

FIREARMS LICENSING REGIME

Motion

MS M.M. QUIRK (Girrawheen) [4.03 pm]: I move —

- (1) That this house condemns the Barnett government for its proposed dilution of controls on handguns under the Firearms Act 1973 with the potential that access to handguns by organised crime may be facilitated.
- (2) That this house further condemns the Barnett government for its failure to manage and resource the implementation of the new firearms licensing regime which has caused delays, uncertainty, incomplete record keeping, lack of transparency, and inconsistent application of law and policy.
- (3) That this house calls on the Barnett government to immediately implement and resource the recommendations of the Auditor General's report dated 21 October 2009 and entitled "Third Public Sector Performance Report 2009" under the headings "Regulation of Firearms — Follow-up", "Managing Staff Attendance in the Public Sector" and "Evaluation in Government".

Earlier today in question time I was accused of not giving the Minister for Police notice of a matter as he would not be in a position to remedy something if he was not given notice of it. The minister has been given much notice of this matter. He has been aware of the problems surrounding gun licensing in this state since the Auditor General brought down his report last year. Frankly, what he has done is insufficient to remedy those problems. This motion is about the lack of integrity in the system, the lack of confidence that we have in the system and the introduction of red tape without the attendant corresponding improvement in security.

With the indulgence of the chamber, I want to quickly talk about some of the issues that have arisen in the gun licensing area in recent months. To do that, I need to go back over some of the history because it demonstrates how derelict the minister has been in his duty. Frankly, we are no better off than when the Auditor General first reported in October 2009. In the Auditor General's report of that year he found that over 300 000 firearms in Western Australia are registered to 85 000 people and organisations and the number of firearms has increased by 20 per cent since 2004. The Auditor General looked at whether WA Police had appropriate procedures and practices to ensure that only people and organisations meeting the requirements of the Firearms Act are issued with firearm licences. It also examined whether WA Police monitor compliance with the act and take appropriate action to follow up potential non-compliance. The report concludes —

WAP is not adequately regulating and overseeing the possession, use, dealing and manufacture of firearms. We found that WAP has sound procedures for assessing applications for firearm licences. However there were serious weaknesses in how these were carried out, in how information was handled, and in how WAP monitored whether licence-holders had met their obligations. These weaknesses increase the risk that inappropriate people may have access to firearms.

This is really the heart of today's motion. That was the basis on which the inquiry was undertaken by the Auditor General. It was a follow-up to two earlier examinations of firearms by the Auditor General. This is not something that necessarily took WA Police by surprise. I accept that it has been working to improve its systems for some time. The key findings of the Auditor General were as follows —

- WAP processes for assessing and issuing new licences are aligned with the legislation in addressing key eligibility criteria. They generally follow principles of good practice although WAP could improve quality control, decision making and checking firearm storage facilities.
- WAP does not have a risk-based program for monitoring if licence holders comply with requirements, even though there are 300 000 firearms held by 85 000 licence holders. It carries out some proactive compliance monitoring, but procedures are not documented and records are patchy and inconsistent.

The Auditor General further found that WA Police —

... was unable to demonstrate that potential breaches of the Firearms Act 1973 identified during monitoring were appropriately followed up.

- There are deficiencies in the firearms register and in the links between the register and other information systems.

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I think that is incredibly important. I will talk more about that later.

These limit the availability of accurate and timely information to support planning and decision making for firearms licensing, monitoring and enforcement.

The Auditor General, as a result of these findings, made a number of recommendations. He recommended —

- WAP should improve its quality control over the assessment of applicants against eligibility criteria and over licensing decisions.
- WAP should develop programs for monitoring compliance with legislation that are risk-based and ensure monitoring activities and outcomes meet good practice principles of quality control, accountability, natural justice, —

That is another matter I will return to shortly —

management review and process improvement.

- WAP should improve the firearms register and other information systems so that they can be maintained accurately to support firearms licensing, monitoring and enforcement activities and can provide information for planning, management and review.

That all sounds relatively sensible and straightforward. I think it is a thoughtful examination of the issues. That report was brought out in October 2009. It is clear that there were warnings that the police needed to fix the systems and a range of ways that things were done. However, a month later, WA Police and the government decided to proceed with a new gun licensing system prior to fixing the very deficiencies that the Auditor General identified. Under the new system people wanting to licence a firearm go to Australia Post, with a completed application, and a range of other documents to support the application. That is then forwarded to WA Police licensing to process.

Some of the problems identified relating to this process were that Australia Post was not properly briefed; that the applications could be obtained only online, so people had to have computer access; that the transmission of those documents was problematical if people did not write in the right coloured ink; and that people had to go to firearms dealers to get a serviceability certificate and also obtain a certificate that they were able to operate a firearm safely. Especially in regional and remote Western Australia, this caused major problems in people having to spend time getting these things together.

What formerly happened in the old days was that a person would go to the local police station, the police officer would sight the gun and the application would proceed from there. Now we have introduced two or three other elements. All involved are not necessarily familiar with the system because it was brought in prematurely before these things were fixed. At the time the new regime was introduced, we certainly said that the deficiencies the Auditor General had identified should have been fixed. I think the government proceeded with the new regime to its detriment.

Some of the other problems that were identified once this process was introduced were, firstly, that the licence forms were not available at Australia Post outlets but had to be obtained online; and, secondly, that guns could not be presented to Australia Post for inspection so that serial numbers could be matched. Applicants had to go to a licensed gun dealer to obtain the necessary firearm serviceability certificate. In some cases dealers charged for these certificates. Some of the dealers at that stage had not been properly briefed and the serviceability certificates were not properly completed. Applicants, as I said, also had to obtain a firearm awareness certificate from an authorised person. Most “authorised persons” are at clubs or associations. The idea of these certificates, which is a good one, is that it warrants that the applicant can handle a firearm safely and has received the necessary instruction.

Once all these documents have been submitted, the police firearms branch then writes to the applicant confirming the application, asking if he or she still wants to proceed. A statutory declaration is required that details the secure storage arrangements for the firearm. If there are any queries, there is a 1300 number supplied but that is only available on weekdays between 8.00 am and 4.00 pm. I have heard numerous reports, as have a number of other members who will speak today, of how time consuming and inefficient the licensing regime now is. Frankly, that is probably deterring a number of people from renewing their licences, which I think brings into play a lot of other issues about risk management that we will also talk about later.

What I find most extraordinary about this regime is that the Barnett government is very keen on the reducing red tape rhetoric. If one wanted to design a system that was problematical, one could not do better than this system. Frankly, despite all these changes, there is no guarantee that guns will not fall into the wrong hands. Because of information gaps and because of the very issues that were identified by the Auditor General, there is no

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guarantee that police records will be up to date. When operational police are called out to particular premises, they will not know whether or not guns are kept on a property. This exposes police officers to undue danger.

That is certainly the situation as it existed in November last year, and in the months that followed. By February 2010 there was an overwhelming chorus of complaints. For that reason, the minister undertook to enter into a consultative process with stakeholders such as the Sporting Shooters Association as representatives of dealers. Our system involves a person purchasing a firearm and obtaining the necessary certificates from the dealers. The firearm stays with the dealer until such time as the licence has been granted. Then, and only then, can the applicant pick up the gun. Dealers sometimes have guns on their premises for months on end, worth many thousands of dollars, and that was causing some degree of financial hardship to those businesses. That was a major problem.

As I said, in February the chorus of complaints had become very loud. A so-called consultative process was undertaken between stakeholders and police under instruction from the minister. I understand there have been three meetings. There has been no direct involvement with the minister but the police have been in attendance. I am advised that there have been small, incremental changes—I think the person I spoke to used the words “dribs and drabs”—but nothing major. Many of the complaints that I have outlined have not been directly addressed.

One of the problems is that the computing system police are operating under in conducting the licensing system is antiquated and needs replacing. I understand there have been commitments made to stakeholders from the minister. As recently as during the estimates hearings I asked the minister some questions about this. He said that there was no specific allocation of funding for the upgrade of the computer system. He said that a business case was being developed. Again, this is putting the cart before the horse. We have a situation where a business case has been developed after the system has been in operation since November. It is just extraordinary. The minister claimed during the estimates hearing that it became apparent that an IT upgrade was necessary only after the budget had been finalised. That is simply not true. As I said, it was identified by the Auditor General last year. Even the most inattentive person would certainly have known by April this year, when I believe the budget process closed, that there were major problems with the IT system in the gun licensing area and that changes were needed. As I said, the police minister also knew because he had representations from stakeholders; he was giving them assurances that it would be replaced. I am not quite sure what to make of that. That is the situation that we are in now and that is the history of it. It is rather prolonged. As I have said, we have given the government an opportunity to get things right, but we do not believe that they are right at this time.

I understand that the call centre is continuing to be problematical. I have even contemplated whether it might be better to take it offshore—maybe there might be more responses and it might be slightly more efficient than it is at the moment. I understand that about 60 applications dating back to November are still outstanding. There are problems with the dealer serviceability certificates. Gun dealers have received advice that if they issue a certificate about gun serviceability and something goes wrong in relation to that firearm, they may expose themselves to legal liability. There is some reluctance now by some gun dealers to get involved in issuing serviceability certificates.

One of the developments of concern, which I think has been brought about by the fact that there is pressure to resolve the applications that have been outstanding for some time, is that personnel from the firearms branch are ringing applicants and giving them an informal indication that applications are not going to be entertained or granted. There are a number of problems with that. Firstly, some of the refusals are broader than the scope of the legislation, so it is arguable whether the personnel have the grounds to refuse them in any event. It also ousts the chance to get a proper review of the decision—for example, in the State Administrative Tribunal. I think that is a very problematical practice. It is clearly being done to try to speed up the process, so less pressure is put on those in the licensing branch because applications are taking a long time. I do not think it is proper. I think a formal decision that can be properly reviewed needs to be made. Frankly, there is a lack of natural justice in behaving in this way.

Another issue that is becoming contentious is the so-called property issue. It relates to sporting shooters in particular. The longstanding practice has been for people to identify a property where they intend to use the firearm that they are seeking to have licensed. They might have a friend who has a large property up north, for example. In the past, it has been customary to say, “My mate Fred Nerk, who owns this property in such and such an area, has agreed to let me shoot on his property.” I understand that the licensing branch is now saying that it will permit only one firearm per property. This is causing problems with sporting shooters who have been going to particular properties for many years because they are finding that they can no longer do that.

The final issue I want to talk about is the foreshadowed change to regulations. Again, I will give a bit of history. Following incidents such as at Port Arthur and a shooting at Monash University in about 2002, both the Australasian Police Ministers’ Council and the Council of Australian Governments discussed handgun control. It

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was agreed that there would be uniform legislation in most states relating to handgun control. Generally, that had bipartisan support, and I think those controls were very appropriate. Until recently, the minister has held the line on retaining the existing controls on handguns. In a grievance from the member for North West in April 2009 on the issue of whether pastoralists should have firearms, the minister responded —

The decision was made at the Australasian Police Ministers' Council that this issue should be reviewed to try to get as many concealable guns—which are handguns, of course—out of the public domain. That is obviously the reason WA Police has been reviewing this particular matter.

I think we are talking about fewer than 20 pastoralists and graziers who still retain a handgun. Most of the pastoralists and graziers have handed over their handguns willingly, or certainly without too much objection. It should be noted also that some people have objected to handing over their handgun and have taken their case to the State Administrative Tribunal, which was set up under the member's government, to make the decision about whether they should be allowed to retain their handgun. As I understand it, those cases have not been successful; the State Administrative Tribunal has upheld the decision of the police to confiscate those handguns. The figure that was quoted to me recently was that only 16 or 20 people still retain a handgun.

He went on to say —

A responsible government would want to try to reduce the availability of those guns.

In relation to pastoralists and graziers, there are alternatives, as the member would be aware. By law, they are not allowed to use handguns for the purpose of killing vermin. I am sure a person would think it is great to ride around with a six-gun on his hip or in a shoulder holster, but that may not be the safest way to deal with vermin problems on that person's pastoral land. I do not know. I needed to take advice from the police, as any police minister would do, and their advice is that because there are other very viable alternatives, handguns should not be used for that purpose

He then fell on his sword in relation to the firearm licensing issues and said —

I am happy to inform the house today that the police are reviewing the whole process, and in future it will be a lot easier to renew firearms licences and other licences ...

That was his confidence in April 2009, but, as members heard, that confidence was ill-founded. That was certainly a refusal to the member for North West in April 2009. In May 2009 the minister was asked a question by the member for North West. He asked —

- (1) Does the Minister support pastoralists and graziers having access to hand guns; and
 - (a) if not, why not?

The answer states —

- (1) No.
 - (a) It is unlawful to possess a handgun for the destruction of stock or vermin. Although persons can possess a handgun to be used for occupational purposes, a handgun cannot be possessed for the destruction of stock or vermin.
- (2) Handguns are not considered to be part of the trade for pastoralists and graziers.
- (3) The use of horses and motorbikes is inherently dangerous. A long-arm rifle that is carried properly should not significantly increase the dangers associated with an activity that is already dangerous. As with any occupation, proper training and supervision will provide workers with appropriate skill levels and the ability to identify and minimise unsafe work practices.

Those views are based on police advice given in May 2009; in fact, that was confirmed by police in October 2009. An article in *The West Australian* headed "Police oppose handguns for cattlemen" states —

Mr O'Callaghan said he would not support a change in the 1973 Firearms Act to allow handguns to be used for destroying stock or vermin, saying unsafe workplace practices needed to be addressed to protect station employees from dangerous animals.

It goes on to state —

But Mr O'Callaghan said the current regime of firearm licensing in WA was consistent with the resolution of the 1996 National Firearm Agreement and the National Handgun Reform.

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Clearly, as late as October 2009, there was strong support not to change the existing handgun regime in relation to pastoralists. Lo and behold, on 22 April this year, the minister announced that he was going to modify the regulations in relation to handguns. I understand that those regulations are still to be drafted, so we are not in a position to say what will or will not be in them. I understand they will apply to pastoralists not just in the North West region but throughout Western Australia, and that they will be permitted to carry 38 or 45 calibre guns, but not semiautomatics.

In April of this year an article in *Countryman*—one of my favourite reads—stated —

Cattle station owners and workers throughout remote WA have won their stand-off with WA police, with Police Minister Rob Johnson last week amending the State's gun laws to allow pastoralists to use handguns and revolvers for protection when mustering.

I will correct that: they are not yet amended, but they are on the way, I am told. The quote from the minister in that publication is —

“I acknowledge that their personal safety is paramount and have decided to amend the regulations to allow pastoralists the use of Category H firearms for the destruction of vermin and feral animals,” Mr Johnson said.

“These amendments are being drafted by Parliamentary council and I would hope that they will come into operation shortly.”

The change has, I think, come about after fairly active lobbying by the pastoral graziers and various members of this and the other house, and also various motions were passed at Liberal Party fora. Be that as it may, is it good public policy or not? I am not sure. Because we have not seen the regulations, we are not sure what checks and balances will be put in place. As I said, there has been no evidence of the issues raised by the minister when he refused to entertain, a year or so ago, that change. We are not aware of whether the circumstances have changed, and it is very unfortunate if the minister is just bowing to public pressure.

The last issue I want to raise briefly before I give other members an opportunity to speak is organised crime. We have a system without the necessary checks and balances, without the supporting information technology that can closely track the location of guns, and without the necessary probity checks. As I said earlier, the Auditor General found there to be virtually no inspection of storage facilities for guns. This is all red light material. This should be raising major concerns. I think it is clear that there may well be hundreds, if not thousands, of guns that are, in the words of the Auditor General, licensed to dead people and the system simply cannot track them down.

The Australian Institute of Criminology has done various studies on the illicit use of guns, and has found that handguns are the preferred medium for those involved in organised crime. It has also found in its research that these tend to be acquired by theft rather than by importation. When police carry out drug raids they regularly find handguns, and I think a case that the organised crime branch was involved in was reported in today's paper, where, again, handguns were found. Some years ago I assisted police, in my role as Parliamentary Secretary to the Minister for Police, to draft amendments to the Firearms Act to make it a circumstance of aggravation if someone was found in possession of an unlicensed firearm in the presence of money or drugs. That was to deter criminals from enforcing drug debts or engaging in organised criminal activity.

I will conclude by saying that we have no confidence in the current system because sufficient checks and balances are not in place and there is major potential for those involved in organised crime to access handguns, which puts the whole community at risk. The minister really has to take some personal responsibility for this and remedy and resource the licensing system so that these gaps in the system can be closed.

MR D.A. TEMPLEMAN (Mandurah) [4.34 pm]: I am pleased to make a contribution to what I think is an important debate on the motion brought to the house by the member for Girrawheen. I am going to focus particularly on part (b) of the motion, which refers specifically to the management, resourcing and implementation of the new firearms licensing regime. I want to bring to the minister's attention one example of many in Western Australia; examples of frustration, and indeed, in my view in this particular case I will mention, total unfairness in the process of the treatment of a particular constituent who also happens to be—or was until it was revoked—a holder of a firearms dealer licence. The minister may not immediately recall this case, but I will outline this person's case because it demonstrates, I think, the impact the new changes to the process will have, and indeed the frustrations and, in my view, the unfairness that has occurred with regard to this particular constituent; Mr John Pollard of Mulga Drive in Mandurah.

The minister may be aware that I wrote to him on 22 January about Mr Pollard. On 19 January Mr Pollard was visited by police at his property; there had been no announcement that they were coming and there were a

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number of them. He was told that his firearms dealer licence was to be revoked and that his stock—some \$50 000 worth of stock—would be confiscated. The specific reason he was told that this was going to happen and that his licence was to be cancelled was because he had not made enough sales. He had spent \$13 500 in preparation of setting up his business. That \$13 500 was spent on underground facilities, including two security doors fitted to the one and only entrance; electronic sensors; cameras; and two recording units at different locations. It is a professional, monitored system.

He received a letter from the police licensing unit in September 2009 that requested that he explain why there had been an apparent decrease in sales or activity, which had become known through the tracking of his activity as a firearms dealer. The answer that he sent to the appropriate officer in the police department licensing section was that it was because he is suffering from bladder cancer. The reason his activity had been curtailed was because he was undergoing extensive treatment for his cancer. He had also learnt that, apart from bladder cancer, he was also suffering from a secondary cancer—a lymphoma. I have copies of letters in which he explained this in great detail, and I enclosed them with my letter to the minister on 22 January. Mr Pollard explained very clearly in his letter that the reason for the apparent decrease in activity was obviously because he was going through extensive cancer treatment.

The income derived from his dealership is his primary source of income. I have known Mr Pollard for some years, and before his diagnosis he was an advanced driver training instructor. However, because of his diagnosis, he was no longer able to work in that role and he became a firearms dealer. He received the letter and in response he explained why. Without hearing anything further, he received a visit. He was told that his licence had been revoked. In order to comply with the revocation by the police licensing unit, he had to find another safe and secure place for storage of his stock which, at that stage, cost about \$1 500 every two months. He wrote to me the very day after he had been visited by the police. I wrote to the Minister for Police the same day. I faxed a copy of my letter to his office and I also posted a copy, because I thought the case was particularly unfair. That was on 22 January. I wrote to the minister via email on Monday, 22 March—eight weeks later—and said that I still had not received a formal response to the matter. I rang the minister's chief of staff—I am not sure whether he has the same chief of staff—and said that I was really concerned about this particular constituent because he had been going through a terrible battle with cancer and the police licensing unit had taken away his primary source of income. He had given very good reasons why his sales had been affected by his treatment, but he had still not heard anything. I sent the email on the morning of 22 March and I got a response from the minister that same day. The response was very bland; in fact, I was a bit offended by it to be honest. It reads —

Thank you for your letter of 22 January 2010, on behalf of your constituent Mr John Pollard ...

I have responded directly to Mr Pollard and a copy of my correspondence is attached ...

The response to Mr Pollard was also dated 22 March. It reads —

Thank you for your letter ... addressed to the Member for Mandurah ...

The Western Australia Police have advised that Inspector Brajkovich of Licensing Enforcement Division has conducted a review of the decision to revoke your Firearm Dealers Licence, however, I understand that it has been determined that the decision to revoke your licence stands.

I am further advised that Inspector Brajkovich has spoken personally with you to advise you of this decision and the reasons for it, and informed you of the option to have the decision reviewed by the State Administrative Tribunal.

I thank you for bringing this matter to my attention ...

I was disappointed about the time it took for a response. Having been a minister, I know that it can take a certain time to respond.

Mr R.F. Johnson: That is obviously the worst time of the year for any minister because they try to spend a bit of time with their families and a lot of their staff have time off. It is not the easiest time. I normally respond within two to three weeks maximum. In relation to the gentleman the member is talking about—I do not have the paperwork in front of me—I believe that there were serious problems, which is why the police felt that he should not retain his licence. Does the member for Mandurah know the last time he sold a firearm?

Mr D.A. TEMPLEMAN: That is documented in the detail. The minister will have a chance to respond.

Mr R.F. Johnson: There were other problems that I do not think the member would not want to go into.

Mr D.A. TEMPLEMAN: I have known John Pollard for a long time. He is a man of good standing in my community. The nature of his circumstances was not given the credence that it deserved, quite frankly.

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I have since had a discussion with a number of other businesses in my electorate that operate shops that sell firearms of various calibres—I think that is the correct term—and with other private dealers and firearm licence holders. They all told me about the change in the application process and the paperwork requirements and the various toings and froings. Dealers have told me that the paperwork goes in, it comes back, it goes in again and then it has to be responded to. It is little wonder that the minister was inundated earlier this year by many dealers who are totally frustrated with the system that the member for Hillarys, as the Minister for Police, is ultimately responsible for.

An interesting comment about this issue came from a captain of a shooting club. He is not from my electorate. I only had a conversation with him about an hour ago. He offered to appear before the Bar of the house to qualify and quantify his comments. He said that it is his view and the view of many other legitimate and law-abiding people who hold firearm licences and/or firearm dealerships that the police have lost the heart and minds of the shooting community in Western Australia. He believes there are major problems with the relationship between the police and dealers and those who hold legitimate licences. The trust and the fairness seems to have dissolved. He also said that quite often the police response, particularly through the unit, is simply to say that if people do not like the decision, they should appeal to the State Administrative Tribunal. We all know that the SAT process is not an inexpensive process. Indeed, if those who go through the SAT want to ensure that their interests are well served, they often have to engage some sort of legal representation, as Mr Pollard has done. Indeed, the captain of the shooting club, who also happens to be a lawyer, said that there is a sense that the only option is to send aggrieved people to the SAT if they want to appeal a decision. The thinking is that invariably at least 50 per cent of such people will fall away before they go through that process because it is expensive.

Mr R.F. Johnson: If this were a court of law, that would be classed as hearsay.

Mr D.A. TEMPLEMAN: I do not know how many shooters the minister has spoken to about this issue.

Mr R.F. Johnson: Lots of them.

Mr D.A. TEMPLEMAN: I ask the minister to name a couple he has talked to in recent times.

Mr R.F. Johnson: The Sporting Shooters Association of Australia. I have talked to gun dealers.

Mr D.A. TEMPLEMAN: I talk to many of them also.

Ms M.M. Quirk interjected.

Mr R.F. Johnson: I have talked to the Western Australian Farmers Federation. I have met with all of them, contrary to what the member for Girrawheen said. I will respond to her —

Mr D.A. TEMPLEMAN: The minister can do so later.

Mr R.F. Johnson: I will also respond to the member for Mandurah's comments. He may not like me after I tell him the truth about Mr Pollard.

Mr D.A. TEMPLEMAN: That may be so; however, I hope he will be sensitive in the way he responds. I hope he is a little more sensitive than the police licensing unit was when it responded to Mr Pollard. Mr Pollard is not a well man. He complied with everything that was required of him in terms of the security of his firearms. He has gone to great expense to establish his building and to secure his particular style of business. The minister might think this forum is a great way to embarrass him or me. I do not care if he tries to embarrass me; it does not worry me. But I hope the minister will be a little sensitive if he is going to respond to Mr Pollard's case, because I remind him that he is a man who is battling cancer and for whom I have a great deal of respect. I hope the minister will bear that in mind. I am concerned that Mr Pollard is one example among many. The member for Girrawheen has highlighted some examples and I am sure that the member for Collie–Preston will do the same. I am sure that other members will also be able to highlight examples of individual cases in which the system is not delivering. The system is not responding in an appropriate or timely way to the legitimate and lawful needs of these people. The hoops they need to jump through are ever increasing. I do not want the police to be viewed in a bad light over this, but I think there is a genuinely growing sense that the police have lost the hearts and minds of the shooting community in Western Australia; that is what I was told by the captain of a shooting club that I visited earlier this afternoon. I think that situation needs to be retrieved, and one way to do it would be to sit down and look at the details of what has occurred and to ask about the bottlenecks in the process and the difficulties people face in ensuring that they comply with the appropriate application conditions for a firearm licence or with dealership requirements. The minister could sort out the major problems that have plagued the changes to the system since they came about late last year and into this year.

I will conclude by saying that I will continue to bring my constituents' concerns to this place and to the minister, including the concerns of people like Mr Pollard and those who run legitimate businesses. That is my role as a

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local member. I hope that the minister responds in good faith to the concerns that have been raised. The minister was dragged kicking and screaming to the table with shooting organisations earlier this year. There was a huge amount of frustration and the minister was feeling a bit of political heat, and he realised that he had to get them around the table. I think that demonstrated the scope of concern that exists out there in the community. I will be interested to hear the minister's comments with regard to what the opposition has highlighted, and I strongly support this motion brought to the house by the member for Girrawheen, particularly part (2), which is the area I focused on.

I call upon the minister to ensure that there is better resourcing and implementation of the new firearms licensing regime. He must address the delays, uncertainties, problems with record keeping, lack of transparency and the inconsistency of the application of law and policy with regard to that, so we can all have confidence in the system—that is, to ensure that we have a safe, transparent and appropriate system that is also fair.

MR J.J.M. BOWLER (Kalgoorlie) [4.54 pm]: There are two aspects to the member for Girrawheen's motion, one of which I will support because I think it is on the mark, and the other with which I disagree. Part (1) concerns the dilution of controls on handguns; that is the part that I disagree with. My electorate stretches from north of Wiluna down to Kalgoorlie; it used to go to Norseman. It previously comprised 48 per cent of the area of the state, but it is now around one-third. There are a lot of pastoral lands there. I was inundated by pastoralists when, under the previous government, the police began to enforce what had already been law for some time—that people could not carry handguns. This made the situation in pastoral lands much more dangerous. The intent of the legislation and the clampdown by police was good, and it is fair enough to say that, in general, handguns should not proliferate throughout our society. However, there are cases in which people need handguns for work-related activities, and the pastoral industry is one such area.

Many pastoralists ride around their stations on motorbikes on a daily basis. When the clampdown came into effect and they could no longer carry handguns, they had to carry larger firearms across motorbike handlebars. In one case, a pastoralist on the Nullarbor was knocked out for some time after he came off his motorbike and was struck in the head by the barrel of his rifle. I am highlighting the fact that although the intent of the clampdown was good, the reality was the opposite. I think the slight relaxation or dilution of handgun controls by the minister shows commonsense, and I applaud that. Naturally, no member wants to see that firearm relaxation extended to the wrong sort of people. In the cases that I have heard since the relaxation of the controls, the police are still very vigilant about who gets a handgun. I think it is a wise move, and I do not support clause (1) of the motion. However, I support clauses (2) and (3) of the member for Girrawheen's motion, which are basically the same and deal with the new system for licensing firearms. Clause (2) refers in part to the government's —

... failure to manage and resource the implementation of the new firearms licensing regime causing delays, uncertainty, incomplete record keeping, lack of transparency and inconsistent application of law and policy;

The next part relates to the Auditor General's take on the issue. I do not think it is necessarily a matter of resources and management, although that provision needs to happen. I would prefer to scrap the whole system. This is typical of Perth bureaucracy; they think they know how to look after the rest of the state and that knowledge exists only in Perth and does not extend beyond the Darling Scarp. We had a perfectly good system before; local police knew, in many cases, the people coming into police stations to seek a firearm licence. People sitting in Perth would not have a clue. I would bet that some of the licences they grant will come back to embarrass this government, or whichever government is in power at the time. Many licence applications are refused for absolutely ridiculous reasons. There was an example recently of a guy who had a .22 licence. A .22 is dangerous to a range of about 150 yards to 200 yards. He also had a .762, or a .308 in the old calibres, which is technically dangerous to a range of about a kilometre. Does the Attorney General not agree with that range?

Mr C.C. Porter: No; I'm just surprised you know so much about firearms!

Mr J.J.M. BOWLER: My father was a gunsmith and he illegally put my age up to join the Coolgardie Rifle Club when I was 14 years old! I hope that does not come back to bite me on the bum! I still have a range rifle and went out a fortnight ago for the first time this year, so I know a bit about them.

This young guy had a .22 and a .303, but he was knocked back for a shotgun licence. Maybe if he had had a shotgun and a .22 but had applied for the far larger calibre, it would be understandable. What commonsense is at work? If they are not going to give him the shotgun, then to my way of thinking, they would logically have to remove his licence for the far more dangerous firearm. By the way, one of the reasons the officer sitting in an office in Perth gave for rejecting the application was that the police did not take approvals from the pastoralist Burchell Jones.

Mr R.F. Johnson: The what?

Mr J.J.M. BOWLER: Burchell Jones. I read the form and I can show it to the minister. The police said that they would not take any recommendation from the pastoralist Burchell Jones. Burchell Jones is from the most respected Jones family of pastoralists in the southern half of Western Australia. Burchell Jones is an upstanding model citizen. If the police will not take a recommendation from Burchell Jones, they will take a recommendation from no-one. Once again this demonstrates that the centralisation of this ridiculous bureaucratic system means that the person sitting in an office in Perth does not have a clue. There may be—I will not mention names—pastoralists whom I would not pay much heed to if they walked in to me and asked me for a recommendation. Certainly I would always pay attention to Burchell Jones and whatever he said in life, and I would always take a recommendation from him.

The issue is not so much about what the member for Girrawheen talked about—that is, managing and resourcing the system—but that is a big issue. The backlog got to ridiculous proportions. I know that the Minister for Police and the Commissioner of Police have resourced that area. However, we would not need to waste those resources on extra public servants doing absolutely nothing if we went back to the previous system. While we have the present system we will need all those extra people ad infinitum, because they do not know the applicants who walk into their office for a licence and they do not know the various local pastoralists and other people who write letters of recommendation in support. They will never know those things while we have this system and it will continue to be a millstone around the government's neck. It will take a very big person and an even bigger government in many ways to admit that the government got it wrong and that it should revert to the former system. I do not hold out much hope. I am not denigrating the minister in that regard, but I do hope that the government will say in the fullness of time that this system is not as good as the previous one.

I will give an example. The police say that applicants can download the initial application on the internet or go to their local post office for one. For the past five years since the government has put police stations on Ngaanyatjarra lands at Warburton, Warakurna and more recently at Blackstone—I went to the opening of them with someone from the government—there has been a very successful campaign to license virtually every previously unlicensed firearm on the lands so that the firearms of all Indigenous people out there were licensed. The three police stations and the community leaders have had a campaign to license firearms. Can members imagine where the nearest post office is for them since this system came in? The nearest full-time post office is 1 000 kilometres away in Kalgoorlie. What are people going to do; get in their car or, better still, get on the internet? Can members imagine that? They do not even know what a computer is. Let us say they drive to the nearest post office. They would drive all the way to Kalgoorlie, get a form, drive back to Warakurna, Wingellina or Kiwirrkurra, fill out the form and then post it off.

Mr M.P. Murray: And make a mistake!

Mr J.J.M. BOWLER: If they make a mistake, they have to fill it out again. Nine times out of 10 that will happen. Let us say they do not make a mistake and the form is perfectly filled out. They then have to go to a dealer—the nearest would be a small dealer in Kalgoorlie—and organise for that dealer to buy in the firearm. They then apply for a licence for the firearm. If the licence is rejected, the poor old dealer has the firearm sitting on his shelf. The applicant might be the only one who ever wanted that type of firearm.

Let us transpose that example and liken it to an 18-year-old applying for a vehicle driver's licence. It would be like him having to own the car that he wanted the licence for, and if he failed his driving test he would then have a car sitting in his driveway waiting for him to get a licence. Ridiculous!

This firearm licence system was dreamt up by bureaucrats. No wonder we need so very many people now to deal with this centralised system, taking away resources from areas of genuine policing, education and health services; resources that government ministers in those portfolios could do with. I say to the member for Girrawheen —

Mr C.C. Porter: Member, will you take an interjection?

Mr J.J.M. BOWLER: Yes, sure; I would love to.

Mr C.C. Porter: I understood that one of the reasons for bringing into place this new what you call a bureaucratic system —

Mr J.J.M. BOWLER: Centralised!

Mr C.C. Porter: Yes, a centralised system. One of the reasons was that a considerable amount of police resources in busy metropolitan stations were being taken up by firearms applications in urban areas like Kalgoorlie; for instance, a police officer would devote a day's duty to actually sorting through those applications. Under the Frontline First policy that was not seen to be an appropriate use of police resources.

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Would it not be possible, though, in the circumstances that you have described to have some form of exemption for remote areas so that they could access police officers in lieu of post offices to supplement what was meant to be the quite good idea of freeing up police resources in more heavily populated areas? Would that work?

Mr J.J.M. BOWLER: I think the Attorney General is half right and maybe not just for remote areas; I would say Collie or wherever there is a police station. Maybe not Collie—the member for Collie—Preston would probably reject that idea. Maybe Bunbury could be a regional centre. But a place like Esperance is too far away from Kalgoorlie. The Attorney General is saying that we want police to be police.

Mr C.C. Porter: Yes.

Mr J.J.M. BOWLER: That is great; the idea of that is very good. But what the police are doing now is still taking money from the police budget and paying public servants to do this. If we want public servants to do it, put a public servant in Kalgoorlie. Senior Constable Kyran O'Donnell in Kalgoorlie did a wonderful job in the previous system. There were no complaints. Kyran knew the people who did not deserve a firearm, and they did not get one. People who deserved one, got one properly and swiftly. So, if we want Kyran to be out there on the beat walking back and forth along Burt and Hannan Streets, which I want too, perhaps we should replace him with a bureaucrat. Replace him in Kalgoorlie; do not replace him in Perth. Also go back to the previous system in which people apply for a type or make of firearm but they do not have to buy the firearm first. It can mean that the dealer buys in the firearm, the application is rejected and the dealer is left with a firearm that might be worth thousands of dollars. In country WA small dealers have been suddenly left with tens of thousands of dollars worth of firearms that they will never sell. It is incomprehensible.

I say to the member for Girrawheen that I would support this motion even more if she had said, “Scrap it. Get rid of it. Change it. Go back to the old system. It is time that the government admitted that it has a lemon.” This system is a waste of money. This is what I hate about the increasing cell-like nature of government in which these people in Perth think they are doing a good job but the overall impact to the taxpayers of Western Australia is a more costly system, an inefficient system and one that we should not be supporting. I implore the minister to go back to the old system. If he wants to get police back on the beat doing police work, then replace those who are in regional offices with public servants who can do the legwork that the minister says is now being done in Perth by public servants. In that way maybe we can get the best of all worlds; although the system we had in Kalgoorlie did a very good job.

I therefore say well done to the member for Girrawheen for her motion, although I do not support her concern about the dilution of controls. From what I have seen, particularly for the pastoral industry in my electorate, dilution leads to safer work practices. However, I do support her points in parts (2) and (3) of the motion. I know that the minister is tinkering with this issue almost on a daily basis and trying to get it right. I have raised two or three matters with him and he is responding, but I really do say that it is like moving the deckchairs around on the *Titanic*. The *Titanic* is still going down; get a new boat!

MR M.P. MURRAY (Collie—Preston) [5.09 pm]: I wish to speak along the same lines and make a few comments about this motion. Many people have rung me, ranging from sporting shooters, farmers and station owners to professional kangaroo shooters and trainers of professional kangaroo shooters, so I feel that I must make a comment. Before I do, I will read a letter from Mr Mutton from Capel, which states —

I have spent many hours, over months, trying to obtain a firearms license from the police. I have been frustrated on many issues due to police misinformation and problems in the licencing system.

Please advise me on how to proceed to get a firearms license.

At all times, police and Post Office staff have been courteous and tried to be helpful. Aust. Post. Capel —

The lady's name is mentioned there —

... has spent a lot of time patiently trying to get my application in order.

Below are some issues ...

Background: I decided to register my unlicensed .22 rifle, given to me, by a workmate, from his deceased fathers estate. I handed in my unlicensed .22 rifle to Bunbury Police. They told me there was amnesty, the gun had never been licensed or involved in crime and it would be returned to me. The officer advised me to apply for a firearms license and warned me it could take a long time because Firearms section is so slow.

- 1) Bunbury Police told me to download Application for Firearms license from the web. I downloaded and completed 'Application for a Firearms License' from W.A. Police website.

Extract from Hansard

[ASSEMBLY - Wednesday, 23 June 2010]

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Ms Margaret Quirk; Mr David Templeman; Mr John Bowler; Mr Mick Murray; Mr Vincent Catania; Mr Chris Tallentire; Mr Rob Johnson

The Capel Aust Post. Told me it was the wrong form. The correct form has a barcode. Why do police have this misleading form on their web page?

- 2) I downloaded the correct form and completed it. It would not register a barcode. I could not use the form. Firearms 'help' phone line would not answer. It just kept saying that lines were busy and we would be attended as soon as the next operator was available.

That sounds familiar —

I tried this over a period of days. What do I do when the police computer system does not work and the help line is not answered? Surely it could tell callers about the length of the queue.

- 3) Police Complaints section told me there was a four hour waiting time on the 'help' line and Police computers were 'unable to connect to head office system to generate a barcode'. The computers were complex and could take a long time to fix. I was advised to get on the 'help' line as soon as the line opened in the morning to avoid the queue.
- 4) 'Help line' told me they would send me a form in the mail, because of the computer problem. They said the problem was the Aust Post Computer and not their computer. I phoned Aust Post. They said the problem was police computers. Is this 'buck passing' or ignorance?
- 5) I filled in the application form and took it to Bunbury Aust Post. They said it was the wrong form as it did not contain the required encrypted information. I took it to Capel Aust Post. They said it was the correct form but I needed to attach a Property letter/Primary producer advice. On this form I must give myself permission to shoot vermin on my own property and state how long I have known myself. A police firearms officer told me this is correct procedure. Why do police present such a ridiculous form to the public?
- 6) The application form was returned to me by police. I had stated (Q33) the gun was unlicensed. The police letter said the reason for rejection was that I did not provide a firearm license number. Don't police realise this is an application for a license and that it is impossible to give a number?
- 7) I phoned a senior member of firearms branch in Perth. He said computers read the application forms and can not comprehend the 'unlicensed' issues. He told me how to fill in the form to avoid issues with the computer. Do I really need to do this to comply with police requirements?
- 8) Capel Aust Post told me that the application form must answer questions properly and should not have spurious information in order to bypass police computer programming.
- 9) Additionally Aust Post and the senior firearms officer could not agree on the meaning of 'owners firearm license number' on the serviceability certificate. Both agreed a correction was needed because the rejection letter said so. Obviously I can not provide my license number because I do not have one. Again the senior firearms officer told me how to fill it in to avoid the computer glitches. Capel Aust. Post do not like this idea. In any case, I doubt that the person contracted to issue the certificate would get implicated in this. He does not know what is required. How can I find out what to do?
- 10) 'Help' line said I could correct the submitted serviceability certificate because the police rejection letter told me I could. (Quote from 'help' line: 'There is a lot of misinformation out there'.) Capel Aust Post and senior firearms officer both told me to get a new serviceability certificate. This means another trip to Bunbury, for me, and more bother for the provider of the certificate. Can anybody tell me how to fill it in?
- 11) Capel Aust Post have contacted Agency Services. They said I needed advice from Police. Please tell me how to get this?

Imagine if that person was in Wiluna and had done all that work and then still had to go backwards and forwards. The issue is about red tape. I recognise that change is always in the air, but in this case the change has not been good. We need to have a good look at this matter. I support the member for Kalgoorlie, who spoke about the distances involved in many cases. Why can the police in those areas not process those forms? The police in those smaller communities certainly know what is going on around the town to a much larger degree than do police in city areas. They know whether a person is having a domestic or those sorts of things and the problems that go with that. In those cases, the police in Collie will remove the rifles from the house. Sometimes that is done under restraining orders and those sorts of things so it is not easy to access that rifle if there are some personal problems.

Extract from *Hansard*

[ASSEMBLY - Wednesday, 23 June 2010]

p4493b-4511a

Ms Margaret Quirk; Mr David Templeman; Mr John Bowler; Mr Mick Murray; Mr Vincent Catania; Mr Chris Tallentire; Mr Rob Johnson

Mr R.F. Johnson: I am very conscious of the points you have raised but I am assured that what happens now is that the licensing authority here in metropolitan Perth will contact local stations if an application is being received or being sent from somebody locally to find out whether there are any reasons why it should not agree to the application. I would assume that if the licensing authority phoned the local station and the local station officer said that Joe Bloggs has a big domestic violence problem, the application for a licence would not be recommended. That's what I'm told.

Ms M.M. Quirk: I don't think so.

Mr R.F. Johnson: You don't know; but that's what I'm told.

Mr M.P. MURRAY: I have been told one thing but what is happening on the ground is another thing. A lot of work needs to be done in that area to get the confidence back, as other members in this house have said. If we do not do that, it will become shambolic. It is an absolute joke and it certainly reflects on the minister's government and him personally. I do not think we should delegate the licensing of rifles, which many people in the community do not want to have around, to public servants in any way, shape or form. I do not think that is their job. The police still must play a major part in the licensing of firearms. If they do not, we will move to a situation in which it becomes a public service and we will have red tape. As we were told here, people can dodge the red tape if they cheat. Even though people did not want to do that, some officers say that if they do not fill out the form, it will probably get through. That is the wrong way to go about this. We should sort the system out so it is straightforward and applications will be processed properly.

I will move on because others want to speak and we may run out of time. That is one example of what has happened within this slow and confusing system. People who sell firearms have rung me, including the owner of Southwest Firearms, Mr Trigwell, and Sports Marine in Bunbury. Just recently during a committee meeting that we had in the Murchison area I heard complaints about the same things which I mentioned and which were repeated by the member for Kalgoorlie about how to get a licence. We are driving firearms underground because it has become too hard to license them. They go into a cupboard and there is no lock on the cupboard because they are just another part of the furniture, as they used to be. I knew where the rifles were in my grandparents' house. They were just behind the cupboard. I was allowed to have a packet of shorts and shoot a few parrots with an old .22. All the rifles were in that cupboard, not locked up. The house was never locked up but we were allowed to pick them up, as long as we were careful and had a bit of basic training. Life has changed. We need rifles to be in cabinets. We need them to be looked after so that the wrong element does not get hold of them. If we keep making a bureaucratic mess of this, those rifles will not be licensed; they will be given to all types of people.

I remember that in my younger days people used to drive to Queensland because we could not buy the high-powered rifles in Western Australia that were available in Queensland. Many of those rifles were not collected until an amnesty was in operation. Those rifles were stored behind cupboards. People told me about these high-powered rifles that were not allowed in WA but were here. I have seen them. We do not want to go back to that system. We need to make it open, fair and workable—certainly the last bit, workable. I beg the minister that we do that.

I have an excerpt from *Hansard* of 25 February. I asked the Minister for Police a question and he responded —

I accept that there have been some problems and I do not deny that for one moment.

The problems are there. Further down the minister said —

I accept and admit that there have been problems. As the responsible minister, I have to take responsibility for that, and I am happy to do that.

The question was asked, "What are you going to do about it?" The minister was astounded at some of the paperwork that was required. Nothing has changed since February. We need extra work done, and quickly, before this whole thing falls off the rails.

Mr R.F. Johnson: I will respond to that.

Mr M.P. MURRAY: The whole thing has come about since police moved it on. They never wanted it. I know that from my experience. Police did not want gun licensing; it was a burden on them. They saw it as something they should not have to do. I believe it is something they should have to do. Remote police stations have the ability to licence guns because that is where the fee will be paid. We have to remember that there are people who have small businesses that sell firearms. I know one business owner who had 70 firearms that he was waiting on a licence for. He was nearly broke because he was carrying \$50 000 worth of stock in a small business. It is just impossible to carry that amount of stock. His business was not big enough, the bank was knocking on his door,

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but he could not get the licences. I must admit that that has freed up a little, but, by gee, he went close to going to the wall because of red tape that was supposed to be removed, not put in place.

There is a lot of work to do. I believe the minister has a lot to do; he must get out and have a look around. The cash flow must be there. There is a problem in not being able to redeem money through on-selling firearms, as the member for Kalgoorlie stated, and the minister will probably hear this view from others. For the minister to sit there and deny there is a problem is wrong. It is like many things in life: to have a firearms licence is a privilege, not a right. The privilege should be in a person going out, applying for a licence, being assessed, and then given or denied that licence—not maybe, could be and taking time. A person should be given or denied that licence so that he can say, “I’ve made my decision. I’ll buy that one.” It should not be otherwise. There is still a black market around, probably not in a sinister way as such. Certainly from farm to farm, a person may say, “My grandfather has died—here”, and a firearm is handed over. It is still happening in that manner. We will hear many stories about the government’s red tape. This is a case in which red tape has been put in place, not removed. We have to make sure that in the future people can be open and honest.

I have made a mistake myself. It was at my father’s place and involved a shotgun, which was a collector’s item from a deceased estate. I was lucky not to be shot. I took the shotgun to the police station but not in a carry bag. I did not read the form that said when taking a rifle to the police station, take it in a carry bag. I was lucky that I took the rifle in two bits. The police said that if I had brought it in in one bit, I probably would not have got through the door before I was asked what I was doing walking into a police station with a shotgun! I am not a firearms person myself—I do not like them—but in saying that, I was handing that weapon in. Mistakes can be made. Let us make it clear and let us make it concise so that we can move on with this process.

MR V.A. CATANIA (North West) [5.24 pm]: I will be brief in my comments. I cannot support part (1) of the motion moved by the member for Girrawheen, but I have sympathy with parts (2) and (3). My problem with part (2) relates to the words “further condemns the Barnett government”.

I will enlighten the house as to when this process all started. I have been on a campaign for some years to allow pastoralists to have handguns. It started with the previous police minister in the Carpenter government, the member for Balcatta. I got absolutely nowhere in trying to allow pastoralists to have handguns. This process actually started under the previous government. I believe that this process would have continued under any government. It obviously has continued under this new government. The system under debate severely hinders and restricts a person’s ability to purchase, licence and deal with the firearms branch of the police department.

It is interesting that the member for Girrawheen wants to attack the Minister for Police on this matter, especially regarding pastoralists having handguns. I know that when I had a grievance with the minister back on 9 April 2009 —

Ms M.M. Quirk: I’m just saying that the minister needs to get his ducks out of the road before he starts watering down legislation! Don’t verbal me!

Mr V.A. CATANIA: Perhaps I can continue!

I had a grievance with the Minister for Police on Thursday, 9 April 2009 in regards to firearms. The member for Girrawheen helped me compile the grievance because she was the shadow minister at the time. I did not hear anything about her disapproval of pastoralists having handguns. I think it is a bit rich —

Ms M.M. Quirk: I am not opposed to it; it needs to be done properly.

Mr V.A. CATANIA: Anyway, the member has identified a lot of issues that need to be resolved. Like I said, I cannot support part (1), but I think the member for Girrawheen should look at changing parts (2) and (3) of the motion—notably the words “further condemns the Barnett government for its failure”. I think it should read “concern about the implementation of the new firearms regime” et cetera, rather than having a go at the government. The new firearms regime commenced under the previous government.

I received an email from a person who I know from my electorate. He is a firearms dealer and is also involved in a club. I will quickly read the letter out. I have not brought it to the minister’s attention to try to resolve this situation but the email clearly outlines what was indicated by the member for Girrawheen, by the member for Collie–Preston and definitely by the member for Kalgoorlie.

Mr R.F. Johnson: Perhaps the member could give a summary of it rather than read it out.

Mr V.A. CATANIA: The summary of it is that this person was a firearms dealer who provided training to schools about safely using firearms. When he informed police that he was no longer a committee member of the Carnarvon Pistol Association, he was advised that he was no longer able to provide firearm education classes to

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schools. The email states that police had informed him of the reasons he can no longer provide training, but, after a lot of research in regards to the legislation, he found no reason by which he was unable to provide education classes. He is a trained firearms expert—licensed; the whole works—but because he is not on a committee, police have said he is not able to provide education classes. I am happy to pass that email on to the minister for him to tackle. It is a clear case of having a city-centric view when it comes to the firearms branch of the police department. One no longer knows the people wandering around towns. There is no connection anymore with police on a local level. It is all dealt with in Perth, which is exactly what the members for Kalgoorlie and Collie—Preston have said; it has become city-centric. There is no longer the knowledge and understanding of the person who has the licence. There has also been a shift of local knowledge in towns. For example, Carnarvon went through a spate of burglaries over the Christmas period, as the minister knows, and some firearms were stolen. The owner of the house that was broken into was away on business over east. Traditionally, in the past if there was a known crime ring operating in a town, the police would normally advise those people who had firearms locked away in the house that they should take those firearms to the police station if they were going away, just in case something happened. Unfortunately, that seems to have escaped the local police and people go away uninformed that a crime ring is operating or a lot of break-ins are occurring and they just leave their firearms in a cabinet at home. If people go away for a couple of weeks, that provides an ideal opportunity for these crime rings, because a lot of people know who has guns in a town. That issue needs to be addressed. A serious incident could have occurred if those firearms were not recovered. I ask the minister to take those comments on board.

It is a great result for pastoralists, particularly in my electorate. I have been fighting for this for a very long time, as the minister and members opposite know. I am glad that the minister has listened. The member for Girrawheen is right: we need to tackle some of the issues that have been raised today.

MR C.J. TALLENTIRE (Gosnells) [5.31 pm]: I would like to contribute to this debate by encouraging the minister to listen very carefully when it is put to him that allowing people to carry a pistol is an essential part of running a pastoral lease. One contribution that John Howard made to Australian society was the toughening of gun control laws. I do not agree with much of what John Howard did, but I absolutely agree with the gun control laws that he brought in. Any government in Australia that seeks to weaken those laws will be severely reprimanded by the electorate.

We have to ask some very serious questions during this debate on the motion on the control of handguns. In what circumstances would a pastoralist need to carry a pistol? Why would a pastoralist need to carry a pistol? I make these comments based on extensive experience; I have spent many hours working around and mustering cattle in cattle yards. I could not think of anything more dangerous than a person firing a pistol around cattle. It would be a highly dangerous situation. It would be absolutely frightening. Of course, occasionally the need arises to dispatch an animal that may have come down in a race or for some similar reason. That can be done just as well with a rifle. People do not need handguns to make that necessary dispatch of an animal. There are no circumstances in which pastoralists need handguns. It is interesting that some members have suggested that pastoralists need handguns for part of their day-to-day work. I do not know that members from pastoral regions fully understand or have worked very much with livestock. I recommend that the minister contact the cattle handlers association and the cattle committee of The Royal Agricultural Society of WA and ask for their advice. These people are probably serious members of the National or Liberal Parties and they would probably tell the minister that a degree of calm needs to be maintained in the handling of livestock. Livestock needs to be handled in a very careful and efficient way. Yards need to be well situated so that livestock can be mustered towards those yards. People should not rush around with a handgun in their hand or on their belt. That is very dangerous.

Mr V.A. Catania interjected.

Mr C.J. TALLENTIRE: The member for North West asks about other firearms. If people need to travel a long distance on a pastoral lease, they would naturally have a ute because they would not want to travel hundreds of kilometres over rough country on a motorbike. People can safely carry a rifle onboard a ute. If people really do need to carry a rifle while on a motorbike, there are ways of carrying it safely. Given the sorts of ranges over which pastoralists operate and the potential for inaccuracy, I cannot imagine why they would use a pistol to dispatch, say, a fly-blown sheep. They would be likely to miss it. If they had a rifle, they would kill it. I do not think there is any good case for carrying a pistol. This is simply about a few people who have strange ideas about wanting to be cowboys on pastoral leases. That is the truth of it. The minister needs to ask those people who are lobbying him why they need to carry handguns.

Mr J.C. Kobelke: As Minister for Police and Emergency Services, I was approached by several representatives. I listened very seriously and I asked them to come back with examples of when they really do need a handgun. They failed repeatedly to give me concrete examples.

Mr R.F. Johnson: I am told that you supported them with their handguns.

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Mr C.J. TALLENTIRE: When the member for Balcatta was Minister for Police and Emergency Services, no good answer was given to him.

Another aspect is having handguns in the home. Research from around the world shows that there is a 41 per cent greater incidence of homicide and a 94 per cent greater incidence of suicide if there is a handgun in the home. The fact is that proximity to guns brings about danger. We all know that in rural communities there is an ongoing tragic problem of suicide, particularly youth suicide. Again, the proximity to guns is very much at the root of that problem.

There is another issue that has to be considered. My concern is that if we increase the number of handguns held by the population, they are likely to eventually and unfortunately make their way from pastoral leases to urban areas and into electorates such as the electorate of Gosnells, and there will be hold-ups with handguns. Increasing the availability of handguns in the population is a very serious mistake.

I return to the point I was making previously. The people who are probably most at risk from any decision in this regard are people on pastoral leases. Families and workers on pastoral leases will be in close proximity to handguns and will be most at risk from handguns, whether they be at risk of suicide or, indeed, homicide. That is shown in the research from around the world: proximity to handguns leads to danger. There should be no weakening of our gun laws. I fully support the motion moved by the member for Girrawheen. We know that in the general population in Western Australia there is absolute support for tough controls on guns. I have heard comments about the licensing system. Obviously, there is a need to ensure that that works properly. But we must not be bullied by a small minority of people who work in the pastoral industry into believing that there needs to be any dilution of the control on handguns.

MR R.F. JOHNSON (Hillarys — Minister for Police) [5.38 pm]: I have limited time to speak before the debate will automatically be adjourned. Firstly, the member for Kalgoorlie and other members have spoken with some commonsense, and I take on board what they have said. I am the first one to admit that there have been problems. I have said that before and I say it again. I have done everything within my power to address those problems. Some of the member for Girrawheen's speech was simply her reading from one of the hundred press releases that she issued on Thursday, 10 June. She said things that I said. They are her quotes, not mine, so they do not have a lot of veracity.

Ms M.M. Quirk: They're estimates; they're in *Hansard*!

Mr R.F. JOHNSON: The member obviously did not get any media on 10 June so she thought she would have another go today—she may be lucky; she may not! I will address some of those issues she raised. I will address the issue that the member for Mandurah raised, but he is not in the chamber.

Ms M.M. Quirk: He's behind you, so be careful, minister! Chucking dirt at people isn't the way to improve the system. You're putting under the cloak of parliamentary privilege stuff that you were not prepared to write to the member for Mandurah's constituent about.

Mr R.F. JOHNSON: I think that I did not interrupt and interject on the member at all.

Mr F.M. Logan: Yes, you did!

Mr R.F. JOHNSON: When the member was speaking, I did not.

Ms M.M. Quirk: That's outrageous.

Mr R.F. JOHNSON: Let me just deal with the member for Mandurah. He wrote to me on 22 January and, yes, I responded to him on 22 March. But in the meantime I did what I am supposed to do—that is, find out exactly a bit of detail. Members opposite who are former ministers know that that is what we have to do; we have to find out the truth of the matter.

Mr Pollard was responded to very quickly. I have an email that was sent on 5 February from the police—very shortly after the time I received the letter from the member for Mandurah. According to my notes, part of the email stated —

In summary, Mr Pollard has been contacted by a senior officer in the LED and is satisfied with the current action being taken.

That is what he said about that action was being taken.

But we have to talk about Mr Pollard. I want to be sensitive because I am aware —

Ms M.M. Quirk: Is this information that you wrote to Mr Pollard about, minister?

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Mr R.F. JOHNSON: — that he has cancer. The member told me that, and I am very sympathetic, but he was the holder of many firearms. I will give the member a bit of history because I think it is important that he knows it. The member may not like everything I have to say, but I will say it because the member needs the truth.

Ms M.M. Quirk: Was this in your letter to Mr Pollard, minister?

Mr R.F. JOHNSON: The member needs the truth.

Mr Pollard's firearms dealer licence was under consideration of revocation, and he was invited to supply information as to why the licence should not be revoked. No transactions involving the sale of firearms by Mr Pollard had occurred since his licence was granted in 2007. We are now talking about 2009, so in a two-year period he had not sold any firearms, although approximately 50 firearms had been brought into stock during that same period. In virtually two years he had not sold any firearms, but he had stocked up 50 firearms. I do not want to go into too much detail because I do not think that is appropriate, but one of the reasons why the police did not, in the end, change their views from those articulated in the formal letter of revocation hinged on Mr Pollard not conducting any transactions since his licence was granted, plus the fact that he was also found in possession of three prohibited firearms—not controlled firearms. They were taken into the possession of the Mandurah police. Mr Pollard had prohibited firearms. I stress again that they were not controlled ones; they were prohibited firearms that he should not have had. He had not sold any, but he was building up an arsenal like nobody's business.

Ms M.M. Quirk: Did your letter say that to him, minister?

Mr R.F. JOHNSON: He had not sold any. I am not going to tell the member what I say to somebody else.

Ms M.M. Quirk: The minister is bringing up matters now; did Mr Pollard have an opportunity to respond to them?

Mr F.M. Logan: You said three; that's not an arsenal.

Mr R.F. JOHNSON: I am saying that he actually had 50 firearms—50!

Mr F.M. Logan: But only three were prohibited.

Mr R.F. JOHNSON: Yes, but he had 50 firearms and he had not sold any in all that time since he was granted the licence. He had not sold one.

Mr F.M. Logan: But we don't know why.

Mr R.F. JOHNSON: Sorry?

Mr F.M. Logan: We don't know; he was a dealer.

Mr R.F. JOHNSON: I am sorry, but he has a dealer's licence.

Mr F.M. Logan: That's what I mean.

Mr R.F. JOHNSON: Dealers have to have transactions to maintain their dealer's licence. The member for Cockburn may not know that, but the member for Girrawheen knows that. I would not expect the member for Cockburn to.

Mr F.M. Logan: We don't know the reasons why he is not selling them though.

Mr R.F. JOHNSON: If someone is not selling them, he does not keep building them up, does he?

Mr F.M. Logan: He might be ill.

Mr R.F. JOHNSON: But he had three prohibited ones! That is a serious situation that could result in serious consequences.

Mr D.A. Templeman: Did you explain that to him when you wrote to Mr Pollard?

Mr R.F. JOHNSON: Sorry?

Mr D.A. Templeman: In your letter to Mr Pollard, did you write to him and tell him —

Mr R.F. JOHNSON: I did not tell him about the prohibited ones.

Ms M.M. Quirk: Why not?

Mr R.F. JOHNSON: Because the police did; it is their duty to do that! They took possession of them.

Ms M.M. Quirk: You're responding to his concerns but you're not actually putting out the operative reason for the decision.

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Mr R.F. JOHNSON: I said to him that the issues had been addressed by the local police, and they were. I did not want to make public that he had three prohibited firearms because of the medical condition that he was in.

Ms M.M. Quirk: No, but you were writing back to him directly.

Mr R.F. JOHNSON: That is why I did not want to do that, but the member raised it today in the house and I have to respond to it and provide a truthful answer.

Mr D.A. Templeman: Mr Pollard knew I was going to raise it in the house today and he was very happy that I raised it today, because he is still not happy with how you or the police department have responded.

Mr R.F. JOHNSON: That is fine. If he is happy that it has been raised, that is fine.

Ms M.M. Quirk: It's a lack of natural justice.

Mr R.F. JOHNSON: For goodness sake! I have dealt with that one.

Mr D.A. Templeman: What were you just quoting from? Were they notes or was that a letter or official documentation? If they were, I would like you to table them.

Mr R.F. JOHNSON: I am happy to show it to the member.

Mr D.A. Templeman: I would appreciate that, because you are telling me information that you did not provide to me or Mr Pollard.

Mr R.F. JOHNSON: I will show it to the member. I have the background, and these are notes from police about Mr Pollard.

Ms M.M. Quirk: It looks like an official document; it's an email.

Mr R.F. JOHNSON: I remember seeing this some time ago, and I thought that the member for Mandurah would not raise that in Parliament—I would not have if I were him.

Mr D.A. Templeman: I spoke to Mr Pollard and said that I would like to raise it, and asked him if he had any problem with it and he said, "No, not at all."

Mr R.F. JOHNSON: That is why I never took any action. But I am happy to show this to the member.

Ms M.M. Quirk: Why don't you just table it? It's official.

Mr D.A. Templeman: Put it down—give us a copy!

Mr R.F. JOHNSON: If the member wants me to table it, I will—I do not have a problem. I am happy to table this document. It is in relation to an individual, and that is why I was reluctant to do so. But if the member wants me to, the individual is his constituent, and that is why it is being tabled.

[See paper 2243.]

Mr R.F. JOHNSON: I will return to one of the things said by the member for Girrawheen, because she is good at saying things that are not true and bear no relationship to the truth whatsoever sometimes. She said that I have not consulted with people and I have not done this and I have not done that.

Ms M.M. Quirk: I asked if you had been to any of the three consultations. You haven't been to three consultations with the stakeholders.

Mr R.F. JOHNSON: Member for Girrawheen, I have had so many meetings with firearms dealers, pastoralists, graziers, the WA Farmers Federation, the Sporting Shooters Association—if the member names them, I have had meetings with them!

Ms M.M. Quirk: And you still can't get it right! You're not listening to them!

Mr R.F. JOHNSON: I have said to them that I have an open door and I am happy if they want to come to talk to me every three months, six months—whatever!

Ms M.M. Quirk: And they have to because the consultations are going pear-shaped!

Mr R.F. JOHNSON: They can come and talk to me about it because I want to sort these problems out.

Ms M.M. Quirk: Eventually!

Mr R.F. JOHNSON: That is why—if I can get a word in edgewise —

Ms M.M. Quirk: I'm sick of putting out press releases about this, so get it right!

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Mr R.F. JOHNSON: No, the member is not. My media adviser went through the list today and she said, “I can’t believe all these press releases. I haven’t even seen half of them, there are so many.”

Mr D.A. Templeman: The member for Girrawheen works very hard. She works day and night—24 hours—and she’s churning them out 24 hours a day! The minister only works from 9.00 until 3.30 pm!

Mr R.F. JOHNSON: She is an anti-environmentalist in my view—she is chopping down trees nineteen to the dozen. The trouble is that they are not very truthful and they are totally misleading! But if at first she does not succeed, she try, try and tries again and issues another one—I am sure there will be another one coming out of the debate we have had today, and that is fine!

Mr D.A. Templeman: It will be a gem!

Mr R.F. JOHNSON: I have had lots of meetings, and I promised all the people I met that I would organise a forum directly with police, and it was held at the police academy in either January or February some time.

Ms M.M. Quirk: February, I think. You weren’t there though!

Mr R.F. JOHNSON: There was no need for me to be there.

Mr D.A. Templeman: You were on holiday on the French Riviera!

Mr R.F. JOHNSON: The whole purpose was so that those interested people could talk directly to the people in licensing.

Ms M.M. Quirk: You washed your hands of it—it was too hard!

Mr R.F. JOHNSON: No, my advisers went along to take notes, and they observed what was going on. It is an operational issue but it is also, I believe, a policy issue, so I am obviously very intrigued. I will talk about general licensing: I have the view that if somebody is deemed responsible enough to have a firearm licence for a rifle, for a shotgun, I see no reason why they cannot add to that licence another rifle or shotgun if they so wish to. I have no problem with that at all, but if they are not responsible, do not give them one.

Mr M.P. Murray interjected.

Mr R.F. JOHNSON: Not when they are a dealer.

Mr M.P. Murray: You said earlier that you were concerned about the number of firearms that the other person had.

Mr R.F. JOHNSON: He was supposed to be a registered dealer but he had not sold one. I get a bit concerned when somebody gets a dealer’s licence and he builds up a stock of 50 firearms, three of which, I am told, are prohibited weapons that he had no right to have lawfully. I do not know whether the police did not take any action because of his illness or whatever, but those firearms were taken and are being held by Mandurah police, as I understand it. Some members of this house belong to the Sporting Shooters Association of Australia, as do a lot of my friends and my youngest son, who is a constituent of the member for Collie–Preston. I told him that he would not get much out of the member because he has other interests. My son is a sporting shooter who is quite good apparently. He has taken me out a couple of times. He has to attend his pistol club once every six or eight weeks, where he has to take part in a competition in order to maintain a licence to hold his pistol. He used to have a Glock, but he had to give that back because it was semiautomatic and could hold more bullets than some other pistols. I will be truthful with members: I do not know a lot about guns and I do not like the blooming things. However, I understand some people have a great passion for sporting shooting and love target practice. Some of them are very good and win international awards. I believe that pistol and rifle shooting are part of the Olympics. The Acting Speaker would know that for certain. Good luck to them. It is similar to archery. Some people are really very good at it. If people want to do that, it is their right, provided they go through the proper process and are deemed to be responsible people. If they have a criminal record, they will not get a licence, and nor should they. For the member for Girrawheen to link organised crime gangs to literally almost a handful of pastoralists and graziers who want to carry —

Ms M.M. Quirk: No, I just gave you the criminology. The Australian Institute of Criminology investigated organised crime for 10 years. It actually knows something.

Mr R.F. JOHNSON: The guns that most criminals have are brought into the country illegally.

Ms M.M. Quirk: No, that is not what the Institute of Criminology says. I suggest you read the report.

Mr R.F. JOHNSON: Yes, they are. There are those that are stolen, of course, but they are very often from people who may be sporting shooters. I am not aware of any Pastoralists and Graziers Association of Western Australia members who have had their handguns stolen. They are pretty precious to them. I have not been

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informed of any. About 120 pastoralists and graziers held handguns for the purposes of shooting such animals as wild bulls that may not have been mustered.

Mr C.J. Tallentire: That is rubbish.

Mr R.F. JOHNSON: The member might think it is rubbish but he has not been there and talked to the pastoralists.

Mr C.J. Tallentire: Yes, I have. They do not shoot wild bulls using a pistol.

Mr R.F. JOHNSON: Go and talk to them.

Mr V.A. Catania: Are you saying you have been to a station 280 kilometres —

Mr C.J. Tallentire: I have been to plenty of big stations.

Mr R.F. JOHNSON: The Western Australian Farmers Federation does not want handguns.

Mr C.J. Tallentire: No, and they know more about livestock handling than you.

Mr R.F. JOHNSON: I am not a farmer, but they are happy with a rifle for what they need. They do not have to go out and muster. Pastoralists and graziers do when they have thousands of square kilometres of land where they have to try to muster those animals. The member said that they always travelled by ute. They do not. I am assured that very often they travel on quad bikes or motorbikes or even horseback.

Mr C.J. Tallentire: You can carry rifles on those.

Mr R.F. JOHNSON: They are not like Roy Rogers—not quite.

I have to be honest: it took a lot to convince me that there was a need. I was convinced at the end of the day that perhaps I should relent and give them the opportunity if it is going to make their workplace safer for them and if it is going to save their lives. They are not surrounded by lots of people in confined areas, not like the farmers. The farmers told me that they do not need them because they are not in that environment. The farmers said that they understood why the pastoralists and graziers need them, because they are talking about vast areas.

Mr C.J. Tallentire: So you need a rifle to shoot at that distance.

Mr R.F. JOHNSON: It is a bit difficult holding a rifle when riding a horse or trying to ride a motorbike.

Mr C.J. Tallentire: You should not shoot a pistol either, minister.

Mr R.F. JOHNSON: I am told it is something they do. I have been given advice that that is exactly what they do and that they have been doing that for decades and decades. That is what they have told me. I like to try to believe what people tell me. I like to have faith that people are telling me the truth. It is only when I find out that people have told me lies that I lose faith in them and I will not take any notice of them any more. But until it can be proved otherwise, I will take them to be telling me the truth. Out of 120 pastoralists and graziers who had licences, virtually all of them gave them back. Only about half a dozen or so are still waiting to be collected. With the permission that has been given to them, I am told that there will probably be only 20 or 30 who will bother to apply again. A lot of them had them for decades but did not do mustering. The station owner was always the licensed person and only the station owner could carry that firearm. The firearm had to be secured when it was back in the station farmhouse. I have been assured that they are very responsible people who work really hard under very difficult conditions sometimes. They did not put down cattle with a rifle. It would be illegal for them to kill stock, but I am told that if they find a bull camel chasing after them, which they do apparently —

Mr M.P. Murray: They got over that hump all right!

Mr R.F. JOHNSON: Exactly. I am told the quickest way to put them off, even if firing just to frighten them, is to pull out a pistol and fire it. That is what I am told. A former police superintendent came to see me. He showed me the scars on his leg that a rogue bull had inflicted.

Mr C.J. Tallentire: That is probably because he put himself in a very dangerous situation right next to it.

Mr R.F. JOHNSON: They chase after people, apparently. This was a senior police officer who convinced me that in that classified area a certain number of people—very few—should be able to carry that sort of weapon. I have accepted that in good faith.

Mr M.P. Murray: I understand that some of the problem we have is that when people wish to get the information, there is always a queue for the call centre.

Extract from Hansard

[ASSEMBLY - Wednesday, 23 June 2010]

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Ms Margaret Quirk; Mr David Templeman; Mr John Bowler; Mr Mick Murray; Mr Vincent Catania; Mr Chris Tallentire; Mr Rob Johnson

Mr R.F. JOHNSON: The member is talking about licensing. Let me come to that, because I am not satisfied with the way that the new licensing program has been rolled out. I have told the Commissioner of Police that. I have told the commissioner that I want key performance indicators put in place and I want to see a policy whereby applications will be turned around and either refused or granted within a certain period of time. I am looking at something like 30 days. I know that he cannot do that at the moment because there is a little bit of backlog. Let me tell members what the backlog has come down to. The number of applications on hand at the moment for police licences is approximately 800. They could have come in during the past few days, but that is the number at the centre in June, as opposed to approximately 1 400 in March. It has gone from 1 400 in March —

Ms M.M. Quirk: That is because they are ringing up and telling people not to bother to apply for it. They are knocking them off informally.

Mr R.F. JOHNSON: I will take that up with the commissioner if that is the case.

Ms M.M. Quirk: Excellent.

Mr R.F. JOHNSON: They have to inform them officially. If the people are not satisfied they can go to the State Administrative Tribunal. The former government brought SAT into being to give people an easy and inexpensive opportunity to appeal decisions by bureaucracy. The figures I have been given are 1 400 back in March and 800 in June. We are getting there, but that is still not good enough as far as I am concerned. I want to see applications turned around very quickly. The commissioner has the same view that I do, which is that if somebody is deemed responsible enough to have a firearm licence, as a sporting shooter or farmer or any of those categories, then they are responsible enough to be automatically approved for a second firearm or a third firearm.

Mr M.P. Murray: Just another small one while you are on that subject, and that is the issue of people who have difficulty reading and writing. They cannot get into town because they are out in smaller communities where they cannot read, write or use a computer.

Mr R.F. JOHNSON: Let me address that. I took a lot of notice of what the member for Kalgoorlie said. That is his sort of area. I believe that we can do it better there.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 6.00 to 7.00 pm