

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

Name: Name suppressed

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Partially
Confidential

Submission in relation to the proposed legislation -

“Firearms and Weapons Legislation (Criminal use) Bill 2020”

Dear Members

Thank you for the opportunity to provide feedback.

As a law-abiding firearms licence holder I support legislation that helps to prevent the criminal use of firearms. The intent of this proposed legislation would appear to be providing police with the means to prevent firearms crime at an early stage, in a similar manner to the legislation on illegal drugs where “Precursors” can be treated just like the finished article.

Unfortunately, the current legislation draft has several deficiencies that are likely to cause unintended consequences.

Section 51J establishes the offence of “take part in the manufacture a firearm or firearm part”. Subsequent paragraphs explain the meanings of “Take Part” and what constitutes a “precursor” but they do not determine what constitutes “manufacture”.

- Does the machining of a handgun slide to adapt different sights constitute manufacture?
- Does the threading of a barrel or the machining of sight mounting surface constitute manufacture?
- Does the alteration of a stock to allow the fitting of a cheek support or a bipod constitute manufacture?
- If I alter or adapt a component that allows me to fit, for example, a modern telescopic sight to an older firearm is that illegal “manufacture of a part” under this proposed legislation?
- If I modify a screw to secure the sight or grip to my firearm, because an original component is not available, am I guilty of illegal “manufacture of a part” under this proposed legislation?

The examples above are common options on legal firearms as used for sport and target competition and are not currently illegal, but could be under this proposed legislation. As written this could easily lead to misinterpretation.

Section 51J, (2), (d) establishes the intent that “the person possesses a firearm precursor for the purposes of manufacturing a firearm or firearm part” but does not differentiate between legal (by licenced firearms users, as mentioned above) or illegal possession. As mentioned above, there are many alterations/additions/parts/substances that are commonly used legally on firearms by licenced users and pose no increased public risk.

The listing of “computer software and plans” as precursors could be troublesome. Most firearms owners are students of their development and history. A lot of computer files and books have been published many of which show drawings or plans to explain the workings of firearms with the primary purpose of educating users on their safe operation and maintenance. Having full information of the method of operation and maintenance of a firearm is critical to using it correctly and safely. As written this proposed bill could easily lead to misinterpretation.

The proposed bill needs to specify that *licenced firearm users* who have a legitimate need to make a part or make minor modifications to a *registered firearm*, are not captured by this Bill; and the mere possession of everyday items or hardware by *licenced firearm users* is not an offence under this proposed bill

This proposed legislation could have the unintended effect of making any published material on firearms and their maintenance a “precursor” to illegal activity.

Furthermore, the requirement in section 51K (2) compelling a person to provide assistance or information to police could very well breach the common law right to silence. 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.

I hope the above comments will help in improving the feedback on this proposed legislation. If I can help further, please let me know.

Yours Sincerely