

OUR REF: 20150401SBdunstone

Ms Sophie Dunstone
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
By email: legcon.sen@aph.gov.au

Dear Ms Dunstone

Thank you for your letter dated 1 April 2015 in which you invite the Law Reform Commission of Western Australia (Commission) to make a submission on the Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015 (Bill).

The Commission is an independent government research agency which reviews areas of the law upon reference from the Attorney General of Western Australia and makes recommendations for reform. The Commission has a policy of only providing comments on matters that are related to references it is currently undertaking.

I note that, among other things, the Bill seeks to introduce a mandatory sentence of five years imprisonment for firearm trafficking. Relevantly, you may be interested to know that the Commission is currently reviewing the *Firearms Act 1973* (WA). The terms of reference for the review require the Commission to:

1. Provide advice on and recommend appropriate legislative and/or procedural changes with regard to the licensing and storage of firearms, definitions and categorisation of firearms, and effects of changes in firearm technology incorporating national initiatives where appropriate.
2. Provide advice on and recommend appropriate legislative changes regarding penalties for firearm offences and in so doing consider consistency with penalties in other Australian States and Territories.
3. Review any relevant issues arising from recent 'Operation Unification', the Auditor General's Reports on the firearms licensing, Joint Standing Committee on Delegated Legislation Report 68, Explanatory Report in relation to the Firearms Amendment Regulations 2013 and any other relevant Parliamentary Inquiry.
4. Provide advice on any other relevant matters.

The Discussion Paper and Final Report in respect of this review have not yet been released. Should the Legal and Constitutional Affairs Legislation Committee wish to consider these documents, the Commission will be pleased to provide copies once they are released.

Thank you for providing the Commission with an opportunity to consider this matter.

Yours sincerely

Dr David Cox
Chair
The Law Reform Commission of Western Australia

April 2015