

Submission  
No 72

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

**Name:** Name suppressed

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Partially  
Confidential

I object strongly to this Bill, which seeks to amend the Firearms Act 1996 and the Weapons Prohibition Act 1998 to create new offences for knowingly taking part in the unauthorised manufacture of firearms or parts (or prohibited weapons or parts).

- 1- Definition of taking part in manufacturing is unreasonably broad. As set out in the proposal , taking part in manufacturing includes possessing a firearm or prohibited weapon "precursor", which includes 'any object or document capable of being used in the manufacturing process, including computer software. It is clear from the parliamentary debate that this is intended to cover tools, such as screwdrivers and hammers, manuals and books, as well as materials such as metal and wood. When considering that some of the items listed as prohibited weapons can be improvised from common household items, the list of precursors is limited only by a police officers imagination. As such all NSW residents are potentially subject to seizure and charge under this legislation, providing new opportunities for police harassment and abuse of power.
- 2- Firearm owners should have the same right to repair as other consumers The government upholds consumers' right to repair in most situations and has taken steps to limit machinery manufactures attempts to require dealer servicing. This bill takes the opposite approach for licensed fire arms owners seeking to prohibit anyone other than a dealer from making repairs. Given that the current definition of manufacture includes assemble a firearm from firearm parts, this Bill potentially subjects licensed firearm owners to arrest and imprisonment for cleaning their own registered firearms, making repairs, or fitting aftermarket parts. The Bill also seems to extend the definition of firearm part beyond the critical firing components currently outlined in legislation, to grips and other accessories which are not a critical part of the firearm.
- 3- Search and seizure powers are excessively broad. The broadly drafted search and seizure provisions associated with this legislation are clearly open to abuse and overreach. Police will be given the power to seize any firearm, part or precursor they suspect may provide evidence of an offence. This test is unreasonably low, and authorises 'fishing expeditions' when there are no grounds to assert that an offence has in fact been committed. As noted by the Legislation Review Committee, the provisions which punish individuals for not assisting police impinge on their rights relating to self-incrimination and the right to silence.

This imposition is unjustified in this case, as there are limited counterbalancing community safety benefits given that offences created by this bill are thought crimes which apply where no actual weapon has been manufactured.