




Speech by

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Hansard Thursday, 8 September 2011

WEAPONS AMENDMENT BILL

 **Mr LANGBROEK** (Surfers Paradise—LNP) (11.13 am): I rise to speak to the Weapons Amendments Bill 2011. As legislators, whether that be Labor or the LNP, the safety of Queenslanders is one of our top priorities. Ensuring community safety is of the utmost importance. However, the Bligh government also proposes that amending the current regulatory framework to further restrict and tighten gun ownership and licensing is the way to ensure this safety. This is incorrect and fails to address the root cause of the issue of illegal gun and weapon use in Queensland.

As a nation we have a troubled history with regard to gun control. The Port Arthur massacre is still fresh in our minds when we think of regulating civilian gun use. In 1996, Martin Bryant, armed with a semiautomatic rifle, changed the way Australians viewed such regulation as did later events at Hoddle Street. The federal government's response to the massacre which killed 35 people was swift and controversial.

The Australian police ministers' council convened a special meeting in May of that year. After several subsequent resolutions and meetings, the National Firearms Agreement was formed. All Australian states and territories were committed to a uniform system of firearms licensing and registration. This included banning military style automatic and semiautomatic firearms, introducing the registration of all firearms, including strict requirements to prove reasons for ownership and restrictions on sales and storage of firearms. The government's firearms buyback scheme was implemented to provide compensation to owners of certain automatic weapons, and approximately 660,000 firearms were surrendered.

The government faced a great backlash from gun advocates and members of the public who felt that changes were a restriction on their personal liberty. Many feared for their own safety without a means of protecting themselves. In the 15 years since these radical reforms were introduced, it is clear that there has been success in controlling gun use. There has not been another massacre like that which occurred at Port Arthur all those years ago. Statistics vary but the general consensus is that gun related deaths have lessened in the last decade.

Queensland has some of the strictest laws governing gun use resulting from the National Firearms Agreement. In 2006, Queensland then went one step further, beginning a comprehensive review of weapons regulation in Queensland. The Weapons Review Committee came up with a raft of changes to the Weapons Act to further restrict Queensland's weapon laws, including the doubling of the penalties for misuse of weapons offences to up to \$15,000; tougher knife laws, including an expanded definition of bladed weapons to include daggers such as fantasy knives, in line with national standards; regulating the use of laser pointers; the introduction of an approved safety training course as a prerequisite for registration; and exemptions for off-duty members of the Queensland Police Service and special constables to possess service weapons and exhibits.

These changes are reflected in the bill. Particularly, these issues are covered by the first stage of the amendment process, which we will not be opposing. The second stage of the amendment process will focus on policy issues which arose during the community consultation. Suggestions and submissions were

considered by the Weapons Review Committee and amendments regulating imitation weapons, such as those kept by RSLs, will be considered in the second stage of the process.

The Queensland Police Service also established a committee to identify issues relating to the administration and enforcement of the legislation. Key recommendations to address these issues include introducing online processing of licence applications and permits and introducing new fees for selected weapons transactions.

When we talk about the weapons laws we must never forget the greatest threat is from criminals with illegal or unlawful weapons not the law-abiding gun owners who are regulated and who pay significant amounts of money to the state to lawfully own and lawfully operate certain weapons. We on this side of the House know that weapons related crime is a serious issue that should never be allowed to go off the radar. Previous research has found links between weapons and drugs. Illicit drugs have been linked to weapons, particularly firearms, in a number of ways, including that violence with or without weapons can be an integral part of the drug trade; dependent drug users may commit crimes to finance their drug habit possibly with weapons; drug users may commit crimes of violence when under the influence of drugs, possibly with weapons; and firearms and other weapons may be exchanged for drugs and drugs for firearms.

When it comes to drug crime and weapons, it has been suggested that while dependent users may resort to the use of weapons and firearms when committing crimes to get money for drugs, research suggests that this is not the most common reason for property crime but that the principal link is the role of firearms in the illegal drug trade, including protecting shipments of drugs, intimidating customers or competitors, enforcing debts, resolving disputes, eliminating competition and punishing informants.

Criminologists reported that, in July 2001, five per cent of the Australian adult population had a firearms licence, whereas 20 per cent of police detainees in 2002 reported owning a firearm in the previous year. The proportion is much higher than the general population, and very few of the police detainees reported holding a firearms licence—about 10 per cent did. This is not surprising, as a prior criminal record would automatically exclude a person from legally obtaining a firearms licence.

Research on the licensing and registration status of firearms used in homicide also finds a very low rate of compliance with firearms licensing legislation. In a recent study from 2006, 16 per cent of all detainees reported using a weapon to commit a crime at some time in their lives—data was not collected on the types of crimes committed with these weapons; nine per cent reported using knives; seven per cent had used firearms; and five per cent had used some other weapon to commit a crime. One in 50 used a syringe to commit a crime. Similar proportions were found in the United Kingdom sample, with 14 per cent of arrestees ever using a knife to commit an offence and five per cent ever using a firearm to commit an offence. So it is clear from the research that there is no doubt a linkage between weapons and crime and, as such, we should never shy away from doing everything in our power to ensure the safety and security of every Queenslanders from such crime.

In speaking to the particular amendments being put forward in this bill, the key changes are—

- increases the penalties for behavioural offences involving weapons;
- extends the current definition of bladed weapons to accord with national standards;
- regulates the possession and use of laser pointers with an output greater than 1 milliwatt;
- regulates the possession and use of high capacity magazines for category B firearms;
- defines an approved safety training course and what the Commissioner of Police ... may consider in approving such a course for the purposes of obtaining a firearms licence;
- clarifies that a person may have physical possession of a knife in a public place, other than a school, for a genuine religious purpose;
- removes licensing and registration requirements for permanently deactivated public monuments;
- exempts off-duty members of the Queensland Police Service ... and special constables required to possess service issued weapons and exhibits;
- clarifies that incorporated shooting clubs must nominate a representative;
- clarifies that range officers cannot be minors;
- permits range officers from another State or Territory to officiate on ranges;
- introduces additional genuine reasons for the possession of a weapon to include medieval re-enactments, paint pellet sports and for the collection, preservation and study of weapons;
- allows an exemption from a provision of the Act to be revoked if the exemption is breached;
- adopts the Australian Federal Police Firearm Deactivation Standards;
- amends the *Weapons Categories Regulation 1997* ... to better define body armour; and
- amends Schedule 2 of the *Weapons Regulation 1996* ... to reflect changes to government service entities and prescribed functions.

I note that this last amendment clarifies a potential gap between the Corrective Services Act and the Weapons Act for companies such as Serco and GEO which run some of our corrective services facilities. I take this opportunity to thank the minister and his staff from the department for the briefing I received in relation to this bill.

In every state of Australia, the debate over gun control ignites considerable passion and it is important to dispel some myths. There has never been an unfettered right for Australians to possess firearms for any reason including self-defence. Even the United States Constitution, which is often misquoted by proponents of gun ownership, does not confer such a right. The second amendment to the US Constitution states—

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

That is a very different proposition from the belief that every individual should have the right to possess whatever weapons they wish. What the Howard government set out to achieve—and what these amendments we are debating attempt to continue—was to remove from the community all weapons with the capacity to inflict mass casualties or injury. Even licensed, they serve no useful purpose in a civilised society. They may have their use in formed, regulated bodies like the Defence Force or the police, but they are neither necessary nor appropriate in the general community.

I acknowledge that there are those people who enjoy shooting exotic weapons either recreationally or competitively, and there are provisions in the legislation for them to do so. Their concerns about restrictions on owning and operating firearms have been heard. In preparing for this debate I have had feedback from numerous stakeholders—the Shooters Union Queensland, firearms dealers in Queensland, the Law Abiding Firearm Owners Inc., the Queensland Rifle Association, and pistol clubs and constituents of many members, as I am sure all members of parliament have.

I would like to make the point that what Labor fails to grasp is that, in the debate on guns and weapons crime, we need to be focusing on the criminals who commit crimes with weapons. We believe that the priority concern for the state government, rather than the Weapons Act, should be to overhaul components of the Penalties and Sentences Act so that tougher laws are focused on the actual criminals. Under Labor, convicted armed robbers continue to escape jail sentences. In the two years from 2005 to 2007 alone, 30 per cent of all convicted armed robbers did not spend so much as one night behind bars under Labor's so-called justice system. That meant that a total of 172 armed robbers were released back onto our streets and into our neighbourhoods without one night behind bars. These failed sentencing laws are the ones that are in urgent need of review, yet the Premier and Labor refuse to take any action. This bill before the House does nothing to address criminals committing crimes against innocent people with black market weapons.

Several proposed changes in this bill raise questions as to what objectives they would have when passed. I note that there are 22 behavioural offence penalties, and I will address my concerns with some of those when we reach the committee stage. I do question where the explanatory notes to this bill say that the existing penalty regime has not had the required deterrent effect. I ask the minister to outline why we have these increases in penalties in the bill and how many offences have been committed against some sections that would necessitate a doubling of penalties and in some cases even more than a doubling of penalties. I am talking about clause 24, 'Responsibilities of person attending an approved range'; clause 25, 'Theatrical ordnance suppliers to be licensed'; and clause 27, 'Obligations of security organisation in relation to the possession or use of a weapon'. These are organisations often that are already licensed and already complying with the law and there is no reference to criminal intent, so I would ask the minister in his response to deal with some of those matters that have really concerned a lot of constituents who are trying to do the right thing.

Clause 47 deals with an amendment to section 73, 'Modifying firearm to make it permanently inoperable'. I understand that this is a national provision but there are concerns by many genuine owners of old style weapons that it is going to make it virtually worthless to try to collect old style weapons. I will deal with that in the committee stage.

I acknowledge that the remainder of the bill brings about some clarifications in the act: ensuring that a person undertaking the duties of a range officer must be an adult, there is a restriction on laser pointers, there is a removal of licensing requirements for deactivated monuments et cetera. These amendments also attempt to make the conduct of range practices safer but also more flexible between different state jurisdictions. I acknowledge that professional, recreational or competitive shooters who observe weapon control legislation do not necessarily pose a risk to the community at large, but that does not give them an automatic right to possess whatever weapons in whatever quantity they wish.

As I have reiterated, the majority of violent crimes involving firearms are carried out by individuals who are not licensed with weapons that are not registered and have been illegally obtained. The amendments we are debating seek to increase penalties for the unlawful possession of certain categories

of weapons, and that part is supported, but as I have already said they also double penalties for 22 offences, supposedly as 'a strong message of deterrence'—and that quote is from the explanatory notes. Some of these smack of revenue raising by a cash-strapped Labor government, adding to the cost-of-living issues already facing Queenslanders.

Where the Bligh Labor government has failed the people of Queensland is in ensuring that penalties applied for violent crime involving weapons reflect the seriousness of the offence and meet the expectations that all Queenslanders have that violent criminals will receive appropriate sentences. That is not happening in Queensland. If the Bligh Labor government was serious about dealing with violent crime then we believe that a priority, as I have said already, should be to overhaul the Penalties and Sentences Act so tougher laws are focused on real criminals.

These amendments also seek to increase controls on certain categories of knives, as equally a deadly weapon in the wrong hands as a firearm. Tragically, we have seen an increase in the incidence of knife related violence, most disturbingly in our schools. As these amendments acknowledge, the possession or carriage of a knife has absolutely no place in the school environment. Again, under this Bligh Labor government there is a great disparity between what penalties should apply for unlawful knife possession and what penalties are imposed. Repeated questions from the LNP in an attempt to discover the number and type of knife incidents in Queensland schools have met with a blank. The Premier and Labor do not take the knife culture seriously enough in our schools to keep records of the number and type of knife incidents in schools. As for the possession of knives in public, between 2008 and 2010 some 1,365 people were found guilty or pleaded guilty to possessing a knife in a public place. Of those, only 122 were sentenced to a period of imprisonment. Yet again under this government actions do not match the rhetoric. There is also a real concern that this bill could unintentionally make criminals of thousands of law-abiding Queenslanders who routinely carry a small folding pocketknife. Under this bill, the definition of category M knives includes folding pocketknives. The majority of people who routinely carry such knives do so as a matter of convenience and the great majority of them do not consider them as weapons and nor do they intend to use them as such. The LNP does not believe it was the intention of this bill to make such knives and their possession illegal.

In my introduction I dealt with some historical elements with regard to this bill, and I want to return to that now. The then Beattie government announced its intention to undertake a comprehensive review of the Weapons Act, including the Weapons Regulation 1996 and the Weapons Categories Regulation 1997. The then police minister, the Hon. Judy Spence, established a Weapons Review Committee and invited public comments. Stakeholders including dealers, shooters associations, firearms collectors and the Queensland Council for Civil Liberties were represented in those deliberations. The Queensland Police Service, as I have already said, established a separate committee to identify any issues impacting on the administration and enforcement of the legislation. I want to acknowledge the work of both committees which was reflected in the Weapons Bill 2010, which was released for further consultation between August and September 2010. Over 2,500 online comments and submissions were received and from these the bill progressed to the two separate legislative stages, the first of which is before parliament now.

I also want to acknowledge the deliberations of the Queensland Police Service committee, whose recommendations largely led to the separation of the bill into its two stages. However, this bill is now a very different document from the draft discussion document that was circulated for comment in 2010. That also means that it is not breaking new policy ground on weapons control but rather it is increasing penalties already available in Queensland, supposedly to bring them in line with national standards. It also means that this bill has not been circulated for discussion because it is a totally different document from the one that was circulated last year.

I now want to read into the record some very important comments from some stakeholders whom I have consulted in the preparation for this legislation being debated. In a written statement to me it has been said that members continually express concerns over matters associated with firearms licensing and recent changes to system procedures within the Weapons Licensing Branch have left many members shaking their heads in disbelief. A new computer system has been introduced which has slowed processing of licensing matters to, in some cases, many months. Members are now required to manually complete a form for a permit to acquire—or PTA—whereas with the old system it was computer generated. Delays in the issue of PTAs have extended to months, and a prerecorded telephone message was used by Weapons Licensing to advise callers that they should expect delays and not to call.

At the police stations the system appears to be driving officers on counter duty crazy, with backwards steps in processing that take up valuable time for sworn officers. Matters involving group licences covering firearms held by some of these stakeholder groups have also extended to many months and most recently they have been advised that the statutory report of members meeting compliance requirements for the minimum number of shoots for each firearm category has been suspended for this year. It would not be surprising to find that the new computer system is unable to produce the necessary reports on which this return is based.

When we talk about amendments to the Weapons Act we get caught up in the debate on guns. But what is clear is that knives now are potentially as big a threat to public safety as any gun. The Australian Institute of Criminology reports that knives are the most common weapon used in armed robbery, accounting for 47 per cent. Where the armed robbery was against a business, the use of knives jumped to over 50 per cent. The same report concludes that it is far from clear what actually works with regard to reducing knife-carrying and knife offences. The key offences relating to knives in Queensland are contained in section 51 of the Weapons Act 1990, which prohibits possession of a knife in a public place or school without a reasonable excuse. In studying the response here, we should turn to the United Kingdom and its response to knife crime, which has, on some reports, reached epidemic proportions under the former Labour government there. The Institute of Criminology wrote—

There has been extensive discussion on and regulation of knives in the United Kingdom in recent years.

The AIC also notes—

The fact that data on illegal knife possession offences are not routinely collected makes it difficult to establish the impact of strategies aimed at deterring young people from carrying such weapons, including searches and detectors, public safety education campaigns and knife amnesties.

The UK House of Commons Home Affairs Committee concluded that its findings ‘convinced us of the need to target knife-carriers and violent offenders separately’. The committee called for increased education in schools and measures to help young people feel safer, as well as the adoption of a long-term violence reduction strategy that focuses on prevention. I agree totally with research out of the Australian Institute of Criminology in its conclusions. Specifically, better data sharing about knife violence at a local level, early intervention with children born into dysfunctional families and a more strategic approach to providing diversionary activities and support for excluded young people were amongst recommendations. Finally, whether or not legislative measures prove to be effective, these should be accompanied by improved data collection, especially by health agencies, and program evaluation as well as public education about the carriage and use of knives.

Researchers have drawn analogies with campaigns for drink driving, speeding, the use of seatbelts and smoking, arguing that the education campaign against a knife culture needs to target young people who might be in the next wave of potential weapon carriers as well as those who currently carry them. This approach is consistent with the observation that community and education based early intervention initiatives across a diverse range of levels and settings offer the most promise in addressing the long-term factors underlying youth weapon carriage. Overall, when it came to stakeholder feedback on this bill, this is what is said—

The ... problem is that these amendments were introduced into Parliament without any consultation or notification to user groups at all. Whilst the Minister says the items are non-contentious, he did not give anyone the opportunity to comment. As above, many of the items are certainly contentious. The consultation last year was on the draft bill, which is a completely different document to this one.

It continues—

The increase in penalties makes no reference whatever to criminal intent and are all aimed specifically at those who are already obeying the law.

Comments from a stakeholder continue—

The fact that the Minister clearly won't allow any comment is a cause for concern. It means that the other changes that were planned but 'shelved' because of the 2,500 submissions may very likely be introduced by stealth—just like this.

Mr Roberts: Member for Surfers Paradise, all of these provisions were in the draft bill that was released.

Mr LANGBROEK: I take the interjection from the minister. As I say, I have had extensive consultation with stakeholders and I am happy to put their comments on the record. Another submission said—

If amendments are to be considered they should be prefixed by three statements:

- what are the changes requested,
- what is the need for the changes,
- what are the justifications for the changes.

They are some of the answers that I have sought from the minister today. They are the sorts of questions that our new committee system is designed to analyse, scrutinise and criticise and it is disappointing that this bill was not referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee instead of the bills that are before that committee, of which I am a member, and they are the property agents and motor dealers and auctioneers bills.

May I say that tackling weapons related crime is important in tackling and addressing the undercurrent of fear in our community. It was reported recently that the number of new gun licences issued on the Gold Coast has risen 36 per cent in the past two years—nearly double the increase across Queensland—with one criminologist attributing the rise to fears over home invasions. There are currently more than 155,000 firearm licence holders in Queensland, 14,622 of whom are in the Gold Coast region.

In a report from the *Brisbane Times* it was found that the number of new gun licences issued across Queensland increased 19 per cent, from 12,818 to 15,260. However, the number of charges laid for the possession of illegal firearms in the Gold Coast region decreased 20 per cent over the same time, from 138 to 110. The latter figure includes charges laid in the newly formed Coomera police district as well as the Gold Coast and Logan.

The respected criminologist Professor Paul Wilson was quoted in that *Brisbane Times* article. The article states—

... the increase in gun licences on the Coast was 'disturbing'.

While 'self protection' is not a valid reason to obtain a firearm licence in Queensland, Professor Wilson suggested residents concerned about the rate of home invasions on the Coast—

and crime overall—

may feel the need to arm themselves.

'I suspect that once you get a feeling that a place is dangerous, then people are more likely to arm themselves,' Professor Wilson said.

'And the analogy would be young people with knives ... the major reason [young people] say they carry knives is for self defence. And I believe the same might well go for guns.'

Professor Wilson said the increase in gun ownership was worrying. He said—

The evidence is fairly clear; the more guns a community has, the more chances there are of crimes.

I think it is important to reinforce that there is no suggestion whatsoever that law-abiding gun owners are in any way contributing to the spike in violent crime in the south-east. I note with disappointment the recent incidents of armed robberies at the Gold Coast. There have been three incidents in the last couple of days.

When it comes to managing the Weapons Act it seems that Labor is more interested in tightening the screws on law-abiding Queenslanders than in doing something real about tackling serious crime in Queensland. Gun control laws have addressed issues surrounding gun possession and gun related crime in Australia and in Queensland. However, further changes to these laws and regulations will not address the causes of current gun related crime. The legislation is as restrictive and all-encompassing as it can be before it begins to seriously hamper the law-abiding citizen's ability to register and maintain a gun licence for appropriate purposes. It is not these citizens—those who will reluctantly follow whatever new processes are put in place to register their guns—who should be targeted when reviewing gun control in Queensland; it is those who possess guns illegally through underground or criminal operations who need to be targeted. This means there needs to be a shift in focus, energy and money. The shift needs to be towards increasing police operational capabilities and resources in problem areas. The shift needs to be towards effective punishment of offenders and addressing the social issues that lead to illegal gun use.

The doubling of behavioural penalties in the bill for some offences is a small step in the right direction. However, for others there does not seem to be any justification except the desire of this government for more revenue. There needs to be a much greater increase in penalties for violent, gun related crimes. Deterrence cannot be achieved by restricting access to guns and weapons. If a person desires to use or possess a weapon there will always be a way. Deterrence needs to focus on the consequences of their decision to possess a weapon and their decision to use it in an illegal way. Then we as legislators will convince Queenslanders that among our top priorities is the safety and security of our Queensland community.