

FIREARMS AMENDMENT REGULATIONS 2013 — DISALLOWANCE

Motion

Pursuant to standing order 66(3), the following motion by Hon Rick Mazza was moved pro forma on 14 August 2013 —

That the Firearms Amendment Regulations 2013 published in the *Government Gazette* on 28 June 2013 and tabled in the Legislative Council on 7 August 2013 under the Firearms Act 1973, be and are hereby disallowed.

HON RICK MAZZA (Agricultural) [7.32 pm]: I rise this evening to support the motion in my name. Whether members believe in private firearm ownership or not is not the question as far as these fees are concerned. These regulations are about a cost recovery fee on a bloated, inefficient and ineffective government service. Quite rightly, there has been a fair bit of community backlash on these fees, which have risen by 147 per cent. That is not the full story, because it has been an increase of 147 per cent on a fee established in 2011-12. Before 2008, the fee, for argument's sake, for an additional firearm was only \$26, with no requirement for a serviceability certificate. When the new, you-beaut improved system, which is administered through the post office, was introduced the fee rose to \$62.50 and later to \$72.50, and included the requirement for a serviceability certificate, which is peculiar to Western Australia, at a commercial rate of between \$30 and \$50. That is a very large increase over five or six years.

Imagine a 147 per cent increase in train fares or motor vehicle registrations! What sort of backlash would there be from the community if that level of fee increase occurred in those costs? Unfortunately, that increase is happening to firearm owners, who, by the way, are some of the most responsible, law-abiding people in the community. The number of problems among the 81 500 people who own firearms are negligible. They have been marginalised and I reckon they have been treated with a large degree of contempt on the basis that they do not really attract a lot of public sympathy. If we compare fees now in Western Australia with fees of other states, the disparity between the different jurisdictions is quite amazing. For argument's sake I will take some information out of the report of the Joint Standing Committee on Delegated Legislation. The fee in the Australian Capital Territory for a category A, B or C licence is \$123 for five years, compared with \$56 a year here. The application fee for an addition to a licence is \$32 compared to \$169.50 in Western Australia and the requirement for a serviceability certificate. In New South Wales it is \$40 for an addition, and bear in mind that not only is it \$40 for an addition in that state, it is also free for primary producers and pensioners. In Western Australia we have no pensioner discounts for any of the fees we have. Pensioners or seniors recreate quite a lot with firearms, whether it is shooting targets at authorised ranges or shooting foxes and rabbits as a pastime. A lot of our seniors are very much disadvantaged by not being able to receive a seniors discount for a government service fee. There are seniors discounts across a whole raft of government fees from boat licences, to drivers' licences, to registration fees—there is a discount on a whole lot of them, but for some reason firearms fees seem to be exempt. We then look at Victoria, which has an additional fee of \$9.20—that is \$9.20, members. It is 1 800 per cent higher in Western Australia, without even taking into account the requirement for a serviceability certificate. We can see that the disparity between Western Australia and other jurisdictions is profound at best and I think really quite appalling.

During some estimates hearings going back some time ago I questioned Deputy Police Commissioner Chris Dawson, on some matters relating to firearms fees. The deputy commissioner advised me that it was taking, on his notes, 29 days for a new firearm application and between 23 and 26 days for an addition. I thought I would do a bit of research on that just to make sure that what he was saying was correct. I rang five gun dealers from the south west through to the metropolitan area to find out from them the types of waiting times they were looking at. I spoke to Sportsmarine in Bunbury and was advised that a new licence was taking up to 70 days and additions up to 40 days. The Shooters Shop in Mandurah said that the average time was about 63 days—between 52 and 78 days—for applications to proceed. South-West Firearms and Gunsmithing in Busselton told me 42 days and longer. One gun dealer in the metropolitan region who did not want to be disclosed also advised it was taking 42 days or longer for their applications to proceed. Beaton Firearms said that it typically took six weeks. There were no applications that took under 30 days. That is a long way from the 23 to 29 days that the deputy commissioner advised me of.

Of most concern to me is that when there is a change to a fee like that, little consideration is given to the knock-on effects it has within the community. Obviously, firearm owners are disadvantaged. They are suddenly hit with fees of up to 147 per cent more than they were paying beforehand. However, there are also a lot of hard-working small businesses who rely on firearms and accessories sales to make a living, and no-one spares a thought for them. When I was speaking to those same gun shops, the owners at Sportsmarine advised me that they have

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

\$200 000 at any one time locked up in firearm sales waiting for applications to proceed, and that is only the start. They said that on top of that they would usually make sales of accessories equivalent to that amount again, but people do not buy the accessories until they pick up their firearm. We are talking close to half a million dollars in cash flow locked up for 40 to 70 days in this case. I do not know many small businesses that could cope with having their cash flow strangled for up to that time. No consideration has been given to these small businesses. As I said, they are just small family businesses. I am sure a lot of them have overdrafts and large amounts of stock, and their houses are probably mortgaged to the bank; so they are under a lot of stress. In fact, I received an email from Zaine Beaton of Beaton Firearms, and I will read out part of it. This will give members a bit of an idea about what is going on in these small businesses. He states —

Because of the large amount of pending licenses, Beaton Firearms is also required to keep a large amount of firearm accessories on the shelf. It is impossible to predict the length of time it would take for a firearm license to be approved, so all the accessories for those firearms must be kept on the shelf for the entire period of the license.

...

The money that Beaton Firearms has invested in accessories far exceeds that for firearms, so if there are any delays in licensing the damage to the business is exponential.

Every unnecessary alteration, change or increased 'red tape' has a detrimental effect to all firearm businesses in Western Australia, with no benefit to the Western Australian public. Yesterday, as I previously mentioned to you, —

This is a very important point —

the Western Australian Police Licensing Services changed the licensing paperwork with no consultation to the industry and no warning. Applicants already had to navigate the challenging licensing process with little information supplied by Police Licensing services, but it seems as though that wasn't troubling enough, they have now hidden the application form somewhere in their website. A 'hand fill' form has replaced the previous 'online form', a monstrous document that requires all 20 pages to be filled in by hand and submitted at the post office—this method of licensing is fraught with danger. There is still an 'online' form, though this is hidden elsewhere is the Police's website.

This sudden change in the licensing process implemented by a runaway department is another example of a trivial action done for no benefit ...

In the firearms licensing branch's wisdom—maybe in some lame attempt to fix up its processing and efficiency—it changed the application system. Guess what? It never told anybody. We received calls in our office from people asking how to put in an application because there was no form. When we rang the firearms branch, someone there said, "Oh yeah, we're trying to improve our system so we changed it." But it never informed anybody. That is how out of touch that department is.

The other thing from Beaton Firearms, which in some ways would be amusing if it were not so serious, is that a new firearms licence application requires a 28-day cooling-off period. The document sent to the licence applicant states —

Please note your 28 day cooling off period lapses on 25/10/13. ... Therefore please endorse the following by ticking the appropriate boxes, and return this letter (signed) with a Form 22 Storage Statement to Licensing Services ... at the above address **no later than 28 days – being the 5th** November 2013.

The letter is dated 7 November 2013—two days after the last date required for the person to actually submit their application! This is the sort of thing that is going on with this out-of-control department that seems to be lacking in efficiency and any appreciation of the pain and trauma it causes not only to applicants, but also to small businesses in Western Australia.

I refer to the Joint Standing Committee on Delegated Legislation report, and I compliment the committee because this is a very comprehensive report. I was at a committee hearing and some of the inefficiencies identified amazed me. For example, an applicant has to fill out a form on the police website, print it out and sign it. The form then needs to be taken to the post office, where the applicant is charged \$48.65. The cost recovery fee is something like \$53.75; I do not know where the extra few dollars come from. The form is then sent to the police firearms branch for licensing. The applicant has paid a fee to the post office to process the application. The firearms branch receives the application and manually loads it onto its system. Why is the applicant paying \$50-odd for an application to be processed by Australia Post when they could put a 60 cent stamp on the

Extract from *Hansard*

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

envelope and send it to the firearms branch for licensing themselves? It is an appalling example of the inefficiencies within the department. As I have said, owners of firearms do not seem to have a lot of public sympathy, so the department just runs off and does what it likes.

The Joint Standing Committee on Delegated Legislation report “Explanatory Report in Relation to the Firearms Amendment Regulations 2013” discusses cost recovery. I quote the report —

2.3 Used appropriately, cost recovery can provide a means of improving the efficiency with which government products and services are produced and consumed. Charges for goods and services can send an important message to users or their customers about the cost of resources involved. It may also improve equity by ensuring that those who use government products and services or who create the need for regulation bear the costs. However, cost recovery may not be warranted where:

- it is not cost effective;

That is the point of my disallowance motion. There are 81 500 members of the community who are paying cost recovery to an appallingly inefficient government department.

During the estimates hearings, I asked the deputy commissioner why the department is not using the section of the act that allows the department to use an expedited processing system for the noting of additional firearms because when a person, who has proved themselves to be fit and proper to hold a firearms licence and has been through the hoops set by the firearms branch, goes to get an addition, the firearms branch goes through the entire application process again. I asked the deputy commissioner why the department was not using the expedited system available to it under the act and he advised that this could not be done and referred to the Kashani case. He explained that this was a case in which an applicant had made an application to the firearms branch for an additional firearm, which was rejected on the basis that he had another firearm that could do the job. Anybody who knows anything about firearms would know that there is a very big difference between a .270 calibre and a .223 calibre firearm. The matter was referred to the State Administrative Tribunal, which upheld the findings of the firearms branch. That is what the firearms branch is hanging its hat off. I have since spoken to two barristers who were involved in that case. They said that it then went to the Supreme Court and the Supreme Court overturned the findings of the SAT. Unfortunately, the applicant never had the appetite to continue but they are using a precedent on a case that was overturned by the Supreme Court. In my mind, if it has been overturned by the Supreme Court, it is no longer a precedent.

It is very frustrating to find that police licensing has this attitude towards licensed firearms' owners. I understand that public safety is paramount. We have to ensure that people are fit and proper to hold a firearm licence and they do the right thing. But once someone has proved that, a noting fee system will take care of that without too much of a bother. In fact, it was suggested to me that the reason an entire application is carried out every time is to assess whether the person making the application for the addition has not had an apprehended violence order taken out against them or some other criminal matter against their name. My argument is that if someone has an AVO or they have been involved in criminal activity and hold a firearm licence, why were they not followed up much earlier before waiting for them to put in an application for an addition? They should have been dealt with well before they applied for an addition. It could be 10 years before they put an addition in.

I refer to the *Hansard* of when Mr Peter Abetz tabled this report in the other place. I was interested to read some of his comments. Mr Abetz stated —

I present for tabling the sixty-eighth report of the Joint Standing Committee on Delegated Legislation entitled “Explanatory Report in Relation to the Firearms Amendment Regulations 2013”.

...

We present this report to assist the other place during the debate on the notice of motion to disallow the amendment regulations in due course.

...

... Western Australia Police has a costing methodology in place and all the fees are at 100 per cent recovery.

...

The committee resolved to advise the house of four controversial matters arising from the hearing and those submissions. The matters are: first, the processing of applications for firearms licences; second, the opportunity for error in such processing; third, the noting fee for additional firearms on certain existing licences; and, fourth, the costs of licences in other jurisdictions.

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills;
Hon Mark Lewis

...

I will take the opportunity to make a few personal comments regarding the Firearms Amendment Regulations 2013 that were gazetted on 28 June 2013. Because they resulted in a massive increase in fees, they certainly generated an awful lot of public debate and discussion. Some fees were increased by 400 per cent.

I am not quite sure where Mr Peter Abetz gets that from —

I can well imagine that anyone in the community who has to pay an annual licence fee that suddenly goes up by 400 per cent would not be particularly thrilled with that prospect.

...

Although the increases in fees, in accordance with the terms of reference of the committee, are within power, as mentioned in the formal tabling statement, there are certainly some major issues.

There are some major issues. I believe that prior to the increase in fees, the firearms licensing branch was adequately compensated with the fees that it was receiving at the time to run the department. We should bear in mind that that department has 38 FTEs working on managing firearms. That is a hell of a lot of people. Why would it need 38 FTEs? In this modern day of technology, surely it can develop a streamlined system. It costs \$9.20 in Victoria. I was very interested to see—I had not seen it before I looked through the report—that Tasmania is even cheaper, costing something like \$8.70, plus there is a pensioner's discount on the \$8.70.

Hon Col Holt interjected.

Hon RICK MAZZA: We inquired with the firearms branch in Victoria whether it was on a cost-recovery basis, and the email we got back indicated that it was on cost recovery. Its noting fee system means that a person is licensed as a firearm owner; if they want to buy and sell firearms, there is a noting fee. Its registry is up to date. Despite these massive fees, the registry in Western Australia was the subject of an adverse Auditor General's report, which stated that the firearms of some 2 000 deceased persons had not been taken to a firearms dealer or a police station. The Western Australian firearms branch cannot claim that the high fees give the community security, because the Auditor General's report was quite critical of the firearms branch.

I think I have given members a fairly good overview of why I believe these fees should be disallowed. It is quite obvious that we are looking at a very inefficient and ineffective department that is charging 81 500 members of the community exorbitant fees to prop up a bloated, inefficient department, with dire consequences and a knock-on effect for small business within Western Australia. In my mind, it is just not acceptable that this government would allow these exorbitant fees to be applied by a government department such as that. We should disallow these fees and tell this department to get its house in order so that the efficiencies match the fees that were charged previously. I commend this motion to the house. I hope that members have the wisdom and the sense of fairness to support this motion.

HON ROBYN McSWEENEY (South West) [7.56 pm]: Coming from a rural electorate and being surrounded by properties for which having a gun is a basic necessity, I have a great deal of sympathy for Hon Rick Mazza's disallowance motion. These increases are substantial and it seems as though it is revenue raising. As at August 2013, there were 270 392 licensed firearms and 81 711 firearm licence holders in Western Australia. The fee for a single firearm licence has gone from \$159.20 to \$246.30, which is an \$87 increase in one jump, and the fee for an additional firearm has gone from \$82.50 to \$169.50, whereas, as Hon Rick Mazza has pointed out, the fees in other states range from \$6 to \$49 for an extra gun licence. I want to go wider than the fees; I want to focus on the Auditor General's information systems report, in which Colin Murphy highlighted significant concerns with the WA Police firearms management system. It states —

As a result we have no confidence in the accuracy of basic information on the number of people licensed to possess firearms or the number of licensed or unlicensed firearms in Western Australia.

This is not a problem that has just arisen; there were performance audits in 2000, 2004 and 2009. This is not just the problem of the honourable minister, Liza Harvey; this goes back a long time and it has been allowed to continue. The Auditor General's report also states —

In the absence of reliable information, WAP are unable to effectively manage firearms licensing and regulation in WA.

Of course, we know that the Commissioner of Police announced a gun amnesty in response to that report. Dating back to 1983, almost 1 000 guns belonging to people who have died have not been recovered. As I said, it is not only our government's problem; it has accumulated over many years. It is high time that a system upgrade was done. It seems to me it does not matter which department, CEOs are always asking for system upgrades and

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

Treasury just cuts at budget time. System upgrades are very important in, for example, child protection and, obviously, the police department. A system upgrade in this area is long overdue. From my long association with groups who help women escape from domestic violence, what worries me is that 300 firearm holders still have firearms listed against their licence despite being classified as being unfit to hold them by police. That is something that also needs fixing straightaway. I am pleased that this minister is well aware of the problem and is setting about conducting a review of the process. That review will show very clearly that the systems management needs upgrading.

What I am not pleased about, and nor are pastoralists, graziers, farmers, gun collectors or people who use guns for sporting purposes on firearm ranges, is the increased cost. If the costing can be justified to upgrade the information system instead of going back into general revenue, we would have understanding in the community. But, of course, having been a minister, I know that that is simply not the case. The cost of gun licences has gone up by some \$87 in one hit, and that money will just go back into general revenue.

Hon Robin Chapple: It cannot go back to general revenue.

Hon ROBYN McSWEENEY: One way or another, trust me, it will go back into general revenue. The government will not take that \$87 extra and put it back into a systems information upgrade.

Hon Robin Chapple: I know. But it must be paid into the systems upgrade because there is not enough money to do that at the moment. It will not be going back into general revenue. General revenue will have to pay to fix up the problem.

Hon ROBYN McSWEENEY: Either way, it is an increase. It is a vast increase in one hit. For something that I see as a necessity for rural people, \$87 in one hit is very expensive. I had not realised before I started talking tonight about the shop owners and the business people who sell guns. If we make guns so expensive that people cannot afford a licence, as someone pointed out to me today, it will go underground. That is a very dangerous thing for society. Although I am not supporting the disallowance and I will not cross the floor on this issue, I point out that to me it is simply revenue raising. If someone can explain to me the justification for such a large increase in one hit, the community and I might be a bit more understanding. However, at the moment I cannot see why this increase is necessary.

HON ROBIN CHAPPLE (Mining and Pastoral) [8.05 pm]: Having been involved with the Standing Committee on Delegated Legislation on and off since 2001, I would like to commend the government over the period that it has been in office, because we have started to see a crackdown, through a whole range of legislation, for cost recovery.

I want to quickly identify to members in the house that our delegated legislation committee is considered one of the most effective in the nation. There are delegated legislation committees in all the other states. However, most of those delegated legislation committees have only a scrutinising role over delegated legislation and invariably negotiate with governments about defective laws. The Western Australian Standing Committee on Delegated Legislation is the only delegated legislation committee in the nation that has the ability to move a disallowance motion on a regulation. We have used that effectively to manage and deal with cost recovery, by inevitably moving a protected notice of motion in this place and thereby enabling us to enter into a discussion with the relevant department.

I sympathise with Hon Rick Mazza, who is experiencing for the first time how some of these fees go up. However, having served on the delegated legislation committee, I have seen fees go up 300 per cent and no report ever come to this place. That is because those fee increases were within power. Members need to realise that the only reason that in this instance we have a report on an increase in fees is that Hon Rick Mazza moved a disallowance in the same time frame as the committee had an opportunity to look at this matter. Normally, we would not report on a matter such as this, because the fee increase is within power. If members go back and look through the reports of the committee, they will not find any reports that deal with this matter, because inevitably this matter has not come before the chamber.

We need to go back to the functions of the delegated legislation committee. The committee in this case provided a report to the house, and I would like to thank Hon Rick Mazza for noting that the committee has been able to provide some interesting and useful information to the chamber. In its consideration of an instrument, the committee is to inquire whether the instrument is within power; has no unintended effect on any person's existing rights or interests; provides an effective mechanism for the review of administrative decisions; and contains only matter that is appropriate for subsidiary legislation. It is also the function of the delegated legislation committee to inquire into and report on any proposed or existing template, pro forma or model local law; any systemic issue identified in two or more instruments of subsidiary legislation; and the statutory and

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills;
Hon Mark Lewis

administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.

The committee took on board the motion of Hon Rick Mazza in identifying, from paragraph 5.1 in the report right through to paragraph 5.25, a series of failings, in our view, in how the department manages this process. In this day and age, it actually has two computers sitting next to each other, and the way that information goes from one computer to the next is by a piece of paper. How bloody ridiculous is that! Excuse my language, Madam Deputy President. So we did actually find some systemic problems, certainly within the administration of the department.

The committee made the recommendation that the minister initiate a review of the Firearms Act 1973 and advise the Legislative Council and the Legislative Assembly of the time frame for this review. I think that review is genuinely needed—definitely. But whether the fees were over cost recovery, I actually doubt it. The evidence that we have seen indicates that, indeed, the current costs are justified and most probably would not go down significantly even after the review.

Hon Adele Farina interjected.

Hon ROBIN CHAPPLE: The report deals with the issues and the information that we got for the report indicates that the department has identified that each of those elements is rooted in cost recovery. Some have gone up by 138 per cent and some have gone down 0.05 per cent or something like that, but, in our view, the report indicates that it is cost recovery.

Having said that, I want to address the point made by Hon Rick Mazza about the other states and why their fees are lower. What is really interesting when we look at those other states—I already pointed out that they do not in fact look at many of the fiscal issues around legislation—is we see that they do not have the power to disallow. Individuals can disallow, but the committees in the other states cannot. Therefore, it is clear when we look at those matters that the other states might be well under-recovering, but they do not make an evaluation of that in their delegated legislation committees. If they were to do so, undoubtedly they would find a significant number of mistakes.

We will not be supporting the disallowance, but we will recommend heavily to the minister that the committee's recommendations be taken on board because what is going on in the management of those licences is obviously a debacle. The key issue is that there would be an incredible speeding up of the process should those problems that have been alluded to in the report be dealt with. With that in mind, I think that is my only comment for tonight on this matter.

The committee's conclusion states —

- 6.1 The Committee is of the view that pursuant to *Term of Reference* 6.6.(a) the Amendment Regulations are within power of the *Firearms Act 1973*.
- 6.2 The Committee informs the Parliament accordingly of its conclusion and four other matters in paragraphs 5.1 to 5.25 in this Report when the Legislative Council considers the *Notice of Motion* —

That is, the disallowance motion moved by the honourable member.

It is my personal view that should the minister take on board recommendation 1 and the process is reviewed and improved, I doubt whether there would be any reduction in the fees charged. I also suggest that once the other states look at what we have done, we might see significant increases in fees in the other states.

HON SIMON O'BRIEN (South Metropolitan) [8.13 pm]: We are considering whether the Firearms Amendment Regulations 2013 should be disallowed. I was concerned when these regulations were first brought to my attention some months ago and I raised some of my concerns with government generally through a number of people. I have examined the regulations and the systems that surround them. I have attended a briefing held by police officers. I have received voluminous but repetitive correspondence from the government. I have received many representations from firearm owners and others with a direct interest in these matters. I have asked questions in this place. As a result of all that consideration, taken together with the recent benefit provided by the Joint Standing Committee on Delegated Legislation's sixty-eighth report, I have decided at length that these regulations should be disallowed. I have advised my leader and my party room accordingly, because that is not a step that I take lightly. So I want to briefly mention why, in my view, these regulations should be disallowed. In doing so, I will canvass some matters that have not necessarily been recognised, I think, by all those who have a responsibility in this matter.

Extract from *Hansard*

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

Hon Rick Mazza, as the mover of this disallowance motion, has been in this place for about six months, and he gets it; he gets what the issue is here. The issue here is a mega-clunky, hopeless, out-of-shape and out-of-date system that is being run apparently by people who are incapable of recognising the fact, perhaps because they are so overwhelmed by the pressures that they are confronting, in fairness to them, that in the heat of all that and the criticism about these regulations, they cannot bring themselves, or the management in those areas cannot bring itself, to say, “Yes, we have to change”, because there are so many symptoms of things that are wrong with this licensing system that it would be obvious to any independent third party that we have a problem here. It has been obvious to me, and that is the real issue that we have here today.

The regulations were tabled some while ago and referred, as a matter of course, to our Joint Standing Committee on Delegated Legislation. We have the benefit of its report, and we have heard from one or two other members about that already tonight. The committee has done us a favour by providing us with a non-partisan report to help inform this debate on matters of fact. The Joint Standing Committee on Delegated Legislation is a bipartisan committee, with numbers on it even, so if any politics are involved, inevitably the committee will not come down with a report and then a major dissenting report, because that does not help us at all. But it has provided us with a report that gives us matters of fact about things that are pertinent to help us in our deliberations here tonight. It has also provided the transcripts of the hearings that it conducted, so we can read for ourselves what questions were asked of officers and others and what answers were given, and that all helps inform us.

One of the findings that the committee, I think in its report, alludes to is that it can be found, or it is open to be found, that the increase in fees is within power—I see Hon Robin Chapple, who is a member of the committee, nodding in concurrence with what I have just said—but it is a qualified recommendation, because the committee also points out that cost recovery is an inexact science, and I think I heard another member on the other side ask the member about that by way of informal interjection. The question arises: when is cost recovery more than cost recovery, not in the sense that it is a tax above and beyond what the system costs, but when is it excessive cost recovery because too much expense is being incurred in administering it? That is an issue that clearly remains a moot point, but it can be seen that these fees are reflective of cost recovery, and I will come to how bloated those costs are in just a moment. But my reason in labouring this first point is to say that I do not think that that is what this debate should be all about. Yes, the size and scale of the fee increases were extraordinary, and that became apparent when the regulations were tabled and referred to the Standing Committee on Delegated Legislation. The committee held an inquiry, which drew this into sharp public focus; as did, of course, the public reaction and all the representations that members have received, complaining about not only the scale of the increase but also other problems in the whole system.

The first point I want to make is that this is not necessarily a debate about cost recovery; it is not. At face value, it seems to be an excessive increase. Normally, if there is to be a dramatic increase towards cost recovery, there is at least some sort of glide path over a number of years rather than just one big increase of more than 100 per cent. Nevertheless, that is what has happened here, and if it is within power, then the government can do so by regulation. But the point about that eventuality is that it drew attention to these regulations; it set up an inquiry and generated a whole lot of correspondence; and it made us look at the system. As Hon Rick Mazza put it—very well, I thought—what we have here is a very clunky system. It is the sort of system that, if we were to reinvent it today with a clean sheet of paper, we sure as heck would not come up with what we have at the moment, because it does not work. It is not responsive to the needs of the system and it frankly is not a very good reflection on, perhaps not those who set it up, but certainly those who have sustained it, with all its problems, over time.

A number of matters have already been discussed, so I will not tread again on that same ground. But I have been struck by the correspondence and verbal responses, the responses at briefings, and the reading of the transcript of hearings by the committee, about the police department’s denial that there is even a problem, and that is what worries me: they do not get it. I have not seen, in any of the correspondence provided to me, the tiniest trace of a concession that they got it wrong, that the system is broke, and that it needs to be radically overhauled. That is what concerns me, because they do not get it. They think that they have to go on with inappropriate responses that cost a lot of money and will be charged to the so-called user as an ever-increasing fee burden. We, the Parliament, representing the people of Western Australia have not got the system that we thought we had legislated for in respect of firearms security and all the rest of it, so it is lose, lose, lose all round. For that reason we need to contemplate disallowance of these regulations. The police department, or those who seem to be involved with this, are in denial. In effect, I have felt personally, as a private member, that two fingers have been stuck up in front of my face. That is the response that I get: “We are not going to change.” That is the message that comes through to me: “We are going to continue on our merry way, and if you don’t let us do that, we will

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

be deprived of some money and therefore we're going to punish you and the government by taking away elements of front-line services". We have that here in writing. Again and again, these not-so-veiled threats: "Don't even think about holding us to book". That is a culture that I have seen before and it is one that we need to do something about.

I remember in 2007–08 when we were looking at licensing and vehicle inspection systems. It was a major issue of the day and an agency was so overwhelmed by its task it could not drag itself into the twenty-first century. Its proposal to deal with its system that caused queues that went around the corner at the examination centres—this is what the former government did—was to take on another 108 people to do the same stuff just as inefficiently "because that's how we have done it since the 1950s and the user could pay for it." When the Liberal Party came into government we soon put a stop to that. We introduced complicated computer systems so that people could book in their vehicle for examination rather than having queues of hundreds at the start of the day who might get attention by the end of the day. It is exactly the same mentality we see here today and it concerns me that it is not more widely recognised. That is why I am trying to make it clear to the house that it needs to be recognised.

There are a number of symptoms—I have mentioned one or two already—but I want to refer particularly to one that Hon Rick Mazza picked up. This is exactly the sort of thing that was reflected in Hon Robyn McSweeney's concerns and it goes to the very heart of why we have a firearms registration and licensing regime. If we cannot recognise that reason we might as well repeal the act and ban firearms—I think some elements in the police want that—and forget all about it. I am certainly not advocating that. Hon Rick Mazza raised some questions. In response to the proposition that has been raised by public correspondence, in an attachment to a recent letter to me and, I think, to all members, headed "Issue: Firearms Amendment Regulation 2013—Report of Joint Standing Committee on Delegated Legislation" the acting Minister for Police addressed a number of matters, including the proposition on page 3 as follows —

In most other states, if someone buys a second firearm, they are charged a noting fee of around \$40, in Western Australia it has now gone from \$72.50 to \$169. If I am a fit and proper person to own a shotgun and a couple of months later I want to buy a .22 why does all that processing have to be done all over again.

All the excuses we have heard from Hon Rick Mazza reflected the need to do the registration all over again because the applicant could have been convicted of any offences since their last application. The offences could have been committed locally, interstate or overseas. If that was the case, why, through our firearms registry process, have the police not dealt with that before now? Why do we wait until the offender gets himself another gun—being a law abiding citizen!—and, for \$169, applies to have it noted on his licence. A firearms registry is kept so that, if someone with a registered firearm is convicted of an offence, suffers medical issues that affect their ability to be granted a licence or become the subject of a violence restraining order, we know they have a gun and, if appropriate, we intercede. A firearms registry is not kept as another excuse to inflict another very expensive layer of bureaucracy on people. I could go on at considerable length, but I know other members want to make their point.

I think my concerns have been made clear and I regret that the government has put me in a position, as is my right, of having to choose to cross the floor on this issue. I will do so for the reasons I have outlined and in good faith with the constituents I represent.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.30 pm]: I rise tonight to indicate the support of the opposition for the motion moved by Hon Rick Mazza to disallow the Firearms Amendment Regulations 2013. He has clearly articulated his concerns and raised a number of significant matters that should be considered for firearm licensing arrangements in the future. The sixty-eighth report of the Joint Standing Committee on Delegated Legislation on the Firearm Amendment Regulations 2013 is a result of Hon Rick Mazza moving this disallowance motion. Dot point 1.5 on the first page of the report states —

Western Australia Police advised in the Explanatory Memorandum accompanying the Amendment Regulations that "*an adverse reaction is expected from the firearms industry and the public.*"

That is probably one of the greatest understatements of the year. I imagine all members in this place have been inundated by email or letter —

Hon Robin Chapple: Eighty-four.

Hon KATE DOUST: A significant amount of correspondence has been received from members of the public who own a firearm or have a firearm licence. I admit that I have not been involved in this matter in the past, but I was surprised at the level of anger among those individuals about the steep increase in the cost to the firearm licences. The opposition believes that the cost of licences has risen too quickly and that perhaps the government

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

should have looked at incremental increases. After reading the report, I believe the committee could have dealt with the issue of the increases and accepted the evidence of the police on why the increases came about and their explanation for how they reached that cost reflectivity. The committee has done a good job with the report and has offered members the opportunity to canvass issues around the matter of firearms licences.

Hon Simon O'Brien has alluded to the committee taking a bipartisan approach in its recommendations, which is commendable in this situation. The second recommendation of the committee states —

The Committee recommends that the Legislative Council and the Legislative Assembly note the information contained in this Report when the Legislative Council debates the disallowance report on the *Firearms Amendment Regulations 2013*.

It is not saying either way—it has been decent in that regard—but the fact that it has provided all of this additional information is food for thought and it has opened the door to say that it had all of the evidence of the police. However, when I look at the detail of the report, I agree with my colleague, Hon Simon O'Brien, that it is an archaic process for a licensing system. I do not understand how a system like that can be run in such an important area. The issue of guns and firearms licences is often a very contentious issue in the community. There are different views on whether people should or should not have guns in a range of circumstances. That is not the debate we are having tonight. I dare say that Hon Rick Mazza will raise that issue at a later stage in the next four years, but it is not the debate we should be having tonight. There have been a range of issues in this space, including the amnesty that was referred to, but everyone should agree that there must be a solid process of checks and balances to ensure that where licences are issued they are issued to the appropriate people and managed in an appropriate way, otherwise unfortunate incidents may occur.

The process that is outlined in this report is incredibly convoluted and I cannot think of any other example when a person would go through the onerous time-consuming process outlined on pages 11 and 12 of the report, a lot of it to be done manually. There is also a computing system set up alongside that that is quite obviously outdated. There is discussion on page 13 of the report about consultants from Fujitsu having been brought in to look at the processes. It is very expensive to do that and I would have thought that should have been looked at many years ago.

Hon Rick Mazza referred to issues of red tape for small businesses and for those people who own more than one gun. I think recommendation 1 of this report asking that the minister conduct a review into the Firearms Act 1973 is very sound, and it would be a very interesting inquiry to be able to look at all these types of issues and how these matters are handled. It is fairly obvious to most people that we need a much better system and process in place that can provide the proper checks and balances, but they need to be done in a much timelier manner. In this case the committee has done a very good job of identifying and outlining in detail the difficulties experienced currently.

I looked at some of letters that came in and some of the different examples, be they from people who come from a farming background or people who are collectors, of the difficulties people experienced in relation to their own guns.

Hon Robyn McSweeney raised an issue about the missing number of guns in our community, which I think is a real matter to take into consideration. If the fees are increased to such a high level that people can no longer afford them, they will not come forward to pay the licence and these guns will slip under the table, so to speak, and will just move out of circulation. I think that is a genuine concern.

There is also the other issue of antique collectors. On page 15 of the report there is reference to a Mr Tom Hunter who talks about the 120 firearms he has. He is obviously an avid collector of firearms; just as other people collect other items, I suppose some individuals have an attraction to guns and want to build a sizeable collection of them, and they would be valuable. Mr Hunter talked about the difference in the fee of \$179.20 charged in Western Australia for noting that he has an additional firearm on his licence compared with \$9.20 in Victoria and \$40 in New South Wales for the same thing. There are significant differences in the amounts of fees charged.

The doubling up of the process that people have to go through would be extremely frustrating. The committee has provided enough information to kickstart a significant review. Again, I do not think we are debating whether we need to have a review tonight, and ultimately the minister will decide whether he agrees with that. This debate is more about whether the increases of the fees by these amounts can be justified. Having listened to the number of speakers around the chamber and the positions taken, it is fairly evident that not a lot of people agree with this increase and would prefer to see these regulations disallowed. There is perhaps the opportunity for the police to go back to the drawing board and come up with a more appropriate fee, as well as, obviously, a more concise and modern approach to managing licensing processes. I therefore think there are some significant issues here. Part of the report refers to the computing systems and tries to justify the fee increase as paying for updating

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills;
Hon Mark Lewis

the computing systems to process the licences. In the opposition's view that could be seen as slightly misleading, because it is really about rejigging the system. It sounds as though it would have been better to start from scratch and get appropriate advice to set up some brand-new, fit-for-purpose software that would provide a timely and appropriate licensing mechanism and be more cost effective in the long term.

We all know that from time to time fees have to go up and that increases can cut across a range of different types of licence. But it would appear that the increases to these licences—which in one case was more than 54 per cent and more than 130 per cent in another—are extremely difficult to justify in this case. Labor's preference on this occasion is to disallow this set of regulations to enable another set of arrangements to be put in place. The government can also take into account the information provided in this very good report and consider the fact that the committee has opened the door to canvassing a better way to deal with the inappropriate and out-of-date systems currently in place.

With those few words, the opposition supports the motion moved by Hon Rick Mazza.

HON PAUL BROWN (Agricultural) [8.42 pm]: I thank Hon Rick Mazza for the motion he has put forward. It offers this house an opportunity to have a forthright and frank discussion, which is exactly what we have had tonight. I would also like to reiterate what Hon Kate Doust has said. It would appear from my reading of this report that the committee has done a wonderful job in addressing the issues. The questions that were asked and the way in which they were followed up seems to have well and truly fleshed out the information that the house requires. There has been a lot discussion tonight about various matters and I am sure it will not do any good to rehash them. Some of our members have certainly been very good in speaking to this motion. My contribution to this motion is recommendation 1, which reads —

The Committee recommends that the Minister initiate a review of the *Firearms Act 1973* and advise the Legislative Council and the Legislative Assembly of the timeframe for the review.

I suggest that there are quite a few inefficiencies in the current firearm licensing system, as other members have highlighted in this place tonight. Hon Rick Mazza highlighted the process that an applicant goes through to get a firearm licence. I went through the report and came up with no less than seven people involved in that process and 11 different times that the data is processed. First, the applicant has to fill in an online form. Second, the dealer provides the certificate. Third, the Australia Post personnel process the form that the applicant has to fill out online and print out. Fourth, the applicant pays a fee. Fifth, 48 hours later, the form arrives electronically at the probity branch. Sixth, the applicant is processed through CrimTrac by an unsworn officer, which the report states will take five days. At step seven the application is passed to an unsworn firearms licensing assessor who makes an assessment. At step eight, the application is passed to a police sergeant who makes a further assessment. Step nine sees the application return to the assessor for storage security verification. At step 10 the assessor fills out a form and sends a statutory declaration to the applicant, who then takes a photograph of his gun safe. He takes a photograph of his gun safe to verify that it is the correct and proper storage facility to use. At step 11, it is sent back to the approver for final approval, and then at step 12 the approver sends the forms to a loading clerk to load across from the firearm portal to the firearm registry. Sorry, that is not the final step. There is a step 13—lucky 13—the details are sent to PostConnect and the licence is forwarded to the applicant. That is an absolute dog's breakfast. Prior to entering this chamber a couple of months ago and discussing Hon Rick Mazza's motion, as a firearm owner, a person who used firearms as part of his enterprise before entering this place, I never really put a lot of thought into what actually goes on—to me it was pretty simple: man buys gun, man shoots gun, man pays renewal notice; in a responsible manner of course.

Hon Darren West: Man shoots man.

Hon PAUL BROWN: Be careful.

As a person licensed to own firearms it has always worried me that I get piece of paper that says, Paul Brown, blah, blah, blah, this is the calibre of gun that I own. I have to carry that piece of paper with me whenever I am using or even carrying my firearm. In addition to that piece of paper I have this card, which I will not table because I need it in my wallet from time to time and the photo does not really do me any justice—it was a bad day that day. This is my firearms identification card and I must carry it when I have my firearm with me. I have a piece of paper that is firearms licence and an identification card that shows this is me—it has nothing else on it except my licence number and date of birth. Funnily enough, the licence number on my identification card is exactly the same as the licence number on my driver's licence. For the life of me I cannot understand why we have to have such a complicated and convoluted system when my driver's licence is exactly the same as my firearms identification card—photograph, date of birth and licence number. Why we cannot somehow marry up those systems and stop the 13 wonderful steps that I spoke about earlier, has me bamboozled.

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

For many years vehicle licences were renewed one year at a time, now there are a range of options. I think I renewed my driver's licence for 10 years. I do not know why gun licences have to be renewed every year, when there could be one card that covers both licenses and a 10-year firearms licensing system. If I have one serious or multiple driving infringements and lose my licence, it comes up on the computer pretty quickly and my licence is taken off me. Why can this not be done with my other licence? Why do we have to keep going back to the fountain and keep paying and paying? The excuse is that the police have to keep processing and checking our criminal record to ensure that we are honourable citizens. When we already have a system in place that allows us to do that with our vehicle licence, why can we not do that with firearm licences? One modification to the system would bring about efficiencies. We would not be in this place having this debate about gun licensing fees if one step was taken to bring about those efficiencies and reduce all the red tape and the need for five days of applications and another two days of sending them back out. It has got me bamboozled why somebody has not said, "This is the same as this; why can't we do something around that?" To me, that is just commonsense.

There is one other thing that I would like to highlight. I would like to see a review of the fee structure. I think there should be a fee structure for people who require a gun in their profession, such as farmers, pastoralists—there are quite a few of them in here—professional shooters, doggers and others. It is part of their daily need, part of their job and part of their enterprise to have a gun, whether it be for vermin control, animal welfare or protection. I am sure that Hon Ken Baston would understand, being out on wideranging pastoral properties, that it is nice to have a friend by one's side when one gets bailed up by an animal in the middle of nowhere. I am sure there were animals on Hon Ken Baston's property that gave him trouble from time to time. Not all of them are the feral goat varieties. There is a potential structure for those who probably do not need a gun on a day-to-day basis—those who have a recreational desire for a firearm. We need to address whether those who need to have guns as part of their enterprise or as part of their job need some sort of exemption and how that will apply to licensing and licensing fees.

The other point I raised when outlining my 13 fantastic steps is gun safe security. It blows my mind that when we are talking about gun safety and the police are talking about reining in firearm licence holders that applicants for firearm licences are only required to take a photograph of their apparent gun safe. I do not have the figure in front of me but how many thousands of people own guns in WA?

Hon Rick Mazza: There are 82 500.

Hon PAUL BROWN: I am not suggesting for a second that one of those 82 500 people would do anything wrong but there is the potential for somebody to say, "I'm going to get a gun but I can't afford a gun safe"—not that they are that expensive—"so I will take a photo of someone else's gun safe so I meet one of the stipulations of obtaining a gun licence." To me it is unfathomable that the only requirement to show that one has a secure gun storage facility is to take a photograph of one somewhere. Hopefully, it is on their property.

I will tell members about one thing that had me a little perplexed a little while ago before I entered Parliament. Once again I am referring to the gun licence cards. Like Hon Darren West and a few of my colleagues on this side of the house, I live on a farm and do not have a postal address that is my residential address. A couple of years ago my gun licence renewal was sent to my residential address. It is not a postal address, so the renewal notice just sat at the local post office. It was not allowed to be delivered anywhere else, so it sat on the shelf at the post office. My local post office happens to be a little delicatessen, and one day when I went up there, they told me that they had a letter for me. I opened it and it was my gun licence renewal. It had been at the post office for four months. There is nothing on these licence cards that shows the renewal date. As a result, I got a fine. Only a couple of months ago, it cost \$45.70 to renew a gun licence. It absolutely blew my mind when I got a fine for \$421 because I was late in paying my licence renewal. If I am late in paying a speeding ticket, I think \$13 is added to the cost. But I got a \$421 fine because the department sent the notice to the wrong address. My postal address is clearly a post office address, but I got a \$421 fine because the renewal notice was sent to the wrong address, and the notice for the fine was also sent to the wrong address. Nowadays I make a weekly milk-bottle drop at the local deli to make sure that I get any mail that might be there so I do not have to pay extra fees.

My colleagues in this house have done a very good job of speaking about aspects of the disallowance motion. I have spoken mostly about recommendation 1 in the report of the Joint Standing Committee on Delegated Legislation. In our discussions with Hon Liza Harvey, the Minister for Police, she indicated to us that she will undertake a review of the Firearms Act on 1 March 2014. We commend her for that, if that is going to take place. I thank her for indicating that to the house. I think that that satisfies recommendation 1 and all that comes with it.

Recommendation 2 refers to the cost-recovery aspect of the system. The committee has done a fantastic job in highlighting the different aspects of the system. I believe that the fee structure will be reduced considerably

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

when efficiencies are highlighted in the review, particularly around the removal of some of the 13 steps and the heavy-handed way in which applicants are treated.

Once again, I thank the police minister for indicating that she will undertake a review of the Firearms Act on 1 March 2014. At this point, my colleagues and I will not support the disallowance motion because it is a full cost-recovery system at the moment. We believe that these efficiencies will lead to a better fee structure and lower fees.

The DEPUTY PRESIDENT (Hon Simon O'Brien): I remind the house that in accordance with standing order 66, the question on this disallowance motion will be put at 9.45 pm if the debate is not already finished.

HON NIGEL HALLETT (South West) [9.00 pm]: I congratulate Hon Rick Mazza for bringing this disallowance motion to the house. What this debate has done tonight has been excellent; it differentiates between the two houses, and this is the house of review. This is an opportunity to debate in a very constructive way the pros and cons of this disallowance motion. I agree with Hon Paul Brown that Minister Liza Harvey has certainly shown a willingness to review the act, but I think allowing this disallowance motion will bring it forward quite a few months.

It is very hard to justify the duplication of the post office charge of \$50-odd and the police charge of \$50-odd. We compare that with fisheries; if someone paid their fee at the post office, it went to general revenue but if someone paid it to fisheries, it went back into the fisheries budget. Why we would pay this \$50-odd twice certainly beggars belief, but that is the system in place. We have 38 full-time equivalent police administering this. We cannot pay direct to the police department, so why do we still have 38 full-time equivalent positions? That has to be sorted out.

I was very pleased that Hon Paul Brown brought out his firearms identification card. It is absolutely a pain in the backside; if I am asked for identification, I use that, but if I go in to buy ammunition, I have to take the extract of licence, which I suppose we are meant to carry but I never do. The local ammunition shop has to fill in a form that goes to the police. Identifying the owner of the guns, in my opinion, is the way to go. It is the same as with a motor vehicle driver's licence. I can have MC, MCX, ABC or whatever. I can drive any vehicle I want; I am the owner of the licence and if I lose my licence, I cannot drive those vehicles. It licenses the owner and he or she can add on the guns; why cannot 1.22 or one point whatever be put onto one card? Then I could present that to the police at any time at all. It is a very simple system, but that is how it is. Auditor General Colin Murphy states —

In the absence of reliable information, WAP are unable to effectively manage firearms licensing and regulation in WA.

I have had firearms for a long time and we had a system that worked very efficiently. A regional person would go into their local police station and either pays it there and then or the officer would ask them to bring that gun in when they came into town next. He would give people an inspection of it. A police officer would know exactly what guns were in his region. That still went back to Perth. It is no different from what we have today, except the police knew where the majority of guns were. Today they have no idea how many guns are out there. I am told that people can go to some of the major hotels on a Friday night and pick up a pistol very easily on the black market. Not that I have needed one, so I have not tried it.

Hon Alyssa Hayden: Glad to hear it!

Hon NIGEL HALLETT: I might need one soon! It just seems silly. We had something effectively operating and we threw that out and replaced it with something like this. How good is it that someone has brought this to the house's attention?

Gun clubs are an important part of our community. People have to go through a fairly rigorous process if they want to be a member of a gun club. If people are a member of a state clay shooting team, for example, they have to go through a big rigmarole if they want to shoot in South Australia, Victoria or wherever under the laws that are currently in place. It does not work. It comes back to licensing the owner.

Most of the issues have been covered pretty well tonight. The number of people in regional Western Australia who have contacted our office is between 350 and 400. This is an important issue, and I think Hon Robyn McSweeney has touched on it. It is a major issue in our area, and I think that would also be the case for most members.

This is a great disallowance motion that Hon Rick Mazza has moved. The disallowance of these regulations would put the ball into the court of the police department to get its structure right, without making any real difference to the government structure.

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [9.06 pm]: I speak on this motion to indicate the government's position on its merits. I accept that in raising this motion, Hon Rick Mazza has made some very legitimate points about the unsatisfactory elements of the current firearm licensing system in this state. He has also reflected the view of many firearm owners who have complained about these fee increases. I can understand entirely why from his perspective, being the representative in this place and in this Parliament of a party that has in mind the interests of shooters and other recreational hunters, fishers and the like, he has taken the position that he has taken. He is being true to the values and philosophies of the party of which he is a member and to the members of that party who hold the political viewpoint that he represents.

Likewise, I can accept entirely the views that have been expressed by Hon Robyn McSweeney, Hon Simon O'Brien, Hon Nigel Hallett and Hon Paul Brown, and I suspect that other members will also make comments about the unsatisfactory nature of the licensing regime and its scope for improvement and the need to do something about it. I will say a bit more about that shortly.

However, I find it a bit opportunistic—actually, more than a bit opportunistic—for the opposition to suddenly complain about full cost recovery in this field. As Hon Robyn McSweeney has pointed out, this is not a new problem. This has been going on for some 12 years, and eight of those 12 years were under the care of the former Labor government. These problems were endemic back then. Hon Robyn McSweeney has pointed out that there have been several reviews—at least two of which were during the course of the last Labor government's care in this area—that pointed out the need for reform. But it appears that government was content to have an inadequate, inefficient and out-dated system, if one looks at the Firearms Act regime, for eight years, and to charge people more than that system was worth to administer, but to keep the costs relatively down and below cost recovery, rather than actually do something about it.

With respect, I have to disagree with the views of Hon Simon O'Brien. One of the advantages on this side of the house is that, notwithstanding there may be a party position and a government position, we treat our members with sufficient respect to allow them to vote according to their conscience on matters that they feel strongly about. Although I have to, with respect, disagree with Hon Simon O'Brien's decision to cross the floor on this matter—I assume Hon Nigel Hallett will do so, too—I respect his position on this because he feels strongly about it and he has expressed that position eloquently. Nevertheless, I will deal with some of the merits of his arguments and point out the flaws in them, which is my prerogative. Labor Party members are in a slightly different position, of course, because they get together in their caucus and they form a position, so they all accept that there should not be cost recovery in this area.

Hon Kate Doust interjected.

Hon MICHAEL MISCHIN: They are saying that there should not be cost recovery because when we get down to what this motion means —

Hon Kate Doust interjected.

Hon MICHAEL MISCHIN: I sat in silence, Mr Deputy President.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Order! The Attorney General will not be interjected on if he addresses the Chair.

Hon MICHAEL MISCHIN: The Labor Party's position is, if this motion succeeds, that the government has to find the money to make up the cost of running this system. I will get to the merits of whether it is an adequate system or not in a moment and what is being done about that. The government has to find the money somewhere, either within the police budget, to the detriment of other expenses that the police may have to apply money to, or the rest of the community has to subsidise the licensing system for the small segment of the community—an important and quite significant sector—that choose or require firearms. Those are the choices that this place is presented with. Therefore, we can go to 100 per cent cost recovery and use that money to try to fix the system and at the very least to make it operate, or we forget about making it work and keep the fees the same and let it blunder along, or we find the money from somewhere else and have others pay for this particular interest group. No responsible government can take that latter course. Therefore, the move has been to 100 per cent cost recovery.

Let us see what that means. We have heard about the magnitude of the increases, but let us look at what that means in monetary figures. An application for a firearm licence by a person without a licence—that is, a first-time applicant—will go up from \$159.20 to \$246.30, a 54.7 per cent increase. That is a significant rise. What does that mean? It is \$87.10, which is the cost of something like three or four packets of cigarettes. On the other hand, a person who has a licence and is simply renewing it will have a 13.3 per cent increase, which is \$6.10. How is that unaffordable? An application for a firearm licence by a person who already has such a licence and

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills;
Hon Mark Lewis

wants the licence for one or more additional firearms goes up by a massive 133.8 per cent, which amounts to \$97. It is a significant amount, but hardly unaffordable. That is not a renewal for each firearm; whether someone renews for two firearms or 20, it is \$97.

We can compare the costs with Tasmania where it is \$8. How that comes anywhere near cost recovery is anyone's guess. We may as well compare what the cost is with Outer Mongolia; it is quite possibly free there, if there is any licensing system at all! We have to compare like with like and the committee report made it quite plain that it was an idle exercise to start looking at the costs in other jurisdictions, given that their legislation and systems are different. It may very well be that efficiencies in those jurisdictions can be achieved here without the need for legislative change, but one of the points that has been made by the honourable minister is that not only have improvements been instituted in the business processes in the licensing branch since the Auditor General's report revealed the inadequacies of that system, but also some of those are impeded by a piece of legislation that is something like 40 years old. That is why this government has undertaken something that was not done in the last 40 years, and certainly not done in the eight years of Labor administration, which is to review the Firearms Act. We are in the process of settling terms of reference so that the Law Reform Commission can have a proper review of the Firearms Act to see whether it meets the needs of the community in the twenty-first century and how those processes can be reviewed.

In my time as a member I have had a lot of complaints, not so much from shooters, but certainly from collectors, about inadequacies in the system and in the legislation in that respect. One collector pointed out to me that he needed a firearms licence for a carronade. A carronade is a metal cannon that weighs about two tonnes. It is about a foot or so broad, and about two feet in length. As a collector, he needs a licence for that thing. I do not know what he is going to do with it and why the police need to keep track of this piece of ordnance. I cannot see him somehow going into a bank and holding it up with a carronade under his arm, even if he could find the ammunition for it. There are plainly inadequacies in the system. It is not in touch with some of the reality. There are gun enthusiasts who are collectors of antiques and historical societies that use firearms and antique muskets and the like. Plainly, some sense needs to be brought into the system even at that level. That will be undertaken, but it will require money to keep the system going at the moment, inadequate though it is, and to improve the business processes, inadequate as they are, until something more substantial can be done. The minister has undertaken to do that and is doing that.

I will give a couple more of the increases just by way of illustration. There is an application for a collector's licence by a person without a licence—once again, a first-timer. There has been a 27.9 per cent increase from \$247.30 to \$316.30—that is, \$69. Again, it is several packets of cigarettes worth. It is hardly unaffordable if a person wants to collect firearms. Renewing such a collector's licence goes up by a massive 26.5 per cent, which amounts to \$12.10. That is hardly prohibitive, one would have thought.

Hon Ken Travers: If you were a pensioner, it might be.

Hon MICHAEL MISCHIN: It is \$12.10.

Hon Ken Travers: Yes, \$12—particularly after all the other fees and charges that you lot have put up.

Hon MICHAEL MISCHIN: I know that Hon Ken Travers has a philosophy in his party that everyone should be entitled to do everything they want to do at someone else's expense. If a person wants to be a firearm collector and wants to renew their licence because they have a collection of firearms, there comes a time when that person has to make the decision on whether they spend their \$12.10 on renewing their licence or perhaps buying a couple of ice-creams down at the shop. It is hardly unaffordable when one looks at some of the licence fees charged that are at cost recovery.

Hon Ken Travers: Your government is spending money like there's no tomorrow.

Hon MICHAEL MISCHIN: All this is is cost recovery. I am glad that Hon Ken Travers has piped up again. Yes, there are concerns with the budget bottom line, and we keep being urged to be more responsible with it, but it appears that when we go to cost recovery, there is a problem with that from the other side of the house, and it wants to stop us from doing that.

Hon Ken Travers: Because we have got to cost recover the losses that your leader made in Muja.

Hon MICHAEL MISCHIN: No, Hon Ken Travers. We are trying to recover the costs of licensing firearms. That is what this is about. Hon Ken Travers would have that cost being borne by everyone else in the community except the person who has an interest in owning the firearms or collecting them. Perhaps that can be the opposition's slogan for the next election campaign—"Everyone Else Can Pay".

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

The application for a dealer's licence goes up by 6.4 per cent, which is \$24.80. That is supposed to be an exorbitant increase. The fee for a person renewing a licence as a dealer goes up by 6.6 per cent, or \$6.70. That is for a dealer, wanting to renew their licence—\$6.70. I ask you: is that an exorbitant increase, unacceptable to the opposition? In the Joint Standing Committee on Delegated Legislation's sixty-eighth report, "Explanatory Report in relation to the Firearms Amendment Regulations 2013", the tables on pages 5, 6 and 7 show that there are minuscule decreases in some fees to reflect 100 per cent cost recovery. They are small amounts, but they have not been left the same. If there is any doubt about the cost recovery limitations on these fees, it is worth mentioning that paragraph 4.7 of the report states —

The Unit Cost Table shows that Western Australia Police has a costing methodology in place and all the fees are at 100% cost recovery.

That is what the committee found. It continues —

The Committee's Sessional Resolution 23, Item Number 2 applies. It states:

If an agency has a costing methodology and the amended fee is under recovering or at cost recovery, then accept the increase.

That is the point that Hon Robin Chapple quite sensibly made. The report continues, under paragraph 4.8 —

On the basis of that resolution, the Committee concluded that the Amendment Regulations are within power of the Act and comply with the usual scrutiny mechanisms applied by the Committee in such cases.

The report then quite sensibly goes on to deal with the mechanics of the firearms licensing regime and its inadequacies, and I have already addressed that, as has the honourable minister. It is a work in progress. Once the terms of reference for the Law Reform Commission are settled, people will have their say on how the system can be made more efficient and what changes need to be made to renovate this particularly old piece of legislation, drafted in the days before Commodore 64 computers, with processes that were geared more to a manual system rather than a computerised one. We could argue until the cows come home about whether there should be two computers operating, the inadequacy of the software and all the rest of it; that is accepted, but it needs to be fixed, and it will take a lot longer and be more expensive if the government cannot recover costs in this particular field and has to find even more money from others in the community to address the system.

I urge those of my colleagues on this side of the house who are contemplating crossing the floor on this issue to reconsider their position and to be comfortable in the fact that they have addressed a very important issue, and have done so with enthusiasm for their constituencies and eloquence in pointing out their concerns. But I urge them to reconsider their position because this matter is being addressed by the government. It is no more than cost recovery, and the result of supporting this motion will be that other members of the community will have to carry the cost of those who are interested in holding and collecting firearms and the like. One accepts that there are segments of the community that require firearms as part of their business and, indeed, more than one firearm from time to time. Yes, I do not think anyone likes an increase in a fee for anything, whether it is 100 per cent cost recovery or one per cent cost recovery; but these things have to happen from time to time. Whether the fees drop in due course, once a more refined system is put in place, I cannot say, and I do not think anyone could say at this point. One hopes, however, that many of the absurdities that have been pointed out and that have developed over time as part of the police licensing system can be addressed and that efficiencies may be gained from reconstruction, a rewrite perhaps or by an entirely fresh act of Parliament. We will learn from the experiences of other jurisdictions and of those who have to deal with the ownership and licensing of firearms and we will be informed by a number of basic principles. I will not pretend to canvass them all exhaustively, but one of the most important principles is the need to maintain some control over firearms in the community because in the wrong hands they are dangerous weapons. Even in responsible hands they are dangerous articles. There has been more than one instance of a fatality or serious injury among people who are law abiding citizens but have allowed their attention and judgement to lapse and have caused harm to themselves or others. No licensing regime will fix that but at least we will know where these firearms are and be able to exercise some level of control over them and, hopefully, ensure that only those who are fit to own and carry such implements are allowed to have access to them.

I think I have canvassed the several issues that have been raised but I will raise one misnomer—namely, the idea of a noting fee with the implication that it is just written on a licence. In fact, it is a requirement under the act. I understand Hon Rick Mazza has a different view of the law. I cannot say that I am familiar with the law on this point; I will look it up. I understand the police take the view that they are bound by the act to treat the addition of a firearm as a fresh application. It may be that some aspects of that process can be shaved off and cut short;

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills;
Hon Mark Lewis

nevertheless, there is a cost involved in going through the motions and that cost has to be borne by someone. It is the government's view that at this stage at any rate, that cost should be borne by the person who wants to have a firearm.

Other than that, it is the government's position that we cannot responsibly support the disallowance motion however much the government and members on this side of the house may have sympathy with those who are struck by a significant increase in the fees. I say "significant" because of the percentages involved, although in monetary terms, some of those increases are minor. Someone must pay and that someone must be either those who want to be licensed to have firearms or everyone else in the community who does not. From the government's point of view, the people who should bear the cost should be the former rather than the latter.

Hon Simon O'Brien: Will you accept an interjection before you sit down?

Hon MICHAEL MISCHIN: From you, any day.

Hon Simon O'Brien: Thank you. How long do you think it will take to get a Law Reform Commission review of the act up and running and ultimately concluded?

Hon Sue Ellery: That is a good question.

Hon MICHAEL MISCHIN: I thank Hon Simon O'Brien for that. I cannot say at the moment; terms of reference have not been settled. Plainly, if the terms of reference are very broad and involve the redrafting of the act, this exercise will take longer than if it were simply some tweaking of a number of provisions to amend them.

Hon Ken Travers: Put it this way, you'll be President before it happens!

Hon MICHAEL MISCHIN: Hon Ken Travers is working from his own experience of eight years in government and doing nothing I suppose, but we take a more robust approach to our responsibilities.

Hon Ken Travers: How is your red tape reduction going?

Hon MICHAEL MISCHIN: It is going very well, thank you very much, Hon Ken Travers. You will see some of it very shortly in the Consumer Protection Legislation Amendment Bill.

Several members interjected.

The PRESIDENT: Order! Members are straying from the motion. The question has to be put in 15 minutes, and at least three other members are keen to say a few words on the motion. Time will run out, and that is how it happens sometimes, but it would be courteous for members to get on with their remarks and give the other few members who want to say something on this motion at least a couple of minutes.

Hon MICHAEL MISCHIN: Thank you, Mr President, for that reminder. I was going to conclude my remarks before the interjection. I shall do so now and indicate that the government cannot support in a responsible way this disallowance motion. I urge those who have taken a different view to be comfortable that their positions have been made known and noted and to support the government in this particular matter.

HON DARREN WEST (Agricultural) [9.31 pm]: I support Hon Rick Mazza in his endeavours and I commend him for hearing the concerns of his constituency, the Agricultural Region. This is a big issue for my region, the same region as Hon Rick Mazza. People have come to us in their hundreds, expressing their displeasure about the increases in gun fees. I am staggered to understand how members opposite can argue that this disallowance should not be supported. There are some industries in the Agricultural, Mining and Pastoral and South West Regions that are experiencing tough times, which are doing things in a fiscally tight and constrained manner at the moment and cannot afford these exorbitant increases. I acknowledge the Attorney General's comments that it is only a little bit of money, but it is on top of all the other little bits of money that people are being continually asked to put their hands in their pockets to prop up this government's financial mismanagement. I have said before how we foresaw the loss of the state's AAA rating and the poor management of this government. What do we do? We turn around to people who can least afford it and slug them with a few more fees.

I also listened to Hon Paul Brown. I thought I had a bit in common with Hon Paul Brown: we both live on farming properties, we both like a bit of a shot at things that are unwelcome on our properties from time to time and we probably know a little bit more about sheep than a lot of people who live in the city. But it turns out that we have very little in common on this, because after all the staging and Hon Paul Brown telling us how he was bamboozled and perplexed, he will now not support the disallowance motion. I am looking forward to the vote on this motion because we will see who supports their regions. We will see how Hon Paul Brown, Hon Col Holt, Hon Dave Grills, Hon Jacqui Boydell and Hon Martin Aldridge will vote on this motion. We will see if Hon Jim Chown votes for his region or to support the government line on this matter. We will see how

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

Hon Ken Baston, Hon Nigel Hallett, Hon Brian Ellis and Hon Mark Lewis will vote. We will see if they will vote in support of their constituents who are outraged by this increase in fees or if they will do as they are told.

I understand Hon Rick Mazza's frustration, because he must feel like a constituent of government members' regions, who have supported government members all of their lives and then get this government that is totally out of touch, which has no connection or linkage with their constituencies at all. It is sort of wandering along in a cloud around its ivory tower with no understanding of what is going on in the regions. I have been watching Hon Rick Mazza vote with the government on every single division. I do not mean to be disrespectful to the honourable member, but there was even the occasion when Hon Rick Mazza voted for the Duties Legislation Amendment Bill, after an all-night sitting bill, and then stood up and spoken against it.

Hon Jim Chown interjected.

The PRESIDENT: I remind Hon Jim Chown that he has made his speech by interjection and that there is very little chance of his getting the call, because there are two people ahead of him; he cannot make his speech from his seat.

Hon DARREN WEST: Hon Rick Mazza now understands how voters in the Agricultural Region, the Mining and Pastoral Region and the South West Region feel, having overwhelmingly put their faith in this government, judging by the number of members on the government side compared with the numbers on the opposition side, only to be let down again. We have been let down on several issues.

The Liberals said they would be tough on crime and that they would tie up these guns. I remind the Attorney General that my information says that it was Rob Johnson, the police minister in 2008, who took the processing of firearms licences out of the police stations. To turn around and blame that on the previous Labor government is a bit of a stretch. If the Labor Party were in power—I hope we are in power soon—I do not think this is something we would do. I do not think we would increase fees and slug the community this much, as the government is doing. We are talking about fees and charges, and that is a subject that the government knows well. Anyone who gets an electricity bill, a gas bill or a water bill, and anyone who pays their car registration or stamp duty, knows that government knows well about fees and charges. The government knows more about putting up fees and charges than I do, so I will defer to its good judgement on outrageous increases in fees and charges.

I did not think that many people would be interested in Hon Rick Mazza's motion. I thought it might be the domain of members from the Agricultural Region or the Mining and Pastoral Region. Something I find even more peculiar is that only one of those elected representatives from those country regions might be interested in supporting his electorate. That is the same number of city-elected representatives from the other side who have indicated their support for what Hon Rick Mazza is doing. Of course this is a good motion and of course these fees are outrageous. These are crazy increases that cannot possibly be sustained. People wonder what next year will bring and whether we will have another 160 per cent increase in fees, because that is what this government does.

I did a little digging around about cost recovery in various states. We must have a really ordinary system of recovering costs, because my information tells me that for an original gun licence in Western Australia it costs \$246.40 for one year. That is a lot, so clearly our costs are extraordinarily high. A person who lives in New South Wales could have that same service for 100 bucks for two years or \$200 for five years. A five-year licence in New South Wales costs less than a one-year licence in Western Australia. Some government members opposite should go to New South Wales to learn how to do things more cheaply, because that state can clearly charge a lot less for an original gun licence than this government can in Western Australia. In South Australia it is \$316 for five years, so it is more expensive than New South Wales. Maybe the state government's South Australian Labor government colleagues could go with government members to New South Wales and learn how to do things more cheaply. The best example of all is in Tasmania. We should probably all register our firearms in Tasmania, because in Tasmania we could have an original firearms licence for five years for \$102. I might suggest to some people to check the law and see whether it is possible for us to register our firearms in Tasmania.

Hon Michael Mischin: That is the best idea you've had all year!

Several members interjected.

The PRESIDENT: Order! I know Hon Darren West is aware that two other members are desperately keen to make a few comments and he is trying to wrap-up his comments, so please let him.

Hon DARREN WEST: Thank you, Mr President. I will take your advice and wind-up soon.

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

Finally, I want to add that in Queensland it is \$234 for five years. We are out of kilter with the rest of Australia. This disallowance should be supported by members living in a regional electorate. I look forward to the press release that says, “Nationals sell out on shooters in their electorate”, because that is what they will do. I will leave members to decide how they think to vote best. I urge all regional members especially to get behind Hon Rick Mazza and his disallowance motion because it affects our electorates severely.

HON DAVE GRILLS (Mining and Pastoral) [9.39 pm]: I thank you, Mr President, for your comments earlier. I also thank Hon Darren West for wrapping up in that time frame. I just want to take a couple of minutes of members' time because there has been a lot of debate about people being able to afford or not afford a licence. I run a cadet unit in Kalgoorlie–Boulder, and regional cadets are given \$80 per year per cadet. The Air Force Cadets have six .22 calibre rifles and we share those, so I see this as a bit of a cost shift. I agree with the Attorney General that we have to find the money to pay for them. We will wear that. We will raise money again and we will carry the costs.

But I do want to see an outcome after all the talk about people who can or cannot afford it and all this, that and the other. If we are not going to have an outcome and we are not going to reduce the fee increase but we are going to talk about other states, when we do actually come back to debate this legislation I would like to see us sit down and consider the people that we and members on the other side of the house talk about—the people who cannot afford firearms such as my cadets and all the other people around the place. When we debate this legislation, how about putting something in the legislation that will look after those people?

Hon Kate Doust: You are on the government benches. You can do it!

Hon DAVE GRILLS: It is not my side of the house.

Several members interjected.

Hon DAVE GRILLS: I am saying that those guys opposite should be on board with that, because they just sat there and talked about all the people who could not afford it. All I am asking for is a bipartisan approach, like Hon Kate Doust talked about, and for members to take this into consideration when they consider the legislation in this place. We need to do this for all the sport shooters who go out there and shoot for gold medals for Australia. It is a cost recovery thing, but we also need to make sure that when we put it in legislation that that is why we do it. Thank you very much, Mr President.

HON MARK LEWIS (Mining and Pastoral) [9.40 pm]: As a member for the Mining and Pastoral Region, and as Hon Darren West pointed out, I must put my position tonight on this matter. However, I am also a member of the Joint Standing Committee on Delegated Legislation. The committee had a full and in-depth inquiry into this matter and it was a very good inquiry, as has been noted by a lot of people. I must therefore support the delegated legislation committee. If I had not, I would have added a minority report to that report. I will not go into it further because Hon Robin Chapple very succinctly brought forward a lot of the arguments that we went through in that report. The bottom line is that it is within power to deal with this matter. Our terms of reference show that it is within power. I therefore cannot come into this house and not support that report, however inefficient the department is in dealing with the process. On the question of whether this disallowance motion should be supported, I am asking for in-principle support for the delegated legislation committee. However, as has been mentioned, there are significant issues with efficiencies and probably attitudinal and cultural issues inside Western Australia Police. There is no doubt about that and I think we have all recognised that. Regardless of all that, technically this motion is within power.

However, I do also strongly concur with the committee's report that the Firearms Act must be reviewed. We have had at least an hour's debate on that, so I will not go into it further. I did meet with the minister on Tuesday morning and, as the Attorney General pointed out, she personally committed to me that the review will happen. I must also mention that it may have been helped by a meeting I organised in Kalgoorlie with a guy called David “Shorty” Ryan, who came along and brought a whole heap of paraphernalia to the meeting. As we jumped in the car going away from that meeting, I think the minister then realised the need for a review. That was the meeting that broke the camel's back. She looked at her chief of staff and said, “We have to ‘expletive’ review this act.” I think that was a very salient point in the journey on getting this act reviewed. Therefore, I, like the committee, strongly endorse the recommendation for that review. On behalf of my constituents in the Mining and Pastoral Region, I will be watching the review like a hawk to make sure that not only are the systems cleaned up and made more cost effective, but also the broader range of obviously blindingly wrong parts of the act are changed. It is, therefore, only on this basis that I support the Joint Standing Committee on Delegated Legislation committee's recommendations and report for a review.

Extract from Hansard

[COUNCIL — Wednesday, 20 November 2013]

p6270b-6287a

Hon Rick Mazza; Hon Robyn McSweeney; Hon Robin Chapple; Hon Simon O'Brien; Hon Kate Doust; Hon Paul Brown; Deputy President; Hon Nigel Hallett; Hon Michael Mischin; Hon Darren West; Hon Dave Grills; Hon Mark Lewis

HON RICK MAZZA (Agricultural) [9.44 pm] — in reply: I appreciate these 30 seconds. Very quickly, I know that we have talked a lot about the report of the Joint Standing Committee on Delegated Legislation but I would like to quote the chairman of the committee, Mr Peter Abetz, from his presentation to the other place, he states —

The committee was astounded by the totally convoluted, complex processing system used in this state for registering firearms.

...

I just find it unbelievable that in this day and age we have such unnecessary double handling. It just defies description.

I think that sums it up.

Division

Question put and a division taken with the following result —

Ayes (12)

Hon Alanna Clohesy
Hon Kate Doust
Hon Sue Ellery

Hon Adele Farina
Hon Nigel Hallett
Hon Rick Mazza

Hon Simon O'Brien
Hon Amber-Jade Sanderson
Hon Sally Talbot

Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (18)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown

Hon Robin Chapple
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Dave Grills

Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Robyn McSweeney

Hon Michael Mischin
Hon Helen Morton
Hon Phil Edman (*Teller*)

Pairs

Hon Stephen Dawson
Hon Ljiljana Ravlich

Hon Brian Ellis
Hon Nick Goiran

Question thus negatived.

House adjourned at 9.50 pm
