



Speech by

**Andrew Cripps**

**MEMBER FOR HINCHINBROOK**

Hansard Thursday, 8 September 2011

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## **WEAPONS AMENDMENT BILL**

 **Mr CRIPPS** (Hinchinbrook—LNP) (12.10 pm): I rise to make a contribution to the debate on the Weapons Amendment Bill 2011. The stated objective of the bill is to amend the Weapons Act 1990 and relevant regulations to give effect to issues identified through the protracted review of the weapons legislation which commenced all the way back in 2006 and resulted in the exposure draft Weapons Bill 2010 being circulated.

The bill before the House was introduced on 12 May 2011. This bill proposes to do quite a number of things, including increase the penalties for behavioural offences involving weapons; extend the current definition of bladed weapons to accord with national standards; regulate the possession and use of laser pointers with an output greater than one milliwatt; regulate the possession and use of high-capacity magazines for category B firearms; define 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; clarify that a person may have physical possession of a knife in a public place, other than a school, for a genuine religious purpose; remove licensing and registration requirements for permanently deactivated public monuments; exempt off-duty members of the Queensland Police Service and special constables required to possess service issued weapons and exhibits; clarify that incorporated shooting clubs must nominate a representative; clarify that range officers cannot be minors; permit range officers from another state or territory to officiate on ranges; introduce 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; allow an exemption from a provision of the act to be revoked if the exemption is breached; adopt the Australian Federal Police Firearm Deactivation Standards; amend the Weapons Categories Regulation 1997 to better define body armour; and amend schedule 2 of the Weapons Regulation 1996 to reflect changes to government service entities and prescribed functions.

From the outset it must be emphasised that many of the proposed changes to the Weapons Act that were canvassed in the exposure draft Weapons Bill 2010 have not found their way into the Weapons Amendment Bill 2011, which is now before the House. The Minister for Police, Corrective Services and Emergency Services stated in his second reading speech that he has divided the proposed changes to the Weapons Act that were identified during the review process into stages that will be contained in two different bills.

It must be said, however—indeed, it has been acknowledged by the minister—that many of the more controversial proposals that were in the exposure draft appear to be left out of this first bill to be implemented in the second bill that has been foreshadowed. The remaining matters that are contained in this bill, which I have mentioned, by and large have not resulted in a great deal of resistance from the general public or from stakeholder groups. Therefore, as the shadow minister for police, corrective services and emergency services, the member for Surfers Paradise, has already indicated, the LNP will not oppose the bill, although we will be registering concerns about some specific issues.

Before I register some specific concerns that I have, I want to identify some proposed amendments that I welcome and that I think we have waited far too long for to see in a bill in this place. Firstly, I welcome

the amendment that proposes to regulate the possession and use of laser pointers with an output greater than one milliwatt. I have observed several sets of circumstances during which the irresponsible use of one of these laser pointers has caused problems for individuals or sometimes groups of individuals. There are a number of legitimate uses for laser pointers, and that is why the amendment proposes to regulate their use rather than prohibit it.

Secondly, I very much welcome the amendment that removes the licensing and registration requirements for permanently deactivated public monuments. This has been a silly, unjustifiable and onerous requirement that has adversely impacted on many communities across Queensland since it was introduced. There have been some really outrageous examples of this ridiculous regulation by government being unduly applied to and interfering with local communities, usually in relation to historical displays in RSL clubs or public memorials dedicated to our defence forces.

I turn now to a concern that I have about the bill. My concern relates not specifically to an amendment that is contained in the bill but to an amendment that ought to be in the bill. It has already been established that this bill has gathered up most of the non-controversial, common-sense amendments that came through the consultation process that occurred during the review of the Weapons Act and the feedback submitted after the release of the exposure draft. I believe it would have become obvious through the review of the Weapons Act and the feedback received during consultation on the exposure draft that there were some unreasonable restrictions being placed on primary producers trying to renew their licences for category C and D class weapons when seeking to retain possession of those weapons for good reason. I think it is unfortunate that the bill before the House does not take the opportunity to address this issue, given that it would have been a common-sense, reasonable amendment that ought not have been seen as controversial.

I have had cause to make representations on behalf of primary producers in my electorate on more than one occasion to question why they have been denied a renewal of their licences for category C and D weapons. In the first example, I objected on behalf of a constituent who was a primary producer in my electorate to him being denied a renewal for his category C and D weapons licence by the Weapons Licensing Branch for the control of feral pigs on his property. I was very surprised indeed that the Weapons Licensing Branch had accepted advice from another state government department that did not accept the reason that my constituent put forward—that the levels of feral pigs in the rural farming area where he farmed warranted the use of a category C or D weapon. I have on many occasions spoken in this parliament about the serious problem of increasing feral pig numbers in North Queensland but acknowledge that that is the case across many areas of the state.

I have spoken on many occasions in this parliament about the failure of the state government agencies to control feral pig numbers on state controlled land such as national parks and state forests. The complete failure to control feral pig numbers on state controlled land has created serious problems for adjacent private property owners, especially farmers, because feral pigs cause such extensive damage to crops—that is a financial loss—and they can cause some serious environmental damage as well. It is a disgrace that the government continues to fail to effectively control feral pig numbers on state controlled land.

I was alarmed not only that state government departments were not adequately addressing feral pig numbers on state controlled land but that they were now interfering with the legitimate efforts of private land owners to control the increasing numbers of feral pigs causing extensive damage to their crops and, indeed, the environment. So I was concerned that the Weapons Licensing Branch was taking advice from state government agencies who themselves were failing completely to meet their own obligations to control feral animals on state controlled land, and now they were ignoring the impact that the growing number of feral pigs was having on adjacent primary producers.

The second example involving another constituent of mine was very similar to the first. Again, the Weapons Licensing Branch would not accept my constituent's proposition that the reason he needed to renew his class C and D weapons licence was that he needed to control feral pigs on his property. Again, it appears that the Weapons Licensing Branch was relying on advice from another state government agency that had absolutely no idea about the reality of the growing numbers of feral pigs in North Queensland.

Category C weapons are semiautomatic. In a rifle they will have a capacity of no more than 10 rounds. In a shotgun they will have a capacity of no more than five rounds. Category D weapons are self-loading weapons which can have integral or detachable magazines. In a rifle they can have a capacity of more than 10 rounds while in a shotgun they can have a capacity of more than five rounds.

The reason primary producers may have a valid and legitimate reason to retain a licence for a category C or D weapon for the control of feral animals on their property is that not only are the feral pigs growing, they are being observed in larger and larger mobs that have not previously been encountered, hence the need for weapons of these classes to undertake effective control efforts. As a result of feral pigs not being controlled properly, they are also getting bigger. Many feral pigs now being caught weigh several hundred kilograms. Primary producers can often encounter these large mobs of feral pigs, including large

feral pigs, in isolated areas of their properties. For safety reasons, as well as for the effective control of feral animals, some primary producers require a category C or D class weapon rather than be confined to a category A or B weapon.

Category A and B weapons are largely limited to single- or double-barrel rifles or shotguns. So I appeal to the Minister for Police, Corrective Services and Emergency Services to at least try to understand the circumstances of a primary producer who encounters a feral pig weighing several hundred kilograms on their property and needs to have available to them a weapon that can effectively and immediately control a feral animal of that size.

Similarly, I appeal to the minister to at least try to understand the circumstances of a primary producer who encounters a mob of feral pigs of up to 15 or 20 or 25 animals and wants to attempt to control those feral animals on their property. In those circumstances, a primary producer needs to have available to them a weapon that can effectively and immediately control that number of feral pigs.

Primary producers are putting forward these reasonable and legitimate propositions to justify the reason they require a category C or D weapon to undertake the control of these types of feral animals. I appeal to the minister to at least try to understand the circumstances of primary producers when they encounter these feral animals on their properties, when they are driving up a headland on a sugarcane farm or moving up rows on a horticultural property and only have a limited opportunity available to them to take measures to control those animals at that time. If those primary producers do not have an effective weapon available to them to control feral animals in those circumstances, the opportunity will be quickly lost as those feral animals will disappear into the cane or disappear into another row on a horticultural farm.

The most frustrating aspect of this matter is that one of the principal reasons primary producers in North Queensland need access to category C and D weapons to control feral animals is that the government agencies are failing to control those feral animals on state controlled land such as national parks and state forests. I appeal to the Minister for Police, Corrective Services and Emergency Services to allow primary producers to try to minimise the financial losses that they suffer from crop damage caused by feral animals because of the failure of state government agencies to control those feral animals on adjacent state controlled land. It is not fair that, because those government agencies are failing to do their jobs and because they do not understand the circumstances facing farmers on their properties, the Weapons Licensing Branch is refusing to renew their licences for category C and D weapons.

Of course, it is not the fault of the Weapons Licensing Branch that this is occurring. The Weapons Licensing Branch is required to seek the advice of those state government agencies in considering licence renewal applications when this reason is submitted by applicants. The government might not think that this is an important issue, but it is an important issue for many primary producers.

The opportunity should have been taken in this bill to provide for a better process to ensure applicants who have a genuine and legitimate reason to retain a category C and D weapon can do so and are not disadvantaged by the failure of state government agencies to do their job properly or even be aware of what is going on in the real world where primary producers face these practical challenges. It would have been wonderful if this reasonable, legitimate reason to improve the process of application by primary producers for category C and D class weapons was taken up in this bill. I believe it would have been a common-sense, straightforward and non-controversial amendment to make.