



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 27 February 2003

WEAPONS AND ANOTHER ACT AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (12.13 p.m.): In rising to speak to the Weapons and Another Act Amendment Bill, weapons licensing and the ownership of weapons—I am talking about responsible law-abiding people—still remains an issue of some contention in my electorate and in the broader community. There is still a sense of honest law-abiding citizens being placed in a position of disobedience, if you like, if they do not adhere 100 per cent to all of the requirements that have been placed on them since the period 1996 to 1998. On that basis, I continue to receive a significant amount of correspondence and emails in relation to guns.

Another issue that has been raised and which the previous speaker touched on is the availability of weapons for competition purposes, particularly in the area of state and national titles where, according to the rhetoric that has been discussed and made public recently, there is a possibility that some of those weapons will not be made available. Sporting shooters, I believe rightly, feel that while they compete in competitions it validates their access to those weapons on the condition that they are stored and handled appropriately. This bill, however, changes a number of matters. I have to say that from the feedback I have received in relation to the change to the application dates, those changes have been welcomed and it is felt that that is a step forward.

There is an issue, however, on which I seek clarification from the minister in relation to the application process—that is, the changes that determine a licence is in force immediately after its expiry. It continues in force as if it is not expired until one of three things happens. Firstly, the authorised officer deciding the application approves it and renews the licence, and that is obvious. Secondly, the authorising officer deciding the application rejects the application and gives the applicant the notice of rejection, and that is obvious. So it is either a yes or a no. However, I cannot understand the third one. The words in the bill aren't the same as those contained in the minister's second reading speech and the explanatory notes. The third is if neither of the above two have occurred 42 days after the licence expiry date, then the licence lapses. I would really appreciate clarification on that. In the minister's second reading speech he stated—

This bill removes the strict requirement to lodge a renewal application at least 14 days prior to the expiry date by changing the latest date for lodgment of an application for the renewal of a weapons licence to the date of the licence expiry.

That is, as I said, welcomed by everyone who has spoken to me about it. However, the minister continued—

Consequently, the bill provides for the licence to remain valid, beyond the date of expiry, until the authorised officer determines the application. The authorised officer must do so within a maximum of 42 days after the date of the licence expiry.

Those words are welcome. However, the bill does not seem to reinforce that statement.

It appears to me—and I may have read it wrongly—that the applicant applies for a renewal and there are three streams—a yes, a no or 42 days within which the authorised officer can get additional information. If that 42 days expires, it is a deemed refusal. That is fine if the applicant is being obstructive in failing to provide the information, but there is no qualification to that. I am always concerned about deemed refusals, because they place no obligation, motivation or impetus on the processing officer to actually do it in a timely manner. So I would seek clarification on that. If that is the case, the question I would ask and that would be asked of me is this: what is to stop the government or the officer or the Police Service from just failing to process them for 43 days and the licence is effectively cancelled even though the person has done nothing wrong and provided all the information?

Everything is there, but they sat on their hands for 43 days and on the basis of the legislation it is a deemed refusal. If I have read that wrong, I would appreciate a clarification. If I have read it right, I will certainly be addressing that in debate on the clauses, because the minister's second reading speech obligates, by the words he used, the officer to process it in 42 days but the bill does not appear to support the words that the minister stated in his second reading speech.

The other issue I want to raise relates to the new powers for police to hold illicit drugs for the purposes of training dogs. I do not think there is a single person who would argue the need for drug sniffing dogs in our community. They will become extremely important not just at airports but also at ports and other such places. My electorate contains a very important port which is currently building its container facility. It has been shown over time that that can be used as a method of importing illicit materials and drugs. Therefore, I believe that sniffer dogs will have roles not just at airports but also at ports and other places where overseas goods access our country.

I seek clarification in regard to the constraints on the Police Service in terms of the quantum of drugs that they can hold in safekeeping. The notes I received indicate the types of drugs that sniffer dogs can detect, such as cannabis, cocaine and crack. There were a number of drugs listed, but there is nothing in the legislation that quantifies the amount that can be held by police. Is it just sufficient for training purposes, or are they going to have one shipment that they hold in their vaults?

I do not ask this because I question the character or integrity of police officers, but we have seen over time even the best security measures breached, whether it is the retention of investigative witness material, the retention of handed in guns or police officers' own guns held in safe storage at police stations. We are adding to the cocktail of items held at police stations, whether regional stations or central stations like Brisbane, and this will attract the wrong sort of people and misconduct. Illicit drugs have a high value on the black market.

My query to the minister is whether there will be a constraint on the quantity of drugs that is able to be held by police. The bill outlines some of the security measures that have to be taken to hold those drugs. As I said, we have had many instances where good security has been breached or where important items, including drugs, have gone missing from secure facilities.

Some of the changes that the bill brings about, such as changes to the application process, have been welcomed by members of my community. However, I seek clarification on the 42 days, and I look forward to the minister's response.