

Legislative Council

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SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. A. BRESSINGTON (17:13):

I rise to speak to the Summary Offences (Weapons) Amendment Bill 2010. My comments today will be brief, as I am yet to finalise my intentions relating to amendments that I am considering and, as a result, determine my position overall on this bill. It goes without saying that I am supportive of measures to reduce knife crime. Every violent incident, particularly those involving knives, should be dealt with adequately by the law. More importantly, however, our legislation should seek to prevent such incidents occurring, something that this bill clearly endeavours to do.

In particular, the creation of offences to further restrict the sale of knives to minors and of having possession of a knife in a school or public place, with a separate offence of brandishing that knife in a manner likely to cause others to fear for their personal safety, are indeed welcome advancements in criminal law. However, many provisions of the Summary Offences (Weapons) Amendment Bill cause me concern. Specifically, there are significant incursions into the rights of citizens, including the increased power given to police to search a person without reasonable grounds and detain them for that purpose, as well as another reversal of the onus of proof, this time for a defendant who has allegedly breached a weapons prohibition order.

While I am supportive of the creation of weapons prohibition orders, I am yet to be convinced that the model proposed is ideal. In particular, I see the Police Commissioner's role in imposing weapons prohibition orders as quasi-judicial and inappropriate for the commissioner to be exercising, and I would be more comfortable with an order being imposed by the judiciary as part of sentencing a defendant who has committed a weapons-related crime. Additionally, as identified in the other place, some of the more onerous requirements of the orders may indeed prove to be unworkable in practice and encourage noncompliance.

I am aware that this bill, or elements of it, was requested by the police. However, just because the police have supposedly asked for many of the provisions in this bill is not, at least to me, sufficient justification to blindly give it our support. While he may have been flippant in his calls for criminals to be microchipped, the recent controversy surrounding Police Commissioner Mal Hyde demonstrates that the desires of our police do not always match those of our community.

I have confirmed that the Attorney-General has agreed not to proceed the bill through to the committee stage this week, and I am grateful for that because, as I have said, I am considering amendments to this bill and would like time to hear what other members have to say about this bill and what their concerns are as well. In saying that, I look forward to the committee stage of this bill.