

Submission
No 15

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

Name: Name suppressed

Date Received: 30 April 2020

Partially
Confidential

Please be advised that I am strongly opposed to the Firearms and Weapons Amendment Legislation (Criminal Use) Bill 2020 <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3733> and with to bring the following to your attention :-

I am a lawfully, licenced firearm owner and shooter and have been so since my immigration to Australia in 1976. I have approximately 20years police experience having served in 2 police forces (i) BSAPolice Rhodesia and (ii) the NT Police Force. I have been a defensive tactic and firearm instructor since leaving the police (Robur Security Services – Qld) I have held membership to various firearms organisations and pistol clubs in the NT (SSAA, Larrimah Pistol Club, NT Police Pistol Club), Qld (SSAA, Shooters Union, Royal Brisbane Pistol Club, GoldCoast and Hinterland Pistol Club), and NSW (SSAA, The Gunnedah Pistol Club, SSAA and the National Shooting Council). I regularly shoot rifle and handgun disciplines. I also hunt on private properties,

Without any action on my part and without having committed any criminal offence, this legislation would make me a criminal as throughout my life as I have accumulated books/training manuals/data on firearms and projectiles etc (in fact every firearm I have purchased has been supplied with a schematic of the firearm and its working parts). I have various firearm parts, tools and equipment to clean and make minor adjustments, repairs to all my firearms.

I have recently had my firearm storage facilities inspected by the NSW Police and was commended by the inspecting officers for the security provisions of said firearms.

This amendment gives police the power to arrest and seize the property of people not only making or repairing firearms, but also anyone else related to them or in the same premises. Without a warrant.

The scope is too broad, language too vague and insufficient limits and protections are included to protect the public from police abusing their powers. The legislation is unnecessary, because there are already strict prohibitions and penalties for the unlicensed manufacture of firearms.

Schedule 1 introduced a concept called **takes part**, and **firearm precursor** (linking my legal firearms with illegal drugs) which includes anything from hand tools and user manuals to CNC machines, lathes and any other equipment lawfully used in other lawful pursuits. The police have the power to seize and entire workshop on the suspicion it may be used in any part of the process to manufacture illegal firearms. From the frequent use of the words *mould*, *software* and *mill*, it looks like the intent of the amendments are to stop 3D printed guns. This amendment is unnecessary because 3D printed guns are already covered under existing laws.

The police are given powers to seize computers, and keep it under the Law Enforcement (Powers and Responsibilities) Act 2002.

The bill does not recognise that firearm owners often modify, customise and adjust their firearms in the relentless pursuit of improvement. Simply possessing the tools to undertake this lawful activity would become an offence under this bill.

Schedule 1 also allows the police to exercise all these powers without a warrant, or any independent oversight.

It allows the police to search vehicles, boats and aircraft on the premises (without a warrant) and frighteningly, allows police to conduct no-knock entry "if they believe on reasonable grounds that immediate entry is required". No justification, just break into my home or business and seize my property on mere suspicion.

It also allows police to seize any firearm parts and ammunition, regardless of whether they relate to the illegal manufacture of other firearms. So they can take my entire legal collection of lawful firearms, all my reloading equipment, legal ammunition, simply because someone in my association had plans for a 3D printed firearm in their possession.

This is not good enough. This is bad legislation, which covers existing crimes and simply hands the police a free hand to harass, conduct home invasions and seize the lawful property of law-abiding people, on mere suspicion.

I would also like to bring to your attention the following :-

The **Bill of Rights** is an Act of the Parliament of England that deals with constitutional matters and sets out certain basic civil rights. Passed on 16 December 1689, it is a restatement in statutory form of the Declaration of Right, 1689 presented by the Convention Parliament to William and Mary in February 1689, inviting them to become joint sovereigns of England. The Bill of Rights lays down limits on the powers of the monarch and sets out the rights of Parliament, including the requirement for regular parliaments, free elections, and freedom of speech in Parliament. It sets out certain rights of individuals including the prohibition of cruel and unusual punishment and **reestablished the liberty of Protestants to have arms for their defence within the rule of law**. Furthermore, the Bill of Rights described and condemned several misdeeds of James II of England.[1]

These ideas reflected those of the political thinker John Locke and they quickly became popular in England.[2] It also sets out—or, in the view of its drafters, restates—certain constitutional requirements of the Crown to seek the consent of the people, as represented in Parliament.

In the United Kingdom, the Bill of Rights is further accompanied by Magna Carta, the Petition of Right, the Habeas Corpus Act 1679 and the Parliament Acts 1911 and 1949 as some of the basic documents of the uncodified British constitution. A separate but similar document, the Claim of Right Act 1689, applies in Scotland. The Bill of Rights 1689 was one of the inspirations for the United States Bill of Rights.

Along with the Act of Settlement 1701, the Bill of Rights is still in effect in all Commonwealth realms. Following the Perth Agreement in 2011, legislation

amending both of them came into effect across the Commonwealth realms on 26 March 2015.

The Commonwealth of Australia Constitution 1901 has provisions on how 'law' is made which is via parliament and with Governor's ascent. It is not the role of Police to make laws or interpret them how they see fit.