

ACTS AMENDMENT (WEAPONS) BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Transport)**, read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [10.08 pm]: I move —

That the bill be now read a second time.

The government has been concerned for some time about the actions of certain people in our community who think that they can go armed in public to threaten others, cause harm and create fear. The actions of these people inhibit the ability of law-abiding citizens to attend and feel safe in areas of public entertainment and at licensed premises. The reforms contained in the Acts Amendment (Weapons) Bill will provide a valuable tool for Western Australia Police to ensure that places where the public gather are safe and for the courts to apply appropriate penalties to punish those people in accordance with public expectations. In particular, this legislation provides for significantly increased penalties. For example, people caught being armed in or near a place of public entertainment will be liable to imprisonment for five years. The legislation also sends a clear message to those gangs and groups that go armed in company with others in a public place to cause fear and intimidation, and they also will be liable to imprisonment for five years. In all these cases in which the Criminal Code is to be amended, the onus will be on the accused to prove that he had a lawful excuse. In the past, it has been too easy for people to explain away their reasons for being armed. This will no longer be the case.

Another issue that will be addressed is those people who arm themselves to further their illicit activities in the drug trade. Certain people in our community are taking advantage of attending places of public entertainment, including Northbridge, to sell and supply illicit drugs. To assist with this activity, they are arming themselves with weapons for protection and to intimidate and threaten others. We want to remove both these elements. The message is clear: if a person is caught carrying a prescribed amount of cash—\$3 000—and a dangerous or offensive weapon without a lawful excuse, that person will be liable to imprisonment for five years. Equally, if the person is carrying both weapons and illegal drugs, the same penalty will apply.

The Acts Amendment (Weapons) Bill 2009 will strengthen the existing offences in the Weapons Act 1999 by increasing the relevant penalties. In addition, the bill creates new offences placing restrictions on the sale and supply of controlled weapons to persons under 18 years of age. Controlled weapons include a machete, bow, crossbow, dagger, double-ended knife, fixed baton, hand or foot claws, metal whip, sickle or scythe, spear, spear gun, sword, throwing blade or knife, throwing star, weighted chain or cord weapon. I am sure that all members will agree that these are all articles that are required for only very limited legitimate purposes. People are currently required to have a lawful excuse to possess and carry such articles, and the legislation will now go further by restricting these articles to persons over the age of 18 years.

It will be an offence for any person to sell or supply controlled weapons to people under 18 years unless they believe on reasonable grounds that they will be used by the person for lawful acts in the course of a sporting or recreational activity or other prescribed circumstances. The Weapons Act and regulations currently make provision for exceptions in section 10 of the act in respect of the offence provisions in sections 6, 7 and 8. This will be extended to include the new section 8A, so that if circumstances are identified in which it might be appropriate to allow for the sale or supply to persons under 18, this can be addressed by an amendment to the regulations without the need to amend the substantive law. It is important for this flexibility to exist, and this is in accordance with existing legislative provisions.

In closing, I want to reiterate that the measures contained in the bill will strengthen the capacity of WA Police to address the problems associated with people taking weapons to places of public entertainment without a lawful purpose. This will create a safer and more secure community and enable business owners and promoters to provide a more pleasant environment for their patrons.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.