

**Submission
No 68**

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

Organisation: Illawarra Regional Shooting Association Inc

Date Received: 14 May 2020

Illawarra Regional Shooting Association Inc.

P.O Box 123 Dapto NSW 2530

Telephone:

Email:

10th May, 2020

Dear Ministers,

On behalf of, and at the request of the Central Executive of the Illawarra Regional Shooting Association Inc.

I am writing to you as a NSW Peak Firearms Association; which governs a vast amount of licensed shooters in NSW.

We have a great and significant amount of concern over the “*Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020*”, currently before the NSW Parliament.

The intent of this Bill is clearly to try and control the illegal manufacture of firearms and firearm parts by criminals, to which is understandable.

However the provisions of this Bill are to wide ranging and open to police misinterpretation and abuse of power. That it creates a serious threat to all licensed firearm owners and other persons. People who have tools which could be used to make firearm parts, could now be swept up by this Bill.

The Bill does NOT differentiate between licensed firearm owners and criminals. The Bill entitles police to act on suspicion of an offence or without probable cause. This creates a major injustice in the legal system. To allow police to act on something where there is no actual proof, we find this incredible to say the least.

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

We humbly ask that, if you have not already made yourself familiar with this Bill, please do so immediately.

Our suggested changes to this Bill will hopefully be proven necessary and 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 (51 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 51 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 (51 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,

On behalf of the Central Executive Committee.
of The Illawarra Regional Shooting Association Inc.