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**Commissioner of Police
Western Australian Police Force**

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Dear Commissioner

Review of WA Firearms Act 1973

INTRODUCTION

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

Current membership numbers equate to 84% of all pastoral leases, excluding Indigenous and conservation leases, and 21% of broadacre producers in the agricultural regions of Western Australia. This includes grain, livestock and mixed enterprises.

As an organisation which consists solely of primary producers, many of whom use firearms in their daily activities, and as a long standing member of the WA Firearms Advisory Committee, the PGA welcomes the opportunity to provide comment to the Western Australian Police Force into the review of the WA Fire Arms Act 1973 (Act), which will result in the drafting of new legislation.

SUMMARY

In making this submission on the Act, the PGA recognizes the need for positive outcomes that will ensure both public safety as well as protecting the legitimate use of firearms by farmers and pastoralists (primary producers).

It is critical that the focus of any changes to the Act be both cognisant of the need for legally licenced primary producers to continue to access firearms for vermin and pest control, the dispatch of livestock for animal welfare reasons, as well in as for work place safety when mustering; as well as focused on addressing the criminal misuse of firearms.

RECOMMENDATIONS

Recommendation 1

The PGA is of the view that the Firearms Legislation **should include a separate genuine reason of a primary producer**. This change will assist in clarifying the range of firearms that may be permitted in respect of this genuine reason, and must permit the firearm owner to use the firearm for both vertebrate pest animal control, animal welfare, and health and safety considerations while mustering.

The PGA recommends that the following categories should be permitted under this genuine reason subject to genuine need:

- Category A;
- Category B;
- Category C (only for a rifle or shotgun for the purpose of destroying vermin or stock as under Schedule 3, Division 4 of the Firearms Regulations);
- Category H (for commercial cattle grazing pastoralists where the firearm is required when mustering or yarding the cattle to deal with any animals (whether cattle or not) that are dangerous to people as under Schedule 3, Division 6 of the Firearms Regulations); and
- Category D (only for vertebrate pest animal control under certain circumstances).

The current legislative exemptions under section 8.1 of the *Firearms Act 1973* should continue to apply - that is, in respect to persons working for the primary producer, or who are family members of such primary producer. Given the potential significance to primary producers of being able to possess and use appropriate firearms in connection with their work, it is desirable that the Firearms Legislation facilitate this with as much flexibility as possible, without compromising broader objectives relating to public safety. The PGA's recommendation that 'primary producer' ought to be a stand-alone genuine reason will assist in this regard.

Recommendation 2

The PGA believes the Firearms Legislation should **provide for a genuine reason of vertebrate pest animal control**. To qualify the applicant should be a professional contract shooter engaged or employed in pest control or a person employed by or authorised by a government agency, including Recognised Biosecurity Groups (RBGs), prescribed by the regulations that has functions relating to the control or suppression of pests.

Section 11A(2)(d) of the current *Firearms Act 1973* provides that a person will have a genuine reason for acquiring or possessing a firearm or ammunition if it is required by the person in the course of the person's occupation.

Primary producers can currently apply for Firearm Licences under this genuine reason and must satisfy the Licensing Authority that there is a genuine need for the use of the firearm, which pertains to the applicant's occupation, and which cannot be achieved by some other means.

A firearm licenced to a primary producer may be used for the purpose of destroying vermin or stock by the primary producer or by persons working for the primary producer, or who are family members of such primary producer under an exemption in terms of section 8(1)(i) of the Firearms Act.

However there are many circumstances where non primary producers require a firearm for pest control. Under section 30(2) of the *Biosecurity and Agriculture Management Act 2007 (WA)* the owner or other person in control, in an area for which an organism is a declared pest, of an organism or thing infected or infested with the declared pest must take the prescribed control measures to control the declared pest, which can include shooting. The PGA is of the view that for clarity there ought to be a separate genuine reason in respect of vertebrate pest animal control.

Recommendation 3

The PGA believes the Firearms Legislation should **provide for a genuine reason of animal welfare**. To qualify the applicant should be a veterinary surgeon, an officer of the RSPCA, a government official with responsibilities for animal welfare, or an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.

Section 8(1)(h) of the Firearms Act provides that no licence is required, in relation to an approved firearm or ammunition for that firearm, by a person who in the ordinary course of his or her practice, trade or business uses that firearm for the purpose of dealing a blow to any animal with intent to slaughter it or to render the animal insensible prior to slaughtering.

The PGA believes that this exemption is too narrow, as the use of the word 'slaughter' suggests that the exception applies to cases which relate to the killing of animals for food. It does not appear to cover situations involving saleyards, shearing sheds, markets and during transit, where animals are not ordinarily required to be slaughtered but the need to humanely kill an animal may arise if, for instance, the animal becomes injured.

Under the *Animal Welfare Act 2002* everyone has a moral obligation to treat all animals humanely. WA livestock producers take their responsibilities for welfare issues seriously and they are committed to the delivery of good animal welfare outcomes through the adoption and application of the WA animal welfare standards and guidelines.

Further, under the current legislation, a captive-bolt is categorised as an E2 firearm. The PGA believes that captive-bolt should no longer be viewed as a firearm, rather as a necessary tool for farmers, pastoralists, veterinarians, abattoir workers and all other associated industries.

Recommendation 4

The PGA believes the Firearms Legislation **should not require 24 hour remotely required monitoring in remote and regional areas.**

The use of security alarms in remote and regional areas is ineffective as the alarm will not be responded to fast enough to have any deterrent effect. Ultimately it remains the responsibility of the licence holder to make sure that the firearm is securely stored.

Recommendation 5

The PGA believes the Firearms Legislation **should not require a primary producer who provides permission to use a firearm on their land to keep a register.**

S23(10) of the Act states that it is a criminal offence to use a firearm on private land without permission being granted from the landowner. It is common place for this permission to be provided in a verbal manner.

Any proposal to restrict a licence and shooter to a particular property creates burdensome regulation for primary producers who are carrying out necessary land and farm management practices. Requiring primary producers to keep and maintain records of who they have issued property letters creates unnecessary red tape for property owners. The PGA is of the view that the responsibility of submitting and registering property letters should rest with property letter applicant, rather than the landholder.

Yours faithfully



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PGA President