

Firearms Act 2024 – Issues and Observations

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Summary:

Labor's draconian proposed reforms would **not reduce crime in any meaningful way**, and would **not take a single illegal firearm off the streets**. The proposed reforms would continue Labor's **go-soft approach on real criminals while they persecute law-abiding citizens**. The proposed reforms also **completely ignore the evidence-based recommendations of the 2016 Law Reform Commission**.

Issues:

1. The proposed reforms **completely ignore the vast majority of the recommendations of the 2016 Law Reform Commission**.¹
2. The new proposed physical and mental health requirements for people over a certain age seem to constitute **age discrimination**. For many senior citizens, shooting is the only sport that they are physically able to engage in.
3. The new physical fitness requirements likely constitute **disability discrimination**.²

¹ Labor has only adopted a small handful of the many recommendations of the 2016 Law Reform Commission Project 105. In Many cases, Labor has outright gone against certain recommendations of the LRC. For example, the Law Reform Commission recommended against limits on the number of firearms a person can own, recommended that there be no major changes to the property letter system, and recommended that there be no additional mental or physical health requirements, etc.) **Labor's proposals completely disregard these evidence-based recommendations in favour of emotion-based decision-making.**

<https://www.wa.gov.au/system/files/2021-02/LRC-Project-105-Final-Report.pdf>

² The proposed health requirements will take into account the following conditions (but is not limited to the ones listed here): Diabetes, arthritis, a heart condition, a physical injury(s), nervous system issues, a

4. The Act will give the Government the power to deny people certain freedoms based on their views and opinions.³

5. The Act will **take away people's common law right to silence.**⁴

sleeping disorder, or hearing issues. **This will actively discriminate against the elderly, people with disabilities and people with chronic illnesses.**

<https://www.watoday.com.au/politics/western-australia/wa-s-90-000-gun-owners-will-soon-have-to-answer-this-suite-of-questions-here-s-what-you-need-to-know-20240320-p5fe1z.html>

³ Section 150 of the proposed Firearms Act gives the Commissioner the power to deny the approval of a firearms license based on (but not limited to) the following:

“(a) the person’s conduct and behaviour;”

“(b) the person’s physical and mental health”

*“(c) the **person’s views, opinions and attitudes**”*

*“(d) the **person’s way of living or domestic** circumstances;”*

“(e) whether the person is of good repute, having regard to “

*“the **person’s character, honesty and integrity.**”*

Not only is the wording extremely vague, but subsection (c) explicitly **gives the Commissioner the power to deny a firearms application based on a person’s opinions and views.** This is dangerously open to abuse and could very well be used to stifle freedom of expression. It would give the Commissioner the power to punish anyone who publicly expresses unorthodox viewpoints or disagrees with government policy (on any subject). It would set a horrible precedent of denying people certain privileges and liberties based upon their beliefs.

⁴ I quote from the WAFCA letter to the Cook Government:

*“(Section 368) makes it an offence for a person to fail to answer any question asked by a police officer under the Act. **This is an alarming and remarkable abrogation of the common law right to silence.** It is not tied to any offending behaviour; it is not tied even to questions directed to a firearm owner or even a prospective firearm owner. Any person could be asked any question generally tied to any issue arising from the Act (of which there are potentially many) and commit an offence if they did what they would [in] almost all other circumstances be able to do and politely exercise their right to remain silent.”*

(Continued on next page)

6. Labor's **insinuation that WA currently has weak gun laws is a lie.**⁵

7. There is **no epidemic of gun crime in WA**, which completely invalidates the need for Labor's draconian proposals.⁶

8. Labor's Firearms Act is **generally vague, and the rules are poorly defined.** It would give inordinate power to the Commissioner. This is an unacceptable state of affairs in a representative democracy.

9. Labor's proposed reforms will still not recognize interstate firearms licenses. This is **nonsensical**, and WA is the only state/territory that doesn't automatically recognize licenses from the rest of the country.

⁵ Throughout the entire process of formulating these proposals, Labor has claimed that their reforms will give WA the "toughest gun laws" in Australia. This rhetoric implies that WA somehow currently has weak laws regarding the regulation of firearms.

This is nonsense. WA already has the toughest gun laws in Australia by far. Every other state/territory has an identical framework for the regulation of firearms. WA is the only state/territory that is wildly different than the rest of the country regarding the regulation of firearms. Labor's proposed new Firearms Act doesn't "modernize" WA's approach to firearms regulation the way that the Cook Government has claimed. All it would do is double down on an already strict, convoluted system that is wildly incongruous with the rest of the country.

⁶ There is **rampant youth and gang crime, but this has been almost totally ignored by the McGowan/Cook Government in favour of attacking law abiding citizens (i.e. licensed firearms owners).** The McGowan/Cook Government has provided absolutely **no evidence that the new laws would reduce crime in any meaningful way.** The Cook Government's claim that most guns used in crimes are stolen from licensed owners is completely unsubstantiated, and they have not provided any data to date to support this assertion.

10. The amounts that were being offered to firearms owners in the ‘buyback’ (a misnomer, as the government never owned the property it is buying) **were woefully inadequate.**⁷

11. It is **unclear what will be considered a disqualifying mental illness/disorder under the proposed new laws.**⁸

12. Labor’s proposed reforms would limit the number of property letters that a landowner can give out to people seeking permission to shoot on their land. This is nonsensical, would do **nothing to improve public safety, and is a violation of private property rights.**

13. Labor’s proposed laws would likely severely diminish (if not outright destroy) the firearms industry in WA, **resulting in job losses and the closure of many small businesses.** It would be very similar to the **effects of Labor’s demersal fishing ban and other fishing restrictions on tackle stores and fishing charters.**

14. Under Labor’s proposed reforms, **farmers would likely find it difficult to get hunters to come to their property to control problem animals.**⁹

⁷ Australian law is quite clear in that any property taken by the government must be fairly compensated. **The prices being offered to firearms owners in WA are utterly unfair.**

⁸ This could potentially discriminate against people with autism, or people with PTSD (e.g. veterans, many of whom engage in shooting sports to relieve stress). There is also no standardized test for assessing a person’s mental health. It is likely that many licensed **firearm owners will feel discouraged from seeking help for mental health struggles** out of fear of losing their license under Labor’s proposed system. This is especially true if they need firearms for their livelihoods (e.g. farmers, pest controllers, etc.)

⁹ This is because under Labor’s proposed laws, firearms owners will be required to get a property letter for every single property that they are invited to and submit said letter to the police for approval. This would make **community pest animal control programs impossibly difficult and complex to carry out.**

15. The Act **goes against Labor’s own rules and “core values.”¹⁰**

16. There is no evidence that imposing limits on the number of firearms that a person can own will have any effect on crime (see figure below). The imposition of such limits could force some firearms owners, who may own firearms that are individually worth tens of thousands (if not hundreds of thousands) of dollars, to move out of WA. Someone who is deemed a “fit and proper” person to be granted a firearms license should not have limits placed on the number of firearms that they can own.

¹⁰ I quote from the WA Labor Platform document:

Page 26: “People with **disability should have equal opportunities in all aspects of life and should be treated with dignity and respect;**” “People with disability **should have the same rights as other members of the community;**” “Legislation such as the Disability Discrimination Act 1992 (Cth) should exist to **protect the rights of, and guarantee full equity and access for people with disability.**”

Page 28-29: “WA Labor believes in the importance of social inclusion and enabling seniors to maintain their participation in the community and will continue to address the specific transport problems and other barriers to participation faced by seniors,” and “

Page 32: “**WA Labor is committed to eliminating inequality and disadvantage experienced by individuals** and groups which occurs as a result of income differences, **discrimination**, racism, and exclusion from the decision-making processes of government.”

Page 36: “**WA Labor recognises and supports the positive impact that sport and recreational pursuits make** on the physical, mental, and social well-being of all Western Australians.”

Page 37: “WA Labor will **provide adequate resources, through the relevant agencies, to ensure that facilities are provided to encourage maximum participation by all members of the community in a wide range of sporting and recreational activities** to suit the various needs of the diverse population in regional, rural, and metropolitan areas.” And “**plan, coordinate, and resource recreation and sport activities via the three tiers of government, aligning activities on an age and ability-** appropriate basis after research and research and consultation with relevant agencies and experts.”

Page 42: “**WA Labor condemns and will act against unfair discrimination** on the basis of gender, gender identity, sexuality, marital status, cultural diversity, economic status, **disability**, religion, and **age.**”

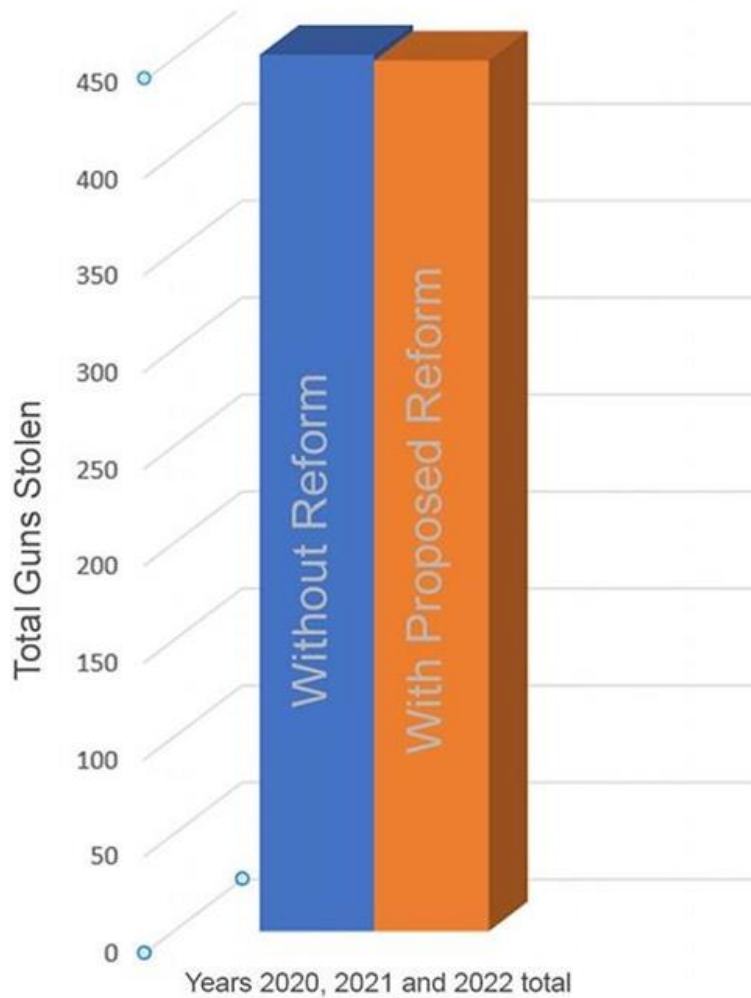
Page 220: “**WA Labor commits to reviewing all legislation to remove all discriminatory language to ensure equal opportunity and protection for all,** in line with the 2017 election commitment.”

I quote from WA Labor Rules:

Page 8: “The objectives of WA Labor are... **to promote, through parliamentary and other appropriate means, the objectives, aims and policies outlined in the State Platform** of WA Labor and the National Platform of the Australian Labor Party.” And “These Rules (including Schedules and Appendices) shall be binding on all members of the Party. All members must uphold the Objectives of the Party under Rule 1.2.1.”

It could be argued that Labor is violating their own platform and rules with their Firearms Act.

How Effective will the WA Gun Reform Be?



* Data from Hansard, 11th of October 2022, Provided by the Hon. Stephen Dawson, Minister representing the Minister for Police. Data provided by Police, Data correct as of the 13th of September 2022.