

FIREARMS AMENDMENT (AIRSOFT) BILL 2019

Second Reading

Resumed from 26 September 2019.

HON PIERRE YANG (South Metropolitan) [10.15 am]: It gives me pleasure to make a contribution to this debate on the Firearms Amendment (Airsoft) Bill 2019. I also add that I am not the lead speaker for the Labor Party. Members will remember that back in 2017, Hon Aaron Stonehouse and I were elected to this place in the same election. We represent the same electoral region, South Metropolitan Region. Hon Aaron Stonehouse has consistently demonstrated his strong belief in libertarian ideals, which is commendable. We live in a liberal democracy. We have different views. We all believe in freedom. We all believe in liberty. What makes the member stand out is his consistent advocacy for what he strongly believes in. I want to commend the member for that. This bill is another demonstration of his belief that he is prosecuting. It is a great thing for the member to pursue this.

I have worked with the member in Parliament and in committees. I always find the member to be respectful and I always have a good intellectual conversation with Hon Aaron Stonehouse. We agree on a lot of things. We sometimes disagree on some other things. However, the manner of the discussion and conversation is always friendly and respectful. I would like to thank the member for making a tremendous contribution to this place and to the people of Western Australia.

After concluding my preliminary remarks, I want to attend to the substantive part of my speech, which is on the bill. During my research on the bill yesterday, I searched for the keyword “airsoft” on YouTube. Immediately, a few videos popped up. I clicked on one of them and it caught my eye immediately. I forgot about what I was researching and I was just into that video. It was a bunch of people wearing military uniforms and carrying rifles, and they were doing all the fun stuff, which brought back a lot of memories for me, in the sense of fun stuff in that way. Members may know that I was in the military for 10 years with the Australian Army Reserve. The scene that the video depicted resembled my experience in the Australian Army Reserve. We were trained in that manner. We were trained to operate in the field environment, which was very similar to what the video showed.

After I nominated to become the candidate for the South Metropolitan Region for WA Labor, I had to transfer from active reserve to stand-by reserve due to a longstanding Army policy. I did not transfer out of active duty of my own volition; I had to do it because of the Army’s policy. Every time I see something similar to my experience in the Australian Army Reserve, it brings back a lot of memories. I totally forgot about what I was researching. I was just in the moment watching the video, and I could have really enjoyed watching it forever! However, after watching it, I continued my research, and I had to watch it again. I have to say that weapons systems are not without danger. In the Australian Army Reserve I was trained to use the F88 Austeyr rifle, the F89 Minimi light support weapon and the MAG58 machine gun. These are dangerous objects that have the capacity to take the lives of other people. Obviously, most of the time during training we used blank ammunition. Blank ammunition is ammunition without the projectile, but it still has the same cartridge, the same propellant and the capacity to cause a lot of harm.

Turning to airsoft, Hon Aaron Stonehouse pointed out at clause 4 of his draft bill —

airsoft means a game in which players attempt to shoot at one another or other targets with airsoft markers using airsoft pellets;

I also wish to add that the member has consulted with many people and organisations. I quote his second reading speech delivered on 26 September 2019. The honourable member said —

In developing this bill, I have consulted widely with stakeholders, including the Minister for Police; representatives of the Western Australia Police Force; and members of the firearms and airsoft community, including the Western Australia Airsoft Club, the Sporting Shooters’ Association of Australia and the Western Australian Firearm Traders Association.

I again want to thank the member for consulting widely on an issue that is quite interesting. I think it is definitely the way to go to consult and speak to people with an interest and a stake in this issue. I would like to express my sincere thanks to the member for looking at this issue as widely as he could.

I go to the definition of “airsoft marker” in proposed section 4A(1) in the bill. It says —

airsoft marker means a firearm, whether or not it has a military appearance ...

The definition given in clause 4 states —

airsoft pellets means spherical pellets that —

- (a) are at least 6 mm and not greater than 8 mm in diameter; and
- (b) are at least 0.12 gm and not greater than 0.5 gm in weight ...

I want to come back to these figures, because I think they are quite important to the issues of my concern.

We can clearly see that airsoft markers and rifles have the function and capability of projecting airsoft bullets, balls or pellets—however we want to name them. They have the ability to project a projectile. That does not come without risks. That is why it is widely known that participants of airsoft games must wear eye protection. Any operator, around the world, should require participants playing airsoft games on their land to wear eye protection. I think it is the right thing to do. However, I have a question. If the honourable member could note it and perhaps respond to it in his response to the second reading debate. My concern is that according to the explanatory memorandum, anyone over the age of 18 years who is the holder of a firearm licence is able to purchase and own an airsoft marker or markers and an individual who is over the age of 16 years can possess, handle and use airsoft markers. I hope I have not missed any information in the draft bill and the associated documents. I want to ask the honourable member about the storage of these airsoft markers. They generally appear as real automatic rifles or pistols, as I have seen on YouTube videos. How are they stored? Would they be required to be stored in a safe, as is the case for other weapon systems that can be legally owned across Western Australia, or can they be stored in a different manner? My concern is that it is all right for an 18-year-old to buy an airsoft marker and it is all right for a 16-year-old to possess one, but if the markers or airsoft rifles are not stored properly, other people may get hold of airsoft markers, and if they take them and have a game of their own in someone's backyard, maybe a very large rural or semirural backyard or piece of land, and they do not wear eye protection as required by airsoft game operators, they are putting people at risk of serious injuries. Depending on the size and weight of these airsoft pellets, they could strike the eye, which could cause scratches, painful pooling of blood inside the eye, potentially the dislocation of the lens and, in the worst-case scenario, blindness.

Aside from these potential eye injuries, there is another potential injury we have to be aware of. An article dated 20 May 2014 in the *British Journal of Oral and Maxillofacial Surgery* reported that a 25-year-old man was playing an airsoft game and a biodegradable airsoft pellet struck his cheek, penetrated his skin and had to be removed by surgery. According to this report, the United Kingdom has more than 200 centres that offer airsoft games and more than 50 retailers that sell airsoft guns and ammunition. The report states that they use lightweight biodegradable plastic bullets weighing 0.2 grams with a diameter of six millimetres. Most United Kingdom centres limit the muzzle velocity of the guns to 328 feet per second. I am not very good with imperial measurements so I converted that and it is about 100 metres per second, which is pretty fast. If a biodegradable plastic pellet can strike someone on the cheek and penetrate the skin when the weight of that pellet is only 0.2 grams, I have some concerns about the proposed range of pellets in the bill, which, according to the draft bill, will be at least 0.12 grams but no greater than 0.5 grams. That is a little bit higher; the higher end is 150 per cent higher than the pellet causing facial injury according to the British report. I would like a response on that point during the honourable member's second reading reply.

I wish to draw on my experience from my Army days. We are talking about blank ammunition. Blank ammunition may give the false appearance of being safer than real bullets but they are not and that is why during training we were consistently required to have an awareness of the fact that weapons systems are dangerous objects. During a training course that I attended in Murray Bridge, South Australia, the instructor demonstrated just how powerful blank ammunition is. He grabbed one of those army ration main meals, which are in hard plastic red-top pouches, which he put on the ground. He loaded his rifle with one round of blank ammunition, removed the front bullet catcher and pointed at the base of the pouch at point blank range. He pulled the trigger and instantaneously the force coming out of the muzzle penetrated the bag and made a big hole at the base of the hard plastic pouch and obviously food went everywhere. That showed us that blank ammunition can cause serious injury. If members search "blank ammunition" in Wikipedia, they will see that it refers to a number of fatal incidents.

My other concern relates to the environment. It is highly commendable that the honourable member has listed not only plastic pellets but also those of biodegradable material. That is quite important because, as members know, we have only one Earth and if we do not look after it, it will not look after us. I draw the house's attention to the environmental impact of pellets. The plastic ones are obviously made from plastic and, according to my research, they take between seven and 10 years to disintegrate into smaller pieces until they become microplastic pieces, which is not good for the environment. The biodegradable pellets take one to two years to dissolve. My question is: is that really environmentally friendly, because simply saying that it is biodegradable does not mean it is organic? If it is not organic, it can still have an environmental impact because although it may have the capacity to dissolve very quickly, it is plastic and that does not really help. I have not found the details of that given the time available to research this topic. I sincerely hope that the honourable member can address that issue during his second reading response.

A very interesting CNN article dated 1 February 2017 titled "Magic bullets: US Army pursues 'biodegradable' ammunition" reported that the US army was looking at an alternative to the brass and metal cartridges it uses for training. The article notes that US military facilities account for 900 of the 1 300 most polluted sites in the US according to the US environmental protection agency. It stated that a comprehensive clean-up would cost \$165 billion according to the US Department of Defence. Many of its military bases tend to have older buildings with lead paint and asbestos problems. It is interesting that the article refers to those issues, because at the very beginning of my time with the Australian Army Reserve, we trained in Bindoon and other areas —

Hon Darren West: In the Agricultural Region.

Hon PIERRE YANG: That is right; it is in the member's electorate. We always tried to stop at the very good pie shop there. Sometimes the non-commissioned officers would not let us stop, but sometimes we would stop to have a pie or two after a long training weekend.

We obviously carried blank ammunition.

Point of Order

Hon RICK MAZZA: I have been listening very closely to Hon Pierre Yang. What the US army does in carrying cartridges does not have any relevance whatsoever under standing order 47 when it comes to airsoft. We are talking about a game using a soft pellet but the member is talking about military procedures et cetera. The honourable member has drifted and is way off relevance.

The PRESIDENT: Member, there is no point of order. I, too, have been listening to the member and he has been referencing the bill. As Hon Rick Mazza knows—he has been here for a while now—second reading speeches can be very broad and sometimes it is difficult making sure that members hold to relevance. I am sure that Hon Pierre Yang has listened to your comments and will focus more directly on the detail of the bill and explain his position on the bill—whether or not he is in support.

Debate Resumed

Hon PIERRE YANG: Had the member waited for another 30 seconds, he would have seen where I am coming from. I will hasten that process a little bit for the benefit of the member.

Hon Rick Mazza interjected.

Hon PIERRE YANG: The honourable member is welcome.

In the Australian Army, our training exercises would be held in Bindoon and other training areas. We would fire our blank ammunition at notional enemies and then move to the next position and carry on with other exercises. We would be resupplied with more blank ammunition by the instructors, then form up and carry on with our training. We would do another section attack, another platoon attack, fire the blank ammunition and expend the cartridges and then move onto the next exercise. The same issue was mentioned in a Cable News Network article about the US Army and its concern for the environment. When moving from one position to another during these exercises, a lot of brass and metal cartridges that have chemicals on them are left behind, which causes environmental harm as they start to disintegrate.

I am concerned about these plastic airsoft pellets. I am waiting for the honourable member to provide me with an update in his second reading reply about whether these airsoft pellets are environmentally friendly. If they are the biodegradable pellets that are not environmentally friendly—we know of the harm that plastic pellets can cause—will the airsoft game operators pick them up? What environmental harm will these little plastic pellets cause if they are left scattered around an area? We can talk about the environmental and economic impacts of this game, but we cannot ignore the fact that plastic waste is something that we, as a world, have to tackle. The US Army is concerned about it, and the Australian Army, at a later stage of my training, required us to go back to our positions after a section attack to pick up the expended brass to help save the environment. This did not happen with every single exercise, but it did start to happen more often. We cannot purchase more facilities to be made into military training areas without saving the environment that we already use, which is why, during the later stages of my training, we started to go back to our positions and pick up the spent cartridges, put them into our bush hat and give them to the non-commissioned officers and instructors. That is how the Australian Army was trying to do its bit to save the environment. It is very important that we get a response from the honourable member on the environmental impact of these plastic and biodegradable pellets. It is a serious issue. I do not know why the honourable member is smiling.

Hon Nick Goiran: Which honourable member?

Hon PIERRE YANG: Hon Rick Mazza, and now Hon Peter Collier is also laughing—not Hon Nick Goiran. I just do not get it.

Hon Peter Collier interjected.

The PRESIDENT: Members! Hon Pierre Yang, you might just want to focus on explaining your position.

Hon PIERRE YANG: Airsoft guns resemble military rifles and pistols. The explanatory memorandum states that airsoft markers must have a mandatory coloration on them, which can be removed during play. Nonetheless, they very much resemble an automatic rifle or other forms of weapon systems and pistols. My concern is: does this depart from the fabulous gun culture that we have in Australia? I am not a big fan of Hon John Howard, a former Prime Minister of Australia. I have a different opinion from his on many issues, including industrial relations and his position on multiculturalism back in 1987. But I have to say that he made a tremendous contribution to the

security and safety of our community when he decided to buy back automatic weapons from the community after the very unfortunate Port Arthur massacre. I give credit where it is due. He made a tremendous contribution. We all owe our thanks to Hon John Howard for his decision that made Australia —

Hon Darren West: Hon Tim Fischer as well.

Hon PIERRE YANG: That is right. The late Hon Tim Fischer should be thanked for his contribution also. They were two tremendous and wonderful statesmen produced by this country. I thank them for their contribution.

We all know that the US has a very different gun culture. Many people in the western world cannot get their head around why the US has a very different position on automatic weapons. Just the other day we saw a news report in which people in one of the US states—I cannot remember which one—protested outside their state capitol building with military and automatic weapons. Quite frankly, I found it astonishing. I have no problem with and I support the right of people to protest about something with which they do not agree. We live in a liberal democracy; it is a good thing, but I found it remarkable that they dressed up in military uniform and carried automatic weapons. It is important that we, as a community, stay strong, stay together and hold our position on automatic weapons that have the capacity to cause a lot of harm and hurt in our community.

During my time as a university student, one of my majors was political science. Around 2005 I studied US politics. I knew a little about Australian politics. I knew that there was a President of the United States and a US Congress, but I had no idea how the US was politically organised. After this course, I knew that a president was not directly elected by the people but through the electoral college system. It is a very fascinating system. The US has always had a healthy suspicion of its executive, so it enshrined the powerful congress to check the power of the executives. One of the interesting things I have learnt is about the gun culture in the US. I took notes at my lectures. Luckily, I did not ditch them. I still have them and can rely on the information that the lecturer gave us. He said that the US did not have a gun culture from the beginning. It was developed more during the Civil War period. I have some statistics. Between 1765 and 1850, according to my research, less than 15 per cent of the US population had guns. I do not know how that figure was arrived at, but half of those guns were broken. Apparently, it was cheaper to fix a handgun than it was to buy a new one. Prior to 1850, less than 10 per cent of the population owned guns. However, things changed after the Civil War when the government produced more than four million guns and let the soldiers retain them. It is not a recent phenomenon. It started from the Civil War, which was almost 200 years ago, but the US gun culture did not, as some people have portrayed, start from the American Revolution. That is not the case.

When it comes to gun culture, I will choose Australia every day of the week. That is not to say that I am judging the American people. I find them to be a bunch of good people. I went to Florida in 2011.

Point of Order

Hon AARON STONEHOUSE: I am having a hard time seeing the relevance in the discussion about American gun culture and American history when we are contemplating a very narrow change to the WA Firearms Act and I seek your guidance, Madam President.

The PRESIDENT: As I said before, the difficulty with second reading debates, based on my experience in this place, is that sometimes a second reading debate might be regarded by some members as a dog's breakfast that crams a whole lot of information into a member's speech, and sometimes it is difficult to find the relevance, but members do dip in and out of the bill they are dealing with and provide a link. At other times, members will be very specific about the amount of detail they provide and the direct connection to the bill that they are dealing with, be it a broad bill that covers a range of issues or a very narrow bill such as this one. The difficulty is that it is up to the member on their feet to determine how they put forward their view of that legislation and the examples they draw from to present their view. I appreciate the member's frustration as the mover of the bill but I am sure, as we have already brought Hon Pierre Yang back a couple of times, that he will confine his comments to the policy of the bill before us and outline his concerns on aspects of the bill.

Debate Resumed

Hon PIERRE YANG: Thank you, Madam President. I think it is very relevant because we are talking about a bill that has the potential to relax our views on automatic weapons. It is very relevant that we put these things out there and outline members' concerns.

I was talking about my interaction with the good American people. I think it is important that I conclude that part of my speech. I went to the US in 2011 and made some friends there when I was looking at US property. I am still in contact with some of those friends, including a real estate agent, a property manager and a few other people whom I met along the way. They are decent, generous people. Maybe we have a slight difference of opinion about gun control, but that is a generalisation because, as we know, the majority of the American people want to come to a position in which some restrictions are put on gun ownership in the US. It is important that we talk about that situation and the situation in Australia and how this bill could influence and impact on our gun culture. I think that is very relevant. The honourable member may have a different opinion on that, but that is all right.

I wish to thank the people who have contacted my office. I have received 59 emails over the past few months, most of which I received over the past few weeks. The majority of them are from Western Australia and many are from my electorate. A few have come from across the country. It is interesting that they have a strong interest in this bill, which is fine. Again, I wish to thank them all for making the effort to contact my office. In particular, I wish to thank Mr Simon Chua, who has written to me on three occasions over the past four days. I thank that gentleman for taking a keen interest in this issue. He said that he is an airsoft enthusiast. It is a very interesting game. When I was doing my research on this yesterday, I was immediately hooked on the things I saw because of my experience in the military. That brought back a lot of memories. That is not to say that because of what I experienced in the military and the memories that it brought back, I would jump into wholeheartedly supporting something when I have a list of concerns about it. I thank Mr Simon Chua for his interest. He also mentioned that it would be truly disappointing if I voted against the bill due to my lack of understanding. I have to say that I have done some research and I have some concerns that I hope the honourable member who moved the bill will respond to in his second reading reply.

It is because of those concerns that I am unable to come to a position on this bill. I think it is quite important that we look at the health risks to people's eyes, the size of the pellets, whether people in Western Australia could experience penetrating injuries to their skin, and how we will regulate the muzzle velocity of the airsoft markers in Western Australia. I hope I have not missed anything. The bill regulates the pellet energy. Perhaps Hon Aaron Stonehouse could help me ascertain what muzzle velocity 1.3 joules and 2.5 joules would produce, because that is important.

Hon Aaron Stonehouse: It is 376 feet per second.

Hon PIERRE YANG: That is about 100 metres per second.

Hon Aaron Stonehouse: It is 114 metres per second.

Hon PIERRE YANG: Okay, that is my concern, honourable member. According to the medical journal that I referred to, the UK regulates its muzzle velocities for airsoft markers to be no faster than 328 feet per second, which is 100 metres. If we are talking about 115 or 114 metres per second, with larger pellets of a greater weight, that is a concern that should be addressed.

I come back to the environmental impact. I noticed that the honourable member was engaged in discussion when I raised this issue. I wish to emphasise my concerns when it comes to how environmentally friendly these biodegradable plastic pellets are. Will they simply disintegrate faster but still become microbial plastics over time? That will not do any good to the environment. Of course, plastic takes longer to dissolve, again creating the likelihood of polluting the environment. As I mentioned, in the military from time to time—it happened more often during the second half of my time in the Australian Army—we were required to go back and pick up the brass cartridges that we had expended. Would that be required of the airsoft game operators? I am not able to find any information on that in the documents provided, but I think it is quite relevant to the intent of the bill. Last but not least, when it comes to people having replicas of military-style weapons, although they fire only plastic pellets, they are projectiles nonetheless. As we have seen, they can potentially cause serious injuries to people's eyes and skin. These are very relevant concerns.

I again thank Hon Aaron Stonehouse for consistently advocating for what he believes in. I look forward to hearing the honourable member's responses to my concerns and to hearing other members' contributions, which I hope will aid me in coming to a personal position on this bill.

HON RICK MAZZA (Agricultural) [11.02 am]: I would like to thank Hon Pierre Yang for a very fine example of the hyperbole that goes on around firearms and the shooting sports, and some of the ridiculous arguments about the military, airsoft being a weapon, penetration of the skin and other ridiculous comments made about the Firearms Amendment (Airsoft) Bill 2019. What we are talking about here is a skirmish game, no different from paintball, and in fact probably a lower impact sport than paintball. We are using pretty much a toy firearm that shoots a very low velocity gel ball to mark the opponent. Hon Aaron Stonehouse has gone to enormous trouble to research this bill. It is interesting that we are looking at putting airsoft firearms under the Firearms Act. I have had some casual discussions with members of the legal profession who are experts in this field and they suggest to me that, in fact, airsoft firearms do not come under the Firearms Act because they are not actually firearms. In any case, Hon Aaron Stonehouse has shown that there is an appetite for this sport in this state. In his second reading speech, Hon Aaron Stonehouse pointed out that this is a physical activity for which people will get off the couch and go out and enjoy a game of airsoft.

Talking about eye injuries, it has been covered that there are eye protection requirements when using an airsoft gun. There is probably more chance of receiving a serious eye injury playing cricket than there is playing airsoft. Some of the arguments put forward this morning have been hyperbole, without a doubt. The fact of the matter is that we are looking at a sport that uses a toy gun to shoot a very low velocity projectile.

What has not been mentioned this morning is that in 2014 the Law Reform Commission undertook a very comprehensive, two-year review of the Firearms Act. Recommendation 73.1 of the final report of the review states —

Airsoft should be permitted under the Firearms Legislation, subject to appropriate regulation to ensure public safety, including the management of the venues, limitations on the performance of the firearms and conditions on the types of projectiles used.

There then follows a list of other things that should occur. The Law Reform Commission found that airsoft should be legalised and permitted in Western Australia as another sport that can be undertaken in this state.

I do not intend to speak at length this morning. I would really like to see this bill in Committee of the Whole House so that we can get on with it and hopefully get it passed through this place to be forwarded to the other place. As I say, there is an appetite; people really do want to undertake this sport. I think some of the comments made this morning about the dangers of firearms and weapons are way outside what airsoft actually is. With that, I support this bill wholeheartedly and I hope we have some time to get it into committee this morning.

HON DR SALLY TALBOT (South West) [11.06 am]: The previous two speakers, particularly Hon Pierre Yang, have covered a lot of the important issues and I will attempt, in the relatively short time that remains to me, not to re-travel some of the paths that Hon Pierre Yang took us down. He has an understanding of and experience in things to do with weapons and replica weapons that I do not claim to have, and I appreciate the high degree of technical specificity that he was able to go into. It was really interesting and helpful.

I was not going to speak on this bill because, as I say, I do not have any experience of these kinds of sports. These are not the kinds of things that really appeal to me. My idea of skirmish is something a bit more philosophical than tramping around a paddock, aiming things at people. In a sense, the reason I am standing here is that I want to say to Hon Aaron Stonehouse that I am the person he has to convince. I am not actually opposed to these things per se, and having read the numerous emails and letters I have received on this subject, particularly since Hon Aaron Stonehouse decided to bring this bill on this morning, I can see that a large number of people in the electorate of South West Region feel very strongly about it and want to be allowed to do it. I appreciate that, but it is a bit hard to advocate on behalf of a sport that is not legal and not regulated in Western Australia. Indeed, it is not legal in the whole of Australia. It is not as though people can jump in their car and drive across to Queensland to have a fun week playing airsoft, because it is not legal anywhere in Australia.

As people have pointed out before—I think Hon Aaron Stonehouse talked about this—most airsoft fans in WA go to either Japan or New Zealand, and I think Hon Aaron Stonehouse actually took himself to New Zealand to get some empirical experience. He seems to have survived; he looks pretty healthy after his experience! I do appreciate that there is a high degree of support in the community for the legalisation of airsoft, and I want to do what I can to address those matters, but at the moment I am not actually convinced, and this is the first opportunity I have had to put some of my concerns on the record. I want to assure both people who are in favour of the sport being legalised and people who are against the sport being legalised that these are the questions that I will be raising whenever the subject comes up, whether it is in my party room or in the Parliament. I think I can be satisfied about a lot of them, but they are questions that I think need to be raised.

The point I want to start at is exactly the one that Hon Rick Mazza left us at, which is the recommendation of the Law Reform Commission of WA that airsoft should be legalised. I have read the section of the report and I have read the recommendation, and it looks like a pretty compelling argument. As soon as this bill was brought on for debate, I sat down and tried to do a comparison between what the Law Reform Commission has recommended and the details of the bill, but it was a bit hard to do that.

I should remark at this point that I take my hat off to Hon Aaron Stonehouse for bringing in a private member's bill. When Labor was in opposition, I introduced a couple of private member's bills, and I can tell honourable members that I had fewer grey hairs before I started trying to do that! When a member does not have the resources of government behind them, it is extremely difficult. I know that the honourable member has had the opportunity to get some assistance in doing that. Certainly, I had a little bit of assistance with a couple of things I did, but it is still very difficult. Indeed, this chamber has remarked relatively recently that it is extremely unlikely that a private member's bill, on any subject, will succeed. It is very, very difficult to get an idea, whether it is a big idea or a small idea, up and running and to give it a statutory framework and to devise regulations for the implementation of a bill when a member does not have the resources of government. I think that where we are at in this debate is a step along the road.

I draw honourable members' attention to something that I am sure they will all be familiar with: it was the Labor government that legalised paintball in this state about 15 or so years ago. I note that a lot of the talk around the legalisation of airsoft draws a direct comparison with the legalisation of paintball. That is another thing that I want to interrogate in this debate, because I am not convinced that an exact mapping of one sport over another can be

done, so I want to know a little more about how that is presumed to work. Clearly, people have played paintball in this state for years. I have some very close friends who play paintball. I have to say that I was a little surprised when I found out; I find it a bit interesting what people take up to pass their free time. As I say, people who engage in these sports get an enormous amount of pleasure out of them and if they ought to be allowed to play paintball, let us play our part in bringing that about. I also note that Hon Aaron Stonehouse is dealing with the same minister who legalised paintball. It was, indeed, Hon Michelle Roberts, as Minister for Police, who legalised paintball in about 2004, so she knows what she is doing with these things. She has certainly indicated that she is interested to see what Hon Aaron Stonehouse has put forward and to see whether we can progress it.

In the time that remains to me, let me go through some of my concerns. When I read the submissions of the proponents of the sport of airsoft, I got the impression that legalising airsoft will solve most of the problems of the contemporary economy and, indeed, contemporary society. They talk about job creation. I am not sure whether it was Hon Aaron Stonehouse or other supporters of the sport who put a dollar figure on the creation of, I think, a manufacturing industry, in which case it would have my full support. If we could make airsoft products using local materials and local labour, that would undoubtedly be a very good thing. It would have a double benefit for people in my electorate of the south west. I think it has been estimated that it would be an \$18 million industry. I would be interested to know whether that is solely in terms of the retail of the secondary products or whether it is in terms of manufacturing. I thought it was a bit small for a manufacturing industry, but it would be interesting to know. We do not make any airsoft products in Australia at the moment. I do not know how much of that is to do with the fact that airsoft is not legal. Do we now have a paintball manufacturing industry? I truly do not know the answer to that question, but I would be interested to know.

Advocates of the sport also talk about an increase in tourism. I assume that what they mean by that is a reflection of the situation that exists at the moment whereby Australians have to go to New Zealand and Japan as tourists to play the sport. I am not quite sure how a reciprocal tourism trade is envisaged from the legalisation of the sport, but I assume that what is being referred to there is some sort of competitive component so that we can start holding international or regional tournaments.

That brings me to another question I have about the sport. I note that the Law Reform Commission report refers to two aspects of the sport, one of which is what is called skirmish activities, which I assume means what I would call war games on large properties in which there are two teams and one team tries to knock out the other. I think that would be the same basic concept as paintball. The Law Reform Commission report also refers to something that sounds to me more like a sporting shooters element of airsoft. Again, I am not sure about that, particularly with tourism. Are we seriously suggesting that airsoft has a role to play in an Olympic-level sporting shooters culture? I do not know what the answer to that is and I would be interested to know. Clearly, if people are going to compete in a sport like this at an international level, there would be other implications for the benefits of introducing such a thing in Australia.

The other thing that advocates of the sport talk about is teenage exercise, which mystifies me slightly. I have a query about the age limits that would apply if we were to legalise airsoft. I suppose that 18 and 19-year-olds are still teenagers and I think Hon Aaron Stonehouse has flagged a 16-year-old limit. I am not entirely sure about this because my research on this topic was conducted with my 14-year-old English nephew who reckons that it is 14 years or possibly 12 years. He is 14 years old, so I imagine that he would be pretty keen to claim that 14 years is the lower age limit in the United Kingdom. He also suggested that it might be 12 years, but under supervision. If we are going to talk about encouraging teenagers—this is a rather graphic picture that I know will appeal to you, Madam President, having had a teenage boy, as have I—I know people would do anything they could to entice them out of that darkened room into a paddock to run around. Maybe airsoft is a way of doing that, in which case that is definitely a good thing. I am interested in those elements of this potential reform.

I am also interested in the language that is used, including the very term “airsoft”. It is not called “fluffy kitten sport”, but it is pretty close to that. Air is good and soft air is even better, so who could possibly be against airsoft?

I know that Hon Pierre Yang has canvassed this issue at quite some length, but I note that in some of the material that Hon Aaron Stonehouse has been talking about, he said that the pellets are biodegradable. Again, that has to be a good thing. In the second reading speech, the honourable member talked about a fun, safe and healthy outdoor activity and connecting with like-minded people. All those are good things. To be opposed to a sport that is able to provide people with those kinds of benefits would just be churlish, and I would not do it on that basis. However, I think some of the language is quite unhelpful. There is a petition on change.org that I am sure members of the Liberal Party are very familiar with; I am sure they peruse change.org every night before they turn in! I do not, but I know that some people do. I was led to a petition on change.org that has tens of thousands of signatures. Of course, we cannot quite tell where the signatures are coming from, and I doubt whether very many of them are from Western Australia—we cannot actually tell. On the change.org petition, it says that it is not the sport itself that is the problem; it is the guns. I have mulled that over because it clearly has a resonance with the American gun lobby claim that it is not guns that cause the problem, but the people who fire them. I was a bit intrigued about this,

but on reflection the lobby is absolutely right: it is the guns that are the problem. That is a criticism that cannot be made of the sport of paintball, because paintball weaponry or hardware—the thing people hold in their hand and point at others when they play paintball—does not look like a military weapon, whereas with the sport of airsoft, it specifically does. From another source I found a list of the kinds of criteria airsoft fans look for when they purchase the hardware. It specifically sets out to replicate the weapons used by the military, and those are high-capacity machine guns, military assault rifles, and semi and fully automatic handguns. There is a huge problem with that. I do not think it is fair to dismiss that as a concern of the lefties. There is a real problem with that.

Airsoft is legalised in various other countries with which we can make a reasonably direct comparison with our way of life in Australia. It has been drawn to my attention that in America, for example, a few hundred deaths are directly attributable to people being in public, wielding weaponry that turns out to be airsoft weaponry. They are plastic, but because they look so much like high-capacity machine guns, military assault rifles or semi and fully automatic handguns, the people wielding them have been shot and killed. Imagine being a police officer called into that situation. Tragically, we saw one case in Western Australia within the past few weeks involving a knife. We talk openly about the effect those kinds of incidents have on our first responders. Imagine how much more difficult it would be to handle a situation in which somebody was wielding a weapon and it was believed they were going to unleash it and that dozens and dozens of people would be killed—as they always are when those military assault weapons are unleashed illegally—and the person died and as they fell to the ground the weapon hit the floor, broke in two and turned out to be plastic.

That would be a terrible thing. We cannot just say, “Oh well, move on; people want to play airsoft.” We have to address those matters. That is why I keep referring to the report of the Law Reform Commission of Western Australia. It is very specific that because of the requirement of advocates of the sport that the weapons should be as realistic as possible, they ought to be painted neon blue or pink, or whatever. I know Hon Aaron Stonehouse makes provision for that in his bill, but I am not convinced about that. If I have read the bill correctly, that marking can be removed when one is participating in a contest. How then can it be ensured that the implement that is taken out of the car boot and into the shopping centre has had its neon-fluorescent blues and pinks restored? Will it really be enough to have an insistence on markings around the muzzle, for instance? That is another thing that is often referred to in relation to making it clear, particularly to first responders, that it is not actually a functioning weapon.

Those are serious concerns that deserve serious consideration. It takes me back to the comment on the change.org petition that it is not the sport itself that is the problem, but the guns. I say to Hon Aaron Stonehouse and others who advocate for the legalisation of the sport that we need to have some serious discussion around this. We need to look carefully at what the Law Reform Commission recommends and if there is a gap between that recommendation and what is contained in this bill, we need to fill that gap and make airsoft as safe as possible.

That brings me back to the whole problem with a private member’s bill: perhaps it has not had the full resources of government and the public sector analysis of these kinds of provisions. I ask Hon Aaron Stonehouse why this attempt at regulation goes just through the Firearms Act. I know there are consequential amendments to other acts as well. I understand that other jurisdictions have a standalone act to deal with airsoft; I believe that is the case. Why would we not look at a standalone act? I am not sure what the answer to that is. In the United Kingdom, for example, it is part of an act about the removal of dangerous weaponry from the streets. I am not quite sure that this is sitting in the right place as amendments to the Firearms Act, but those are the kinds of practicalities. If we get to the next stage of this process, we can start ironing that out.

I have read the bill and the explanatory memorandum. Obviously, most of the problems are around clause 5 of the bill, which is the substance of the bill. It contains the amendments to section 4 of the Firearms Act—that is, the insertion of new section 4A. That proposed section contains a number of problematic concepts that I would want to see fully explored in any substantive debate on this issue. At line 7 on page 3 of the bill is reference to the military appearance of the firearm. Does it have to have a military appearance? If we are arguing that this is a direct mapping of paintball provisions, why does it have to have a military appearance? I notice a reference in proposed section 4A(1)(a) to the marker being powered by gas, battery or spring or as otherwise prescribed. My reading of the Law Reform Commission report is that it specifically rules out gas canisters. I am not sure whether there is another way of wording that provision and whether gas should still be included if we are not going to allow gas canister propulsion.

Proposed section 4A(1)(b) refers to fully automatic operation. I understand that there are a number of different ways of making an airsoft marker work. Is fully automatic operation intrinsic to the sport itself? I understand that that might not be the case with paintball, although I am not clear on that point. I also have quite a few queries around the energy levels of the pellets. Paragraphs (b) and (c) refer to 1.3 joules, with a modification of up to 2.5 joules. Compared with other jurisdictions, there is a huge range of different specifications in this bill. I do not know how the right one is chosen. Do we look at the environment it is played in or at the age limits? I do not know what applies there, nor why there is this inconsistency. How did Hon Aaron Stonehouse choose those two figures?

Proposed section 4A(1)(d) refers to the colouring of the airsoft marker. I have already canvassed that through questions. I concede that Hon Aaron Stonehouse has probably picked the colours that would be least popular with the kind of cohort who play this sport. I should not think they would be very keen on bright pink, bright orange, bright yellow or bright green, and the bright orange around the tip of the muzzle. I am not convinced that this is enough. Surely those colours would have to be in some sense indelible. I do not know what the technical process is, but I thought they would have to be embedded in the fabric of the marker.

Proposed section 4A(3) refers to the identification of a firearm, and that is a very important issue. As well as the need for this bill, whatever form it turns out to be that we choose to legalise airsoft if we choose to proceed with this as a community, there are two things we will need to have recourse to. One, I would suggest, because there is no point in reinventing the wheel, is that we need to look at the Law Reform Commission's recommendation—there are several of those, and I will come to them if I have time—and also at the National Firearms Agreement, which now of course is in its 2017 iteration, which is quite a lot longer than the original 10 clauses. One of the keystones on which the National Firearms Agreement is based is the idea that every firearm has to have a unique identifier. What are we talking about when we refer to an airsoft marker? We are talking about something that might be made of plastic, and I do not know how a unique marker would be put on it. I know that Hon Aaron Stonehouse has turned his mind to this, and his view, as I understand it, is that it might be possible for an importer to have a system of marking an airsoft implement. I am not sure that that satisfies the NFA; I just do not think it satisfies those provisions. The whole point about the NFA requirement is that it tracks the weapon from the moment it is manufactured, through its sale, through its ownership, through its maintenance and through its disposal by owner 1 to owner 2, so there is kind of a lifetime pedigree for every single weapon. I am not sure how we could possibly ensure that for something like an airsoft marker, yet because this is being regulated under the Firearms Act, I think it will have to be. My question is: have we overcome that problem with paintball? I think we have, and if we have with paintball, we need to overcome it with airsoft as well, and I do not think we have done that yet.

My other questions are about clause 6 of the bill, which amends section 8 of the act about venues. The Law Reform Commission had quite a bit to say about the regulation and licensing of venues. There is a question there about whether there might be shared facilities. I do not think there can be, which seems to me a little bizarre. Could a facility be shared between the sports of paintball and airsoft? Could it be shared with the rifle club? I am not sure it can be, because I think the reference is to a venue being appropriately constructed and maintained for the playing of airsoft. I guess that could be overlaid on another set of provisions that relate to other sports and pastimes, but I am not quite sure how that would be done and how it would apply to the skirmish side of the sport. Presumably, people are not in a venue such as a shooting range for the kind of sport that sporting shooters engage in at a competitive level. I am not sure how that will work. I am also not sure how temporary permits will work, because I do not know that we have any existing system that can be directly overlaid and serve as a template for airsoft. It may if possible, but these are all things we need to have discussion about. I think the Law Reform Commission has had quite a bit to say about that, and I am not convinced that some of those considerations are included in the member's bill.

My final question about the bill is about clause 9, which amends section 23 of the act. It is about the modification of airsoft markers. Hon Aaron Stonehouse has opted for a provision that specifies —

... the alteration is in accordance with the manufacturer's design and is effected by the addition of a commercially produced product.

The way I read it, and I am very willing to be shown to be wrong, is that in and of itself is the criteria that has to be satisfied. That seems to me to be wide enough to drive a couple of trucks through, and I do not think it would be an adequate safety provision, particularly as some of the material referred to by Hon Pierre Yang suggests that some modifications could turn an airsoft marker into something that was pretty close to a lethal weapon. I think we would need to retain or set up some kind of real control over that process. Those are my specific questions about the bill.

There are unintended consequences, many of which Hon Aaron Stonehouse is aware of. I think he has done a lot of work to try to fill some of these gaps, but were we to pass this bill today in the 47 seconds that remain, the first thing we would find is that people would contravene the Customs (Prohibited Imports) Regulations 1956. That sounds like an archaic provision, but it says that these things cannot be imported without an identifiable unique serial number. Anything with a military appearance and anything with fully automatic operation cannot be imported, so there is immediately a problem. It is not enough to say that we will negotiate that afterwards. An essential part of making a statute that works is regulating provisions, and I cannot see how we can get around that, certainly not here today. I commend Hon Aaron Stonehouse. It is a brave thing to bring on a private member's bill and he deserves congratulations for doing that.

Debate adjourned, pursuant to standing orders.