

FIREARMS REGULATIONS 1974 — REVIEW

Grievance

MR J. NORBERGER (Joondalup) [9.54 am]: My grievance this morning is to the Minister for Police, and I thank the minister for taking my grievance this morning. In essence, it is a follow-up grievance, with some extra information thrown in for good measure, from the grievance I presented in November 2013, in relation to the Firearms Regulations 1974, which I understand are going through a review process. In November 2013 I brought before the minister some of the collective concerns that had come to me from community members and organisations such as the Sporting Shooters Association of Western Australia around some of the nuances, if you like, of the Firearms Regulations, and what they saw as unnecessary bureaucracy and prohibitions that they did not believe had any impact on public safety, but rather made it more difficult than it needed to be to be a legal firearms owner. I appreciate that after that grievance the minister made herself available, and she and I visited one of the rifle clubs at the back of Wanneroo, with the Sporting Shooters Association of Western Australia. I again express how grateful the organisation was that the minister made herself available for the association to showcase not only the professionalism with which the clubs are run and the members are managed, but also the important focus on safety.

I know that the Sporting Shooters Association of Western Australia, and indeed a lot of the firearms owners in my community, are very much looking forward to the outcome of the review into the act and the regulations, and it would be great if there was an update today on that. Given that that review has not yet been finalised, I have come across some additional information that highlights and adds to the body of evidence that I have already passed on about some of the nuances of the current regulations that individually might be deemed inconvenient or annoying for legal firearms owners, but when added together, in addition to those that I passed on in November 2013 and those that have been provided to us, create a whole lot of bureaucracy, double handling and additional costs.

The regulation I bring to the attention of the minister this morning relates to storage requirements for propellant. For those who may not be aware, propellant, by a crude description, is more or less gunpowder. Obviously, it has advanced a lot since the days of gunpowder, but in essence it is the powder in the cartridge that propels the projectile or the bullet. Requirements for the storage of propellant are dealt with under the Firearms Act 1973 and the Firearms Regulations 1974. However, they also fall under the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Explosives) Regulations 2007. The interesting thing here is that, under the Firearms Regulations 1974, propellant that is not incorporated in a cartridge must not be stored in a container that contains any ammunition, firearm or primer. That is covered under regulation 11A(9), which states that propellant must be stored in its own cabinet or container that meets the strict minimum requirements under schedule 4 of the Firearms Regulations. Under regulation 74 of the Dangerous Goods Safety (Explosives) Regulations 2007, propellant is referred to, and is required to be stored safely, which includes a lockable container made of or lined with a material other than a ferrous metal that protects the contents from contamination. There is no requirement that propellant be stored in a separate cabinet or container, as is required by the Firearms Regulations. As a result, Western Australian firearms holders who wish to store propellant that is not incorporated into ammunition at this stage must store the substance in a cabinet that meets the minimum requirements under schedule 4 of the Firearms Regulations, but the container cannot contain any other ammunition, firearm or primer, and must also meet the requirements under regulation 74 of the Dangerous Goods Safety (Explosives) Regulations 2007.

In essence, this is a doubling up. It is a doubling up of safety requirements that has caused considerable confusion and uncertainty around storage requirements, as well as placing excessively onerous obligations on firearms owners wishing to store propellant. Firearms safes, which are obviously very important and are a recognised safety component of ensuring registered and lawful firearms are locked away in a safe place, are not checked and nor should they be. They are quite expensive pieces of kit. If a firearms owner, a sporting shooter, an athlete, whoever it is, decides to produce their own ammunition—that is, they buy empty cartridges, and propellants and primers to manufacture their own ammunition in order to save money—they have to outlay a fairly significant additional expense for a separate container or safe. I am not talking about barrels and buckets of propellant; it could be in fairly small quantities, but the regulations do not specify what quantity. A person who has a small quantity of propellant will have to buy a separate safe. In and of itself, people could look at this and say, “Get over it”, but if we add all the other aspects that I brought to the Minister for Police’s attention in November 2013, one can see why the Sporting Shooters Association of Western Australia and members from my community are keen to hear the outcome of the review into the Firearms Act. They hope to see some sense restored to legal firearms ownership. Thank you, minister.

MRS L.M. HARVEY (Scarborough — Minister for Police) [10.00 am]: I thank the member for Joondalup for his grievance and also for the many representations he has made to me as Minister for Police on behalf of his constituents, not only with respect to firearms in his local club, but also with respect to other policing and law and order matters in the member’s community. I enjoyed visiting the member’s local club. I must say that seeing

the way the club operated provided me with some reassurance that all safety considerations were being taken into consideration as people went about their recreational activity.

Mr C.J. Tallentire interjected.

Mrs L.M. HARVEY: I am happy to take a grievance from the member for Gosnells, but at the moment I am responding to the member for Joondalup.

Member for Joondalup, I acknowledge that there are onerous storage requirements in place in Western Australia for licensed firearms and ammunition. The minimum specifications for firearms storage cabinets and containers are prescribed under schedule 4 of the Firearms Regulations. The government accepts that the requirements are onerous, but they are absolutely necessary to maintain public safety, and are in the interests of public safety. Western Australians have a right to expect that firearms, which can cause serious harm if used incorrectly, are stored safely and securely when they are not in use. I believe that storage requirements are critical in minimising the misuse of firearms by non-licensed firearms holders and also to restrict the opportunity for theft during burglaries.

The recent tragic events in Charleston, South Carolina, are a sobering reminder of the devastating impact that firearms can cause when used for evil purposes in the community. I am really proud that this government has very strong firearms laws and regulations. The President of the United States, Barack Obama, recently praised the Australian government's overhaul of gun control legislation in the wake of the Port Arthur massacre back in 1996, which is more commonly known as the national firearms agreement. Notwithstanding this, this government is committed to streamlining the firearms system in Western Australia. We want to lessen the burden on licensed firearms holders whilst ensuring that we still have high standards to maintain community safety.

For some time, the firearms community has been agitating for changes to the Firearms Act, which came into effect in 1973. It was substantially revised in 1996, as I have previously mentioned, but in the 20 years since the act was last amended there have been quantum leaps in technology, improvements in manufacturing processes and a shift towards online licensing systems. I believe the time is right for a comprehensive review of the Firearms Act. I have previously mentioned that that review is being undertaken by the Law Reform Commission of Western Australia. We have framed broad terms of reference to facilitate a comprehensive review of the Firearms Act. For the member's information, there are over 80 000 licensed firearms holders in Western Australia, so it is important that their views are reflected in the final report. Very shortly, a discussion paper being prepared by the Law Reform Commission will be released for a period of public consultation. I invite all members of the community who are interested in this matter to take advantage of the opportunity to put forward a public submission. Those submissions will be reviewed by the Law Reform Commission and its final report will be presented to the state government. As Minister for Police, I am looking forward to receiving that report and working with my colleagues in Parliament to modernise the regulation and licensing of firearms in Western Australia.

The member for Joondalup's grievance is a very important one. Part of the problem, and one of the things I am committed to, is making sure our regulations do not cause confusion and do not impose excessive costly, and potentially unsafe, storage obligations on the firearms community. Under the Firearms Act, "ammunition" is defined to include any component of ammunition designed for discharge from a firearm, which includes propellant. As a component of ammunition, propellant must be stored in the same way as ammunition. However, when propellant is not incorporated in a cartridge, it must be stored in a separate cabinet. This means that licensed firearms holders who wish to store propellant must have two separate cabinets that comply with schedule 4 of the Firearms Regulations. That schedule specifies minimum storage security requirements. The minimum requirements specify the material, construction, locking mechanisms and anchoring of all cabinets and containers. Those storage requirements must be met by the owners of firearms.

Also relevant to this is the requirements under the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Explosives) Regulations 2007, which require propellant to be stored in a container that is made of, or lined with, a material other than a ferrous metal—obviously a metal containing iron. These requirements are at odds with those under schedule 4 of the Firearms Regulations that requires cabinets or containers used for the storage of firearms and ammunition, including propellant, to be constructed of mild steel, which is obviously a ferrous material. Effectively, if firearms holders are to comply with both sets of regulations in relation to propellant, they must have two separate cabinets or containers that meet the minimum specifications under schedule 4 of the Firearms Regulations, and the cabinet or container in which the propellant is stored must meet the requirements under part 9, division 1, of the Dangerous Goods Safety (Explosives) Regulations 2007.

It is a confusing space. It is a space that licensed firearms holders and, at times, police find difficult to deal with in relation to compliance. It is a privilege in Western Australia to hold a firearms licence. It comes with a great responsibility to ensure the safe storage of all firearms, and propellant and ammunition. Although the

government makes no apologies for placing onerous requirements on licensed firearms holders, it also wants sensible regulations that are not at odds with each other. To this end, I have requested Western Australia Police to provide options on how the duplication of storage requirements for propellant can be resolved. I have progressed amendments to the Firearms Regulations that will shortly be before Executive Council. Those changes will mean that the storage of propellant will soon be regulated solely under the Dangerous Goods Safety (Explosives) Regulations 2007, so the bizarre requirement to have propellant kept in a separate cabinet or container that meets the minimum specifications under schedule 4 of the Firearms Regulations will also be removed. Effectively, the doubling-up that the member for Joondalup referred to will be streamlined, and I think that is in the interests of community safety for the storage of these products.