

## Presentation at Perth Field Rifle Club

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For further reading:

- John Ogilvie, “Human rights in the firing line?” *The Spectator*, <https://www.spectator.com.au/2024/06/human-rights-in-the-firing-line/>
- Rick Mazza, “Firearms bill a wolf in sheep's clothing,” *Farm Weekly*, <https://www.farmweekly.com.au/story/8610791/former-agricultural-region-mlc-rick-mazza-hits-out-at-gun-laws/>
- Matthew Ogilvie, “New Gun Laws Will Impact Freedom of Speech and Thought,” *The Epoch Times*, [https://www.theepochtimes.com/opinion/new-gun-laws-will-impact-freedom-of-speech-and-thought-5645849?utm\\_source=ref\\_share&utm\\_campaign=copy](https://www.theepochtimes.com/opinion/new-gun-laws-will-impact-freedom-of-speech-and-thought-5645849?utm_source=ref_share&utm_campaign=copy)
- Matthew Ogilvie, “WA needs public safety, not paperwork,” *The Spectator*, <https://www.spectator.com.au/2024/06/wa-needs-public-safety-not-paperwork/>

## Introduction

Thank you all for having us here this afternoon, members of the Club, candidates, members of the Liberal Party, and other guests.

We know where we stand on the Firearms act, the challenge is getting the message out to the wider community – that this affects us all.

The [Firearms Act of 2024](#) is a wolf in sheep's clothing. It violates many rights of all Western Australians. It legislates away property rights, the right to silence, and the right to freedom of opinion. It fosters disability discrimination, and threatens the rights of Indigenous people.

There's a crucial message we need to get out there. An attack on one is an attack on all – and the rights of all WA citizens are under fire, if you pardon the pun.

## Henry VIII Effect

When the [Uniform legislation committee](#) examined the Bill, it noted the presence of many Henry VIII clauses – which means that too much is left up to regulation rather than legislation – the act is full of regulations that reflect the will of the Police commissioner, not the Parliament. In other words, the Act makes the Police more powerful than our elected representatives.

## Unscrutinised/Fake Crisis

Labor did not want the Bill to be scrutinised properly. During its limited debate, the Bill was torn apart by members of the legislative council. So, Labor stopped the debate by declaring it “urgent.” So, 480 clauses in the Bill were never scrutinised. It would not allow the Bill to be scrutinised by the Standing Committee on Legislation, which would have picked up the multiple errors and human rights violations.

During the limited debate that Labor allowed, Hon Peter Collier noted that the “government’s poster boy for this legislation was that unregistered guns are out there and being used to intimidate people and used in crimes.” When asked for evidence the minister could not provide any to support the government’s position. The government claimed that the Bill was prompted by stolen guns being used in crimes. But again, the Minister conceded that there was no evidence from the police to support the government’s claim.

To put the point bluntly, the government’s claims about a firearms crisis were fraudulent.

## Bad Legislation

I encourage you to read the Act to see how bad it is. It doesn't even define firearms properly. For example, it contradicts the NSW definition of firearms (by classifying paintball guns as firearms.) It advances stupid regulations, such as the government or police being relied upon to tell property owners what feral animals are on their land. Pardon my cynicism, but a farmer does not need big brother to say that there are pigs or deer on his property, and they need to be take action.

Another stupid regulation envisages justifying genuine need for a firearm with minimum use of firearms for hunting feral animals. I'm sorry, I'm no biologist, but we can't tell feral animals when to turn up so that we can satisfy the Commissioner's desire for minimum use and genuine need.

## Property Rights

The Act violates property rights. We saw that with the so-called buy-back [you can't buy back something you didn't sell!]. People coerced into surrendering their firearms were often given compensation way below the firearm's value. Now, the police advise that even if you now have a firearm that is legal under the current regulations, if the regulations change and you have to surrender it, you may not receive any compensation.

The Acts violates the property rights of landowners. We should decide who we can invite onto our land, under what circumstances, but the Act says that the police will decide that.

## Right to Silence

The right to silence is fundamental to democracy. It protects us against lack of due process, and the excesses of law enforcement. It protects us from unfair self-incrimination. Yet the Act's Section 368 threatens any person if they do not "*answer any question asked by a police officer under this Act.*" Legal opinion suggests that this applies to all people, not only firearms owners. It has therefore stripped all West Australians of their right to silence.

## Freedom of Opinion/Speech

Free speech is also a fundamental violated by the Act. Section 150 allows the Police Commissioner to “have regard to ... *the person's views, opinions and attitudes,*” or their “conduct and behaviour.” It would be understandable if the Act specified pro-terrorist beliefs or something like that. But it doesn't. It is so vague that it could be used to punish people who speak out against a government or the police.

The precedent is now set that people can be denied a license in WA because the police do not approve of their beliefs, their lifestyle, or their attitudes.

## Medical/Disability Discrimination

The Act leaves people vulnerable to medical or disability discrimination. Doctors have already complained that they do not have the time or resources to administer the Act's health checks. Moreover, its medical standards lack objective criteria. They have no objective basis regarding the safe use of firearms, and they are likely to cause disability discrimination. Merome Beard MLA has also noted that the Act could effectively prohibit our State's Paralympians from participating in shooting competitions.

## Veterans

Veterans are also worried that they'll be denied an activity that many of them enjoy. Many have said they are worried that the mental scars they bear from their service will fall foul of the yet to be announced health regulations.

## Aboriginal People

Aboriginal people are concerned that the act will stop them hunting on their traditional lands. They worry that clause 150 may allow the police to deny them licenses because of their lifestyle, and because they hunt to feed their families. Hon Neil Thomson has already highlighted the fact that the new licensing regime will make it difficult, if not impossible for Aboriginal people living in remote areas to hunt legally on their traditional lands because of the complex land owning arrangements in these areas. While it has been suggested they could use traditional weapons, this is not possible under animal cruelty legislation. So Aboriginal people may now find themselves breaking the law and open to fines or jail time for feeding their families the way they have done for generations.

## Will it Make People Safer?

I want to come back to the question of whether the Act will make people safer.

The Minister should have listened to Ariel Bombara, daughter of the Floreat murderer. She said that Labor Government does not understand, that “this should not be a conversation about guns, but about the response to domestic violence.” She stated that “[I don't think gun reforms would have made any difference.](#)”

Instead of strengthening public safety, the Act will only create a mountain of paperwork. It will mandate tens of thousands of periodic health checks in an already overwhelmed health system. It will require tens of thousands of permission letters to be processed every year. It is inconceivable that this could be managed without aggravating the existing shortage of officers. The new legislation will take more police off the streets and put them behind desks, working on complex new regulations. This is with a Police force that is haemorrhaging numbers, and not recruiting enough police to cover those who leave the service.

Instead of law reform that will promote public safety, the Government has passed an Act based on ideology instead of evidence. It has a faulty understanding of firearms, and it expects the Act to be enforced by police the government cannot recruit, using resources they do not have.

So, we have a firearms act that is unfair, unjust, unworkable, and will do nothing to improve public safety.

The real threat to public safety is not farmers or sporting shooters. It organized criminals and biker gangs with illegal weapons. Instead of going after the real criminals, the government has targeted good people.

## What can we do?

This situation is horrible, so what can we do?

1. If we look at the experience of Aboriginal Cultural Heritage Act, it was overturned by pressure on members of parliament by the public.

I encourage you to write to or email politicians. Tell Labor you oppose the act, and tell Nationals and Liberals that you expect a review at minimum, and ideally a repeal. If we get a

balanced Legislative Council, I think a review will be likely (all parties wanted a review before passing the Bill, but they were outvoted by Labor's supermajority). Hon Nick Goiran has already put a motion on notice to request that the Standing Committee on Legislation conduct a thorough review of Act.

Labor will want to vote that down, but with enough pressure from the community, we can make that happen.

## 2. Then, Let's Vote!

We represent between 5 and 9% of voters – enough to swing the election if all firearm users vote appropriately. Based on 2017 results, I think that up to 15 lower house seats could be swung on the issue of firearms. We could also either balance or win the upper house.

In the meantime, please contact your elected representatives and those standing for parliament. And please talk your family and friends – let them know that the firearms act is a trojan horse that conceals human rights violations that will affect us all.

Thank you so much for your attention.