



Speech by

Mr M. HORAN

MEMBER FOR TOOWOOMBA SOUTH

Hansard 28 April 1999

WEAPONS AMENDMENT BILL

Mr HORAN (Toowoomba South—NPA) (10.34 p.m.): This is a very serious debate, and it has disturbed me to see the antics of the last 10 minutes or so. However, I want to start by saying that when the Port Arthur incident occurred, it turned our great country of Australia totally upside down. This great country did not deserve the Port Arthur incident and the events that have occurred since the Port Arthur incident. Australia is too great a place to have had that, but history shows that, tragically, it has occurred and it has affected so many people in our society. In a way, it has almost been like the stain of Cain and we have to work our way through it.

It is almost bizarre that tonight, on the third anniversary of the Port Arthur incident, we are debating this Bill. Ultimately, we believe that there will be a need for sensible, safe and practical refinements to the gun legislation. Good, decent people in our country were deeply hurt by the gun legislation. We on this side of the House represent many people in our electorates who have been sporting shooters for all of their lives, as were their predecessors. We represent people for whom the use of guns on their properties for rural pursuits has been a part of their life—for the culling of animals, for the humane putting down of animals, and for the provision of food. We represent people who are good, decent, law-abiding people. They are part of the Australia that I referred to who did not deserve Port Arthur and who did not deserve the hurt that came as a result of what this country had to do.

I was part of a Government that had to address one of the most difficult issues that any Government could ever have to address. The courage that was shown by our Police Minister at the time, Russell Cooper, was quite extraordinary because, although we were representing people and we were representing our constituency, we knew of the tragedy that had occurred and we knew of the overwhelming desire in Australia to rid this country of military automatic-style weapons so that tragedies of that dimension could never occur again or, hopefully, could be reduced. We knew of the overwhelming and overbearing resolve of the Federal Government and the other States to bring in this legislation in the way in which it occurred so quickly. It was rushed into so quickly after the tragedy of Port Arthur. However, we also knew that we had to stand up and fight to get the absolutely best possible, practical, safest and sensible legislation and arrangements in place.

I say to this House that we could have taken the easy path. We could have said, "No, no, no" to everything. We could have engaged in grandstanding; we could have stood there and said, "No, we are totally opposed." However, we would have been irresponsible in doing that, because we would have been letting down the people of Queensland. We would have been letting down those people who were absolutely horrified by what had happened at Port Arthur—the families and women who wanted to see a stop to automatic weapons of military calibre and semiautomatic weapons that had such potential for destruction. We would also have been letting down all of those people who were professional shooters or who used guns in rural pursuits or in running their properties, the sports men and women, the elderly people who had guns—we would have been letting them down as well. It would have been the easy task for us to just stand up and say, "No", and perhaps some people would have said that we were heroes. What would we have done in the long run for the good, decent people of Queensland who legitimately have guns, who are as honest, god-fearing and law abiding as anybody else in this great country? We would have been letting them down, because they would have had imposed upon them legislation far tougher and far harder than what we have today. Despite that fact, we have been able to get some improvements in it.

A large number of improvements are contained in the legislation, and I will go through them. I say again that this was a time of national grief and emotion, and everything was rushed. If there is one lesson to be learned from this whole episode, it is not to make decisions at a time of emotion but to allow a little time to bring some sensibility and practicality to the debate. However, we had to act. We had to face our responsibilities and we had to face reality. We had to achieve the best that we could for all Queenslanders.

I will go through some of the things that the coalition was able to achieve. Under the 10 May APMC agreement, collectors with category C firearms had to render their firearms permanently inoperable and any firearm manufactured after January 1946 had to be rendered permanently inoperable. The Queensland coalition achieved the concession that all category A, B, C and H firearms must be rendered temporarily inoperable only, so as not to reduce the value of the firearm in question. With heirlooms it was proposed that firearms rendered permanently inoperable required a licence. The Queensland coalition achieved the removal of the requirement that firearms rendered permanently inoperable required a licence and now no licensing conditions or limit is imposed on firearms rendered permanently inoperable for categories A, B, C and H.

It was proposed that the right existed for sporting shooters to use category C firearms. However, category C firearms were not accessible to sporting shooters in sporting events under the proposals that were put forward. The Queensland coalition achieved the concession that category C firearms be available to sporting shooters affiliated with the Australian Clay Target Association, the Sporting Shooters Association of Australia or the Field and Game Association. The Federal Government had nominated only the Australian Clay Target Association. Queensland rejected that proposal as it would have discriminated against other clay target shooting bodies.

In relation to primary producers, it was proposed by the Commonwealth that access to category D firearms be limited to professional shooters and associated occupational needs. The Queensland coalition fought and won the concession that allowed the expansion of this category to include primary producers who cull feral animals in particular circumstances. Queensland also won a further concession to increase the number of category C weapons available to primary producers, depending on the size of their properties.

It was proposed that the provision relating to antique firearms be limited to those manufactured before 1900 and not designed to discharge cartridge ammunition. That caused undue hardship to firearm owners falling within this category. After consultation with interest groups in the field, the Queensland coalition achieved a wider definition. Antique firearms are now defined as firearms manufactured before 1900 that are muzzle loading, cap and ball, use ammunition that is no longer commercially available or are nominated an antique firearm by an authorised officer.

Other concessions that the Queensland coalition achieved include: the modification of the registration of firearm parts so that only a receiver or action needs to be registered; firearm licence holders from interstate or overseas are no longer required to undertake a firearms safety training course to obtain a Queensland licence; licensed gun owners may now borrow or lend a firearm for another person for up to three months without a permit, as long as the firearm borrowed is in the same category as the licence held by the gun owner; and where a firearm licence is revoked because of a mistake of fact by Queensland police, the licence can now be reinstated without court proceedings.

The Queensland coalition fought for other concessions, but they were rejected by Canberra. The Queensland Government and the Police Minister of the time showed an amazing strength of commitment and courage in a most difficult and dark moment. Above it all was an overriding sense of the Government's responsibility for the safety and care of the people of Queensland. We fought for a concession to enable the crimping of semiautomatic weapons so that rapid fire shotguns could be modified to comply with the Commonwealth standard, but it was rejected by Canberra. Queensland fought hard and long for this concession, arguing that not only would more people be able to keep their firearms but also that the money saved through compensation payments—approximately \$180m—could be used to administer the new laws. Canberra refused to compromise.

We consistently lobbied the Federal Government to extend the compensation payout deadline beyond September 1997. The Commonwealth refused to extend the deadline, preferring to listen to the Canberra bureaucrats who were far removed from the realities of the huge financial and administrative implications of the guns buyback scheme. Recognising the potential injustice of those compliant firearm owners waiting on the approval of licences, Queensland organised for firearms to be officially handed in by owners but to be withheld from destruction until the result of the applications came through. That was another example of Queensland's determination to achieve the most fair and just outcome for firearm owners under the most difficult of circumstances.

A number of concessions were agreed to by the Queensland Cabinet. They were sensible, fair and safe. For example, licensed gun owners had a waiving of the 28-day cooling-off period when

purchasing or acquiring additional firearms. That relates to those gun owners who already have licences. The same checks are done, although in a much shorter time frame. The 28-day cooling-off period still applies to first-time applicants. The advantage of removing the 28-day cooling-off period for second and subsequent weapons is that it removes hardship on professional shooters, particularly those who have to travel long distances. It also removes the hardships on competition target shooters and firearms trainers who may need replacement firearms at short notice and do not have the luxury of waiting 28 days for a replacement gun.

The Queensland coalition Government was able to introduce a number of other innovations, including the introduction of new licences for malicious weapons such as those used in martial arts; the recognition of interstate firearm licences; and the clarification of the requirements for the secure storage of firearms. The rules surrounding the secure storage of firearms were clarified so that gun owners with a large number of firearms need to meet the standards set for collectors of firearms. Collectors with 30 or fewer firearms need to meet the general standard for the secure storage of firearms. The clarification of the requirements for the storage of firearms in vehicles or whilst away from home was also undertaken.

It is important to recognise the policy direction that we set. As I said at the outset, we strongly believe in the need for safe, sensible and practical refinements to the regulations. As time goes by we can see what is safe, what is practical, what is not working and what needs adjustment, and we can continually make the situation better for all concerned.

I seek leave to have incorporated in Hansard a letter from the Honourable Tim Fischer, the Deputy Prime Minister of Australia.

Leave granted.

Dear Mr Horan

Thank you for your recent communication seeking information on the Government's position regarding CrimTrac. I am aware of the recent edition of Australian Shooters Journal discussing CrimTrac and its purpose.

At the outset, let me assure you that, contrary to misinformation about CrimTrac, the Government will not be establishing a single national database containing both criminal information and details of law abiding firearms licence holders.

The Government's initiative involves the establishment of a national inquiry system for Australian police that will facilitate access to relevant information in separate databases already held by the Commonwealth, State and Territory police services. A national inquiry system will assist police services and law enforcement agencies to overcome the difficulties with incompatible communication systems. It will also make the operation of police services more efficient and effective.

This system has received the full support of the Australian Police Ministers' Council (APMC) at its meeting in Auckland on 17 November 1998.

The editorial in question also raises the issue of licensing and registration of firearms. The licensing and registration of firearms has never implied criminality on the part of the owner.

As part of an initiative to make our communities safer, all Australian Governments agreed in November 1996 to the establishment of National Firearms Licensing and Registration System (NFLRS). The licensing and registration system is currently being developed at the request of the APMC. When completed, it will provide police with easier and quicker access to details of license holders and registered firearms currently available from individual State and Territory Firearm Registries. The NFLRS is not, however, a criminal database.

Individual records on the NFLRS simply note possession of a firearm licence and details of any registered firearms. Inclusion of a person on the NFLRS is not, nor ever has been, an indicator of criminality. There is no record on the NFLRS of whether or not a person has committed an offence, or had their fingerprints taken or had their DNA profile recorded following a criminal conviction. Neither will this approach change with the development of the CrimTrac system.

The NFLRS is a record keeping system; one that helps to protect the public from unauthorised access to firearms while helping to protect the integrity and reputation of genuine law abiding firearms licence holders.

I hope this clarifies the issue for you.

Please accept my best wishes.

Yours sincerely

(Sgd)

TIM FISCHER MP

Mr HORAN: As a result of a deputation that I received from the Toowoomba Pistol Club, I wrote to Tim Fischer, the Deputy Prime Minister, regarding the matter of CrimTrac. I appreciate being able to incorporate his reply in Hansard, because I think it puts to bed a lot of myths that have been created about the issue.

We were faced with reality, and I have no doubt that the courage, determination and responsibility shown by the National/Liberal coalition in the face of adversity has meant that we have achieved the very best that could be achieved at the time for the Queensland people—those who are concerned about semiautomatic and automatic weapons, and the decent, legitimate shooters and professional users of guns and firearms.

Mr Veivers: And we will look at it again, won't we?

Mr HORAN: I have said that we are looking at safe, sensible and practical refinements.

Previous speakers from our side have said that one of the core issues in the development of the original legislation was the restriction of access to military-style automatic weapons and semiautomatic weapons. In hindsight, if more time and care had been taken and we had time to cool down and carefully consider all sides, which is what we were endeavouring to put forward, and if the nation had simply said, "We want to prohibit military-style automatic weapons", there would have been far greater compliance. However, that is history. We now have to deal with reality and make the very best of this legislation and be fair to the good and legitimate gun owners who have been offended deeply.

I wish to turn to that part of the Bill that takes out of the objects of the Act the wording "the prohibition on possession of all automatic and self-loading rifles and automatic and self-loading shotguns, except in special circumstances". If this Bill were passed tonight, that would be removed. That has been the core that all of Australia agreed upon initially, namely, that the problem we faced was the availability, possession and use of automatic weapons. If that were removed, how could we consider seriously the balance of this Bill, some parts of which relax the transaction process, for example, shifting it from licensed gun dealers. However, I will not go into all of the other detail, because this is the core. As has been said by the Leader of the Opposition, this is the core of the whole Bill, and that means that we cannot support it.

In addition, this Bill contains a litany of serious flaws. I have had the Bill examined carefully by a weapons expert and an expert in legislation. I do not intend to go through those matters, because I think in the second-reading debate we should be speaking only about the key issues and principles. However, it is disappointing that a Bill of this seriousness has a long list of flaws that, had it reached the Committee stage, would be almost impossible to deal with. That is a shame, because we are dealing with a very serious matter.

I wish to state a few things that are obvious to many people but which must be pointed out in this House. When the guns were handed in, they were handed in by the good people. When licences were obtained, they were obtained by the good people. The registration was undertaken by the good people. Deep offence and hurt was felt by the good people. I cite the example of the 75-year-old lady who came into my electorate office. She was deeply hurt and offended, because she had received her gun from her father. That lady had retired to Toowoomba many years ago.

I commenced my speech by speaking about what a great country Australia is. This great country never deserved what happened at Port Arthur. This is the last place on earth where that should have ever happened. It is these good people who have handed in their guns, who have complied with the licensing and registration requirements and who have had to put up with the hurt and offence that has at times resulted from this process whom we should salute today. Many of those people have accepted the reality of what happened—the fact that the legislation was brought in two years ago and that the buyback concluded well over 12 months to 18 months ago.

We are faced with reality and practicality. We have to deal with the issue of today. We have to deal with the two sides of our community. The overwhelming majority of people do not want to see automatic and semiautomatic weapons freely available in our society. We must never lose our respect for the good, decent and legitimate gun owners and shooters who have abided by this legislation in spite of their hurt. In conclusion, we believe that over time, as we understand the ramifications and problems, there will be time for safe, sensible and practical refinements.
