not be many people. As I indicated in Parliament earlier, the modelling is not an exact science and we cannot state categorically but we anticipate 15 000 firearms will be impacted by the imposition of limits. That is different from the property letters matter. That could be a much larger number. It may not be. I do not know how many people will be able to find a genuine relationship with a property owner and get authorisation, but not a massive number of firearms are specifically linked to the limits being imposed.

Mr R.S. LOVE: I have one final question on this clause and then I think the member for Central Wheatbelt might want to ask one. The minister mentioned the buyback, which has opened up a question about the time line and why it was set. I think, from memory, it closes in mid-August —

Mr P. Papalia: The last day in August.

Mr R.S. LOVE: Given that this legislation is only now being debated in Parliament, and one can only conjecture about some of the regulations that might come in because they are unknown at this point, does the minister think it is appropriate to shut down the buyback on that date or should it be carried forward into the transitional period?

Mr P. PAPALIA: I make the observation at the outset that there is an outstanding amnesty for unlicensed firearms. That is extant and will continue. It is included in this legislation. There is an amnesty so that people who find themselves in possession of an unlicensed firearm can always surrender it without penalty. That is part of the law. The member's observation was that there are regulations to be worked on. The consideration of whether someone surrenders their firearm to take advantage of a buyback is not so germane to the regulations. If a person's sole genuine reason for having a firearm is a letter they bought off somebody or was acquired through somebody they do not have a relationship with, I can categorically say that someone in that situation does not have a relationship and is unlikely to have a genuine reason in the future under this law, so they should take advantage of the buyback. The intent of having a buyback over this time frame is so that we know the allocated potential cost. We can budget for it, and we can deliver it inside a time frame that is associated with the passage of the bill. It is a six-month period and a budget has been allocated. We have allocated sufficiently to accommodate the maximum number of firearms possible, to the extent that we can model what might be a consequence of every single measure being imposed. The biggest group is likely to be people who are currently in possession of a firearm for which the sole genuine reason is a letter that they acquired and they do not shoot on that property; that is probably the largest group, but there are others.

There are around 15 000 firearms associated with limits. Potentially, storage may have an impact. The vast majority of people have five or fewer firearms. We are looking at grandfathering. We will talk about that when we get to the storage requirements, but we are looking at grandfathering storage for small numbers of firearms so that we do not impose that obligation on people. It is a balance of the risk and assessment of the threat—the larger the concentration of firearms in one location, the greater attractiveness to criminals and the potential vulnerability.

There is a range of measures, all of which have a potential impact. It is a bit hard to predict the extent of people's motivation to retain a licence, because a lot of people may decide not to. I know of people right now who have just decided to give up their firearm because they have not used it very much in many years and we are paying them money, so that is a good thing. That is reducing the number of firearms out there. If the member is asking why we did it, that is why we did it. It is a finite period, we are able to budget for it and it aligns with the passage of the bill. We will market and communicate the buyback to people to encourage them to take advantage of it. People are taking advantage of it. We have received 5 000 firearms in the course of the last three weeks. It is not really something that people have to wait too much to consider. A lot of people have only one or two firearms. They may not have used them very much. They may have acquired those firearms only through the genuine reason of getting a letter from somebody. It is probably reasonable for them to consider whether they want to go through the task of retaining a licence under the new regime.

Ms M.J. DAVIES: I want to go back to the previous discussion on the recreation licence and the fact that the way this legislation has been crafted will really prevent someone from applying for a licence just for the purpose of going shooting on a property—unstructured recreation rather than joining a gun club. It is the same with many sports and recreational activities; there are people out there who do not want to participate in organised sports or clubs or are not able to because of their work commitments and things like that. The way I understood the minister to explain the system is that there will be a hunting licence and people will be allowed to take pot shots and shoot at targets on a property, with permission from the property owner, as a consequence of having legally obtained a licence for hunting. If under the new system someone can get a legitimate letter from a property owner who is comfortable for the licence holder to come and do only that, why set up something whereby potentially we will have people saying, "Yes, I'm going to go and hunt", but they have no intention to hunt and are really going to shoot only recreationally? If the government has gone back to basics to rewrite the legislation, why not create a separate licence category so that we are not asking people to blur the lines? As I understood it, one of the minister's concerns is that the system that we have now has become corrupted and people have been given flexibility within that system to obtain a licence but then use it for other purposes. That is not a good outcome. If a landowner is prepared to have someone on their land, I cannot see a reason that they would not be prepared to give them a letter to say, "I'm happy to have you", and they do not have to go hunting. They can come and shoot bottles if they want to.

Mr P. PAPALIA: They can, but subject to the size of the property and the prevalence of vermin, there will be some degree of science around the number of authorisations allowed for each property. They will now be authorisations and it will not necessarily be a letter; technology will enable us to move on from a bit of paper. But subject to the application of that analysis, which will be informed by the likes of the Department of Biodiversity, Conservation and Attractions determining the prevalence of vermin of a certain type in a certain geographical location, topography, and things of that nature, there will be a determined number of authorisations for each property. It will not be 2 000 or 3 000 authorisations for a 100-acre property down in Margaret River. If a property owner understands in their own mind that a person is going to do only what the member said—go there and not shoot vermin—they might authorise them, but for all intents and purposes, for the police and for the licensing process, they are going to shoot

vermin. As a consequence of them being on a property and that property owner being comfortable with that practice, they can go and shoot bottles, but that will not be the genuine reason for having the firearm; the genuine reason will be going to that property to shoot vermin. Now, there will be a limited number of authorisations, so if a property owner decides that they want to relinquish two of the five authorisations they have been allocated to their friends who they know are not going to go and shoot rabbits, that is really neither here nor there, but the overall process is that there will be a finite number of authorisations associated with that property, unless it is a very large property in the north or some other location and they have a business licence. Remember that the intent is to elevate public safety. We are not ashamed of saying that some people are sitting out there with guns right now whom we do not want to have guns. We would rather we took some guns off the street. A range of measures are being utilised to achieve that objective. One of them is to refine the authorisation process to link it directly to vermin prevalence and the size of the property and have a real process around that. Within that, if a property owner decides that they do not need their entire allocation for shooting vermin and they are comfortable with that person being authorised to come and shoot on their property, that is their decision, but it will mean using part of their allocation of authorisations.

At the moment, it is unlimited. People are literally selling the letters. People might go and visit someone's property; property owners are selling letters for different calibres at different scales of cost. When I contemplate the fact that the same letter does the job for any calibre, I find it extraordinary that property owners would charge individual people a different amount for a different calibre based on some weird concept of providing value. It is weird. That aside, people are doing it. That will not be possible. It will not be lawful to sell authorisations, and there will be a constraint on the number of authorisations allocated to a property based on property size and prevalence of vermin. Ultimately, it will mean a restriction in the number of authorisations for that type of hunting licence. I do not know the actual extent of that restriction; we will not know that until it happens.

Ms M.J. DAVIES: I guess my point is if, in the minister's view, that will be allowed, why not actually acknowledge that by having it as a category of licence? If the activity is going to be permitted, as the minister has explained, why not acknowledge that and be specific?

Mr P. PAPALIA: It is because that would fundamentally undermine the intent of reducing the number of firearms attributed to a specific purpose—a genuine reason. Shooting bottles or cans is not a genuine reason. The genuine reasons will be hunting vermin, being a primary producer or being a club competition shooter.

Clause put and passed.

Clause 22: Requirement for firearm to be suitable and appropriate for authorised use —

Ms L. METTAM: Clause 22(2) states —

The regulations may provide for the matters of which the Commissioner must be satisfied in order to be satisfied that a firearm is suitable and appropriate for the use to be authorised by a licence.

My question is: does the minister have any detail of what those regulations will entail; and, if so, can the minister table that information?

Mr P. PAPALIA: Member, I am informed that this is about the genuine need for the type of firearm and the task for which it will be employed. For instance, if a person employs their firearm to shoot rabbits, does that person really need a .308 or something of that nature? If a person has a task that requires a shotgun, and they are already in possession of a shotgun, do they need another three? That is the sort of consideration that will be given in this particular case.

Ms L. METTAM: As I asked the minister, will that be prescribed in the regulations?

Mr P. PAPALIA: I am informed that the intent is that it will be very similar to what is prescribed currently.

Ms L. METTAM: What consultation will the minister undertake in developing those regulations? I note that the minister said they will be similar to what currently exists, but for the purposes of this legislation, what are we likely to see?

Mr P. PAPALIA: I am informed that, firstly, the National Firearms Agreement already specifies, or dictates, a lot of these matters. That aside, consultation and discussions around regulations will continue. They have been ongoing for the better part of 18 months, or two years, with a range of parties, individuals, peak bodies and organisations like the Primary Producers Firearms Advisory Board, the Western Australian Firearms Community Alliance. Work and discussions on the regulations, and the meetings with people, are ongoing. These meetings are done by Acting Inspector Walker—not alone. They are working constantly with all of those people that they have been working with, and there is no intent to stop. It might be of value for specific interested parties to engage on their own now because, collectively, they have been generally talking about the legislation. If somebody cares about one part of the legislation that is really relevant only to them, going to group meetings might mean that they do not avail themselves of the opportunity to discuss their specific concerns. All of those meetings continue, and the Western Australia Police Force continues to consult and will do so right through this process.

Mr P.J. RUNDLE: Just for my clarity, minister, if someone is a current licence holder, will they just be rolled onto the new regulations?

Mr P. PAPALIA: The member may have missed us discussing this transition process. Essentially, it will depend. I suggested that many licensed firearm owners will not be impacted greatly by limits or changes in category definitions. They will not necessarily be impacted. I spent some time explaining that there are a lot of people who may have, as their only genuine reason for having a firearm, a letter that they acquired from somebody that states that they will shoot on a property that they never intend to visit or have never visited, and they may have no relationship with that person. Obviously, those people might find it difficult. If they cannot identify a proper authorisation for hunting or shooting as a genuine reason—if they cannot build a relationship with a property owner who can give them that authorisation—and that is the only reason that they claim to have as a genuine reason for having their firearm, they may not be able to keep it, unless they join a club and become a competition club shooter. It is hard to say. Everyone is different. But the vast majority of current firearm licence holders who are primary producers, competition shooters or genuine vermin shooters who have a relationship with someone's property and will not have any difficulty getting an authorisation will not be impacted. They will largely be able to go about their business. They might be impacted by the limit on numbers, but not many people will be, because the vast majority of people have fewer than five firearms.

Clause put and passed.

Clause 23: Authorised persons for licence —

Mr R.S. LOVE: I just wonder about the authorised persons for a licence in clause 23(1). It states —

close associate, of a licensee, means any of the following persons —

(a) an employee or agent of, or contractor to, the licensee;

Will any limits be imposed on the number of people who could be attached as a close associate of a licensee? Will that be considered? I am not sure whether that is reflected in this clause. The clause does not actually mention anything. What is the intention? A large organisation might have hundreds of employees. What is the intention with the number of people that this might encompass?

Mr P. PAPALIA: There will be no limit.

Mr R.S. LOVE: Clause 23(1)(b) and (c) states that the definition of a close associate of a licensee may include an officer of a body corporate that holds the licence. If the licensee is a club, for instance, or a business itself, why would the company secretary, for instance, require a firearm licence? Why would it be appropriate for an officer of the body to hold a licence rather than a participator in the activity?

Mr P. PAPALIA: They will not have to. It means that they will be eligible to be considered an associate. It will not be mandatory or compulsory. It will enable them to pursue that path in the event that it is appropriate. They will still be subject to all the other obligations around acquiring a licence. It will not really change much.

Mr R.S. LOVE: Clause 23(4) states —

A person who is under 15 years of age is not eligible to be an authorised person for a licence.

We had a discussion earlier about young people. I think the minister indicated that he had allowed some interaction with firearms for even younger people. The age mentioned was 12. Why do we have this figure of 15, another figure of 18 and another figure of 12? What is the reason for 15 to be chosen, and how will that interact with the definition of “young person”? Why are we contemplating even younger people being involved in some circumstances but not others?

Mr P. PAPALIA: This reference is to people who undertake specific duties. It will enable young people who might be undertaking an apprenticeship, for instance, to conduct training within their trade. That is what it is referring to. That is why that age has been chosen; it relates to that sort of person and not just a child who is under supervision while learning about firearms.

Mr P.J. RUNDLE: Could the minister explain, in the context of this clause, how it will relate to farm workers or farm employees? Obviously, there are seasonal workers and the like who could be close associates. Is there any context in relation to the farming industry?

Mr P. PAPALIA: With seasonal workers, we expect that the property owner—the primary producer—will authorise that person to acquire a licence as an authorised person under that framework. It will be the normal course of acquiring a firearms licence, but their genuine reason will be authorisation from that property owner.

Mr R.S. LOVE: I am not sure whether this is the appropriate place to ask this question or whether I should ask it under the primary producers clause. I refer to authorised persons being people who might have some relationship

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to the land but who are not the operator of the land—for example, they may own a portion of the land. I do not know whether the minister wants to talk about it here or under clause 54 and onwards.

Mr P. Papalia: We probably should wait.

Mr R.S. LOVE: Okay.

Mr P. PAPALIA: I will respond anyway. As I indicated in my response to the second reading debate, the Leader of the Opposition, the member for Vasse, the member for Collie–Preston and the Primary Producers Firearms Advisory Board, albeit a little late in the whole process, all raised with me the limit imposed by the bill of one primary producer licence per property. We will address that in the clause. We will move an amendment. I will put an amendment on the notice paper. I do not anticipate that we will get to it tonight.

Mr R.S. Love: No, I don't think we will.

Mr P. PAPALIA: If we do, we will have an amendment to move. We will address it. It is a reasonable point.

Mr R.S. LOVE: This is the last question that I might ask under this clause. We will deal later with the complex arrangements with primary producers that might exist in some areas. What about contractors who may be required to have a licence in pursuit of their part of the farming business? Is there an opportunity to discuss the situation of a person who has a sharefarming arrangement? It is not a lease but a right to come on land and undertake some activity. Will they also be able to claim to have an association with that primary producer?

Mr P. PAPALIA: Essentially, it will replicate the situation that the member for Roe raised, whereby the expectation will be that the property owner or manager—the person who meets the requirements of the legislation—will authorise that individual to acquire a licence with that property being the associated property, with the genuine reason being to shoot on that property.

Mr R.S. LOVE: I perhaps did not explain it properly. In that business, a person might have multiple properties that they need to access. What will be the situation with that? Will they have an automatic right? Will they need a letter? What will the situation be? They could be working over 13 or 14 pieces of land.

Mr P. PAPALIA: Once a person has a genuine reason and has been authorised and gets a licence, authorisations for multiple properties can be put on that licence. Members need to remember that we are rebuilding a system. It is going to be far less onerous in terms of administration than the current system and will be more modern, accessible, flexible and rapid. It will be possible for people to authorise a licence holder initially, but then, concurrently, to authorise them to shoot on multiple properties. It will essentially involve the same level of administrative process as it would for one property, because we are talking about a digital system.

Clause put and passed.

The DEPUTY SPEAKER: Further clauses?

Mr R.S. LOVE: I think we were looking to move to clause 28. I do have a question around firearms trainers but I think there is room to look at that further in clause 160 or something. We will move to clause 28.

Clauses 24 to 27 put and passed.

Clause 28: Purposes of Individual Licence —

Mr R.S. LOVE: Some of my paperwork seems to have disappeared; that often happens to me when I am doing these things! The question I had in my head was around the singular nature of the granting of the licence. I am not sure whether this is the right clause, but will a gun be used for only one purpose on one licence or will it be possible for it to be licensed twice or under two separate types of licence?

Mr P. PAPALIA: I am not sure whether this is the place, but it does not matter. This is a good opportunity to address that matter because I think there is some concern, hopefully unfounded mostly, about this assumed restriction. People will be able to have multiple uses for a firearm on a licence, with the exception of a competition licence, as is currently the case. Competition firearms are for competition purposes; they are not for hunting. The other licence categories will be able to have multiple uses. The example given was of a primary producer who uses their shotgun to shoot a feral bird or something, and they will also be able to use it for clay target shooting on their property.

Mr R.S. LOVE: That does not really answer the question.

Mr P. Papalia: So what's your concern?

Mr R.S. LOVE: The question was about people who want to shoot clay targets at the Moora gun club. If I take the same shotgun home, can I use it, as a primary producer, to shoot rabbits?

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Mr P. PAPALIA: I understand what the member is saying. If the firearm is licensed specifically for competition as a gun for shooting clay targets, it can be utilised only for that purpose. I am told that that is currently the case. Maybe people do not understand that, but it is.

Mr R.S. Love: Just repeat that, please.

Mr P. PAPALIA: If it is licensed for the purpose of competition, it cannot be used for shooting rabbits. I do not think it could be used to shoot rabbits, but birds potentially.

Ms M.J. Davies: Corellas.

Mr P. PAPALIA: Yes—something feral and vermin-like. If it were licensed for the purpose of primary producing and the member wanted to shoot on his property, he could.

Mr R.S. LOVE: Just to be clear, if I am a member of the Moora gun club and I want to shoot clay targets there, I can take the same shotgun home and shoot rabbits on my farm.

Mr P. Papalia: No. I'm saying you can't. It's the other way around.

Mr R.S. LOVE: I cannot?

Mr P. PAPALIA: Originally, I may have misled the member. Essentially, if the firearm is licensed for competition, it can be used solely for competition. That is the problem. That is the limit. If a firearm is licensed for other genuine reasons, it can be used for a number of different activities. The member could go hunting with his primary producer firearm.

Mr R.S. LOVE: I will run another scenario by the minister. If I have a hunting licence and I have a shotgun that is licensed for hunting, can I go to the Moora gun club and shoot clay targets?

Mr P. PAPALIA: Hopefully, I will not complicate it too much, but a person with a shotgun that is licensed for primary producing or hunting can take it to a range and do target shooting. That is what I was referring to. People go to ranges to do recreational shooting. They do not have to participate in a competition; they can go to a range and shoot. It is a recreational practice. This will essentially enable that practice to continue. They can do that. But if the sole, genuine reason for the licence for the firearm is for competition, its use is isolated to that purpose.

Mr R.S. LOVE: If the government's intention is to reduce the number of firearms, why would we have a prohibition on using a competition gun for that other legitimate and genuine purpose?

Mr P. PAPALIA: The unintended consequence, or the potentially unforeseen consequence, of enabling that might be a proliferation of people acquiring competition firearms and then employing them to do things that are not in line with the genuine purpose or reason in the first instance. This is currently the case. Competition shooters acquire firearms for competitions. If they are a seriously competitive shooter or aspire to be, they have asked for legislation to enable them to acquire different categories of firearms. Those firearms are for the purpose of competition. It is focused on that. That is why that licence category exists. There are other licence categories for other purposes. If someone is going to shoot as a hunter or a primary producer, they can go and acquire one of those licences.

Mr R.S. LOVE: I recall that the primary producer licence can only apply to a firearm of category A or B. I will take instructions from the table on that. If those categories were also open for a competition user to hold, why would there be any sense in not allowing the competition firearm to be used for the other purpose? Surely that means someone will have to buy two firearms for the two different purposes, but that does not seem to fit with the idea of reducing the number of firearms in the community.

Mr P. PAPALIA: For the ones the member is talking about, it is effectively reversing the process. If the person's intent is to go hunting or be a primary producer, they would licence the firearm for that and then go in the other direction and do recreational-type shooting at their club. It does not follow that they will buy two firearms to do the same practice, essentially, that the member is suggesting. The person who is a primary producer and has access to the land that they want to shoot on can get a licence for that.

Ms M. BEARD: People can have two. Is the minister saying that people can have co-use of a firearm? For example, a pastoralist who shoots because they have to deal with vermin can also belong to a club and use the same firearm. I just wanted to clarify that.

Mr P. PAPALIA: The thing they can do at the club is target shooting. It is like recreational shooting on a range. The original licence and the genuine reason is a primary producers licence. If that is the case, yes, they can go there and it is used then for that type of shooting on that range, but the genuine reason is not target shooting. The genuine reason is the primary producers licence.

Ms M. BEARD: Just so I understand, the removal of the genuine reason for recreational shooting still exists within the National Firearms Agreement. That is the difference at the moment. That is the change. It will no longer align

with that. Can the minister outline the consultations that were undertaken in developing the definitions and the purposes of those individual licences?

Mr P. PAPALIA: Essentially, close to two years of work has now been undertaken in this process. There have been constant discussions with interested parties and stakeholders. At the outset there was a series of town hall-type meetings across the regions and in the metropolitan area. The whole process has been ongoing and is still ongoing and has led to this legislation, an element of it being the focus on the genuine reasons being the ones that we have defined for those licences. Essentially, it is not all of them, but a lot of the licences at the moment that would have been under this legislation come down to primary producers, hunting or competition. In the past that would be one type of licence, which was not very specific. It was a distorted system because of the property letter system, which enabled people to acquire a genuine reason just through getting a letter for a property they may or may not have ever gone to. This process has been refined. Undoubtedly there is an intention to make it very specifically linked to a genuine reason. The primary producer one is being developed in conjunction with the Primary Producers Firearms Advisory Board and other bodies. The hunting one is being done in conjunction with not just WAFGA but also all the independent elements of that body, individuals and other organisations and groups that have contacted the police in the course of the process. It means that we are focused on the genuine reason being linked to a real, genuine reason—those types of use of the firearm. A genuine reason associated with primary producers everyone concedes and acknowledges. Farmers use firearms as part of their job; competition shooters also, because everyone acknowledges that there are people who pursue that sport. This system enables them to pursue their sport in up to whatever number of categories they want. It does not really impact them, beyond defining that that is the purpose. Genuine vermin hunters who assist people with managing vermin on their properties can acquire a licence under that category. The intent is to separate out into genuine reasons the types of categories. Addressing the concern around recreational shooting, as I indicated earlier, people can still do recreational shooting if they are a primary producer. They can do it if they are a hunter on someone's property, where that property owner is comfortable with them doing that. They can do recreational shooting at a range, where they are just target shooting are not participating in a competition. They can do that on a range.

Ms M. BEARD: Given that this will create a new act, will all firearm owners need to apply for new licences for their firearms?

Mr P. PAPALIA: We have touched on this a few times at different points. Essentially there will be a transition process. It will be done in a structured fashion; the police will control it. If people have no problem identifying that they will be able to retain a genuine reason under the new act—primary producers, competition shooters and people who actually have a relationship with a property owner for vermin control—we would not anticipate any of them. There are all these other categories as well: business and others. They will transition; there will be a transition period. It will be done in a structured manner so that we do not have everyone trying to access the system at the same time. It will likely be associated with renewal, but it might be driven by police to suggest to people that they renew it at a time where they de-conflict. The intention will be to manage it in a structured fashion so we do not have everyone rushing in on the day after royal assent in December to try and get the new licence under the new model. It will be done in a structured fashion.

Ms M. BEARD: If that is the case and that is what will happen, will the department engage with people in that category? Will it do a promotion or make them aware of that? Does the minister have a cost on what that might be, how many people that would impact and how many people it would need to communicate with to let them know?

Mr P. PAPALIA: Thanks, member. There has already been engagement. I would be shocked if the licence holders the member has spoken to had not been contacted to notify them of this whole process. There was a data refinement process around licence holders and that is what the member for Roe encountered when he was contacted with a view to notifying police about the status of his contact details, the location of his firearm and those sorts of things. That was an effort rightly in advance of building the new system and the passage of the new bill. I think they use the terminology “sanitising”—no, data cleansing. They are trying to prepare for the transition. That process is already underway. I would be shocked if every single licence holder had not been communicated with already in some way, but maybe they were not. I know that a lot of licence holders have already been contacted about the opportunity of a buyback scheme and have been notified that there will be more direct contact about the transition. Yes, as I indicated, it will be a managed and controlled transition so that it is not just left to people to determine at what point they do it. We will drive the process so that everyone does not do it at the same time, to de-conflict the transition.

Ms M. BEARD: I think this will be my last one. The member mentioned firing ranges that people go to. How can people utilise those facilities now? What licence would apply to that? Under the National Firearms Agreement, I think it is still considered recreational to shoot on a range. I am not sure. I might be confused. I might have misinterpreted it.

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Mr P. PAPALIA: I have been informed that, under the new regime, someone does not have to be a member of a club to shoot at the range. They just need to be a licensed firearm holder.

Ms M. Beard: You need some glasses there.

Mr P. PAPALIA: I am in denial!

As long as someone is a licensed firearm holder, they can go to a range. There may be a fee or something, for instance. A club may charge for someone to visit, but as long as the person has the appropriate licence—for instance, a hunting licence—they would be authorised to do target shooting and firearms training at a licensed firearms range. Under clause 111, a hunting licence also authorises target shooting for the purposes of sighting in the firearm at a location in which the firearm is authorised to be used. That is a good point to throw in. It is not what the member asked, but it has been raised with us a lot by groups of people like veterans and others. There was not a specific reference to sighting in, which is a reasonable thing because it is a safe practice to sight firearms. Someone can do that at a range or on a property on which they are authorised to shoot. Does the member want to ask a question by way of interjection?

Ms M. Beard: Someone like a former veteran may want to go to a range and shoot. I have heard that they have to get a letter from a property owner, even though they do not want to shoot on that property, to be able to shoot on a range.

Mr P. PAPALIA: Or they can join a club and get a competition licence.

Ms M. Beard: Do they have to have a competition licence?

Mr P. PAPALIA: Yes, if they are going to shoot at that club. That could be a genuine reason for acquiring the licence. That licence might include an obligation for the minimum use of the licence, but it does not mean that the person has to have aspirations to shoot at the Olympics or anything of that nature. They can do target shooting on a range. If the veteran wanted to go to a range every now and then and crack off some rounds, they would have to get a competition licence as their genuine reason. Their genuine reason for the licence would be for competition, but that would just mean they were a member of a club and met the minimum obligations for the club membership. The category for the licence would be for competition but they could go and do what we would think of as recreational shooting on a range.

Mr R.S. LOVE: Clause 28(3) refers to an individual licence being for more than one purpose—a multipurpose licence. The minister has said that a person can use a hunting gun for shooting clay targets at a club, which is a competition, of sorts. We can see that both can be done. However, the minister has inferred that a person does not need a special licence to do so. Why is a multipurpose licence needed? Is it not a fact that if someone wanted to do both those things, they would need to be licensed to undertake that? For what other purpose would a person have a multipurpose licence?

Mr P. PAPALIA: The licence is an individual licence and there are purposes listed under that licence. That is the multipurpose licence. A person might have an individual licence for the purposes of hunting and another purpose under the same licence. The person might have an individual licence for hunting, for competition or for paintball. This is part of rebuilding the system that recognises very rapidly that one person has multiple licences. At the moment, the system is problematic. It is a legacy system and information of this nature cannot be rapidly extracted from it, so this will help. We will build a new system that will have this information embedded in it.

Clause put and passed.

Clause 29: Firearm to which Individual Licence applies —

Mr R.S. LOVE: This provision leads to the view that there is only the one purpose because clause 29(2) says —

If an Individual Licence is for more than 1 licence purpose, the licence must specify, for each firearm to which the licence applies, the licence purpose for which the firearm is authorised.

Will a person's licence for each firearm—they may have five—need to have the purpose for that firearm stated on the licence?

Mr P. PAPALIA: Essentially, yes. The licence must specify the purpose of that firearm. A person might have an individual licence for different firearms that are used for multiple purposes. They might have one for competition—one of those really specialised pistols or something of that nature—one for hunting, remembering that that can be utilised for target shooting, and one for paintball or whatever, but the licence must specify the use.

It is probably worth clarifying that this is a new system that will not operate like the current one. I know what is going on out there. People are thinking, “Are you kidding?” The current system that manages those firearm licences requires multiple things to be carried around and is not flexible or contemporary in terms of technology. That is

changing. Having firearm licences that outline specific uses will not be as onerous as it might sound to someone trying to do it under the current system.

Mr R.S. LOVE: Clause 29(3) states —

An Individual Licence that is for the licence purposes of competition shooting and hunting cannot have the same firearm authorised for both of those purposes.

That seems to contradict the statements made by the minister in this house. It illustrates why this legislation should have gone to the Standing Committee on Legislation. This is clearly contradictory to everything the minister has said over the last 10 or 15 minutes.

Mr P. Papalia: It is not.

Mr R.S. LOVE: Well, it is. The legislation says that the same firearm cannot be authorised for both purposes. That flies in the face of what the minister has been consistently saying, which is that the same firearm can be used. We have asked and interrogated this. If the licence will not allow a person to use the same firearm for two different purposes, that contradicts everything the minister has said. This legislation is flawed and it should have gone to the legislation committee. We might take other actions that will allow us to see some sense and get to the bottom of issues like this. But perhaps the minister can try to explain why he has been saying that the same gun can be used for two different purposes when, quite clearly, in black and white, the legislation says that cannot be done.

Mr P. PAPALIA: I have been consistent. I have said that licensed firearms used for competitions cannot be used for hunting. Conversely, a firearm under a primary producer or hunting licence can be taken to a range for the purpose of target shooting, which is what we have said all along. The other way is not applicable. A person cannot take a specialised rifle or pistol that is used for competitions and go hunting with it. That reverse usage is not an option. The multipurpose use of a firearm that is enabled by the legislation is to take a hunting firearm to a range to do target shooting.

Mr R.S. LOVE: The previous clause outlined only three types of individual licences, one of which is a competition licence. If people want to participate at a venue against each other, is that not a competition? How is it acceptable that a person can use a hunting firearm for competition, but they cannot use a competition firearm for hunting? It makes no sense.

Mr P. PAPALIA: It is currently the case that a competition firearm cannot be used for hunting. This is not a new initiative.

Mr R.S. LOVE: We are trying to clear up the anomalies.

Mr P. PAPALIA: I am trying to answer the member's question. This is not a new initiative in that regard. This legislation will provide for the multipurpose use of a firearm.

The main thing to consider and remember is the genuine reason for requiring a licence at the outset. In the case of a competition shooter, it is for competition. In the case of a hunter, the genuine reason for acquiring a licence at the outset—the reason they are allowed to get a licence—is to hunt on someone else's property to control vermin. We have said that they will be able to use that firearm at a range for the purposes of sighting or target shooting. This licensing system will enable them to have that multipurpose firearm. It is different from the current licensing system. I understand that it is different but it will also be supported by a different administrative system. I know people are thinking that it is complex and that it will be challenging to practically enact, but it will not be, because we will not be employing the current system for the management of this system. It will be a new contemporary IT system that is costing tens of millions of dollars to build.

Mr R.S. LOVE: I thank the minister for that answer, but he did not address the contradiction that exists between his statements and the subclause. I do not understand why he does not see that there is a conflict. I suggest that when the legislation gets to the other place, it will be interrogated fully because we will look at everything that has been said tonight and in the lead-up to this debate. We are still very unclear about the uses of a multipurpose firearm. One section of the legislation says that it cannot be used, yet elsewhere it says that it is allowed. I am trying to understand this.

Was the minister confused about what I was saying earlier? If someone is a member of a gun club, they are engaged in a competition shooting clay targets, even though they may be in Moora and not at some hifalutin range. If they are on a farm, they will use the firearm for that purpose. They might not be on a farm. They may be a person who is allowed to hunt on a farm, so they have a hunting licence. Then they can go to the Moora gun club and shoot clay targets. It seems to me that this will not be allowed under this legislation.

Mr P. PAPALIA: I have been informed that it is probably best that we consider this matter when we get to clauses 110 and 111, because we have other matters to consider. For example, some types of firearms used in competition are not authorised for hunting. These types of firearms will not be authorised under categories C and H,

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in particular. Some pistols, pump action shotguns and guns that are employed for competition are not currently and will not in the future be authorised for hunting. That explains why the use of competition firearms for hunting purposes is not authorised, yet other categories of firearms that are okay for hunting and will be authorised for hunting can be used on a range for the purposes of sighting or target shooting. It is just one direction, not the other.

I do not know whether I am making myself clear enough for the member, but that is why it may have sounded like I was contradicting myself. I was saying that in one direction, someone can use a firearm for multiple purposes but they cannot take a competition firearm and use it in the other direction.

Mr R.S. LOVE: I think the confusion here, if there is any, is that what the minister is saying does not align with what the bill says. The bill says that people can only have a firearm for one purpose. I do not understand how the minister can possibly say these things with that in the legislation. When people actually go to do those things, they could well find that they are not allowed to and are committing an offence. I am very concerned about what might happen to people caught up by this.

Mr P. PAPALIA: Can I address that? This part of the bill is the wrong part to be talking about the types and uses of firearms; this is about the licence types. That is why it has been suggested to me that we address this matter when we get to clauses 110 and 111, because that is the appropriate part of the bill.

Quite often, as the Leader of the Opposition would know, as we move our way through a bill, we get to a bit that references something that sounds like the subject, but the subject itself is addressed later. Right now is one of those cases. I urge the member not to let people get too concerned about the matter he is referring to. It will be addressed in clauses 110 and 111, and we can have as fulsome a discussion about it as he wants at that time. Talking about it now is not really the appropriate time.

Mr R.S. LOVE: Subclause (3) talks about “the same firearm”, so it is the individual gun, not just the licence, but while we are talking about licences, I want to raise another matter regarding the role of the licence within this legislation. Many people have put to me that when a person attains a licence under the current regime in Western Australia, that is triggered by them having a particular firearm in a particular category for a particular use. They go through the considerations about the suitability of that firearm, and it has a serviceability certificate. There is a whole range of things.

Mr P. Papalia: There is supposed to be a genuine reason at the start.

Mr R.S. LOVE: Yes—and the genuine reason. People go through all those things. Say it is a bolt-action .22 with a five-shot magazine or something. The gun is in a particular category, the person has a genuine need for it and is found to be fit and proper, and the gun is serviceable. If the person wants to change the gun at some point, they have to go through the whole process again, even though they have already been found to be fit and proper and have a genuine need, and the weapon category or calibre is suitable for what they are trying to do.

Why has there not been more of an emphasis in the legislation to enable the trade of guns backwards and forwards so people can buy a newer gun of the same calibre without having to go through all the rigmarole, if they are automatically handing in or selling the other gun at the same time? This is an opportunity that could have been addressed in this legislation, but I do not think it has been. Perhaps the minister could explain why.

Mr P. PAPALIA: Essentially, it does. The legislation allows for warranty replacement and like-for-like replacement. I have referred to this a few times: we are spending a lot of money on building an IT system that will make it much more streamlined than the current practice. There will be a lot of investment in improving the administration service delivery. That is the case; it will be addressed.

I think that I might stay on my feet because I want to get out of here, as does the Leader of the Opposition, because we both have to go to an event. Anyone watching should rest assured that we will come back to this next week and continue. I am happy to address those matters. I have been advised that this is part of the bill. The member has been discussing the concern about the multipurpose use or purpose of the firearm, and that is about the genuine reason for a firearm. Clauses 110 and 111 are about the subject the Leader of the Opposition is talking about, and we will address the concerns he harbours at that time.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 6.01 pm
