

ACTS AMENDMENT (WEAPONS) BILL 2008

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Minister for Child Protection)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Minister for Child Protection) [9.24 pm]: I move —

That the bill be now read a second time.

The Acts Amendment (Weapons) Bill 2008 reflects the government's commitment to enhancing the safety and security of Western Australians, with a particular targeted impact on Northbridge and other popular entertainment areas.

In recent years there have been a number of incidents involving attacks on patrons in nightclubs and surrounding entertainment precincts. On a number of occasions prosecutions of persons involved in such incidents for contraventions of existing offence provisions have not succeeded. Police intelligence information has also highlighted concerns about the possession of weapons by members of gangs and other persons involved in the illicit drug trade, particularly in and around nightclub areas. Links have also been identified between certain of those gangs and organised crime. In various cases members of gangs have been found in possession of articles such as knives, machetes, baseball bats and nunchakus.

I am sure members would agree that there is generally no justification for persons to carry weapons in entertainment precincts or other places where the public gathers for entertainment. Whether members of the public attend a pub or club, a football match or another sporting event, a concert or a skyshow, they should be and feel safe and secure. The Acts Amendment (Weapons) Bill 2008 will accordingly introduce a series of four new offences to the Criminal Code. The offences are targeted towards the possession of weapons and firearms in and around places of public entertainment by gang members in public places and by persons who may be involved in illicit activities such as the drug trade. The new offences will complement existing provisions relating to the unlawful possession of weapons and firearms under the Weapons Act 1999 and the Firearms Act 1973.

To reflect the seriousness with which the government views contraventions of these new provisions, penalties of five years' imprisonment are to be imposed for each of the new offences, with a summary conviction penalty of imprisonment for three years and a fine of \$36 000. Penalties for existing offences under the Weapons Act 1999 are also to be increased by one year's imprisonment, with increases in applicable monetary fines. The offences to be introduced by proposed sections 67A to 67C of the Criminal Code are broadly concerned with the possession of weapons in or near places of public entertainment whilst being in company with a group of persons in a public place or whilst having ready access to more than \$3 000 in cash. Being armed with a weapon for defence will not generally be a lawful excuse for these offences. Limited exceptions are, however, to be created for consistency with certain exceptions under the Weapons Act 1999. A person who has reasonable grounds to apprehend that circumstances necessitating self-defence may arise may possess a pepper spray for defence without contravening these sections. Certain categories of persons, such as police officers who may be carrying weapons in the course of their duties, are exempted from the operation of proposed sections 67A to 67C.

The fourth offence provision to be inserted into the Criminal Code is proposed section 67E. It creates an offence whereby a person has ready access to both a weapon and prohibited drugs or plants when not authorised under the Misuse of Drugs Act 1981. Being armed for defence will not be a lawful excuse under that section in any circumstances. This will ensure that a person such as a drug dealer or courier who has ready access to a weapon will not be able to avoid prosecution under this section by asserting that the weapon was possessed for defence.

Evidential difficulties can arise in proving beyond reasonable doubt why a person possessed a weapon. To ensure the effectiveness of the new offence provisions, in a prosecution for a contravention of these provisions the accused has the onus of proving that the accused had a lawful excuse. This is consistent with the approach taken in the Weapons Act 1999 in relation to offences under that act.

The Acts Amendment (Weapons) Bill 2008 is an important initiative to enhance the safety and security of members of the public and to ensure that weapons are not brought into entertainment precincts and other places of public entertainment. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.