

WEAPONS (SUPPLY TO MINORS AND ENHANCED POLICE POWERS) AMENDMENT BILL 2008

Second Reading

MS M.M. QUIRK (Girrawheen) [4.00 pm]: I move —

That the bill be now read a second time.

This legislation is criticised for being too narrow in scope, and I make no apology for that. This is supposed to be a timely response to immediate problems. The community expects us to do our job, be it in government or in opposition. The community expects us to make laws to protect the community and to be mindful of how we can better equip our police to enforce those rules.

Collectively, we need to act quickly and decisively to close loopholes such as those we have identified. These laws could be enacted this year and be in force over summer. However, I understand that they will not receive government support and we are to wait some indeterminate time for a more comprehensive act to follow. I am sure that we will welcome those laws when they are finally drafted and introduced some time next year. I very much hope, for the sake of the government, that no major incidents occur in the meantime that might have been prevented were this bill to be passed. What I and other members of the public do not understand is why, in the meantime, these very targeted improvements on existing laws could not receive some qualified support. This should not be about claiming credit or who is first; it is about getting it right, and it is about getting it right quickly.

There is a growing culture in this state in which people are going out for a night on the town expecting trouble and making preparations accordingly. They are armed with the most extraordinary array of dangerous weapons. Whilst the law currently prohibits possession of many of these weapons without legitimate excuse, these laws are rendered risible when supply of these weapons, especially to our kids, is not curtailed.

I make the observation that the seemingly growing prevalence of the use of weapons such as machetes is not limited to the young, particularly those under 18 years. However, we need to send the message through legislation that those who are minded to profit from the odious trade of selling knives, machetes and other weapons such as crossbows, daggers, throwing knives, swords and studded weapons should think again. If they sell them, they will face a penalty under this legislation of either \$4 000 or 12 months' imprisonment.

The opposition believes that we need to send a clear message that the growing weapons culture is unacceptable. Some weeks ago I went into a retail premises not too far from here in the central business district. In a matter of minutes, I purchased three weapons that were representative of a vast and alarming array of choices. The purchase of these weapons was without restriction. What was particularly concerning to me was the cynical way in which the weapons were marketed. A lethal looking knife had a scorpion emblem on it and was named "The Scorpion". Clearly, this is marketed at those individuals who might be minded to join or associate with a certain criminal gang. I will table the items I bought later, but I hold up the scorpion knife. As I said, it is specifically marketed to those who are minded to join a particular crime gang. Similarly, another positively mediaeval weapon that I purchased is called "The Defender". I can envisage no legitimate purpose for this weapon.

Several members interjected.

Ms M.M. QUIRK: Careful, member for Mount Lawley.

The inference that can be drawn from this weapon being called "The Defender" is that people need to carry it to adequately defend themselves. The third weapon I purchased was a machete.

Mr R.F. Johnson: Goodness gracious me!

Ms M.M. QUIRK: Yes. "Goodness gracious me", says the Minister for Police.

Mr R.F. Johnson: You look really dangerous.

Ms M.M. QUIRK: Exactly.

The other feature of the legislation, which was inserted after some public discussion in recent weeks, addresses the inadequacy of current police powers. As the law exists, under section 13 of the Weapons Act police must have a "reasonable belief" that a person is in possession of a weapon before they can exercise the power to search. "Reasonable belief" is a term that carries its normal legal meaning. The problem is how police can have that belief if weapons such as a machete, "The Scorpion" or "The Defender" are secreted. This legislation removes the need for police to have that level of suspicion and enables them to search for weapons by way of frisk or metal detector.

We have sought to be circumspect in the application of those extended powers. The vast majority of Western Australians are law abiding, and the problem of the carrying of controlled and prohibited weapons is not

ubiquitous. We must balance the public's right to privacy with the need for greater effective powers for the police. We are also mindful that, were we to make the power broader, there would be a community expectation that the police would conduct random searching widely. This is extremely resource intensive and, in my view, largely unproductive.

The bill will allow police to search without warrant in certain areas, such as night entertainment areas, gazetted by regulation at specified times, to ascertain whether persons are carrying weapons. We envisage that the areas to be gazetted would be chosen on the basis of crime statistics and would be evidence based. Similarly, the times these powers would be exercised would be based on advice from police about when these weapons offences are most prevalent. We are supporting police by giving them additional targeted powers that will not impact on law-abiding members of the community.

The capacity to gazette these additional police powers through regulations and to change or limit their scope will enable changes to the law to be made more quickly to accommodate changes of criminal behaviour or displacement. There is no need for a law to go through both houses of Parliament. This in itself creates a timely mechanism for changing laws to accommodate emerging crime trends.

The issues this bill seeks to remedy are crystal clear. It is not an ambitious undertaking and what it seeks to achieve is modest. I do not need to trespass on the goodwill of my colleagues much longer. I am hopeful that the government will have a change of heart and support what is a sensible, moderate and thoughtful response to an emerging and worrying problem.

In the coming weeks, our thoughts turn towards the festive season and, as we contemplate gift buying and giving, we might like to be mindful that one of the purchases the young can make without any restriction is an armoury of lethal weapons such as those I have described. In the spirit of Christmas and our aspirations for peace on earth, let us hope that the use of these dangerous weapons does not senselessly disrupt the serenity and goodwill of law-abiding Western Australians in the weeks and months ahead.

In commending this bill to the house, I lay on the table for the remainder of the day the weapons I have shown to members today.

[The weapons were tabled for the information of members.]

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.