

**FIREARMS ACT — REVIEW**

*Grievance*

**MR J. NORBERGER (Joondalup)** [9.21 am]: My grievance to the Minister for Police relates to the Firearms Act 1973. It is my understanding that this act is coming up for review in the near future, and I take this opportunity to raise some of the concerns many of my constituents have with the current application of the act, and in doing so provide recommendations for consideration in any upcoming review.

Joondalup is home to many law-abiding and responsible gun owners who enjoy recreational hunting, and target and competitive shooting. The increases to firearms licensing and renewal fees have not been well received. I understand the government's desire to charge fees based on a cost-recovery basis, but wonder whether the current interpretation and application of the act has resulted in the need for such high fees. In response to the concerns raised by my constituents, I met with the Sporting Shooters Association of Australia (WA) and visited a local rifle range at the back of Wanneroo. From my own experience in handling firearms in the military, having many friends who own firearms and observing and chatting with the members of the shooting club I visited, I continue to be of the opinion that licensed firearms owners are highly safety conscious, professional and dedicated to their sport. However, by virtue of how the Firearms Act is interpreted and applied in Western Australia, they unanimously feel they are viewed as a public threat. I will give some examples provided to me by my constituents and the Sporting Shooters Association that I believe highlight the unnecessary bureaucracy and hindrances currently in place. The first such example is as follows: the Western Australian firearms regulation 26B(2) states in part —

- (2) A licence, permit or approval relating to a firearm cannot be issued, granted or given if —
  - (a) in the opinion of the Commissioner, the firearm closely resembles a firearm that is prohibited under regulation 26 ...

It is important to note that this regulation does not deal with the specifications of a firearm, but simply how it looks. My first concern with this regulation is that it can be applied in a very subjective manner; it relies on no more than the opinion of the Commissioner of Police or, more correctly, his delegate. I believe that opinion is a poor basis for the application of law. Firearms technology has developed significantly over past decades. Manufacturers produce recreational firearms utilising military-style attributes such as vertical grips, rails for attaching accessories and fitted bipods. Such advances serve the purpose of making firearms more versatile, functional and accurate, yet by looking less traditional they fall foul of this regulation. Yet from a specification point of view, they are totally legal. I believe that if a person were to walk around a shopping centre with a firearm, the average shopper would be scared irrespective of what colour it was or if it had railings on top. I cannot understand what is to be gained by this regulation. Firearms are stored in a safe at home, transported to either a firing range or taken to a private property for hunting, not paraded about in public.

I have another example. Some firearms are currently licensed for club use only, preventing the owner of that firearm from using it for hunting or recreational purposes on a private property. This restrictive licensing seems to achieve very little in the way of public safety. Either a person is deemed appropriate and safe to own a firearm or not. Whether they use such a firearm at a range or on a private property for hunting should make no difference at all. Currently, a genuine reason to issue a licence for firearms to be used for hunting or recreational use can be demonstrated only after a landowner has given written permission prior to the application process. This is bureaucratically cumbersome and difficult to enforce. A shooter may be invited to someone's private property for hunting from time to time. Such invitations may occur long after the application process has run its course. A letter of permission simply not being present at the time of application should not prevent a licensed firearm that belongs to a safe and licensed firearm owner from being used with permission on someone's property for recreational purposes. Furthermore, even if a letter is provided, it does not restrict the shooter from other properties at a later date, there being no requirement to advise the department of such alternative properties being visited. Once a firearm is licensed for open use, it can be used on any property where the owner has permission from the landowner. That being the case, what significance is it to have a letter from one landowner at the time of application? Being a financial member of a recognised shooting club should suffice. This same letter from a landowner is also used to determine if the landowner's property size is suitable for the calibre firearm being applied for. Section 23(9a) of the act states that the firearm owner is responsible at all times for ensuring any use of their firearm is done in a manner that does not put other persons in danger or cause fear. Why waste time investigating the size of one initial property if doing so neither abrogates the need for safety from the owner of that firearm, nor restricts the owner from attending other, potentially smaller, properties anyway?

A final example relates to open licence applications and involves the licensing department making comparisons with an applicant's desired calibre and the type of animals they intend to hunt. I have received feedback indicating that the department seeks to match the smallest calibre possible to a particular type of prey. This has

two issues attached to it. Firstly, a larger calibre rifle will generally guarantee a cleaner, quicker kill than perhaps multiple smaller calibre rounds, eliminating the suffering of prey. Secondly, this requirement fails to take into consideration other recreational uses a firearms owner may wish to undertake on a private property, such as target shooting.

These are just some of many examples I have been given by concerned firearms owners that not only make owning a firearm far more bureaucratic than it need be, but also add to the department's costs in administering the system—costs that are being passed on to firearms owners. I believe that the upcoming review of the Firearms Act is an outstanding opportunity to engage with organisations such as the Sporting Shooters Association of Australia, and investigate the possibility of making meaningful and logical changes to the act while retaining the safety of the public at its core but also removing unnecessary bureaucracy that only serves to add time and cost to the process of firearms ownership. I seek the support of the minister in ensuring such engagement and openness to meaningful amendments can be achieved.

**MRS L.M. HARVEY (Scarborough — Minister for Police)** [9.28 am]: I thank the member for Joondalup for this grievance, and I acknowledge the numerous representations he has made to me as Minister for Police on behalf of constituents on not only firearms licensing, but also policing and road safety matters in general. I am very pleased to see Joondalup so well represented in this place.

The member raised a number of issues with the interpretation of the Firearms Act 1973 by Western Australia Police. Police processes for firearms licensing have been established to comply with the Firearms Act 1973 and are based on extensive legal interpretation and case law that has been built up over a considerable time. Therefore, it is my view that to make the firearms licensing process more efficient and for the process to meet the expectations of the Western Australian community, we need to make legislative changes and modernise the act. That is why I have been liaising with the Attorney General, who has agreed to the Law Reform Commission undertaking a review of the Firearms Act 1973. The Law Reform Commission review will commence on or before 1 March 2014, and will look at a range of issues that have been identified, many of which the member for Joondalup canvassed in his grievance. The terms of reference for this review are currently being developed. I assure the member that I am seeking the views of the Western Australia Police firearms consultative working group prior to them being finalised.

**Mr C.J. Tallentire:** I hope you're not going to weaken those gun control laws, minister.

**Mrs L.M. HARVEY:** The member for Gosnells can put in his own grievance. This is the member for Joondalup's grievance.

**Mr C.J. Tallentire:** I am concerned about where this is going—very concerned!

**Mrs L.M. HARVEY:** The member for Joondalup will be reassured to hear that the working group includes the Sporting Shooters Association, the WA Shooting Association, the WA Firearm Traders Association, the Western Australia Arms and Armour Society and the WA Pistol Association, as well as WA Police.

As the member indicated, it is important that the Law Reform Commission review includes extensive community consultation and indeed, member for Joondalup, that is why I have been liaising with the Attorney General to ensure that it is the Law Reform Commission that does the review of the Firearms Act. I believe that it will provide the right balance between the needs and the requirements of not only consumers in the recreational shooting community, but also police compliance and community public safety requirements. While we wait for the outcome of the review, I encourage the member to bring to my attention any specific instances in which licence applications are facing unreasonable hurdles as they proceed through the firearms licensing process. I have done a lot of work with WA Police on the firearms licensing process and I acknowledge that there have been a number of issues with the timeliness of application processing. What used to happen, prior to me taking on this role, was that there was a cooling-off period between the purchase and licensing of the firearm. I am being very distracted by someone's mobile phone.

[Interruption from the gallery.]

**The SPEAKER:** I do not know who in the gallery has a mobile phone that is playing some type of tune, but can they please switch it off.

**Mrs L.M. HARVEY:** Thank you, Mr Speaker; that was very distracting.

**The SPEAKER:** It put you off your beat, minister.

**Mrs L.M. HARVEY:** When I came to this role and started listening to the concerns of the recreational shooting community about the timeliness of firearm licence processing, I discovered that there is a cooling-off period between when a firearm is purchased and when it is licensed. WA Police was dealing with that by putting the application on hold until the cooling-off period had run its course and then it would start processing the firearms application, which could take up to 28 days and sometimes longer depending on the information provided to the

firearms branch as part of the licensing process. Police are now processing the applications concurrently with the cooling-off period. WA Police is now being far more efficient and is meeting its grades of service for the processing of these licences in a more expeditious manner. I am very pleased that it is now meeting its grades of service. That said, with the body of work that has built up over time in the firearms licensing system, my view was that the only way to look at and reset those processes was to have this review of the act—the legislative instrument under which the police operate.

I think that we have the business process in the firearms branch at the most efficient point that we can in the context of the legislative regime that it works under at this time. Obviously, the raft of regulations that sits under the act will be up for review in this process as well. The member raised a number of what I would view as bizarre anomalies in the process. He mentioned the need to indicate a property on which a person can be licensed to shoot, which forms part of the licence being issued for a particular firearm. The Auditor General's report on that particular aspect of licensing raised that issue as a problem and that is one of the reasons that I believe a review of the act is the best way forward. We have also had a very successful gun amnesty in which a very large number of firearms were handed in to WA Police. A number of those were firearms held in deceased estates. The owner of the firearm had passed away and the family had no idea what to do with the firearm. It is good news that those firearms are now in WA Police's hands where they will be dealt with and disposed of, ensuring that people in the community with ulterior motives will not have access to those firearms. I thank the member for Joondalup for raising this grievance and I look forward to the consultation that will form part of the review. I am more than willing to meet with the member's constituents who have raised these issues, if that would suit.