

FIREARMS AMENDMENT BILL 2021

Second Reading

Resumed from 22 February.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [1.03 pm]: I rise to make a brief contribution on the Firearms Amendment Bill 2021. At the outset, I want to confirm that the Nationals WA–Liberal Party alliance opposition understands and supports the intent of this legislation. Western Australia Police Force is to be commended for its fight against outlaw motorcycle gangs. The public knows very little about the true darkness that surrounds these gangs. They are organised criminals who perpetrate horrific and violent crimes, and they walk among us, brazenly wearing colours and proudly identifying their allegiance. We understand why the police want every tool in the box to apprehend and disrupt their activities. The Deputy Leader of the Liberal Party and others have spoken of the incident that took place in December 2020, which was witnessed by hundreds of people at the Perth Motorplex—the assassination of Mick Martin. It was shocking in its violence and in where it took place. It was done in broad daylight, with members of the public surrounding the victim. We understand why the government and the WA Police Force want every tool and every lever to disrupt this activity and all the others that I think we see only a very small element of reported.

We also understand very well the National Firearms Agreement and gun control. Members have spoken of Tim Fischer—God rest his soul—and the leadership he showed in the wake of the Port Arthur massacre to set a new paradigm for gun control in Australia during the Howard era. We understand the issue of gun control limiting the proliferation of weapons that could fall into the wrong hands, and we agree with it. I think Australia can stand very proud in an international context in the way we have tackled this issue to minimise the number of weapons that fall into the hands of the wrong people.

What I have concerns with, and what I do not accept, is what we have seen as part of this debate—I understand the robustness of the opposition and government—and that is the conflation of the concerns that we on this side are raising, or the issues that need clarification, with being opposed to or not supporting certain elements of the bill. We do not oppose the bill. If the government can provide sensible answers and give assurances to the questions that have been brought forward already by the Deputy Leader of the Liberal Party and others who have contributed, there is no question that there will be support for it through this house and the Legislative Council. But we would be negligent in our role as the opposition and in our duty if we did not ask the government to justify its reasons and provide answers to some of these concerns.

Before I go any further, I would also like to reflect on some of the comments from government members yesterday who seemed to suggest that any concerns that we have regarding the bill equate to meaning that we do not support the good work of the WA Police Force, because that could not be further from the truth. There is a role for us to ask these questions. We certainly are not undermining or seeking to question the intent or purpose of what the WA Police Force is trying to achieve. It is undoubtedly a difficult job. We have a lot of new members in this place who might not recall a debate that a number of members and I were involved in probably more than 10 years ago. It was one of the very first debates that I participated in as a newly minted member of the Legislative Council and it was on a Liberal–National bill to introduce stop-and-search powers. It was a government bill and I was a member of the government, and a new one at that. I have to remind members that these stop-and-search powers were wholly supported and asked for by WA police at the time. I understand that, because for the police it was about having access to additional tools to deal with the some of the challenges we were facing. The rationale from the Minister for Police at the time was that it was needed to combat knife crime that was said to be escalating in Northbridge, the CBD and other entertainment hot spots around the state. The minister and others at the time posited that if you are a law-abiding citizen, you have nothing to fear from the legislation. As a legislator, that sends a shiver down my spine because it is a very easy line to roll out to say that if you are doing the are right thing, you have nothing to worry about. But, as legislators in this place, and as people who have lived our lives in other roles, we all know that that is not necessarily the case because legislation can throw up unintended consequences, things can happen and legislation can be used for purposes other than what it was originally intended for. I have seen this exact assurance in a briefing note from the WA Police Force in response to questions that were raised by members of the opposition as we were being briefed on this legislation. Specifically, the response was that licensed firearm owners who are not doing anything illegal have nothing to worry about. I do not doubt for one minute that the WA Police Force at the briefing did not have their eyes set on law-abiding gun owners or licensed firearm owners, but legislation needs to be precise. As the people who make these laws, we need to make sure that we are being as precise as possible and are not creating or promoting unintended consequences. I have no doubt that this is the intent of the Western Australia Police Force. However, we have also seen recent examples of WA police having the power and using whatever law or mechanism is available to them to carry out their duty, no matter what the intent. We do not have to go back 10 years to the stop-and-search legislation to see that. We need only go back to last year when data that was captured by the SafeWA app was used by police, despite the Premier and Minister for Police stating unequivocally that it would not be used for any other

purpose. This is why I caution members when we hear impassioned speeches in this place that say that if people are not doing anything wrong, they have nothing to worry about, or that we should be careful about how we ask questions because it could be interpreted, quite ridiculously, that we are supporting the bikies or promoting organised crime. We are certainly not doing that, but the experience of those on this side, and I would think others, is that we should be interrogating legislation that may or may not have an impact, no matter how small the impact is, on a cohort of people. In Western Australia, the cohort of people who are licensed firearm owners is small in comparison with the broader population. There is no doubt about that, but we should still raise the questions that have been posed already.

I return to the stop-and-search legislation. I was on the Standing Committee on Legislation when there was a bit of balance in the committee system. This Parliament is probably not the best example of that. When I was on that committee, we had a member of the Labor Party, a member of the Greens WA and me. There was a broad church in that little committee and it emerged through research and experiences reported from other jurisdictions that the type of legislation that was being proposed—remembering that this was supported wholeheartedly and asked for by the police—would allow the police to stop and search without having to demonstrate reasonable suspicion that someone had committed, or was about to commit, a crime. It would have impacted law-abiding citizens. I make this point not to demonise our police; that is not my intent at all. My argument, and that of others at the time—this was shared by Labor members of Parliament who were in opposition at the time, and many others in the community—was that simply having those powers would undermine the trust the people of Western Australia have in the police. Trust is a very big part of the compact between the police force and the people of Western Australia. As I said, many in the Labor Party, in opposition at the time, shared those concerns. The legislation committee did its work diligently and ensured that the legislation that was being proposed was a proportionate response to the problem. No matter what legislation we have in front of us, we should always try to ensure that what we seek to remedy is not a front-page newspaper article, but is real and legitimate.

The legislation attracted criticism from those who wanted to pass it, and some of the language that was thrown around in the chamber has been used: “Why are you questioning the police force? Why don’t you support it to have every tool necessary?” I think we would be failing in our job if we accepted everything put forward by government without reservation, or at least without asking questions. That is simply what opposition members have done and will do through this chamber and the Legislative Council. I reiterate to the Labor Party backbenchers that I was a member of the government at the time and I did not support the progress of that legislation, and I stated that publicly. I know there are members in the Labor Party who cannot do that. I am not suggesting for one moment that anyone would do that on this bill, but they cannot do that on other legislation, because they are bound by their party rules no matter what their personal views are. I meandered into this reflection—something that took place around 10 years ago—not to minimise the threat that is posed by outlaw motorcycle gangs. The opposition absolutely understands and wants to make sure that the tools the police have will assist them to ensure that the activities of those individuals and groups are minimised—or stamped out.

I make that point because in this house we have a responsibility to make sure that we pass legislation that is proportionate to the risk and is needed and has minimal unintended consequences. Quite often, a second reading speech or the response from the minister at the time can be looked to for reference and context down the track. That is why we seek clarification for practical reasons, and stakeholders have asked questions that we believe need to be reflected in the minister’s response in this debate. I will not repeat them. Anecdotally, through the briefings I have attended—I know other members have raised examples—I mention the instance of a farmer or pastoralist who may simply need to change out the stock of a rifle that they use for the real purpose of pest control as part of their occupation. If they need to seek permission from the police and then take it to a licensed repair shop, it will potentially cause unnecessary challenges. Is that the best way to deal with a legitimate licensed gun owner? I am talking about someone who is usually remote from these places, and probably remote from police stations as well, particularly if they are in the pastoral industry. Legitimate or otherwise, these questions have been raised by us. We have sought feedback from WA police on these matters and now we bring them to the chamber for the minister to respond to.

I read the contributions to the debate yesterday, in between listening while I was in and out of meetings. I note with particular interest the contribution by the member for Burns Beach, a former police officer. I absolutely agree with the comments he made in closing that owning a firearm is a privilege. I find it interesting to listen to people’s real-world experiences. He clearly has dealt with some pretty hairy situations that have involved firearms. The opposition takes this role very seriously because we want our police to have the tools they need to deal with some of those challenges. There are many law-abiding licensed firearms owners who simply seek assurances that this legislation will not make it unnecessarily difficult or unworkable for them to use their firearms in a lawful manner. I look forward to the Minister for Police providing on the record some clarity. I reiterate that the opposition supports the intent of the legislation. Outlaw motorcycle gangs have no place in our society, and the opposition and the government are in furious agreement on that point.

MS K.E. GIDDENS (Bateman) [1.17 pm]: I am pleased to make a contribution to this debate on the Firearms Amendment Bill 2021, which will put into legislation 17 recommendations from the Law Reform Commission of Western Australia's *Review of the Firearms Act 1973 (WA)* that was tabled in this place in 2016. The bill contains four key reforms—firearms prohibition orders; illegal manufacture of firearms, including firearms technology offences; increased penalties for certain firearms offences relating to stolen firearms and firing a gun in a way that causes fear; and a permanent firearms amnesty.

Many members in this place have referenced the tragic events of Port Arthur in 1996 in which 35 people lost their lives and many more were injured or permanently scarred, traumatised or maimed. It is worth commending the actions of those affected by that incident—I did in my inaugural speech. Without a doubt, the bipartisan political action that resulted from that tragic event resulted in gun-related deaths in Australia falling from a mean rate of 3.6 per 100 000 between 1979 and 1996 to 1.2 per 100 000 between 1997 and 2013. The data certainly backs up the fact that with fewer firearms in our community, there are fewer deaths and fewer injuries. However, illegal firearms are still circulating in the community. In fact, there are legal firearms in our community that are used illegally. That is important to note in this debate because we have heard contributions from members, including one from the Leader of the Opposition just now, about the unintended consequences on legal firearms owners. She is absolutely right to raise questions and seek clarification; that is the purpose of this place and the purpose of opposition, and that opportunity will be had, particularly in consideration in detail. I grew up in rural areas. I grew up with brothers who owned guns. I understand the need for them in those communities and how they are used. However, I want to draw attention to some comments and expand on them a little. It is easy to stand in here and refer to law-abiding citizens without going beneath that a little.

The gun reforms that were introduced after the Port Arthur massacre resulted in the significant reduction of the number of firearms in our community. However, I will refer to some statistics from a study that occurred between 2002 and 2016 in which it was revealed that 36 per cent of gun injuries were caused by assault, 21 per cent by accidents and 33 per cent by intentional self-harm. It is worth noting that self-harm injuries and deaths were much more frequent among older people, men and people living outside major cities. That is exactly the constituency of the National Party and those who represent the regions. Although at times firearms are necessary in these constituencies and are used legally for legitimate purposes, they are also used to harm people in those communities at a much more frequent rate than they are used to harm people who live in metropolitan areas. In metropolitan areas, the major cohort or demographic of people who have been injured by guns were young men. Yesterday's contribution by the member for Swan Hills was a really thoughtful and meaningful contribution to this place. She spoke about another unintended consequence—that is, family and domestic violence, particularly as it affects women. One of the statistics that she referred to yesterday that jumped out at me was that women are 20 times more likely to be killed when their abuser has access to a firearm.

Yesterday, the member for North West Central said that he would be interested to know what percentage of law-abiding citizens who have firearms licences commit crimes. Although I cannot answer that directly as it relates to Western Australia—I do not have access to that information—I did some reading that will shed some light on the generalities around what percentage that might be. In the 16 mass shootings in Australia and New Zealand between 1987 and 2014, 135 people died. Most of the victims—55 per cent—were shot by previously law-abiding licensed gun owners who used legally held firearms. Of course, mass shootings, as tragic as they are, are not the primary cause of gun deaths and injury in Australia; it is typically single shootings that occur as a result of interpersonal disputes, such as those referenced by the member for Swan Hills around family and domestic violence. Research supports the fact that around 43 per cent of gun death incidents involved people known to each other with the perpetrator being somebody who held a licensed gun. We can extrapolate that generally to the Western Australian context because it is not significantly different. I raise this simply to say that any look at how we can strengthen our gun licensing legislation has—this has been demonstrated in the past—to have a positive impact on reducing deaths and injuries, which is a good thing for all constituents, including those in rural areas who use guns legitimately.

Of course, the Firearms Amendment Bill 2021 does not specifically target those people; rather, it very much targets criminal and bikie gangs, which are a significant problem in our Western Australian community. I know that from chats with my husband when he served as a police officer. He shared with me a story about a job that he went to in Wyndham in remote Western Australia in which 44 guns were stolen from a licensed firearm holder. Forty-four guns in an isolated community were stolen by a criminal syndicate that was suspected to have come across the border. I am talking about interstate and international crime gangs that target licensed gun users and who use weapons illegally in the community to create fear and cause danger and risk to law-abiding members of our community.

The police can act only with the tools that they have. When people discuss spikes in crime and the kind of wicked problems that society faces, they say, "What are the police doing?", and I think, sadly, we heard echoes of that yesterday during the member for North West Central's contribution—"What are the police doing?" In fact, those were his exact words in *Hansard*. The police are doing everything they possibly can with the tools they have and they are to be commended for their hard work in our community day in, day out. They face the risk of turning up

to a job and having a firearm pulled on them. They face the risk of stopping a car and potentially finding weapons and ammunition. It is dangerous and they do pop up frequently. I commend the police. It is critical that we give them every opportunity to do their job to serve the Western Australian community and keep us all safe. The tool they have is legislation. We give members of the Western Australia Police Force the tools that they need to do their job and that is what we are doing in this chamber today in debating this bill. Just today, there was a story in *The West Australian* about a police and Australian Border Force raid that uncovered a firearms workshop, which had silencers and a homemade bomb. The risk is present and real.

The firearms prohibition order scheme will be a really important tool for the Western Australia Police Force to target those who they suspect are not of good character and who pose a threat to the community. It will allow them to act proactively, rather than reactively after a crime has taken place and people have been injured or killed. This is an important tool that will strengthen the ability for WA police to intervene early and hopefully prevent crime, which is always their first goal.

Another aspect of this legislation is that there will be an increase in penalties to bring them in line with community expectations. Guns can cause significant damage and death—they are lethal weapons—so there is an expectation that if people steal or trade in weapons illegally, or otherwise use weapons to conduct themselves in an illegal way, the penalties should adequately reflect their behaviour. Another part of this bill that I would like to speak to is the firearms amnesty, which is important for people who perhaps hold a firearm that has been handed down from previous generations that was held legitimately before the legislation was changed and who are not quite sure how to dispose of it properly and responsibly without getting themselves into trouble. The permanent firearms amnesty will be an opportunity for all who are holding a weapon that they are not quite sure what to do with to come forward and hand it in to the police without any penalties.

I congratulate the Minister for Police for bringing this legislation to the house. It is very important legislation. It speaks to one of the issues that I raised in my inaugural speech that is important to my heart—namely, the trauma that can be caused by guns and criminal elements in our community. We need to act together to do all that we can to prevent that kind of damage. Congratulations, Minister for Police. I absolutely support this bill.

MRS L.A. MUNDAY (Dawesville) [1.28 pm]: I rise today to also make a short contribution to the Firearms Amendment Bill 2021. As stated in the second reading speech —

The bill contains four key reforms. The first reform introduces a firearms prohibition order scheme into the Firearms Act 1973. Under these amendments, police will be able to make an FPO against anyone who, if in possession of a firearm or related item, would likely result in undue danger to life or property; or if the person is not a fit and proper person to possess a firearm; or it is in the public interest for an FPO to be made against the person.

The second reform is new, and refers to the illegal manufacturing, participating ... in unlawful firearms activity and firearms technology offences ...

This includes the manufacture of plastic 3D firearms that can be used to get through airport and other security checks. It continues —

The third key reform is a suite of increased penalties for firearms-related theft offences under the Criminal Code and the offences targeting drive-by shootings or discharging a firearm at a house or other building under the Firearms Act.

The final reform is to legislate a permanent firearms amnesty.

When I came to write this speech today, I noticed in the second reading that the Minister for Police spoke about opportunities, which got me thinking. I read a little further and took out a few opportunities the minister talked about. The second reading states —

Police ministers across Australia have agreed to a permanent amnesty to provide people with an ongoing opportunity to hand in firearms and other firearm-related items. As part of this general amnesty, over 560 firearms, including more than 50 handguns and over 22 000 rounds of ammunition were handed into the WA Police Force between 1 July and 1 November 2021.

That is four months in which 22 000 rounds of ammunition were handed in, which is pretty incredible. The members for Burns Beach and Cockburn alluded to this today. I reiterate that every firearm and every piece of ammunition that is handed in are ones that no longer are available in the community. The minister also said in the second reading speech —

It is currently an offence under the Firearms Act for a person to repair or manufacture a firearm or handgun. However, the new offences will provide stricter penalties for illegal manufacturing and repair, and expand the offence to dealing in firearms.

He also said —

I would like to take this opportunity to commend again the police officers in Taskforce Ravello who apprehended and charged the criminal subsequently convicted of the murder at the Perth Motorplex ...

I agree when he said —

our gang crime squad, which is tireless in its determination to see the 99 per cent prevail over the one per cent.

That is so true. As a psychologist, this caused me to reflect on what “opportunity” means and to have a bit of a google, as we do. I found that the word “opportunity” means a favourable combination of circumstances for time and place, or a situation or condition favourable for obtaining a goal. I thought about how these amendments will create opportunities for a positive change so that there will be fewer shootings and fewer illegal firearms in our state, and, therefore, a safer community.

As everyone knows, I was an ambulance paramedic for 20 years. I was often called out to scenes at which guns—legal, illegal or otherwise—played a part in many tragedies. To be honest, over 20 years, there were not a lot, but there were a few. Most of those scenes that I attended were suicides—that is, people who had taken their lives. The patients we ended up caring for were generally the friends and family who had discovered the dead person. When a person chooses a gun to end their life, there is generally no coming back. When people intend to kill, whether it be themselves or someone else, a gunshot is not a soft landing; it is something that, when given the opportunity, kills.

I reflected on the comments of the members for Willagee and Thornlie about how firearms have been collected. Many have been locked away for generations for safety and posterity because people have not known what to do with them. The member for Willagee said that when firearms run out of registration, people do not know what to do with them, but they are still lethal weapons. I make the point that a permanent amnesty will give people a fantastic opportunity to hand in these things with no questions asked.

People in distress, if I can put it that way, who want to take their lives do not see reason. They should not have an opportunity to choose a gun that has been locked away in a drawer. If the amnesty takes away that opportunity, it is a good thing. Sometimes paramedic crews can save people who attempt suicide with medications or by hanging. I have turned around quite a lot of people who have tried to kill themselves with Panadol or sleepers, and that kind of thing. A lot of people do not know what medication it takes to kill, so paramedics can reverse a lot of suicide attempts, which is fantastic. However, I have not reversed one suicide when a firearm was chosen. That should put into perspective what a gun means in that context.

I also want to mention another emergency situation that has been mentioned in the house today, which I did not attend but a paramedic friend of mine attended—that is, the shooting at the Perth Motorplex in Kwinana in 2020 to which two paramedic crews were called to attend. Without getting too descriptive, I want to reflect on what that looks like from an ambulance officer’s perspective.

At the motorplex there will always be one paid ambulance crew for the races, whether it is the drags or speedway. They are there to attend any major accident or fire. Then there will be volunteer ambulance officers. The volunteers are there generally to offer first aid; they are there for the community to offer Panadol to people with headaches and that kind of thing. The volunteer ambulance staff run around during all the sound and smoke of the cars racing and care for the crowd. They generally do not expect to be there for much more than tending to bruises and run-of-the-mill stuff. On the day of that shooting the second paramedic team got a call. The job card said that the shooting had taken place at the Perth Motorplex and that there were two injured people. The first team had been called across to the scene from their work of looking after the cars. When the second crew arrived at the front entrance of the motorplex, they were told that the police were on scene and that it was safe. Generally, police officers do the best they can; it is the case with fireys and ambulance officers. We are part of one community. At these scenes there are lots of people and lots of confusion, and miscommunication can occur. The crew drove straight to the scene thinking that they were safe. When an ambulance officer hears the word “gunshot”, they usually do not expect someone to walk to the ambulance; they will look for a place where they can park the ambulance as close as possible to the scene.

On that day, the crew reversed in and parked and went to where the incident had happened. When they drove up, they looked for the best exit location. They arrived and the scene was chaotic. There were a lot of bystanders trying to help. The volunteer ambulance crew were there also. In the ambulance world, too many hands make life very, hard. We see what needs to be done and we try to get to the scene, but that can be quite a hard thing to do. People will be in shock, because, in Australia and WA, it is unusual to see someone being shot; it is not like in America. People will run around and be overhelpful, which creates huge problems. On the scene that day, the ambulance crew literally had to fight their way to the patient, who turned out to be, as we know, the Rebels boss Nick Martin. They began to work on Nick, but not long after they were advised by the police that the shooter had not been apprehended, and so began a risk-versus-benefit thought pattern in their heads. Do they stay and help the patient or do they withdraw and stand-off until the area is safe? What do they do in this situation? Do they leave the community to deal with the patient? I do not know any paramedic who would ever choose that option.

When I was team leader in 2010, I used to do a lot of incident reports. Part of the incident report is to look for things that could have been done differently after the event. If I were to put my team leader hat on, and I had been completing that incident report on the scene after that event, I would have written that the crew should have withdrawn until the scene was safe, because it is always D for danger—danger to yourself, danger to others and danger to the patient. Once they knew that the shooter was still there, there would have been nothing else to think about other than: is the shooter going for them? The crew who attended that scene said that they were quite concerned that they would be targeted next as they tried to help the very person that the shooter wanted dead. The work emergency service workers do is not easy—that is, the police, fireys and ambulance officers. They are the ones who are walking in when everyone else is walking out. They have always done that and they always will, but it does not mean that they are not scared witless when they are doing it. There is a song in which the lyrics say that we hope that our poly-cotton armoured suits will protect us because we do not wear body armour, we do not carry taser guns and we do not carry batons or spray. Having been a paramedic for 20 years, I take my hat off to police officers everywhere, including the member for Burns Beach, who is an ex-copper, because it would be something else to be on the ground every day and responsible for carrying a gun and a taser. I can tell members something for nothing: I feared for my life in some jobs over the years, and I think that if I had had a gun strapped to me, I probably could not honestly say that I would not have used it to defend myself during some of those times. But I was lucky, because most of the time that I was in a seriously dangerous situation, I had a police officer with me, beside me or in front of me. I was always truly grateful for that, because I did not have that responsibility of carrying a weapon.

My ambo mates told me that they both had the fear run through them that if the police did not catch the shooter, they might be the next target because they were helping the person whom the shooter wanted dead. They said that this ran through their minds for about 15 seconds, and then they got on with the job. The thing they noticed about the scene was that young children were sitting close by with their parents, watching the resuscitation efforts. This is always a huge concern for us. Ambulance officers always ask people to move on. We do our best to minimise trauma to the public, but sometimes we just cannot. That leads me to the vicarious trauma that emergency services workers are faced with. This is obviously not just for gun-related incidents.

We have the opportunity to tighten our already tough gun laws so that the state government can prevent favourable or advantageous circumstances or situations arising for people like bikies to attain firearms. I think this is a good thing. I, for one, am happy to stand today to thank the Minister for Police and his team for making this happen and to speak on this bill and see it through to the other place. This government has an opportunity to increase protections for Western Australians. Nobody wants to see us head down the same path as the United States. If we spend a few minutes comparing WA with the United States, we can look back at the horrific tragedy that occurred in 1996, which a few members have already mentioned. The greatest change to Australian firearm laws occurred following the Port Arthur massacre, during which a weak, cowardly gunman killed 35 people, aged between three and 72 years, and injured 23 others. I do not want to say this person's name, even though it is well known, because I do not want him to feel heard or empowered. We should never give any meaning or air to people like him. But the result of the massacre was that the then Prime Minister of Australia, John Howard, Deputy Prime Minister Tim Fischer and the member for Victoria Park's awesome dad, Hon Kim Beazley, formulated the National Firearms Agreement, which led to the development of strict gun control laws within Australia that restricted the private ownership of semiautomatic rifles, semiautomatic shotguns and pump-action shotguns and introduced uniform firearm licences. I again thank the minister for the opportunity to speak on this bill. I am grateful for the opportunity to serve the community as the member for Dawesville and to support bills like this, which will benefit us all.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [1.43 pm]: I, too, rise to make a contribution on the Firearms Amendment Bill 2021 and reiterate the support that the Leader of the Opposition and the member for Vasse, who is the lead speaker for the opposition on this matter, put on the record for the objective of the bill, which is to prevent outlaw motorcycle gangs and other criminals from possessing or manufacturing firearms. This legislation will also introduce firearms prohibition orders, which will be another tool for the police to use as they seek to combat the rising threat from not only organised crime but also terrorism, which people often have at the back of their mind as we live in such an uncertain world. Any tools that the police can have to legitimately crack down on the use, manufacture or possession of illegal weapons is certainly to be commended and supported.

However, some elements of the community, especially in regional areas like mine, are concerned about aspects of the bill. Nationals WA members have had these concerns brought to their attention by some of the 90 000-odd legitimate gun owners. They have come to us in the past. This group of people is sometimes easily swept aside because, let us face it, most people do not like guns and most people do not like the idea that there might be more firearms in the community. The vast majority of people—those who are not the 90 000—are quite happy to see controls placed on these activities. But let us look at what some of those 90 000-odd people might do with their firearms. I am one of them; I have some firearms as a legacy of being a farmer for many years. We know that some people come together in recreational clubs, for instance, to shoot at targets—clay pigeons and the like. They use a lot of ammunition, so they regularly reload their ammunition. They might simply do it for themselves or a club or group might share a facility. I am not sure, as I have never reloaded ammunition myself, but I know that a lot of people do. That is

one concern that has been expressed. Other people rely on firearms to control pests. As I have said, farmers such as me use firearms if we have to destroy stock or control pests, such as foxes and the like. It is a necessary tool of trade. People cannot do without firearms at times.

I am concerned that some of the provisions that relate to illegal activities seem to suffer from a lack of clarity. One of those areas is repair and maintenance. As we know, there are not a lot of opportunities in many parts of WA for people to access repair and maintenance services from a licensed gun repairer or gun shop. Back in the early part of my parliamentary career, Australia Post decided that it would not allow people to consign firearms through the post anymore. Apparently, that still happens in other parts of Australia, but it is almost impossible to get firearms delivered through the post or by courier in WA. In fact, it has been related to me that if someone wants to have a firearm repaired and they cannot do it themselves, they have to virtually drop it off in person because there are very few opportunities to access repairers in any other way. Consequently, people in more isolated areas need to be able to carry out a level of repairs themselves. I have not found or had pointed out to me any definitions in this legislation of “maintenance” or “repair”. That presents a problem, because people would really like to know where those boundaries are. It is quite a material consideration.

There has been discussion with groups such as the Sporting Shooters Association of Western Australia about matters such as replacing the stock of a rifle, which is the wooden piece that one holds and onto which the barrel is bolted. Some people might use a number of stocks for different types of activities, such as when they are shooting at different targets. It could also be an issue if the stock is broken. Would the replacement of a stock constitute a repair? A stock is a lump of wood. It is not part of a gun that would need necessarily need a particular configuration for that to work; in fact, many criminal activities would probably not require such a thing. A number of issues in the legislation have been brought to my attention, including what constitutes a major firearm part. People have asked me about the technology and what it means. Will a brochure or a publication that happens to contain some information make them liable under some criminal law or will they contravene the Firearms Act?

I have already mentioned the issue of manufacture. I brought the issues of illegal manufacture and technology offences to the attention of the minister’s officer in a briefing organised by Hon Peter Collier, the shadow Minister for Police. It was suggested we would get clarity by people having to go to court and working it out that way, and that updated information will be put on the WA Police Force website for WA firearms owners on what constitutes a repair under the legislation. Given that the bill does not contain a definition of repair, who will determine what will go on the website and what will be considered to be a repair? Will we have the situation that the police are effectively writing the law? That could be what this will amount to. This is not a very clear piece of legislation if we have to rely on police to update a website with information to provide guidance and clarity when none exists under the legislation. The only way the police can take an interest and do that is to give examples of what they consider permissible and perhaps send the matter to court, but that does not, of itself, explain the legal boundaries. We need more clarity about that, so I still have concerns about that.

It is apparent the community holds different views about this legislation. The Sporting Shooters Association of Western Australia is one group with which I and others have had contact. The association provided me with a very recent letter that was written to a policy adviser of the Minister for Police on 17 February. With the indulgence of the house, I will read an extract from that letter. It reads, in part —

As we have publicly stated the Hon. Minister for Police, Mr. Paul Papalia retains our complete support for the introduction of strong and well drafted legislation preventing illicit firearms use within the community, and we fully support the intent of the changes to target extreme criminal activity by OMCG and terrorists’.

It goes on, but I will read out another paragraph. I am not trying to selectively pick from this document; I am happy to provide it to *Hansard* or lay it on the table. The letter continues —

Unfortunately, during the recent meeting you were witness to our initial concerns that WA Police are seeking to criminalise normal everyday safe behaviours of licensed firearms owners with a number of section of the proposed amendments to the Act.

This was clearly evident and highlighted during the meeting with the first half an hour of discussion spent attempting to extract a clear position from WA Police on what constitutes the “repair of a firearm”.

We remain extremely disappointed and disillusioned with the lack of understanding by WA Police to digest the current legal and workable realities of the firearm industry in Western Australia, and again see a complete lack of good intent by WA Police in servicing the needs of licensed firearm owners in this State.

That shows the depth of concern of law-abiding citizens. They are not seeking to break the law. They are not seeking to set up a 3D printer in their backyard and start manufacturing weapons that cannot be detected easily by metal detectors et cetera. They feel that perhaps the police have let some practices exist in the past and that that may change after this legislation is passed, insofar as it affects legal activities with guns as opposed to people seeking to illegally

manufacture guns or manufacture components for guns or gather together the materials and technology to develop those guns. During the debate, I will get the minister to outline what constitutes a lathe, which a person might have in their engineering shop on the farm, or wherever, which theoretically could be used to manufacture a component of a firearm. At what point will that constitute as a tool or thing under the act and what other surrounding information and circumstances are required to make that tool, if you like, into a thing that could lead to the production of a firearm?

It is not that uncommon to have a 3D printer; in fact, I have visited a couple of farmers who have them. Sometimes getting small plastic parts for machinery et cetera is a bit tricky and some very clever farming types I know can make replacement parts with their own 3D printers. It is not as uncommon as people may think for people to manufacture parts. One example was housing for a computer screen that sits in a tractor cab that the fellow had made himself. He was able to manufacture a screen and fit it back into the cab. I would not know how to do that. Presumably that person would know how to make something round and cylinder-like with his 3D printer. At what point does his possession of a 3D printer have some relevance under the bill? I appreciate there would have been to evidence of intent or a history or some other indicator that this person may do just that, perhaps membership of a particular group. Those matters needs to be made clear. Other people may have tools or things that they may use to repair and maintain their own firearms and they are concerned they may be brought under the provisions in this bill and be found to be involving themselves in criminal activity, doing something that they have always been able to do in the past. Those questions worry my electors—in the main, those who have contacted my office. None of them are people who want to see firearms in the hands of people who are not licensed and do not have a legitimate use for those firearms.

We know by definition that matters like this usually catch those people who seek to obey the law, because they will try to follow the law; and the criminals who we are trying to affect will take very little notice of the provisions until such time as they are found out, at which time, hopefully, action will be taken against them. Law-abiding people do not want to be doing things that could bring them into disrepute, which could lead to them having their name in the local paper and being found to be manufacturing or repairing a firearm, when, in fact, they were just simply trying to keep the farm's .22 calibre rifle alive because they need it to shoot the odd fox or whatever.

Debate interrupted, pursuant to standing orders.

[Continued on page 606.]