



Speech by

**Hon. R. E. BORBIDGE**

**MEMBER FOR SURFERS PARADISE**

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Hansard 28 April 1999

### **WEAPONS AMENDMENT BILL**

**Hon. R. E. BORBIDGE** (Surfers Paradise—NPA) (Leader of the Opposition) (9.39 p.m.): The national gun laws issue has been extremely painful for the National Party. For some supporters and former supporters it remains so. For some it will remain so for as long as they draw breath. In the final analysis, for many the fact has less to do with the core provisions of the laws as they emerged as with the manner of their development and their imposition. That is the very big point that was missed in the debate by those who rushed to seek a solution.

Law-abiding Queenslanders in families where both the sporting and the occupational use of firearms had been an accepted element of life, for generations in many cases, felt that they had been suddenly and unjustifiably singled out and branded as untrustworthy and as potential mass murderers. That is what is at the heart of much of the resentment. The fact that they could not be heard and could not make commonsense observations at the height of the debate or since has compounded that resentment. They simply could not be heard. As their elected representatives, we could not be heard. There was simply no room for a rational debate.

It was an incredibly frustrating and hurtful period for many Queenslanders. It was an incredibly frustrating period for us as their parliamentary representatives. Those factors were compounded by the fact that many of the non-core provisions of the laws that evolved were overly bureaucratic and ill-informed because of that rush to action largely controlled by people who did not know the first thing about firearms or firearms users.

That outcome was in large measure a function of the national mood at the time of the debate. The sense of outrage that existed over the dreadful events at Port Arthur meant that many Australians, including many in the Federal Government and many members of this House, were simply not prepared to engage in a reasonable debate and were not prepared to listen. Their minds were made up and anybody who suggested even modest variations to make things more workable or more commonsensical were instantly branded as gun nuts, and the media, in a country which had largely lost touch with the hunting ethic—the ethic of reasonable use of firearms recreationally and vocationally, which were very widespread, common and reasonable pursuits in this country over a very long time—certainly had no interest in bringing about a sensible debate.

The result was legislation that was imperfect and hurtful in the eyes of many responsible gun users in this country. Some continue to resent the fact that the issue was railroaded in this way. In the bush, the fact that the issue was handled in this way has come to typify the gulf between urban and rural Australia. It has become a bellwether and a symbol and in some quarters it will simply not be forgotten on that basis. The relative inability of the elected representatives of these people to do much at all in the way of rationalising the debate was clearly a factor in the reduction in support for the established parties, and particularly the National Party, at the last State election. But the fact is that we, like they, were simply being swept along by the extraordinary wave of emotion that followed Port Arthur.

Having said that, there is no doubt that a very great majority of Australians very genuinely favour the central aspects—the core aspects—of the gun laws. The outlawing of military and military-style semiautomatic firearms, which are quite correctly labelled as weapons, has a very wide degree of popular support, including among shooters. Surveys have also consistently shown that a great majority also strongly favour general constraints on firearm ownership in the hope that over time the number of

firearms in society will be reduced and the number of unintended as well as intended gun deaths in this country can be reduced. It has to be understood that this will be at best a generational change. There will be no sudden halt to the capacity of criminals in this country to achieve illegal ownership of weapons with a fearful capacity to do harm. Indeed, it is possible to argue—and many do—that there will never be a time when those sorts of people will not be able to gain access to whatever it is that they want if they are determined enough. It will also be many years yet before the more opportunistic people—those who seem to come out of the woodwork from time to time— will not be able to achieve ready access to whatever it is they want, simply because there are so many of these weapons in circulation.

To that extent, gun laws are a folly, at least in the short to medium term. Nobody should be in any doubt about that reality. Neither my colleagues nor I can in all conscience make the leap to where this Bill would take us, which is to a situation where the core aspects of the laws that have been put in place would effectively be dismantled. That is their very clear result, and it would be achieved in three ways.

Firstly, the wish to purchase a firearm for home defence would be added to the list of genuine reasons for owning a firearm. It would become sufficient reason in itself to own a gun. Secondly, there would be virtually no constraints on ownership of firearms for this sole purpose up to and including category C firearms, which would include some self-loading shotguns and some self-loading rifles. Thirdly, there would be considerably reduced constraints on ownership of category D firearms, which is the military or quasi-military-style high-capacity, heavy-calibre semiautomatic rifles that caused the furore in the first place. In other words, if this Bill were passed, virtually anybody whose sole reason for keeping a firearm was home defence would be able to achieve ownership of firearms up to and including self-loading or pump-action shotguns with a magazine capacity of five shots, and self-loading .22 calibre rifles with a magazine capacity of up to 10 rounds. As long as people were members of a shooting organisation, they would have every chance of acquiring a category D weapon under the proposed One Nation regime.

In the final analysis, that is what this Bill is about, and we therefore cannot support it. It is an overcorrection. It swings the pendulum too far. Some of the other amendments in this Bill, which on the face of it are potentially sensible, have to be seen in the context of the three issues I have just outlined, and I include in this the matters relating to relaxation of storage issues. There is a sensible basis, particularly for people in the field with firearms, for some of the more impractical aspects of storage to be revisited and rewritten to be made more commonsensical. However, when combined with the measures I have referred to, they lose a lot of their attraction and their capacity to receive support.

I wish to say something about home defence, because home defence is the very emotive lever that One Nation has chosen to use as the basis for the key measures in this Bill. It will have a degree of support. I can understand that support. Indeed, I support wholeheartedly that element of the Criminal Code—the coalition's Criminal Code—which enables householders the right to use reasonable force in defence of their person, family and property. On a number of occasions in Queensland, a definition accepted by the police and by the courts has been a degree of force including the use of firearms. However, I believe most people would accept that there is a very considerable difference—a world of difference—between laws which may allow for the use of firearms, depending on the circumstances, and the virtual promotion of the use of firearms, as is implicit in these amendments.

One of the very bases of the legislation now in place reflects the wish of, I would argue, most Australians to see fewer firearms in the hands of those either unfit, unskilled or without a genuine need for them. The record clearly establishes that the danger is more often than not to the owner or to others in the owner's family than it is to the still relatively rare use of firearms in terms that attract the significant Criminal Code protection of reasonable force. I emphasise that nothing in the current gun laws contradicts that element of the Criminal Code.

I will not take up much more of the time of the House. I simply ask those who would see the core elements of these laws overturned to consider the consequences of that very carefully. During the development of the national policy, the Commonwealth threatened—and I assure everybody that it was not an idle threat; I took the telephone call—to intervene and to impose absolute national control on this issue, to take over the entire matter and to dictate even more comprehensively to the States. That would be the inevitable consequence of support by this House for this Bill.

Those still resentful of certain aspects of the current legislation should consider what might occur in a Federal Parliament in which the Democrats have assumed the balance of power in the Senate. That is about to happen. Any potential for commonsense amendments in the future would be gone.

Consider that, currently, anybody who can demonstrate a reasonable reason, whether it be for hunting, for sporting competition or for occupational reasons, can still acquire firearms in this country. There are restrictions on some types of firearms, but for the most part those who would hunt or engage in sporting competition can do so with relatively little inconvenience. Farmers and graziers can acquire

firearms adequate for the job. Professional shooters can still acquire adequate firearms. In the end, the major constraint of the current laws is on access to those semiautomatic, heavy calibre firearms, which have had limited valid civil applications and which a majority of Australians have indicated very clearly that they do not want freely available in this society, as symbolic as that wish is in the face of the number that will remain in circulation for many years to come.

In conclusion, I would unashamedly say to the House that the National Party does believe in sensible amendment of gun laws. The lack of respect for sensible gun owners and the lack of knowledge of many who framed the laws led to some nonsensical excesses—excesses that do nothing to encourage a safer society but which simply get in the way of sensible and reasonable use of firearms for that significant minority of Australians for whom they are a legitimate and a proper and a reasonable interest. I say that despite the very fine and best efforts of the previous Police Minister, the honourable member for Crows Nest.

The issues that we will examine in the context of putting forward proposed changes in due course will be outlined by the shadow Minister, the honourable member for Toowoomba South. The National Party will be considering what it can do in these areas in the hope that we can deal with some of these issues when we are back in Government.

Above all, I would hope that Queenslanders who most vigorously joined in the guns debate in a manner which so isolated a significant number, particularly but by no means exclusively in the bush, will give some thought, finally, to the alienation which the very nature of that debate brought about. For many people in the cities today, the link with the bush—a link that used to be so strong in this State—has been weakened. The recognition of the different lifestyle that existed—and exists today—in the bush has been dulled. City people are the poorer for that. If they could think of this issue for a moment in the context of that different lifestyle, they might appreciate just why it was that so many people in the country were disillusioned by their treatment in the gun debate. They felt—and many still feel—tremendously aggrieved at the way they were depicted by association throughout that debate as irresponsible, and as potential murderers. That is an absolutely central issue in understanding their anger. It was impossible to get that message through—for them or for us—during the heat of the debate.

That phenomenon has a very clear parallel for many in the bush with native title. The propensity of many in the city, particularly post Wik, has been to lump the native title issue onto their backs—to blame them, to target them, and to vilify them in a very similar way. Graziers are being asked to carry the weight of the native title issue by the people of the cities. Their forebears are being painted as the architects of the dispossession of the Aboriginal people—as the devils of the piece. Both issues are from one and the same syndrome—that breakdown of the link between the city and the bush, the breakdown of the understanding that used to exist.

The graziers' markets were Sydney, Melbourne, Brisbane, Adelaide, and Perth, which would have been struggling for their very existence in the early days of this country but for their industry. The people of the cities of Australia today are every bit as much a part of the native title issue as are the descendants of the pioneers of the bush. If ever they want to re-establish the bond that used to exist, then the rhetoric of native title has to mature and reflect that fact. But for firearms, many of those pioneers would have perished.

Over the many decades since, their significance has barely reduced. They are still tools of the trade. They are still, in many places in this State, an intrinsic part of life, but owners were demonised during the extraordinary post Port Arthur debate. They deserve better. They deserve recognition as responsible people whose genuine needs and concerns demand consideration in legislation designed to protect the general community from occurrences, from horrors and from tragedies such as Port Arthur and Columbine High School. This Bill does not deliver what the people of the bush need.

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