

HOUSE OF ASSEMBLY

WEDNESDAY 18TH NOVEMBER 2015

FIREARMS BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 October 2015.)

Mr PEDERICK (Hammond) (12:33): I am happy to contribute to the conversation around the Firearms Bill 2015. I want to note the contributions so far by the shadow minister for police, the member for Morialta and the member for Stuart. I think there have been some good words already put to this debate. The member for Stuart already presented what he thought were the very good attributes of the work that the member for Morialta does. I commend the member for Morialta. I was in here the other night when he spoke for about 90 minutes to the introduction of this bill. For a bloke that has just shot five shots at a target range, though he did say that he had a very good grouping, I think he did an excellent job of putting forward the various nuances of the bill. As has been emphasised, there are people on either side of the argument: the pro responsible gun users and the people who want to get rid of firearms altogether. Then there is probably another group who want things opened up a bit more.

What I would like to say in my second reading contribution is that I think to go anywhere near what the United States has as far as so-called gun control and what the National Rifle Association is after and that sort of thing is just way out there and something we do not need. I do not consider that anyone in society, unless they are in the police force or the armed force, needs to have access to an automatic weapon. There may be other reasons around competition, but aside from all of that, I do not see any need for anyone to have a fully automatic rifle. I think it is something that is not necessary in society.

But, in saying that, we do need to manage what we have, and even though we can put all the best intentions in place, sometimes, as we saw the other day with the break-in at Virginia, things can go wrong. I know that has probably been under heavy investigation as to the dealers' storage of those handguns that were stolen, but I also do not want to get to the stage that we all have to build concrete vaults to store our guns in.

I say that as a registered gun owner: I have a 12-gauge pump-action shotgun (870 Remington) and a .410 shotgun as well. I did have an interesting time when I registered my 12-gauge pump-action about 16 years ago. I had it in a box and, straight out of Fisher Firearms, I took it straight down to Murray Bridge Police Station, put it on the counter, did all the particulars, no worries, took it home, put it together and put it away. A week or so later, I got a call from my father saying that a senior police officer was checking into my gun registration. I said, 'That's interesting, I've only just done it.' I guess, as gun owners, you do get a bit paranoid, because my father did not have a gun licence. I said, 'Whatever happens, you don't know anything about my gun,' and that is a

paranoia that gun owners get, to a degree, to make sure they comply with the regulation and the legislation.

Anyway, I rang the senior police officer back and, evidently, the number that had been written down as the registered number was wrong. I made it fairly clear that that was not my problem. I said, 'The box was there, the gun was there in several pieces—I can't remember whether it was two or three—and someone has written down the wrong number.' I went and verified it and said, 'I've done all I can. I don't want to hear anymore about it, really,' because I was trying to comply, but somewhere there had been a problem. I am not trying to be hard on the police, but that happened in real life, and it shows there can be problems at either end of the argument.

Certainly in regard to people, if they have a passion that they need to fire a fully automatic weapon or a semi-automatic rifle or something, you can go somewhere like The Gun Store in Las Vegas—I have been there. It has been a shooting gallery for over 25 years and, yes, there are different rules and regulations in the United States. I was fascinated by the amount of different rifles and pistols that you could use under heavy supervision. In fact, in that store, there was only one person I saw not carrying a gun, and they might have had a hidden gun for obvious reasons—for self-protection and protecting the clients if something went awry. It was an interesting experience. I selected a SAW 240—a .223 (or 5.56 on the metric scale)—and for 40 shots I think it was about \$US130 or \$US140. I put a couple of single shots through and then let a quick blurt through. At the end of the day, if you want to do that, go somewhere like that and do it or go to a shooting range here in South Australia. I do not think you will get access to the same guns, but do that if you need to and do it in a controlled manner. I must say that was a very controlled situation.

In regard to firearms, I acknowledge the work the police have done consulting with us and the overview they gave. Some of the statistics around firearms licences include that in South Australia 65,473 South Australians hold firearms licences. There are 309,209 registered firearms in South Australia and 17,023 registered handguns, and the sad thing is that up to 250 are stolen each and every year. We certainly need to be mindful of the security arrangements of heavy cabinets bolted to the wall and securely locked down.

In my conversations with different people in regard to this issue, I have had concerns presented to me by gun owners—obviously, legal gun owners—and gun dealers. We have gone through the new bill piece by piece, which obviously will replace the act if it goes through. We had questions about certain parts, and I would get the act and say, 'Hang on, that's already there, so don't be too concerned as it's already part of the act.' There were some concerns, and I am sure we will flesh out a lot of those during the committee stage.

What we are being told is that we need a new act because it is ambiguous and complex, difficult to understand, follow and administer, and deficient and antiquated, and that if we have effective administration and clear parameters there will be improved community safety. We are told there has been development over 10 years to get this bill into shape. Consultation was flagged in 2008 and 2012, and there was a ministerial round table in 2014-15.

This bill seeks to target the key issues of improved public safety, red tape reduction, overcoming deficiencies, a national approach, increased usability and modernising the act. The principles around the bill are:

to privilege conditional and overriding need to ensure public safety, and I think there will be more debate about that in the committee stage;

safe, responsible storage, which I have already mentioned; and

a nationally consistent approach, which certainly helps as we have such a mobile population these days.

As I said, the objects are:

the control of automatic and semi-auto weapons, and farmers and professionals are the ones who are allowed to use these;

to establish an integrated licensing and registration scheme;

to require a genuine reason to possess firearm ammo, and that is certainly what I need to do with my five-shot pump-action class C. When I renew my licence, I have to put in a genuine reason; and

stricter requirements for firearm activities and transactions.

Obviously, the object is to reduce the number of unlawfully possessed firearms, and that is something we really need to concentrate on as a state. I am not sure how we are ever going to beat it completely, and that is the nub, I think, of this bill and the act.

As to illegal firearms, no matter what we do in a legal context, no matter what legislation we pass, no matter what regulation we put in place, as we saw the other day when guns were stolen north of Adelaide, some people just do not care. They work outside the law. You could have virtually any penalty in place—and obviously we do not have the death penalty anymore—but, sadly, there would still be people who would wish to access illegal guns for their deeds. On that note, one of the objects is to prevent and restrict criminals from accessing and using firearms, minimise the risk of persons becoming victims of firearm crime and minimise persons causing injury or harm to others.

In regard to improving public safety and preventing crime, there will be a security code of practice, public safety notices, self audits, the relationship between guns and drugs, dealer-employee prohibition and a registrar authority to require relicensing. There has been a discussion around red tape reduction, and I sincerely hope there is. There may be a scheme about sound moderators, a broader permit scheme and non-specific permits to acquire firearms, and I guess we will work those issues through in the debate in the committee stage.

It is part of the red tape reduction that classes D and H licence terms be extended to three years and five years with the implementation of sufficient IT systems. Other issues include overcoming legislative deficiencies, including vicarious liability and deactivated firearms, which will have to be registered if

this bill goes through. That is related to an issue in Queensland, where there are up to 4,000 deactivated firearms that were activated.

In relation to regulated imitation firearms, I note the recent case of someone in Murray Bridge who committed a crime (an alleged crime, at the time) in relation to an imitation firearm; I believe they were not convicted, so we will have an interesting time with that in committee. Then there is the transportation of firearms and the exclusion of prescribed firearms from the handgun definition. I have already talked about the national approach to firearm control.

In regard to increasing usability, this is in regard to disqualifying offences. I think the ongoing general amnesty is a very good provision, if that goes through in this bill. For whatever reason, if people find a gun somewhere or somehow a gun turns up (and there could be several reasons for that) that is unregistered, they can take it in and get rid of it and not cop a penalty. There is also discussion around general exemption from any provision of the act. Part of the modernisation of the act includes additional licence categories, service of notices by fax or email (I do not know how many fax machines get used now, but I guess the odd one still comes through) and expiable offences.

Then we have a discussion paper about our farmers. We talk about access to the farm safe by employees, but my understanding is that the employee has to have the appropriate same licence category as the owner of the gun, but we can talk about that in committee. In relation to the joint storage of firearms, not just by farmers but by club owners, I have had some discussion with pistol club owners about the storage of guns, especially if a husband and wife, say, are both in a gun club. There are rules about mental stability, etc., of individuals. I believe they can have their guns in the same gun cabinet but with separate locking capabilities to lock them in. I think a lot of these things are sensible, but we also need to deal with the reality of how people use firearms.

On the issue of loaded firearms when driving between paddocks, that is the reality of what happens today, especially if you are out spotlighting or out shooting in daylight. I certainly do not believe in having a shotgun cartridge or a bullet in the breech of a gun. If I had a .22 and for whatever reason I had a bullet in the breech, I would always want a bolt action so I could lift the bolt, because safety is the prime thing. Sadly, many years ago—and it was many years ago—at Coomandook one lad who went out spotlighting did not come home alive. So, safety is of the utmost essence, and people acknowledge that.

As the member for Stuart explained, we need to be careful that we do not go too far on the requirements for legal gun owners by just making it harder and harder and harder. If that happens, I fear that people will think, 'Whatever I do is going to be classed as illegal.' If the police turn up to do an audit, which they are entitled to do, and there might be a very slight breach where a gun might have been got out of the cupboard and put down in the shed while someone went in for a cup of tea—or there could be other factors—there needs to be some reality around what legal gun owners do. In saying that, I acknowledge what can happen on some of these audits.

I was informed recently that down in my area there were 200 guns found in the audit, so I acknowledge that. But we need to make sure that gun owners can

use their guns for work in a legal way. In relation to pistol club shooters—and there are very strict restrictions on pistol club members, and I understand why—it affects the viability of pistol clubs even operating because people think, 'It's just too hard to get on board if I want to go through the whole process.'

There are many gun clubs in my area and around my area and around the state. There are clay-target shooters, black-powder shooters, and I cannot remember their name, but there are people who dress up as cowboys and carry on—

The Hon. T.R. Kenyon: Western.

Mr PEDERICK: Western shooters, thank you member for Newland. That is their sport, and good on them. In saying that, we do have to make sure that we do not clamp down too hard on legal gun owners because I think we will get a reverse effect. We have to make sure that society is safe, that we look after the interests of society and make sure that we keep guns out of the hands of people who should not have them and do not need them. I think the biggest battle in this state for all of us, including the police force, is to make sure we keep those illegal guns out of society. It will be a tough job, but that is the big thing we need to target here into the future, and I look forward to the committee debate on this bill.

Debate adjourned on motion of Mr Speirs .

Sitting suspended from 12:53 to 14:00.