

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Sixty-ninth Report — “Report Seeking Clarification of the Application of Standing Orders to the Joint Standing Committee on Delegated Legislation” — Tabling

MR P. ABETZ (Southern River) [10.14 am]: I present for tabling the sixty-ninth report of the Joint Standing Committee on Delegated Legislation entitled “Report Seeking Clarification of the Application of Standing Orders to the Joint Standing Committee on Delegated Legislation”.

[See paper 1117.]

Mr P. ABETZ: There are different standards in both chambers for appointment as a participating member on the committee. An Assembly member must be appointed by the Assembly, whereas a Council member may be appointed by leave of the joint committee. The joint committee is of the view that there is a lack of equity between Council and Assembly members in the rules for appointment as a participating member on the joint committee. We raise two issues: first, it is completely unclear which standing orders apply to the joint committee; and, second, regardless of which standing orders apply, they have different application to the members of both houses. This lack of equity between members of the Legislative Council and the Legislative Assembly suggests a contradiction in the principle of equality between members of joint committees. The committee recommends that the Legislative Council and the Legislative Assembly clarify which standing orders are to apply to the joint committee. Further, the houses should clarify how such standing orders are to be applied to ensure equitable treatment of members from both houses.

Sixty-eighth Report — “Explanatory Report in Relation to the Firearms Amendment Regulations 2013” — Tabling

MR P. ABETZ (Southern River) [10.16 am]: I present for tabling the sixty-eighth report of the Joint Standing Committee on Delegated Legislation entitled “Explanatory Report in Relation to the Firearms Amendment Regulations 2013”.

[See paper 1118.]

Mr P. ABETZ: We present this report to assist the other place during the debate on the notice of motion to disallow the amendment regulations in due course. The amendment regulations increase fees for a range of firearms licences for the 2013–14 financial year in order to achieve full cost recovery. Western Australia Police, as part of the explanatory memorandum to the amendment regulations, provided a unit-cost table for the fees. That table reveals that Western Australia Police has a costing methodology in place and all the fees are at 100 per cent recovery. In such cases the committee’s sessional resolution 23 applies, which states —

If an agency has a costing methodology and the amended fee is under recovering or at cost recovery, then accept the increase.

On the basis of that resolution, the committee concluded that the amendment regulations are within power of the Firearms Act 1973. However, the committee received many unsolicited submissions regarding the fee increases. It considered the quantum of fees further by holding a public hearing. The committee resolved to advise the house of four controversial matters arising from the hearing and those submissions. The matters are: first, the processing of applications for firearms licences; second, the opportunity for error in such processing; third, the noting fee for additional firearms on certain existing licences; and, fourth, the costs of licences in other jurisdictions. That concludes the formal tabling statement.

I will take the opportunity to make a few personal comments regarding the Firearms Amendment Regulations 2013 that were gazetted on 28 June 2013. Because they resulted in a massive increase in fees, they certainly generated an awful lot of public debate and discussion. Some fees were increased by 400 per cent. I can well imagine that anyone in the community who has to pay an annual licence fee that suddenly goes up by 400 per cent would not be particularly thrilled with that prospect. If I remember correctly, the committee received 89 written submissions, although it did not call for them; people simply chose to write to the committee. The explanatory memorandum from the police department that accompanied the amendment regulations states —

an adverse reaction is expected from the firearms industry and the public.

That certainly happened; the explanatory memorandum was quite prophetic. Although the increases in fees, in accordance with the terms of reference of the committee, are within power, as mentioned in the formal tabling statement, there are certainly some major issues.

I am not a firearms owner. The last time I used a firearm was as a teenager to shoot rabbits on a little hobby farm we had—it was a shotgun. Just recently the members of the Canning Club, which is a shooting club in my

electorate, invited me to come and have a look at what they do, and gave me a go of a couple of pistols. It was quite fun; I also had a go with a rifle.

Dr G.G. Jacobs: Did you hit something?

Mr P. ABETZ: Yes; I was surprised at what a good shot I was, and so were they! But I think it had something to do with the excellent sight on the rifle. I got them all within a just few inches of the bullseye, so I was quite impressed—they were quite impressed, I should say.

Mr C.J. Barnett: I think you were pretty impressed with yourself too.

Dr G.G. Jacobs: I think so; otherwise he wouldn't be talking about it!

Mr P. ABETZ: That is right, yes; but never mind.

I return to the issues. The committee was astounded by the totally convoluted, complex processing system used in this state for registering firearms.

Mr M.J. Cowper: Tell us about it!

Mr P. ABETZ: I just find it unbelievable that in this day and age we have such unnecessary double handling. It just defies description. I will give members an indication of what happens. If a person wants to buy a firearm, he goes to the gun shop but cannot actually take the gun from there. He needs to get the serial number of what he wants to buy and go online and print off a form. He takes the form to Australia Post, which, by the way, charges \$50-something for handling and scanning it, and it then goes to the police department, where it is processed by one person and then moves to another section. Then it gets entered into a computer system, which, incidentally, cannot communicate with a later aspect of the entry process. So it has to be entered into two different computer systems, which of course creates wonderful opportunities for typos, which then creates more work because things do not quite tally up. Once that second entry has taken place, the police have to go and check the reason the person wants the firearms licence. That is probably fair enough because if someone has filled in that they want to rob a bank, they probably should not get one.

Dr A.D. Buti: It is fair enough!

Mr P. ABETZ: Yes, that is fair enough.

Then the police have to ring the property owner if the reason given was that the person wanted to go and shoot rabbits on some station somewhere; if the owner says that is correct, it is all well and good. Once it has all been approved, before someone can pick up their gun they need to send photographs to the police of where they plan to store those guns, and then two police officers have to come out and inspect that. Once all that is done, then the person can go and pick up his gun. If that person has been out on that property and done some rabbit shooting with the shotgun, and two weeks later the owner says, "Hey, look, can you help get rid of some of these feral goats? You need a .22 for that," and the person goes back to the gun shop to buy a .22 rifle, guess what happens? The whole process has to be repeated, even though section 18(10) of the Firearms Act clearly makes provision for a noting fee. But, no, the police department has taken it upon itself to interpret this section as being applicable only in very exceptional circumstances. So they go through the whole process again of ringing the farmer to find out whether he really wants Joe Bloggs to shoot goats and whether he really needs a .22 to do that. If the farmer says he does, the process of sending in the photos of where he is going to store the gun needs to be gone through again, and two police officers have to come out to inspect it all again. The inefficiencies of that system are totally outrageous. In most other states, if someone buys a second firearm, they are charged a noting fee of around \$40; in Western Australia it has now gone from \$72.50 to \$169. If I am a fit and proper person to own a shotgun, and a couple of months later I want a .22, why does all that processing have to be done all over again?

Mr P. Papalia: How many weapons would you personally be happy for that process to be repeated for? What if they were doing their fourth or fifth weapon? At what point would you want them to go out and re-check?

Mr P. ABETZ: That is an interesting question; it depends what sort of weapons they are. If it is a shotgun or a .22 and somebody wants a .303 because they are going to shoot camels out there and the person is fit and proper. Why? I guess it is up to the police officer handling it to use some commonsense.

Mr P. Papalia: But what's commonsense?

Mr P. ABETZ: I realise that commonsense is not as common as the word suggests. But I believe we need to put some trust in our public servants and give them the opportunity to use commonsense, because otherwise we will end up having a system that just keeps rolling along. Some people, for example, are firearms collectors and have several hundred firearms of various sorts. To have to pay \$169 every time, after they have been deemed a fit and proper person to have 100 firearms because they are collectors, really needs looking at.

I raise another issue that was that was raised by a constituent of mine, Mr John Glisson. To have a firearm people need a licence—it is like a driver's licence—and they need to have that with them when in possession of their firearm. But that licence records nothing about how many firearms someone is licensed to have. A person could be licensed to have one shotgun, but if the police pull him over and he has a ute full of rifles in the back and the police look at the licence to carry firearms, they have to let the person go because nothing on the licence states how many firearms or the serial numbers they are allowed to own. I believe that card should have on it the serial number and calibre of the firearm or firearms that person is allowed to own. Now, if someone goes to a gun shop to buy ammunition for their firearm, that plastic card will not allow them to purchase ammunition because it shows nothing about the calibre of the gun they are allowed to have. The person needs to dig out of their pocket the receipt, which gets very tatty, and they need to present that to the gun shop to prove that they are entitled to own this gun, and if they are entitled to own it then they are allowed to buy ammunition for it. There really is massive scope for reducing the red tape and simplifying the whole system.

I notice that Hon Rick Mazza from the other place has moved a notice of motion to disallow the regulations. Although the regulations certainly are within power under the act, I think this debate about the regulations has highlighted the absolute urgency of revising, amending or perhaps totally redoing the Firearms Act. I hope the government will give that a reasonably high priority so that people who need firearms are not required to pay what I consider to be very excessive charges. Let us keep in mind that 60 per cent of all firearms in WA are owned by people who live in regional areas, so it really affects people like farmers, graziers and so on, or people who live out in the country. We need to not put unnecessary obstacles in the way of people who have a legitimate reason for owning a gun, because if it becomes too difficult and too costly, it will end up being a disincentive for people to obey the law. We need to find a balance. We do not want to have too many weapons in the community; I do not have an issue with that. However, for many firearm owners, it is a sport. The people at the Canning Club that I went to were very strictly supervised and safety conscious and were doing the right thing. A lot of families are involved in this sport. It was interesting to see people young and old, and mums and dads with young kids and older kids, participate in this sport. To require those people to pay what seems to be quite unreasonable charges is quite unnecessary. I hope the act will be reviewed. It will be interesting to read the debate in the other place.

MS S.F. MCGURK (Fremantle) [10.30 am]: I also want to make a quick comment on the report of the Joint Standing Committee on Delegated Legislation in relation to the Firearms Amendment Regulations 2013. I have very little experience with firearms and firearms clubs and with that culture. However, I want to reiterate and confirm some of points made by the member for Southern River. I could understand the frustration of the people who came to the hearing of the committee at the quite significant firearm licence fee increases, when they are continuing to experience a very inefficient system. The fee increases are particularly significant compared with those in other states. Of course our legislation is different from that in other states, so it is difficult to compare our licence fees with those in other states, and that is not something that is within our remit in any case.

On the evidence presented to the committee, the fee increases did seem to represent cost recovery. Therefore, there was little opportunity for our committee to disallow any of those fee increases. However, having said that, there do seem to be significant inefficiencies in the processing of firearm licences. There is a lot of room for improvement in the system, not only to ensure that WA Police and the other agencies involved in processing firearms licence applications operate more effectively, but also to ensure greater efficiency for consumers who apply for or renew a firearms licence, or apply for second and subsequent licences. I am sure all members of the committee look forward to those improvements being implemented in the current system.

MR P. PAPALIA (Warnbro) [10.33 am]: Mr Acting Speaker, I seek leave to make some comments on the report of the Joint Standing Committee on Delegated Legislation.

Point of Order

Mr C.J. BARNETT: It is not normal procedure for members who are not members of the committee to make comments on a committee report. The member wishes to make some comments, and he obviously has some knowledge in this area, but I would hope that he would be brief.

The ACTING SPEAKER (Mr I.M. Britza): I concur.

Mr P. PAPALIA: Thank you, Mr Acting Speaker. I appreciate the Premier's comments, and I do understand it is not normal, but also it is in accordance with the standing orders to seek leave, and I thank members for the opportunity.

Debate Resumed

Leave granted.

Mr P. PAPALIA: I want to respond briefly to the comments by the chair of the committee, the member for Southern River, about the complexity of the system, and about how onerous it can be for people who want to acquire more than one firearm. I agree entirely with the observations of both the member for Southern River and the member for Fremantle about the significant cost increases for firearms owners. The fee increases are far in excess of what would be appropriate, and I do not see any justification for that in light of the services that firearms owners receive. I do have sympathy for firearms owners, because the system is quite challenging, and there is clearly an opportunity for improvement in the delivery of services to firearms owners.

However, I would also like to respond to the observation of the member for Southern River that in relation to purchasing a second firearm and multiple firearms thereafter, the system could be streamlined. I want to draw to the attention of the house an incident that occurred in March 2012 and that received some coverage in the media. An individual in the electorate of Warnbro had his house raided by the police and was found to be in possession of 14 firearms and a significant quantity of illegal and unlicensed ammunition. Some of these weapons had been purchased legally, and the individual in question was authorised and approved for the possession of those weapons. However, a number of those weapons had not been authorised. In light of that situation, I would be very reluctant to reduce the requirement for the police to confirm that the weapons are being used in the manner in which the owner claims they are being used. I understand the concern of the member for Southern River that it is unwieldy to require the police to go to the same farm and confirm with the same farmer that a second weapon or multiple weapons are being used for the same purpose as the first weapon for which a licence was obtained. However, we need to consider the situation of the individual who appeared to be upstanding and was authorised to have one weapon, and was then authorised to have multiple weapons, but was then found, through an incidental raid on his house over another matter, to be in possession of multiple illegal weapons. That should flag a warning to us all that we should not be too rash and too hasty in reducing the restrictions that are placed upon the ownership of multiple weapons.

Although I have sympathy for weapons owners, particularly sporting shooters, and I have been lobbied by them on multiple occasions and I have expressed support for them in certain circumstances, multiple weapons ownership should be subject to the strictest regulation. We should not rush to make it too easy for people to own multiple weapons and open up the system even further to potential rorting. We have seen that clearly in the case of the individual whom I mentioned, who has played the system quite a bit.

Mr P. Abetz: One of the issues that is of concern is that if the fee for a second weapon is too high, it acts as a disincentive for that person to follow the proper channels.

Mr P. PAPALIA: I concede that, but we would not want those sorts of people to possess weapons anyway. If the fee is too much of a threshold and they are going to break the law as a consequence of not wanting to meet the fee, we do not really want those people to be in possession of weapons. I would say that in this case the guy was playing the system. I do not know all the circumstances—they have not all been revealed—of how he came to be authorised to have multiple weapons, where he intended to use them and how he justified and stated to the police how he would use them in the future. I do not know all the circumstances, but it would appear to me that the current system, which is deemed unwieldy and difficult, failed to prevent that individual from legally getting multiple weapons when, in my view, he was clearly not an appropriate individual to be in possession of those weapons. Our system failed.

Mr J. Norberger: Did he commit a crime?

Mr P. PAPALIA: His property was raided for drug possession and dealing. It was clear that he was not an upright citizen, yet he was in possession of licensed legally obtained weapons and a significant number of illegal weapons with illegal ammunition. I agree that the system needs to be improved for appropriate people to acquire weapons in a legal fashion, but we must be careful that in doing so we do not make it easier for people already playing and manipulating the system for their own purposes and avoiding proper scrutiny. We must make sure that we do not make it easy for those people.

Mr P. Abetz: But despite the system, you've still got illegal guns.

Mr P. PAPALIA: That is the warning that I hasten to place on the record. I understand what the member for Southern River is saying and I can see an opportunity for improvement in the system. Certainly, weapon holders are not getting their money's worth in administration, but not everyone seeking to possess a weapon is the sort of person we want to own one. The benefits of the gun buyback scheme and the more strict imposition on gun ownership brought in by the Howard government should not be eroded in any way through our efforts to make it easier for sporting shooters, farmers and the like to own multiple guns. I am not absolutely disagreeing with the member for Southern River, but I felt that some of his comments suggested it should be much easier to possess multiple weapons. I am not sure about that. We should look at multiple weapon ownership as questionable. I understand sporting shooters having a number of weapons, but how many is okay? If we are to make the process

Extract from *Hansard*

[ASSEMBLY — Thursday, 31 October 2013]

p5783b-5787a

Mr Peter Abetz; Ms Simone McGurk; Mr Paul Papalia

easier and smoother for second weapon ownership, at what point do we make it more difficult? Should it be when someone purchases three, four or five weapons? At what point should an alarm bell ring? Should we have the police go back to the residence, if we are going to do it for only the first one? That is all I would like to place on the record.