

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

Name: Name suppressed

Date Received: 12 May 2020

Partially
Confidential

This submission is lodged in agreement with the comments of the Shooters and Fishers parts response.

51J Offence of taking part in unauthorised manufacture of firearms or firearm parts

The definition of firearm precursor 1 is very broad and includes any object (e.g. piece of metal), device (e.g. screwdriver, electric drill) or any substance (e.g. lubricating or cutting oil) found in any residential garage in NSW. The definition of firearm precursor is open to misinterpretation by police.

While the Minister for Police stated in his second reading speech “this bill does not criminalise legitimate firearms owners” this is NOT explicitly stated in the bill. It is therefore extremely important that the bill be amended to include safeguard provisions making by it perfectly clear that:

- (a) licenced firearm owners who have a legitimate need to make a part or make minor modifications to a registered firearm, or a firearm that is not required to be registered under the Act, are not captured by this Bill; and
- (b) the mere possession of everyday items or hardware by licenced firearm owners is not an offence under this bill.

51K Power to seize firearms, firearm parts and firearm precursors

We saw from the Law Enforcement Conduct Commission (LECC) inquiry into strip searches that

NSW Police have poor understanding and application of the ‘reasonable grounds’ test under the 2

Law Enforcement (Powers and Responsibilities) Act 2002.

Given the extremely lengthy delays in obtaining internal reviews of decisions involving firearm matters, the consequences of inappropriately seizing registered firearms, firearm parts and precursors from licensed firearm owners are profound.

Given the bill as it currently stands, (a) applies equally to both licenced and un-licenced firearm owners and (b) applies equally to both registered (and firearms that do not need to be registered under the Act) and un-registered firearms, the Shooters Fishers and Farmers Party believes any decision to seize firearms, firearm parts or firearm precursors under section 51K(1) should only be made by an experienced policer of the rank of Inspector or above, and only after very careful consideration.

The requirement in section 51K(2) compelling a person to provide assistance or information to police breaches the common law right to silence. The Shooters Fishers and Farmers Party believes every person has the right to silence and should not be coerced by threat of penalty to make any comment, or to provide assistance or information to police without first obtaining independent legal advice.

We believe sections 51K(2) and (3) should be amended to provide appropriate safeguards and protect the fundamental right to silence.