

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

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Date Received: 8 May 2020

I refer to the draft legislation of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020.

There are two aspects of this legislation which are of particular concern to me. 1) In its current drafting it is an offence to possess a "Firearm precursor". This 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 (*** but not limited to ***) the following—

- (a) moulds for making firearm parts,
- (b) milling, casting or rifling equipment,
- (c) digital blueprints within the meaning of section 51F,
- (d) *** computer software or plans ***.

4) This section applies in relation to a person *** regardless of whether a firearm or firearm part is actually manufactured. ****" (***Highlighting my own***)

While the intention is apparently to prevent people manufacturing unregulated firearms, the current drafting is so vague it would potentially make the mere ownership of a 3D printer and associated software an offence. Given this is something one might find in a primary school computer lab or TAFE campus, it is of obvious concern. Similarly, there is the possibility for someone to innocently or even unknowingly come into possession of software or plans despite no criminal intent whatsoever. The last line: "regardless of whether a firearm or firearm part is actually manufactured" leaves no room for discretion and opens the very real possibility of a thought crime. I can see all manner of hobbyists and students being caught by this.

2) I have further reservations relating to the requirements of Clause 25F:

"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)" There are existing legal mechanisms for police to force disclosure of a password, PIN or encryption key under the Commonwealth Crimes Act (Section 3LA). In simple terms these require a police officer to apply to a magistrate for an order to disclose.

The current drafting whereby any police officer could casually demand passwords are not only an outrageous increase in police powers but potentially deny a citizen the protection of usual forensic cyber-discovery and chain of evidence requirements that may prevent a reasonable defence after the seizure.

I would urge these matters be given further consideration and may be contacted for further clarification or explanation.