

Submission
No 73

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

Name: Name suppressed

Date Received: 24 May 2020

Partially
Confidential

This is my critique of the "Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020"

Before reading my critique keep in mind that I've tried to make this as readable as possible Without leaving anything out of my argument.

And that I'm also not a lawyer nor much of a writer so please forgive any mistakes I might make.

Schedule 1

[1] This item confirms that dealers can own firearm parts but this Doesn't get added to any other licences creating the implication That regular licence holders can't own firearm parts even for guns they own Example: a recoil spring, extractors or even nipples for a cap and ball revolver

[2] Same issue as above

[3]

51J

(1)The wording on (b) makes it sound like no one regardless of licence can manufacture Firearms or Firearm parts.

(3) The definition for "Firearm Precursor" is so broad it's difficult to find any one example But any machine shop would have a milling machine and that's a "Firearm Precursor" And under (2)(D) owning said milling machine is sufficient to have knowingly taken part in the manufacture of a firearm. or how about (3)(d) just having software is enough. and the worst part is i'm just using some of the examples included but the subsection can apply to anything see "(but not limited to)".

Also a maximum penalty of 20 years is pretty stiff for a state/country where owning a firearm isn't uncommon or outright illegal.

There's nothing of benefit in this section (51J) does that isn't already covered by 50A, 51F and perhaps 51B

51K

This section just allows for enforcement of 51J the worrying part about it is Subsections (2) and (3). I'm personally against being compelled to reveal passwords.

[4]

73A

This is the first thing in this amendment that i actually think is worth keeping however it's quite flawed. under this section a firearms prohibition order would need to be reviewed every 10 years, the problem however is that nothing actually happens if the commissioner doesn't review the order. under subsection (4) the order remains in force.

This section should be changed to be in line with section 11(5)(b) which restricts the issuance of licences to anyone convicted in the last 10 years of a prescribed offence

Considering a firearms prohibition order can be made with no court oversight after 10 years it should simply lapse like other offences.

[5]

The changing of the heading from: "possession of person subject to: "connection with" implies a broadening of

Implies an increase in police search powers, which i'm also against.

[6]

I'm not sure i see the reasoning of broadening the search powers to include all of section 74 instead of just Subsections 1-3.

I do support the addition of paragraph (b) but i would prefer "surrender" be changed to "dispose of"

As surrender implies that police can confiscate them and not give someone a chance to hand them off to their dealer and sell them.

[7]

The broadening of search powers to anyone on the premises is a huge violation of privacy Made even more egregious by the fact that a firearms prohibition order can be made at any time and for any reason.

So now firearm prohibition orders that are made by the police for the police which gives Search powers to the police for a specific individual, is now broadened further to include anyone that happens to be in the same premises regardless of any relationship they do or don't have with this individual.

The addition of subsection (2C) seems like a nice addition if not for the fact that (2D) makes it optional.

[8]

74AA should make exemption to any firearm, firearm parts or ammunition That is registered or belongs to a licence holder and not being the individual of the firearm prohibition order And having been in the possession of a licence holder at the time of the search

Under Section 11(5)(b) anyone convicted of certain offences regardless of jurisdiction Is not eligible to have a firearms licence. With this in mind 74AB recognizes a firearm prohibition order of any jurisdiction as prescribed by the regulation as being equivalent to a firearms prohibition order as made under NSW law.

Given that the previously mentioned section 11(5)(b) and that a firearms prohibition order can be made for anyone and any reason. i see no reason to treat external orders that could have been made with different intentions, responsibilities and consequences in mind as if they're equivalent to a NSW made order.

[9]

Nothing wrong here just seemed weird to not mention it

[10]

Once again nothing wrong here.

Schedule 2

Everything i've said about schedule 1 applies here. it's actually a little worse here as a prohibited weapon can be fairly benign for example: Butterfly knives and slingshots

Or how about those "weapons precursors" What are you doing with those boards and nails? a fence you say?
Well i'm not so easily fooled clearly you were preparing to manufacture tyre deflation devices.

Schedule 3

This sets out the jurisdictions to put in the regulation for the purposes of section 74AB
Which whilst i have a problem section 74AB, i have no problems with the jurisdictions that it applies to being named.

In conclusion I consider all of the amendments to be very draconian and think the whole thing should be scrapped with exception to sections 73A and 74A(1)(B) being the only sections worth keeping provided that they're modified as per my previous suggestions.

Thank you for reading.