



Speech by

**Mrs E. CUNNINGHAM**

**MEMBER FOR GLADSTONE**

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Hansard 25 May 1999

### **WEAPONS AMENDMENT BILL**

**Mrs LIZ CUNNINGHAM** (Gladstone—IND) (10.40 p.m.): A number of comments have been made that I would like to echo regarding our support for the family unit and the need to protect this most important unit of society. On 22 April this year, Graham Brown from Clontarf—and I do not know him—wrote to the paper. He was referring to the terrible tragedy at the school in Denver, Colorado. He said—

"How many more kids will die before we have the guts to tackle the real problem, not the symptom?"

No number of laws banning the implements used in such incidents—in this case, guns and home-made bombs— will stop or reduce them unless we tackle why kids feel that violence and killing one another are acceptable ways of dealing with perceived wrongs.

We have no hope of stopping violent incidents until we tackle such issues as lack of parental responsibility, violent videos and games that trivialise killing, and kids and adults feeling it is their right to have anything they want, whenever they want, and that no one has the right to stop them.

Politicians, community leaders and parents must be genuine examples of honesty, integrity, personal morality and not put short-term expediency before long-term, perhaps painful remedies."

On 23 April, David Young from Bundall, in response to a column by Christine Jackman, said—

"Jackman never mentioned the 30 home-made bombs which, thankfully, were not detonated in the Littleton school. They reportedly contained nails, ball bearings and other assorted shrapnel. The information to assemble such deadly cocktails was available via the Internet— no licence or cooling-off period necessary."

Since the initial Weapons Amendment Bill was introduced into this House during the term of the previous Government, I have consistently been of the view that honest, law-abiding citizens of this State should not be disadvantaged by legislation enacted. I continue to be of the view that the original amendments required by the Federal Government did not achieve their stated intent but made honest Queenslanders feel like criminals and did not do one thing to reduce the access of weapons to those who had criminal intent. I have seen nothing either statistically or even anecdotally to prove otherwise. I know, however, that many previously law-abiding citizens were tempted, and many succumbed, to disobey the proposed laws and keep unlicensed weapons concealed, contrary to the newly enacted laws.

There were people on both sides of this Chamber who spoke against the weapons amendments that were proposed in 1996. They had not only emotive reasons to speak against the legislation; they had objective reasons as well. Yet as history unfolded, they voted for them. Additionally it is well documented that the buyback scheme brought its own problems, many of which have not yet been corrected.

Yet another problem has been the renewed zeal by police officers and Weapons Licensing Branch officers to crack down on weapons ranges which, prior to the weapons legislation, had operated in their existing condition without comment or threat. Yet on enactment of the legislation, club officials had inspecting officers breathing down their necks, demanding quite onerous conditions be complied

with, including in some instances unobtainable safety zones or significant financial obligations. All this occurred in spite of assurances that no such crackdown would occur. History has shown otherwise.

I have several clubs in my area where the increased number of shooters now have to congregate. They have to be members of the club to be able to maintain weapons. They have reasons to maintain them. They are law-abiding citizens and these clubs are struggling to survive—and mine is not an isolated incident—because, in spite of assurances that police and weapons licensing people would not become overly zealous, if you like, in administering the weapons licensing regulations, that is exactly what has occurred. Consequently, it is my intention to support the proposed amendments to the weapons legislation. However, I would foreshadow that there are a number of areas in which I will be proposing amendments. In particular, I would like to comment on various clauses of this Bill.

The need for a prohibited persons register was clearly of public concern after the Port Arthur massacre. Bryant, who perpetrated that action, did not own the guns; he pinched them. Under the guidelines of the proposed prohibited register, he would have been on that register. None of the issues that are proposed now or in place currently would have stopped what Bryant did because he stole the guns. He stole the guns from a farmer who would have, even under the current legislation, complied with the requirements to hold weapons. No amount of legislation would have prevented his ownership of weapons as this was not an issue. It is my understanding that, as rural residents, the weapons' owners would have legally maintained their weapons.

The proposed prohibited persons register in this Bill addresses many of the issues relayed to me. It places an obligation on doctors to report unfit persons. Currently this is not an obligation but a choice. I would foreshadow, however, that it is my intention to endeavour to include an appeal provision in the situation in which a single doctor's decision registers a person as unfit. This appeal provision will not allow for doctor shopping, that is, the reported person shopping around till they find a doctor who will certify them as fit, but an opportunity for the initial doctor's decision to be reviewed by an appropriately qualified doctor. During that appeal period, the relevant weapons would be surrendered.

I would have had these amendments circulated tonight in the Chamber; however, there are a couple of matters, particularly in this appeal provision, on which I am still seeking some clarification from the Office of Parliamentary Counsel. But the proposed appeal provisions include the authorised officer advising the rejected person that their application for a licence has been rejected, suspended or revoked. The officer must advise the person in writing of that revocation, suspension or rejection. The officer must not reveal the information or the name of the doctor or psychologist who gave the information. The person appeals to the commissioner for a review of the decision. That is all the information that they need to have. It must be made within 28 days. If the commissioner requests, the person must undergo a further examination by a doctor or psychologist of the commissioner's choice. The commissioner must give the second doctor or psychologist details of the information given under section 151 on the doctor's or psychologist's written undertaking not to disclose the details of the information of its author to the person, that is, to the applicant.

If the commissioner considers the first and second opinion substantially conflict with each other, the commissioner may obtain a third opinion. The commissioner after considering the opinions may, firstly, leave the person on the prohibited persons register or, secondly, remove the person from the register and refer the application to an authorised officer to be reconsidered. The commissioner must promptly give the person written notice of the decision. I included that as a matter of natural justice, and it is a complex issue and one on which I am seeking additional clarification.

One of the most repeated issues in the debate—not only now, but in 1996—was the historical right of a person in Queensland to defend his home and his family. There was a great deal of mischievous argument during the initial amendments about this. The fact is that previously there was not even an issue of the right to self-defence because historically it had been an accepted part of community life. It had never been questioned.

The fact is that previously there was not an issue of the right to self-defence, so the argument that people have never been allowed to use a gun for self-defence or defence of the home was manipulative at best. That is one of the matters about which I received probably the greatest amount of complaint. Many people would not actively say, as the member for Rockhampton said, that they wanted to point a gun and shoot anybody. They just wanted to know, and they believed, that it was their right to be able to protect their home and family. That is particularly so with the father or the husband in the home.

Clause 9 intends to change the term of the licence. That is, after a person has applied and been approved as an appropriate person for a firearm in classes A and B, the licence would not be for five years but for an indefinite term. The indefinite term would be changed only when that person became an inappropriate person under other categories.

The current regime has not been sustainable. Weapons licensing officers have had great difficulty in getting legislation accurate, let alone timely. The proposed changes allow people to retain

their licence unless their circumstances alter. With tightened reporting obligations regarding a person becoming ineligible, the reduced cost and administrative workload will ensure greater accuracy. Clause 10 deals with interstate residents moving to Queensland. This proposal tightens the period during which interstate visitors may retain their weapons without ensuring Queensland eligibility. I support that measure.

There are a number of clauses to which the amendments include what I regard as bracket creep for the acquisition of weapons, the sale or disposal of weapons, the limitation on the issue of permits to acquire and the application for permits to acquire. I foreshadow that I have concerns at the inclusion of category C weapons in this streamlined process. The amendments are finalised, on that area anyway, to remove category C from the easier, more streamlined process and only include category A and B weapons whilst generally retaining the higher standard for categories C and E weapons and retaining weapons in categories D, H or R in the proposed category.

During the entire community uproar over the proposed initial weapons amendments, the most repeated grievance was that .22 or single shot, double-barrelled shotguns were being banned from the ordinary resident, often someone who has had the weapon for many years. category C weapons, however, include semiautomatic rim-fire rifles with a magazine capacity no greater than 10 rounds, a semiautomatic shotgun with a magazine capacity no greater than five rounds or a pump action shotgun with a magazine capacity no greater than five rounds. It is my belief that this category of weapon demands a greater responsibility and, generally, those who use these weapons regularly and with justification will achieve their licence requirements without disadvantage or without reducing the obligations to own those weapons. My amendments will retain a higher standard for category C weapons, along with categories D, H and R.

I believe that the amendments to clause 16, relating to the secure storage of weapons, recognise the reality of rural Queensland. Additionally, the constraints proposed are practical given the real situations faced by rural producers and workers in Queensland.

My only comment with regard to clause 20, which deals with the community liaison committee, is that I have some concern at the over-representation on the advisory committee of Government, public servants or police officers. Unless there are compelling reasons for the balance as proposed, a more equitable balance between community and Government representatives should be sought.

With regard to clause 21, I seek information from the member as to his reasons for deleting "physical" from the issues doctors or psychologists must consider when determining a person's suitability to hold a weapons licence. There are demonstrable circumstances, particularly changed circumstances, where physical suitability may dramatically change and my advice is that, legally, it introduces some lack of clarity that could be counterproductive as far as community benefit is concerned.

I have little doubt that there will be those who will use Port Arthur or the Colorado tragedy to emotionally load this debate. The fact remains that people in this State who have no history of domestic violence, record of drug offence, mental or physical disability or other genuine disqualifications from particularly light weapons ownerships—that is, categories A and B—should be free to hold a .22 calibre or similar weapon. In November 1998 the National Party Leader said that much of what One Nation was proposing was commonsense. However, he said, "I have not gone through the Bill in great detail as yet."

In December 1998 the Federal Government, under the leadership of Federal Justice Minister Amanda Vanstone, threatened the Queensland Government with the withholding of \$500m of buyback money if Queensland did not fully cooperate over the guns buyback. The guns buyback was not a matter over which the cooperation of the States was gained. It was born of coercion by the Federal Government with the threat of withholding significant moneys if the States did not comply.

Throughout the debate we have heard, and no doubt we will continue to hear, of incidents where the Police Minister in this State and Police Ministers in other States have argued long and hard for a more realistic regime relating to weapons legislation. The coercion is not new, either. John Howard has been threatening his coalition counterparts in Queensland since 1996.

I fully support the right of every person to live in quiet, peace, harmony and enjoyment in this State. The fact is that sadness visits each one of us in many forms. The myth perpetrated that banning guns will fix the violence problem is both simplistic and unsustainable. Our current regime has not reduced access to the broadest range of weapons by the criminal element. It has, however, caused a great deal of angst to the many honest Queenslanders affected by the weapons legislation and it is on their behalf that I hold my position on this matter. Bearing in mind the amendments that I propose to move should we go into the Committee stage, I support the general thrust of the Bill.

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