

## FIREARMS BILL 2024

### *Discharge of Order and Referral to Standing Committee on Legislation — Motion*

Resumed from 14 May on the following motion moved by Hon Peter Collier (Leader of the Opposition) —

That the Firearms Bill 2024 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 13 August 2024.

**HON NEIL THOMSON (Mining and Pastoral)** [2.25 pm]: At the conclusion of the debate last Tuesday, I was discussing the e-petition that had been presented and the number of people who had expressed the view, which I thought was very reasonable, that the Firearms Bill 2024 should be referred to the Standing Committee on Legislation. I refer to paragraph 5 of the petition, which states that the petitioners —

5. Urge the Legislative Council to refer the Bill to the Standing Committee on Legislation for a full public inquiry into the policy of the Bill to assess its impact on the rights and liberties of law-abiding Western Australians and its efficacy at tackling those with a history of showing disregard for the laws of our State.

I am sure that I could rewrite that sentence slightly differently. Some of the things I plan to outline today will highlight the sorts of things that the legislation committee should examine in its assessment of the bill. As I said in the first five minutes or so at the beginning of my presentation, I believe in a stronger safety regime for firearms. I think it is vital that we have as much safety around firearms as is reasonable. I shared the story of when I was a child and my father was a police officer. As a kid, I heard all the stories when dad came home and explained what had happened in the small country town. In the late 1960s someone attempted to shoot him, but fortunately the firearm did not discharge. Sadly, the felon who was later out in the community, went on to do terrible crimes with firearms. There are some very bad and disturbed people who have evil intentions. That is why we have our wonderful police, whom I fully support.

We see the impact of all sorts of weapons in our state. Most notably, there seems to be an outburst of knife crime. In saying that, firearms are an important part of our culture. For some people at least, it is part of their lifestyle. We are talking about the lawful use of firearms as part of the lifestyle of particularly regional and rural people. It is very important to them. I got my firearms licence in New Zealand when I was 16 years old. Again, it was under a very different regime than probably applies today. At the time, I was given a little notebook with my name in it, and it was a licence for life. Of course, New Zealand has changed its firearms laws significantly over many years, and, of course, the terrible atrocity that was committed in Christchurch led to even further controls, which was very important to do. As someone who was brought up in a regional town, notwithstanding in a different country, we had the same sort of idea. People went out shooting and fishing, and things like that were just part of the culture. For people in our regional communities, shooting is part of our culture. We go out shooting for enjoyment, shooting to control feral animal numbers or even shooting for sustenance, which probably does not happen as much as it used to, but it was part of the culture. We know that members of gun clubs, in particular, shoot at targets for sport, which is a very big aspect of their lives.

I know that this bill claims to balance all that, but it is an incredibly big tome. It is a massive tome. I have my file, and I will be quite glad when we get through this debate because I have to pull it around in my wheeled bag. Not only do I have that; I have all the budget papers. It is a rather hefty tome, and it is important that we take time to consider all the aspects of this bill.

We come to this place as the opposition. We hear the concerns of the community. I have heard many concerns, and I am sure members opposite have received the same sorts of emails. I think Hon Peter Collier said that he has never spent so much time on a bill—I am paraphrasing Hon Peter Collier—in his time in Parliament. I am not surprised because it is so complex.

Another equally complex bill—maybe even more complex—came into this house when I started as a member of Parliament, in my first year. I was the lead spokesperson for it in the Legislative Council. That legislation was rammed through in the space of two days. We had the second reading debate speeches and then we used the emergency bill provisions that were in place. I must say that I felt incredibly under-equipped to deal with the detail. I felt an immense amount of pressure as the lead spokesperson in the few days we had to take, read and understand the bill and all its implications and how that would then flow out. I did what I thought was my best effort to highlight our concerns. As the regulations came out, people started to understand the impact on them. Suddenly, there was a huge explosion of concern from the community. There was massive concern.

**The DEPUTY PRESIDENT:** Order! Hon Neil Thomson, I will allow some latitude to touch on some peripheral issues, but the purpose of the motion before us is for members to articulate why the bill should or should not be referred to the Standing Committee on Legislation, and I ask you to try to confine your remarks to that issue.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

**Hon NEIL THOMSON:** Thank you, Deputy President. The exact point I am making at this time is with the example of a bill that was rushed through in a way that gave us no ability to assess it. I was actually going to say to the government that at least it has not done that this time. A draft of this bill has been available for a longer occasion, but we still have a problem with it, just as we did with the Aboriginal Cultural Heritage Bill and the issues it had once the regulations became apparent. We had an explosion of concern because people started to understand in more detail the implications of how it would impact them. It suddenly became very, very apparent in that case that it was going to impact the community, and people could see how it would affect them. But we have the same issue here today with the complexity of this bill and the fact that we do not—as has been explained in the report of the committee, chaired by Hon Donna Faragher, who is a very eminent member of the opposition, and by the Liberal team—have details on the regulations available for our consideration at this time.

My point in raising the issue of the Aboriginal Cultural Heritage Act is very much about why this bill should be referred to the legislation committee. The legislation committee, with the support of the secretariat, can sit down and actually consider it and ask some questions that might not have been asked, which may pick up some unintended consequences, for example. I will raise one in the hope that we get agreement from the government, notwithstanding its position on this. The government has stated that it is not going to support the bill being referred; that has been made clear. But I am hoping that during the course of the debate the government will reconsider that matter because it sees that there are potential challenges to this.

At the end of the day, I guess the alternative is that we will go into Committee of the Whole and the opposition and the crossbenchers, or whoever chooses to ask questions, will try our very best to tease out all those issues, just like I did on the Aboriginal Cultural Heritage Bill when that massive tome was presented, but I had only one sitting day to do it. Maybe this time we will have more time because the debate on the bill will not be limited; it could be considered over several sitting days. We, as the opposition, could then go through the bill clause by clause and ask the hard questions. But there is a problem for the community and those gun owners out there who have legitimate concerns. As I said, I support gun controls. I support that. History notwithstanding, I have used guns in the past. I do not own any guns now. That is a person's choice. If they want to have a gun, we are a free country. They can enjoy the use of them and continue to do so under this new regime. But the problem is that these concerns are being raised, and we then have to somehow represent those concerns at a level of technical detail, and I think that is the issue.

An excellent job was done by the Standing Committee on Uniform Legislation and Statutes Review, chaired by the very capable member Hon Donna Faragher, and I will refer to that in a bit more detail shortly. It would be much better if we had the time to look at some of these matters in detail, had technical support and had the ability to invite advisers and witnesses in to ask more detailed questions around the specifics of how those provisions will impact the community. That very sensible process could be expedited in a more timely way than if all members of the opposition tried to use their own expertise. I intend no disrespect to members of the opposition because I include myself in this. We are non-experts who are trying our very best, on behalf of the concerned community, to raise those technical questions on some very detailed issues in the health sector, for example. I am happy for the government to give some feedback because I will raise this again in committee. I can imagine the Standing Committee on Legislation talking to people in the health profession about what they think might be some of the unintended consequences of the mental health checks that will be imposed and the detriment they might have on the mental health of people in Western Australia. People might be worried that giving a more full and honest disclosure of their mental health, or their perception of their mental health, might result in some form of perceived penalty. I am not saying that it will be a penalty. I heard the minister say that it is a privilege to own a gun and that it is not so much a right. That is the minister's viewpoint and that is fair enough. The fact is that a person might perceive that any kind of negative diagnosis might end up in a situation in which they lose access to something that means a lot to them.

**Hon Ben Dawkins:** Shouldn't the government have to prove that there's not going to be these adverse effects?

**Hon NEIL THOMSON:** The member asked a question in his interjection. That is a question the member should ask at the committee stage.

I counsel the government to consider that it might be beneficial for the committee to have a very intensive, short, sharp review of this bill with professionals from a wide range of sectors. The committee could find three or four things that could make the bill vastly better. I do not know. I believe that amendments have already been made through some of the discussions that have been had. I suppose this is where we get down to doing it the easy way. The committee has not done very much at all; I think it has had one referral. It is not exactly busy. We have another week of sitting and then there is a bit of a break coming up. We have a break next week and then a week of sitting before another break. There is a real opportunity, if the government looked at the Parliament's timetable. Given it has taken this long to get to this point—I did not see the government prioritising this bill earlier—this bill could go to the legislation committee if we get, in the words of other members, a tiny little bit of humility from the government. The legislation committee was established for the specific purpose of looking at really technical bills

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

like this. I must be getting tired because I just did a Kiwi accent! Bills such as this need to be considered with that level of detail and have those questions asked. I am hopeful that the bill will be referred and I have made a few points that I think are important. This is the sort of bill that the legislation committee could consider.

We know that firearms are used in actually quite a small percentage of homicides in Western Australia. Of course, we can say that every death is terrible. Of the 29 homicides in Western Australia between 21 July 2020 and 30 June 2021, only two involved firearms; eight involved knives or sharp instruments; one involved a blunt instrument—they record blunt instruments, which I suppose is something that is not sharp; two were caused by hands and feet; two were caused by vehicles; and two were caused by other instruments. Weapons were used in 17 of the 29 homicides, but most of those weapons, by the looks of it, were knives. This data is from the Australian Institute of Criminology’s national homicide monitoring program. The pattern is the same right across Australia, with firearms involved in 23 out of 210 incidents.

Every death is one too many, but we could use the same analogy in relation to the road toll. We could say that if we all drove at five kilometres an hour, the road toll would drop, but that is not practical. The only difference here is that there are only 90 000 licensed firearm users. I understand the concerns of the community. The concept of guns can be terrifying to people who are not familiar with firearms and have not used firearms. I was brought up with firearms as part of the culture. Sadly, we have seen a bit of a change in the culture. In those days, children were taught how to manage firearms carefully—to never point them at anybody, to never have a bullet in the chamber, to always remove the bolt when carrying them and so forth. That was just part of the intergenerational teaching. As a teenager and when I was at university, I had a couple of firearms and I used to go hunting. It never crossed my mind that those things were dangerous because they were just part of life. They were dangerous in the sense that I took precautions, but the nefarious use of them never crossed my mind. My next comment is my personal view. Sadly, the proliferation and popularisation of first-person shooter games has had a negative impact on our cultural perception. Of course, we have seen terrible atrocities committed in the US, where firearms are a lot more prolific and high-powered firearms are readily available. We have seen how that has changed that concept. There has been some change in attitudes. Clearly, social media has led to the popularisation of these games, and sometimes negative aspects creep into the minds of particularly vulnerable people who are able to be persuaded or have mental health issues.

If the Firearms Bill 2024 were referred to the Standing Committee on Legislation, it could undertake research, because the research the government has presented in the explanatory memorandum has not been presented to any great degree. The committee could consider the fact that, over time, there has been a decline in the number of firearm offences in Australia that have resulted in the charge of murder or manslaughter. If members look at the sources I mentioned, the National Homicide Monitoring Program and the Australian Institute of Criminology, they will see that back in early 1990s the figure was around 70 or 80 firearm incidents that resulted in the charge of manslaughter or murder. There was a reduction around the mid-2000s. That might have coincided with some of the Howard government changes. I am thinking about 2007 when the “Ruddslide” occurred, and Kevin Rudd’s government came into power. The figure declined in 2006–07, possibly as a result of the buyback. A gun buyback is great because people get an opportunity to hand in the guns they do not want to keep or are not allowed to keep. We should probably have periodic buybacks to get rid of surplus guns.

**Hon Dan Caddy:** Is that a policy?

**Hon NEIL THOMSON:** I am giving my opinion. It is probably something that should be done. I know that Hon Dan Caddy likes to promote me as the future Treasurer of Western Australia. I would be very happy to advocate for that in the cabinet of a future Mettam government. We live in hope. We are very optimistic on this side of Parliament.

The 2021 figure, which is the latest figure, reveals that there were 23 firearm incidents that resulted in the charge of murder or manslaughter. That relates to a general trend in the number of homicides that we have seen across Australia, notwithstanding the fact that Western Australia is the violent crime capital of Australia, as I have said previously, and notwithstanding the fact that we have seen terrible crimes against persons in Western Australia, particularly in our regional areas. The committee could look at the efficacy of that and consider that in terms of some of the measures. The question asked by petitioners is really all about that. The petition refers to the efficacy of tackling those with a history of showing disregard for the law of our state. That should be implicit in the terms of reference for the Standing Committee on Legislation. Another point that is made in the data that I have read is that the vast majority of crimes involving firearms occur with unlicensed firearms, which will not be affected or impacted by this bill. The committee can look at what could be done to crack down more heavily on illegal firearms. I am sure that the police are doing everything they can.

The Minister for Police has been quite happy to use the point that there is a lot of fear in the community. There are probably some in the community who believe that there should not be any—zero—firearms in private hands because

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

the right to hold or not hold a firearm licence has no impact on them. We live in a society in which we take due consideration of people's enjoyment and the things they do. We also look at evidence to determine how our laws impact outcomes. That is what this is all about. If I had written that line in that amazing petition that received 32 234 signatures, I would have added a line about the impact of these laws on existing firearms owners and their ability to comply without fear of failure and the unintended consequences whereby someone might be unfairly impacted because they use their firearms for legitimate purposes.

I understand there were changes in the numbers and in the exemptions that allow a person to apply to be a licensed firearm holder—for example, a sports shooter or an Olympic athlete. I have received complaints from members of the community who use a shotgun for clay pigeon shooting—I think that is what they call it—who are also involved in pistol shooting. They might be involved in three or four different disciplines. A lot of avid sportspeople would have a range of different weapons. I understand that there is provision in the bill to enable high-level sportspeople to continue with the sports that require them to have several guns for one discipline. These are the sorts of concerns that have been raised. The last thing we want to do is curtail our amazing sports history. Australians, and Western Australians in particular, are very proud of our sportsmen and women. We love to back a winner. I am sure that firearm sports are just as important.

I will save a lot of my conversation around the specifics of the bill and the uses of firearms in the community, particularly in my region, other than to say that they are a tool of trade for a lot of pastoralists. I have seen firsthand the need for the use of high-powered firearms, for example, in the control and cull of feral animals.

**Hon Dr Sally Talbot:** I thought this was meant to be about the referral.

**Hon NEIL THOMSON:** I am providing advice to the committee about why it is important that it look at all these aspects and understand what the impacts will be on stakeholders, such as those in the pastoral industry and those who, importantly, control feral animals. Feral horses and camels in Western Australia are a massive issue. The last thing we want is this law to come along and have unintended consequences. Members opposite might like to shut me down right now and stop me from exercising my right to give a very important presentation. This is what the members in this place do. They like to shut me down. I am talking about the very important environmental issue of feral camels and horses in our regions. Has the government considered the impact of that? I know recreational shooters who do everything lawfully, by the book, and shoot camels in the Pilbara region for free.

I was a public servant and my minister at the time—Hon Peter Collier will know about the horses around Balgo. That was one of the greatest pieces of work done and we had the Department of Primary Industries and Regional Development involved. It also meant getting the community involved. We had the guts to do it. That was an important thing. I had calls from people over in the eastern states, from —

**Hon Dan Caddy:** Trump calls?

**Hon NEIL THOMSON:** No, these were the chief veterinarian officers, and people from the RSPCA. They wanted all the technical detail on that because of the great job we did. They were concerned about feral animals in Kosciuszko National Park. Look at the mess that was made of that. Look how quietly we did it and how well we engaged with the community. It was all done with very little hassle and it resulted in the culling of over 10 000 feral horses. There were a couple of culls here and I was involved in managing one. The second one was 3 000, and then another 700 camels or thereabouts were culled. These are big numbers. A huge number of animals are destroying the environment. Members opposite say not to worry about it. They say just to ram it through because we never know. We just want to pause and have some experts, with the support of that very important committee, look at this legislation in detail and ensure that we are not going to end up with another 10 000 horses running rampant over the place.

I can talk about the useless Minister for Environment, for goodness sake, who just abandons all that natural habitat out there; all that land that it has signed off as national park. I could talk about how useless he is!

**Hon Dr Sally Talbot** interjected.

**Hon NEIL THOMSON:** I will be talking about the referral to the committee, if I am not distracted by the commentary from the other side. I will have a lot more to say about this bill in the second reading debate.

**Hon Dan Caddy:** You will be saying exactly what you said in the second reading debate.

**Hon NEIL THOMSON:** I will have a lot more to say and I am sure my side will have a lot more to say about this referral, because would it not be great if for once we wear down the government and it does the right thing by the people of Western Australia? That is what we want to do. We want to get it to do the right thing for once instead of this Orwellian-style approach to things like we saw yesterday when it tried to change a motion and got up to all this rubbish because the government dares not have anything questioned.

Talking about questioning, there is another report that could be considered.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

I am going to run out of time for my referral speech, so I will have to put it in my second reading speech. I refer to the *Western Australian Auditor General's report: Firearms controls*.

**Hon Peter Collier:** Is there an option for an extension?

**Hon NEIL THOMSON:** Maybe I could ask. Is there a process? Could I ask for an extension? I could have another half an hour.

**Hon Stephen Dawson:** You can't; the standing orders do not allow it.

**Hon NEIL THOMSON:** I am not going to get support from the government for an extension.

**Hon Donna Faragher:** They are tempted; I can tell.

**Hon Stephen Dawson:** If you start talking to the referral, we might consider it.

**Hon NEIL THOMSON:** I am laser-focused on the referral. It is all I have been talking about. If the government just listened, it would be great.

**Hon Stephen Dawson:** If you start getting cheeky, you are not going to get an extension, so you've just got to be nice for two and a half minutes.

**Hon NEIL THOMSON:** I refer to the *Firearms controls* report. I will wrap it up, but I am flagging the fact that we had four reports from the Auditor General. The most recent one was "Report 18: May 2019". I will not go into all the detail because that will be part of the second reading debate, but this would be an excellent source for that committee to go into, to see where things under existing regulations have not been kept up. There have been lots of findings over time. Sometimes, we take what we have and refine it, and we will get a better result. It is a bit like cooking a cake. If we just tweak the ingredients a bit, we get a much better result, instead of trying to be so ambitious here and ram through something; we just do not know what we are going to get because there are different ingredients.

I point to the findings. The first one is that "Licence assessment procedures are not sufficient and transparent". I am not an expert —

**Hon Dan Caddy:** Finally, you have said something we all agree on.

**Hon NEIL THOMSON:** — on this particular regulatory arrangement. I am very expert when I come to my portfolio areas of responsibility.

**Hon Peter Foster:** How many cakes have you baked?

**Hon NEIL THOMSON:** I am not an expert at baking cakes, I can tell the honourable member that. Maybe the honourable member will bake me one for Christmas or my birthday. I know Hon Peter Foster is a very kind and generous member. However, I am not sure about his government's results at Tom Price Hospital. Anyhow, I will not get distracted by interjections from the other side.

This report has a lot of good data here and in the transcript that could be used by that committee. The committee can take note of the recommendations that flow and ask some questions of the police. It could ask: Will they be able to manage with all these new regulations? They could not manage with the last lot. Will they manage to keep up and deliver with their resourcing? Will they be able to? These are a few ideas.

I know that the government members are just smiling, which means they are supporting me.

**Hon Stephen Dawson:** I thought you were going to ask us for an extension.

**Hon NEIL THOMSON:** I will let it go because I know others would like to speak.

**HON BEN DAWKINS (South West) [3.06 pm]:** For those watching at home, this is going to be a laborious process, I suggest, having listened to some speeches, and we are going to be hearing quite a lot more. The people at home need to understand that we are in this situation because of a number of bills and things that this Labor government has either supported or brought in and has been belligerent about changing and modifying, and has been belligerent about demonstrating that it is good legislation. If this turns out to be a laborious process, it is purely of the government's own making, I am afraid.

This motion is about a referral of the Firearms Bill 2024 to the Standing Committee on Legislation. Yes, I support the motion to refer. There has been a complete belligerence. I do not really see belligerence in the ministers' behaviour in this place. I do not think the ministers in this house are belligerent or show belligerence. The Minister for Police, Hon Paul Papalia, is the minister in charge of this bill; perhaps there is some belligerence there. But I do not think there is belligerence in here. I suspect we can refer this because why would the government not want to improve its own work by using the resources that are there? Why would it not want to do that, unless it has something to hide or it is being belligerent? Let us be honest. Let us improve. We are all grown-ups here. Let us use those processes like the Standing Committee on Legislation to improve upon the government's work.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

We are seeing a loss of trust. I will talk to the Acting President (Hon Stephen Pratt). Our constituents no longer trust the government. The government will get a lot of pushback on all these sorts of bills because we have been through vaccine mandates and very inhumane job losses, which show that the government, to this day, does not understand principles like bodily autonomy and such things.

There is actually a responsibility when it comes to individual rights. I will talk about that in a second. Far be it from me to use a legal term, Hon Matthew Swinbourn, but to my mind the burden of proof rests with the government to show that this will not adversely impact the existing rights of law-abiding gun owners. The government has to discharge the burden of proof if it wants us to all vote in favour of this bill and allow its beautiful swift passage. That is work that the government has not done. It has not demonstrated in any way —

**Hon Stephen Dawson** interjected.

**Hon BEN DAWKINS:** Excuse me, Acting President, I cannot hear myself because of the minister.

**The ACTING PRESIDENT:** Order, members. Hon Ben Dawkins has the call.

**Hon BEN DAWKINS:** To my mind, a government should discharge —

**Hon Stephen Dawson** interjected.

**Hon BEN DAWKINS:** I still cannot hear myself, Acting President.

**The ACTING PRESIDENT:** Members, the member on his feet is struggling to focus on his presentation. Could you please try to keep it down. Thank you.

**Hon BEN DAWKINS:** To my mind, the government has a responsibility to discharge the burden of proof to show that there will not be unintended or adverse impacts on the rights of existing law-abiding gun owners. I say that because the Law Reform Commission of Western Australia said that. It said that this bill should not impact the existing rights of law-abiding gun owners. I take objection to —

*Point of Order*

**Hon MATTHEW SWINBOURN:** The question before the house is about the referral of the bill to the Standing Committee on Legislation. I have been listening very carefully to the member's contribution, and I am struggling to make the connection between his comments and the question before the house. Acting President, I seek your guidance on whether the member's contribution is actually relevant to the question before the house.

**The ACTING PRESIDENT (Hon Stephen Pratt):** There is no point of order, but I will remind the honourable member to make sure that his comments are relevant to the referral motion.

*Debate Resumed*

**Hon BEN DAWKINS:** Thank you, Acting President.

We need to refer the bill for the following reasons. I have mentioned the word “referral” several times. I do not need to keep coming back to it. Henceforth, the parliamentary secretary can assume that everything I say is about why the bill needs to be referred. Thank you.

I really take objection to Hon Stephen Dawson's language—I think it could have been Hon Paul Papalia—in his second reading contribution. He introduced this concept that gun ownership is not a right but a privilege. I understand we do not have the second amendment, I think it is, in this country —

**Hon Matthew Swinbourn:** You understand that we don't have it?

**Hon BEN DAWKINS:** Yes, I understand that. This is not America.

**Hon Matthew Swinbourn:** Are you sure? Are you sure you understand? I am pretty sure we don't have it, member.

**Hon BEN DAWKINS:** I just said we do not.

**Hon Matthew Swinbourn:** No, you said you were unsure.

**The ACTING PRESIDENT:** Order, members.

**Hon BEN DAWKINS:** Okay. I said I am pretty sure, but what I should have said is “I am sure.” Thank you for that correction.

**Hon Matthew Swinbourn:** I am sure constitutional law was part of your legal degree.

**Hon BEN DAWKINS:** I am talking about the Constitution of the United States, which we do not have here. Is that okay?

**Hon Matthew Swinbourn:** Be certain about it! Be certain, member.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

**Hon BEN DAWKINS:** We do not have it here. I am very certain we do not have the second amendment here.

**Hon Colin de Grussa:** Just trying to make sure you use the point right.

**Hon BEN DAWKINS:** I did apologise already to members that this will be a laborious process, but there are reasons for that. The people I represent are very offended by the way that this government intrudes into their individual rights. The Law Reform Commission of Western Australia says that this bill must not intrude into the rights of existing gun owners, and that is exactly what it will do. If the government wants our cooperation, I believe that honourable members have a duty to prove that the legislation will not have adverse impacts, such as the mental health checks that may lead to a lot of law-abiding people being struck out of gun ownership—things like that. The government should show us the regulations and how this will be enforced if it wants our support. Otherwise, I think we will all be here for a long time.

However, these problems probably can be resolved by referral—there is that word again. I am saying that rights exist on different levels. I think it is a fundamental right in the US to have a firearm. No-one is suggesting that it is that kind of fundamental right here, but rights exist. I think Hon Dr Sally Talbot, with her philosophy background, might be able to help me, but I think rights also exist subject to legislation. People have a right to drive a car provided they follow the rules and the right to apply for a firearm and retain that firearm provided that they follow the rules. It is offensive that it was portrayed as a privilege by Hon Stephen Dawson. That is offensive. Is it a privilege or a right to have a public education in Western Australia? I would argue that it is a right, and I would argue that it is a right for the people whom I represent to have a firearm on their property under the existing categories for recreational activities, for competition shooting and any of the other existing categories, and those rights should not be taken away.

**Hon Darren West:** Have you read the bill?

**Hon BEN DAWKINS:** I have, yes.

**Hon Dan Caddy:** Well, you wouldn't know it.

**Hon BEN DAWKINS:** I do not need to refer to it in detail because that will be the subject of my second reading contribution. I am making my speech about the referral at the moment. Thank you, Hon Darren West—referral.

**Hon Darren West:** I don't think you have read the bill.

**Hon BEN DAWKINS:** I have got it here, actually. Has the member got it?

**Hon Darren West:** Yes.

**Hon BEN DAWKINS:** Good.

Obviously, the 32 000 signatures on the petition are indicative of what I am saying. The bill must be referred. Hello? It must be referred. I agree with Hon Peter Collier, Hon Nick Goiran and those who have spoken already. There are clear grounds for referral here, and that is what we must do.

The Law Reform Commission made the recommendation that no upper limit be put on the number of guns. What is the bill doing? It will do precisely that. Hon Louise Kingston, are you with me here? It will do precisely what the Law Reform Commission said it should not do. We can talk on a bit of a grander scale if we want; I have got plenty of time. We actually have a problem with the separation of powers in this state. From what I am hearing, and I am prepared to believe it, the Western Australia Police Force has put this bill forward as a goddamned wish list for how it would like to regulate firearms. No; that is not how it is supposed to work. We are supposed to have the Minister for Police pushing back under the separation of powers and saying no. The public service does not get to control what the people get; that is our responsibility here as lawmakers.

I believe there are now very many police officers in senior positions who did not start their career in our state. They started their career in other jurisdictions in which there may be more hysteria about firearm ownership. Well, what those police from other jurisdictions who now work here need to know is that when someone comes to Australia, as Pauline Hanson has often said, they need to respect our way of living and respect our rural and regional people, who have grown up with firearms. They need to respect the law-abiding people who already have firearms. Just because they have an idealistic idea of what utopia is—I am sure it is not where they come from—they do not get to impose those values on us. The police minister should be pushing back against an out-of-control public service. It has happened in so many other jurisdictions. It happened in many other areas. This is why I mention these problems. This laborious process we are going through now was created purely by the government; it is of the government's own making. We saw with the workers compensation bill that one of the executives in WorkCover wrote the bill to suit himself and to get his budget in order. The minister of the day from the Labor government was unable to push back and make the bill fair for the people, which is what he is elected to do. The Minister for Police is supposed to make this bill fair for the people, not just put forward a wish list on behalf of particular Western Australian police officers who have some other idealistic notion of how they want to live in another country. When they are

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

here, they are to respect our traditions, and that is what firearm owners are telling me through the relevant firearm recreational shooting and sporting associations. I respect those people and I am trying to do my job —

Several members interjected.

**Hon BEN DAWKINS:** We are talking about the separation of powers. Everyone is to remain in their own lane. Public service—great. Police—great. But they do not get to run the country and write the laws. The minister should be pushing back to make sure the laws are appropriate. It is all well and good to be a public servant or a police officer—very good; they are doing a great job—but they should not try to encroach on lawmaking. That is what we do here.

It is the right subject, to comply with the laws. I do not think it is a privilege. It is demeaning to people to say that it is a privilege. What Hon Stephen Dawson is doing by using that language—I am not sure whether he was just reading out something from Hon Paul Papalia—is belittling what is a very important thing for people. As I said, we would not say it about public education. That is a right; we would not say that is a privilege. Things have morphed over time to having expectations of rights. This is about individual rights.

Members opposite should not be talking about respect because a lack of respect is shown through bills like this, and the bills that have preceded it. I go back to the Aboriginal Cultural Heritage Act 2021 and the absolute assault on farmers and landowners and on their rights to manage their properties in a reasonable and profitable way. Members should be quiet about that because I have extensive communications from people, such as Brent in Badgingarra, who has about 12 firearms. He is a recreational shooter, a competition shooter and a primary producer. He is all of the above. Like a lot of farmers, he has confided in me and other people about his sometimes fragile mental state. It does not rain that much. There are some bad seasons. There is a lot invested in every crop, Hon Darren West. Do members think that he really wants me to say that it is okay for there to be an open-ended mental health check? We have not seen the regulations. He could be eliminated based on having bad situational depression related to the seasons and to his crop. There is nothing in this legislation to protect him from being eliminated as a firearm licensee and user. Do members think that Brent from Badgingarra wants me to vote in favour of this, or do they think he wants me to push back? Does he want to see some more detail around the mental health checks?

What about views and attitudes and ways of living? Are we going to hand over to the Commissioner of Police the absolute right to determine whether a person's views and attitudes and way of living makes them suitable to have a firearm? Come on! The amount of power given to the police commissioner, including other things such as questioning and searches, will make it a police state. One Nation will always look to protect people's individual freedoms and rights. These guys over here, the honourable members, think it is okay to have a draconian police state environment. There is a complete lack of understanding of what individual freedoms even are. I liked listening to Hon Dr Steve Thomas talk about political theory today because he spoke about individual responsibility and individual freedoms. I should take that back; some honourable members opposite do understand because they are extremely well educated in philosophy, politics and other things, but they choose not to recognise when it is not their constituent or when it is not their target group—obviously, there is an assault here on agriculture and farmers—and they choose to ignore the impingement on individual rights and freedoms.

I have said that it should not impact on existing gun numbers because the Law Reform Commission said that it should not have an impact on the number of guns held by any one person.

*Point of Order*

**Hon LORNA HARPER:** This has been raised before: I am really struggling to see how this has any relevance whatsoever to the referral of the bill to the Standing Committee on Legislation. I feel as though the honourable member on his feet is just presenting the speech he would have given had he been talking about the bill. I would appreciate it if he got back to the motion.

**The ACTING PRESIDENT (Hon Stephen Pratt):** Thank you, honourable member. There is no point of order. I take your point and I will be the judge and assess that as the speech goes on.

*Debate Resumed*

**Hon BEN DAWKINS:** Thank you, Acting President. I have learnt a hell of a lot from Hon Lorna Harper in my year here and I am continuing to learn. In fact, Hon Lorna Harper is right; I am almost at the end of my list. It might please her that I will be sitting down shortly, before my allocated time is up.

I will leave it there. I close by saying that this government has brought this situation on itself. I apologise to the people at home who see a long, drawn-out process, but this will be a drawn-out process because history has effectively awoken the public to the way this government operates. Look what happened with the Voice. It was a ridiculous proposal from the federal Labor government, supported by members opposite and defeated at a referendum. There was a belligerence about not revealing more detail, as I am asking for here. People have lost trust because of past



Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

behaviour. The Aboriginal cultural heritage legislation is an example. No-one should be complaining—I do not think they are—about us standing up here, fighting for our constituents and looking to protect their existing rights, being the existing rights of law-abiding gun owners. No-one should be complaining about that, however long it takes, because this is a situation of the government’s own making. However, in this house the government members and ministers are reasonable people and they absolutely will take an opportunity to refer legislation to a committee that might be able to put forward something that will show it has taken a more considered approach, and listen to the committee to which this bill will be referred, hopefully, and refine things and look at areas such as the fit and proper person test. That test is outrageous. What is it, Hon Lorna Harper—views and attitudes and the way of living? Does anyone in society get to say that someone cannot have a gun licence because of their way of living and domestic circumstances? Come on! It would be an absolute police state to give the commissioner that sort of power. There is some sort of fit and proper person test at the moment, but nothing that extreme. This government has lost all ability to have empathy for people. If these powers are vested in the government and, in this case, the police commissioner, it will be an intrusion into people’s lives. I appeal to the government to think that a committee might be able to help it with those things.

I do not think members opposite really want to be on the side of history when they are involved in ramming through another piece of legislation that is disgusting to the common person and to many law-abiding people in the regions. I do not think they would want to be on the side of history that shows that they supported this legislation, or they rammed it through this place when there is an opportunity to refer it to the committee. Some of these abhorrent things—I know “abhorrent” is a word that members opposite sometimes like to use—can be ironed out. Let us refer it to the committee. I have plenty of time left on the clock, but I will please Hon Lorna Harper and will pass over to someone else.

**HON DR BRIAN WALKER (East Metropolitan)** [3.29 pm]: On the referral to the Standing Committee on Legislation, I am going to put into practice what we should do at the firing range—that is, to make sure that the few bullets we use hit the target, rather than spraying a huge amount of ammunition around at anything and everything. There are a few points that would merit the careful consideration of the referral to the committee. I point out three particular details. First of all, we have the overarching issue of a very complex bill. Nobody in their remotest mind could suggest this is a simple bill. It is predicated upon the simple findings of the Law Reform Commission’s review. We also have an explanatory memorandum that is larger than the actual bill. For that alone, it ought to be referred, but I will defer that to another point.

There are three main areas on which I suggest we ought to give careful consideration to referral to the committee. Those three areas regard trust, the detail and the consultation process. Trust, as we know, as parents of children, is earned with difficulty and lost with ease. It is important that we respect trust within the passage of this bill, because once we have lost trust, everything is to be doubted. I wish that the points I make are brought to my respected colleague, the minister, for careful consideration, because I appreciate that the opinion has been given that this will not be referred to the legislation committee. I suggest to the minister that that decision is wrong. One of the reasons that it is a wrong decision is because it demands that we earn trust. When I think about the originator of the bill, the minister, I think about the level of veracity that I can give to the individual.

As a trainer of young doctors and medical students, I will give an aphorism. That aphorism is really quite simple. If they have a patient in front of them—it does not matter who, what, where, when, why or how—everything the patient says has to be believed, 100 per cent. With the next breath I say that everything that patient says must be disbelieved. We take on board everything that patient says and we believe that, but we check everything and seek to establish the veracity of what the patient is actually saying. For example, someone visits the doctor with a sore throat. The doctor may think, “Sore throat. Waste of time. Get out of here.” We need to establish why they are really there—the hidden agenda. It is an essential part of medicine. We then find out that the patient is concerned about his throat because his friend, who just died of leukaemia, had symptoms that started with a sore throat. Could he have the same thing? Is it contagious? Someone else may want to travel tomorrow to an important meeting where over \$1 billion will be transferred and he needs to be sure he can speak at that meeting as the main person. The sore throat is irrelevant; it is the communication behind it. Trust what he says? No. He is not going to get penicillin and Panadol; he is getting a proper examination to see what is really going on. This is the aspect of veracity in the clinical context. I believe what is really said; however, it has to be said, and I regret that I have to say this, but I disbelieve the minister. Why would I disbelieve the minister? Let me provide the example of the last paragraph of the second reading speech —

Finally, pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It is a bill that ratifies or gives effect to an intergovernmental or multilateral agreement to which the government of the state is a party.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

That statement demands a referral to the uniform legislation committee, does it not? There is no question about that. The bill was not referred because of the merits or policy of the bill; it was referred because of the statement at that last paragraph. At the bottom of page 1 of the speech extract, he says —

This bill will bring the state closer in line with firearm legislation in other Australian jurisdictions and, in some instances, exceed some of the concepts within the NFA to better meet the public safety principles it proposes in Western Australia. It will also implement, or exceed, the majority of recommendations arising from the Law Reform Commission’s report.

Members, this is not a uniform legislation bill.

**Hon Matthew Swinbourn:** But it gives effect to a national agreement.

**Hon Dr BRIAN WALKER:** It also gives rise to the disagreement that this is a necessary referral, because the appropriate committee surely has to be the legislation committee.

Several members interjected.

**Hon Dr BRIAN WALKER:** It has been declared as a uniform bill.

**Hon Donna Faragher:** Because it is!

**Hon Dr BRIAN WALKER:** I take that point. I may have misinterpreted. I am relatively junior in this chamber, so I will believe the member.

Then the question is: why has it not been referred on for the other merits we have got there? Look at the Western Australia Police Force in that same category—earning the trust in the community. I do not think it can be doubted that the police do a wonderful job under unenviable circumstances, and they are to be respected; however, there are exceptions to the rule. I think this bill must stand above all question of doubt. I am sure members all agree with that, because the bill is really important and, in fact, it is a well-written bill, but it needs to be looked at with rigour.

The briefing I had was quite distressing for me because in all the briefings I have had, I had never before had a briefing that quite so thoroughly insulted and disrespected me and the other members who were there. Members could ask how I know that, and I would tell them about body language and verbs and language used and attitudes that were expressed, but that is unimportant; that is how I felt. I may be completely wrong, but I have been to quite a few briefings and I have had a lot of consultation over four decades with people who have tried all kinds of methods to tell me what is going on, and they were lying through their back teeth. One of my skills is the ability to interpret what is being said and how it is being said. If there is any doubt there, questions arise, and we ought to take that further.

Let us move on to consultation. Consultation is an interesting word. I walked past some buildings here —

**Hon Darren West:** You need to talk about the referral, not the bill.

**Hon Dr BRIAN WALKER:** This is regarding the need for the referral, so I refer the member to that. I quite agree with him and I thank him for pointing that out.

When we talk about the extent of consultation, I am immediately drawn back to discussions I had with the very same minister about the level of consultation for the Aboriginal Cultural Heritage Bill 2021. We have been here before, have we not?

**Hon Darren West** interjected.

**Hon Dr BRIAN WALKER:** Which is why we need to have this referred to the committee to have a good look at it.

**Hon Darren West:** Do your second reading speech later!

**Hon Dr BRIAN WALKER:** I will.

The words I saw were that a “boutique” unit was for sale, which actually means small, within a “quality” building, which means that it has working air conditioning. We have had examples of previous bills where words have been used to say that they were perfect bills, but they plainly were not. If we are going to bring this bill forward and it is going to last for several decades, it is imperative upon us, as good, working people, to make sure that the job we produce is perfect or as near perfect as we can make it. We need to have pride in what we do—that the laws that come from this chamber are above reproach and are of quality. Otherwise, we have bills coming through that say that THC is associated with impairment, which is a blatant lie. We cannot tolerate lies in legislation, can we? We cannot tolerate legislation that is faulty. We should do it well or not at all.

The third area is the detail. This refers specifically to the legislation committee and the referral to it. It has been said many times in this chamber during this motion that it is an important committee. It is a very important committee.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

As a member of that committee, I agree it is a very important committee. Over the last term of Parliament, 14 bills were referred. I think Hon Colin de Grussa said that every bill needs to be referred. He pointed out how important it is because even in innocuous bills we can find areas for improvement. Some random bills include the Sentence Administration Amendment (Monitoring Equipment) Bill 2023, Criminal Procedure Amendment Bill, Electoral Amendment Bill 2023. There were 14 of these bills in total for the fortieth Parliament. In this current Parliament, there has been only one—the Sports and Entertainment Trust Bill—over three years. That bill was referred to the Standing Committee on Legislation, which everyone would agree is an important committee. The inference to be drawn from this, and this is a fact, is that all bills brought forth before this chamber have been perfect, that the Parliamentary Counsel’s Office has been perfect in drawing up the bills, that the minor amendments made in this chamber are perfectly good and that all is well. I doubt that. I think that anyone with an open mind would also doubt that. Why do we have this pattern of inaction during this term of Parliament? If all legislation ought to be reviewed competently, while we might do a good job in here, it is more efficient to send the majority of bills to a committee for a proper review for two reasons: one, so that we have time to deal with it; and, two, it would cut the time we spend on it in here, would it not?

We have a perfectly good Law Reform Commission of Western Australia report that gave some very good recommendations, with which the shooters, I am reliably informed, were well pleased. We cannot please everyone all the time, but the shooters were well pleased. Now we find that the Firearms Bill 2024 purports to contain everything from that Law Reform Commission report, with a few minor changes. I have gone through the bill with a fine-tooth comb and compared it with the Law Reform Commission report and I agree that 90 per cent—well, actually 60 per cent, but it comes to about 80 to 85 per cent of the report that has been transferred into this bill. Why then do 32 000 signatures appear on a petition demonstrating great concern? Under the Star system for social media, every Star report is equivalent to one-tenth of what is felt by the buying public. Only one-tenth of the public will give any comment or feedback on their purchase. If that is the case and 32 000 people had the nerve or the urge to comment, that is about 20 per cent of our voters. If that is the level of concern in the community, we, as a Parliament, ought to do something that Parliaments should do all the time—that is, listen to the people and serve the people. For these reasons, the need for a review of the consultation, to go into the detail and to establish trust—three very important reasons—I recommend that this bill be taken back to the responsible authorities on the government side and consideration be again turned to referring this bill, as is appropriate, right and proper, to the Standing Committee on Legislation, so that it can report in due course, as it is bound to do. That would save us the trouble of going through every clause and holding up the passage of this bill. It would also allow us to be sure that what we present to the public matches its needs.

We can all agree that it is an important bill and that it must happen. We can all agree that the situation in the United States, with rampant firearms and killings all over the place, is not what we want in our country. We can also all agree that significant concerns have been raised by the people who are intimately involved with firearms on a personal and daily level. If sufficient people have raised sufficient concern, we, as representatives of the population, must listen, respect and earn the trust of those people. We can do that by referring the Firearms Bill 2024 to the Standing Committee on Legislation. I recommend that that task be done.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [3.43 pm]: I, too, rise in support of the following motion moved by Hon Peter Collier —

That the Firearms Bill 2024 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 13 August 2024.

It is important that we note that the referral motion is about not only referring the bill, but also when that committee will report back to the house to give us time to consider that report and debate the legislation. I want to echo the sentiments of my colleague Hon Martin Aldridge who in his referral consideration also mentioned that he endorses the system of scrutiny in which bills are automatically referred to legislation committees. That is the ultimate. It certainly would be a better result if Parliament allowed these bills to be automatically referred to those committees such that they could be considered. It would make for better legislation, which ultimately is our job.

The Firearms Bill 2024 was referred to the Standing Committee on Uniform Legislation and Statutes Review, and that is absolutely right. This is uniform legislation that gives effect to some national agreements. As a result, it had to be referred to that committee and that committee did its job in a fine manner, as it always does. It is worth noting that the uniform legislation committee is constrained by what it can look into, but the Standing Committee on Legislation is not. In fact, the functions of that committee are to consider and report on any bill referred by the Legislative Council. That gives that committee the ability to inquire more broadly into the policy of the bill and other aspects of the legislation. In the forty-first Parliament, the Standing Committee on Legislation has looked at only one piece of legislation, whereas in the fortieth Parliament, it produced no less than 15 reports. I was a member of that committee along with Hon Pierre Yang, Hon Nick Goiran and Hon Simon O’Brien, with the committee chair being Hon Dr Sally Talbot. That committee did a vast amount of work in that Parliament.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

Members here have spoken about why we need to refer this bill to the Standing Committee on Legislation. We have talked about the complexity of the legislation and its deviations from the Law Reform Commission of Western Australia's 2016 report. Those things are what I would call, to borrow the phrase, the known knowns. Those are the things we know about the legislation. We know that they are cause for concern. Those are the issues that have been raised by members of the community and by petitioners on that petition that other members have talked about with the 32 000-odd signatures. It is complex legislation, it deviates from the Law Reform Commission's report and it introduces things that have not been contemplated in other jurisdictions. That, in and of itself, is a good reason to refer the legislation because we do not know what the effect of applying those things will be on firearm owners and the community.

There are also things that we know about the legislation but we do not know what their effect will be. I will call them the known unknowns, to borrow the phrase again. Those things might include something like the health checks. We do not know what their effect will be. We do not know how that will work for medical practitioners or situational mental health issues, as we have heard about from other members. We do not know what some of those effects will be. Again, that is another good reason for referring the legislation to the Standing Committee on Legislation for inquiry.

Perhaps, and more importantly, we need to be concerned about the unknown unknowns—those things that we do not know we did not know about the legislation. Despite the government's promise that the bill is perfect, some things always slip through. Invariably, throughout this Parliament, we have had a number of government amendments to many, many pieces of legislation in this place and the other, including this bill, because things have been identified along the way. Some of those may not be of particular gravity and some of them might be, but there are probably more that we do not know about, and when we are talking about legislation to do with firearms, it is incredibly important that we find out what the bugs might be, so to speak.

The bill has significant regulation-making powers. Other members have spoken about what those regulations might look like. I have talked briefly about government amendments also, and we do not know what consultation has taken place on those.

The Standing Committee on Legislation has the ability, unlike the Legislative Council, to call witnesses and hear from a number of different groups, be they medical practitioners, licensed firearm owners, WA Police or others, on any and every aspect of the legislation. The committee is far more able to properly scrutinise the legislation and identify any of those unknown unknowns, as well as address the concerns raised by other members, which, obviously, we will try to do in the committee stage of the legislation in this house, but, invariably, we do not get the answers. We can try as we like, but we cannot call witnesses here. We can obviously leave and talk to stakeholders, but the ability of this committee to thoroughly scrutinise the legislation is incredibly important.

I will use one example from the Standing Committee on Legislation's—I am trying to remember what the report was titled—fortieth report. Back in the fortieth Parliament, a piece of legislation was referred to the committee, for a number of reasons, after being identified by members of this place. In that inquiry, the committee subsequently found, unbeknownst to all members and the government who drafted the bill, that the legislation would actually create a new offence of discrimination against women against the commonwealth Sexual Discrimination Act that did not previously exist. No-one knew that, and the only reason that was discovered was that the committee had the power to call witnesses, ask the hard questions and get to the bottom of the legislation. In the process of doing that it uncovered that very serious issue that ultimately led to that bill not progressing any further.

We do not know what issues may be lying underneath the Firearms Bill 2024. Despite government assurances that the legislation is perfect, there are clear examples from the previous Parliament when it has not been perfect. There are clear examples from this Parliament when it has not been perfect either because we have seen government amendments to legislation on many occasions. We have even seen the government withdraw legislation because it could not get it right. It is our duty as legislators to properly consider legislation, and if community safety is the number one priority and number one consideration in the Firearms Bill 2024, I believe that as legislators we absolutely have an obligation to ensure that we properly scrutinise this legislation, and that we find out what the potential problems could be with this legislation before its passage through Parliament. The most appropriate way to do that is to refer it to the Standing Committee on Legislation.

The member moving the motion, Hon Peter Collier, has put a very reasonable timeframe of 13 August 2024 for a report. That will give the committee time to do its work and Parliament time to get on with other business until that report comes back and the bill can then be debated. I fully support the proposed referral by Hon Peter Collier, and I would encourage other members to do the same if they truly believe that community safety is our number one priority.

**HON LOUISE KINGSTON (South West)** [3.53 pm]: I also rise today to support the Firearms Bill 2024 referral to the Standing Committee on Legislation. I want to start today by clearing up a much-repeated phrase that has become urban folklore. Yesterday, Hon Stephen Dawson mentioned not wanting a repeat of the Port Arthur massacre.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

Obviously, he does not realise the circumstances under which the firearm used at Port Arthur was obtained, and a lot of other people out there do not either. The firearm had been confiscated by Victorian police due to a change in laws of which Western Australia had also been a part. Somehow that firearm found its way out of Victoria police's hands to Tasmania where it was purchased illegally by the Port Arthur shooter, who did not hold a firearms licence. This brings me back to the question that Nick Goiran asked last month and the answer is one of the most compelling reasons that this bill must be referred to the legislation committee. Nick asked —

Several members interjected.

**Hon LOUISE KINGSTON:** It is relevant.

**Hon Stephen Dawson:** You should refer to him as the honourable.

**Hon LOUISE KINGSTON:** Sorry. I have done it again. I keep getting in trouble for that. I am very sorry.

Hon Nick Goiran asked the minister representing the Minister for Police —

I refer to the Western Australian Firearms Act reform and the voluntary buyback scheme.

- (1) What will happen to the firearms that are surrendered?
- (2) Will the dealers be able to purchase them?
- (3) If yes to (2), with which dealers is an arrangement in place?
- (4) If no arrangement is in place, have any discussions been had with dealers regarding the purchase, re-use, disposal or destruction of such firearms?

Hon Stephen Dawson replied —

I thank the honourable member for some notice of the question. The Western Australia Police Force advises the following.

- (1) In most circumstances, the firearms surrendered will be destroyed.
- (2) No.
- (3) Not applicable.
- (4) No.

That leads me to what I was just talking about. I am sure those law-abiding firearm owners handed back their firearms during the buyback. It was not really a buyback, let us be honest, because the government never actually owned those firearms; that is what a buyback would be. It was a voluntary surrendering of firearms based on a fear that they may not be able to keep them once this bill was passed. I am sure that the firearm owners would like to be assured that their firearms cannot or will not make their way back onto the illegal black market, which is where we know all the gun crime problems come from in Western Australia and, more broadly, Australia. That is another reason that this bill needs to go to the legislation committee.

We know that, over time, changes have been made, and I know that every law-abiding firearm owner supports safety. That is the nature of who they are. The bill does not do that. I refer to the paper that I have compiled. This is what I have been working on since the bill was introduced into the lower house in conjunction with the representatives of the 90 000 firearms owners. We are only a little way through this bill, and I have already proposed 20 amendments. That should tell members that there is an issue with this bill, and it needs to be referred to the committee. Even the government itself —

A member interjected.

**Hon LOUISE KINGSTON:** No, it does not. It tells me that the 90 000 licensed firearm owners have a problem with this bill, and they need to be heard because it is not going to be in their best interests, the government's best interests or the police's best interests to try to manage this law going forward. On 13 March, the Leader of the Opposition in the other place, Hon Shane Love, MLA —

A member interjected.

**Hon LOUISE KINGSTON:** Sorry; I think I got that one wrong. Thank you for correcting me. Shane Love, MLA, in the other house, moved to amend the motion so that it would go to the legislation committee. The vote was lost: 44 to six. We have another opportunity to do that now, and it is imperative that we actually do this. This is one of the most important pieces of legislation that will ever come before this house. Therefore, the legislation committee is where it needs to go to be properly assessed, as Hon Colin de Grussa just mentioned, to ensure that all those people are heard and make sure that we do the best job that we can possibly do for the people who we represent.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

I am the Deputy Chair of the Standing Committee on Legislation. We met for the first time this term of government to debate the Sports and Entertainment Trust Bill 2023, as members would already be aware, and that report was tabled on 12 March. It is the only bill that has been referred to the committee in this term of government. As mentioned by Hon Martin Aldridge, and I think also Hon Colin de Grussa, it could be argued that all bills should be referred to this committee, particularly a bill of this much importance. It is a large, complicated and, as I have found out from the consultation I have conducted, unworkable bill. Hence, I have already proposed, as I said, 20 amendments; indeed, the government itself is already submitting amendments. That in itself should be reason to refer the bill to the Standing Committee on Legislation. During the consultation period, 6 681 submissions were received, which shows that there is considerable interest in this legislation. Moreover, more than 32 000 people have signed a petition to refer the bill to the legislation committee. Why are those 32 000 people not being listened to when it took only 29 000 people signing a petition for the Aboriginal Cultural Heritage Act to be repealed? My colleague in the other house Shane Love wrote the following statement —

... 32,000 West Australians who signed the strongest petition to the State's Parliament, sends a clear message to Labor.

We won't take your firearm reforms lying down.

The Cook Government underestimates our firearms community again and again. They failed to consult, they failed to listen, and now they will be tested.

The shambolic Aboriginal Cultural Heritage Act 2021 was overturned thanks to 29,000 people who took the time to voice their concern about the ill-considered changes.

Now 32,000 people have taken a stand to say we think these firearm reforms deserve a second look. They are impractical, unreasonable and frankly do nothing to 'take guns off the streets' as the Minister for Police claims to be driven by.

I think we pointed out yesterday that one of the government's proposed changes is for that exact reason—that it would have resulted in more firearms in the community. Further on, the statement continues —

The Nationals WA were the first political party to throw their support behind the community in this ideological battle with a Police Minister determined to run down law abiding firearm license holders.

We're not going anywhere.

The Firearms Bill 2024 will be introduced to the Legislative Council this week, and the Labor Government will either listen to the 32,000 reasonable concerns, or ignore us yet again.

If this Bill proceeds with no amendment, with no consideration by the appropriate committee, and with no real opportunity for the firearms community to consider the practical elements within, The Nationals WA will oppose it.

And we have. The statement continues —

We support sensible reforms led by those who understand the subject. We believe in thorough consultation to make sure any reforms are practical and realistic. And we know license holders deserve better than this Labor Government. Your voice is one of 32,000 saying 'enough is enough' and together we can be heard. The Nationals WA stand shoulder to shoulder with you, and we will keep up the fight.

In support of my standing against the Firearms Bill 2024, I have received, as other members would have, thousands of emails. One of the really sad parts about this issue, and one that needs to be taken into consideration, is that many of those who wrote emails were too frightened to put in a submission for fear of persecution. That is on the back of what happened when a map was printed on the front page of *The West Australian*. That cannot be forgiven, and it cannot be forgotten. That is another reason why this bill needs to be referred. As Hon Colin de Grussa said, what else is in that bill that we do not know about? It is a massively big bill —

**Hon Colin de Grussa** interjected.

**Hon LOUISE KINGSTON:** Absolutely. That is what we are calling for. We want to ensure that those 32 000 people are able to use the legislation. There are so many references to regulations, which, by virtue, is very dangerous. We know that regulations can be changed with the stroke of a pen. If we are talking about safety, the people who need to understand and comply with this legislation need much clearer definitions in some of the very ambiguous clauses in the bill.

**Hon Kyle McGinn:** Which ones?

**Hon LOUISE KINGSTON:** I only have 33 minutes left. I would be here for the rest of the day going through them. Several members interjected.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

*Point of Order*

**Hon BEN DAWKINS:** I have not had the time to read the exact standing order, but there is a standing order in relation to honourable members interrupting Hon Louise Kingston because she is a woman. They are not showing respect to female members of Parliament.

Several members interjected.

**The ACTING PRESIDENT (Hon Dr Sally Talbot):** Okay—a couple of things. Can I remind members on both sides of the chamber that whatever the consistency of the point of order, it needs to be heard in silence. I will be the one to rule on it—nobody else in this chamber. I heard the point of order raised by Hon Ben Dawkins. There is no point of order.

*Debate Resumed*

**Hon LOUISE KINGSTON:** Thank you, Acting President. Thank you for that support, Hon Ben Dawkins, but I did 30 years in speedway, which is a male-dominated sport, so I need no protection whatsoever!

If we do not refer the bill to the legislation committee, we run the risk of creating a situation in which law-abiding firearms owners will accidentally break the law. The bill has much tougher penalties. That is one of the most important points to make. Yesterday, we heard Hon Dr Brian Walker talk about what ended up happening to somebody who did the right thing by reporting their hemp crop. We need to ensure that these new laws are easy to navigate. Nearly every time I stand in this place, I refer to the need to make things simpler for people. People out there in regional areas are really struggling. Farmers are struggling due to the drought. They do not need things to be any harder. This bill needs go to the legislation committee to ensure that it is the best legislation we can provide to licensed firearms owners.

The continual correspondence I have received has highlighted people's inability to be heard. Many of them—this is another reason why the bill needs to go to the legislation committee; other members have probably received the same emails—have said that their submissions —

**Hon Kyle McGinn** interjected.

**Hon LOUISE KINGSTON:** Let me finish. They have said that their submissions were not received by the Western Australia Police Force even though they submitted them. There may be tens of thousands more submissions, but we do not know that. Those people must be heard.

The legislation committee must be given the chance to broaden the terms of reference, which are very narrow. The government should open the bill to proper consultation and ensure that it is fit for purpose, because it clearly is not. Another part of the bill that is woefully inaccurate—Hon Kyle McGinn asked me to reference some of them—is the categories. If members look at page 6 of the National Firearms Agreement, they will see that it categorises all firearms and states that that must be reflected in any legislation going forward passed by any of the states—Western Australia is a signatory to that agreement—but they are not categorised in the bill. The question needs to be asked: why are they not categorised? They are categorised in the act. If that is to be left to the regulations, can they be changed, and can people's actions be unwittingly unlawful due to that change? These are questions we do not know the answers to, and the briefings did not answer any of the questions we asked.

I turn to what needs to be scrutinised, starting with the policy objectives. Will the claims by the minister be achieved? We cannot tell from this legislation because it is just too ambiguous in so many areas. What is the actual aim? Lawful licensed firearm owners have already met a genuine reason test, so why do they need to be penalised further when we know, as I think Hon Dr Brian Walker mentioned earlier, that the highest number of crimes in Western Australia now are committed using sharp objects—a knife or a screwdriver, not firearms.

**Hon Pierre Yang:** Do you know why that is the case?

**Hon LOUISE KINGSTON:** As my colleague —

**Hon Pierre Yang:** Because John Howard and Tim Fischer put those laws in place.

**Hon LOUISE KINGSTON:** They did. That is a —

Several members interjected.

**The ACTING PRESIDENT (Hon Dr Sally Talbot):** Members!

Several members interjected.

**The ACTING PRESIDENT:** Members! I would just remind people that when I call you to order, you come to order immediately, not finish what you have to yell across the chamber. We will have no raised voices in this place; that is why we have standing orders and that is why I am sitting here. Nobody should be raising their voice.

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

One person has the call, one person is being recorded by Hansard, and one person is the person I want to hear, and that is Hon Louise Kingston.

**Hon LOUISE KINGSTON:** In actual fact, that interjection totally goes against what the government is trying to say. Yes, the member is correct, and that is the exact point I was going to make.

**Hon Pierre Yang:** Tim Fischer would be horrified!

**Hon LOUISE KINGSTON:** If the member would just stay silent and listen, he would hear what I am trying to say. The changes led —

**Hon Pierre Yang:** I hear very clearly!

**The ACTING PRESIDENT:** Hon Pierre Yang, you are straying very close to the boundaries of my patience. I am giving the call to Hon Louise Kingston.

**Hon LOUISE KINGSTON:** Thank you, Acting President. I will try again. I was trying to say that we have the strictest firearms laws in Western Australia due to exactly that. I will point this out again, and I will keep pointing it out until I am blue in the face. When a crime is committed, it is committed through illegality. It is not committed by a licensed firearms owner —

**Hon Sandra Carr:** Incorrect!

**Hon LOUISE KINGSTON:** They are actually very, very responsible, and we see that in the decline in firearms crimes over time. I just pointed out where the highest amount of crime actually happens. My colleague Hon Martin Aldridge asked during his contribution to the referral debate what evidence was used to ascertain the target number of firearms in the community. What number is deemed safe? Nobody has been able to answer that. I have already mentioned the statistics for offences causing injury or death by sharp objects. We have seen an explosion of violent crimes of this nature recently. We also know that it is not law-abiding firearms owners who are involved in these crimes, because they involve sharp objects. As has been repeated to me so many times in so much of the correspondence I have received, the \$64.3 million could have paid for a hell of a lot of resources for law enforcement. How many police officers would that have funded? The problem is not with the law-abiding, licensed firearm owners. The government has chosen an easy route because it has lost control of crime. Will it reduce firearms crime in the community? No, it will not. Will targeting law-abiding people improve public safety? No, it will not. Was the consultation conducted in good faith? I have asked that question previously. How many of those submissions could have been received had people not felt like they were going to be persecuted and had not received a message saying that their email had not been received through the mechanism provided? As I said, many chose to contact my office to raise those issues.

Yesterday I attended the launch of the Salvation Army's Red Shield Appeal. I listened to speakers recount stories about how many of their clients end up seeking assistance from them. It often only takes a small thing to push people into a situation of despair. As legislators, we have to continually ask ourselves: do we actually need to make things so complicated? I keep raising this issue. The average person ends up in despair because of these situations.

I remember working at the ANZ bank; if members could please indulge me while I tell them this story.

**Hon Darren West:** No. Where's the referral motion?

**Hon LOUISE KINGSTON:** It is relevant.

Several members interjected.

**Hon LOUISE KINGSTON:** It is absolutely relevant. It goes to the fact that when we introduced computers, everybody said how much easier it was going to be, but we ended up with more staff after we introduced computers. This is my worry with this legislation, and why it needs to go to the Standing Committee on Legislation. We already have an overstressed police force. I have asked 13 questions in this place, of which 11 could not be answered on the same day due to police resources. Why are we even considering making this piece of legislation so much more complicated that people will not be able to understand it or comply with it? That is why we need to send it to the legislation committee. It could be fine; we do not even know that, but that is the problem. When there are already 20 amendments proposed by the representatives of the 90 000 law-abiding, licensed firearms owners that I have been working with, we know we have a problem. There were fewer signatures on the petition against the Aboriginal Cultural Heritage Bill, and that whole bill was pulled. That is not what we are asking for here; we are just asking that it go to the legislation committee. Honestly, it will just make the government look better, as well. That is why we cannot understand why the government will not agree to refer it.

I will now refer to an article written by Matthew Ogilvie, PhD.

Several members interjected.

**Hon LOUISE KINGSTON:** Absolutely; everything I say is related to it. His article states —



Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

... the Firearms Bill's Section 368 threatens any person with a fine if they do not "answer any question asked by a police officer under this Act."

Legal opinion suggests this applies to all people, not only firearms owners, and would therefore, strip them of their right to silence.

That in itself should worry members intensely, and it is why this bill needs to go to the legislation committee. It continues —

Section 150 allows the WA police commissioner to have regard to "the person's views, opinions and attitudes."

Free speech and freedom of thought are at the bedrock of our democratic society, so it is outrageous that the Bill could challenge them.

It would be understandable if the Bill specified being a member of a dangerous terrorist organisation, or having similar harmful beliefs.

But the Bill does not specify those. Instead, it leaves the clause "view, opinions, and attitudes" vague, and open to a wide interpretation.

Section 150 also specifies that a "person's conduct and behaviour" can be taken into consideration.

Again, the Bill is vague on the exact parameters around "conduct and behaviour."

It could mean belonging to a terrorist organisation. But it could also allow the denial of a licence to a person if they have protested outside a Chinese consulate when the state is negotiating a trade deal?

The bill will allow the police to form moral judgements about a person's way of living or domestic circumstances and whether the person is of good repute. Again, these criteria are vague and there are no guidelines on their meaning. It will also allow adverse judgements about people's lifestyles and preferred living arrangements. In fact, some Indigenous people have asked about this clause and if it will affect them because they live a mobile lifestyle and hunt to feed their families. So far, the government has not provided a satisfactory answer.

In proposed sections 148, 150, 153 and 399, the bill also opens up people to medical or disability discrimination. The bill's medical standards have no objective criteria. Doctors have already complained that they are being asked to make medical judgements about legal matters. Hon Colin de Grussa raised that matter very well when he spoke before. We do not know what this means. A lot of these clauses are very ambiguous and worrying, not only to licensed firearms holders, but in terms of the bill's implementation and where it will be used next. Every person in this state should be intensely concerned about the wording in those clauses. If they are not, that is a serious problem. The only way that we can assess what is meant by that and how we can get it right for every Western Australian is to send it to the Standing Committee on Legislation.

I will go to public safety now. I will just find my next page. Please excuse me while I get myself organised. Where is the evidence that this will in fact create a better public safety situation, based on what I have already said? We know that the criminal element undertakes crime, not law-abiding licensed firearm owners. The committee could further scrutinise the claims by the minister on how this bill would improve public safety. Another point, as also mentioned by Hon Colin de Grussa, is the unwitting effect that cannot be demonstrated. As I have said, many of the clauses are ambiguous and confusing. The government does not even know how many crimes are committed with illegally possessed firearms. I will read the question that I put in on 15 November 2023. It states —

**1752. Hon Louise Kingston to the minister representing the Minister for Police:**

I refer to the Government's proposed plan to further restrict law-abiding firearm licence holders, and I ask:

- (a) if the key objective is public safety, in the most recent data available how many firearms related offences were committed using licensed firearms;
- (b) how many firearms related offences were committed using unlicensed firearms;
- (c) is there any visible trend over recent years; and
- (d) if yes to (c), what is the trend?

**Hon Stephen Dawson replied:**

(a)–(d) As was recommended by the Review of the Firearms Act 1973 (WA) Law Reform Commission report of October 2016, the *Firearms Act 1973 (WA)* has been rewritten from the ground up with a statement as to the purpose of the Firearms Legislation that confirms:

- (a) The primary principle is the need to ensure public safety ... —

I have highlighted how that cannot be proven. It continues —

Hon Neil Thomson; Hon Ben Dawkins; Hon Matthew Swinbourn; Hon Lorna Harper; Hon Dr Brian Walker;  
Hon Colin De Grussa; Hon Louise Kingston

---

- (b) The possession and use of firearms is a privilege that is always conditional on the need to ensure public safety; and
- (c) Public safety can be improved by requiring strict controls on the possession, use, dealing and manufacturing of firearms and requiring the safe and secure storage and carriage of firearms.

In 2023, the Western Australia Police Force advise that there were 517 incidents involving firearms this represents a 14% increase on recorded incidents involving a firearm in 2022.

However, they were not able to provide details and whether the firearms were licensed or not. It does not actually matter, because the activity was legal. That is where the focus should be—not on persecuting licensed firearm owners who have already proven their genuine need. The Western Australia Police Force advised that the licence status of the firearms involved in the recorded incidents is unable to be provided because of recording limitations and that the firearms involved are not always recovered by police for every incident. Even if the gun is not always retrieved, the government should have some idea of crime committed without a firearms licence or correct registration, as is the basis of its bill.

In other words, this will not change the situation of criminal activity, as I have highlighted over and over again. Every sitting, we have asked how many firearms have been handed in through the buyback scheme. To date, zero unlicensed firearms have been taken off the street. The scheme has only received guns from law-abiding people. How is this improving public safety? If the Minister for Police was really concerned about public safety, he would welcome the referral of this bill to the legislation committee.

The government wants to reduce firearms in the community. Where is the evidence to demonstrate that this will actually reduce illegal firearms? It actually will not. We know that. Will the cap contradict the objective of reducing firearms or see people doubling up on firearms? Does this contradict the intentions of the National Firearms Agreement and the Law Reform Commission of Western Australia? We asked that during the briefing. We were told that 90 per cent of the Law Reform Commission report had been considered. That means that 10 per cent of it was not even considered. What was that 10 per cent? Why do we not send this to the legislation committee to actually have a look at what it was and why that 10 per cent was not considered?

Where is the evidence that demonstrates that this will reduce illegal firearms? Will the cap contradict the objective of reducing firearms or see people doubling up on firearms? We do not know the answer to that because we cannot break that information down. It is not available. The legislation committee can scrutinise the objectives of the bill against the Law Reform Commission's report. Recommendation 54 of the Law Reform Commission's report is that there should be no upper limit on the number of individual firearms for a licence holder. That goes back to the fact that, under the existing legislation, someone has to prove why they need to have that firearm. It should be no different to how it is now. The government will cause immeasurable problems, as has been raised by other members, in terms of vermin control and the euthanasia of animals in a timely fashion. I live on a farm. I understand how this is needed.

To contradict the Law Reform Commission's report, there has been stronger evidence made available. To date, we have not been able to extract it from the minister. Recommendation 54 of the Law Reform Commission states —

There should be no upper limit on the number of firearms a single Firearm Licence holder may possess.

Why was that recommendation not actually followed? I do not understand it. The 90 000 law-abiding licence holders do not understand it. Nobody can tell us the answer. It must go to the legislation committee to be considered.

Debate interrupted, pursuant to standing orders.

[Continued on page 2389.]