



Speech by

**Hon. TOM BARTON**

**MEMBER FOR WATERFORD**

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Hansard 28 April 1999

### **WEAPONS AMENDMENT BILL**

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for Police and Corrective Services) (9.20 p.m.): From the outset, I would like to reaffirm the Beattie Government's commitment to the national uniform firearm controls reached between the Federal Government and the States following the shocking events of Port Arthur three years ago today. When in Opposition, Labor supported the introduction of the State legislation put forward by the previous Borbidge Government in an open, bipartisan way. The then Police Minister, Russell Cooper, invited me as the shadow Police Minister to take part in the development of the legislation, and it was pleasing to see party politics put to one side as we all worked towards a worthwhile cause. The commitment that the Labor Party had to those agreed principles did not waver then. We will not waver from that commitment now.

On the third anniversary of the Port Arthur massacre, I want to make it very clear to this Parliament and to the people of Queensland that the Labor Party will not be watering down the gun laws of this State. This commitment is based on commonsense and a belief that we must improve the safety of the community. The current gun laws are designed to improve controls over the trade in weapons and reduce the number of high-powered and unnecessary weapons in our community. We wish to avoid the United States experience of unrestrained gun ownership, which has seen unacceptable levels of violence involving weapons. The latest school massacre at Littleton, Colorado should convince everyone that we should not follow the US path on gun ownership.

Unlike the beliefs held by supporters of the member for Caboolture, the current gun laws have nothing to do with some mythical United Nations-inspired world government conspiracy aimed at disarming Australians. There is still adequate provision in the current gun laws for people who have a demonstrated need to own firearms. The member for Caboolture keeps talking about the 25% of Queenslanders who voted for One Nation in last year's State election. That does not give the member for Caboolture a mandate to amend the current gun laws. If one follows his analysis, 75% of Queenslanders did not vote for One Nation and its radical gun law proposals. Considering that the current polls put One Nation support at just 6%, that means that 94% of Queenslanders do not support One Nation's misguided policies. On ABC radio's PM program last night, the member for Caboolture said that he had innumerable letters from the gun lobby, and this Bill shows that he is obviously being held captive by the more radical elements of the gun lobby.

Labor won the 1998 State election with a 52% two-party preferred majority, making it clear to all Queenslanders that we support the current gun laws and do not intend watering them down. For the member for Caboolture's information, I say to him that Labor has the mandate and it will be following the will of the majority of Queenslanders.

That brings me, of course, to the member for Surfers Paradise. Initially, the member for Surfers Paradise said that the amendments suggested by One Nation were commonsense. Since then, the sane elements of the National Party have rejected the One Nation amendments and forced their will on the more radical Right Wing elements of the party. However, I understand that it was a very close vote in the National Party room yesterday. The member for Surfers Paradise then had to do an embarrassing backflip and reject the One Nation amendments. However, he still reserves the right to suggest amendments to the current gun laws at a later date. This is from a party that won even less support than One Nation did at the last election.

If it was not for the integrity of the Labor Party in rejecting a sleazy preference deal with One Nation, the National Party ranks would have suffered even greater losses. Labor Party preferences helped elect eight National Party members. If it was not for Labor preferences, it would have been bye-bye to Russell Cooper, the architect of the current gun laws; bye-bye to Len Stephan; bye-bye to Brian Littleproud; bye-bye to Doug Slack; bye-bye to Marc Rowell; bye-bye to Lawrence Springborg; bye-bye to Jeff Seeney; and bye-bye to Tony Elliott. Since these eight members won their seats with Labor Party support, I would have thought that they would have spoken strongly against One Nation's amendments in yesterday's party meeting.

**Mr Borbidge:** What about Waterford?

**Mr BARTON:** The member should not worry about Waterford. I did not need the Opposition's preferences to get up.

I suspect that this was not the case. On the other hand, the Liberal Party, through its Leader, Dr Watson, has been consistent and has indicated that the party will continue to support the current laws, and I thank him for that support. It is clear that the Liberal Party has had to drag its coalition partners kicking and screaming to support its stand on the issue.

However, I do not want to use this speech tonight to highlight the ructions in the coalition and the divisions among the National Party. Today, we are here to debate this Weapons Amendment Bill put forward by the member for Caboolture. Let me make it very clear: the Beattie Government does not support this Bill in any way, shape or form. To say that it represents a watering down of the gun laws is too mild. This Bill represents a complete departure from the current gun laws. Just on one point, the move by the member for Caboolture to allow unrestrained ownership of and trade in semiautomatic weapons is enough for Labor to oppose this Bill just on principle. The Bill also includes so many contradictions and anomalies that it would take me hours to detail them all.

The member for Caboolture has introduced this Bill in the misguided belief that the current gun laws have failed. That is a fundamentally flawed belief and I will point out why. How can the member come to this view when the current gun laws have barely had time to take effect? Certainly, the major changes that resulted in the current gun laws were introduced in 1997. However, the final stages of all of these changes have only just been completed. It is certainly too early to consider changing the laws until their impact is fully realised.

In his second-reading speech, and to highlight the perceived failure of the current gun laws, the member for Caboolture put faith in a Sunday Mail article that quotes the Bureau of Statistics reporting a 39% increase last year in robberies involving firearms. I hope that the member for Caboolture has done some more detailed research and that he is not just relying upon Sunday Mail articles which are, at times, known to be of dubious quality and accuracy. Even though the current gun laws are in their infancy, I can assure the member for Caboolture that the Queensland experience differs greatly from the ABS figures, which are based on national statistics.

The use of percentage figures can also be very misleading, especially when we are looking at a relatively small number of offences. It is true that there was an increase in offences involving firearms in 1997. I would like to draw members' attention to this graph supplied by the Queensland Police Service. I will table this graph, because it demonstrates clearly that reported assaults and robberies involving firearms are at their lowest levels in Queensland this decade. Last year's increase took offences involving firearms to about 16 offences per 100,000 people, which was still below the record levels of 1993 and 1994. The current crime level is about 10.5 offences per 100,000 people, even lower than 1991 levels. Crime levels will fluctuate from year to year and have to be analysed over longer terms than just 12 months. However, this graph shows clearly that just as the current laws are beginning to bite, offences involving firearms have dropped to their lowest levels in seven years.

The stated aim of the Bill is to make it easier for law-abiding people to own a firearm than is currently the case under the present gun laws. If that is the main aim of the Bill, it has failed. One of the peculiar anomalies and contradictions that I spoke about earlier is that the Bill proposes that anyone convicted of an indictable offence in Queensland or elsewhere will receive a life ban from having a gun licence. I would have thought that, as a former policeman, the member for Caboolture would have known what an indictable offence was and how widely this particular amendment would impact on people. This amendment would mean that anyone convicted of dangerous driving, bigamy, fortune-telling, removing boundary markers and a whole raft of other offences would be banned from holding a gun licence. I am sure that One Nation supporters and the gun lobby would balk at this amendment when the implications are explained to them. The member for Caboolture would suffer further erosion of his plummeting support base if he continued to support this amendment.

The current gun laws provide the proper balance on who should own a firearm and we will not be pushing for a change to further restrict gun ownership. However, if there is any push to toughen the gun laws further down the track, I know now that I can rely on the support of the member for Caboolture, because clause 6 of his Bill clearly shows that he favours even tougher gun laws.

The member for Caboolture has been very vocal about the illegal use of firearms and the black market trade in firearms. However, as it stands, the Bill will make it easier for criminals to get their hands on weapons. The move to abolish the requirement for all gun owners to sell or trade category B and category C firearms through licensed dealers would re-open the floodgates and we would be again in the position of not knowing where particular weapons were. Under the current laws, the authorities and police at least have some idea of which weapons are legally owned. By involving licensed dealers, there are some checks and balances on the trade of weapons. Under Mr Feldman's proposed changes, the police would be unable to trace the ownership history of category A, B and C weapons if they are used in the commission of an offence. Considering that most firearm offences involve these categories of firearms, the criminal elements in our society would have a field day and the police would be on the back foot again, just as they were before the current gun laws were introduced.

The member for Caboolture has said that the current laws are an administrative nightmare. However, some of the amendments that he is trying to introduce will turn the laws into an administrative quagmire that no-one will be able to fathom.

The Prohibited Persons Register is put forward by the member for Caboolture as the panacea for all gun ownership problems. While seeming to be simple and straight-forward, the register would create more problems than it would solve. Clause 21 of the Bill compels doctors and psychologists to report anyone whom they consider to be unsuitable to possess a firearm. Those people would stay on the register until cleared by a doctor or psychologist. The administrative requirements that this would entail do not bear thinking about. It would also be a fundamental breach of doctor/patient confidentiality, as it would not allow each case to be taken on merit. I am advised that the Australian Medical Association is not in favour of this amendment.

Under the current laws, the Act provides for doctors and psychologists to inform the police of any information relevant to the patient's ability to possess a firearm. That is a much more sensible provision and does away with formalised reporting procedures and administrative requirements that naturally follow from the proposed amendment.

The Bill also duplicates one aspect of the current laws, which is the requirement that a community liaison committee be established. I am currently in the process of setting up an advisory council and I hope to make an announcement on its membership in the next few months. To have two bodies doing exactly the same thing seems to be a waste of resources and would only add to the administrative costs of the gun laws.

I think everyone in the House would abhor the school massacre that occurred recently in Littleton, Colorado. Just how those students were able to get their hands on semiautomatic weapons is still being investigated by the police in Littleton. When one considers the fact that United States gun laws are much more relaxed than Queensland's, it is not hard to work out. The member for Caboolture wants this Parliament to make exactly the same weapons as those used in the Littleton massacre more freely available in Queensland.

To make matters worse, the member for Caboolture also wants to relax the storage provisions for weapons when being transported in a vehicle. Instead of being locked in a metal container in a vehicle, the member for Caboolture wants to allow gun owners to place a weapon without a covering in an unobtrusive place in the vehicle. This means that anyone who breaks into that vehicle or who has access to the vehicle keys can have immediate access to a weapon. Considering that a large number of vehicle thefts are carried out by juveniles or young adults, the member for Caboolture is tempting fate with this amendment. It is not beyond the realms of possibility that relaxing the storage requirements would lead to juveniles having greater access to weapons.

The Weapons Amendment Bill 1998 is a poorly researched piece of draft legislation that is full of bewildering contradictions and anomalies. The member for Caboolture complains that the current laws have done nothing to reduce crime, but he wants to pass amendments that will make it easier for criminals to get guns. The member for Caboolture thinks that the current laws are too bureaucratic, yet he wants to put in place more administrative processes and duplication.

The Bill not only fails to satisfy the stated aims of its author, but is a ham-fisted attempt to pander to an outspoken minority. The only redeeming quality that this Bill possesses is that it is a great example for legal studies on how not to write legislation.

The Labor Party will stand very firm. I again make the point that the current laws were put together in a spirit of cooperation between the then coalition Government and the then Labor Opposition, following an unprecedented tragedy in our nation, which sparked unprecedented unity between all of the States and the Commonwealth. From my involvement on the Australian Police Ministers Council, I know just how firm is the resolve of the current Federal Government and the Police Ministers from around the country. There is certainly a need for some minor amendments to the gun laws. As was said in the debate on the Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill that was before the House today, experience can show that some adjustment to

legislation may be necessary. The Queensland Police Service and the Australian Police Ministers Council are working through that, in conjunction with the Federal Minister for Justice, Senator Amanda Vanstone.

I know full well that the Commonwealth Government and the Beattie State Labor Government are resolved not to depart from the essential principles that saw the current weapons legislation enacted in Queensland some two years ago. At that time, the Labor Party supported the coalition Government. I am pleased to hear that members opposite are also steadfast in their resolve not to support the Bill before the House tonight. It is very important that the people of this State and this country know that we are not prepared to pander to minorities who fail to understand or accept that there was a major sea change in the Australian public following the tragic events of three years ago. The Beattie Government will be voting very firmly against this Bill tonight.

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