

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

FIREARMS BILL 2024

Second Reading

Resumed from 13 March.

MS M.J. DAVIES (Central Wheatbelt) [10.09 am]: I was a couple of minutes into my contribution on this bill yesterday, so I might just reiterate what I started off saying before the debate was interrupted for private members' business. From the outset, I wish to say that I support the position of the Leader of the Opposition and the Leader of the Nationals WA that we do not support this firearms legislation in its current form. We had a bit of a debate last night during private members' business. I am not appreciative of the characterisation of people in our community who hold gun licences. There has been a very black and white representation of the intent of those who hold licences and those who do not and how we seek to resolve this vexed question of ensuring community safety. It is a reductive debate and binary debate and it discounts the thousands of law-abiding licence holders who do the right thing and share the same sentiment that the government has put forward.

The core of this reform is that every sensible person believes that community safety should be the priority and it must be at the centre of a regulatory and licensing regime for firearms. I have not sought to marginalise or demonise those in the community who have a different view from me. I tend not to do that on any issue. I always point out why I have a different opinion. When we tackle issues such as this in a reductive manner, we send people to their corners and we do not get the best outcome that the community deserves. I will not be demonising, conflating, exaggerating or making wild claims. We simply want a sensible outcome that is based on best practice, science and research. I hear many ministers in this government reflect on polling, which is not based on reasonable questions. Statistics can be made to say anything.

Unfortunately, the government is in the habit of ignoring commonsense in favour of picture opportunities and media stunts. The Minister for Police has been prone to bringing props into Parliament or standing behind desks with big guns and officers of the law. Real work needs to be done to this legislation to ensure that the community is kept safe, as it deserves, matched with what is practical and fair for those who require licences to own guns that are their tools of the trade, those who are legally engaged in the recreational use of guns or those who simply have other reasons for holding a gun licence.

First off, I want to tell people that I do not come to this debate as a licensed gun owner. I have never owned one. I do not foresee a reason for owning one.

A member interjected.

Ms M.J. DAVIES: You never know! I have shot a gun. I have been involved in shooting. I come from a farm. It is something that I know how to do. I grew up around guns. Prior to the changes made during the Howard era, when arguably there was a laxness about the way guns were stored and managed, I could probably point to many incidents relating to the management and safety of guns in which we could have done better in our communities. That has changed significantly in my lifetime.

I also know people who participate in recreational and sporting pursuits. A number of gun clubs are in my electorate. I understand very clearly that people have legitimate reasons for owning guns. From an agricultural perspective, we use guns to manage pests and vermin. In many cases, local governments rely on engaging recreational shooters to manage that issue. I know people who have firearms that belonged to their fathers, grandfathers and grandmothers. The guns have sentimental value in their families. In fact, someone shared the fact with me that they have their great-granddad's air rifle and a .303 from the Boer War, which is beautifully engraved and worth about \$4 000. In order to keep these firearms in their family's possession, plus the guns that that person owns as his tools of trade—he is involved in pest control—he will have to ask his wife to apply for a gun licence because they do not want those weapons to be lost from their family. I understand that.

I have other examples from people who have contacted me. I want to share a couple. The member for Roe did the same thing. I was disappointed yesterday when the minister diminished the fact that there had been numerous form letters, as he described them.

The ACTING SPEAKER (Ms M.M. Quirk): Member, can I interrupt you for a second to welcome students from Safety Bay Primary School. I hope you enjoy your visit to Parliament House.

Ms M.J. DAVIES: Welcome, students.

It was disappointing that the minister diminished the fact that numerous form letters were received during the consultation process. Those form letters are used to the government's advantage when it seeks to demonstrate community support for an issue, but they are diminished when they do not suit its purpose. I am reminded of the

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

issues that we have been dealing with relating to the potential damming of the Fitzroy River and the national and international form letters that were received during that process. Every person who wrote to me, even though there may have been a similarity in the letters we received, submitted their own personal information, outlined how long they had held a gun licence and outlined the impact that this legislation would have on them if some of the proposed changes went through. I want to go through two of them. I will not name the people. I am happy to provide them to Hansard. The first letter is from someone whose initials are R.K. They stated —

I would like to present my situation and concerns about the new proposed gun limits.

I am a long standing member of the Sporting Shooters Association of Australia and a member of two clubs ... which I shoot at on alternate fortnights. My granddaughter is also a member of the SSAA and SDRC, and shoots as a junior. Members of these clubs are well trained in all facets of the sport especially firearm safety. We shoot four different disciplines under the Western Action banner.

I currently have seventeen guns on my licence, all bar one are regularly used and cannot be discarded if I and my granddaughter are to continue our recreational hobby. Four of my guns are used solely by my granddaughter, she does not shoot in the disciplines requiring rifle calibre firearms due to her small stature and is too young to hold a firearms licence of her own.

All of our guns are pre 1900s.

We each compete in the single action discipline which requires eight firearms ... Four each. I compete in the Pat Garrot matches which requires an extra rifle calibre lever action rifle. (9) I also compete in the Long Range Rifle 25 to 200 yard competition, this requires two additional rifles ... Once a year I compete in the Wyalcatchem 100 to 1000 yard State Long Range Titles, this requires two additional rifles ... and attracts shooters from all over the state and is open to interstate shooters. This is my favourite shoot over a three-day period.

On top of this I like to shoot black powder fortnightly at PMLC range where I use three different fire arms ... A total of sixteen ... This is mine and my granddaughters only sporting activity which we have taken up since my retirement. With the added task of reloading this takes up much of my time, the rest is spent working for charity.

In our sport we endeavour to keep alive old west traditions and disciplines and history. Many of our members shoot at international and interstate events.

If I am reduced to —

A certain number of —

firearms I will have to quit all of these events to allow my granddaughter to continue. I do not take gun safety lightly and have a lockup system at least three times as secure as regulations require, I have spent tens of thousands on appropriate firearms, loading equipment and security, all of which becomes worthless under the new proposals.

I am only one in our club, while the others may not have a junior to support, many shoot multiple discipline's and many shoot much more often than I do.

I have been a licenced firearm owner in this state since 1975 and having been a law abiding citizen for 48 years with no transgressions or mishaps and I feel I am being unfairly punished under these proposed new laws.

The second letter I wanted to read is from somebody I know, not a constituent. Their initials are T.S. Again, I will provide the document to Hansard so it can verify that I am not making this up. It states —

Dear Ms Davies,

I hope this message finds you well. I am reaching out to you representing not only myself but also a considerable number of individuals who share my sentiments regarding the recent developments concerning firearm ownership.

Before I go any further I am not opposed to firearm legislation and I do not believe everyone should have them, nor do I ever want Australia to become like America, but firearms do have a place in our community.

The recent actions of some members of parliament, including supplying detailed firearm location information to the public, have only exacerbated the challenges we face. This reckless decision not only compromises our safety but also contributes to the illicit acquisition of firearms by criminals. It is disheartening to see our passion criminalised and exploited for political gain.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

As someone who has cherished this pastime since childhood, I am profoundly disappointed by the dismissive attitude displayed by certain politicians toward licensed firearm owners. Suggestions to abandon our hobbies and find alternative hobbies demonstrate a fundamental lack of empathy and understanding of our community's values.

Furthermore, the absence of any meaningful consultation with firearm owners on proposed legislative changes is deeply concerning. Despite attempts to engage with Labour politicians, our voices seem to fall on deaf ears, leaving us feeling marginalised and ignored.

I implore you to consider your support for the proposed legislation ... The repercussions of such actions extend beyond mere inconvenience; they risk alienating a significant portion of your constituents and could have a tangible impact on future electoral outcomes.

That is something that we all have to contemplate as we make decisions in this house —

It is also crucial to recognise the positive contributions made by recreational hunters to our ecosystem and regional economies. Recreational hunters play a vital role in controlling introduced and feral animal populations, thereby protecting native species and biodiversity. Additionally, hunting activities provide an economic boost to rural communities through tourism and associated expenditures.

If you take the time to look into just Red card shoots alone, these events remove thousands of Cats, Foxes, Pigs, goats, and rabbits from the ecosystem every year, not to mention all the work completed by private citizens and associations such as WA Field and Game Association or Conservation Australia.

As an active member of WA Field and Game Association, I have personally attended organised culls for local shires, DPAW, and private property for no financial gain to remove feral and damaging species from the areas, including 1000 Corellas in the last month alone.

Thank you for taking the time to read this letter. I hope it serves as a reminder of the importance of representing the interests of all constituents, including licensed firearm owners and conservationists.

Further to this, I have actually spoken to former law enforcement officers and constituents regarding this proposed legislation. The key themes of concern range across the matters that were raised by the Leader of the National Party; namely, the question of gun limits and the science and research underlying this, particularly given the Law Reform Commission of Western Australia's recommendations; the changes to the health checks and how they will be practically put into place; the definition of a fit-and-proper person; and the requirement for a firearm safety training course. They are not questioning that there needs to be a course, but how it will operate practically, given the significant task to be undertaken. Concerns also include what constitutes a technical drawing and how people may find themselves potentially falling foul of the law, and the practicality of the safe specifications that will be required. Members heard in a previous letter that many licensed gun owners already have safes that exceed what is required now. The question I have had from a number of licensed holders is that under the proposed specifications, do those types of safes already exist in Western Australia and how will this be managed as part of the transition? They are reasonable questions. I hope the minister will be able to put some minds at ease in his response during consideration in detail.

The other issue is the resourcing and support for the Western Australia Police Force to manage the transition and licensing effectively. Before there is any implied criticism of me for potentially criticising WA police, I do not and I will not. In all my communities, police have a very good understanding of people who are licensed gun owners and any potential issues. They are ahead of the game in managing situations that might involve mental health issues or pressures at home. We come from close-knit communities. It is very hard to fly under the radar, albeit there are always exceptions to that rule.

[Member's time extended.]

Ms M.J. DAVIES: Under the new legislation, those same risks will exist. It does not matter what the minister says, nothing is fail-safe, but we are not arguing about the ability or the desire of WA police to make our community safer. I am concerned about the resourcing of WA police to manage the transition and licensing effectively. A number of examples have been raised in recent times in which people have been trying to make sure that their licences are up to date and have found it difficult to actually get that feedback and contact through the police licensing service.

With gun limits, it is simplistic to say that people should need only 10 guns. I go back to the Law Reform Commission's recommendations. It is fine for the minister to say that we are going to be unique and have the strongest laws on gun limits in the nation, but when we make decisions like this, I do not like the flip side proposed by the minister that we are, therefore, proposing a United States gun law culture. We are not, and we do not have that in Western Australia now. That does not exist. It is ridiculous, frankly, that we have this debate and it seems to be a binary argument. Give us the rationale for the limits and help us to explain to our community why they are necessary, but if we do not do that, we are said to be out there promoting the yahoo gun culture, much like we see in America. We are not. We do not support that, and we do not have that in Western Australia. It is a furphy.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

No-one has come to me personally and said that. Such people may exist; there are people in our community on the fringes of every argument. But not one person has engaged with me on this and said that they want what happens in America replicated. That is not the case. They say there should be a reason to purchase a firearm and a validation process, and, if that is a strong process, a person should be able to purchase said firearm and hold a licence.

I now talk about the different calibre guns. Various members have explained why some gun owners from sporting associations and vermin control require different calibre guns. Therefore, I spent a little time talking to those people who already own a number of guns. Again, questions arise about having a limit not being the best approach. If a gun owner participates in vermin control, as do members of the Western Australian Field and Game Association, Conservation Australia and farmers on their property, they must have the tools for the trade. Unpalatable as it may be for some people who do not necessarily need to understand how it happens, a person needs to manage it humanely—and one firearm will not do it. If a person is asked to assist with vermin control close to the suburbs in the Swan Valley, they need a .22-calibre gun. If they are managing rainbow lorikeets, for instance, they cannot make loud noises and things like that. This is a different calibre gun from the shotgun used to manage corellas. Again, if a person is a member of these organisations, they may well be invited to go to various parts around the state to manage goats, which require a .243 to a .308.

Mr P. Papalia: That is three, if you count the two you have mentioned so far.

Ms M.J. DAVIES: Okay.

Mr P. Papalia: Keep going.

Ms M.J. DAVIES: For roos, the same calibre range is needed, and different calibres might be needed at different times of the year. As one farmer said to me —

Mr P. Papalia: Really?

Ms M.J. DAVIES: Yes—absolutely.

Mr P. Papalia: Why?

Ms M.J. DAVIES: You want me to go back to the farmer —

Mr P. Papalia: Why use different calibres for different times of the year?

Ms M.J. DAVIES: Because when shooting a roo standing in the middle of a paddock that is full of wheat or canola, it is basically like shooting through a tree trunk and the person is shooting from further away. If they are shooting at a different time of the season —

Mr P. Papalia: Why is a .308 not suitable?

Ms M.J. DAVIES: This explanation has come directly to me from one of my constituents who is a licensed gun holder. He is a reasonable individual, minister. I am not conflating this.

Mr P. Papalia interjected.

Ms M.J. DAVIES: Okay. The minister can respond during his reply.

Gun owners have different guns for different times of the year and different purposes. The minister can get into the details of it. I have said that I am not the gun licence holder. I have consulted with my community; it is my responsibility as a member of Parliament to raise those concerns. If the minister wants to spend his time during this debate to demolish that argument, by all means, go ahead. I am sure our constituents will be interested to hear his response.

We heard the member for North West Central talk about camels in the Gascoyne. I had someone talk to me about a job that they were invited to in Dalwallinu, inside a heritage-listed building, and that was using an air rifle to manage pigeons. No-one I have spoken to has said, “Let’s have a free-for-all”; all have said that they need a commonsense approach that provides assurances for the community to ensure that risk is minimised. That is important.

The minister yesterday touched briefly on a horrific and appalling incident that occurred in my electorate last year. I do not think it serves any purpose to go down a “what if” scenario, because that does no good to the victims, the families or the community. We also had a debate yesterday about domestic violence and the presence of firearms in a household. Although I acknowledge the argument that minimising the number of firearms may well, across the board, reduce the number of people who can potentially use them illegally, it will not remove the risk.

What happened last year in Kellerberrin could potentially still happen under future legislation. I dislike intensely when incidents like that are raised in debates like this. It does no service to the community that was impacted and I do not think it is where we need to be when we are having a sensible discussion about the new licensing regime, given that we all agree that community safety needs to be at the heart of that. We agree that reform is overdue.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

I reject the minister's suggestion yesterday that I have a blind spot because I grew up in the country, and there is an assumption that I will automatically jump to protecting our rights as firearm owners.

Mr P. Papalia: It's not a right; it's a privilege.

The ACTING SPEAKER: Minister, I think the member has made it clear that she is not inviting interjections. Thank you very much.

Ms M.J. DAVIES: Minister, I was simply pointing out that I was accused of having a blind spot when it came to the issue of guns and firearms, potentially because I am from a regional area. That is not the case. In the time that we have been given as part of this debate, we have tried very hard to make sure we have spoken to a number of different constituents, groups, organisations and members of the community—people who are gun licence holders and people who are not—because it impacts everybody. As the minister rightly pointed out, the track record of the Nationals and Liberals on firearms reform—going back to the Howard–Fischer reforms—is one of making difficult decisions.

Mr M.J. Folkard interjected.

The ACTING SPEAKER: I think that applies to you, too, member for Burns Beach.

Ms M.J. DAVIES: I will not be characterised by others for the work that we have done to arrive at the position that we are taking, because I do not think the minister has done enough work to land on the right position on a number of clauses and policy decisions in the legislation.

Not one of us in the Nationals WA is advocating for a US-style gun culture here in WA. If someone wants to own a gun, they should have a valid reason for owning it. We agree that it is a privilege to own and be licensed to own a firearm and we should have a system that centres around community safety. We simply believe that there is a different mechanism for arriving at that and that will be the debate that we have during consideration in detail.

MS M.J. HAMMAT (Mirrabooka — Parliamentary Secretary) [10.33 am]: I, too, want to make a short contribution to debate on the Firearms Reform Bill 2024, which is before us today. I acknowledge the work of the minister and staff in bringing this legislation to the house and I thank them for their work on it. I wanted to make a brief contribution because I have been contacted, as indeed I think many members have, by people in my electorate who have wanted to talk to me about the details of this bill—some in person, many by email. Many of those are, of course, firearms owners.

My response is to listen and understand what people are saying to me. The first contact I had was some time ago by one of my constituents who wanted to talk about the proposed legislation at the time. Because there have been a number of contacts, and some time has elapsed, I have spent a lot of time thinking about firearms in the community and the role that they should play. I thank the people who have contacted me about it and will share some of the thoughts I have had and conclusions I have come to.

I am also a country girl, like the member for Central Wheatbelt, and, like others, grew up with guns in the family—guns that my father used. My brother also used them. I have never been particularly into them. I have fired one once or twice, but it was not something I was particularly into; however, they have been a part of my family.

My uncle Bob, who lives in South Australia, was a sporting shooter. Throughout his life he shot guns as part of a sport that he loved. He tells us he was quite accomplished at shooting. Family legend has it that when he was a young man he had to spend time living on the Nullarbor shooting rabbits for a period of six months. It was always described as, “Until the heat wore off”. It was never explained what that meant. He used guns all through his life and travelled extensively across his home state of South Australia attending shoots. I remember him visiting us in Western Australia, bringing guns with him and attending shoots around regional WA. He also reloaded bullets. I remember him doing that. I did not know that that was a thing until I saw him do it. He was a pretty accomplished shooter. He competed for many years—he really only gave up the sport when his health deteriorated with age; however, he was someone who, until this day, is a very fond shooter and very fond of his guns. He spent his whole life shooting.

My aunt also spent many years in her middle age working in agricultural protection in the north of Western Australia. Her job required her to control feral animals, mainly goats and camels, with a fairly high-powered gun out of a helicopter. Again, according to family legend—I am not saying this is a certifiable fact—she was a quite successful marksman and one of the best they had in their team. Guns were an essential part of her work and, again, she used them for many years in the context of that work.

As I said, we grew up with firearms on our farm. My brother, like lots of country kids, used to shoot at pests around the farm. Indeed, my husband owned a gun as well, up until he was required to hand it in as part of the Howard government's gun buyback scheme. At the time, he did not particularly want to part with it, but he confirmed that he does not miss it at all. It was not something that he was using.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Ffolkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

I wanted to relay these stories because I do not consider myself to be someone who is anti-firearms. As I said, I grew up with them around me. They were used extensively in my family for sport, for work and as part of being on a family farm. I am not opposed to them and I accept that they play a role in certain contexts and settings. Despite the people from my electorate who have come to see me to talk about this, and my own reflections, I nonetheless support this legislation because I think it is incredibly important and necessary.

It is important that we find a fair and reasonable balance between firearm owners and the need to ensure community safety. I have not experienced the tragedy and trauma at a personal level that many people have as a result of firearms. Whether those incidents have been intentional or accidental, and whether they have resulted in injury or death, there is no doubt that there is extensive tragedy and trauma that occurs in our community as a result of firearms, whether they are held legally or illegally.

I thought the minister did a very good job yesterday in the amendment debate, outlining the various advocacy organisations that not only support this legislation but, in fact, urge tighter controls over firearms. They often, tragically, have personal stories that they relate in that context. I do not have personal story—I am very grateful for that—but I absolutely acknowledge the reality of the impact that guns have in our community and the impact that tragic events have not just on individuals but also families through generations. I do not intend to dwell on any of those stories. As I said, I think the minister did a very good job of that, and many of the stories were in the news. Those people are the human face of why we need stronger firearm regulations, and we should never forget them. They are essential to the overall consideration of this bill.

This legislation is important. There is no doubt that it is appropriate and necessary to have modern, relevant legislation to regulate the use of firearms in Western Australia. The current Firearms Act is legislation from 1973, and since that time there has been significant change. We are now a much less rural society, far more urban based, and it is hard to see the need for firearms for many people living in an urban setting unless they are using them for sport or, very occasionally, a work-related purpose. Also, firearms have changed. They are way more powerful than what I would have used in my couple of shots as a kid. They are more accurate.

This legislation is timely in capturing those changed circumstances and updating laws so they are fit for purpose in the modern age. Importantly, it captures an appropriate and relevant balance between the legitimate uses of firearms, whether that is for sport, work or other purposes, while ensuring that community safety is paramount. That is really the key reason for my, and others', support for this bill. The balance is appropriate, and it is necessary that we regulate to achieve those community safety objectives. It is entirely appropriate that we have mechanisms to ensure licence holders remain fit to hold their licences and that we have a fit-and-proper person test. That is not unique to this legislation. As a union official I had to hold a fit-and-proper-person certificate just to exercise the right of entry into workplaces. That requirement is not difficult, and it is not unique to this setting—it is entirely appropriate. I congratulate the minister and those who have worked on this bill for setting it in place.

I also lend my support to the numerical limits on guns. As others have indicated, the limits set in the legislation are entirely reasonable for the pursuits they identify against. This is part of removing unused or unlicensed firearms from the community. Having the buyback scheme to support that, along with the various policy settings this bill will put in place, will set in place a modern framework for ensuring that we regulate firearms in an appropriate fashion. Unused and unlicensed firearms will be removed from the community. There will be mechanisms in place to ensure those who have a firearms licence remain fit to hold those weapons in the future.

I wanted to make only a few brief comments, so I will bring my speech to an end. It really sums up the view I have come to, having heard from members of my community, having reflected on my own personal experience and having thought quite a lot about this issue over a long time. I support the legislation because I think it sets a fair, appropriate, reasonable framework for the regulation of firearms in our community, giving access to people who need them for sport, work or other purposes, but ensuring community safety remains paramount for all those in the community, requiring that the government sets legislative limits so we can live safely in Western Australia.

MR M.J. FOLKARD (Burns Beach) [10.43 am]: I have been listening to the second reading debate on the Firearms Bill 2024 over the last 48 hours and the contributions of members opposite, and it has driven up a memory I had chosen to forget. I am probably the only person in this house who has held a mother whose son shot himself using a stolen firearm. My belief in change is driven by the realities of what is going on in the constituency, not the made-up nonsense coming from the opposite side.

It is a privilege to own a firearm, not a right—remember that. In recent times, it has been quite a topical issue in my electorate, but not the most contentious. I must say that I have either met in person or spoken over the phone to every constituent who took the time to contact me. So thank you Wayne, Terry, Vaughan, Kenneth, Dries, Shane, Ash, Tom and all constituents of mine. I put on the record that I listened to their views. I will summarise them. They stated that they were all law-abiding citizens—no argument. Most of them were worried about the number of firearms they could own and a couple were worried about the medical assessments or the system of letters of

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

authority to shoot. After my listening to my constituents' views and them listening to my explanations, we all agreed on the need for change.

The national firearms organisations reached out to me and attempted to lobby me to stop this legislation. In examining their views, I formed the conclusion that they were just wrong. I felt that their views were corrupted by the National Rifle Association of America in their belief that they have a right to own a firearm and use it in any way they want.

Why is there a need for reform? I approach this matter as the only person in the house who has been shot at in a non-wartime situation. Members know I was a police officer. During my service I was shot on at least two occasions, and on several occasions I had loaded firearms pointed at me, so I do not need to be convinced of reform. These reforms are overdue. The current act was written in 1973 and is well past its use-by date. From as recently as a couple of years ago, there has been growth in firearms incidents. In July 2021, in my electorate the bikies had a gunfight at the Mindarie marina. The individuals were from the Comanchero outlaw motorcycle gang. The gunfight occurred within metres of residents in my electorate—metres. A child shot at a primary school in Two Rocks—the first time in this nation. There was the mass shooting at Osmington in the south west and the recent shootings in Kellerberrin in the wheatbelt. These do not include the statistics outlining trespassers' use of firearms on crown land or on properties without lawful permission. Gun-related crime is on the increase. That is a fact.

The main source of firearms for any unlawful activity is lawful firearm owners. Seven firearms are stolen in Western Australia a week, so reducing the number of firearms in our community will reduce gun-related crime. Fewer guns in the community means less gun-related crime. The drive for change in law reform has come from not only the Law Reform Commission's report, but also industry itself. About three years ago, I had an approach from two of the pistol clubs in Perth. In summary, their complaints were that members were using the clubs' licensing process to obtain pistols and handguns. Once through the process, they stopped active participation in the clubs and just kept renewing their memberships but were never seen again. This legislation stops those individuals and the abuse of the licensing process.

A number of primary producers working in regional WA are absolutely frustrated with uninvited shooters using their land with historical letters of authority, virtually forcing themselves on their land to use firearms. While stationed at Wagin, I was called to an unauthorised shooting incident east of the town site. I remember attending the farm and speaking to the owner. He advised me he had two shooters on his property who were shooting anything that moved. I conducted a patrol, following the blood trail. I recall having to destroy a couple of kangaroos that had been shot and left there to die in absolute distress. I was angry. I caught up with these two individuals shortly after. One of them pointed his firearm at me. I can tell members that after some gentle persuasion he made a better choice going forward. After some inquiries, I executed a couple of firearms search warrants and uncovered numerous unlicensed firearms. All were seized. The bizarre thing is that under the current licensing system I could not get their licences cancelled. That is crazy. This legislation will fix that once and for all.

It is important to address the mental health issues associated with gun ownership. Research has shown that individuals with mental health issues are at a high risk of committing acts of violence using firearms. By implementing strict background checks and mental health screening for gun owners we can help prevent some of those tragedies. The best person to talk to about that is your doctor—no-one else. This bill will empower that.

The next issue relates to the number of firearms people could own. There is currently no limitation on that in this state, but the bill will limit that to five. That number came from the deliberations of numerous stakeholder groups. For a recreational user who shoots feral animals as a hobby, I think five guns is fair enough. Why the anguish, when most firearm holders have only three guns? It is a point to ponder. I think it is a bit generous that people can have up to 10 guns, but I will have to live with that.

The aim to remove guns from our community is supported by the implementation by the Cook Labor government of the fantastic \$64 million compensation buyback scheme. I could go into a lot of that, but I have had reflections from my constituents who have participated in the buyback scheme and they were astounded about the effectiveness and generosity of it. I will not speak any further to that.

This legislation will end all historical letters of authority and make it an offence to sell them. This means that if people own a firearm, they must have a place to use it and have the permission of the current owner to destroy animals that are a problem for that particular landowner. An example of this is the large calibre firearms required to kill camels. Previously, letters of authority were given to properties in the south west. Last time I checked, there were no camels down there. Here is a point to ponder: one property owner has had such a problem with feral animals that he has granted over 3 000 letters of authority for a 100-acre farm. What crap!

I make this observation: the firearms reforms that occurred following the Port Arthur massacre have saved thousands of lives. To modernise the Firearms Act will do nothing more than continue that process. However, more

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

work still needs to be done. Although Australia has made great strides in reducing gun violence, loopholes still need to be addressed. One such loophole is the regulation of semiautomatic firearms, which are still legal in certain circumstances in this state. These weapons have the potential for mass casualties and should be subject to stricter controls. In Western Australia, this space is dominated by handguns. The more of those firearms that can be removed from the licensed community, the better and safer we will be. I have spoken about the generosity of the buyback scheme. I will say no more about that.

Prior to coming to this place, I worked at a local police station. During one of the amnesties, a Lewis machine gun was surrendered to the police station. That is a World War I machine gun. One of the old buggers had brought it back from the war and hid it in his back shed. It was found during a search of the deceased estate and was brought into the station. I have never seen so many people run to the back of a police station in my life! It took me a while. That firearm is now sitting in the Australian Army Infantry Museum in Singleton.

In conclusion, Western Australia has made significant progress in firearms reform since Port Arthur and is a leader in firearms reform in this country historically. Implementing measures such as a national firearms registry, improving mental health screenings, abolishing letters of authority, reducing the number of firearms allowed and modernising the act to focus on community safety is a no-brainer. With this, we can further reduce gun violence in our community. Let us continue to strive to have a safer, more secure future for all. I commend the bill to the house.

MR P. PAPALIA (Warnbro — Minister for Police) [10.54 am] —in reply: I thank all members for their contributions to this debate. Pretty much every matter that has been raised, particularly by those opposite in the Nationals WA who oppose this bill, will be addressed in consideration in detail. I hope that will provide some comfort around the concerns aired by members. I have advisers preparing specific responses to what has been raised by members, but I will respond to the issues from this morning because they are fresh in my mind.

I turn first to the members for Mirrabooka and Burns Beach, who both support the legislation. I appreciate the reflections by the member for Burns Beach on his service as a police officer and encounters with firearms and his views on the need for more robust legislation. Like the member for Central Wheatbelt, the member for Mirrabooka is a country girl. When I was reflecting on the member for Central Wheatbelt's potential blind spot, I was suggesting that I, too, shared that, having grown up in the country; it was not in the wheatbelt, but it was in the south west. I am so old that in those days it was fairly country. I grew up in a household with a .22 calibre rifle in the cupboard and there was a fairly liberal relationship with transporting and using firearms. I put on the record now that in no way was I trying to suggest that there was some sort of problem with country people and their relationship with firearms. In fact, we ensured throughout deliberations when preparing this bill that we were deeply engaged with the Primary Producers Firearms Advisory Board to ensure that people who use guns in the course of their work as primary producers were part of shaping the bill.

I say at the outset that I know there is a whole manner of conjecture about motivations for reform of the bill. Personally, I have no particular anxiety about firearms. I taught my sons to shoot when they were younger than this legislation will enable. Like many things in the regions, it is a part of life. By the way, I did that on a friend's property; he was with me with his licensed firearm—it was not my firearm! The point is that I do not come to this with a reluctance around the use of firearms. Obviously, I used them a lot in the military.

I will address some of the other points made by the member for Central Wheatbelt. It is reductive to say that the key concern of those who are advocating to the National Party to oppose this legislation—it is not the only thing—is about the limits. I know the member has not defended the letter system as a good system. She knows that it was primary producers who asked the government to reform that part of the legislation. The Law Reform Commission report did not say that health checks were not a valid thing, but that work needed to be done on the nature of that process. That has been done, and is being done. Ultimately, the key element of the Nationals WA's opposition to this legislation, and a lot of the opposition from people advocating against the legislation, resides with the imposition of a limit on the number of firearms an individual can own. The point is that the alternative to that is the argument that people should be able to have an unlimited number of guns. If that is not the alternative, ask those people advocating to the member for Central Wheatbelt what the limit should be. What is a reasonable limit? The member named four firearm types in her contribution and how more than one firearm might be needed to address certain types of challenges that confront pastoralists or primary producers. The original National Firearms Agreement established when John Howard was Prime Minister reflected on the likelihood that a farmer might need three firearms—a shotgun, a .22 and a high-powered rifle. The number of firearms that people out there generally have is two. As the member for Burns Beach indicated, the average number of firearms people have is between three and four.

The numbers arrived at were reached in consultation with stakeholders, interested parties and even those people who claim that they have not been consulted. The Western Australian Firearms Community Alliance has been meeting with police for the better half of a year and a half on this on an almost weekly or fortnightly basis and has contributed. Ultimately, the number of 10 firearms for a primary producer licence has been arrived at in collaboration

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

with the Primary Producers Firearms Advisory Board. There will be opportunities for a business licence that will enable greater numbers. We will talk about that in deliberations in consideration in detail.

Competition shooters have been afforded the opportunity to have 10 firearms as well. That is mostly because at the moment, the vast majority of competition shooters have fewer than 10 firearms. There will be the opportunity for competitive shooters to apply for more firearms should they wish to compete in a greater number of categories. The member for Central Wheatbelt and the member for North West Central, having talked to clubs, raised the issue and their concerns that somehow this precludes people who are not Olympians or Commonwealth Games competitors or elite shooters from acquiring additional firearms. I can assure members that aspirant shooters are people who aspire to compete at that level, because, clearly, as the member for North West Central pointed out, people do not instantly become that level of shooter; they aspire to it, and they need to apply for additional firearms. People will be able to do so. That opportunity will be afforded to people under this legislation. The intent is that that opportunity be afforded aspirant shooters as well, not just those already at the pinnacle of their sport.

When we met representatives from the West Australian Pistol Association, the West Australian Rifle Association and the Australian Clay Target Association at the start of this process almost two years ago, they suggested that the greatest number of categories of competition shooting is in pistols. The number outlined at the time was something like 42. In the event that someone aspired to compete at that sort of level, not that anyone in Western Australia in competition shooting has 42 licences—at least not that I know of—they will have the capacity to seek out that authority. Opportunity will be afforded to people under this legislation. Hopefully, that puts to rest those concerns.

I must reflect on the member for Central Wheatbelt's referencing an advertisement that is being run suggesting I said, "Get another hobby."

Ms M.J. Davies: It wasn't me.

Mr P. PAPALIA: Sorry. If it was not the member for Central Wheatbelt, it was someone else; it may have been the member for North West Central. The point is that a lot of misinformation is put about. I made the comment about getting another hobby three years ago in relation to making gel blasters unlawful. It was raised with me at the time. Advocates for gel blasters as a hobby were dressing up and shooting at the local park with something that looked like an M4 or an AK-47. They said that I was depriving people of their hobby and asked what I would say to them; I said they should get another hobby. I never said that about competitive shooters. They know that. Potentially, some club members do not know that because all they see is the ad and hear a suggestion from WAFCFA that that is my view about competitive shooters. We will afford competitive shooters the opportunity to continue to compete. In fact, club numbers will probably grow as an outcome of this legislation.

This is the bottom line, and this is why some people who are so determined to reject the suggestion of a firearms limit and reform about the property letter, in particular, do not like this legislation. If a person's only genuine reason for having a firearm was afforded to them by a letter that they acquired from somebody who they may or may not have ever met for a property they may or may not have ever shot on, and do not ever intend to shoot on, it is probably likely they will not be able to get an authority. They may be able to do so. There may be an opportunity for them to find somebody who has a property that meets the specifications and has enough capacity in their authority to give them one. That is still a category. That requires a genuine reason. Hunting for the purpose of controlling vermin is an absolutely genuine reason. All that will change is that a rationale will apply to who gets a licence to do that. It will be related to properties upon which we know people will actually go and shoot to control vermin. That is a good thing. Ultimately, it will reduce the overall number of firearms in the community because a lot of firearms in the community are not being used for the purposes for which they are claimed to be used, and their genuine reason was achieved only through a letter that was obtained as a gesture rather than a real justification and is not linked to use. I know a lot of people do that. This legislation will not prevent them from doing that. If they have a property that they shoot on, and it assists with vermin control, they will be able to do so. People will still be able to do red card shoots. A permit system will enable that.

The process will be far more efficient. The government is spending tens of millions of dollars on building a new system that will be more efficient than the current one. This will enable people, at very short notice, to approve shooting on their property for the purposes of vermin control. It will be much more flexible. It may be time limited, so the property owner controls who is shooting on their property. It will enable things like a group of farmers in one district to all collaboratively enable a shoot on a weekend or over a short period of time so that they eradicate vermin in their part of the world. It will enable all those things in a far more efficient manner than currently, but it will be more controlled in terms of who gets the licence because it will be linked to activity. For a person to get initial authority, if their initial genuine reason is solely based on vermin control, an authority from a property will be required. That is a good thing. As we heard from the member for Burns Beach, ridiculous situations have arisen as the letter system has been completely compromised and people have issued thousands of authorities for firearms on a 100-acre property. It is just crazy. That is going to be fixed.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

The limit of five firearms for those undertaking vermin control was arrived at partly because the vast majority of Western Australians believe that people should have five or fewer firearms. The vast majority of Western Australians—88 per cent—believe that there should be a limit. It was not a manipulative question; it was a very specific question: should there be a limit on firearms in light of the fact that we are doing firearms reform? That was the question that was asked. It is not hard. The member said that it is reductive to say that it is this or that. Yes, it is, pretty much. Should there be a limit on the number of firearms that somebody is able to buy or should there not be? If someone says that there should not be, they are advocating for people to have an unlimited number of firearms. Honestly, that is the American gun culture. That is what I am referring to. I know that people do not like us saying that Australians do not want American gun culture because they do not want that in this debate. As much as it was a sensitive, horrible incident, reflecting on a murder–suicide by a licensed firearm owner is part of the debate. This happens in America. This is the American debate. They were not allowed to talk about the Sandy Hook Elementary School shooting at the time because that would have been insensitive, apparently. Australians look at that and say, “That’s crazy!” Australians listen to gun debates in America and wonder why they cannot limit the number of firearms in their community. Limiting the number of firearms in the community starts with a limit on how many firearms an individual can have, and then we go to other parts.

For everyone who is watching, I say that we anticipate that that part of the law will not take a huge number of firearms out of the community. Someone criticised me—it was not the member for Vasse—for suggesting last year that only 15 000 firearms would be taken out, but that now that we have \$64 million in the fund, it is enough to take out 100 000. The question that was asked was: “What on earth is going on?” It was only an indicative number; it is not finite. The police modelled the different elements of the law and tried to assess the best-case number of firearms that would be removed by each of the measures. With limits, I think it was about only 15 000. I cannot remember exactly, but it was something like that. People have said, “You said that only 15 000 would be taken but now we have enough money in the fund to buy back 100 000.” I think that is a good thing. My view is that the more we can remove from the community, the better. As the member for Burns Beach suggested, the fewer firearms we have in the community, the safer it will be. That is not saying that any licensed firearm owner is evil or bad; it is just saying that if there are more firearms in the community, ultimately, regardless of what we do, there is a greater opportunity for them to find their way into the hands of someone who will do harm, either to themselves or somebody else. That is just a fact. This is not some great mystery. Most Australians would think that if America had fewer firearms in its community, it would be safer. That applies to us, too. We started this process by drawing to the attention of the Western Australian public that there is something like 360 000 firearms in WA and that we would like fewer, because the fewer there are, the safer it will be.

There is another side to the debate. There are people who say that it has nothing to do with how many firearms there are and that we should not limit them—they should have as many as they want. I disagree, the government disagrees and so do most Western Australians. Sixteen per cent of Western Australians think there should be none. I do not think that. Seventy-two per cent think there should be a limit of five or fewer. The way that number was arrived at is that the vast majority—95 per cent or something—of licensed firearm owners in Western Australia have five or fewer firearms. That was the last number I saw—95 per cent or so of licensed firearm owners have five or fewer firearms. Imposing a limit of five firearms on vermin shooters will not really impact the vast majority of them, in the same way that imposing a limit of 10 on primary producers will not really impact most of them because most do not have anywhere near that number. As I indicated, imposing a limit of 10 on competition shooters to match primary producers will not really impact most of them either, because most of them do not have that number. I think the biggest number that we were able to determine for competition shooters—this guy is pretty elite—was about 19 pistols. Most competition shooters do not have that number. A lot of the concern and anger around this has been generated partly by misinformation. I get that. I get that Hon Louise Kingston would think that suggesting I hate camping, shooting and fishing would somehow get her more likes on her Facebook page. I understand that. However, that is not really helpful in terms of the debate. There is a justification for everything that is being done in the bill, but we are going to debate it and we are going to explain things.

I better get on and address some of the questions. I think I addressed the member for Central Wheatbelt’s questions. We will go into it anyway; I know that she can ask more specific questions when we get to the consideration in detail stage. I think I have addressed what she said, and I appreciated her contribution, which was reasoned and reasonable. There was nothing wrong with what was said.

I will move on to the member for Collie–Preston, who raised an issue, as did the member for Vasse. I have to say that this issue was raised by the Primary Producers Firearms Advisory Board very late in the process; otherwise, we would probably have addressed it in the drafting. The member for Collie–Preston pointed out concerns around limiting primary producer licences to one per property, and both members gave a reasonable explanation, as did the primary producers. The Western Australian Farmers Federation and the Pastoralists and Graziers Association raised this issue with us but it was so late in the process that we could not address it then. The suggestion that there is justification for more than one primary producer licence on a property is reasonable. We will address that. At

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

the risk of being criticised by the member for Central Wheatbelt for bringing in amendments, I intend to bring in an amendment. The issue was raised by the members for Collie–Preston and Vasse. I am not sure whether the member for Central Wheatbelt also raised it. The issue was raised with me very late in the process by the Primary Producers Firearms Advisory Board, which said that there was a good argument to have more than one primary producer licence per property. I think that issue would have been raised with the member for Central Wheatbelt. The Leader of the Opposition might also have mentioned it. It was raised by the Primary Producers Firearms Advisory Board so late in the process that we could not put it into the draft bill. At the risk of the member for Central Wheatbelt having a crack at me, I put on notice that we will amend that part of the bill to address that concern.

I better try to read the information that was prepared in response to the concerns that were raised. I will go to the concerns raised by the member for Vasse. The member asked why conditions that will strengthen the storage of firearms and around being a fit and proper person, having genuine reasons and having a genuine need will not be sufficient in limiting the number of firearms. I know that she does not oppose the bill, but I would prefer her to categorically support it. I might ask a bit more about that as we go through the debate, because I think that not opposing it does not really give full-throated support to strengthening firearms laws. Putting that aside, the member for Vasse raised that point because her constituents had raised it with her. In regard to that I would say that the report by the Law Reform Commission of Western Australia recommended against the introduction of numerical limits, although it acknowledged the increased risk of firearm theft with no upper limit. The Law Reform Commission report also made the observation that, at that point—remember, this was in 2014 to 2016—it did not have evidence of the stockpiling of weapons, which would have been of concern. In recent times, as part of this process the police have identified concerns about stockpiling, and that is because in the 14 years prior to the drafting of this bill, there has been a 65 per cent growth in the number of firearms in Western Australia, yet the number of licence holders has remained pretty static at about 89 000 or 90 000. Remember, I told the member that 95 per cent of people have five or fewer firearms. That means that some people are stockpiling firearms. It is concerning for police that there are large volumes in different locations, so that is motivation for not complying with that recommendation. Things have moved on and circumstances have changed, and we decided that we would impose limits, and I have already explained how those limits were arrived at.

A lot of people have raised the issue of the imposition of health assessments. They are an integral aspect of the proposed legislation and align with the licensing of other potentially dangerous or hazardous things, such as heavy haulage licences, pilot licences and dangerous goods licences. The 1973 act includes the ability to request health assessments. The commissioner has the power to and does request health assessments of licensed firearms owners. That happens under the current law. The bill will normalise this activity for all original applications, and it will be required every five years after that. It is ostensibly a good thing that licence holders will have to attend a health practitioner to identify any impacting factors that may endanger themselves or others should they be allowed to possess a firearm. It should be seen not as a punishment but, rather, as insurance that applicants will do their best to manage whatever conditions they have.

I have to address this issue specifically. It has been raised with me by veterans, whom I respect greatly. A number of veterans, particularly those from our wonderful Special Air Service Regiment in Western Australia, have acquired post-traumatic stress disorder as a consequence of trauma they have been exposed to. This law will not prevent those people from having a firearm licence. I know that for some of them, particularly those who have been physically wounded and damaged and are disabled as a consequence, shooting is the sport that they are able to participate in. Absolutely, this law will not prevent them from doing that. It is not intended that a mental health matter will preclude someone from having a licence. I want to assure people that that will not be the case. However, it will, hopefully, provide an opportunity for people to avail themselves of a health assessment and potentially be supported in a way they might not otherwise have been.

It has been suggested in the debate that the imposition of a health check will somehow prevent people from getting a health check. I do not buy that. The member for Central Wheatbelt suggested—I am trying to remember the exact nuance of her point—that this will not prevent it. There is no measure. We could not write a law to prevent some of those tragedies to which I referred earlier. We need to refer to them. The reason I referred to them is that there has been some suggestion that only unlicensed firearms owners do crime. That is not true. People are law-abiding right up until they are not. Sadly, some of them go from zero to murderer in one day. That is why I talked about it. I am not suggesting that any of the measures we are taking will prevent any of those tragedies, but, hopefully, the bill will apply additional measures to mitigate the risk. You mitigate risk; you do not eliminate it. That is true of any practice. Ultimately, all these measures are mitigations. They will not eliminate risk, and I would not pretend that they will. We could not do that, and that is true of the health check. The intent is to try to provide another measure. It is a good thing. I talked to farmers about this in the early days of this process and, tragically, a lot of farmers are doing self-harm with firearms. That was part of the motivation for the bill. I understand that people felt that that was somehow focusing attention on them, but that is not the intent. The intent is to try to help people and also to mitigate risk.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

The other thing I said to a group of blokes I met was that if I could write a law just for them, it would be easy. If we were tasked with writing a law for retired special forces soldiers, who are incredibly responsible, knowledgeable and reliable, it would be the most simple task in the world, but that is not what this law is. We have to write a law for the entire spectrum of humanity in Western Australia. Providing that they meet the criteria, any of those people will be able to apply for a firearm licence in Western Australia. We have to address every potential situation. For example, under the current law, which some people think is wonderful and should never be changed, some people have a firearm licence despite the fact that they have committed violent crimes and have been deemed not to be a fit and proper person by the police commissioner, but have challenged it and taken the commissioner to task in the State Administrative Tribunal and the Supreme Court and have received their firearms back. That is a fact under the current law. The intent of this law is to, as far as possible, mitigate the risk of the wrong people getting their hands on firearms.

The member for Moore asked why all the measures that have been referred to are not adequate. Ultimately, there has been massive growth in the number of firearms and no growth in the number of licences. There is an intent to reduce the number of firearms in the community. As I said at the outset, fewer firearms mean a safer community. That is what most Western Australians believe. Farmers, competitive shooters and genuine vermin shooters, as well as all the other category of shooters, will still be able to have access to firearms, but the intent is to reduce the number of firearms. That is why we are doing all the things that the member referred to, including strengthening storage requirements, improving the fit and proper test and establishing a better system for the genuine reason and need requirement. They are not sufficient and we are trying to do everything we can, and that includes imposing a limit. I know that some people will refuse to concede that there should be any limit, but most people believe that there should be a limit. That is the question, and that is what I was saying. I was not being in any way critical of the member making that decision, but he has to own it. He has to own the fact that he is advocating for an unlimited number of guns if he opposes a limit. That is just how English works. It is either a limit or no limit.

The Leader of the Opposition queried why a competition firearm cannot be used for hunting purposes. That is already the case. People cannot do that now under the current legislation, but we will enable a licensed firearm owner who has a firearm for the purpose of vermin control to take it to and use it at a range. That will be accommodated under the legislation.

The member also asked why the Commissioner of Police will make the ultimate determination about a person's fit and proper status, particularly with the health assessment, despite not being a health practitioner and having received evidence from a health practitioner. The Commissioner of Police will ultimately determine a person's fit and proper status based on numerous factors, including the health assessment, all of which lead to a determination about a person's suitability to hold a firearm authority and minimising the risk to public safety. Health practitioners cannot be held responsible for any determination made throughout the assessment. Their role is to provide evidence about a person's physical and mental health status, which will then be considered alongside all other evidence. A health practitioner is not expected to provide any private health details that the applicant does not wish to share; simply an assessment of whether a person meets the health standards.

The commissioner is using that bit of information, along with a lot of other information, to determine the fit and proper status of people. He does that now, but as I have indicated, the law does not currently elevate public safety to primacy. Determinations by the commissioner of fit and proper status can be challenged on the grounds of private property ownership, and those challenges are often successful. I think that is wrong. There are times when the commissioner determines someone to not be a fit and proper person, and the commissioner should be backed up on that. Ultimately, if we elevate public safety to primacy, that will be the outcome: public safety will trump any other consideration.

The member asked about the replacement of old firearms that are unsafe or unserviceable. Any unsafe or unserviceable firearm must be repaired if it is to be possessed and used by a person. That is the current requirement. Like-for-like replacement of firearms has been considered and the means are there to expedite the application process. There will be provision for like-for-like replacement in the legislation. The member also asked about storage requirements, as did a lot of members. We will talk about this under the appropriate clause, noting that a lot of this will fall under regulations. There has been a lot of consultation around storage requirements and that is continuing. The Sporting Shooters' Association, in particular, has made significant contributions to that discussion, as has the West Australian Firearms Traders Association because it will potentially be one of the suppliers of secure storage. It might be best to talk about this during consideration in detail, but the intention is to focus on a greater number of firearms in someone's position requiring a greater onus of responsibility in respect of storage. The member for Central Wheatbelt and others indicated that a lot of firearms owners have secure storage. It is not necessarily the intention to change their types of safes or whatever, but we will talk about those requirements. It is recognised that a lot of people with a small number of firearms have pretty low levels of safe storage obligation, but we do not

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

necessarily want them all to be compelled to change their storage arrangements; there might be grandfathering around that. It will be about mitigating the higher risk associated with a greater number of firearms.

The Leader of the Opposition asked about minimum activity requirements for licence holders being a new facet of the legislation and the fact that that may be concerning for some licence holders who do not use their firearms often. My response to that is that minimum activity requirements are not, per se, new requirements being introduced by this bill; rather, the bill will provide a contemporary concept. The 1973 act and regulations already had minimum activity requirements for competition handgun owners that continue to be registered with clubs and ranges. The change contemplated is to introduce tailored requirements for all categories under competition licences, not just handguns. My observation on that is that it will be in the context of a completely new management system that will be digitised and far more readily and immediately accessible than is the current paper-based system. The intention is to enable ease of operation for clubs and shooters to comply.

There was a question about how police will determine the suitability of a property for a specific calibre of firearm. This issue has been raised with me by members of the veterans' community in respect of the current system. I have afforded those very knowledgeable men the opportunity to talk to police about how we might refine the system and create opportunities for a more appropriate determination on what types of firearms can be used on different sizes of property. There will be more consideration around approvals on surrounding properties, topography and the like. Those deliberations are ongoing; the intention is to make it a better system than it currently is. I note that that, of course, is not covered by the legislation; it is an interpretation of the regulations, and it is our intention to make that better. We will continue to work on that, and we will take advice from those, as I said, very competent people who have raised with me some of the strange interpretations that can be applied under the current law. This shift will not be a result of a change to the legislation; it is a recognition, as part of the consultation process, that we can do things better.

I realise members opposite are looking at me, wondering what on earth I am talking about! It was pointed out that under the current system a property owner can provide authority, via one of the letter systems, to a recreational hunting shooter to enable them to use whatever calibre firearm they want to on that person's property, yet there would be limitations on what types of rifle the property owner could use, based on the current assessment system. That is inconsistent and not really reasonable, so we will address it.

An amendment was moved on the question of referring the legislation to the Standing Committee on Legislation. Members opposite know that the Legislation Committee deliberates on policy; we are debating the policy and we have debated the policy, and I explained yesterday why the government would not agree to that amendment. The Standing Committee on Uniform Legislation and Statutes Review will assess the measures that it is allowed to assess; we will debate the policy here. There has been discussion, consultation and deliberation around reform of the Firearms Act since 2014, and probably further back, to Port Arthur; we should have rewritten the legislation since then. We will have the policy debate. The opposition has already determined that it will oppose imposing limits on the number of firearms people can own. The government does not agree. We could send the legislation to a committee, the committee could say the same thing, and I would not agree with that committee, either. Ultimately, I have provided the argument. This is another measure to militate against the risk of firearms in the community. That is another measure, like all the measures in this legislation.

I will finish, before we go into consideration in detail, by reflecting on claims that have been made. I have never told firearms owners that they should take up another hobby. There was also a suggestion that I had some issue with law-abiding firearms owners and that this legislation was focused on punishing them. There is no punishment of anyone associated with rewriting this legislation. I think it is an accepted requirement. Having said that, some people believe we should not rewrite the legislation because they are happy with things as they are. Well, they are just going to be disappointed. We need to rewrite it; it needs to be modernised. The legislation needs to reflect the National Firearms Agreement. The primary principle of the National Firearms Agreement is that the possession and usage of firearms in Australia is a privilege—that privilege being conditional upon the primacy of public safety. That is the National Firearms Agreement; no-one is backing away from that. We in Western Australia have not yet stepped up to it, because we have never put that principle into the legislation. Once we concede the requirement to elevate public safety to being the primary consideration, a lot of other things will fall out of that. It means that, at times, changes to the legislation will make some people unhappy because they will not be able to do some things they used to do. In other ways, some people will be able to do things that they have not been able to do in the past legitimately and lawfully, because we are addressing things like transport around the state. The ultimate intent is to elevate public safety.

Division

Question put and a division taken, the Acting Speaker (Ms R.S. Stephens) casting her vote with the ayes, with the following result —

Extract from *Hansard*
[ASSEMBLY — Thursday, 14 March 2024]
p885b-904a

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

Ayes (43)

Mr G. Baker
Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Ms D.G. D'Anna
Mr M.J. Folkard
Ms K.E. Giddens
Ms E.L. Hamilton

Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Ms S.F. McGurk
Mr D.R. Michael

Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti

Ms A. Sanderson
Ms J.J. Shaw
Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Noes (4)

Ms M. Beard

Mr R.S. Love

Mr P.J. Rundle

Ms M.J. Davies (*Teller*)

Question thus passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: Can the minister provide me with some understanding of the resources that the Western Australia Police Force will likely require in terms of cost and personnel expected to be involved in the implementation of the act, the new framework that will change processes and some of the new requirements that will be brought in?

Mr P. PAPALIA: In terms of the information technology build, we are creating a new licensing system for firearms in Western Australia. In the order of \$25 million has been attributed to that task and I think 22 people have been assigned, but it will vary because it is about creating an IT system. Ten people will be in the program team and 20 people will be in the transition team that has an attributed cost of about \$15 million.

Mr R.S. LOVE: Are those personnel all sworn police officers? If not, what number of sworn officers will be involved in the matters the minister just outlined?

Mr P. PAPALIA: I am informed that about 10 per cent of them are sworn officers and about 90 per cent are not. Obviously, the IT specialists and a lot of the other personnel do not need to be sworn officers.

Mr R.S. LOVE: Given that some provisions in the act require officers of a certain rank to carry out the duties, will a senior officer be in that group and what level will that officer be?

Mr P. PAPALIA: Yes. It is a whole team. The licensing enforcement division's commander has the police rank of commander.

Mr R.S. LOVE: Will the amount of money the minister has outlined for costs be provided in an additional budget or will it come out of the existing police budget?

Mr P. PAPALIA: It is already in the budget.

Mr R.S. LOVE: What is the plan to educate the public, firearm owners, firearm dealers and other people affected by this legislation? Is there an advertising schedule? What is the process the government expects to go through so people are aware of all the provisions they will be subject to in the future?

Mr P. PAPALIA: That is part of the transition task, and the transition team has a budget for a communications plan.

Mr R.S. LOVE: When we had briefings on this legislation, we were given the impression that we would be given a framework of the regulatory situation, but nothing that I am aware of has been provided. When will some sort of draft of the new regulations be available? Will it be available before the Legislative Council, for instance, debates this matter in several weeks?

Mr P. PAPALIA: I think the member has a misunderstanding of what was stated. We have always indicated that for some controversial matters or matters of concern raised by members of the opposition our intent is to give an indication of what the regulations will contain and where they will go with respect to the application of the law. Obviously, the regulations do not exist yet and are being drafted, but we intend to give comfort to people who may be concerned about some elements of the legislation and how they will be applied. As we get to those clauses, I encourage the Leader of the Opposition to raise matters that stakeholders have raised with him and raise concerns about how they might be interpreted in regulations. For instance, if the Leader of the Opposition raises storage

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

requirements, we will talk as fulsomely as we can—noting that the regulations do not yet exist, but there is an intent. We can give some comfort to people about a lot of the storage requirements, I think, through responding to the member's questions in consideration in detail.

Mr R.S. LOVE: A list of stakeholders consulted in the development of the bill was provided. The minister read out a list of people; it might have been during discussion on our motion on Wednesday afternoon. Can the minister provide a list of those stakeholders? Also, I am interested to know what happened to the thousands of suggestions, form letters et cetera that the minister received. How were they responded to and how much consideration was given to the suggestions made by those people? Did they, in fact, lead to any changes in the legislation?

Mr P. PAPALIA: I think we tabled the list of consultation and engagements before anyway. It is a comprehensive list and multiple pages long. The list I referred to during debate on the opposition's second reading amendment was not finite; that was about a different side of the argument, as I was suggesting the opposition might not have consulted those people. A lot of other consultation was undertaken with people who have a direct interest in the firearms industry. I will get that for the Leader of the Opposition. I am pretty certain that it has been tabled before, but we will give him an updated one. I undertake to get that to him.

Putting that aside, from memory, there were 6 081 negative responses, which the Leader of the Opposition is referring to. There were more than 6 600 responses overall, but I think 6 081 were against the legislation or elements of it. In all the submissions, some 45 concerns about individual elements of the legislation were raised. I can tell the member that 19 of those 45 elements or matters raised have been included in the final bill. There were lots of them. I was not being dismissive; they were all considered, but if all said the same three things, that is three points—right? That is not giving them less weight but saying that those are the points that need to be considered. Of the 45 individual elements that were raised across the spectrum of responses to the consultation paper, changes were made to incorporate 19 of them into the final bill.

Mr R.S. LOVE: May I have a list of those as well?

Mr P. PAPALIA: It is my intention to get a list of the 19—potentially, the 45—specific points that resulted in changes and have been included in the final bill. I will get it. I do not have it right now.

Ms L. METTAM: I note that the bill will result in numerical limits on firearms that can be possessed under certain licences. Can the minister provide any information, for the last 10 or so years, on the number of offences of a person possessing more firearms than would be allowed under this legislation?

Mr P. Papalia: Sorry? Could the member repeat just the last bit?

Ms L. METTAM: Can the minister provide any information on the number of offences that have occurred in the last 10 years in which someone has possessed more firearms than would be allowed under this legislation?

Mr P. PAPALIA: I do not think we will be able to give that answer. We can give the Leader of the Liberal Party the number of offences involving firearm thefts annually for the last 10 years. It is not because I do not understand or I do not want to; it is that the current system cannot do that. That is why we are spending a lot of money on fixing it and making it a modern system. The system cannot, for instance, differentiate between when an offence occurs. There is not a database that says licensed or unlicensed or that this person was traced and ultimately found to have been a licensed firearm owner who had a certain number of firearms, or this person was traced and identified as having had a certain number stolen. It is not that contemporary a database or system. It is a legacy system, and we intend to spend tens of millions of dollars to update it. Ultimately, once we have done that, we will have a system whereby we will be able to ask those questions and get real detailed responses, which will also enable greater law enforcement efficiency because we will have a modern system, which we do not currently have.

Ms L. METTAM: Has a budget been allocated at this stage for the implementation of this legislation, and how is it going to be expended?

Mr P. PAPALIA: As I indicated earlier to the Leader of the Opposition, essentially, there is a project team that has been afforded a budget in the order of \$25 million for a new IT system really, and then there is what we call a transition team, and that has allocated to it in the order of \$15 million for people and resources.

Mr P.J. RUNDLE: As the minister knows, I have brought the digital licensing system up a couple of times. We are talking about resources and funding. In that particular scenario, can the minister clarify how many extra officers or the like will be put into the system, whether that is digital or paper based? How many extra resources will be put into that part of the package?

Mr P. PAPALIA: Essentially, we are spending tens of millions of dollars building a new system. Once that is operational, they will be able to determine what they need to operate the system, but we have to assume that a contemporary, modern IT system will be far more efficient than the one we currently have. Whatever is required will be afforded to the operations. The point is that we are creating a new, contemporary system.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Follkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

I know that concerns were raised by some people about whether there will still be an opportunity for people to have a hard copy, non-digital licence. Yes, there will be. I note that, of course, the actual digital licence is something that was advocated for by the firearms community in the lead-up to the drafting of this legislation. Some 97 per cent of current firearms licence holders have a mobile phone, so it is not beyond expectation that most people will adopt the digital licence, but they will not be compelled to. They will be able to get a card if they want, but that card will not be like the current system whereby a holder has the card and something else and has to carry two things around; there will be one system.

Mr P.J. RUNDLE: I hear what the minister is saying about spending tens of millions of dollars on a new digital system. Can the minister predict how long the transition period will be from this paper-based scenario across to that digital system?

Mr P. PAPALIA: Elements of it will be delivered at different times. The first tranche, which will be visible to licence holders under which they will be able to see a practical difference and have a digital licence and all their information updated very simply in a much more friendly fashion than the current system, will be delivered in March next year, noting that the royal assent for this legislation should be achieved in December. Then, just by virtue of the legislation—we will talk about it as we go—elements of this legislation will be rolled out in such a way that we will not encounter the concerns that some people have around everyone wanting something at the same time. Renewals and health checks will be done at different stages. If people have inadequate storage for the number of firearms they have under the current system, it will not be done all at once so that everyone has to rush and there is no storage provision or availability. It will be done in a staged process over time, and that process could probably take a year. But the actual IT system that people think of when they are thinking about whether there will be a digital licence, whether it will look different and whether they will be able to enter their details online and have it automatically updated, will be delivered in March next year.

Mr P.J. RUNDLE: Finally, just so I can be clear in my mind, and because constituents have expressed to me their concerns about the digital scenario—the Optus data breach and all these other things that have happened—and that they are worried about their identity being released et cetera, will there be a concurrent scenario whereby if I want to be just a paper-based licence holder and not on the digital register, I could do that?

Mr P. PAPALIA: No, you do not get to be off the grid. If you have a driver's licence, you are on a database. The police hold a lot of sensitive information and are sensitive to the fact that we are under threat at all times from foreign and domestic players who try to penetrate our cybersecurity systems. That is just the modern world. With respect to whether someone can choose to not be on the registry, the answer is no, because that is the law, and the intent is that we know which people have firearms, where they are and that they are being held and used in accordance with the law. That is the intent of the legislation. No, people cannot opt out.

Also, I put on the table that we have committed, as has every government in Australia, to a national registry. That is not ceding our responsibility for maintaining our database, but it will ensure that this system that we will spend tens of millions of dollars to create will be compatible with whatever requirements the feds generate in that registry, and that is a good thing. It will mean that people can move their firearms between borders and we can support each other's jurisdictions in terms of management.

Ms M. BEARD: Just following on, I appreciate the question that the member for Vasse asked on the number of offences over a 10-year period and the limitations of the system. Does the system provide information on the number of gun offences committed by licensed and non-licensed persons?

Mr P. PAPALIA: It is a difficult question. Currently, I receive state awareness summary updates, and serious crimes are notified to a whole range of people. Sometimes we get notification of a firearms incident and it identifies the fact that that day, they have recognised that this person is a licensed firearm holder, but a lot of times it will be unknown. A lot of times they may not know at the time of the commission of the offence but they subsequently find out. I can tell the member that that is also part of the challenge with our current firearms IT system. All around the country, probably right around the world, as governments and different agencies in government upgrade their IT systems, they are becoming more compatible and breaking down silos, but we have silos from legacy systems in government that preclude sharing of information across databases, sometimes even inside the same agency. Our firearms IT system does not currently provide that information. The incident management system may, but, again, it depends on what data has been put in historically.

I cannot give the answer that some people want. I will say this—I know that some people will not like it: the truth is that the vast majority of unlicensed firearms in Western Australia start their life as a licensed firearm somewhere in Australia. It may be in Western Australia or it may be interstate, but that is where they start. Some black market illegal firearms are brought into the country, but that is not the vast majority of the firearms that are used in crime. Most of them have been stolen or sold, or have found their way onto the market by whatever means. They are then categorised as unlicensed. They might have had the serial number removed and it is difficult to trace their provenance;

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

however, they started their life as licensed firearms. The more we can do to mitigate the likelihood of those firearms ultimately finding their way to people who will use them in an unlawful or harmful way, the better. That is just one of the measures in this bill.

Clause put and passed.

Clause 2: Commencement —

Ms L. METTAM: Can the minister explain the reasons behind the different dates for the commencement of the legislation?

Mr P. PAPALIA: The commencement clause in part 1 provides that preliminary provisions will come into effect on the day of royal assent and part 16, transitional provisions, will come into effect the day after royal assent. Part 17, division 3, subdivision 11 will come into operation when section 412 of the Criminal Law (Mental Impairment) Act 2023 comes into operation. The rest of the bill will come into operation on a date fixed by proclamation to allow for implementation to support the administration of the new provisions.

Mr R.S. LOVE: Clause 2(d) states that the rest of the bill will come into operation on a day fixed by proclamation and that different days may be fixed for different provisions. Parts 16 and 17 of the bill are the transitional and repeal elements. When will the 1973 act be repealed? Is there a time line for that? Does that have to occur at the end of the transition period or prior to the transition period?

Mr P. PAPALIA: The short answer is that proclamation will occur in March next year. There is a staggered transition period. As I explained earlier, we do not want to create unnecessary challenges for people to transition under some elements of the bill. I referred to storage and some health checks. There are different elements to renewals. We do not want people rushing the system and doing that at the same time. Basically, royal assent will happen in December and proclamation in March, but there is a staggered implementation thereafter for about a year. It will depend on how things are going, noting that we do not want to create an unintended consequence around the transition process. There are elements for which large numbers of people might try to seek the same outcome at the same time, and we want to stagger that.

Mr R.S. LOVE: I am trying to get an understanding of when the old act will be repealed, and also the regulations. Some of the categories of firearms, for instance, do not identify anything. If the regulations are to be repealed and we do not have new regulations, how do we know how to interpret the rest of the legislation? I am trying to get an understanding of when the regulations will be repealed. Will that be when the new regulations are complete, or will the regulations be repealed at the same time as the 1973 act? How can there be a set of regulations that do not refer directly to the act?

Mr P. PAPALIA: The old act will be repealed in March next year. The new regulations will be published in December this year and it is intended that there will be further consultation and deliberation around those regulations from December. If people apply for a licence in March next year, everything in the new act will apply to them.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Principles and objects —

Ms L. METTAM: I do not think anyone would disagree with the principles and objects of the bill, but can the minister explain the reason behind their inclusion?

Mr P. PAPALIA: I can. I go back to John Howard's National Firearms Agreement. That is what I refer to with respect to the objects of the legislation. Paragraph 1 of the opening statement of the 2017 *National Firearms Agreement* states —

The National Firearms Agreement constitutes a national approach to the regulation of firearms. The Agreement affirms that firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.

There is an absolute intent to replicate that principle in this legislation. That was subsequently reinforced by recommendation 3 of the Law Reform Commission report that the new rewrite should be subject to a statutory review. The second recommendation was that it should be written again entirely from the ground up. The third recommendation, which was the first that imposed an actual direction on what it recommended should happen, was to adopt the principles of the National Firearms Agreement, and that is what we have done.

Ms L. METTAM: Was any legal advice given indicating the importance of the inclusion of those principles?

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

Mr P. PAPALIA: No. This is a National Firearms Agreement that John Howard courageously brought about in 1997 with the support of Tim Fischer and the opposition at the time, it has got to be said. The chief ministers meeting in 2017, and the police ministers meeting at that time, reaffirmed that principle. As I said, it accords with the recommendation—the prime recommendation, if we consider that it begins at the very start of the Law Reform Commission report. It is not controversial. It is a principle upon which firearms management has been based since 1997 and post the Port Arthur massacre.

Ms L. METTAM: Would the legislation be diminished if the principles were not included, or will their inclusion enhance the protection of the community? If so, can the minister explain how?

Mr P. PAPALIA: Absolutely, it would be diminished. That would be a break from the National Firearms Agreement on a principal matter. The key matter of the National Firearms Agreement recognises that there is no right to gun ownership and no right to bear arms in Australia. Increasingly, as a consequence of the internet, some people almost live in other countries online and assume that what is legal or referred to as individual rights in those countries also applies to our nation. Our nation has its own culture and its own legal system. Since 1997 and the National Firearms Agreement, there has been an agreed position across the entire nation—across the Federation—that the possession and use of firearms is a privilege that is conditional on the primacy of public safety. We are never going to concede that. This bill will embed that principle in our legislation, noting that WA is the only jurisdiction in the country to not have fully rewritten its firearms act since the Port Arthur massacre.

Mr R.S. LOVE: We are having a very interesting discussion on clause 4, but I point out that there are not many members here listening to it.

Mr T.J. Healy: We have more people than you.

Mr R.S. LOVE: Acting Speaker, I draw your attention to the state of the house. Well done!

[Quorum formed.]

Mr R.S. LOVE: I have forgotten what I was about to say, but I will think of it now. Clause 4 is headed “Principles and objects”. Subclause (2)(h) states that one object is —

to facilitate a nationally consistent approach to the control of firearms.

As I understand it, this is the only legislation that will introduce a limit on the number of firearms. Do any other jurisdictions do this? If they do not, how will this legislation accord with the facilitating of a nationally consistent approach to the control of firearms?

Mr P. PAPALIA: In answering this, I refer back to the question from the member for Vasse on the implications of the principles being adopted in the legislation. The member for Vasse asked whether there would be any implications or consequences if they were removed and what will be achieved by inserting them. Subclause (3) states —

Persons performing functions in or in connection with the administration of this Act (including when constituting, or as a member of, a court or tribunal) must have —

I note the words “must have” —

due regard to the principles and objects of this Act.

The principle that we are referring to is the primacy of public safety. Everyone who considers the application of this legislation must have due regard to that principle. That is the first point, in final response to the member for Vasse’s question. In response to the Leader of the Opposition’s question, I go back to the original agreement, but I think the same can be said of the 2017 agreement. The second point, which comes after the first one that I read earlier, 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.

We are complying entirely with the National Firearms Agreement. Again, there is a lot of misinformation out there. I get it; people, such as Hon Louise Kingston, are trying to build up their followers on social media. Misinformation around motivation and the like is being deliberately put into the public domain. Ultimately, it is not contradictory to the National Firearms Agreement for us to have tougher restrictions. All the agreement outlines is the minimum that we should adopt. In reference to people who are putting out misinformation, I refer specifically to a meeting that I had with the Shooting Industry Foundation of Australia, a Queensland group that represents the biggest firearms importers to the nation and is getting pretty cosy with you at the moment.

Mr R.S. Love: Hang on!

Mr P. PAPALIA: Okay, I withdraw that.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

Representatives from that organisation met with me during the very early days of this process. They asked me about the National Firearms Agreement. I indicated to them that we might exceed the National Firearms Agreement, but that is in accordance with the National Firearms Agreement. The National Firearms Agreement is about a minimum standard, not a maximum. I know their concerns. They are concerned that if Western Australia adopts measures that might embarrass other jurisdictions if they do not have them, those jurisdictions might contemplate doing that. Further, other populations in other jurisdictions might ask for or demand it. I understand their concerns, because they would prefer that nothing change and that there never be a limit on the number of firearms they can sell to an individual. I understand that. It does not mean that I agree with them. They will not agree with me. That, ultimately, is the point. We support the National Firearms Agreement, but it is a minimum standard.

Mr R.S. LOVE: The minister referred to the National Firearms Agreement as underpinning the principles of the legislation. Nonetheless, written here in black letters, clause 4 of the bill states —

(2) The objects of this Act are as follows —

...

(h) to facilitate a nationally consistent approach to the control of firearms.

Will the minister concede that the bill will fail to live up to that object because it will in fact not be consistent with other jurisdictions around Australia?

Mr P. PAPALIA: No. The member has overlooked the very first paragraph in clause (4); we are adopting the principle that public safety is paramount. Every other jurisdiction recognised that as part of the National Firearms Agreement post Port Arthur, in terms of what motivates them to manage these laws. They may have not incorporated the National Firearms Agreement specifically in their act. I understand that South Australia embedded the same principle in its legislation. It was the last legislature before us to change its act post-Port Arthur. The member might suggest that our doing the same thing is recognising that this is the contemporary expectation. As I indicated to the member, much to the angst of some advocates who would not have it happen, other jurisdictions might contemplate that not having this particular principle embedded in their act means that they are not really complying with John Howard's National Firearms Agreement, and that has been a criticism by many public safety advocates around the country for decades. I am fine. If the member wants to go out there and say that we should not say that public safety is paramount, he can fill his boots. I think that the people of Moore would be disappointed by that. I think that the people of Central Wheatbelt would be disappointed by that. If anyone in Western Australia walked into a pub and asked the people there whether public safety should be the paramount consideration in firearms management, I reckon that 99 per cent of them would agree.

Clause put and passed.

Clause 5: Terms used —

Ms L. METTAM: I note the various offences listed under the definition of “disqualifying offence”. It takes into consideration an offence under the law of another Australian jurisdiction that substantially corresponds to an offence referred to in section 128(1) of the Criminal Investigation Act 2006. What about any similar offences committed outside Australia?

Mr P. PAPALIA: No; it specifically states Australian jurisdictions, but remember that the Commissioner of Police will have the power to determine whether someone is a fit and proper person. Undoubtedly, in the event that someone had done a serious offence in another jurisdiction outside Australia and attempted to apply for a licence, that consideration would eliminate them.

It is not really what the member asked, but another initiative in this legislation is the provision to prevent foreign nationals from acquiring a Western Australian firearm licence. There will be opportunities for some people to get permits and authorities, but, as a matter of course at the moment, it is not a requirement that a person be an Australian citizen to get a licence, and that will be introduced.

Ms L. METTAM: Can the minister provide an assurance that the offence provision that precludes one from owning a firearm under this legislation will apply to anyone coming to Western Australia from overseas? I know that he is saying that the commissioner will have the discretion, but can he provide that assurance?

Mr P. PAPALIA: Absolutely. We were discussing what the commissioner will consider in the fit and proper person test. Everything of that nature would be considered. What we are doing in this law specifically with the fit and proper person test is to ensure that the commissioner will not be able to be challenged by people who are currently afforded the opportunity to challenge on the grounds of property ownership as opposed to the paramount principle being public safety. All the courts will now have to consider that that is the paramount consideration, and that will change the whole process. The whole process will be amended to consider that paramount principle.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

It has also been brought to my attention that clause 151, “Mandatory criminal records check”, states —

- (1) For the purpose of forming an opinion as to whether a person is a fit and proper person, the Commissioner must inquire into relevant criminal records held by the Police Force of Western Australia and, if practicable, police forces elsewhere in Australia.
- (2) This section does not prevent the Commissioner from inquiring into relevant criminal records held by other law enforcement agencies, including law enforcement agencies outside Australia.

The commissioner will be compelled to look into their criminal records. Obviously, the commissioner will then apply their own consideration to whether someone is fit and proper.

Ms L. METTAM: Can the minister explain how the age of 12 years in the definition of “young person” was determined—that is, a person who is 12 years or older but younger than 18 years?

Mr P. PAPALIA: Firstly, we looked at other jurisdictions. Most of them have 12 years. I understand that the Northern Territory has 10 years, but the vast majority of them have 12. The other thing that motivated me and, I think, the police in the considerations was cadets who do shooting. I am talking about Air Force, Navy and Army Cadets. They start at that age, and we did not want to prevent people from doing that. Currently, there is no specified age, so we are affording something that has not previously been enabled. We are making the age of people clear. It will not prevent farmers from doing whatever they want on their property when starting firearms training for a family member, as long as they do not handle a firearm. I think the member for North West Central said that people who do shooting sports want to train their kids, and they do a good job of embedding safety awareness and skills training in people from a young age so that they can aspire to perform at a high level. That is true of pretty much anyone who uses it for a job in the farming community or for vermin control.

We have specified an age. We had been criticised by many people around the country for not specifying an age. An argument was put by some advocates for public safety that it should be 16 years, and that was based on the prevalence of shooting injuries amongst children younger than 16. We came to the conclusion that we would go with the majority of the other states. Also, it has been pointed out to me that, apart from the cadet element, children nowadays start high school at the age of 12 years, so it aligns with that.

Ms L. METTAM: Was consideration given to 10 years? Why was 10 years not chosen, particularly given we have seen reports in the media of children as young as those in grade 2 taking knives to school?

Mr P. PAPALIA: Ultimately, in most states the age is 12 years. It looks like the Northern Territory has gone it alone. I am trying to get my guys to rapidly identify what the Law Reform Commission report stated about ages that were imposed around the nation. In the end, enabling an age is a good thing. We have defined it. Prior to now, it was not defined. We have enabled people to have some guidance. The age of 12 aligns with organisations, like cadets, who train people, and it fits pretty neatly with what other jurisdictions are doing.

I will get back to the ages in other jurisdictions, but I am informed that most other jurisdictions have the age at 12 years.

Mr R.S. LOVE: I turn to the firearm authority health standards, which is on page 6 of the bill. Could the minister outline how a standard for mental and physical health will be set and prescribed in the regulations? Will there be some sort of requirement for people to be examined and passed as a fit person by a medical practitioner, or will there be some sort of health scoring that people need to retain their licence? What measures might be taken into account? Will age be considered? Could the minister give me some idea about how these regulations will be drawn up?

Mr P. PAPALIA: As the Leader of the Opposition has identified, essentially, there will be regulations, but this is one of the things we wanted to talk about. Every individual will have different capacities and individual matters that will need to be considered. A working group consisting of the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the Mental Health Commission, the Australian Medical Association, the Department of Health and the Western Australia Police Force is working on these regulations and the nature of the health check that will be arrived at.

As we have said pretty consistently for some time now, it will be aligned with other types of health checks for things like heavy haulage licences, dangerous goods drivers’ licences, pilot licences and things of that nature. The types of things under consideration, for example, for a dangerous goods driver’s licence, are temporary conditions, substance misuse and intoxication, chronic illness conditions, age-related changes, multiple medical conditions, and medications and other treatments. That is not a definitive list, but they are the types of things that would be considered. A doctor will then make their appreciation and pass that on to the Commissioner of Police, who will determine the fitness of a person. A doctor will not do that. There will be no yes or no decisions from a doctor. It will be a decision made by the Western Australia Police Force.

Ms Mia Davies; Ms Meredith Hammat; Mr Mark Folkard; Mr Paul Papalia; Mr Shane Love; Ms Libby Mettam;
Mr Peter Rundle; Ms Merome Beard

Mr R.S. LOVE: What capacity or understanding could the Commissioner of Police have to make a determination of whether a person is medically fit or unfit? Surely, that is a matter only for medical personnel and not a police officer. How will he or she make that determination?

Mr P. PAPALIA: That is one of the elements that the commissioner will consider. When the commissioner determines whether someone is fit and proper, they consider a range of elements or sources of information, and that is one of them. The commissioner is not making a determination around the medical part of the fitness; they are saying, “Okay, I’ve got all these pieces of information about this individual and I’m drawing a conclusion about their suitability for a licence.” That is currently the case.

Debate interrupted, pursuant to standing orders.

[Continued on page 919.]