

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

Name: Mr Dallyn Birrell

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Dear Enquiry Chairperson

I am writing to you because as a licensed shooter, I have great concerns over the “Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020”, which is currently before the NSW Parliament.

The intent of this Bill is clearly to try to control the illegal manufacture of firearms and firearm parts by criminals, which is no bad thing in itself.

However, the provisions of this Bill are so wide ranging and so open to police misinterpretation that it threatens all licensed firearm owners and other persons who, because they have tools, books and other firearms information which could be used to make firearm parts may be swept up by it. The Bill does not differentiate between licensed firearm owners and criminals. The Bill entitles police to act on suspicion of an offence, even where there is no actual proof, which I find incredible.

The Government has not shown that the problem of illegal firearm and firearm parts manufacture is so great as to justify such a Draconian Bill.

My suggested changes are aimed at making this Bill a more measured response to the problem the Bill seeks to address.

How the Bill needs to be changed.

- Remove the presumption that persons who rent premises, supply finance, materials or equipment are actually involved in the manufacture of firearms or firearm parts. (Section 5 1 J (2) (a)-(c))
- Remove the presumption that materials and equipment are *firearm precursors*, where police have no evidence of firearms or parts being manufactured. (Section 5 1 J (2) (d))
- Decisions to confiscate firearms and equipment suspected of being firearms precursors, should only be made by police of the rank of inspector and above, and only after careful consideration.
- Remove Section 51 K (2) which breaches common law.
- Add a requirement that internal reviews of decisions involving firearms matters have to be completed within a reasonable, defined period of time.
- Amend the bill to make it perfectly clear that (a) the mere possession of everyday items or tools, published materials and other instructional materials in any form, by license firearm owners is not an offence under this bill; (b) licensed firearm owners who have a legitimate need to make a part or minor modification to a registered firearm, or a firearm that is not required to be registered under the Act, are not captured by this Bill.
- Remove section 5 1 K (2) & (3) which compels a person to provide assistance or information to police, as this breaches the right to silence under common law.

Yours faithfully

Dallyn Birrell