

Submission  
No 75

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

**Organisation:** Antique Arms Collectors' Society of Australia

**Date Received:** 5 June 2020

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## SUBMISSION IN RELATION TO FIREARMS and WEAPONS LEGISLATION AMENDMENT (CRIMINAL USE) BILL 2020

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1. I am the Secretary of the Antique Arms Collectors' Society of Australia Cooperative Limited, an approved club, which has approximately 960 members mainly throughout New South Wales but also interstate.
2. Members of the Society collect both registerable and unregisterable firearms, but chiefly firearms which are no longer manufactured and for which parts are unavailable.
3. The consequence is the members of the Society frequently make hammers and many other parts for firearms which are no longer manufactured and for which parts are unavailable.
4. Members of the Society acquire, repair and trade among themselves and possess firearms and firearm parts for the above purposes.

To make an antique or unregisterable firearm function as originally intended is a satisfying part of the collection of firearms. However, being collectors under a Category G licence members do not fire their firearms.

Thus the Bill should distinguish parts for antique or otherwise unregisterable firearms and firearms for which there is no commercially available ammunition, as does the Act currently. The Bill should not extend to "G" class licences.

5. Section 50AA(1) provides that a person must not acquire a firearm part unless:
  - (a) That person is the holder of the licence or permit for the kind of firearm; or
  - (b) Is authorised by a permit to acquire the firearm part.

Subsection (2) similarly deals with the acquisition of a part for a pistol or prohibited firearm.

Section 50A provides an offence in relation to the manufacture of a firearm, a pistol or prohibited firearm.

Section 50B relates to possession of a firearm or a firearm part and Section 51A places restriction on acquiring firearms, Section 51BA deals with the supply of firearm parts.

Section 51F deals with possession of digital blue prints for manufacture of firearms on a 3D printer or on an electronic milling machine.

Thus there are a series of provisions which relate to parts and the possession of a digital blue print for the manufacture of a firearm on a 3D printer or on an

electronic milling machine with a maximum penalty in the latter case of imprisonment for 14 years.

6. Those tasked with reviewing the proposed Bill should consider in detail the extent of the existing law and to what extent the existing law is inadequate.
7. The Bill is directed to the manufacture of parts and the possession of tools and materials which could be used in the manufacture of parts, probably extending to the manufacture of sufficient parts from the materials to assemble a working firearm.
8. The object of the Bill is to prevent the clandestine manufacture of firearms, firearm parts and prohibited weapons. I raise no objection to the object of the Bill but I assume that unless there is a specific definition in the Bill, the definitions in the *Firearms Act* apply.
9. "Firearm part" means a barrel breech, pistol slide, frame, receiver, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming part of a firearm.

It is significant that the definition of "part" does not include a hammer. However, all the individual parts referred to are subject to the words "or reasonably capable of forming part of a firearm", which extends the definition.

10. The Bill also applies to prohibited weapons.
11. Unlike the Act the Bill does not distinguish between "antique firearm" "antique revolver" or parts for antique firearms or antique revolvers, and thus the Bill should be amended to make clear that it does not extend to *bona fide* collectors of antique arms or firearms which do not require registration.
12. The definition of "firearm precursor" is similarly too wide. "Means any object, device, substance, material or document....." thus this could include almost any piece of metal, or any tool found in the average workshop, hammers, files, hacksaws, grinding wheels, screws, nuts and bolts. The list is endless and moreover "this section applies in relation to a person regardless of whether a firearm or firearm part is actually manufactured".

Potential for abuse, whether accidental or intentional is obvious.

13. See also Section 51K(2) and (3). This appears to terminate suspects "right to silence", a personal freedom. My attention has also been drawn to s89 of the *Evidence Act*.

14. "Firearm Dealer" means a person who in the course of carrying on a business.....

(a) Manufactures, acquires, tests, repairs or converts firearms or firearm parts; and

(b) Possesses firearms or firearm parts for the purpose of doing anything referred to in Paragraph (a).

Thus although members are not firearm dealers because they do not carry on a business as such, they could fall within the broad definition otherwise and if they trade regularly it may be possible to argue they conduct a business.

It is also significant that nowhere in the Act or Regulations does the word "gunsmith" appear. Yet most firearm dealers who acquire a firearm requiring a significant repair will not carry out the repairs themselves, but have the repair carried out by their preferred gunsmith. As do some collectors.

Dealers do not manufacture or convert firearms or firearm parts. They do acquire and possibly test firearms but as the name implies their primary business is the purchase and sale of firearms and ammunition.

I suggest all these matters be considered in relation to the proposed Bill, in conjunction with the Act.

Terry Hartman

5 June, 2020