



Speech by


Hon. Neil Roberts

MEMBER FOR NUDGEE

Hansard Thursday, 12 May 2011

WEAPONS AMENDMENT BILL

First Reading

 **Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (11.30 am): I present a bill for an act to amend the Weapons Act 1990, the Weapons Categories Regulation 1997 and the Weapons Regulation 1996 for particular purposes and to make minor or consequential amendments of the Domestic and Family Violence Protection Act 1989, the Explosives Regulation 2003, the Security Providers Act 1993 and the Transport Operations (Passenger Transport) Act 1994. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Tabled paper: Weapons Amendment Bill 2011 [\[4458\]](#).

Tabled paper: Weapons Amendment Bill 2011, explanatory notes [\[4459\]](#).

Second Reading

 **Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (11.30 am): I move—

That the bill be now read a second time.

I introduce a bill that reflects the Bligh government's continued commitment to weapons law reform, which has been ongoing since the commencement of the Weapons Act 1990. Enhancing community safety in Queensland is one of the Bligh government's top priorities. This government will continue to implement strategies that contribute to safer communities and the reduction of crime and its social and economic causes. The control and regulation of weapons is central to this objective.

In recognition of the importance of ensuring that weapons legislation remains contemporary, in December 2006 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. In addition to an open invitation for public comments, the then Minister for Police, Judy Spence, established a Weapons Review Committee, which was tasked to consider the feedback received from the Queensland community. I thank the previous Minister for Police for setting the foundations of the review.

The Weapons Review Committee was chaired by Mr John English, the then member for Redlands, and co-chaired by Ms Carolyn Male, the then member for Glass House. The Weapons Review Committee comprised representatives from the Sporting Shooters Association of Australia (Qld), the Queensland Rifle

Association, the Queensland Amateur Pistol Club, the Queensland Shooting Association, the Firearms Dealers Association of Queensland Inc, the Arms Collectors Guild of Queensland Inc, the Historical Arms Collectors Incorporated, the Film Ordinance Industry and Queensland Council for Civil Liberties. I thank the former member for Redlands, Mr John English, and the current member for Pine Rivers, Ms Carolyn Male, for their leadership and all members of the committee for their participation and valuable contributions.

Simultaneous to the review committee's deliberations, the Queensland Police Service established a separate, but related, committee to identify any issues impacting on the administration and enforcement of the legislation. The Police Service committee included representatives from the Office of the Commissioner, State Crime Operations Command, Weapons Licensing Branch and the Scientific Section. I also thank members of that committee for their contributions.

The review committee identified 440 proposals for legislative change during the initial consultation phase. Those proposals were reflected in the Weapons Legislation Amendment Bill 2010. This preliminary draft legislation was released for further input from the Queensland community between 4 August and 14 September 2010. Over 2,500 online comments and submissions were received in response to the invitation. A number of those submissions raised issues that I believe need to be considered in greater detail.

Accordingly, on 10 March 2011 I announced to the parliament my intention to separate the progression of amendments to the act into two distinct stages. The bill I introduce into the parliament today represents stage 1 of the amendment process. As advised to the parliament on 10 March, stage 2 amendments will focus on the more contentious policy issues, such as the regulation of imitation weapons. I will provide further information to the House on the progress and timeline of stage 2 amendments in due course.

The purpose of stage 1 amendments is to further enhance community safety, streamline some administrative arrangements and send a strong message of deterrence to those in the community who would commit weapons related offences. The explanatory notes provide the necessary detail of the purpose of each proposed amendment. Some of the more significant amendments are as follows.

The bill doubles the penalties for behavioural offences, such as discharging a weapon in a public place, dangerous conduct with a weapon and shortening or modifying a firearm, including the altering of its identifying details. The maximum penalty for those offences will increase from 100 penalty units or two years imprisonment to 200 penalty units or four years imprisonment. Necessarily, those offences will be reclassified from simple offences to indictable offences. Additionally, the penalty for possession of a knife in a public place or school increases from 20 units or six months imprisonment to 40 units or one year imprisonment.

The bill also introduces a regime of regulation for the possession of laser pointers of more than one milliwatt. The importation of laser pointers into Australia is currently restricted through the Commonwealth Customs (Prohibited Imports) Regulation 1956. This legislation complements the Commonwealth legislation by only allowing those people with a genuine reasonable excuse to possess a laser pointer with an output of more than one milliwatt. A reasonable excuse is defined in the bill and allows members of recognised astronomical organisations and people who have genuine occupational reasons to have possession of a laser pointer with a power output of less than 20 milliwatts. Firearms licensees who have possession of a firearm that has the capacity to use a laser pointer with a power output of less than 10 milliwatts will also be considered to have a reasonable excuse. The possession and use of laser pointers for any purpose will not be restricted where the laser pointer is less than one milliwatt.

The bill also introduces amendments to remove the requirements to licence and register permanently deactivated public monuments, such as artillery pieces often displayed by the Returned and Services League sub-branches.

The bill amends section 51, possession of a knife in a public place or a school, of the Weapons Act to clarify that a person may physically possess a knife in a public place for genuine religious purposes. The example used in the bill is the Sikh religion, which requires baptised members to carry a small blunted knife known as a kirpan, which is worn underneath the person's clothing. However, this amendment will not extend to the physical possession of a knife in a school. The safety and welfare of our children is paramount and, therefore, the bill excludes the possession of any type of knife on school grounds.

The definition of a bladed weapon has also been expanded to include an additional array of knives such as ballistic knives, push knives, butterfly knives and knives concealed in other items such as walking sticks and other apparel or accessories. Whilst some of those knives may arguably have been captured in the existing definition, the amendments will remove any doubt. Queensland does not tolerate the unlawful possession of knives.

The bill also contains an amendment to tighten regulations on the possession of high-capacity detachable magazines. High-capacity detachable magazines with a greater than 10-shot capacity for pump and lever action centre-fire rifles and magazines with a greater than 15-shot capacity for repeating

action centre-fire rifles will be generally prohibited in Queensland. This amendment will reduce the overall fire power available on the market and ensure Queensland is consistent with the national standards. This amendment will not affect licensed shooters who currently possess high-capacity detachable magazines for category D or R weapons or who are licensed to possess high-capacity detachable magazines.

Briefly, other proposed amendments include the introduction of a definition of 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; an exemption for off-duty members of the Queensland Police Service and special constables required to possess service issued weapons and exhibits; a clarification that shooting range officers cannot be minors; allowing range officers from other states and territories to officiate on Queensland ranges; the introduction of 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; an exemption from a provision of the act to be revoked if the exemption is breached; the adoption of the Australian Federal Police Firearm Deactivation Standards; amendments to the Weapons Categories Regulation 1997 (Categories Regulation) to better define body armour; and the amendment of Schedule 2 of the Weapons Regulation 1996 (Weapons Regulation) to reflect changes to government service entities and prescribed functions.

Queensland has a rigorous weapons licensing system which balances the need for community safety with the legitimate interests of weapon users and owners. The government will continue to engage with the community to ensure future amendments maintain that balance. The proposed amendments in this bill ensure that our laws remain modern and responsive. I commend the bill to the House.