



Speech by

**GARY FENLON**

**MEMBER FOR GREENSLOPES**

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Hansard 9 June 1999

**WEAPONS AMENDMENT BILL**

**Mr FENLON** (Greenslopes—ALP) (9.41 p.m.): I rise to oppose the Weapons Amendment Bill. In doing so, I wish particularly to stand up and be counted. I have considered this legislation very carefully. I have been lobbied directly by members of the pro-gun lobby. I have considered their submissions very carefully. I must say that their representations were polite and well considered. However, I must reject those submissions and this amendment Bill.

**Mr Feldman:** Tell us your reasons.

**Mr FENLON:** I certainly will. In doing so, firstly I want to say that I am here strongly representing the overwhelming view of the people in the electorate I represent. In particular, I am here representing the gun owners in my electorate. They shoot at the Belmont Rifle Range. Those people take their children to the Belmont Rifle Range and teach them how to use firearms safely and to respect firearms. I support those people's views. I also believe that children should be taught how to use firearms and how to respect them so that if they encounter them later in their lives, they have the appropriate skills to be able to use them.

**Mr Feldman** interjected.

**Mr FENLON:** I take that interjection. The families in my electorate who have the guns have no problems with the law. The people I know have their guns locked up and are complying with the law. They love these laws. They think that they are the best thing since sliced bread. They are more than happy to comply with them. They have no problem with them. In fact, as gun owners, some of those people are advocating that the gun laws should be tightened even further. Those people are great lovers of sporting shooting. They live in the suburbs that I represent and they are very happy to be able to use their guns regularly. I am not delicate about guns. I grew up with guns around me. Personally, I do not have any problem with using guns for sport and recreation. However, times have changed, our society has changed, and we must take account of those changes. We no longer live in a small country town environment. We must have laws that suit a mass society, which is struggling to cope with changing values, the difficulties experienced by young people, and the power of such weapons.

I want to touch on the most dangerous and insidious part of this Bill, which relates to the definition of reasonable force. The Bill raises the issue of reasonable force in the context of the defence of ourselves, our family or our place of residence as being the most sacred aspect of our lives. I certainly agree with that. However, this Bill uses that premise as the reason to change the principle of reasonable force, which is currently enshrined within our Criminal Code. That principle has been with us for a long time and it has worked extremely well. In recent years, we have seen some refinement of it. Basically, the principle of reasonable force is that an individual can use force that is reasonable in the circumstances. The circumstances vary according to the dispute and the violence that may emanate. The principle could vary when it is applied to a frail grandmother dealing with a burly youth or when it is applied to a frail, small young person dealing with a robust female. Whatever the circumstances, the tried and tested method of our law is to determine, on the basis of the evidence, whether reasonable force was used.

In recent years there have been incidents in which individuals have been severely injured and even killed and it has been deemed that reasonable force was used and those persons have been exonerated. In other cases, reasonable force was determined not to have been exercised and the

person made subject to prosecution. That method has worked very well. The proposal contained in this Bill changes the fundamental principle of reasonable force. If it were not such a serious matter, the way in which this Bill attempts to change the principle and the way in which this proposition was put so quaintly in the second-reading speech would be comical. The second-reading states—

"This Bill will also remove the anomaly whereby someone legally acting in self-defence may nevertheless still be guilty of an offence under the Weapons Act."

So this Bill regards the principle of reasonable force as some sort of anomaly. That is an abhorrent concept that turns our system of law, which has been operating for many years, on its head.

What surprises me most of all is that former officers of the Queensland Police Service are among those members who are advocating this Bill. I cannot believe that that is the case. If people went to the fine members of the Queensland Police Service in my electorate and said, "There is a proposition to change the law so that you can walk into someone's front yard and they can shoot you and say, 'Sorry, I thought you were an intruder. I didn't see your blue shirt and your badge' ", they would have those people tarred and feathered.

**Mr Feldman** interjected.

**Mr FENLON:** If there is something else, I would ask the honourable member to please tell us about it. That is the proposition in the legislation and I state it clearly because the honourable member may not realise what he is advocating. When the principles of reasonable force are taken away, a serving officer of the Police Service can walk into a yard and be shot, and an offender, or an innocent person for that matter, can use exactly that defence. The member may want to tell the House something different, but so far he has not further explained that issue. That provision is contained within this Bill. It is a complete reversal of the fundamental principle of reasonable force that is enshrined within our legislation. It will put officers of the police force, other officials and the general public in grave danger.

This legislation gives people a 007 licence to kill. It removes the principle of reasonable force and it says, "You do not have to abide by this principle any more." Although it is quaintly put, the legislation removes that anomaly. This Bill says, "You can now shoot somebody who is intruding on your premises." We do not know how that will be proved. The details surrounding this provision seem to have gone out the window. We do not know exactly what they are. The principle of reasonable force is removed through this proposition. It is as simple as that.

The issue is that, as I have said, our society has changed. We have to deal with desensitised youth, and in the course of this debate some very good points have been raised about the pressures that are placed on young people, and on society in general, by the mass media and so on exposing people to violence. Unfortunately, that has changed our society. As a result, we have to maintain a far more vigilant position in terms of controlling guns, as unfortunate as that may be.

The obvious precipitator of this situation was the very tragic Port Arthur massacre. That was real and it is something that Australia is still dealing with. The aftermath of that massacre has been etched deep in the Australian psyche. It has changed Australia forever. As a result, most Australians—people from the most diverse positions of the Australian political landscape—have come together. Now, only a few fringe dwellers are left on the outside when it comes to this issue. John Howard said—

"It took an act of savagery unprecedented in peacetime to produce a coalition of interest unprecedented in peacetime—in its breadth, its depth, and its strength to resolve."

That was the start of the process to bring Australians together. We said, "We will not take any more. We are going to change these laws forever. We are going to take a position and be a responsible society."

Australia is not alone in this reaction because internationally the same sort of trend has occurred. Similar very unfortunate disasters have happened in other countries. For example, in 1987 in Hungerford, Berkshire, in the United Kingdom 16 people were killed by Michael Ryan. The British Government banned the private ownership of most self-loading rifles and shotguns in Britain through the introduction of the Firearms (Amendment) Act 1988. Similar disasters have resulted in like action being taken by most comparable western countries. That has led to the situation that we have in Australia today.

As a response to the tightening of laws, the Australian Parliamentary Council identified a need to ensure that some mechanism is in place to review the progress of these laws. The Australian Institute of Criminology was enlisted for that purpose. It is ironic that just this week the Australian Institute of Criminology has released a paper on the results of a study of the first couple of years of the implementation of these laws in Australia. The study states—

"In summary, the preliminary results seem to indicate that there has been an observed decrease in firearm-related violence and misuse, especially in firearm-related suicides."

The report further indicates that the tightening of firearm control legislation may reduce suicide rates, especially among young men. That is an important aspect, especially for our rural areas, because as we all know the rate of suicide among young males in the country areas of this State in particular is highly alarming. The report indicates that of the most common methods of attempting suicide, firearms are more likely to prove fatal. In the United States, about 90% of firearm suicide attempts are successful, compared to about 80% for hanging, 77% for death from carbon monoxide poisoning and so on. The report concludes—

"There are many factors to be considered when attempting to assess the impact of the implementation of any new legislation. Overall, based on the preliminary findings outlined in this paper, we have observed a decline in firearm-related death rates (essentially in firearm-related suicides) in most jurisdictions in Australia. We have also seen a declining trend in the percentage of robberies involving the use of a firearm in Australia. Explanations for these declines are not yet available ..."

It must be said that these are very preliminary findings and there is certainly a lot more follow-up work to be done in terms of the impact that the laws have had. It is salutary to look at the Queensland statistics for the past two years relating to firearm related deaths. In 1996, the figure was 4.76 and in 1997 it was 3.23.

I conclude by commenting briefly on Mr Owen's publication of pictures of members' houses on the Internet on behalf of his pro-rifle, pro-gun organisation. I place on the record that this action was intimidatory, sick and insidious. Above all, it was un-Australian. If this gives an indication of the mentality of the people who advocate gun law liberation in this country, I believe that Mr Owen has done his cause a great disservice. It raises the spectre of whether we need some form of stricter privacy legislation in this country, but I do not think that we should let something like this push us down that road. Australia is a wonderful free country and we should not allow this sort of low act to push us into unnecessary knee-jerk reactions. I urge the House to reject this rapacious piece of legislation.

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