



Speech by

JULIE ATTWOOD

MEMBER FOR MOUNT OMMANEY

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WEAPONS AMENDMENT BILL

Mrs ATTWOOD (Mount Ommaney—ALP) (8.47 p.m.): The amendments to the Weapons Act 1990 proposed by Mr Feldman in this Bill would have the result of seriously eroding the effectiveness of the systems established in the aftermath of the Port Arthur tragedy three years ago to control the possession and use of firearms in the interests of public and individual safety.

In support of his singular approach to the firearms safety issue, Mr Feldman states that the existing control system has grown to be an administrative nightmare and very wasteful of police resources, which would be far better utilised in fighting real criminals, and that the number of offences involving the use of weapons has increased. In fact, as the Minister has already shown, the number of offences involving the use of weapons has fallen in the past 12 months to the lowest level this decade.

If Mr Feldman is serious about the issue of fighting real criminals, why is he proposing, through this Bill, to make it easier for criminals to acquire weapons and, having acquired them, to evade and manipulate the vestiges of control that would remain in this legislation, because they would appear to be the objects which the Bill is designed to achieve?

How is Mr Feldman going to achieve these objects in the legislation? By disdaining the public interest principle underlying the Act, which subordinates the possession and use of weapons to the need to ensure public and individual safety; by removing the prohibition in section 4(a) on possession and use of all automatic and self-loading rifles and automatic and self-loading shotguns, except in special circumstances; and by disintegrating the present integrated licensing and registration scheme provided for in section 4(b). In fact, Mr Feldman does not see the need for a registration scheme at all, if we take his proposed amendment seriously. Perhaps Mr Feldman can explain what an integrated licensing scheme is, what it will be integrated with and, further, how such a scheme will more effectively equip the police to better fight the real criminals.

Mr Feldman's apparent disapproval of the manner in which the present Act seeks to achieve the objective of firearm control does not end with the licensing and registration scheme. He also has no time for a system that exists upon strict requirements not only for licences that authorise possession of firearms but also for acquiring and selling firearms. Mr Feldman would retain requirements for licences for possession, but controls on acquiring and selling? Certainly not! Mr Feldman believes that licensed firearm owners should not be subject to unnecessary regulation or intrusion.

I ask him: what interest does the present regulation of acquisition and sale of firearms serve if it is not the public interest and individual safety? Would the people of Queensland believe that such regulation is unnecessary and intrusive? Would the people of Queensland believe, as Mr Feldman apparently does, that removing regulations on the control of buying and selling firearms will assist the fight against crime?

In a practical sense, how would the proposed amendments work to make the job of the police in fighting serious crime easier and more effective? What elements of Mr Feldman's Bill will assist in his declared aim of fighting the real criminals? For a start, Mr Feldman would allow a firearms licence to be issued—

Mr DEPUTY SPEAKER (Mr Reeves): Order! I ask the honourable member to refer to the member for Caboolture, not Mr Feldman.

Mrs ATTWOOD: For a start, the member for Caboolture would allow a firearms licence to be issued not subject to a fixed term of five years, as it is at present, but for an unlimited term. This would mean that the regular review of licence holders at the expiry of the term to determine whether the licensee is still eligible for a licence, or to reconsider the conditions of the licence, would not take place. The police would be deprived of valuable data concerning the currency of licences and intelligence on firearm ownership. Licensees would not be placed under a recurring obligation every five years to establish that they have genuine reasons for possessing a weapon.

The clear beneficiaries of such a change to the law would be the very criminals the member for Caboolture believes are being inadequately policed at the moment. The member for Caboolture's support for this approach to a lifetime right to a licence comes very close to the discredited right to bear arms philosophy of the pro-gun lobby. It is discredited because events such as the Port Arthur murders and other incidents where innocent people are killed or injured in the path of firearm misuse have demonstrated to ordinary Australians the public danger in not controlling access to firearms. Queenslanders may have a right to bare arms, but that is b-a-r-e—a consequence of our congenial climate. It has nothing to do with toting guns.

Having obtained an open-ended licence under the proposed system, how will a licence holder go about acquiring a weapon? At present, unless a person is a licensed dealer, a licence holder must obtain a permit and must acquire the weapon from a licensed dealer or through the police. There are penalties, including imprisonment, for a breach of these requirements.

The member for Caboolture proposes to scrap the requirement for a permit for category A, B or C weapons and requires only that the purchaser has a licence. The A, B and C categories cover weapons ranging from air rifles to semi-automatic rimfire rifles and shotguns and pump-action shotguns. Effectively, the police will no longer have permit records to check on ownership and the transfer of weapons in these categories. At present, police can trace the ownership of a weapon that has been used in a crime by accessing licence and permit records. Who will be assisted if such records are no longer kept? It certainly will not be the police who are investigating criminal activity.

What if a person who has a weapon wishes to sell it? At present, the sale or disposal of such a weapon must be done through a licensed dealer or through a police officer. In this way, an unbroken record of ownership is maintained through the licence and permit system and police are in a better position to monitor weapon movement and unlawful weapon dealing.

With this Bill, the member for Caboolture proposes to abolish these controls on the disposal of category A, B and C weapons. All that persons who wish to dispose of such weapons would need to do is satisfy themselves that the potential buyer or acquirer has a licence. Can the member for Caboolture really believe that, when it comes to trading in dangerous weapons, a self-regulating system where the seller is honour-bound not to sell a weapon to an unlicensed person will work, especially when no independent record of transactions needs to be created and there is no avenue for official scrutiny?

In effect, the legislation would foster a market for the private sale of firearms and criminals would have unfettered access to automatic and semi-automatic weapons. How much of an efficiency and effectiveness quotient would such a situation contribute to police resources in fighting real criminals? Not only will the police have less information and resources to assist with investigations, but they will also have to deal with a new menace in the community in the form of an uncontrolled marketplace for firearm dealing and a free go for people who would otherwise face severe penalties, including imprisonment, for unlawfully dealing in firearms.

Once again, it would seem that the real beneficiaries would be the criminals whom the member for Caboolture wants the police to concentrate on. The losers would be the Queensland community and the police who, with their hands securely tied behind their backs, will do battle with criminals who are able to take advantage of the weakened firearm control laws with impunity.

Another key element of the Bill is the proposed amendment to Division 4 of the Act which requires the commissioner to maintain a firearms register. Information on category A, B and C weapons will no longer be required. Of course, in light of the other proposed amendments concerning slackening of controls on these weapons, the commissioner would not be in a position to have information to place on the register.

An additional concern, however, is the proposal to narrow the power of the commissioner to communicate information on the register to other entities within and outside the State. In particular, clause 15 of the Bill will allow the commissioner to release information generally only to police services of the other States and the Commonwealth. The release of information to any other entity would be restricted to information on the type, make, calibre, action and magazine capacity of a firearm, but not its serial number and the reason for possession of the firearm or why the firearm was needed.

Such an approach would seriously hamper cross-border investigations and policing. It would affect the operations not only of the Queensland Police Service but also of law enforcement agencies in other jurisdictions. Once again, criminals would be the beneficiaries. As the National Crime Authority

is not a police service, only the limited categories of information would be available. Similarly, the Customs Service, courts and coronial inquests will be denied access to information upon which they may formerly have been able to depend in the performance of their functions.

Consideration of the proposed amendments so far has not demonstrated how the Police Service will be assisted in the fight against real criminals. However, there is also to be a prohibited persons register which the member for Caboolture has stated will help ensure that only fit and proper persons are able to be granted a licence.

How will this register work? The register will contain the names of people who are not fit and proper because of a mental or physical condition or because of convictions for certain offences within the previous five years or because of domestic violence orders made within the previous five years. In each case, the register will be an effective information source only if it is maintained with up-to-date disqualifying data from the medical profession and the courts.

The maintenance of the register will create a significant administrative overlay to information systems already required to be kept. As has already become evident from a consideration of other features of the Bill, there will remain key aspects of the firearms control scheme which will derive no benefit from the kind of information the register will contain. For instance, the fact that a person may be listed in the register as not being a fit and proper person to have a licence will not prevent that person from having the ability to buy or otherwise obtain a category A, B or C weapon on the open market quite outside the formal control system.

Again, because the Bill will enable firearm licences to be issued for an unlimited term, there will be no formal review from time to time of a licence holder's eligibility to hold a licence. The Bill, if passed, would set Queensland up very nicely as a gun-friendly State and a haven for armed criminal elements at a time when Australia is being seen as leading the way in firearm control and is the envy of concerned citizens and legislators in other countries, such as the USA, from whose more extreme elements the pro-gun lobby here derives its ideology and reforming zeal.

The Queensland Parliament is being asked to legislate for a public policy backflip, to ignore the evidence that shows a causal link between firearm availability and violent crime and to disdain the reasoned, informed and strong support that the people of this State gave to the introduction of strict firearm control. I certainly do not support this amendment Bill.
