

Submission
No 5

**INQUIRY INTO PROVISIONS OF THE FIREARMS AND
WEAPONS LEGISLATION (CRIMINAL USE) BILL 2020**

Name: Name suppressed

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Partially
Confidential

I am sorry if my submission is not properly laid out but I am so disgusted by this proposed legislation that I just had to dump everything to paper. If this legislation is passed I personally will never vote for a liberal government ever again and will always try and ensure my friends and family know why. Anyway here goes

Schedule 1[3] The term takes part includes the possession of a firearm precursor for the purposes of manufacturing a firearm or firearm part. A firearm precursor is defined as any object, device, substance, material or document used or capable of being used in the process of manufacturing a firearm or firearm part (including computer software or plans). The offence will apply regardless of whether a firearm or firearm part is actually manufactured. Have a look in any man's shed and you will find tools capable of being used to manufacture a firearm part. If you have a bench drill then this is capable of drilling holes through a metal tube as a precursor to making a silencer. This legislation is too broad. It gives the police almost carte blanche to arrest anyone for having a firearm precursor.

Schedule 1[3] also authorises a police officer to seize and detain any firearm, firearm part or firearm precursor (including a computer or data storage device on which a firearm precursor is held or contained) that may provide evidence of the commission of the new offence and to require persons to provide assistance or information in accessing the information held or contained in the thing seized. The forfeiture provisions of the Law Enforcement (Powers and Responsibilities) Act 2002 will apply in relation to anything seized under proposed section 51K. Again (see above). Look at my computer – it contains owners manuals for my guns. These contain details how to adjust trigger weight, how to replace a trigger, or replace the firing pin which you have lost after disassembling it to clean the bolt. The proposed legislation is too broad and again gives the police too much authority to arrest somebody and seize their assets.

Schedule 1[6] provides that the powers of a police officer under section 74A of the principal Act (including any search powers) may only be exercised if reasonably required to determine whether a person who is the subject of a firearms prohibition order has committed an offence arising out of the making of the order against the person and may be exercised immediately following service of the order on the person, but only if the person has been given an opportunity to surrender all firearms, firearm parts or ammunition lawfully in the person's possession. What is meant by "opportunity to surrender all firearms, firearm parts or ammunition lawfully in the person's possession". Personally I would not surrender anything to the police and would rather give them to another shooter (gratis). The legislation needs to define surrender and allow for transfer of ownership to another shooter or gun shop.

Schedule 1[7] amends section 74A of the principal Act to make further provision with respect to the powers of a police officer to search for firearms, firearm parts or ammunition. The amendment authorises a police officer to search persons other than the subject person who are present on the premises occupied by or under the control or management of the subject person and to search any vehicle, vessel or aircraft situated on those premises and not just those occupied by or under the control or management of the subject person. The provisions of the Law Enforcement (Powers and Responsibilities) Act 2002 relating to the conduct of personal searches will apply to the searching of persons for firearms, firearm parts or ammunition under section 74A of the principal Act. The amendment also requires the police to announce that they are authorised under that section to enter premises and to give any person who is present an opportunity to allow entry.

Schedule 1[5] makes a consequential amendment to the heading to section 74A. Way too much power for the police and they will abuse this power. Search other persons, does that include strip

searches, what about visiting family or friends who do not live at the premises. This should be limited to just those occupied by or under the control or management of the subject person. For the purposes of this section, a person takes part in the manufacture of a firearm or firearm part if— (d) without limiting paragraph (a)—the person possesses a firearm precursor for the purposes of manufacturing a firearm or firearm part. Again look in any garage or shed. Any file, drill, vice can be used for the purposes of manufacturing a firearm or firearm part. In this section and in section 51K— firearm precursor means any object, device, substance, material or document used or capable of being used in the process of manufacturing a firearm or firearm part, including (but not limited to) the following— (c) digital blueprints within the meaning of section 51F, (d) computer software or plans Again what about owner's manuals? 51K Power to seize firearms, firearm parts and firearm precursors (1) A police officer may seize and detain any firearm, firearm part or firearm precursor (including a computer or data storage device on which a firearm precursor is held or contained) that the officer suspects on reasonable grounds may provide evidence of the commission of an offence under section 51J. Again this gives too much authority to the police and is too broad in nature. Basically anything the officer thinks will help them build a case is subject to being seized. Personally I have multiple PC's, tablets, phones and Network storage devices all of which can be taken if the officer suspects me of an offence. This offence could be the fact I have a bench drill in my garage. (2) In exercising a power under subsection (1), a police officer may direct any person whom the police officer believes on reasonable grounds to be in charge of or otherwise responsible for the thing that has been seized to provide assistance or information (including a password or code) that may reasonably be required by the police officer to enable the officer to access any information held or contained in the thing that has been seized. What happens if they want my PC password. Once in my PC they want access to my storage crypt that contains all my sensitive bank details, accounts and passwords to all my online stores, banks, forums etc. If this bill is passed and police are given this power I will be making sure all my data is stored on the cloud and police will not be given access (2C) Before entering premises under subsection (2), a police officer must— (a) announce that the officer is authorised to enter the premises, and (b) give any person who is present on the premises an opportunity to allow entry. (2D) A police officer is not required to comply with subsection (2C) if the officer believes on reasonable grounds that immediate entry is required to ensure the safety of any person or to ensure that the effective execution of the search powers conferred on the officer under this section is not frustrated. So when police arrive at 3am in the morning and I'm a heavy sleeper. It takes me a while to find pants and get downstairs. By which time the police will have forced entry. This is not acceptable legislation. A police officer who announces they are authorised to enter should not enter if no response is received. Other means of communication should also be attempted – ring me! 74AA Power to seize firearms, firearm parts and ammunition A police officer may seize and detain any firearm, firearm part or ammunition found in conducting a search under section 74A that the officer suspects on reasonable grounds may provide evidence of the commission of an offence under section 74. Firearms parts This should be amended to exclude rifle scopes. The police are notorious for not looking after seized goods and I have several thousands of dollars' worth of optics which the police should not be allowed to seize. Sorry but I have up reading after this section as I was so disappointed with the broad nature of the proposed legislation and the excessive power given to the police.