

FIREARMS BILL 2024

Consideration in Detail

Resumed from 14 March.

Clause 29: Firearm to which Individual Licence applies —

Debate was adjourned after the clause had been partly considered.

Mr R.S. LOVE: This is where we terminated the discussion last week. Clause 29(3) states —

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

During consideration in detail, we heard at some length from the minister that a gun could be used at a competition club and also be used for hunting, but that seems to fly in the face of this clause, which makes it quite clear that that is not the case. A person cannot have the same firearm authorised for both those purposes. Again, either the minister has not been well advised or he does not understand that this clause exists within the bill that prevents dual use of a firearm. My question is: if the same firearm cannot be authorised for both competition shooting and hunting, what about a primary producer licence; that is, if a gun is registered to a primary producer, basically to be used for hunting and other purposes such as the humane destruction of livestock and injured stock et cetera, could that gun be used in a competition and by the farmer on his property or on other properties? Bear in mind that a farmer may not be using it only on his own property. Red Card for Rabbits and Foxes is a program that runs community fox shoots in many areas. Farmers will go to each other's properties and have a good run at getting rid of as many feral foxes from the landscape as possible. We know that is a tremendous boost for the wildlife in the area because foxes are a large threat to wildlife; they are also a threat to lambs and farming income. There is a stand-off between what is being said by the minister and the law, and I think that the law in this case will prevail.

I again ask the minister on that point: can he categorically guarantee that a person who has a gun to be used for hunting will also be able to use that gun at a competition club for competition shooting? I am not talking here about going to a range and sighting in. I am talking about being permitted to go to a clay pigeon club and participate in a competition with the same shotgun used to hunt on a farmer's property and destroy rabbits or foxes or whatever purpose the farmer requires.

Mr P. PAPALIA: What I said last time remains the case. Under this legislation, when a person has an authorisation under the new system from a property owner of an appropriate property, they can take a firearm that has been licensed for the purposes of hunting to a licensed range and do target shooting. But it is not about going to do competition shooting. We were talking about recreation and how people could do target shooting for recreation on a licensed range. That is the case. What we have said remains the case; it is currently the case. Someone cannot take a firearm licensed for the purpose of competition shooting to do hunting. That remains the case.

Mr R.S. LOVE: If the purpose of the legislation, as the minister has stated often enough, is to reduce the number of “unnecessary”, I think was the term he used, firearms in the community, why does a clause stipulate that if I want to engage in competition shooting of clay pigeons and I want to shoot rabbits on a farm, I have to buy two guns, even though one might suffice for both purposes?

Mr P. PAPALIA: Essentially, it relates to how many people will have in excess of the limits of firearms that we are applying. I know the member is posing a theoretical question, but the reality is that the vast majority of competition shooters will not be impacted by the firearms limits. Only 0.24 per cent of competition shooters—people whose firearms are licensed for the purpose of competition—will be impacted by the limit of 10. We have said repeatedly that it is our intention to enable people who aspire to compete in more categories than 10, or say they have an aspiration to compete in 10 categories and they want two firearms per category, if they want more firearms in excess of the 10, they can apply, provide evidence to the Commissioner of Police that that is the purpose, and they can apply for more. A tiny proportion of the number of licensed firearm owners who have their firearm for competition will be impacted by the licensing limit.

Mr R.S. LOVE: We are going through a rational rewrite of the legislation and the establishment of a genuine need; that is, people will have to justify their need of a firearm. I imagine that many people with a firearm involved in competition at a fairly social type of club will probably need to establish themselves more formally under this legislation. I am talking about the club. They will then perhaps be eligible to retain the firearm for that competition purpose when they may otherwise lose it because of the change to the property letter identification system. It may well be that a number of people migrate to the competition licence. People who are potentially already competing at a clay target club will not be able to have a gun to hunt with and use in competition. I go back to that example because it is the most easily transferred firearm from a hunting use or general use, in a recreational sense, and the competition process. I do not understand why this is a stipulation in the legislation. It seems to run contrary to the

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stated purpose of the legislation, which is to reduce the number of firearms in the community. It mandates that someone needs to establish a genuine need to hunt and a genuine need to compete to do both lawfully under this rather strict regime. If it were me, I would have to go and buy another firearm to undertake both activities. I do not understand why this provision is in the legislation. I think the minister should seriously consider striking it out. I put on the record that the Nationals WA will not be supporting this clause. We will be opposing it because it is contradictory to what the minister is talking about. It is one of the things that has been raised most often by farmers in the community who compete in clubs that are perhaps less formal than they will have to be under the legislation. The minister may be surprised at how many clubs apply for a licence and how many organisations need to become clubs to satisfy the need to pass the activity requirements in the legislation. They may have to consider that if they want to continue to enjoy a recreational use of a firearm, which is now, apparently, forbidden by other areas of the legislation. It has not included recreational use.

I will ask the minister one more time if he will consider striking out that clause, which seems to be contrary to the purpose of the act and which is very inconvenient for people who want to use the same firearm for two activities, both of which are legitimate.

Mr P. PAPALIA: I thank the member for the observation. I am advised that farmers will be able to take their shotgun on an occasional basis to the range to shoot clay targets because it is what we were talking about—target shooting as opposed to formal competition. That aside, another element of retaining this part of the law is to respect the current policy, which is that someone cannot take firearms that are licensed for competition to go hunting. Beyond that, we have said unashamedly that there is an intent to constrain the numbers. The member is posing a scenario that may suggest a contradiction in that intent through compelling people—albeit I suggest a very small number of people—to buy two firearms for the purposes of competition and whatever other practice they are using the other for. We do not want to relinquish the objective of reducing the number of firearms, because if we enabled outright use of competition firearms for hunting—with the exception of some that would never be enabled, like pistols—we could essentially create a loophole through which people might acquire a greater number of firearms than they might otherwise. They would acquire a larger number and the intent is to try to reduce the number.

That said, given the points the member has made, and also making the observation that throughout the almost two years of consultation—since the Western Australian Firearms Community Alliance was formed, it is less than that; it is about a year—and almost weekly meetings with the Western Australia Police Force, this matter has not been raised. That is partly why it is not necessarily addressed. We have just retained the same policy intent. That said, I will ask the police to consider it. I will not change it now. There is time because it will pass from this place. It will go to the Standing Committee on Uniform Legislation and Statutes Review for a long time, and during that time there will be plenty of opportunity to consider how the member's concerns might be addressed. I will give the member that assurance, noting that he has stated that he intends to oppose this clause anyway. There are competing objectives, one being to reduce the number and another, in this case, being to afford people the opportunity to recreationally shoot at a range. I will get the police to consider that.

Mr R.S. LOVE: Also, I refer to when someone wants to use a primary producer licence gun at the local gun club for clay pigeon shooting, because that happens. I can tell the minister that I was at events in Mogumber and Toodyay on the weekend. They were completely unrelated events; one was to do with a rodeo group that has bought a pub and made it into a community hub and the other was to do with the Black Dog Ride through the Avon Valley. At both events, the topic of conversation that was raised with me by numerous people was exactly around those issues that I have just raised—primary producers who are competition shooters and people who are not primary producers but are hunters and also want to use the same firearm for another purpose. It is very common. I am surprised it has not been raised with the minister before because it has been raised with me constantly.

Mr P. PAPALIA: I will address the primary producers. I failed to address the primary producers, because the member asked that earlier. Right now, they can do that and under the legislation, they will be able to do it. To clarify, if someone has a firearm licence for the purpose of being a primary producer and they want to take their shotgun to a range to shoot clay targets, they can.

Mr R.S. Love: Yes, but not as a club.

Mr P. PAPALIA: No, because the purpose of the licence is for one or the other, right? They do not need to be. That would be an unnecessary process or obligation. If a primary producer has a shotgun, for instance, licensed under their primary producer licence, they can take that to a licensed club and use it to shoot clay targets.

Mr R.S. Love: In a competition?

Mr P. PAPALIA: Someone might be competing with their friends at the club, but the licence of the firearm is for primary producers. The genuine reason is as a primary producer's firearm, but they are allowed to take it to the club. That is not a constraint. I can understand people out there are fearful that that is the case. It is not the case. The vast majority of those people are not going to be impacted. It is different for the hunters. In terms of competition,

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it is different. If they have a firearm licence for hunting, they can go to a range and target shoot, but they cannot take their competition firearm and go hunting. That is the case. What I have said to the member is based on what he has raised and noting that it has not been raised as a point throughout some really extensive consultations. This matter has been raised in a couple of letters from individuals. I heard from Declan, my adviser, that there have been individuals who have raised it. People may have raised it with the Leader of the Opposition, too. Given that, I will ask the police to consider it while the bill is making its way to the other place.

Mr R.S. LOVE: People in my electorate go to many ranges and places to use firearms. There is some sort of competition in most of those places. They do not go there to shoot at targets on their own. If someone says that they are going to the range, it is probably as part of an organised competition. Those competitions can be at a local level, a district level with people from around the district and they can become a statewide event. Those are the people who compete in those activities. It is much more common to participate in firearms competitions than I think the minister or the WA police seem to think. This will be an imposition on those clubs and those firearm owners and will unnecessarily lead to them purchasing a second competition gun or a hunting or a primary producer gun.

Mr P. PAPALIA: Can I address that further? I am informed that a firearm that is licensed for the purpose of competition cannot currently be used for primary production purposes or for hunting. That is current practice. This bill will enable it to go the other way; that is, a primary production firearm can be used for the purposes the member referred to, and a hunting firearm can be taken to a range for the same purpose. There is an objective in restricting competition. First, we do not want people hunting with pistols and types of firearms that are not appropriate for hunting. That is the policy currently and that is the intent behind the current policy. The objective here is to establish and maintain the current policy. The other intent is to reduce or restrict the number of firearms. That said, I heard what the member said. I will ask police to address it and look at it because there is time. I reiterate that it was not raised as an issue—I am timely informed—in the weekly direct consultations with the West Australian Firearms Community Alliance. That is fine. Other people have written in, and the member has raised it here.

Ms M. BEARD: I reiterate that I had two people raise the same issue with me on the weekend, as was raised by the Leader of the Opposition, from the perspective that they will need to get a second firearm to compete. From a competition point of view, the clubs told them that they need to compete up to six times a year—or a certain number of times a year—to compete and use the club. That is the issue, but that point is probably for another session in consideration in detail. The other question was about two guns, two licences, and the onus on the club to check the licence differentiation and what the outcomes for the clubs might be.

Mr P. PAPALIA: First, I acknowledge that the member had the matter raised by a couple of her constituents. That is fine. I am trying to recall the second point she made —

Ms M. Beard: The clubs say that if there are two different licences and their requirement to have someone shoot in a competition a certain number of times a year to be able to use the club —

Mr P. PAPALIA: That is a different part of the bill, but there will be minimum activity obligations. That will make our legislation robust and ensure that people use their firearms for the purpose for which they are licensed. One way to do that in terms of competition or club shooters is to ensure there is a minimum amount. When someone goes to a club, other people see them. There are obligations around responsibilities for formal membership of a club and potential for other people to have oversight and confirmation, effectively, that the licensee is using the firearm for that purpose. We will address that when we come to it.

Everyone is thinking in terms of the current licensing system. I think that is part of the issue. It is difficult to contemplate that there will be a licence with multiple purposes in the future. It will be no more onerous because a licence has multiple purposes. It will be digital. It will not be costlier. It will not have a major impact in terms of demands on people, but it will be a new licensing system and will be more flexible and responsive and immediate. For everyone's purposes, it will also be more accurate. Therefore, people will be able to access it and seek information from it more readily.

Division

Clause put and a division taken, the Acting Speaker (Mr P. Lilburne) casting his vote with the ayes, with the following result —

Mr Shane Love; Mr Paul Papalia; Ms Merome Beard; Ms Libby Mettam; Mr Peter Rundle; Ms Mia Davies; Mr David Templeman

Ayes (42)

Mr S.N. Aubrey	Ms K.E. Giddens	Mrs M.R. Marshall	Ms R. Saffioti
Mr G. Baker	Ms E.L. Hamilton	Ms S.F. McGurk	Ms R.S. Stephens
Ms L.L. Baker	Ms M.J. Hammat	Mr D.R. Michael	Dr K. Stratton
Ms H.M. Beazley	Mr M. Hughes	Mr K.J.J. Michel	Mr C.J. Tallentire
Dr A.D. Buti	Mr W.J. Johnston	Mr S.A. Millman	Mr D.A. Templeman
Mr J.N. Carey	Mr H.T. Jones	Ms L.A. Munday	Ms C.M. Tonkin
Ms C.M. Collins	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr R.R. Whitby
Mr R.H. Cook	Ms E.J. Kelsbie	Mr P. Papalia	Ms S.E. Winton
Ms L. Dalton	Ms A.E. Kent	Mr S.J. Price	Ms C.M. Rowe (<i>Teller</i>)
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	
Mr M.J. Folkard	Mr P. Lilburne	Ms M.M. Quirk	

Noes (6)

Ms M. Beard	Dr D.J. Honey	Mr P.J. Rundle
Ms M.J. Davies	Ms L. Mettam	Mr R.S. Love (<i>Teller</i>)

Clause thus passed.

Clause 30: Limit on number of firearms under Individual Licence —

Ms L. METTAM: Can the minister explain how the numbers for the maximum number of firearms that an individual licence can apply to under clause 30(1) and (2) were arrived at?

Mr P. PAPALIA: There were a couple of significant inputs. Firstly, public consultation indicated that most Western Australians support a limit on firearms and that that limit should be five or fewer. The vast majority of Western Australians believe that. Secondly, the vast majority of licensed firearm owners have fewer than five firearms; 95 per cent of licensed firearm owners have fewer than five firearms. The intention was to limit the numbers, and that is how the number for limiting those that are licensed for the purpose of hunting was arrived at. As I have indicated, the reality for competition shooters is that there is a limit of 10, but they can ask to exceed that in the event that they can provide evidence to the Commissioner of Police that they want to participate in greater numbers of competition categories. But the reality for competition shooters also is that only 2.6 per cent of competition firearms owners have more than 10. The intention was to have as little impact on the greatest number of current licence holders as possible, with balance being the other intent of reducing firearms overall.

Ms L. METTAM: The minister answered one of my questions—about the number of firearms owners who hold more than that number of firearms. What consultation was undertaken in arriving at the maximum number of firearms that an individual licence can apply to?

Mr P. PAPALIA: There has been consultation going back, effectively, two years. That began with a range of community consultations, town hall-type meetings and meetings with individual clubs and peak bodies, in every region of the state and across the metropolitan area. There have been meetings with the Primary Producers Firearms Advisory Board since that began, but there were also meetings with individual peak bodies that represented different categories of firearms licence holders, traders, collectors and other associations and peak bodies. Then, when the Western Australian Firearms Community Alliance was formed, meetings continued between that group and the people working on the draft legislation. That continued, on an almost weekly basis, right up until the bill was introduced in this house.

Ms L. METTAM: What was the feedback from Western Australia Police Force, specifically in relation to firearm numbers?

Mr P. PAPALIA: The observation from Western Australia Police Force is that it has become apparent that a small number of people are stockpiling larger numbers of firearms. That is something that was not evident at the time of the Law Reform Commission report of 2016; it was stated categorically in that report that the commission had not had evidence of that. I do not know whether the commission sought evidence, but there is certainly evidence of that now, because of the numbers I have indicated to the member. Very small numbers of people possess much greater numbers of firearms than everyone else, which indicates that there is stockpiling. The police would like to have that addressed and that is the intention behind this clause.

Ms L. METTAM: The minister mentioned the Law Reform Commission; these numbers were not recommended by the Law Reform Commission, so where were these firearm caps initiated? Where was the notion of limits on firearm numbers initiated?

Mr P. PAPALIA: In 2009 the process for licensing firearms changed. Before that, people had to go into a police station, make their application to a police officer and then pursue their application process through the police station. In 2009 that process was centralised and, as a consequence—perhaps an unintended consequence—there

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was an escalation in the number of firearms being licensed in this state. From that point on until about last year, we saw a 60-plus per cent increase in the number of firearms, but essentially no change in the number of licensed firearm holders. As I have indicated to the member, we know from the Western Australia Police Force that a relatively small number of licensed firearm holders are accumulating those firearms. The police are concerned with stockpiling. The Law Reform Commission's report stated that there was no evidence of stockpiling available to it at that time, so it did not recommend limits, but it is clear to police now that there is definitely evidence of stockpiling and the objective is to limit that stockpiling.

Ms M. BEARD: I want to confirm a couple of things. I understand that the National Firearms Agreement does not have limits, which means that we will no longer be in lockstep with the NFA in that regard.

Mr P. PAPALIA: We addressed this, in a way, at an earlier clause. The National Firearms Agreement was reinvigorated and re-signed in 2017. The first clause categorically states that possession and use of a firearm in Australia is a privilege and that privilege is conditional on public safety being given primacy. The second clause states —

This Agreement sets out minimum requirements in relation to the regulation of firearms. Nothing in this Agreement prevents jurisdictions from adopting additional—including more restrictive—regulations.

No, we do not in any way conflict with the National Firearms Agreement.

Ms M. BEARD: I am just trying to get my head around what stockpiling means. Dealers are holding stock, and, clearly, we could call it stockpiling.

Mr P. Papalia: No, we are not counting them.

Ms M. BEARD: We are not counting them, so what percentage is—I am just trying to understand how we have arrived at that.

Mr P. PAPALIA: Thanks, member. We are essentially talking about licensed holders, not dealers, collectors or people of that nature. Eight per cent of those licensed holders to whom the member has referred are in possession of a number of firearms beyond the limit that we are proposing. It is a relatively small number of people who have acquired considerably more firearms than the vast majority of people.

Ms M. BEARD: Is there anything to determine what category that licence might fall under? Do those holders live on million-acre pastoral properties where they have to eradicate large numbers of pests, or are they competitors who need more firearms?

Mr P. PAPALIA: No. The member would know that we are creating a primary producer licence and a business licence, both of which address the sorts of people to whom the member referred who may have a significant number of firearms. For example, I have been informed that someone in the hills in the metropolitan area has 89 firearms.

Ms M. Beard: Are they a collector?

Mr P. PAPALIA: No, they are not a collector. That person has 89 firearms. I could give the member other examples in the north metropolitan area and south metropolitan area because the number of people who have accumulated a significant number of firearms is small. For a hunting licence, a significant number is five, and for a competition licence, it is above 10. We recognise that competition shooters may aspire to participate in more categories, so there will be an avenue for them to be authorised to get more than 10, but we arrived at those numbers based on the percentage—I have here some notes for me for Parliament, but I will get them cleaned up. They contain a table that shows in two categories the current number of recreational hunting shooters and the numbers of firearms that they have. At the moment, we can see that the vast majority of people have fewer than five firearms, which is around 91 per cent of that category.

Mr R.S. Love: What category?

Mr P. PAPALIA: It is the recreational hunting type of licence.

Mr R.S. Love interjected.

Mr P. PAPALIA: No, it is that type of licence. Our system is not as good as it is going to be, but this is the data upon which we have based these limits. For what we propose to call competition shooters, as I said earlier, only 2.6 per cent have more than the proposed limit of 10. I will get these notes cleaned up and put into a document that I can table, but I will not table them at the moment because they are my notes for Parliament and I have scribbled all over them.

Ms M. BEARD: A small number of people have a large number of guns. I am hearing that roughly 92 per cent of people fall within those acceptable limits, so we are dealing here with eight per cent of people.

The member for Vasse mentioned the consultation process. Were those invite-only consultations or were they open forums, and how many were held across the regions?

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Mr P. PAPALIA: I am informed that way back at the start of the process, 14 consultation sessions were held across the state and there was an open invitation to clubs, traders, associations and the like. Beyond that, constant meetings have been held with the representatives of the Primary Producers Firearms Advisory Board and, initially, individual peak bodies and then the Western Australian Firearms Community Alliance once that was formed. WAFCA includes the Sporting Shooters Association of Australia WA, the West Australian Pistol Association, the Western Australian Clay Target Association and the WA Firearms Traders Association. I am pretty certain that others are involved but the member can look up what organisations WAFCA includes. It represents a range of other people. Beyond that, I should also remind everybody of the consultation paper last year, which was open to everybody. That was not done by invitation and anyone could contribute to that. All those bodies are represented by the firearms community alliance and, since it was formed, they have been meeting with police on a weekly basis or thereabouts.

Ms M. BEARD: This is my last question. I spoke with people on the weekend who were angry because they felt that they had found out about this legislation late in the piece and did not feel that they had been consulted. Was this consultation going on prior to COVID? Many people feel aggrieved because they believe a closeknit group of people was consulted and a person had to be in the inner sanctum to participate. The everyday users whom I have spoken to say they were not even aware that consultation was happening, so I do not know how that happened.

Mr P. PAPALIA: Member, I am sorry that people feel that way. Consultation did not occur prior to COVID; it occurred post-COVID. The meetings were open. The advisers have informed me that they were held in public places like council buildings, town halls and rec centres. That aside, the other meetings have been with representative peak bodies who legitimately represent those associations made up of large numbers of people. We cannot meet with every single person in the state. Having said that, everyone in the state had the opportunity to make a submission on the consultation paper. I am sorry that people felt that way.

Sitting suspended from 6.00 to 7.00 pm

Mr R.S. LOVE: We are talking about the limit on the number of firearms under an individual licence. Before we broke for dinner, the minister indicated some figures for the numbers of people who have stockpiled larger numbers of firearms than others. In fact, the vast majority of people have a smaller number of firearms than the limit to be imposed. What number of firearms does the minister believe would be excessive to the needs of owners? Now the minister has those figures, has it been calculated how many firearms will not be in people's ownership after this legislation passes?

Mr P. PAPALIA: Is the Leader of the Opposition asking about the overall reduction in the number of firearms that will result from the implementation of this clause? It will be around 15 000.

Mr R.S. LOVE: How many firearms are legally held in Western Australia?

Mr P. PAPALIA: There are about 360 000 firearms, but that number changes and is diminishing as people avail themselves of the buyback scheme. The point to consider is that this bill across all its clauses collectively elevates public safety. It will have an impact on not only the number of firearms held in the community but also public safety through other measures. This is very important for the member for Vasse and the Liberal Party members when considering how they will vote on this clause. The intent of this clause is that it is anticipated to reduce the number of firearms in the community by 15 000. If the member for Vasse opposes that, which she can do, it will be on the understanding that that will be one outcome of this clause.

Mr R.S. LOVE: Has the Western Australia Police Force provided the minister with an estimate of the number of illegal firearms in the state—that is, firearms that are not registered but are believed to exist? I am sure police have some rough figures on that.

Mr P. PAPALIA: By definition, they are illegal and therefore not known to the police. Were they known to the police, the police would have confiscated them and charged the individual for breaking the law for being in possession of an unlicensed firearm. No; we cannot answer that.

Mr R.S. LOVE: Do police not keep records of guns that have been stolen throughout the community or for which the firearm licence has lapsed and the gun should be returned to police? Perhaps a relative grabbed a gun from a deceased estate, and who knows where it is now. Do police keep records of the number of guns that are taken out of legal hands and, by definition, become illegal guns?

Mr P. PAPALIA: Sorry; I misunderstood the member. That is where you arrive at the number. At any one moment in time, a firearm comes off the total when it is surrendered to police for the range of reasons the Leader of the Opposition suggested. Ultimately, police act if they know of a firearm that is no longer licensed, an individual who had a licence is deceased or a licence has lapsed. If someone does not renew their licence, the police will seize that firearm and it is removed from circulation. They destroy it.

Mr R.S. Love: If they know where the firearm is.

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Mr P. PAPALIA: Yes—if they know where it is. That is already included in the numbers. Because there is no current firearm limit and we are imposing limits for the reasons indicated, it is anticipated that this will remove 15 000 firearms from the Western Australian community.

Mr R.S. LOVE: Can the Western Australia Police Force give the minister no idea of the numbers of firearms that are believed to have once been legal but cannot be accounted for at this point and no longer have a legal licence in place?

Mr P. PAPALIA: I can tell the member the total number of firearms stolen each year for the last 10 years. I will read it into the record. In 2013, 417 firearms were stolen; 447 in 2014; 562 in 2015; 514 in 2016; 601 in 2017; 396 in 2018; 464 in 2019; 227 in 2020; 251 in 2021; 224 in 2022; and 184 in 2023. The police know how many firearms have been stolen each year, but that is not necessarily a concise assessment of how many unlicensed firearms are in the community, because they can be moved around from interstate or they could have gone interstate and may not be here. By definition, if something is unlicensed and someone is acting outside the law in possessing a firearm, police are not aware of it. If they were, they would act on it.

Mr R.S. LOVE: The number of weapons stolen every year seems to be in the range of around 400 or so, give or take 100 here and there. Have the police given the minister an indication of the number of firearms they expect to be stolen under the new regime? Would it be less than or the same as current numbers? In the estimation of the Western Australia Police Force, what total net effect does it expect this legislation to have on the number of guns that will become illegal through theft?

Mr P. PAPALIA: Ultimately, the objective of the rewrite of the act is to comply with recommendation 3 of the Law Reform Commission of Western Australia's report. I have read recommendation 3 in Parliament on a previous occasion, but I might refer to it again to remind what ultimately drove the rewrite of the act. Recommendation 3, which reflects the National Firearms Agreement, states —

The *Firearms Act 1973* (WA) should contain a statement as to the purpose of the Firearms Legislation that confirms:

- a. the primary principle is the need to ensure public safety;
- b. the possession and use of firearms is a privilege that is always conditional on that 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.

All those things, including how many are possessed and, by implication, authorised to be held by any individual, have implications for safety regarding storage. The Law Reform Commission confirmed that it is a greater risk if there are more firearms in one area. Ultimately, the whole bill is focused on the principle that I just read out. The measure is not really about how many are expected to be stolen; it is to improve and elevate public safety as the priority and to apply every measure we can to ensure that. That is what we are doing.

Mr R.S. LOVE: Nevertheless, numbers have been used to determine the limits of five and 10 firearms, depending on the categories et cetera. It does not appear from the explanations that I have heard so far about arriving on those numbers that there was any particular reason that they were seen to be any more reasonable than say four, eight, 11 or 15. There does not seem to be an estimate from the police about the effect of this and other measures in the legislation on the number of illegal firearms entering the community. Surely that is the more dangerous end of the firearm population—guns that are held by people with potentially bad intent. That is surely the issue that should be of utmost concern for public safety, yet there does not seem to be any thought about the effect of this legislation on the number of illegal firearms in the community.

Mr P. PAPALIA: I am not really clear on what the member is getting at. Everything in this bill is aimed at reducing the number of illegal firearms in the community. It is focused on reducing risk and elevating public safety as a priority. The fewer firearms in the community, the fewer that will find their way into the hands of people who want to possess them and act in an unlawful fashion. The Law Reform Commission report acknowledged that the risk of having many firearms in a single location when it comes to the potential of theft was something that had to be considered. It did not ultimately address a limit at the time, bearing in mind it was almost 10 years ago, because it felt that there was no evidence to indicate the stockpiling of firearms. It acknowledged that the stockpiling of firearms is not a good thing. It is a vulnerability and increases the likelihood of firearms finding their way into the hands of criminals.

As I indicated, there is now evidence from the police of stockpiling. We now know that a small number of people have accumulated larger numbers of firearms in the ensuing time frame. We are addressing the concerns around stockpiling through limiting the number of firearms. We are also addressing concerns around vulnerability to criminals getting their hands on firearms through a lot of other measures. I might refer to one of them, which is

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the action we already took almost two years ago to significantly increase the penalties for theft and the illegal use of firearms. I think we almost tripled the penalty for the theft of a firearm from what it was for many years. We significantly enhanced that penalty. We made it illegal to 3D print firearms and increased the penalties for the illegal manufacture of firearms. Those were already done. We implemented 15 of the recommendations of the Law Reform Commission report two years ago.

Almost every part of this bill is aimed at improving the processes around the possession and use of firearms to make the public safety of the community the number one consideration. The natural consequence of doing that is a reduction in opportunities for illegal use and possession of firearms.

Mr R.S. LOVE: The minister has arrived at a mathematical figure of five or 10—whatever the figure—but there does not seem to have been any statistical modelling or analysis of the situation. We have a pretty large population of 90 000 licence holders. There are years of crime statistics on theft et cetera and the government has extensive knowledge of the types, numbers and storage situations of all these guns. None of that has led to any guesstimate, a stab or even a go at using the statistics to provide some range of probabilities around how much effect this will have on the number of illegal guns entering the community. Is that right, or not?

Mr P. PAPALIA: We know that just this single part of the bill will reduce the number of firearms in the community by 15 000. That is what we know. Lots of other parts of the bill are aimed at further reducing the number of firearms in the community. Ultimately, the fewer firearms in the community the better because there is less likelihood of them finding their way into the hands of criminals.

That aside, I get that the member is not for limiting the number of guns in Western Australian suburbs and in the community.

Mr R.S. Love: That is not true. If you allow me to continue through the discussion, you can make a conclusion at the end of the clause.

Mr P. PAPALIA: The member is making conclusions. I am making the observation that this clause is about setting a limit on the number of guns in the community. That is what it is about: setting a limit.

I know that is controversial for some people because they do not want to have a limit on how many guns are in the community. As I have said to the member, most Western Australians do. We surveyed and sought advice from people. We sought advice from representative bodies of licensed firearm owners. As I indicated to the member many times, representatives of farmers worked with the police to arrive at a number. When they initially began discussions, they suggested a much lower number than what we have allocated. That aside, we have arrived at a number. When the other parties to consultation—the representative bodies—first began the discussions, they were at a point in which they would have suggested much lower numbers than what has been proposed, but that aside, they ultimately determined that they did not want to agree to any number. By definition, that means that they advocate for unlimited guns. They do not want a limit.

Mr R.S. Love: That is flawed logic.

Mr P. PAPALIA: If that is the case and the National Party does not believe that there should be unlimited guns, name a limit. If the member does not like these limits —

Mr R.S. Love: You have just picked the number.

Mr P. PAPALIA: I told the member how we arrived at these numbers. Firstly, we came from a point in which we intended to reduce the numbers. That was conceded. We also wanted to impose on current licensed firearm owners as little as possible, so we chose a line that would not impact the vast majority of people. The vast majority of licensed firearm owners will not be impacted by these limits. Most of them do not have that many guns. That is where we chose the line. If the member thinks that line is not appropriate for some reason, I am fine for him to put that into the public domain and have a discussion about it.

Mr R.S. LOVE: I am doing just that. Thank you, minister.

Recommendation 54 of the Law Reform Commission report states —

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

That is what it came back with, with the then support of the Western Australia Police Force. The minister has said that there has been stockpiling by a few members of the community and that the total number of firearms that will be affected by this arbitrary measure is around 15 000, which is give or take about five per cent of the total number of guns held in the community at the moment given the figure of 300 000 advanced by the minister. It is a very small number of them. As I understand it, the rationale outlined in the Law Reform Commission of Western Australia's report was that the requirement to demonstrate a genuine need for a firearm would limit the number of firearms that a person would probably be able to hold. The minister gave an example of someone who has 87 firearms.

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I suggest that it would be very difficult for anyone to demonstrate a genuine need for each one of those 87 firearms. If we look at the bill in its totality, we can see that it will actually achieve the aim of limiting the number of unnecessary guns because people will not be able to demonstrate a genuine need to have those guns. Given that that mechanism will play out through the rest of the changes being made by this bill, I put to the minister that there is no need to put an arbitrary limit on the number of firearms. The minister himself said that it is possible that the commissioner or his delegate may increase the number of firearms that a person can hold if they can provide a genuine need. To me, this comes back to ensuring that there is a proper test for genuine need, rather than just picking some figures that sound great and which the government can put out and say to the community, “Look what we’re doing!” That will affect only about five per cent of legally owned firearms in Western Australia anyway. I contend that many of those firearms will be drawn in by the rest of the provisions around the need to hold a competition or hunting licence or to demonstrate a need for a firearm. Even under the law, a person might still be able to have more than five or 10 firearms if they can demonstrate a genuine need. That is what will happen. I am at a loss as to why the government has done this, except to make some sort of political line in the sand to show that it is achieving a great outcome by reducing the number of firearms that people can hold. Surely, the key is that people must be able to demonstrate a genuine need and that we have a proper process to examine that.

According to the minister’s analysis, the number of firearms has grown greatly in the period since the Law Reform Commission report was released. I had to apply for a firearm licence. It was a fairly rigorous process. I contend that those areas could be tightened, which this bill will do. We support most of the measures in the bill, but there are just a few tweaks that the government has put in the bill that do not make sense to me or the community. I do not know why the government bothered to pick a number of five or 10 when it could have relied upon the genuine need argument. During the transition period, it could have gone through and assessed all firearms held in the community, which is what will happen under this law anyway. I suggest that we will vote against this clause because it contains an arbitrary figure that has no scientific basis. The government has offered no modelling or analysis of why the figure should be five or 10. On that basis, it is silly and will be voted against.

Mr P. PAPALIA: I have to respond to that. The basis of the imposition of limits is that it will reduce the number of firearms in the Western Australian community and elevate public safety as a consequence. If the Leader of the Opposition feels that we have somehow chosen an incorrect number, he can offer up a number.

Mr R.S. Love: I don’t think you need a number.

Mr P. PAPALIA: The Leader of the Opposition should seek advice from the people who are texting him. They will not give him a number because they do not want a limit on the number of guns in Western Australia. In the end, it is a very simple question, and this is the clause in which the question is posed: do we think there should be a limit on how many guns should be in the community? We think there should be. This part of the bill alone will reduce the number of firearms in WA by 15 000 or thereabouts, which is a significant number. It will also mean that fewer people will be able to stockpile a very large number of firearms, which makes them an attractive target for theft. That will be an outcome of solely this part of the bill. There are other elements to the response to make public safety a higher priority and give it primacy, including measures around storage and reform of the completely corrupted property letter system, which the Leader of the Opposition is apparently in favour of. I read on his Facebook page that he opposes that part of the bill, too. In the end, there will be a range of measures, including training, health checks, obligations around minimum practices and the like, all of which will result in a reduction in the number of firearms to some extent. That is the way to elevate public safety. That is one of the intents of the bill. I get that the opposition is going to oppose it. I get that within an hour of us reading the bill into the Parliament, the Leader of the Opposition declared that it would be the most unworkable legislation in the country. I do not agree. If the Leader of the Opposition feels that there is a better limit than five for hunting, 10 for primary producers and 10 for competition, with the opportunity to get more if they are in other categories, he should let us know. The farmers support this bill and the part that refers to their limit under the primary producer licence. We have told the opposition that this bill will not impact the vast majority of current licensed firearm owners, so it is representing a very small number of people who do not want a limit at all. I do not really understand why.

Ms M. BEARD: I want to revisit the number of firearms that the minister noted are stolen each year. I read some figures in an extract of *Hansard* from 2022 on the number of guns stolen from residential properties over a four-year period. That number was significantly lower than the number the minister noted earlier. Can the minister explain that? Did the number he provided refer to commercial theft? Did it include any mass of guns that might have been stolen from commercial outlets? From what I was able to find, the figure was significantly lower than 400 or 500 guns; sometimes, it was closer to 100. My second question is: does the minister have the number of stolen guns that the Western Australia Police Force has recovered?

Mr P. PAPALIA: I will start talking and my advisers will hopefully find the recovered numbers. The member asked whether the figure included thefts from dealers as opposed to thefts from private households. It was a global theft figure. Some were from dealers and others were from households. The point we make is that regardless of where

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a firearm is stolen from, when it arrives in the hands of a criminal it is a bad thing. The intent of this measure is to try to reduce the overall stockpiling of guns by those licence holders for whom we will apply a limit. There will be other measures as well. This will not be the only measure to improve public safety; this will be one of them. There will be other measures associated with storage, along with all the other things we have talked about, such as requiring evidence of a genuine reason and the like. In the end, the basic consideration is that this part of the bill will result in 15 000 fewer firearms in the community. We think that is a good thing.

Ms M. BEARD: I am not sure whether the minister has this information, but there is obviously a discrepancy between the minister's figure and what is in *Hansard* in response to a question asked in 2022. It is significantly different. I just want to understand how many guns were recovered by WAPOL. Was consideration given to grandfathering any of the firearm limits when the new limits kick in so that people who have registered firearms and are doing the right thing do not need to hand them in? My other question is: how many of the guns that have been handed in were unlicensed or unregistered versus how many were registered?

Mr P. PAPALIA: There is an amnesty all the time. If someone for whatever reason finds themselves in possession of an unlicensed firearm, there is an amnesty and they can return it to the police with no consequences. If I can read in the numbers recovered for the same time frame, in 2013, 98 were recovered; in 2014, it was 126; in 2015, it was 122; in 2016, it was 136; in 2017, it was 131; in 2018, it was 117; in 2019, it was 193; in 2020, it was 56; in 2021, it was 59; in 2022, it was 57; and in 2023, 57 were recovered. However, it does not necessarily mean that they were the ones that were stolen that year. They are the numbers recovered by police. Quite often, police will find a cache of weapons that might have been brought into Western Australia or stolen from Western Australia at some time in the past. That may be unrelated to the number that were stolen that year. It is not just a natural subtraction of the ones that were recovered—it is not a case of assuming there are that many fewer out there of the ones that were stolen. The ones that were stolen this year may all still be out there, and they may be circulating. Some are recovered every year and some are also stolen every year.

Ms M. BEARD: As an example, *Hansard* reflected 132 that were stolen from residents in 2020.

Mr P. Papalia: I cannot remember those figures.

Ms M. BEARD: Yes; I am just asking about a big discrepancy. I think the minister quoted something like 400 and something for that year.

Mr P. Papalia: Stolen?

Ms M. BEARD: Yes.

Mr P. PAPALIA: What year is the member talking about? Is it 2022?

Ms M. Beard: Yes.

Mr P. PAPALIA: In 2022, there were 224 stolen. If there was an answer, I do not know. I do not recall the nature of the question. This is the information compiled in the course of work on this legislation. I have read in the numbers stolen and the numbers recovered. The bottom line is that the expectation is that this legislation will remove 15 000 firearms from the community; therefore, 15 000 fewer will be available to be stolen.

Mr R.S. LOVE: Of those firearms stolen, what is the normal breakdown between those stolen from residential situations and those stolen from commercial premises? There have been some large, publicised thefts over the years from commercial premises. What is the breakdown and what is the level of risk from both of those types of storage situations?

Mr P. PAPALIA: Thanks. I cannot tell the member exactly. I can tell him the years. The large thefts would be the years that are particularly elevated, but not every year. Advice from my advisers is that in 2017, when 601 were stolen, potentially about half of them were a large theft, from memory. In 2018, there were 396; there was a large theft that year. In 2019, there was a large theft. In recent years, I do not recall any—certainly not since I have been the responsible minister. Acting Inspector Walker does not recall any post 2019. I have said this a lot of times. We are spending a lot of money on building a new system for management and monitoring of firearms licensing. It will result in us having far greater capacity to interrogate data and provide the sorts of answers the member is asking for. The current system, which some people claim is excellent and does not need any improvement—people out there are saying that, member!—is not capable of doing what the member is asking.

Mr R.S. LOVE: If we cast our eye forward in the bill to the next clause, I am not going to discuss —

The ACTING SPEAKER (Ms A.E. Kent): Can we deal with this clause —

Mr R.S. LOVE: No—could I please?

The ACTING SPEAKER: Excuse me?

Mr Shane Love; Mr Paul Papalia; Ms Merome Beard; Ms Libby Mettam; Mr Peter Rundle; Ms Mia Davies; Mr David Templeman

Mr R.S. LOVE: Sorry, chair. If I could just explain. There is a limit of 10 firearms for a competition licence and clause 30(3) reads —

The regulations may prescribe circumstances in which the maximum number of firearms that a Competition Licence can apply to at any one time is greater than 10 (with a commensurate increase in the overall limit for an Individual Licence).

I am referring to the next clause, clause 31, because it has been raised with me directly by a constituent who has children, or “young people”, who are involved in competition, but, as the minister knows, under law are not able to hold a licence. This person’s children who shoot competitively use a gun owned by the parent. Is the ownership of a gun to be used by a young person in competition to be considered under subclause (3) under the regulations that we do not know because we have not seen them—namely, that constituent could have their competitive firearms but also have competitive firearms that their children use? I am told it is not that unusual in family situations.

Mr P. PAPALIA: I think what the member is getting at is the question of whether we considered increasing the limit of 10 for someone who has their own firearms and wants to have some of them dedicated for a child to be able to use. If we are going to get to the part about age and the like, that can be done under the next clause. With this one, ultimately, it was assumed that a firearm being used in that fashion would come under the adult licensed firearms owner and it would impact their limit. No, we did not look at increasing the number; however, there is also an assumption that the types of people the member is talking about could potentially access firearms from a firearms club for the use of a child for the purpose of developing their skills and participating in this sport. If their acquiring a firearm would exceed their parent’s number or another potential situation is if a parent did not want to get a firearms licence—that is, a child might want to take up that sport, and the adults in the family do not want to have a licence—there is an opportunity for them to use club firearms.

Mr R.S. LOVE: I wonder whether the minister’s advisers could advise on a circumstance described to me. If that young person was using a club licensed firearm but was competing at a different venue in a competition, would they be able to take that club licensed firearm away from the club and use it? I do not think so. We are back to the situation in which the parent really needs to be the licensee if they are not at one club all the time, and I do not think that is the situation for a lot of competitive shooters.

The ACTING SPEAKER: Is this under this clause?

Mr P. PAPALIA: It is, kind of, but that is all right. We can talk about it, noting that we are not really reflecting on the limit of the age of a child to access a firearm, but I think it is okay to try to accommodate discussion around this subject under this clause. I have been informed that were a child to travel from their club to another club, an appropriate authorised official from the club would be required to provide that firearm—for instance, the coach. Alternatively, the parent will have the licence for the firearm, and it will impact their limit. That is what currently happens; people licence the firearm and then take it with their child.

Mr R.S. LOVE: Specifically, under clause 30(3), will the regulations consider that circumstance and make allowance for those when “the maximum number of firearms that a Competition Licence can apply to at any one time is greater than 10”?

Mr P. PAPALIA: In the same way as the Commissioner of Police can consider an application from an individual who wishes to participate in more categories, the commissioner could vary it. There is nothing to prevent the commissioner from considering that circumstance.

Mr R.S. LOVE: Specifically, the government is presumably in the middle of drafting the regulations at the moment. Is it possible for those regulations to consider that circumstance?

Mr P. PAPALIA: It is not necessary to have it in regulations, because the legislation enables the Commissioner of Police to consider it at the moment anyway. People will have the opportunity to apply for additional firearms beyond the 10 in the event that there is a justification for it. I have been informed that if we do not prescribe it, the commissioner can consider it. It is not really required. It will not prevent him from considering it. It means that, ultimately, it could be put to the commissioner and he could make a determination.

Ms L. METTAM: As the minister is aware, the Liberal opposition is not opposing this bill, but we have a number of concerns about it. We support the principle of reducing the number of firearms in the community, but we also understand that there are lawful firearm owners who have a legitimate need for the use of their firearms. We would like to see more flexibility in the limits that relate to this clause. Our shadow Minister for Police will move an amendment in the Legislative Council in relation to that. I trust that that will be flagged with the minister ahead of the presentation in the upper house. As has been raised already through this consideration in detail process, there are concerns about how the limits have been determined and how they will work for the range of different licence holders.

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Mr P. PAPALIA: I would be interested if the Leader of the Liberal Party can give us, by way of interjection, some indication of what her specific concern is because, in the end, we determined the limits. I have explained how we determined the limits. The Primary Producers Firearms Advisory Board worked with the police to arrive at that limit. Having said that, when discussions began, the number was much lower. In the end, we brought it up to 10 in consultation with that representative body.

With respect to the other types of shooters, at the outset of the process, the West Australian Rifle Association suggested somewhere between five and six as a limit. When I first met with it in my office, I said that we were considering a limit and asked what it would put it at. The Western Australian Clay Target Association said two or three. It was a range of numbers, but it was lower than the rifle association. The West Australian Pistol Association never arrived at a number other than saying the maximum number of categories was 42 and, therefore, everyone should have the ability to have two in every category, so they arrived at 84 as the proposed number. Does the member know how many people in Western Australia have 84 pistols in the pistol competitions? None. I think the maximum number of pistols that we were able to identify as being held by one competitive shooter—who is a really serious competitor who has travelled internationally representing the nation and is fantastic—was 19.

Regardless of what people have said to the member about the limit being unfair or somehow onerous, as I have said many times, this will not even impact the vast majority of people. It is not competitive shooters or farmers who will be impacted by the limits. It is what is currently termed recreational hunting shooters, and not many of them. The vast majority will not be impacted because they have five or fewer firearms. In the end, I do not know what the problem is. Give us a hint. What is the problem?

Ms L. METTAM: I am simply flagging with the minister that our shadow for police, who has been engaging with a range of stakeholder groups about this, has some concerns and has heard a range of concerns about the flexibility of the limits—not, as I understand it, the limits themselves but how they will work. We will move an amendment in the other place. I have just been in contact with our shadow in relation to the amendment. I am just flagging that along with the concerns that have been expressed about the workable nature of those limits for lawful firearm users.

Mr P. PAPALIA: Thanks, member; I appreciate that. I look forward to hearing the Liberal Party's concerns around the application of the limits as opposed to the actual limits. I have taken from what the member has said that the Liberal Party is supportive of the limits.

Ms L. METTAM: We have some concerns about the limits. We will move an amendment in the upper house in relation to the limits, but the principle is something we support.

Mr P. PAPALIA: That is a bit disappointing. I would have thought if the member is supportive of them, then she would be supportive of them. I understand and I can see there is a fundamental shift. Nobody else has imposed a limit. We have recognised that there is a problem with stockpiling, and this is one measure, amongst others, that can address that. This will, effectively, remove in the order of 15 000 firearms from the Western Australian community. Once we made the decision that imposing a limit was reasonable, the consequence was that we chose a limit. We tried to seek advice from interested parties on what limit they might arrive at. Primary producers—those people who represent farmers in Western Australia—worked with police and chose a limit. There were initial indications from the rifle and clay target associations that they would accept a limit and that most of their competitors did not go anywhere near the limits that we are talking about. The West Australian Pistol Association wanted the maximum to reflect what someone could conceivably compete in. Competitive shooters can essentially do that if they can demonstrate to the Commissioner of Police that they will compete in that number of categories. If they can make a case and convince the commissioner, they will be able to do so. They will not really be impacted. The sole significant impact is on those currently termed “recreational hunters”, who will have a limit of five firearms. This was arrived at through trying to have the least impact as possible on the vast majority of people.

I am sorry that the member for Vasse cannot give indication that she supports it here. I would appreciate it if she could. I imagine there will be questions asked. I am disappointed that the National Party view is that there should be no limit.

Mr R.S. Love: No, there needs to be a genuine need demonstrated. Obviously, something is going wrong with —

The ACTING SPEAKER (Ms A.E. Kent): It is the minister's time to speak.

Mr P. PAPALIA: The genuine reason for possession of a firearm for a licence is in the law. The current law is not effective, because having a genuine reason under the current law has enabled people to acquire significantly large numbers of firearms and allowed escalation of the number of firearms in the community by 60 per cent over the last 14 years. The current law is ineffective, and we are addressing that. Ultimately, I know the member will oppose the clause, because he had already committed to doing so before he had even read the bill. It is disappointing because the Nationals are saying that they do not want any limit on the number of guns in our community.

Division

Mr Shane Love; Mr Paul Papalia; Ms Merome Beard; Ms Libby Mettam; Mr Peter Rundle; Ms Mia Davies; Mr David Templeman

Clause put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the ayes, with the following result —

Ayes (40)

Mr S.N. Aubrey	Ms E.L. Hamilton	Mrs M.R. Marshall	Mr D.T. Punch
Mr G. Baker	Ms M.J. Hammat	Ms S.F. McGurk	Ms M.M. Quirk
Ms L.L. Baker	Mr T.J. Healy	Ms L. Mettam	Ms R.S. Stephens
Dr A.D. Buti	Mr M. Hughes	Mr D.R. Michael	Dr K. Stratton
Mr J.N. Carey	Mr W.J. Johnston	Mr K.J.J. Michel	Mr C.J. Tallentire
Ms C.M. Collins	Mr H.T. Jones	Mr S.A. Millman	Mr D.A. Templeman
Ms L. Dalton	Mr D.J. Kelly	Ms L.A. Munday	Ms C.M. Tonkin
Ms D.G. D'Anna	Ms E.J. Kelsbie	Mrs L.M. O'Malley	Mr R.R. Whitby
Mr M.J. Folkard	Ms A.E. Kent	Mr P. Papalia	Ms S.E. Winton
Ms K.E. Giddens	Mr P. Lilburne	Mr S.J. Price	Ms C.M. Rowe (<i>Teller</i>)

Noes (4)

Ms M. Beard	Mr R.S. Love	Mr P.J. Rundle	Ms M.J. Davies (<i>Teller</i>)
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Clause thus passed.

Clause 31: Firearm use by supervised young person under Individual Licence —

Ms L. METTAM: Can the minister outline how a period of not fewer than five years was chosen for this clause, as opposed to three, four or even six years, for example?

Mr P. PAPALIA: I am informed that, essentially, we will extend the period during which someone can apply for a licence to five years. It will align with that. Beyond five years, they will have participated in competitions for themselves over that period and accrued the necessary experience and skills to be able to mentor a child.

Mr P.J. RUNDLE: Will an age restriction be imposed on young people using firearms under an authorised licensee?

Mr P. PAPALIA: I am wondering whether we have already passed that point. Yes, there is an age: 12 years, and that comes under the definition of “young person” at clause 5 —

young person means a person who is under 18 years of age but not under 12 years of age.

So, essentially, they have to be 12.

Clause put and passed.

Clause 32: Minimum activity requirements for Individual Licence —

Ms L. METTAM: Can the minister table the draft regulations for this provision?

Mr P. PAPALIA: I do not have the regulations but I will provide the intention so that people can hopefully derive some comfort from what we are suggesting. The intention is to contemporise existing obligations around minimum participation for competition shooters. It may be that for some types of firearms there will be less rigorous requirements but, as an indication, pistol competition shooters have a minimum obligation, and there is an intention to extend that type of obligation to rifles and clay target shooters. Minimum activity requirements are not new requirements as introduced by this bill; rather, they are a contemporised concept. The 1973 act and regulations already had minimum activity requirements for handgun owners for competition, which continues to be registered to clubs and ranges. The change contemplated is to introduce tailored requirements for all categories under a competition licence, not just handguns. The Leader of the Opposition’s concerns around genuine reasons are also addressed. This will impose more onerous demands on people to demonstrate a genuine reason. Rather than just being part of a club, there will be a requirement for minimum participation in the club’s activities or in shooting practice, to demonstrate that that is really their genuine reason for having a firearm, as opposed to just having it sitting in a cupboard at home for whatever reason.

Ms L. METTAM: Does the minister anticipate the types of minimum activity requirements that will be prescribed in the regulations? Further to that, how will these activities be monitored and will any resourcing be required to oversee adherence to these regulations? There are three parts to that question.

Mr P. PAPALIA: Sorry, I only got two.

Ms L. Mettam: The first part was: does the minister anticipate the types of minimum activity requirements?

Mr P. PAPALIA: Yes, I got that bit.

Ms L. Mettam: How will the activity be monitored, and will any resourcing be required to oversee adherence to these regulations?

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Mr P. PAPALIA: With regard to the last two, they are essentially one thing. The intention is for police to examine submitted records to ensure that minimum shooting requirements are being complied with, and we are building an IT system that is easy to access and utilise for that reporting so that it will not be like the current process. If we were to try to do this currently, we would probably have to examine books or digital records on laptops that someone has in their physical possession at a club. Under the new system, it can be directly reported to police that someone is practising, who is practising, what types of practice they are conducting and the location, but it will not be onerous; it will be an IT system that enables people to do things like scan their licence card or the like to automatically fill in the data required for their minimum participation obligation.

That will happen. With regard to the minimum amount of practice required, to give comfort to those with an interest who might be wondering, that will be arrived at through direct consultation with the peak bodies: the pistol associations, the rifle associations and the clay target shooters. I encourage them now to work with police on their own interest in their particular sports to ensure that the regulations reflect what they prefer. Ultimately, this is about a far greater demonstration of genuine need, but it is not the intention for it to be misaligned with the intentions of the peak bodies or associations that represent shooters. As I said, a lot of this is derived from what pistol associations already do.

Mr R.S. LOVE: The minimum activity requirements are for individual licences. It also presumably applies to hunting licences.

Mr P. PAPALIA: At this stage, no. It is focused on competition shooters. As I say, the peak bodies can work with police to determine or arrive at a reasonable number of practices that they do as representatives of their sport and what is reasonable.

Mr R.S. LOVE: The minimum activity requirements, as written, affect hunting licences. It does not differentiate between the different licences. The only differentiation that could occur would be in the regulations, not in the legislation. The legislation covers all individual licences. The legislation provides that, on the face of it, the regulations may impose requirements on the holder of an individual licence; it does not specify competition licences. If the minister is of the view that the minimum licence requirement should apply only to competition licences, will he accept that he will need to amend that piece of legislation to reflect the competition licence and not the hunting licence?

Mr P. PAPALIA: No, we will not. The intention at this time is not to impose it on hunting, paintball or anything other than competition licences. The legislation provides that it may apply and may impose requirements; that will provide flexibility to potentially do so if, at some time in the future, it is deemed appropriate because it will improve public safety. But that is not our intention. I can categorically state for *Hansard* that that is not our intention with the regulations at this stage. It will be competition shooters and there will be work done on consultation. I urge the peak bodies of each of those sports to engage with police to arrive at recommended minimum requirements.

Mr R.S. LOVE: I can assure the minister that this has certainly been considered by many people who have contacted me at my office and were of the view that the minimum requirement would also affect the hunting licences. The minister is ruling that out, but he is also ruling out making an amendment to his legislation to be clear that the prescription is for the competition licence, not the paintball or the hunting licences. Why would the minister not just make that clear and change the legislation so that an activity requirement is required for a competition licence?

Mr P. PAPALIA: The bottom line is that we do not want to limit any future government from having the capacity to impose a minimum requirement on those other categories of shooters, noting that the minimum requirement is focused on the demonstration of genuine reason. One could make the argument that imposing a minimum requirement on the hunting category of licence would be justified on the grounds of the person demonstrating their genuine reason. If a licence is granted based upon the genuine reason of hunting, it is assumed that that will be used for a property on which the person has been authorised to shoot to assist with the control of vermin. If that is the case, one could make the argument that it would be reasonable to impose a minimum requirement. It is not our intention to do that right now, but we are not going to limit any future government from doing that.

The member knows how the word “may” works in legislation. It enables a future government to impose a minimum restriction or practice requirement if it so desires, but that is not our intention at the moment. I have said categorically right now that it is not our intention to do that, but some future government might decide that it is reasonable to require hunting licence holders to demonstrate that they are genuinely hunting, which is the reason for their firearm licence, because that makes the community safer.

Mr R.S. LOVE: Any government will be able to bring forward to the house any amendment to its legislation that it sees fit. One of the concerns expressed is that if there were a minimum activity requirement for hunting licences, it would become an onerous burden on the property owner to demonstrate that has been met. The minister is assuring me that he has no intention of imposing a minimum requirement on a hunting licence, and if he agrees to make an amendment that rules that out and to make a minimum activity requirement for competition licence, I would not oppose this clause. If he intends to push ahead with a minimum activity requirement for the individual licence, which

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could, down the track, impose an onerous duty of reporting on the landowner every time someone comes along, on that basis I will be of a mind to oppose this clause. I am not opposed to the minister's proposition of having a minimum requirement for competition licences, but I would like to have some discussion around the situations in which a person did not have to satisfy that—for example, they had ill health, they were overseas, there were work changes. If we put in place arrangements around that, we would probably support a minimum requirement on a competition licence, but not on a hunting licence, because of the imposition that would put on the landowners concerned.

Mr P. PAPALIA: The member made an observation about people who might be overseas or ill. Clause 32(5) states —

The regulations may authorise the Commissioner to reduce or waive prescribed minimum activity requirements, either generally or in a particular case.

Clearly, those examples are accommodated. With regard to the feared onerous nature of reporting, I have to reflect back on the observation that that is not the current system. We are spending literally tens of millions of dollars on creating a new system. It will be digital and contemporary, and it will enable the reporting, monitoring and analysing of data that we cannot do with the current system. It means that it will not be difficult for someone to report an activity. For instance, it might be as simple as taking a selfie of a geolocation—that might be something; I do not know that it would be. In the club context, it might be the club scanning a person's licence card or, if a person has a digital licence, scanning their number that would potentially be automatically entered into a database—this licence holder with this number practised at this location, on this day, in this manner. That could conceivably be done for landholders as well. It may not be the landholder who reports. It might be that the obligation to report is on the actual shooter, which would not be a terrible burden in terms of reporting the fact that a person had gone to a location and conducted the practise. One can see how in the future it would not necessarily be an onerous activity, but, I stress, it is not what we are doing now. It is not our intent. It is quite a normal practice to enable future governments to have the flexibility of being able to adjust demands within a law through a head of power without having to go through the entire process of making an amendment to the act. That is not good practice to necessarily do that. It is a reasonable thing to have the clause state “the regulations may impose requirements”, and that is our intent. I do not know why the member is concerned with the word “imposed”. It would not be onerous. It will be a different system from the current one. I get that the member wants to oppose as much as he can; that is fine, but I urge the member to reconsider this clause.

Mr R.S. LOVE: In terms of what constitutes a minimum activity requirement at the moment, the minister indicated that there are already some restrictions around handguns and the numbers —

Mr P. Papalia: They are self-imposed, right.

Mr R.S. LOVE: For the benefit of the house, can the minister give a brief explanation of the requirement and whether he intends to extend the same requirement to all categories of competition firearms licences with different minimum-use requirements for different categories? A lot is being left to the regulations, and we do not know what will be in the regulations. It may be that what the minister intends to do will be considered by the firearms community to be onerous, but I do not know until the member puts on the record what he intends to do.

Mr P. PAPALIA: When we receive the authority to commence drafting the regulations in advance of the law coming into effect in December, which it will, work can begin on the detail of the regulations. I say to everyone in the pistol, rifle and clay target shooting communities that the intention is for their individual peak bodies to work with police to determine what they view to be a reasonable minimum requirement. We will not impose it; I do not have anything in my head in that regard. That is the intention. With pistols, we could possibly say it might be like it is now, but we are not going to impose something on the rifle and clay target shooters. The Western Australia Police Force will work with them, and I urge their associations to engage in consultation now and work to determine the minimum requirements. That is how it happens. In the absence of that, we are compelled to arrive at some conclusion, but the intention is not to do that.

In the current regulations, there is a minimum requirement for handguns. In a single discipline, the licensee must use one of those handguns in at least six shooting competitions organised by the club for the discipline on different days in each year, or if the approval permit or licence relates to at least one handgun in each of two or more disciplines, the licensee must use a handgun from each discipline in at least four shooting competitions organised by the club for the discipline on different days in each year. Unless it wants to change it—the West Australian Pistol Association people might advocate for a change—the intent is that that will be required for pistols. I would urge rifle and clay target shooting associations to get together with police and work on what they think it should be.

I am informed that clause 38 of the National Firearms Agreement states six competitions are required for handguns. That is probably how that number was arrived at; it reflects the National Firearms Agreement. In the end, we are not looking to impose anything on those sporting disciplines. The peak bodies should now engage individually because each is an individual sport. Only the pistol association cares about pistols, only the West Australian Rifle

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Association cares about rifles, and only the Western Australian Clay Target Association cares about clay targets, so they should all talk with the police individually.

Mr R.S. LOVE: Presumably, pistols were chosen to have a minimum-use requirement for a reason. The extension of the same requirement across a whole range of other categories could not possibly have the same level of reason as a handgun because a handgun is a more easily concealed firearm and might potentially pose a different level of concern than a long firearm.

What degree of flexibility can the organisations the minister spoke about expect to receive from the police, and would the minister undertake to talk directly with them to understand what they feel, rather than them going through the police? The message I get back from different groups is that they have different levels of engagement and relationships with police. In the end, the minister is responsible for defending the regulations if the minister caught a disallowance of the house. Surely, it is in the minister's interest to be directly involved in these discussions and ensure that the firearm community has been listened to throughout this process.

Mr P. PAPALIA: I am happy to meet with the pistol, rifle and clay target shooters associations to discuss this matter, but I will ultimately hand it to the Western Australia Police Force because I will not write the regulations. I will say that they have all been in my office on at least two occasions, if not more. They chose not to continue that engagement as individual peak bodies and instead collaboratively joined with the Western Australian Firearms Community Alliance. When those meetings occurred, invariably one person spoke to police on behalf of the group. That is their decision, not the police's nor mine. I guarantee that I am happy to meet with them. Having said that, I will not be the one drafting the regulations. If I have a meeting with them, a police officer will be there and possibly Mr Penn or Mr Warburton as well, and they will be doing the work because that is the whole intent; they are the ones who will draft it. I am happy to meet with people. No worries—I absolutely welcome that.

Ms M. BEARD: I want to clarify what the Leader of the Opposition was speaking about. Clubs have contacted me about this issue. The National Firearms Agreement has a minimum for handguns, and clubs are saying that they are concerned the minimum will be extended, which will cause issues for some of the smaller clubs. They also say that they do not understand what the impact of that change will be on public safety, given shooting is contained within the confines of a club under strict regimes.

Mr P. PAPALIA: There are associations and peak bodies for each of these disciplines. There are pistol, rifle and clay target shooters associations, and they are the peak bodies for those sports in the state. By necessity, we are compelled to collaborate with them to seek their advice about the concerns and issues confronting their sport. For pistols, it would be the West Australian Pistol Association. For rifle shooting at clubs in the member's electorate, it would be that association and, ultimately, it is the same for clay targets. I get it; some of the smaller clubs may not really be that engaged with their peak bodies, so the distribution of information may not be as fulsome as it might otherwise be. I tell the member that individual clubs are absolutely welcome to contact police themselves. Particularly in the regions, individual clubs are not able to go down to licensing and talk to them, but they are welcome to contact the licensing enforcement division. Alternatively, as the Leader of the Opposition indicated, if people have some sort of anxiety about talking to police, they might want to talk to my office. Ultimately, I will have to seek police involvement because they will do the work. When I say police, I also mean Mr Penn and Mr Warburton and people of that nature who have the legislative knowledge to be able to draft regulations or bills.

Coming back to the reasoning behind it all, I make the point that it is to confirm genuine reason. It is unashamedly to increase public safety through more rigorous confirmation of genuine reason. People will need to demonstrate that they really do have the firearm to shoot at the club or wherever for the type of shooting they got their licence for. That is the genuine reason.

Because we are able to rewrite the act, we are now able to afford ourselves of a more contemporary management system for licensing, which will enable reporting of this nature without too much imposition on clubs or individuals. We are pretty much obliged to do that. We have to adopt the greatest level of effort and the greatest number of measures to afford public safety that we can, commensurate with contemporary capabilities. That is what we are doing.

Ms M. BEARD: One comment was "We are joining a club, and when we join a club, we are restricted." Is this requirement coming from Western Australia Police Force or is it in conjunction with the Sporting Shooters' Association of Australia? What is the Sporting Shooters' Association of Australia's view on competitions and clubs?

Mr P. PAPALIA: There may be a misunderstanding, member. For the purposes of a competition licence, people have to join a club. To demonstrate the genuine reason for the possession and use of that firearm being competition, they have to meet the obligations of minimum practice or activity. That is the motivation. I will discuss other types of licences. The member may be referring to a hunting licence. That is different —

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Ms M. BEARD: I am wondering who will set those minimums. Will it be the police or will they be set in conjunction with the club's constitution? What will change and who will set that?

Mr P. PAPALIA: As I said, we have to get authority to commence regulation drafting in advance of the bill having passed the Parliament because that is in everyone's interests and means that things can happen faster. It also means that the community will get to contribute to the drafting of those regulations. As soon as we have that authority, the regulations can be drafted. In this case, we do not really have to wait for discussion. We urge the West Australian Pistol Association, West Australian Rifle Association and Western Australian Clay Target Association to ultimately contact police, or at the suggestion of the Leader of the Opposition, my office, to commence discussions around what they believe the minimum requirements should be.

Individual clubs in the member's electorate may feel that they potentially have a different position than those associations. If there is a rifle shooters club in the member's electorate that does not feel represented by the guys in the city, I ask that it please contact the police itself to make its concerns known. We do not want to impose anything greatly onerous. We do want to elevate the proof of genuine reason, but we want to do it in collaboration with people who use the licences.

Ms M. BEARD: Sorry, this is my last question. Will the Sporting Shooters' Association play an integral part in helping to consult with the minister to pull that together?

Mr P. PAPALIA: Regarding the part that we are talking about, no. It essentially represents hunters. Under the new regime, it will predominately represent the licence category of hunting. There are peak bodies for the sports of pistol shooting, rifle shooting and clay target shooting that are not the Sporting Shooters' Association. That is my understanding of it, so therefore no, it would not be. The people who actually represent the shooting clubs are in those three peak bodies.

Division

Clause put and a division taken, the Acting Speaker (Mrs L.A. Munday) casting her vote with the ayes, with the following result —

Ayes (38)

Mr S.N. Aubrey	Ms E.L. Hamilton	Mrs M.R. Marshall	Ms M.M. Quirk
Mr G. Baker	Ms M.J. Hammat	Ms S.F. McGurk	Ms R.S. Stephens
Ms L.L. Baker	Mr T.J. Healy	Mr D.R. Michael	Dr K. Stratton
Dr A.D. Buti	Mr M. Hughes	Mr K.J.J. Michel	Mr C.J. Tallentire
Mr J.N. Carey	Mr W.J. Johnston	Mr S.A. Millman	Ms C.M. Tonkin
Ms C.M. Collins	Mr H.T. Jones	Ms L.A. Munday	Mr R.R. Whitby
Ms L. Dalton	Mr D.J. Kelly	Mrs L.M. O'Malley	Ms S.E. Winton
Ms D.G. D'Anna	Ms E.J. Kelsbie	Mr P. Papalia	Ms C.M. Rowe (<i>Teller</i>)
Mr M.J. Folkard	Ms A.E. Kent	Mr S.J. Price	
Ms K.E. Giddens	Mr P. Lilburne	Mr D.T. Punch	

Noes (5)

Ms M. Beard	Ms L. Mettam	Ms M.J. Davies (<i>Teller</i>)
Mr R.S. Love	Mr P.J. Rundle	

Clause thus passed.

Clause 33: Authority conferred by Competition Licence —

Mr R.S. LOVE: I do not have a lot of problems with the changes put forward in the bill around competition licences. However, I wonder about the authority conferred by the competition licence. Can the minister explain "... the purpose of participating in shooting competitions ... at a licensed firearm range by a licensed firearm club"? The clause also states —

Under section 110, a Competition Licence also authorises target shooting and firearms training at a licensed firearm range.

We just discussed the minimum activity test. Would the activities in clause 110 be part of the matters that would be considered under the minimum activity test that the minister thinks he would bring in in the regulations?

Mr P. PAPALIA: No, because, by definition, this will be a competition licence, and the focus of the genuine reason for possession of that licence will be competition. Activities that we will enable that are not part of a competition licence will not meet that obligation. As we discussed earlier, we are enabling target shooting, which involves what is called sighting in of a firearm—that sort of practice—or just target shooting, which is more individual practice. Firearms training will also be enabled. Obviously, people who are undergoing firearms training will potentially not

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be at the point of entering a competition or they might just be training as part of a competition but will not engage in a competition—they might be coached on how to shoot better. That is what this will enable.

Clause put and passed.

Clause 34 put and passed.

Clause 35: Firearms permitted for Competition Licence —

Mr R.S. LOVE: This clause states —

A Competition Licence can only apply to a firearm of category A, B, C or H.

The regulations that are being drawn up at the moment will categorise the different firearms. Will they be identical to the categories in the current regulations or does the government intend to make any changes to those categories?

Mr P. PAPALIA: I am informed that with the exception of air rifles and rapid button-release rifles, all other categories will remain unchanged. We referred to those categories last week when we were on that part of the bill. The vast majority will remain unchanged.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Requirement for approval of land for hunting —

Ms L. METTAM: This clause states —

A Hunting Licence to authorise the use of a firearm must not be granted to a person unless the Commissioner is satisfied that there is land for which the licensee has the Commissioner's approval for hunting using the firearm under the licence.

Noting clauses 38 to 40, can the minister advise what will happen to a firearm when a person who had a hunting licence has their hunting permission revoked, meaning that they will not have an entitlement to a hunting licence because they will not have permission to use land for the purpose of hunting?

Mr P. PAPALIA: I thank the member for Vasse for the question. I think she is asking what will happen to someone who currently possesses a firearm licence that they obtained with a genuine reason via something like a property letter, but who anticipates that the property letter may not be able to be replicated under the new system as they might not be able to get authorisation from a real property owner for a property on which they can hunt. They will therefore no longer have a genuine reason for possessing that licence. They will be confronted with a challenge; they will need to either find someone whom the Commissioner of Police allows to authorise them to shoot on their land, join a club and shoot under the requirements of a competition licence, avail themselves of the buyback scheme before the law comes into effect or divest themselves of that firearm. If there is not a possibility for them to obtain a licence under the new law, they will be able to avail themselves of the opportunity to divest themselves of that firearm via a lawful sale or other lawful means. If the member is suggesting that somebody will not be able to get an authorisation to shoot on land and they currently have a licence only because they got a letter from somebody, they will confront a situation in which, when the law comes into effect in December, it will no longer be lawful for them to have that firearm. They will need to either lawfully divest themselves of the firearm before that date or surrender it.

Ms L. Mettam: Or join a club.

Mr P. PAPALIA: That is an alternative. They might have been able to obtain a licence because they were in possession of a property letter. They were obtained in a lot of different ways. A lot of people out there got a licence well before a property letter was even a requirement. As a consequence, they historically have been required to just re-register and renew their licences. However, that will come to an end. There will be a point at which someone who wants an individual licence will have to be either a competition shooter or a hunter, or a combination of both. Ultimately, if someone wants to be a hunter, they will need a genuine authorisation from a property owner who is able to give that authorisation.

Ms L. METTAM: Will licensees have a period in which to access permission to use alternative land for hunting so as to retain their hunting licence?

Mr P. PAPALIA: The bottom line is that if, under the current law, someone is genuinely hunting vermin on the property of a friend or an associate—someone who trusts them and is happy for them to shoot on their property—they may or may not have got their licence via a letter from that person or they may have got it via some other means. Provided that the property is large enough and has appropriate topography, is at an appropriate proximity to populations and vermin is present, and subject to the suitability of the firearm for use on that property, we anticipate

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that they would be able to get an authority to shoot on that property. That would therefore enable them to give a genuine reason for hunting to get a new licence under the new law.

Mr R.S. LOVE: We will deal with it in the transitional elements, but the minister made the statement that, come December, when he expects this to be law —

Mr P. Papalia: It will be.

Mr R.S. LOVE: There is no certainty in this world. The sky could fall; we never know. By December, the minister expects this to be law and that some people will not be able to get a licence. There will be a transition period with this legislation. What will be the period between the new licence requirements applying and the old licence requirements being phased out? A licence might have a validation date beyond December; it could be an annual licence that was renewed in October. How long will that transition period be?

Mr P. PAPALIA: The Leader of the Opposition is right that there will be a transition period, but it will be aligned for the renewal of a licence. As we indicated earlier, that may be managed by police to avoid overwhelming demand in a short time frame, but, ultimately, as their licences come to renewal, they will need to have obtained authorisation. If their current genuine reason is obtained through a property letter, by the time the renewal is imminent, they will have had to have identified authorisation from an appropriate property owner for demonstration of genuine need.

Mr R.S. LOVE: On the requirement for approval of land for hunting, under the hunting licence, to acquire the grant of a licence, a person has to have approval of that land for hunting. Does that mean that the hunting licence cannot be used on any other land, and can be used only on the land on which it was first approved? Can it be used on any land, if we see further down that permission is granted?

Mr P. PAPALIA: Again, this is probably one where we confront the challenge of imagining the new system as opposed to what is currently experienced by people. For the purpose of obtaining or renewing a licence, there will be one appropriate property and a person has to have the ability to rightly authorise someone. If they get that authorisation, a person will have a licence for the purpose of hunting and yes, it is on that property, but there will be opportunity for temporary permissions for multiple properties.

One property will be the one that enabled a person to get or retain their licence in the first place. That will still be directly related to a property, and we will not have the environment we currently confront in which people are selling thousands of authorities, essentially, in the form of letters, for a tiny property, which are not at all related to the challenge of vermin control. This is going to be directly related. It will be subject to the size of the property and the prevalence of vermin. That property owner will be able to afford to people a number of authorisations. Having got an authorisation will be the argument for getting a licence in the first place or retaining it on re-registration. Now they are a licensed firearm owner, a person can get temporary permissions to go and shoot on other properties, potentially from those property owners.

Mr R.S. LOVE: When we were discussing the limits on firearms, I think the minister mentioned 15 000 firearms were held predominantly by people who were using hunting licences as a reason, or they would be in the category where they would probably only fit in with a hunting licence if they could find a suitable property. From the point of view of police, approximately how many firearms fall into that category in which the only reason that those people now, as it currently stands, would hold a licence is by virtue of the fact that they had a property letter at some point? It was sort of a hunting permission back in the day, so if they were to re-seek hunting permission, how many licensed firearm owners would there be and would the minister also be able to provide the number of firearms that would be affected?

Mr P. PAPALIA: The way I would put it is in the same way as I did for the limits. We anticipate that the limits part of the bill will remove 15 000 firearms from the community of Western Australia. We anticipate that this part, in which we are reforming the property letter system, will potentially remove up to 53 000 firearms from the community of Western Australia.

Mr R.S. LOVE: Could the minister perhaps describe to me how that figure has been arrived at? Is it the total number of guns that either is not believed to be held by primary producers, other trade or business licensees, and competition licences? Is it the total number or the total number that the government expects to be handed back, or is it those expected to fail the test of receiving a licence?

Mr P. PAPALIA: We have to consider this in the context of a system that is not contemporary, as I have indicated many times. That said, this is the anticipated top number of firearms that will be removed as a consequence of this measure, exclusive of those licence holders we anticipate will be able to get a genuine authority, or their genuine reason will be retained or obtained. This is the maximum number we anticipate this part of the bill will remove. It is a little difficult to be definite because there are people in the community, as I indicated earlier, who have authorities as a consequence of a legacy system that pre-dated the letters. We have no idea the extent of them, really. They have

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just been renewed and the reason for which they originally received a licence might have disappeared into the mists of time. There is also the situation in which any number of letters might have been given by previous property owners and the current property owners may have no idea about those letters having been provided in the past.

A lot of factors are involved but, as best the police are able to anticipate, 53 000 is the highest number of firearms that will be removed as a consequence of these measures.

Mr R.S. LOVE: Could the minister provide any modelling to show how that figure was arrived at? I would be interested to know whether it is an amalgam of dated property letters multiplied by firearms or how the figure of 53 000 was developed. There are a number of numbers here, but I am yet to find any science behind them. I would love to hear how that figure was arrived at.

Mr P. PAPALIA: I know I have said it many times, but the current registration system and the IT behind our registration and management of firearms are inadequate. You guys did not do anything about that; we are doing something about it. Tens of millions of dollars is being invested in building a system to give the type of accurate analysis and data assessment that the member would like, which is not available now.

Essentially, police have worked through trying to exclude licences for which they anticipate people will be able to retain their licences through a genuine link to a property that complies with the future legislation. They are removing other elements and creating a range of other licence categories that do not currently exist. Ultimately, they arrive at an estimate, and it could be a little more than that. That is why I have said it is an upper-end potential estimate of the number of firearms that will be removed. The good news for the Nationals WA is that potentially 53 000 firearms will be removed from the community if we do this measure. The bad news would be that if the opposition chooses to oppose it for some reason—I do not know what the opposition’s reasoning behind opposing it would be—it will be opposing removing potentially 53 000 firearms. Worst case, it is lower than that number; best case, it might exceed that number. It is not a science; it is an art because of the nature of the legacy management system.

In advance of what the member for Vasse is going to do on this clause, might I also refer the member to the fact that this could potentially remove 53 000 firearms from the community, which must have a positive impact on public safety. That is our view. I think that is the Liberal Party’s view, too. I am not sure because to date it has kind of abstained or voted against the clauses that will reduce the number of firearms in the community. That is a little disappointing, but I hope that the Liberal opposition reflects on the suggestion that this is a good thing. The intent here is to reduce the number of overall firearms in the community and to strengthen the genuine reason and justification for someone having possession of a firearm and, thereby, improve public safety.

Mr R.S. LOVE: From that answer, I assume we can say that there is no statistical data behind the figure of 53 000 firearms. It is a guess. It could have been 63 000 or it could have been 16. We probably will never know. It will be very difficult to judge exactly what the effect will be from this point forward given that a number of people have already been enticed to hand in their firearms through the buyback scheme. It is a justification without a justification in terms of numbers. We do not know whether it is 53 000. It could be 3 000. It could be 5 300. I do not know. It appears that the minister cannot provide any evidence that that is the case.

On that basis, I will conclude my questioning on this clause. I note that this subdivision is on the hunting licence and includes several clauses, so we will have some further discussions as we go through.

Mr P. PAPALIA: I think in defence of the amount of work that was done within the licensing and enforcement division and given the restraints of our current system, I have to object to the Leader of the Opposition trivialising the estimate. A lot of manual effort is required to arrive at these sorts of estimates because we do not have an effective system. You guys did not invest in it. Previous governments did not invest in it. Our legacy system prevents us from easily getting the type of deep analysis that the member is asking for. It is not because of any lack of effort or desire for the provision of more accurate numbers or a better prediction. It is because of this system. Fair cop. We have committed to spending \$20-plus million to rebuild the system and it will be undeniably the best system in the country when it is operating. I have seen early work on it. It is going to be very good.

With regard to how we know how well it is going, I will give members an update. As of yesterday—which would have been the day before, really—police have received in the order of 5 788 firearms as part of the buyback scheme. I anticipate it will keep growing. If the only genuine reason someone has for possession of a firearm was obtained through a letter that they either bought from someone they never met or they bought from a gun shop for a property they never go to and they believe there is not a high likelihood of them finding an authorised property owner who will be able to authorise their future licence, I urge them to take advantage of the buyback scheme now. It will end at the end of August.

The law will be the law in December. They will be a transition period, but people will not get to keep their guns. Once the law is the law, if someone is in possession of an unlicensed firearm, that is not lawful. I believe the vast

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majority of people are going to comply with the law. I urge them to take advantage of this opportunity to get some money for what will be, in many cases, a very old firearm.

Ms M. BEARD: I have had a lot of people ask me whether there be a limit on the number of property letters people with bigger properties can issue to people to use a hunting licence on their properties.

Mr P. PAPALIA: Yes, member, there will be a limit on the number of authorisations a property owner or manager or person who controls the property—I cannot remember the terminology—can issue, and that will be based on geography, the size of the property, the prevalence of vermin, topography, proximity of population centres and the like and adjacent properties.

I have the correct terminology. I should read that bit. The Commissioner of Police will consider the following matters before authorising the use of a firearm on particular land and vice versa —

- (a) the size and location of the land (including proximity of hunting areas to public roads and populated areas);
- (b) the nature of the hunting that is likely to take place on the land and the suitability of the firearm for that hunting;
- (c) the capabilities of the firearm;
- (d) the number of hunting permissions in force for hunting on the land at a particular time;
- (e) such other matters as the Commissioner thinks relevant.

To determine a genuine reason exists to hunt a particular animal, the commissioner must be satisfied the type of animal is prevalent on that land. The Western Australia Police Force will work with the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation and Attractions when considering the prevalence of such animals. It is also necessary to consider the features and infrastructure on or near the property when determining the maximum calibre for use to ensure safe practice and minimise risk to persons or property.

All that means is yes, a property owner or an approved person will be allowed to make a restricted number of authorisations. Having said that, we are creating other types of licences. The people I think the member may be referring to are those who have stations or extensive landholdings. Firstly, there is the primary producer licence, which we have heard about. We have already discussed amending limits on primary producer licences for each property. We have heard that. There is then going to be also a business licence, which will be the licence that is most likely appropriate for the properties to which the member referred, which really do not have limits on the number of firearms they can licence for use on that property. However, if they were to authorise other people to have a licence for the purpose of hunting, that number would be limited. Just because someone has a 5 000-acre property will not mean that they can authorise tens of thousands of people to hunt on that property as a genuine reason for having a licence. It will be a form of the entire system, so it will be related directly to the type of vermin, prevalence of vermin and topography and the other measures that I indicated.

Ms M. BEARD: The minister is correct; the question is in relation to the bigger properties. Some of them are half a million acres. Some of these people rely on someone coming and shooting for a one-week period in 12 months, and they might have a large number of people doing that to keep on top of donkeys, camels, goats or whatever it might be. The management of that situation is concerning people. I wonder how the minister sees that panning out and who will be consulted on the level of vermin on each of those properties at that time, because the timing of it is quite important.

Mr P. PAPALIA: Ultimately, acknowledging all the points the member made, there will be a limit on how many authorisations that person will be able to give for the purposes of having a genuine reason for the licence in the first place. Depending on the size of the property, the number may be bigger, but ultimately there will be a limit on how many they can give. The intention is to directly link it to the prevalence of vermin and the scale of the task. For the purpose of controlling vermin, we will have a more modern, contemporary system that will provide temporary authorisations for people who have an authorisation for a firearm from a different property owner in, potentially, a completely different part of the state, to go and shoot on properties like the one the member is referring to. There may be large numbers of those people over a year because it will not be linked to their licence; once they have a licence, they will potentially be able to seek a temporary authorisation. There will also be assistance for people on the property types to which the member has referred. That is for professional shooters; they will have a professional shooter business licence, under which the number of firearms they can licence will not be constrained. I say to the member, just to reassure her, that a considerable amount of work was done with the Primary Producers Firearms Advisory Board, which included the Pastoralists and Graziers Association and the Kimberley Pilbara Cattleman's Association, which has a vested interest in ensuring that the types of properties to which the member refers are supported and afforded the ability to control vermin. They contributed to the legislation in a big way, and this meets their requirements.

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Ms M. BEARD: I understand that those groups have been consulted. I have heard from a number of concerned people who are not part of those groups. Another thing that has been raised with me is that in my electorate there are a number of people who shoot on these properties, not to go hunting or to eradicate vermin, but for sustenance. Locals will actually shoot a kangaroo to eat, so they will have one form of letter, but they will not be eradicating enormous numbers of pests, so I guess there are two kinds of people who are shooting on some of these properties. I am just wondering where that category fits.

Mr P. PAPALIA: It will be a hunting licence. They will have to get an authorisation under the law to obtain a hunting licence. Provided they have authorisation to shoot on a property, they will be complying with the law, but ultimately they will have to have a genuine reason. They are supposed to have a genuine reason currently, but it is not a very rigid or effective law. They will have to have a genuine reason for possessing or using a firearm, and that is the case regardless of where it might be. There is no reason they should not be able to obtain a hunting licence.

Ms M. BEARD: It is just that there is a cohort of people who go onto these properties simply to get food and then there is another cohort that helps with the eradication of vermin, which is very prevalent. The eradication of vermin is a massive, ongoing issue. There are not enough professional shooters to deal with it up north. My other question is: will not-for-profit organisations like Conservation Australia receive exemptions? Will such groups be exempt in some way as long as they have permission to go onto properties for the eradication of pests, or will they have to get individual letters as well?

Mr P. PAPALIA: Has the member let go of the other thing? Just do it by way of interjection.

Ms M. Beard: With the other thing, there might be—I do not know how many—people in each of those different towns who shoot on properties nearby and they —

Mr P. PAPALIA: They are going to need to get authorisation to shoot on a property and have a genuine reason to have a licence for a firearm in the first place. That does not change. I imagine that if they are already doing it with permission on those properties, then the likelihood is that they will be able to get an authorisation for their licence from the property owner and then go and hunt. That aside, Ralph Folie and Conservation Australia—is that who you are talking about? He has been in my office so I know who he is—ex-SAS guy —

Ms M. Beard: Going back to people who shoot only to get food to eat—in those towns, the concern from some of the properties is that they want to be able to give people the opportunity to gather food. They also want to give the opportunity to people to come and help eradicate pests, but if there is a limit to the number of property letters, they will be constrained.

Mr P. PAPALIA: It does not matter. They are hunters, and for the purposes of obtaining a licence they have to have the genuine reason of hunting. They have to demonstrate that genuine reason. It does not matter whether it is someone who is going to eat the thing or is only culling animals. Ultimately, hunting is the genuine reason. It is different if it is a professional shooter because they will have a professional shooters' hunting licence, but otherwise I am not sure what the member is getting at. In the end there needs to be a genuine reason for having the licence and the gun in the first place to go and shoot the thing. That is the fundamental barrier to going shooting, plus the authority from the owner or property manager to shoot on that property. I am not sure I understand—it does not matter whether someone is going to eat the kangaroo or is culling something.

Ms M. Beard: It's the number you can have on the property.

Mr P. PAPALIA: I think, if you are talking about the nature of the gun that is being shot —

Ms M.J. Davies: If you are giving your licence away and you are controlling vermin. You understand the number of vermin, right?

Ms M. Beard: You get a set number of letters?

Mr P. PAPALIA: Correct.

Ms M.J. Davies: You're not going to give it to someone who is only going to shoot a kangaroo every two weeks as compared with someone who is going to come and control the vermin, which is a real problem.

Mr P. PAPALIA: The number of authorisations a property owner will be allowed will be bigger for larger properties, so it will be something that people will need to be aware of. When DPIRD and DBCA and the police arrive at a number of authorisations for a property, the property owner needs to be aware that they will have a set number of letters. If they want to allow people who are only going to occasionally shoot for food, they need to consider that in the overall number, if that property owner is the reason for that licence. They may have another property owner who is comfortable giving them an authorisation. In that case they will be a licensed person and they can be issued with a temporary authorisation to shoot on a property.

Ms M. BEARD: In some inland small towns, locals will shoot kangaroos once a week for the purpose of eating them. The pastoralists are more than happy for them to do that, but they also need to have enough licences to be able to maintain—their issue is, if they are giving a letter out to people gathering food, which they are happy to do, they are forgoing letters for people who are going to be helping them eradicate enormous numbers of pests that they need to mitigate.

Mr P. PAPALIA: This law is about firearms licensing. It is about the first bit—how they got the gun in the first place. Yes, if it is from that property, then the approved person for that land will have to consider how many they give out and whether or not they want to give those people—if that is the only way they are going to get their genuine reason from that property, then that person will have to consider it. The member may be anticipating a problem that does not exist. If she is talking about millions of acres, a large number of people could be authorised. The member may be anticipating a problem that is not real. Putting that aside, it is our intention to compel people to have a genuine reason for having a firearm. We are unapologetic about that. That is a reasonable expectation. I think everyone expects that.

Another thing to remember is that the new system will be different from the current system. A person might need a large number of people to go to a property on a regular basis to assist in culling a large number of vermin because they have a high prevalence of vermin, and that number could exceed the number that they had authorised to shoot on their property as a genuine reason. Potentially, they could authorise a large number of other people on a temporary basis to shoot on a weekend. If a group of people like Ralph Folie and his crowd from Conservation Australia, having got their genuine reason from somewhere else—down near the city where they live, in all likelihood—who wanted to come up at a certain time of the year to help cull vermin, under the new system, they would be able to get a temporary authorisation to shoot on that property. Over the course of a year, a much larger number of people could come through, but the property owner would not necessarily be responsible for them getting the genuine reason in the first place even though that person allowed them shoot on the property.

Ms M. BEARD: This will be my last question. Is there any kind of ratio or any other indication of how many letters for every thousand acres or whatever it might be at this point in time?

Mr P. PAPALIA: No, there will not be a direct correlation between the size of the property and the number of authorisations. Other factors would be associated with it. The others that I read out are informed by the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation and Attractions with regard to the type of vermin that might have to be tackled. I will read it again. The Commissioner of Police will consider the following matters before authorising the use of a firearm on particular land and vice versa: the size and location of the land, including the proximity of hunting areas to public roads and populated areas; the nature of the hunting that is likely to take place on the land and the suitability of the firearm for that hunting; the capabilities of the firearm; the number of shooting permissions in force for hunting on the land at a particular time, because it will be flexible and allow for more frequent changes to that; and such other matters as the commissioner thinks relevant. To determine that a genuine reason exists to hunt a particular animal, the commissioner must be satisfied of the type of animals present on the land. Western Australia Police Force will work with DPIRD and DBCA when considering the presence of such animals. It is also necessary to consider the features and infrastructure on or near the property when determining the maximum calibre for use to ensure such safe practice and minimise risk to persons or property.

I think that I said in my second reading reply that we have been approached by veterans who drew to our attention that under the current interpretation and application of the regulations, there are, at times, some odd determinations about the limit on the type of calibre of firearm that might be employed on a property. These guys—one of whom I served with—are really knowledgeable, practical and reasonable people. They brought to the attention of the police and me a reasonable consideration, which is that right now, under the current system, someone can get a property letter from a guy with a property of a certain acreage. That will enable the person to get a current recreational hunting shooting licence that would not limit what calibre they could use on the property. They could go onto that person's property and shoot whatever they wanted to shoot with any calibre that is lawful in Western Australia. However, the person on the property might be limited in what they can shoot because an interpretation was based more simplistically on scale rather than topography and proximity to other people and other infrastructure.

Police are looking to rationalise and improve that system and the way it works, because it is plainly unfair and wrong if someone who owns a property cannot shoot using the same calibre gun as that used by someone who they have given authority to shoot on that property. That is going to change. The bottom line for the member's situation is that it will be more flexible than it is now. In all likelihood, the owners of very big properties will be able to use vermin control as a genuine reason to authorise pretty large numbers of people to get a firearms licence.

Ms M. BEARD: I have one last concern that people have mentioned to me. The minister mentioned that the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation

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and Attractions will be involved in determining the vermin levels. The people who actually live on the properties want to be involved in that decision-making process because they understand pretty well what is on their land at any point in time. Often, it is hard for outsiders, who come in once a year, to determine what the real outcome might be.

Mr P. PAPALIA: I am informed that, essentially, property owners are the source of the information. They report the type and density of vermin on their property annually and that informs DPIRD's and DBCA's data collection. Those departments then have the ability to step back and look at prevalence over a region and the impact of movement of animals and the like. They use that data collectively, but it is the actual property owners who inform the process.

Ms M. Beard: It is very fluid.

Mr P. PAPALIA: The information used by DPIRD and DBCA comes from the property owners. If the member is suggesting that at one moment in time, the information might be different from another moment in time, I am sure that DPIRD and DBCA accommodate that knowledge, because it is their job to identify threats from feral animals and deal with them collectively. They have a degree of knowledge about that area, and it is their normal practice.

Mr P.J. RUNDLE: This clause has dragged out for some time, but I have a further question. I am concerned with the language used by the minister earlier when he said he was imagining how this system will work after December. That is the first thing that worries me. Secondly, as with the Animal Welfare and Trespass Legislation Amendment Bill 2021, we are relying on perhaps a 19-year-old from DPIRD giving guidance on animal welfare issues. For starters, I am concerned about that scenario playing out here in which a property owner has absolutely no idea how many letters they might be able to issue. The minister has given no ratios or indication and he has talked about topography or whatever. At the moment, someone from the south west land division, whether they have a five-hectare or a 2 000-hectare property, has absolutely no idea how many property letters they might be able to issue to people who require a hunting licence.

Mr P. PAPALIA: The bottom line is the current property letter system is completely corrupted. It is corrupted. A 100-acre property in Margaret River has issued thousands of authorities to have a licence for a firearm. That is not acceptable. No-one—I do not think even the member—would defend that. That is not acceptable now or into the future. It is unfortunately lawful right now, but it will change. I will outline what will happen. DPIRD and the DBCA will inform on the prevalence of vermin over a region and provide an analysis. We would not expect all the foxes to solely hang around the member's property; they may move between properties, as may any other feral animal or vermin of concern. The likelihood is that they will be prevalent over a region. The analysis will inform that part of the decision around the type of property. But there are other factors. I will ask my advisers for the list of things that the Commissioner of Police will consider. I do not know whether the member was here when I read it. I might read it again because he was behaving in a way that leads me to be concerned about whether he heard me when I said that there is a range of matters. I will not read it. There is a range of issues, and rightly so.

We should remember what this legislation is all about. It is about the licensing of firearms and the principle that public safety is paramount. Possession and use of a firearm is a privilege. That privilege is entirely dependent on the provision of public safety. That is what drives everything. There is nothing untoward about that. I know that the member for Roe is a farmer. Does he not respect the Western Australian Farmers Federation as a representative peak body? Does he not respect the Pastoralists and Graziers Association of WA? Does he not respect the Kimberley Pilbara Cattlemen's Association, vegetablesWA or Wines of Western Australia? All those organisations are quite comfortable about this legislation.

I say to the member for Central Wheatbelt that the reason we are reforming the property letter system is that property owners requested it. They personally requested that we reform the property letter system to give back the power of control over property as to who shoots on property to the property owners. That is what is being done. There is no great conspiracy. If members want to represent the people who do not want a limit on firearms in WA, I get that; that is fine. That is not what this legislation is about. We are representing the farmers. They are the ones who requested it, and we are doing what they want.

Mr P.J. RUNDLE: Obviously, I do not condone the situation of the property in Margaret River that the minister referred to. I was asking about any ability to calculate how many letters, but the minister said it is really at the discretion of a variety of people who would feed into the system. That is a genuine request, as a farmer.

Mr P. PAPALIA: Recognising that, in many respects, it is the same as the questions asked earlier about competition shooters and minimum practice requirements and obligations. Yes, it will be informed by DBCA, DPIRD and the police and done in consultation with the primary producers advisory board. Ultimately, for the very first time, there will be some actual science, which is what the Leader of the Opposition requested with regard to other parts of the bill. It will be based on a real threat of vermin and the task of controlling it, and enabling property owners to control who shoots on their properties and the capacity to deal with vermin they confront.

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Mr P.J. RUNDLE: I will wrap it up here. The minister seems to have dropped recreational shooters out of the mix. Let us say, for argument's sake, that I have a clay target machine on my property and I would like to practice or ask someone to come out and practice with me. Can the minister let me know what will occur under that scenario?

Mr P. PAPALIA: Absolutely. I will confirm, so it is recorded in *Hansard*, that as a primary producer on his property, the member for Roe can use his firearm for any of those types of activities that might formerly have been referred to as recreational, and also hunting. If the member has a primary producer licence, he can go hunting with it. If he wants to shoot clay pigeons, he will be able to do that. If he wants to do target shooting in a safe fashion, he will be able to do that. He will be able to sight his firearms and the like. That absolutely will not be an issue. A primary producer licence will enable people to do all those things if they had concerns regarding what might previously have been undertaken. Most people had a recreational hunting or shooting licence just because historically that is what was arrived at. The primary producer licence will cover them.

Mr P.J. RUNDLE: If someone else wanted to come onto the property to do the activities the minister just referred to, will they need a property letter? Will two or three people be able to come to the property and practise clay target shooting?

Mr P. PAPALIA: Yes. Essentially, some person will not be able to just rock up, be given a firearm and shoot. They will have to possess a licence. To achieve that, they would have had to meet the other obligations for a genuine reason. One would be that they have a genuine reason. If the genuine reason is not for the member's property, he might authorise them to shoot on his property, but they have to be a genuine licence holder in the first place.

Clause put and passed.

Clause 38: Approval of land for hunting —

Mr R.S. LOVE: I have just witnessed the most meandering discussions I think I have ever seen in consideration in detail. We have ranged over pretty well everything, from right back at the beginning of what the hunting licence encapsulated to clause 40, which is three clauses ahead of where we were. Nonetheless, we got through a lot of ground, so we will not have to cover much between here and clause 40, which is where we will probably have some further disagreements.

For the approval of land for hunting, Clause 38(2) states that the commissioner must satisfy themselves that —

- (b) the person has permission to engage in hunting on the land under section 39; and
- (c) the land is suitable for hunting using the firearm under the licence as provided by section 40.

Could we be given some sort of guide about what would make a firearm suitable? Are we talking about the calibre or the type—whether it is a shotgun or rifle? What considerations would determine whether the firearm we are licensing is suitable for hunting, as provided by section 40?

Mr P. PAPALIA: I will not torture the member by rereading the bit about what the commissioner will determine, but that all applies. That is part of it. The other part of what the member was talking about might relate to capabilities of the firearm and what that refers to. That relates to the ballistic capability of the firearm, including the velocity of any projectile being discharged and the firearm's effective, accurate range for those projectiles, together with the joules of energy that discharged projectiles retain at various distances. In short, it is how far a firearm can discharge a projectile with accuracy and its maximum distance. Those things need to be considered, as well as all the other things that we have referred to. It will be different, basically, in every situation, depending on the type of property, the type of firearm, the type of vermin and the proximity to other properties, population centres and the like.

Mr R.S. LOVE: That is a little related to what the member for Roe said a while ago about the 19-year-old person making decisions on some of these things. Under the system that will be in place, if each and every licence application is going to be investigated to the extent I am hearing from the discussions here tonight, it will take an enormous amount of investigation on each and every occasion. Has there been any estimate of the cost for the police to go through this procedure for each application? In 2014, when this all got underway with the Law Reform Commission report, we were trying to get away from a very clunky, inefficient and expensive system. We were told then that the only way we could make the system less expensive would be to streamline it, but we are now seeing that each and every application will go through what seems to be almost an investigation of its own. Depending on how far we want to go for each application, there must be some idea of the amount of staff time and effort the minister expects it will take to go through each of those processes, or has there not been any modelling done on the cost of an application due to the rigours of the process we are going through?

Mr P. PAPALIA: There are a couple of things. Firstly, right now, the police assess land suitability for types of firearms. I referred to that earlier; there is a bit of an inconsistency with the way that properties are assessed for types of calibre or types of firearms. Under this system, essentially, the initial analysis will be of each property. There is a finite number of properties. They will be assessed, and it is true that there will be a degree of effort

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associated with that, but bear in mind that they are all known. The agencies with responsibilities for vermin already have a large volume of knowledge of the prevalence and distribution of vermin in different regions; the police also have a significant amount of knowledge of the types of properties that are out there and the suitability of those properties for different types of firearms.

The member referred to the fact that in 2014, there was no investment at all in an IT system. We are going to implement an improved modern IT system for the licensing enforcement division that will mitigate administrative burdens. The use of this system will remove paper-based licence extracts, enable better access for licence holders to the licensing enforcement division and enable greater flexibility around the passage of data of all types between every player in the firearms sector. There will be real-time capacity for reporting of all types of activities, such as the purchasing of firearms or ammunition and all those sorts of things. It will be a different world because of the system. It is true that it is costing a lot of money, but it will be worth it. It will mean that, in advance, we will be prepared to contribute to the national firearms registry obligations, as we will need to. I think that perhaps Queensland will be the first prepared jurisdiction, but I think that if we are not the first, we will probably be among the first jurisdictions prepared to contribute to and meet our obligations of collaboration at a national level.

Mr R.S. LOVE: I think I was trying to get at this. Is there an indication of the cost of these approval processes to the applicant? Indeed, in a case in which land is being assessed for suitability, will the landowner themselves, having indicated that the land is available for a licence holder, have to contribute in some way as well, either by providing information or by a potential charge to them as the process goes forward? Will there actually be any reduction to what is a very expensive licensing regime in this state, or, as I am beginning to suspect, is it going to get even more expensive?

Mr P. PAPALIA: I have no idea how the member arrived at that last statement. We are essentially going from a paper-based system that compels people to have two bits of information to meet the obligations of the law around their firearm and requires a lot of manual activity by the people in the licensing enforcement division—which is expensive and time-consuming—to a system that will be contemporary, flexible, real-time in many respects and potentially much more efficient and helpful for people who are navigating their licence applications and use. For instance, there will not be involvement from Australia Post anymore. That will potentially reduce third-party costs.

I will say that I do not know how the member anticipates some cost being imposed on a property owner for authorising someone to shoot on their property. This will give power to the property owner to control who does shoot on their property. That is a good thing and it is something that the farmers of Western Australia asked for. I think the member's fears about costs are unfounded. Yes, there is going to be a big outlay from the state. It is viewed as an investment in efficiency and public safety for the community. It means that, for the first time, we will be able to have far greater visibility of data over all manner of activities regarding firearm ownership and use. That will enhance public safety.

Ms L. METTAM: I just want to cover a couple of points that have been raised with me by a business owner with a large property. They host camping and shooting to reduce vermin on their property and utilise the letter approvals system. They have raised concerns that these changes would basically see them go out of business. The minister has touched on the fact that temporary licences would be available and that the new system will be able to bring in efficiency. He has also talked about the capacity to establish a shooting club on a property. Can the minister be more explicit about why someone who owns a property where there is genuine need and who has benefited from the letters system by enabling this camping–shooting experience to reduce vermin on their property will not see their business go bust as a result of these changes?

Mr P. PAPALIA: I have a couple of things to say. Subject to the size of the property, there will be a number of authorisations afforded to the property owner. Based on the size of the property, the prevalence of vermin and the other matters that I have referred to many times, they will be able to authorise a certain number of people to have a genuine reason to have their licence in the first place. It will be a limited number of people because it will be based on the size and all those other considerations. However, if they were to offer their property for groups of people to go shooting, it is possible that they could get temporary authorisations. That would involve people beyond the group whom they have authorised to get their licence. For example, some people might have been authorised to get a licence because their genuine reason was demonstrated through another property, but they can be temporarily authorised to come and shoot on that property. That could potentially enable the activity that the member for Vasse referred to. However, if his disquiet is based on the fact that he has been selling property letters as a means for people to obtain a licence and there has been no limit on the letters that he has sold, regardless of the size of his property and the prevalence of vermin, then, sadly, for him, that will end. The intent of this reform is to stop the proliferation of licences based on an illegitimate link to a property through the sale of property letters. I am not saying that that was necessarily happening in his case, but thousands of people have received illegitimate authorisations to acquire a firearm licence because they either never go to the property for which they are authorised or the

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number of firearm licences linked to a property well exceeds the requirement to control vermin on that property. Our intention is to rectify that situation because it is a corrupted system.

Mr P.J. RUNDLE: Is there a typo in subclause (1)?

Mr P. Papalia: Which clause?

Mr P.J. RUNDLE: I am referring to clause 38(1). Should it be “Commissioner” rather than “Commission”?

Mr P. PAPALIA: Yes; well picked up. The member for Roe is correct; it should be “Commissioner”. I am informed that the clerks may be able to correct that minor typo through the Legislation Act.

Clause put and passed.

Clause 39: Hunting permission for land —

Mr R.S. LOVE: I was just looking at the definition in subclause (1), which states —

authorised person, for land, means —

(a) the occupier of the land ...

There are a couple of other categories, but I am interested in the occupier of the land. If we move from subclause (1)(a) to subclause (5), it states —

The regulations may provide for the following in connection with hunting permissions —

...

(b) requiring a person who gives hunting permission for land to notify the Commissioner if the person ceases to be an authorised person for the land;

In the case of someone who occupies the land, can the minister define what is considered to be occupation? We are talking about rural land. A whole range of different scenarios could be thrown up. It could be a simple piece of freehold land with the owner-occupier there, or there could be a lease, a sharefarming or sharecropping arrangement or some sort of sublease. I am just trying to work out what the definition of “occupier” entails for the purposes of this legislation.

Mr P. PAPALIA: We have gone past that clause. Nevertheless, the definition can be found in clause 5 on page 7 of the bill as follows —

occupier, in relation to land, means a person in exclusive possession or entitled to exclusive possession of the land;

Mr R.S. LOVE: In regard to the responsibility of a person who is the occupier under clause 39(5)(b) to notify the commissioner if they cease to be an authorised person for the land, is there a penalty attached if they do not?

Mr P. PAPALIA: No.

Mr R.S. LOVE: One of the problems advanced by the farming organisations was that there had been a build-up of property letters over the years, and nobody knew that somebody who owned a property seven years ago had given permission for the Hells Angels to go there and shoot every weekend until they arrived on their motorbikes. How will the system that will be put in place be different? A person who has given a hunting permission will have a responsibility to notify the commissioner if they cease to be the authorised person, but there will be no requirement for them to act because there will not be a penalty if they do not do that. It seems to me that for all the song and dance about how the government will change the system, at its core it will be the same.

Mr P. PAPALIA: No, it will not be. I can see how the Leader of the Opposition might arrive at that conclusion, but the bottom line is that we will implement a contemporary system. The question that was raised with us and the request we received from the Primary Producers Firearms Advisory Board, particularly championed by the Pastoralists and Graziers Association, was the fact that people who had inherited a property in some form or other—whether they had bought a property, literally inherited it or had become the person responsible by being the sole occupier of the loan—had no power over previous authorisations and had no capacity to respond to that fact. There will now be a moment in time, over a transition period, when all the other authorisations will no longer be lawful and they will have to be renewed via the new system. There will be limited numbers of them, and any future land occupier who may assume that role subsequent to that time and find that someone else has been authorised to shoot on the property will have the power to revoke that authorisation. Currently, that is not the case. There is no way of knowing, for starters, and there is no real means by which those people can revoke those previously issued authorities. We will create a system that records all the authorisations and ends them at the behest of the authorised person in the event they want to revoke them. That is how the legislation will be different. The intent is not to punish property owners or fine them for failing to comply. In the event that there has been a transfer of that role, the new

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occupier will be empowered and will be able to seek out all the authorisations for that property, and if they want to revoke the lot, they will be able to do that.

Mr R.S. LOVE: Where will the information be available for the property owner to access that information? Will it be through Landgate? Will it be through the police? What will be the process for them to be able to undertake that?

Mr P. PAPALIA: As I said, we are spending tens of millions of dollars creating a new system, and the information will be resident within that system. It will be accessible and it will be linked to Landgate. The properties will be linked to Landgate for the purposes of identifying which property is being referred to, but the police system will record authorisations and enable issuing or revocation of authorisations. It will be the new police system. It will be a modern system.

Clause put and passed.

Clause 40: Suitability of land for hunting using firearm —

Mr R.S. LOVE: I feel we have spent half an hour talking about clause 40 before we arrived there, so I am a little bit trepidatious about —

Mr P. Papalia: Do you want me to re-read it!

Mr R.S. LOVE: No, I do not want the minister to read it out again—please! I think we know it off by heart. Most of it is already in the current act, and I am sure some of the rest is in the explanatory memorandum.

What I want to ask about here is the suitability of land for hunting using a firearm. We have spoken about the matters around the size and location of the land, the nature of the hunting and the capability of the firearm. I want to talk again about the number of hunting permissions in force for hunting on land at a particular time. Several members have tried to get to the bottom of what that assessment may be based on, in terms of what is the appropriate number of hunting permissions in force for hunting on the land at a particular time. What is the basis of the concern about the number of hunting permissions, given that the government has taken action on the old property letter system? The minister will recall the grievance we had in this place about Evan. I understand that Evan received feedback from the police and had a conversation. He is still uncertain whether his business will be able to continue. Some discussions indicated he might be able to, but he cannot really see from his own reading of the legislation how it will happen. As I said during the grievance, people were coming to the property sometimes in small groups but only ever one group at a time. If a mechanism is in place to regulate entry onto the property in a controlled way and ensure that four or five groups are not wandering around and likely to shoot each other by accident because too many people are occupying the land, and there is a measure of control over who is there and who is not, what is the real problem with a number of hunting permissions being in force on that land at that time? Is the purpose of this related to the various discussions about reasons for hunting? That includes the case of people going in groups. Yes, it will be recreation and that is no longer a need, but it is also hunting. I want to get an understanding of where that matter would stand under the new law.

Mr P. PAPALIA: Thank you, Leader of the Opposition. Essentially, my response to Evan and his situation would mirror the response I gave to the member for Vasse on her question. There will be a limit on authorisations, so the scale of the property and reasons here, including suitability of land for hunting, will be the considerations made by the Commissioner of Police. A determination will be made on how many authorisations can be given by him in relation to his property for the purposes of having a genuine reason for obtaining a licence in the first place or renewing a licence. There will be a limited number of those. There will not be a limit on how many already licensed firearm owners—people who already have a hunting licence, having obtained their genuine reason from other properties—can access the property. There will be no limit on Evan enabling them access to his property in the controlled fashion to which the member referred and authorising them with a temporary authorisation for a time. It will be revoked on completion. Then, on another weekend, he will be able to enable another group to come in a safe fashion for the purposes of controlling vermin. There will be no limit on that, but he will not be able to sell authorisations as a venture. He will not be able to sell what, in the current context, are property letters. He also will not be able to extend authorisations beyond the number for which his property is approved. I do not know what size property it will be or all those considerations. It will not be a set ratio, but everyone will be different. Say, for example, he will be allowed 10 authorisations at any one time. It will be those 10 for the purpose of getting their licence, and then that is it. If he wants to give temporary permission at some other time when it is safe and he believes that he can effectively ensure the safety of the people who are on that property, he can give them a temporary authorisation, but they will have had to have obtained a genuine reason from some other property if they are not part of the 10 authorisations. Therefore, there will be a limit on him. If his business was selling property letters, he cannot do that, but if his business enables short stays for people who are already authorised licence holders from elsewhere, for the purposes of hunting, there is no reason that I can see that that could not be done.

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Mr R.S. LOVE: We went through a lot of this earlier on, so it is a bit difficult to pick up some of the threads without re-exploring the whole thing, but I do not want to do that. We are coming to the end of the hunting licence system and approvals of the land et cetera. Given that in clause 32 we were discussing the need to report minimum activity requirements for individual licences, as well as the requirements for approval of land for hunting and hunting permission for land, can the minister guarantee that at no point the landowner who is giving that permission for people to hunt will be asked to report to the police on the activity and the numbers of people who have access to that land? Obviously, they would know the number of people who have been given that original approval under clause 37, but what about the hunting permissions that they have given? Under clause 32, will there be, at any stage, a requirement for landowners to maintain a register and make that register available to the police? What will be the requirements on the landowner as the bill now stands?

Mr P. PAPALIA: I think I understand where the member is going. The bill will empower landowners. They are the occupiers of the land. They are the authorised person for the land, and we will empower them. They will get to authorise and they will get to revoke authorisations to shoot on their land. It is totally in their control. What is required is that there is only a limited number—subject to the property and all those categories and considerations that we have referred to many times, which the member does not want me to read again—of those authorisations for the purpose of obtaining a genuine reason for a licence for each property. But there will not be a book in which one will write down that data. There will be a system that landowners will enter data into, and once it is in there, it is in there. In the event that they want to revoke that authority, again it is a system that they will be able to go into and it will be within their control, as the occupier and authorised person for the property, to revoke that authorisation. But it will be on the system, and so it will be a whole lot less manually driven.

Essentially, at the moment, there is no minimum requirement for the purpose of hunting. As the Leader of the Opposition referred to, clause 32 provides that the regulations may impose requirements, but they will not. That is not our intention and I have said that. There will be no obligation on a person to report that someone has come onto and shot on their land. We are affording them the power to restrict how many people are authorised to come onto their property as a genuine reason for a hunting licence. That is something we are giving them the power to do. They will be able to revoke their permission if they want to; in which case, if the person who had the licence based on that property has their permission revoked, they will have to get a different one.

Mr R.S. LOVE: Can the minister give me an ironclad guarantee that in the future, after the passage of this legislation, it will not be possible for there to be a requirement for the property owner to maintain a record of every time a hunter comes onto the property, the duration of their stay on the property and the nature of the activity that they have undertaken?

Mr P. PAPALIA: I cannot because, as I have indicated several times and as the Leader of the Opposition reflected, the legislation says that the regulations may impose requirements that require the holder of an individual licence to engage in specified activities authorised by the licence on a minimum number of occasions in a specified period. It is not our intention to do that for hunting at the moment, but some future government might want to do that. Some future government might want to ask that people record when someone shoots on their property. It is not our intention. It is not what we are doing. We are empowering property owners to control who comes onto their land and shoots. They will be able to decide who has a genuine reason for shooting on their property or who has a genuine reason as a consequence of them using their property, and they will be able to revoke that if they want to. We are giving them that power. We are not making it difficult for them.

Mr R.S. LOVE: That makes a material difference to my consideration of this clause. This bill is certain to go to the other place. I think this whole idea of putting in place a piece of legislation under which the government is saying it does not intend to do something but that actually provides the power to do the thing that it is telling people it is not going to do is not a good way to develop legislation. In fact, the Law Reform Commission was pretty explicit in saying that the government should prescribe what it wants in the legislation as much as possible and leave as little as possible to chance in the regulations. Here we have a piece of legislation in which clause 32 provides that there could be onerous reporting requirements on landowners who give hunters permission to access their land. On that basis, I do not think I can support this clause. I signal that I will talk to the Nationals spokesperson on this issue in the Legislative Council, Hon Louise Kingston, about moving amendments to ensure that clause 32 will apply not to the hunting licence but only to the competition licence that we have been talking about.

I will conclude my questioning at this point. I do not know whether others have anything they would like to say.

Mr P. PAPALIA: That was a long bow to justify the Leader of the Opposition's decision, made within an hour of the bill being read into the Parliament, to oppose the reform of the property letter system. That is interesting because the farmers of Western Australia support this reform. The Western Australian Farmers Federation, the Pastoralists and Graziers Association, the Kimberley Pilbara Cattlemen's Association, vegetablesWA and Wines of

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Western Australia support this reform. They actually requested it. I do not think that the Leader of the Opposition is being entirely genuine when he comes into this place and says that he opposes it for any other reason.

We have indicated that this will affect as many as 53 000 firearms. I understand that this will likely stop people from having a genuine reason because it will require them to demonstrate a genuine reason for having a hunting licence. I understand those are the people with whom the Leader of the Opposition is aligned, and he has determined that he will act on their behalf. That is fine. The member should understand that by opposing this part of the bill, we will fail to remove as many as 53 000 firearms from the community of Western Australia, and it will have a consequential negative impact on public safety that might otherwise have been achieved; that is disappointing. I understand the opposition will do it and that is fine, but I do not think we can clothe it in any other justification than currying favour with a particular very small body, which is not the farmers. It is not the competitive shooters. It is a very small part of even the hunting community because a lot of people in the hunting community can easily acquire an authorisation and genuinely go out shooting on a regular basis to help control vermin. The Leader of the Opposition is representing people who are not in those cohorts—people who have essentially gained an authorisation for a firearms licence under a corrupted system—and he is refusing to reform that system, and that is disappointing.

Mr R.S. LOVE: I will just ask the minister whether he will accept that some of the things he said are long bows themselves. I have made it quite clear that I am not going to stand by and let a piece of legislation come through Parliament that could add significant administrative burden on members of the public who have simply given permission for someone to hunt on their property. As we have heard from the discussions, that is a legitimate need in many areas to control vermin and also assist, through that, with the management and profitability of the property.

This is not about rejecting the reforms that have been made in line with what primary producer groups have said. It is to alert them that there is a bit of a stink bomb in this legislation that needs to be removed. We need the reference to an “individual licence” in clause 32 to be replaced with a reference to a “competition licence”. When that is done, I think we can see some common ground in some of the progress around that.

The minister said something about the people I represent. The people I represent are the thousands and thousands of people who have come forward and directly contacted me or the organisation or other MPs in the organisation. It is not such a small cohort as the minister might think.

Again, I think the minister made some comments about hunters being represented by the Sporting Shooters’ Association of Australia, but the association represents not only the hunters but also many of the competition groups. I think that was a bit wrong to say that as well.

With that, I will conclude my discussion on this clause and indicate that, although I agree with a lot that has been said and I think that some of it is very workable, there are some worrying implications for the landowners in that they could be inadvertently caught up with a simple change of regulations, for which we have no oversight here in Parliament because we cannot really move a disallowance and expect it to occur. Those landowners could find themselves with a whole new raft of responsibilities and no recompense for the work that they will be undertaking.

Mr P. PAPALIA: I have to correct the record. The Leader of the Opposition is being—possibly unintentionally, but definitely—misleading.

Clause 32 provides for minimum activity requirements for individual licences. That is an obligation on the individual who holds the licence, not on any property owner. There will be no implications for a property owner as a result of clause 32(1), which is what —

Mr R.S. Love: How else are you going to monitor the use of that hunting licence?

Mr P. PAPALIA: We can ask the licence holder to report in the same way that we might ask the licence holder to report when they go to a range for a competition shoot. The property owner is not obliged to do the reporting; under that part of the legislation, there is an obligation only on individual licence holders because that is what it is about—the individual licence holder. I understand that the Leader of the Opposition has an agreement with a group of people about opposing this reform of the property letter process, but he cannot do that on the grounds that it is somehow a threat to property owners. This will empower property owners. This will ensure that property owners get to control who shoots on their land. It is what the farmers of Western Australia requested. We are delivering it to them. Everything about the primary producer licence, which we will talk about later, has been developed in tight consultation with the Primary Producers Firearms Advisory Board. To suggest that some element of this law will somehow pose a threat to property owners is just not genuine. I am sorry; I cannot allow that to have been the last thing that was said on this matter. I understand that the opposition is going to oppose it, and that is fine. I know which bits it will oppose; it has already told us. The opposition put out a media release within an hour of the bill being read into Parliament, so I know which bits it will oppose. That is fine, but it should just be genuine about why it is opposing it. It is opposing it because it agreed on that position in advance with that small group of people.

Division

Extract from Hansard
[ASSEMBLY — Tuesday, 19 March 2024]
p1038a-1083a

Mr Shane Love; Mr Paul Papalia; Ms Merome Beard; Ms Libby Mettam; Mr Peter Rundle; Ms Mia Davies; Mr David Templeman

Clause put and a division taken, the Acting Speaker (Mrs L.A. Munday) casting her vote with the ayes, with the following result —

Ayes (38)

Mr S.N. Aubrey	Ms M.J. Hammat	Ms S.F. McGurk	Ms M.M. Quirk
Mr G. Baker	Mr T.J. Healy	Ms L. Mettam	Dr K. Stratton
Dr A.D. Buti	Mr M. Hughes	Mr D.R. Michael	Mr C.J. Tallentire
Mr J.N. Carey	Mr W.J. Johnston	Mr K.J.J. Michel	Mr D.A. Templeman
Ms C.M. Collins	Mr H.T. Jones	Mr S.A. Millman	Ms C.M. Tonkin
Ms L. Dalton	Mr D.J. Kelly	Ms L.A. Munday	Mr R.R. Whitby
Ms D.G. D'Anna	Ms E.J. Kelsbie	Mrs L.M. O'Malley	Ms S.E. Winton
Mr M.J. Folkard	Ms A.E. Kent	Mr P. Papalia	Ms C.M. Rowe (<i>Teller</i>)
Ms K.E. Giddens	Mr P. Lilburne	Mr S.J. Price	
Ms E.L. Hamilton	Mrs M.R. Marshall	Mr D.T. Punch	

Noes (4)

Ms M. Beard	Mr R.S. Love	Mr P.J. Rundle	Ms M.J. Davies (<i>Teller</i>)
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Clause thus passed.

Clause 41 put and passed.

Clause 42: Authority conferred by Paintball Licence —

Ms M. BEARD: On the issue of paintball licences, will there be a limitation on the number of paintball guns that can be issued?

Mr P. PAPALIA: No.

Clause put and passed.

Clause 43: Terms used —

Ms L. METTAM: Clause 43 states —

In this Division —

business means —

- (a) any commercial or professional activity; or
- (b) any activity that is prescribed by the regulations as a business;

Does the minister have any regulations that have been drafted that he can table that relate to this? If not, does he have an idea of the types of activities that will be prescribed by the regulations as a business?

Mr P. PAPALIA: Essentially, the aim with the drafting was to specify the types of business licences. Clause 43 refers to enabling the flexibility to be able to add some if they have not been conceived of at this time. Also, it will potentially give more detail around a prescribed business licence. One indication that Mr Warburton suggested was that it might define types of not-for-profit businesses or something of that nature. This enables the flexibility to which the Law Reform Commission referred, as opposed to providing a finite list that we will have to amend at a later date. This provision potentially enables a little flexibility.

Mr P.J. RUNDLE: Under clause 43(a), does “professional activity” apply to professional athletes or is there a distinction between professional competition shooters and professional pest controllers?

Mr P. PAPALIA: No, it is professional shooters. Athletes are competition shooters. We have talked about elite athletes and the like, but they will be supported through that category. Here we are talking about professional shooters.

Clause put and passed.

Clauses 44 and 45 put and passed.

Clause 46: Standard authority conferred by Business Licence —

Ms M. BEARD: Will there be any limits to the number of firearms that a business can have or will the number differ for each category?

Mr P. PAPALIA: No, there will be no specific limit. The demonstration of need and genuine reason will dictate whether they are able to get the number of firearms that they aspire to license.

Mr R.S. LOVE: The standard authority of the licence will stand regardless of the type of business, as long as it is one of those business licences listed below in subdivision 2. Will there be any other obligations in the form of regulations that will be different for each of those businesses, or will the regulatory landscape be similar for each of them?

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Mr P. PAPALIA: The regulatory environment will differ subject to the type of activity undertaken. In terms of the regulations, different obligations may be placed on different business types because some of them will carry out activities that are completely unrelated. Mr Warburton made the observation that a theatrical firearm business licence essentially allows the business to use only blank or simulation ammunition, not live ammunition. That would potentially be a different regulation.

Clause put and passed.

Clause 47 put and passed.

Clause 48: Security Agent Business Licence —

Ms M. BEARD: Can the minister outline what criteria need to be met before a firearms licence is issued to a security agent business?

Mr P. PAPALIA: The requirements for a firearms licence are dictated by the Security and Related Activities (Control) Act 1996.

Ms M. BEARD: What kinds of firearms can be issued to those businesses?

Mr P. PAPALIA: They can be issued with only a category H firearm.

Clause put and passed.

Clause 49: Firearms Training Business Licence —

Mr R.S. LOVE: I refer to clause 49(3). If a person is being trained, will they have to be a licensed firearm owner or will they receive training in order to feel confident about eventually owning a firearm? The licence refers to the firearms trainer, but will it also enable a customer to basically use a firearm?

Mr P. PAPALIA: Essentially, someone will not need a licence in order to be under the direct supervision of an authorised person.

Clause put and passed.

Clause 50: Theatrical Firearm Business Licence —

Ms L. METTAM: Clause 50(4) states —

A Theatrical Firearm Business Licence does not authorise the use of a firearm with live ammunition unless otherwise approved in a particular case.

Many would be aware of the film *Rust* with Alec Baldwin and the fatal shooting that occurred. In what circumstance would live ammunition be permissible in a theatrical firearm business? I cannot imagine why it would be required. Could the minister provide some clarification?

Mr P. PAPALIA: I thank the member for the question. This licence is much more constraining than some of the other categories. We can imagine that in a completely controlled, safe environment, a theatrical business might want to film or demonstrate a firearm firing live ammunition. I imagine that the detail around how that authorisation would be obtained will be tightly regulated. That would not be normal practice. As the member correctly identified, it is a pretty constraining category. The licence will be mostly limited to non-live ammunition. It is a fair observation that a person can be killed by a blank. It is not without danger. There will have to be controls around all those practices. Yes, there could potentially be a circumstance that could be imagined in which they would want the authority to fire live ammunition.

Clause put and passed.

Clause 51: Paintball Business Licence —

Ms L. METTAM: Under this clause, there is a requirement that a firearm permitted under a paintball business licence can be used at only a prescribed location—namely, the paintball business that has the licence. I have to reword it. Will it be a requirement that the firearm permitted under this licence will be used at only the prescribed location, being the business?

Mr P. PAPALIA: The paintball business licence relates solely to paintball games businesses. Yes, it will be for the location for which it is licensed. It will be so that people can go there to use their paintball guns to shoot each other and enjoy that activity. There will be other individual licences under which paintball guns can be used for other activities, like marking agriculture, livestock and the like.

Clause put and passed.

Clause 52: Professional Shooter Business Licence —

Mr Shane Love; Mr Paul Papalia; Ms Merome Beard; Ms Libby Mettam; Mr Peter Rundle; Ms Mia Davies; Mr David Templeman

Mr R.S. LOVE: A professional shooter business means a business providing a service that includes the sedation, culling, euthanasia or humane destruction of animals. A business may be a partnership, incorporated body or a sole trader. Let us look at the situation of an incorporated body. Will this mean that a number of people employed by the business could undertake this activity? Will they be individually licensed? What will be the criteria for determining whether the employee of the business can use one of the firearms in the categories, or will each individual have to have their own firearms licence as a professional shooter?

Mr P. PAPALIA: A designated person will be the authorised licence holder. If it is an incorporated body, other employees or personnel will be authorised under that licence, but they will not hold that licence; there will be one authorised person.

Mr R.S. LOVE: Would that be similar to security agents who are employed by a company and presumably undergo some due diligence program and then become authorised to carry out duties? Yes? Okay. Thank you.

Clause put and passed.

Clause 53: Prescribed Business Licence —

Ms L. METTAM: This clause states —

... prescribed business means a business prescribed by the regulations as a business for which a Business Licence can be granted.

Does the minister have an idea of the type of business that may be prescribed by regulations as a business that could be granted a business licence?

Mr P. PAPALIA: I have a list of examples of likely prescribed businesses. They would include industrial, resources, aviation, airport, tourism, golf club, maritime or yacht club businesses, and potentially others.

Ms L. METTAM: Has the minister received any representations from businesses recommending a type of business that should be a prescribed business under this clause and the associated regulations? Could the minister also table that list?

Mr P. PAPALIA: That was just a handwritten list. It was through meetings with people from those sectors that indicated that they should be prescribed businesses. Meetings with Perth Airport, local governments and people from within the resources sector led to that list being compiled. However, that is not necessarily a complete, finite list; it is an indication of the types of prescribed businesses.

Mr R.S. LOVE: We had a briefing from the minister's office on the bill. It was stated that some primary producers might be better off becoming a prescribed business and getting a business licence rather than a primary producer licence. Can the minister expand on the rationale behind the statement that was provided to us?

Mr P. PAPALIA: In Western Australia, we have some examples of some really significant property holders who own and/or lease really substantial properties. They might have a number of properties that might be disparate in nature. Gina Rinehart, Andrew Forrest and people of that nature potentially have many different types of properties. It might be more appropriate for them to be a prescribed business to enable the flexible use of firearms on that scale.

Clause put and passed.

Clause 54: Terms used —

Ms L. METTAM: I refer to the definition of "family member" under those who may be authorised for a primary producer licence. Is this an exhaustive definition? I note that some farms might be multigenerational. Adult children are not necessarily included in the definition, nor are adult nieces and nephews, when brothers or sisters may share those farms.

Mr P. PAPALIA: I am informed that this definition will not exclude people who might not be on that list, like grandparents or grandchildren. They could still be an authorised person for the purposes of this part.

Mr R.S. LOVE: The definition of "primary production activities" of a person means —

... activities in the course of a business of primary production ...

Can the minister offer me the definition of "primary production"? There are many different versions of the definition of "primary production". What definition of "primary production" is referred to in this legislation?

Mr P. PAPALIA: Applicants will need to demonstrate that they are considered or defined by the Australian Taxation Office as a primary producer under tax ruling 97/11 under the Income Tax Assessment Act. Examples include cultivating or propagating plants or fungi, or their products or parts, including seeds, spores, bulbs and similar things, in any physical environment; or maintaining animals for the purposes of selling them or their bodily produce, including natural increase. The tax ruling goes on and on, but this is essentially the ATO ruling.

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Clause put and passed.

Clause 55: Approval of family members —

Mr R.S. LOVE: I think the member for Vasse asked a question on this in the debate on the previous clause with reference to family members, multigenerational families and the like. Will there be a limit on the number of family members who can be involved in the family business in order to be a licensee?

Mr P. PAPALIA: There will be no limit.

Mr R.S. LOVE: If a family now has 10 or 15 different components of trusts and different organisations, how will it be determined which person is able to have a primary producer licence? If there will be no limit, could they all have a primary producer licence?

Mr P. PAPALIA: It will be the person designated by the ATO as the primary producer for that property.

Mr R.S. LOVE: Then they could approve anyone in that very large number of people. The minister just said that there will be no limit, so could there be dozens and dozens of people and would that be acceptable?

Mr P. Papalia: If they are Mormons or something?

Mr R.S. LOVE: That is not necessary. It is not very nice to point out someone's religion. I think I will sit down and let the minister give the answer. Perhaps he will not refer to Mormons.

Mr P. PAPALIA: If they have been designated by the ATO as the primary producer for that land, they will get a primary producer licence.

Ms M. BEARD: In my patch, a lot of people have asked the question about an owner of a property, who is probably the primary producer, living in the south of the state and there being a manager undertaking responsibility for the property. Will it then fall back on the owner of the property or the person resident on that pastoral lease?

Mr P. PAPALIA: The primary producer would be the owner, the licence holder, and the other person, the manager, would be an authorised person.

Ms M. BEARD: Will that authorised person be able to have other people on the property who work for them authorised to use?

Mr P. PAPALIA: The other people could be authorised, but the primary producer will have to nominate them for authorisation by the Commissioner of Police. The other people who work there could also be nominated.

Ms M. BEARD: I have one last question. In the case of staff rotating through properties, will it be a case of the manager issuing permission to each of those people as they come and go?

Mr P. PAPALIA: Yes.

Mr P.J. RUNDLE: Can the minister clarify what he spoke about with the Australian Taxation Office capacity and the rest of it? How far can the family member extend? Will it be direct family relatives or are we talking about nieces, nephews, uncles, aunties and grandchildren?

Mr P. PAPALIA: Sorry, member; we have moved past the definition, which is in clause 54. It defines family members.

The ACTING SPEAKER (Mrs L.A. Munday): There is clause 54(a) and (b) there, member for Roe. Sorry; are we are on clause 55? I beg your pardon. Sorry, I am just trying to hurry things.

Mr P. Papalia: Don't go backwards!

Mr P.J. RUNDLE: That is fine. Clause 55 is on approval of family members. There is no other extension to paragraphs (a) and (b), as in grandchildren or the like.

Mr P. PAPALIA: Sorry; I answered that when the member for Vasse asked it some time ago. Yes, grandchildren and grandparents will be included.

Clause put and passed.

Clause 56 put and passed.

Clause 57: Primary producer licence to be granted for landholding —

Mr P. PAPALIA: I move —

Page 37, lines 1 to 3 — To delete the lines.

Clause 57 of the bill deals with the new primary producer licence and the landholdings to which such licences will apply. The primary producer licence provisions in division 4 of part 2 of the bill were developed in close consultation with the Primary Producers Firearms Advisory Board. I note again the comments made by the

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member for Collie–Preston about this issue during her contribution to the second reading, which I think was also raised by the member for Vasse. The Western Australian Farmers Federation and the Pastoralists and Graziers Association also raised the same issue with the government very late in the process. Unfortunately, there was not an opportunity to address the matter before the bill was introduced. The issues concern the limitation currently in clause 57(3) on the number of primary producer licences that can apply to a landholding. The bill provides that only one primary producer licence can apply to a particular landholding. The government has listened to the concerns expressed by the members for Collie–Preston and Vasse and the industry associations. As a result, it is proposed to remove clause 37(3) from the bill through the amendment I have just moved.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 58 to 60 put and passed.

Clause 61: Use of Primary Producer Licence firearms for hunting by licensee —

Mr R.S. LOVE: We talked before about hunting licences and competition licences and farmers being able to shoot cans, clay targets and different things. Clause 61, “Use of Primary Producer Licence firearms for hunting by licensee”, is providing the authorisation for hunting. It means that the hunting licence could be extended to another property. I think we had a discussion before about a collective effort to clean up foxes in a region and different farmers going onto each other’s properties to shoot foxes. Is it envisaged that under this provision of the legislation, a hunting licence will be required when it is not being done on the primary producer’s own property?

Mr P. PAPALIA: Yes, this will enable a primary producer to go onto another property on which he or she is authorised to hunt.

Mr R.S. LOVE: Subclause (5) states —

This section does not prevent the grant of a Competition Licence or Paintball Licence to an individual who holds a Primary Producer Licence.

What will the implications of that be for a primary producer who may want to use their firearm in a competition? Will that be allowed? Will they be able to go to a club and compete in a competition with the gun that is licensed under their private property licence?

Mr P. PAPALIA: Essentially, this will enable the primary producer to go hunting. If they want to do target shooting, they will be able to. If they want to go to a club and use their firearm for target shooting under their primary producer licence, they will be able to use it for that purpose. If they want to compete in a competition, they will have to seek a competition licence. It may be that they license the same firearm for that purpose, but it will be under a competition licence as well as a primary producer licence.

Mr R.S. LOVE: We heard before that someone could not use the same firearm under a hunting licence and a competition licence. They would have to use two separate firearms. A rationale was advanced around that. Will that be different in the case of a primary producer licence? Could someone have a competition licence and a primary producer licence for the same firearm?

Mr P. PAPALIA: Yes.

Mr R.S. LOVE: Is the reason for that difference the fact that both licences have an upper limit of 10 guns?

Mr P. PAPALIA: Leader of the Opposition, it is not related to the numerical limit. It is just about affording the opportunity for primary producer licence holders to participate in competition shooting and club activities and providing a bit of flexibility to them. The motivation was not related to the number.

Mr R.S. LOVE: That is interesting, because when I go home, I will pick up *Hansard* and start scrolling through to the answers around the competition licence and the hunting licence.

Mr P. PAPALIA: It was about a competition licence holder using it for other purposes, for hunting purposes; that was the concern.

Mr R.S. LOVE: I am sure there was something about one could have 10 and one could have five and we did not want to grow the numbers. Anyway, I will look at that. We cannot really advance any rationale for the different treatment of the hunting licence and the competition licence; the licence holder will be required to have two separate guns for those two purposes, but in the case of the primary producer licence, they will be able to undertake the activity with the same gun, albeit with two separate licences. I do not criticise that. I think that is a more sensible arrangement than the one we were discussing earlier in the evening, which still just does not seem to have any rational reason. If the minister could confirm that indeed someone would need to get a competition licence and, to

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do that, they would have to be a member of a club and, presumably, maintain a level of activity for that particular part of their licence.

Mr P. PAPALIA: Yes.

Mr P.J. RUNDLE: Clause 61(3) states —

Section 30 does not limit the number of firearms that a licence can apply to when the licence is a primary producer's Hunting Licence.

Is it saying there will be an unlimited number?

Mr P. PAPALIA: That refers to the normal hunting licence when someone's genuine reason for obtaining a licence is hunting and they have an authority from someone else to shoot on their property, and that will be a limit of five. In this case, it is saying that a primary producer could use their firearms for hunting. They will not be limited to five of their firearms for that purpose. They could use all 10.

Mr P.J. RUNDLE: Is there any case in which a primary producer could have more than 10 firearms and they could cross over and end up with 20, potentially?

Mr P. PAPALIA: There will be an ability for a primary producer to have 10 for primary production purposes. If they get a competition licence, they could potentially have an additional 10, although why they would want to, I am not sure. That would be solely for the purpose of competition.

Mr P.J. RUNDLE: Will there also be an ability on top of that for them to get a separate hunting licence?

Mr P. PAPALIA: No, because we are affording primary producers the opportunity to utilise their firearms for the purpose of hunting. Clause 61(4) states —

A Hunting Licence must not be granted to an individual who is taken to hold a primary producer's Hunting Licence.

Ms M. BEARD: Clause 61(5) refers to paintball licences. If producers need them for calf marking, will those guns be included in the maximum number, or will they sit outside that? If they have 10 firearms, will they not be included?

Mr P. PAPALIA: No, paintball guns will not count towards the limit.

Clause put and passed.

Clause 62: Authority conferred on child of licensee by Primary Producer Licence —

Mr R.S. LOVE: This clause provides for authority to be conferred on a child of a licensee by a primary producer licence. Can I just confirm that a child, as a young person, is 12 years old as a minimum?

Mr P. PAPALIA: Yes.

Clause put and passed.

Clause 63: Term used: approved society of firearm collectors —

Mr R.S. LOVE: I am going to use this clause to get a brief understanding of collectors, rather than going through everything in detail throughout the whole area. I just want to confirm that there will be no limits on the number of guns that can be held and that there will be some stipulation on storage, depending on the numbers of guns. Could the minister give us a very brief rundown on some of the changes or effects of this new legislation in terms of gun collectors?

Mr P. PAPALIA: Essentially, there will be no limit on the number of firearms. I am informed that it will combine what they would have previously had, which was a requirement to obtain two licences: one for ammunition collection and one for firearms collection. It will combine those into one, thereby reducing obligations on collectors, but there will be obligations around storage generally, relating to the number and types of firearms held, but that is under a different part of the legislation. It will not be related to whether they are a collector; it will be about the number and types of firearms.

Ms M. BEARD: A couple of people have contacted me about their collectable firearms. They said that they believe the value of their firearms is higher than the amount being offered under the buyback. They are asking whether that will be taken into consideration. Given that the guns are antique, they believe they are worth more than what is being offered under the buyback.

Mr P. PAPALIA: The bottom line is that the buyback scheme is voluntary. No-one is making anyone afford themselves of the opportunity provided under the buyback scheme. If someone believes that in the future they will not be able to comply with the new obligations of the act and therefore they need to divest themselves of their firearms, they might want to do it by other means. They can sell them lawfully to other people right now if they believe

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they can get more money for them. Genuine collectors will be able to apply for a collector licence under the new legislation. If they just wanted to divest themselves of their firearms and get more money, they could do that. They could seek someone who is willing to pay the price that they believe it is worth.

Ms M. BEARD: My last question on the collector licence is about the licence fees. Will the collector licence fees be increased significantly?

Mr P. PAPALIA: Thank you, member. I cannot confirm the exact fee at this time. I can say that it will combine into one licence the two licences a person currently has to acquire. Potentially, there will be changes to the storage requirements, because that was one of the recommendations from the consultation. There will definitely be more obligations around storage. I do not know about all collectors, but a lot of collectors have a significant amount of security around their collections already. I do not know, but we will address that as we get to those clauses. Again, I cannot predict what the amount of money will be. It will be a contemporary and modern system that will be far less manually demanding in its administration. Conceivably, when it is operational, the cost will be potentially a lot less challenging, but I do not know.

Clause put and passed.

Clauses 64 to 76 put and passed.

Clause 77: Membership of licensed firearm club —

Ms L. METTAM: I refer to the regulations for membership of a licensed firearm club. Does the minister already have regulations prepared or drafted that he can table? Can he give an indication of what will be involved in the regulations for membership of a licensed firearm club?

Mr P. PAPALIA: Thank you, member for Vasse. Essentially, the reasons for which a person would be excluded would replicate the mandatory disqualifications for a licence more broadly. A person would not be able to be a club member if they were an outlaw motorcycle gang member or an organised-crime type of criminal, having been convicted of some heinous crime in the past and incapable of getting a national police clearance. Those sorts of things would determine a person's ineligibility, in effect. The sorts of things that prevent a person from being eligible will be included in the regulations.

Ms L. METTAM: When questions were asked earlier about a business on a large property that had taken advantage of the property letters system, the minister pointed out that a club could be established. Would that be a firearm club or was the minister talking more broadly about a shooting club, and would that be related to this clause?

Mr P. PAPALIA: This is just about the membership of a licensed firearm club. It is focused on who might not be eligible. I do not think it is related to that conversation.

Clause put and passed.

Clauses 78 and 79 put and passed.

Clause 80: Authority conferred by Range Licence —

Ms M. BEARD: When an incident happens at a licensed firearm range, how will the liability be assigned between the range operator, the authorised person for the licence and the individual using the firearm, particularly in cases of inadequate supervision or training?

Mr P. Papalia: What are you referring to?

Ms M. BEARD: An event on a shooting range.

Mr P. Papalia: But which part of the bill?

Ms M. BEARD: It is in clause 80.

Mr P. Papalia: But which part are you talking about?

Ms M. BEARD: Sorry, I am just finding it. I think it is in clause 80(2)(c), which states that a person, other than a disqualified person, will be authorised to use a firearm at a licensed firearm range for the purposes of competition shooting. The question asked of me is: who will be liable if something goes wrong on a shooting range?

Mr P. PAPALIA: I do not think this clause has anything to do with the member's question. This clause is about the authority conferred by a range licence. It outlines what the authority is in the event that the incident to which the member refers occurs and who is responsible. This clause does not relate to the example the member gave, as long as someone is complying with the licence obligations and not unlawfully operating on a range. The member is talking about a different matter. It might need to be investigated by the police or it might become a civil matter. I do not think it really relates to this clause.

Clause put and passed.

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Clauses 81 to 85 put and passed.

Clause 86: Term used: trade purpose —

Mr R.S. LOVE: There will be some questions throughout this clause because an issue has been brought to my attention by a number of people, and I am sure other members have had similar issues brought to their attention. This clause relates to the term “trade purpose”. It then refers to clause 88(1), which lays out the purposes of a trade licence. I am not quite sure about the necessity of clause 86. I guess we can talk about the purposes that are laid out. The purposes of a trade licence has all these different meanings—firearm dealing, firearm manufacture, firearm repair and firearm storage. There seems to be a need for a separate licence for each of those purposes.

Mr P. Papalia: What clause are we on?

Mr R.S. LOVE: We are on clause 86, which refers to “trade purpose”. The definition of “trade purpose” is set out in clause 86 but that refers to clause 88(1). It seems to be strangely worded and we have that juxtaposition.

Mr P. Papalia: It is Parliamentary Counsel. That is how it does stuff.

Mr R.S. LOVE: Maybe.

Mr P. Papalia: No, it is, entirely. It writes laws like this.

Mr R.S. LOVE: I have seen a few pieces of legislation. I just find this one a bit strange. We could talk about it when we get to that clause. I am happy to do that.

The legislation seems to indicate that a trade licence has different purposes, yet from my reading further down, they are all separate licences. Is that the case or is there one trade licence that covers all those purposes and a separate licence is not needed?

Mr P. PAPALIA: It is essentially one licence with multiple purposes.

Clause put and passed.

Clause 87 put and passed.

Clause 88: Purposes of Trade Licence —

Mr R.S. LOVE: It has been indicated that clause 90 will be discussed; it certainly will be. Before we get there, I understand that when we are talking about a trade licence, someone holding a trade licence may indicate that they are a firearm dealer—this is set out in clause 88(2)(a), (b), (c) and (d)—a firearm manufacturer, a firearm repairer or someone who stores firearms. It seems very confusing. Subclause (3) states —

... for more than 1 trade purpose (a *multi-purpose licence*) —

- (a) each of those trade purposes is a separate and distinct trade purpose of the licence; and
- (b) a reference to a Trade Licence by a name that indicates a particular trade purpose includes a reference to a multi-purpose licence in relation to its operation as a licence for that trade purpose.

I had a conversation with a person who is involved in the repair of firearms, dealing with firearms and, to some extent, the manufacture of firearms. He expressed a degree of frustration about trying to understand how this is all going to work. He spoke to police about what his requirements would be. He had not actually had anything like a cogent response about what he would have to do. I am not sure which of the four categories he wanted. He did not want just one of the categories; he wanted three of them, not necessarily four of them. He was being sent all over the shop to find out where he would have to go to keep his business going. We are looking at small businesses that are wondering about the future of their business, which is tied up with clause 90. They are trying to find information but I think they are not finding a truthful source where they are going because they are not getting clarity. He certainly was not. I had this conversation on Sunday. Can the minister give some clarity to a person who is a small dealer in a country area not far out of Perth—but still distinctly rural—who is trying to understand how he will carry on his business into the future?

Mr P. PAPALIA: I am not sure what the source of the member’s constituent’s concern is. Nevertheless, drafting the legislation and creating this system will enable an individual to have either one of these individual categories or a multipurpose licence. If they get the multipurpose licence—in the case of the constituent needing three of the individual categories—they will just get one licence instead of three. It is a good thing. I am not sure who he sought advice from. Perhaps he has not talked to people who know the answers. If he has any further concerns, I would encourage him to contact the Western Australia Police Force’s licensing enforcement division to talk to them because they are the point for the development of the legislation. They would be able to reassure him. Essentially, a multipurpose licence is exactly what it says. It covers off on more than one of those other categories.

Mr R.S. LOVE: Can the minister clarify whether a multipurpose licence is one or more, but not all, of the categories someone could have? There could be two or three, otherwise it would not be multipurpose.

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Mr P. PAPALIA: What I meant by that is if they needed only one of those categories, they would get that one, but if they needed more than one, they would get a multipurpose licence, which would enable them to have all four or any number from two to four.

Clause put and passed.

Clause 89 put and passed.

Clause 90: Licence must be for genuine business —

Ms L. METTAM: Clause 90 (2) states —

The regulations may require a minimum level of business activity for a Trade Licence or for a Trade Licence for any particular trade purpose.

Does the minister have those regulations drafted? If not, can he outline the minimum level of business that he anticipates will be required for one to access a trade licence?

Mr P. PAPALIA: The regulations have not yet been drafted. I will give an indication. The regulations will likely require trade licensees to meet a minimum level of business activity—transactions—for firearms and related things, dependent on the nature of the trade licensee. This will be considered further in consultation with industry stakeholders during the development of the regulations. At this point, I will do what I did with respect to the individual peak bodies that represent shooting sports—pistol, rifle and clay target shooters—when I encouraged the bodies that represent those individual sports to consult closely with police about the obligations that might be included in the regulations. In this case, I urge the peak body—the WA Firearm Traders Association—to talk directly with police. Noting that there are not that many of them out there, it might also be reasonable for individual firearm traders to consider contacting the police and offering their own input to the process. Clause 90(5) states —

The regulations may prescribe the minimum level of business activity required for a Trade Licence by reference to any aspect or indicator of business activity, including but not limited to any of the following —

- (a) the amount of revenue generated by the business;
- (b) the volume of business transactions or business transactions of a particular kind in the course of the business.

That is further to what I said earlier. As an example, the volume of firearm sales could be used as an indicator of business activity under a firearm dealer licence. As we move into the work on the regulations, I encourage the peak body and individual businesses that have an interest to work with the police and ensure that their concerns and interests are represented.

Ms L. METTAM: The minister would be aware that there are peaks and troughs in business activity, particularly when there are cost-of-living pressures and the discretionary spend goes down. Will those matters be taken into consideration when looking at the minimum level of business?

Mr P. PAPALIA: That is a fair question from the member for Vasse. Yes, the commissioner may regard any reasonable excuse for a trade licensee not achieving the prescribed minimum business activity. That will obviously include temporary peaks or troughs in transactions. Beyond that, the commissioner will be able to consider factors like geographical location and density of population, as well as the need to afford a geographical location a service. That may mean that an expectation for transaction numbers in one location might not be reflected in another. Mr Penn also pointed out that if someone is in the Kimberly during a time of flooding and the bridges are knocked out and everything stops, that will obviously be a consideration for the commissioner. It will be things of that nature.

Ms L. METTAM: Will the regulations mean that a trade licence will be withdrawn or revoked if, after a period of trade, a licensee with a trade licence does not meet the minimum trade required for the licence? The minister touched on that, but will there be the potential for a trade licence to be withdrawn or revoked after a certain period?

Mr P. PAPALIA: The short answer is yes, it is a potential outcome because the intent of this requirement is to exclude people who might not be genuine traders. It is not beyond reason to think that there could be people who could obtain or have obtained a licence of that type for the purposes of acquiring more firearms, components or the capacity to do things they would not be able to do on the just a normal firearms licence. This provision will prevent that, so yes that is a potential outcome.

Mr R.S. LOVE: As the minister has said, the intention is to capture people who it is believed are not genuine traders. The minister just made that statement. He said that there were people who are using a trade licence to accumulate firearms or parts that they may not otherwise be able to obtain. It is a statement he made in reply just then. My concern is that there are many communities where there is not a great deal of turnover for a person conducting trade activity, but if we stop to think about what they are providing for the community, it is very significant. They

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could be providing safe storage, so if someone goes away for a time, they can have their firearms stored. There could be a domestic dispute between a couple and a decision is made to place their guns away so there is no possibility of there being any concerns about them. I know that happens in some circumstances in regional areas, and I know of one situation that has happened very recently. It is a voluntary thing just to take away those firearms out of the family situation when things are not going so well. There are other examples of providing firearm serviceability certificates locally if someone wants to trade a firearm so that they do not have to travel a long distance to get them. There is the obvious case of being able to buy ammunition locally without having to go too far. There is also having repairs done by someone who knows what they are doing.

I turn to some of the measures I have heard bandied about to measure the importance of the firearm trade to businesses. It has been suggested that a particular dealer heard a discussion that it would be based on the percentage of firearms represented in their business. Many businesses might have a hardware shop, service station or some other business that they operate, and they have a gun dealership as well, just on a small scale, but it is a very important service for that community. I am very concerned whether under this legislation—I am relying on some discussions with some peak organisations—people from more remote areas will get a voice in the discussion in that scenario.

There are also larger centres with a much greater turnover. There will be a huge difference in turnover in a large regional centre compared with a very small one—a Mingenew against a Geraldton. There will be a huge difference, too, in the impact on the community, if that service is not available. Again, there is another huge difference in the metropolitan area as opposed to those regional centres. There is huge turnover compared with some other shops. I am very concerned that this will lead to some preconceived idea of what a firearms business looks like, instead of knowing that some of them have very small turnovers. A lot of the owners are probably ex-military or something and they have some knowledge and they turn it into a service, as much as anything else, for the community. They might not have a shopfront. They might operate from a property and not in a retail setting, as we might expect, but people need that service.

Mr P.J. RUNDLE: I would like to hear a little bit more from the Leader of the Opposition, if I could.

The DEPUTY SPEAKER: That sounds good to me. Leader of the Opposition.

Mr R.S. LOVE: I want to put that on the record as being very important to a good number of people whom I have spoken to, who are the dealers, and many people in the community who are worried about losing that service from within the community. I am proposing, from the Nationals WA point of view at least, that we are not going to divide on this matter at this stage, but in the Legislative Council, we might move some amendments to try to make the consideration of the issues I have just outlined mandatory because I think this will be quite dangerous for small, regional communities if it is allowed to go through. My judgement is that it needs to be clear that this provision has to allow for an interest test, which will ensure that the local community is not disadvantaged by a decision to remove a trade licence from a business. There must be consultation with the community as well as a view from the commissioner's delegate that something does not constitute a business. That lays out my concern. I know this concern is shared by many whom I have spoken to on this matter. A number of my own constituents who have come to me are involved in the trade. These constituents are strongly supported by their local communities.

Mr P. PAPALIA: I think the Leader of the Opposition must have missed my answer to the member for Vasse on exactly the same subject. To reiterate and re-cover the same ground, we were asked what the minimum activity requirements for a trade licence might be, noting that the member for Vasse pointed out that some traders are subject to fluctuations in transactions and that there are geographical differences, population differences, and differences in the types of business. There are elements of necessity of service delivery in parts of the state, which are potentially far-flung and might not necessarily generate a high enough volume of trade to compare with another part of the state like the city. All these things were canvassed by the member for Vasse and I responded to them. To put the Leader of the Opposition's mind at ease and to reassure those who may read *Hansard* or, perhaps incredibly, are watching, I will reiterate what I said. On the minimum activity requirements for trade licensees, the regulations will likely require trade licensees to meet a minimum level of business activity or transactions for firearms and related things, dependent on the nature of the trade licensee. The development of the regulations will consider this further in consultation with industry stakeholders. I am saying, as I said in response to the member for Vasse, that I urge the peak body—the Western Australian Firearm Traders Association—and also individual businesses to individually engage with police over the development of the regulations to ensure their concerns are addressed in the same way I urged individual sporting peak bodies for the pistol, rifle and clay target shooters associations to engage. If individual players out there have concerns, the police who will be drafting the regulations shortly are the people to talk to about ensuring that their concerns are addressed in regulations and that their business is afforded the opportunity to continue, noting the special circumstances that they confront. I encourage everyone to get in touch and, rather than sit in fear of something that may or may not be a challenge, work with the police on the development of the regulations as they are developed.

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Beyond that, I was asked by the member for Vasse whether a person who operates a specialised business with limited transactions each year will be able to continue under the trade licence. The answer is yes. The commissioner may have regard for any reasonable excuses for a trade licensee not achieving the prescribed minimum business activity. That is when I specifically made the observation that there are parts of Western Australia where an essential service is provided by someone performing the role of a trader and, just by virtue of the sparse population and the potential low level of regular demand, they may not be able to meet the same expectations as a trade licensee in the city or even in a large country town. Those are the sorts of things that the Commissioner of Police will consider. We are being careful to ensure that we do not impact unnecessarily on service provision and that we support people with the sale of ammunition and those sorts of things, but there is an ultimate objective of improving public safety. People have in the past availed themselves of, and could right now potentially be availing themselves of, a trade licence for the purposes of pretty much getting around normal limitations on licences.

Ms M. BEARD: In relation to trade licences, we all understand that business owners have concerns with the confidentiality of their business. Will it be mandatory for trade licence holders to link up to the new system digitally? Will their invoices and business information be disclosed to the police force or whoever has control of the system?

Mr P. PAPALIA: There is currently a reporting obligation. A person does not get to not tell people when they are buying or selling ammunition or firearms or engaging in those elements of their trade. They have to report it. It is just that, at the moment, it is not a contemporary system. There is a delay. It is far more manually demanding and slow. There will be a contemporary digital system and it will enable people to far more easily comply with their reporting obligations. That will not be a bad thing; that will be a good thing. They already have to provide that information. It is not like it will be a new demand in that regard.

Ms M. BEARD: I am conscious that people are concerned about the confidentiality of their business as such and how much is disclosed in terms of figures and numbers and the value of their business. Will they have to disclose everything, including their invoicing? What level of disclosure will be required? Will there be a trial, because there are smaller ones and bigger ones?

Mr P. PAPALIA: I am informed that, essentially, transactions and evidence of trading numbers will suffice. In the event that they confront an issue, such as those to which the member for Vasse referred, including an incident or family matter or some interruption of trade, they might be required to provide further evidence to confirm that that is the case, but the expectation is that it will just be transaction evidence, the likes of which they currently provide to the police.'

Ms M. BEARD: Will the police be trying any of these with the trade licence holders as a precursor to the digitisation?

Mr P. PAPALIA: Yes. It is all being developed. There are all different elements and components to this IT system that will be rolled out and, prior to going live, people will be introduced to it and familiarised with the process. I have seen a version that is not ready yet, but they have been able to give us an indication of what it will look like and the manner in which it will operate. It is not at the point at which we can share it with everybody, but there will be a process and it will not be manual one moment and digital the next day or anything. Rolling it all out will be through a transition process.

Ms M. BEARD: I guess what I should have asked is: is a testing group working with police?

Mr P. PAPALIA: Yes, member, I am assured trade representatives are participating in testing the system to make sure it does what is intended.

Ms M. BEARD: I am just wondering whether any existing traders or dealers in that space are working on trialling the new system for their reporting purposes.

Mr P. PAPALIA: Yes, they are. Traders are working with police on the development of the IT system.

Mr P.J. RUNDLE: I recall when we had COVID, and regional hardware and grocery shops had very small sections that sold alcohol or firearms. Has the government taken that into account, or will it take that into account, in relation to this because quite a few shops in regional areas are multipurpose and it is only a small part of their business?

Mr P. PAPALIA: Yes. I have responded to a variety of these types of questions. Yes, they will. The commissioner may consider any reasonable excuse for a trader not having met their minimum transaction requirement and that might include the fact that they are providing a service in a geographical location where there is not much population and, therefore, we cannot have a like-for-like comparison between their location and a place with a greater population, greater demand and a greater number of revenue transactions. Those things will be considered. The need to provide a service for firearm owners and the provision of ammunition sales and the like are things that the commissioner can consider.

Mr P.J. RUNDLE: In relation to the regulations, the Leader of the Opposition spoke about how we might look at moving some amendments in the Legislative Council. Given the timetable that the minister has envisaged publicly, talking about the Standing Committee on Uniform Legislation and Statutes Review et cetera, does he see that at

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the point at which the Legislative Council is considering this type of thing, there will be any further indications of well-developed regulations, or will there be any to consider at that time?

Mr P. PAPALIA: Thanks, member. Not really. I do not know what the opposition's amendments or concerns are. The Leader of the Opposition indicated concerns, which I think I have addressed, about, potentially, traders around the state having different levels of expectations with regard to transactions and the need for enabling the provision of service in remote localities. I can tell the member that the police have talked to those traders. Acting Inspector Walker has been to Wyndham, Kununurra, Carnarvon, Geraldton and Mingenew—every place that the opposition has named as a remote locality that might not have the same level of transaction as a city or a large country town. He has met with them, and they are part of the consideration. As I have indicated, those are the sorts of things that will be considered by the Commissioner of Police. Regulations will be worked on. We are going to get authority to commence drafting more rapidly than would normally be the case, but I think I have given as much as I can give, and enough to satisfy the concerns that the opposition has raised. I would not expect there to be more in terms of what might be in the regulations by the time it gets to the upper house. I do not think I can say that would be the case.

Clause put and passed.

Clauses 91 to 117 put and passed.

Clause 118: Authority for approved repairs and alterations —

Mr R.S. LOVE: Clause 118 states —

- (1) A licence that authorises the licensee to possess a firearm or major firearm part also authorises the licensee to —
 - (a) make any repair of the firearm or major firearm part that is an approved repair; and
 - (b) make any alteration to the firearm or major firearm part that is an approved alteration.
- (2) The approval of a repair or alteration for the purposes of this section can be given so as to be of general application or can be given so as to apply to a particular licence or a particular kind of licence.

The bill of a couple of years ago dealt with repairs, maintenance and all that sort of thing. Will there be clearer definitions of “repair” and “maintenance” in this legislation than was the case in the 2021 legislation? I forget the date of that last major piece. There was a lot of concern at the time about what constituted a repair and an alteration et cetera. Can we expect more clarity, either through these changes or in the coming regulations, on those issues? The lack of clarity around those procedures still seems to be confusing people, as indicated by talking to people during the course of the bill coming into place. I might ask another question.

Mr P. PAPALIA: It is good that the member reflected on the fact that it was a couple of years ago, and there have not been any issues that I am aware of in respect of confusion or anything else regarding the definition. “Repair” means to repair a firearm—to take an unsafe, unserviceable, inoperable, damaged, faulty or worn-out firearm and restore it to a safe and serviceable condition.

Mr R.S. LOVE: Will there be a need for any sort of application process for the repair and alteration of a firearm? What is the requirement there?

Mr P. PAPALIA: I am not really sure what the concern is. Only a licensed repairer can undertake the repair of firearms. They can be undertaken only by licensed repairers. This will not prevent licence holders from undertaking maintenance to ensure the safe operation of their firearm in accordance with the manufacture's guidelines. I do not know what the member is referring to. There was some concern at that time around these matters but clearly it does not seem that the fears or concerns that were aired at the time have been confirmed in any way. I am not aware of any incidents, concerns or issues on this matter in the ensuing two years.

Clause put and passed.

Clauses 119 to 130 put and passed.

Clause 131: Responsible person must notify change of eligibility —

Mr R.S. LOVE: This clause reads —

A person who is the responsible person for a licence and who ceases to be eligible to be the responsible person for the licence must notify the Commissioner of that fact in the approved manner within 7 days.

Can the minister explain how the commissioner will be alerted in the approved manner?

Mr P. PAPALIA: The new IT system will have a portal through which matters of this nature can be notified.

Clause put and passed.

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Clauses 132 and 133 put and passed.

Clause 134: Grant of permit —

Ms L. METTAM: This clause refers to the grant of a permit for purposes prescribed by the regulations. Can the minister explain the difference between a licence and a permit for the purpose of this legislation?

Mr P. PAPALIA: I am informed that essentially the effect is to provide a temporary licence, but the permit will be provided to people who are visiting from interstate or overseas to enable them to be permitted to use a firearm. It will last for up to three months with the possibility for an extension of another three months. A permit for a particular firearm cannot exceed a term of six months within a period of 12 consecutive months.

Ms L. METTAM: I am sure that the minister does not have a draft of the regulations, but can the minister elaborate on what the regulations will include?

Mr P. PAPALIA: I am informed that we already do this under the current law. For example, it enables a visitor who might be participating in a shooting competition, to come here and shoot. It is a practice that is enabled under the current legislation and will be enabled under this legislation.

Clause put and passed.

Clause 135 put and passed.

Clause 136: Holding more than 1 permit —

Mr P.J. RUNDLE: Can the minister explain why someone would need more than one permit?

Mr P. PAPALIA: Under clause 134, “Grant of permit”, the subclauses outline the reasons why a person might get a permit. It has been explained to me that under paragraph (c), a person may be granted a permit to create, develop or possess or disseminate one type of firearm technology, but that they might get another permit for a different type of firearm technology, creating the requirement for more than one permit, for example.

Mr P.J. RUNDLE: Will holding more than one permit increase the limit of firearms that can be held by an individual?

Mr P. PAPALIA: This provision enables somebody who possesses a firearm to visit from interstate or overseas to compete in a competition. I assume it would relate to the number of categories in which they are participating. I am not really sure that the member’s question relates to this clause. The visitor will be seeking a permit for a specific set of circumstances for a specific reason, in accordance with the paragraphs under clause 134. I am not sure why they would need anything in excess of the number that the member is talking about. If someone needs a permit for a specific reason and they are competing in five different categories, the permit might enable them to possess and use five firearms. I am not sure that concern relates to this part of the bill.

Mr P.J. RUNDLE: Let us say that someone comes from interstate to shoot in a clay target competition. Will the permit strictly set out the number of firearms associated with that permit?

Mr P. PAPALIA: Yes. It will be related to a specific set of circumstances and requirements. In the event that someone comes to compete in a number of categories of competition, they would have to demonstrate that they have the appropriate storage and intend to use the firearms in the appropriate fashion and whatever other obligations are required by the commissioner.

Mr P.J. RUNDLE: I know that interstate competitors travelling to the Northern Territory have been restricted from purchasing a certain amount of ammunition. Will this permit also restrict the amount of ammunition that can be purchased?

Mr P. PAPALIA: It may, because there will be the potential for the permit to define what can be done under the authorisation of the permit.

Clause put and passed.

Clauses 137 to 140 put and passed.

Clause 141: Restrictions extend to holder of relevant management position in body corporate or partnership —

Mr R.S. LOVE: We are looking at the fit and proper person requirements. Below that is the clause relating to restrictions on holders of relevant management positions in a body corporate or partnership. Clause 141(1) states —

A body corporate or partnership is not a fit and proper person if a person who holds a relevant management position in the body corporate or partnership is not a fit and proper person.

In other words, that business entity—a corporation or partnership—is not considered to be a fit and proper person if they hold a relevant management role. If we return to clause 15, “Relevant management positions”, it relates to —

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- (a) the position of director, manager or other executive position or secretary, however that position is designated;
- (b) a position on the governing body of the body, however that position is designated.

Does that mean in order for a relevant body corporate or partnership to continue to be considered a fit and proper person, in the first place, all those people in those various roles would need to be investigated to determine whether each of them is a fit and proper person? Someone would have to go through the entire board of a family company, checking to see who was a fit and proper person, and then go through all the relevant managers and directors. If the business is a little larger, that could be quite a large number of people.

What is the expectation of that body to report changes of personnel? Do all personnel themselves have to be re-examined to see if they maintain the requirements for the body corporate or partnership to be considered a fit and proper person?

Mr P. PAPALIA: The commissioner may determine either generally or in a particular case that a particular position in the body corporate is not a relevant person for the purposes of holding a firearm authority. That means that the commissioner can determine that they are not relevant, so it is not necessarily everybody. It may be, but not necessarily. It is open to the commissioner to determine that they are not relevant.

Mr R.S. LOVE: I take it that it is probably more likely that this will come into play if information is received that a person with some criminal link or other disqualifying reason is involved, but that it would not be the ordinary course of event that every corporation and partnership would be subject to levels of scrutiny. Would this be something in which information was received or it became aware of a change of circumstance?

Mr P. PAPALIA: Yes, that is correct. It would be likely that intelligence indicated that the organisation needed to be assessed.

Clause put and passed.

Clauses 142 to 146 put and passed.

Clause 147: Request for information or interview —

Mr R.S. LOVE: Clause 147 is entitled “Request for information or interview”. Clause 147(1) states —

...*relevant information* means information that the Commissioner considers necessary for a determination as to whether a person is a fit and proper person.

- (2) For the purpose of investigating whether a person is a fit and proper person, the Commissioner may —
 - (a) request the person to provide specified relevant information to the Commissioner; and
 - (b) request the person to attend an interview with a police officer or employee of the Department (the *interviewer*) and provide relevant information by answering questions asked by the interviewer at the interview.

A couple of times in the discussions around this bill, the minister referred to the fact that prior to 2009, there was a requirement to front up to the police station in person to have someone look at the person to see that they were actually there, that they were a real person and to perhaps gauge a little bit about them while going through the application and talking to them. Is this clause here really an indication that we might see that becoming something of a routine matter, especially for determining that a person is fit and proper to hold a firearms licence, particularly their first?

Mr P. PAPALIA: No, that is not what this is about. It is about the police having potentially identified someone who they require to provide further information that they are a fit and proper person. It would not be the normal case. It might be because, again, they have received information or intelligence that suggests that is a necessary undertaking.

Mr R.S. LOVE: I assume that it will not become routine for everybody who is seeking to get a firearm licence to have to show up and have an interview.

Mr P. PAPALIA: No.

Clause put and passed.

Clause 148: Evidence that person meets firearm authority health standards —

Mr R.S. LOVE: This clause is around evidence that a person meets the health standards. I understand that similar language was used in the Firearms Act 1973 around health standards, but the government has said that it is introducing a stronger test around mental and physical health. We have pointed out issues with access to appropriate places to test and garner the evidence, if you like, from a health practitioner. We know that we have communities in which health practitioners are in short supply. It often takes a long time to get an appointment when someone is sick, let

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alone when someone is looking for something like this. It will perhaps not be the highest priority in a practitioner's day to provide medical certificates for firearm licences. The terms "health evidence" and "health practitioner" are defined in this clause. That is fair enough. The clause goes on to say —

- (2) The Commissioner may require evidence that a person who is an applicant for the grant of or the holder of a firearm authority meets firearm authority health standards, and for that purpose the Commissioner may do any of the following —

It can be any one of a number of things. This will not occur just when the commissioner deals with an application; this will be ongoing. Is it the case that the commissioner will be able to seek evidence of someone's health status at any time if a person wishes to continue to hold a firearm licence?

Mr P. PAPALIA: Yes, it is. That is currently the case. I am aware of the commissioner having required people to provide a health assessment by a specialist in pursuit of a firearm licence.

Mr R.S. LOVE: The clause goes on to say that the person—this is the applicant or firearm holder, not the practitioner—will be required —

... to provide the Commissioner with health evidence to the effect that the person has been examined and has not been found to have any physical or mental condition that could reasonably result in the person being considered to not meet firearm authority health standards;

Where will we find the firearm authority health standards?

Mr P. PAPALIA: That information will be in the guidance notice to health practitioners that is being compiled by the health assessment working group, which consists of representatives from the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the Australian Medical Association, the Minister for Health's office, the Mental Health Commission and the Department of Health.

Mr R.S. LOVE: We had a discussion during the second reading debate around what indicators we might expect to see of the required health standard. There was discussion around pilots, truck drivers and all sorts of people who have to have health examinations. It is surely a different standard to hold a licence for a firearm, which would not have the same dependence on good health as a licence to fly an aircraft. In that case, person with a heart condition could cause a major accident, whereas we would expect that people at various levels of health could participate in firearm activity. Can we please get an indication that it will not be expected that every firearm owner will be able to do 30 push-ups and have a standing pulse rate of X, and that there is a realistic health standard being prepared that reflects the fact that firearm owners may be older people at times who are not necessarily unhealthy? There has not been a justification to my mind about what health standard is expected. If that work is being done, the community should also be involved in that discussion. If health professionals are being asked to mirror examinations that occur in the transport sector, I am not sure that is a fair bar to apply to the physical health, at least, of the applicant or licence holder.

Mr P. PAPALIA: I can assure the Leader of the Opposition that it is not mirroring. Those examples were given as an indication of the nature of the health check with the mental health component that might be applied. The regulations will prescribe matters that the commissioner must be satisfied of before determining whether a person meets the health standards. It is expected that a health assessment will include a physical and mental health component. The medical evidence the medical practitioner provides is anticipated to address the following matters to determine whether a person meets the firearm authority health standards, which are derived from considerations used by Ozroads and the National Transport Commission, as well as dangerous goods licence medical assessments. They include temporary conditions, substance misuse and intoxication, chronic illnesses and conditions, age-related changes, multiple medical conditions, and medications and other treatments. A general practitioner can administer the full health assessment, including the mental health component; however, if the commissioner wishes to receive additional information to mitigate any concerns there might be, the commissioner may direct a person to obtain further evidence from a specialist.

Having said all of that, in the upper house today I tabled in response to a question from Hon Nick Goiran a briefing note from police about this very matter, which is pretty comprehensive. There is an attachment to the briefing note that is essentially a guide for clinicians and what they have to complete for the assessment. The note I made on the response to the question was that the information in that guide will not be available to the police, it will be retained in confidence by the clinician. They will get the outcome of the completed questions. I cannot remember the name of the document, but I tabled it in the upper house.

Mr R.S. LOVE: It would have been helpful if we had had it provided at one of the briefings, perhaps we might not have been in the dark.

Mr P. Papalia: I tabled it today because it was available today. It was not available before today.

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Mr R.S. LOVE: I see, okay. Thank you. It is good to hear that we have at least something to look at to provide some guidance on what the thinking is around those measures. The minister is saying that the police and the commissioner will not have their record. They will just have the results of the inquiry or the examination. If we turn to clause 148(6), it reads —

If the Commissioner is provided with health evidence about a person pursuant to a requirement under this section, the Commissioner may request the health practitioner who provided that evidence to provide the Commissioner with any further information that the Commissioner considers to be relevant.

That sounds like the commissioner can, by virtue of a person making an application for a firearm licence or by virtue of the person continuing to hold a firearm licence, delve at will into the private health records of that individual. Is that what I am reading? It seems quite extraordinary.

Mr P. PAPALIA: That is not what it is. It is having received some advice from a clinician, there may be a need to interrogate that and ask for further explanation. For instance, they might have said that the person was fit conditionally upon other matters or the observation by the clinician may elicit further questions from the commissioner. That does not mean the commissioner gets access to all their personal documents. It means he can ask a reasonable question to interrogate an answer he has been provided.

Mr R.S. LOVE: On the health evidence that is collected, what is the process? Is it appended to the person's file and kept on record? Is it destroyed once the inquiry is complete? Could the minister let me know what happens to the information that the commissioner has called for? I heard the minister say it is not an inquiry, but it is an inquiry. If someone is making an application and the commissioner is trying to determine whether they are fit and proper —

Mr P. Papalia: Do you mean after the commissioner has asked for further information?

Mr R.S. LOVE: Yes, so an inquiry happens. What happens to the evidence that is collected and what certainty do the applicants and the person involved have that that information will be kept secure?

Mr P. PAPALIA: Are we considering what happens after the commissioner has requested further information?

Mr R.S. Love: Yes.

Mr P. PAPALIA: As I indicated earlier, the commissioner can do that now under the current law. The commissioner can request further information. It is for a specific person for a specific reason, if there has been some indication that perhaps they may not be fit and it may be appropriate that the commissioner determines whether they are fit for a licence. That happens right now. As I indicated, I am aware of at least one inquiry right now in which an applicant has sought a renewal of a licence. They have been requested by the commissioner to go to a specialist. They have gone to a clinician but further information has been sought by asking that they go and be examined by a specialist. That is something afforded to the commissioner under the current powers. The new act will enable the commissioner to do the same thing.

Mr R.S. LOVE: To clarify, is subclause (6) not a new power? The commissioner has not had the power to go to the health practitioner and ask them to provide information, which presumably are the patient's records and private information. Is that not a new power?

Mr P. PAPALIA: No. As I have indicated a few times, the commissioner currently has that power and I know he is exercising it right now.

Mr R.S. LOVE: In closing, I raised before the issue of the delegation of the powers of the commissioner. I am trying to get an understanding of the level of officer who will collect this information and who will have access to all the information that is available. Could the minister provide me with some understanding of who will operate as a delegate of the commissioner in this space and carry out these functions?

Mr P. PAPALIA: The commissioner's delegate for that authority will be the superintendent in the licensing enforcement division. The officers undertaking that task would be at sergeant level.

Ms L. METTAM: I have a further question on this clause and some similar questions on clause 152. The definition of "health evidence" states that it means a certificate or other evidence provided by a health practitioner. What could "other evidence" be?

Mr P. PAPALIA: I am informed that it could be part C of the working group's proposed document. Alternatively, if someone already has a comparative health assessment for a pilot's licence, one of the driver's licences that have been referred to, a shotfiring licence or an explosives licence within an appropriate time frame, that could meet the requirement.

Clause put and passed.

Clause 149 put and passed.

Clause 150: General matters for consideration —

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Ms L. METTAM: Under this clause, for the purpose of forming an opinion on whether a person is a fit and proper person, the commissioner may have regard to the person's conduct and behaviour; their physical and mental health; their views, opinions and attitudes; their way of living or domestic circumstances; or whether the person is of good repute having regard to their character, honesty and integrity. How will the commissioner determine whether one is a fit and proper person according to this provision?

Mr P. PAPALIA: Assessments will be made on a case-by-case basis and will consider the circumstances affecting a person's livelihood and whether those circumstances negatively affect or pose any risk to public safety. The commissioner will have discretion to consider every relevant factor and will then make a determination. Ultimately, the principle of the primacy of public safety is the consideration that will drive any determination of that nature.

Ms L. METTAM: The minister referred to discretion. This is the area that has caused some concern, as I raised in my second reading contribution or perhaps earlier in consideration in detail. I heard from a farmer who had gone to an emergency department a couple of years ago due to serious mental health concerns. Although he did not deem himself a risk to anyone else, he was concerned that that part of his medical record would work against his ability to maintain a firearm licence for his property in the future. The concern is twofold in relation to his mental health history. He may not be at any specific risk to himself or others because he owns firearms, but we hope that this will not prevent people with a licence to own firearms from seeking medical help. First and foremost, what parameters will be in place to ensure that the discretion is accurately determined?

Mr P. PAPALIA: It has been pointed out to me that the commissioner currently has the power to determine that someone is not a fit and proper person. This legislation fleshes out that process far more expansively. The member will see in coming clauses that there is more detail on the nature of the matters that will be considered as part of the health standards. It provides more of an indication of what the commissioner will consider. The bottom line is that no one example or incident is going to be like another. Every individual will be assessed in light of the entire picture of them available to the commissioner, and a holistic view will be taken of the risk that they pose. In the event that the commissioner deems them to not be a fit and proper person under this process, they will be able to challenge that through the State Administrative Tribunal. This is not like the disqualification provision; we are changing that. This will be subject to challenge.

Ms L. METTAM: How will the commissioner determine the conduct and behaviour of a person for the purposes of this clause?

Mr P. PAPALIA: The sort of conduct or behaviour considered in the fit and proper test may range from demonstrated violent tendencies or antisocial behaviour to a demonstrated refusal to comply with a law. Ultimately, it will form part of the overall fit and proper test measured against the need to ensure public safety and minimise the risk of firearms misuse.

Ms L. METTAM: How will the person's living or domestic circumstances influence the decision of the commissioner?

Mr P. PAPALIA: This refers to the living situation of a person. If there were no stable residence, there would be limited means to physically contact the person should inquiries need to be made about their firearm authority. It also refers to whether there might be any concerns over the primary residence being shared and whether any person there could exert undue influence on the applicant.

Ms L. METTAM: How will the commissioner come to a determination about the character, honesty and integrity of a person?

Mr P. PAPALIA: It would involve the Commissioner of Police or delegates assessing the behaviour and the conduct of the individual. It would potentially be informed by intelligence resources and could ultimately also involve requiring an interview with the person by police.

Ms L. METTAM: There is obviously a lot to be considered here. What additional resources would be required for the commissioner to ensure that the appropriate determinations are made?

Mr P. PAPALIA: This sort of analysis is done currently, but under our current system, which is nowhere near as contemporary or capable as the intended new system. It is anticipated that the new system will be more efficient and streamlined, and will enable better processing. That aside, additional resources will be provided as necessary by internal funding through the agency.

Mr P.J. RUNDLE: I have to say that I have never seen the like of this. This is some of the most subjective, bizarre stuff I have ever seen. How does the bill plan to reconcile the consideration of a person's views, opinions and attitudes in relation to freedom of speech? It is just too subjective.

Mr P. PAPALIA: I am sorry the member feels that way. Ultimately, the very simple overriding and overarching principle is the elevation of public safety to primacy. All other matters are subordinate to the consideration of delivering public safety. The principle we are adopting is the one in the National Firearms Agreement, which

provides that possession and use of a firearm is a privilege in Australia, that privilege being conditional upon the primacy of public safety. The member is asking how we consider it; we consider any impact on public safety. If it is negative, any other consideration is subordinate to that.

Mr P.J. RUNDLE: Is it that because of basically anything that someone says, might have done or might do, the commissioner just has a licence to potentially take their licence away or consider them mentally unfit—the whole package?

Mr P. PAPALIA: Yes, it might mean that if a Jihadist has voiced an opinion that every non-believer should die, and they are trying to get access to a firearm, then yes, that might be one of the considerations. If they are someone who has been involved in organised crime, has committed serious offences and has demonstrated that their character is in question and that they should not be afforded access to a firearm, yes, their opinions may be detrimental as a consideration. That is true. Those sorts of things will be considered by the commissioner, as will any other that might suggest that the provision of a firearms licence to an individual would be a risk, should their character be in question in respect of public safety. It may mean that the commissioner could deem them to not be a fit and proper person. However, in the event that occurs and the person believes it is unfair and they want to challenge it, they could go to the State Administrative Tribunal and the court would decide whether the commissioner was right.

Ms M.J. DAVIES: If a person has expressed a view about this legislation, such as they did not agree with the limitations on the number of guns, is that likely to count against a person within the scope of the reference to a person's views, opinions and attitudes? How long are we talking about in terms of intelligence gathering? A person could have said something when they were young and stupid and potentially put something on Facebook but later learnt and became wiser. Many young people these days have shared their entire life on social media and will find themselves potentially wanting to apply for or be considered for a licence down the track. What will the time frame be? I agree with the member for Roe that this is a very subjective process and I think it is fair that we ask what types of things will be considered when looking at each of those categories.

Mr P. PAPALIA: I know that the member has already suggested that this is another clause she will oppose. She decided that within moments of the bill being read into Parliament. I understand that is where the member is going. That aside, it is the principle I referred to at the outset. The possession and use of firearms is a privilege that is always conditional on the need to ensure public safety. If a person's attitude, view or the opinion that the person expressed has some relevance to public safety, obviously it will be considered by the commissioner. But if a person does not like me—a lot of people out there do not like me and do not like the legislation, which is fine—obviously, that would be relevant only if it meant there was an implication for public safety.

There is no suggestion that someone's right to free speech—not that we even have one of those—opinions or subjective observations about something might count unless there is an implication for public safety. For instance, some people recently might have suggested that what they were saying was reasonable criticism of the system or of a government or whatever and they might have ended up being the people who committed the heinous terrorist attack at Wieambilla. Members can question whether they said things that were considered to be said under freedom of speech or they had implications for public safety. I think the clear connection, had people been aware of what was said in advance, was that that had an implication for public safety and would have been considered had this law been in place and had the police had the opportunity to conduct that sort of analysis. That is an example for the member. It is not the case that because someone does not like the law or me or whatever that the person will be subject to an assessment by the commissioner.

Ms M.J. DAVIES: I know that the member for Vasse has touched on the scope of a person's physical and mental health. That has been raised with us considerably. In the agricultural industry in particular, people have firearms and they can be isolated. From time to time, depending on the season, there can be situational distress as opposed to mental health as an ongoing or chronic condition. There is a delineation. If we go through a drought, any number of people will experience considerable mental distress. Frankly, I think that at this time the police manage that quite well. I would hate to think that that would be put on record and would prevent law-abiding citizens from holding a licence in the future.

Mr P. PAPALIA: That is a reasonable concern that has also been expressed by a lot of people from different quarters. There are veterans who suffer from PTSD who are receiving treatment. Like many other people who receive treatment, they function quite well having received that treatment. With regard to the sorts of physical or mental ailments that will be considered in the health assessments, ongoing consultation is occurring with the working group, whose membership includes representatives from the various health industry stakeholders that I referred to earlier. The group is considering the particular ailments that might be specifically or generally referenced as part of the health assessment. For clarity, chronic or temporary ailments may not necessarily preclude a person from being granted a licence, particularly when they are well managed. Again, one thing to consider with regard to these concerns is that this may be the measure that encourages someone to seek the assistance and management they

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require, as opposed to the suggestion that it will drive people away. It may actually do the complete opposite; it may be the thing that actually encourages someone to get an assessment and help, and, therefore, not only be able to continue to possess a firearm licence but also be a much healthier individual than they might otherwise have been.

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