

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

Organisation: Shooting Academy Club Inc.

Date Received: 4 July 2020

Submission in relation to proposed legislation –

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

On behalf of the members of the Shooting Academy Club Inc.

Dear Committee Members

I wish to provide feedback to the committee on behalf of the 400+ members of the Shooting Academy Club inc. The club is an approved handgun target, long gun target and hunting club in NSW. We are all law abiding firearms owners and users and we support legislation that aims to prevent criminal use of firearms that can endanger the sport we all enjoy.

This proposed legislation has the apparent intent of introducing “precursors” to firearms, in a similar manner to legislation against drugs. There is however a huge difference between the “precursors” used in illegal drugs, which are specific chemicals that have very limited application elsewhere and the components used to make firearms. The “precursors” to firearms manufacture are simple materials such as steel, aluminium, wood and plastics which are used commonly in everyday products by people in all walks of life. The same materials used to make firearms are also used in the cars we drive today, the furniture in our houses and utensils in our kitchens.

The proposed legislation also establishes the offence of “take part in the manufacture a firearm or firearm part” without the very necessary definition of “manufacture” as it applies to firearms.

Does the fitting of a new stock, or a bipod to a rifle, or different sights to a handgun constitute “manufacture”? These are all everyday common occurrences with currently legal firearms and in no way pose any increased danger to the public.

The listing of “computer software and plans” as precursors is very concerning. Countless books have been written on theory of operation and the correct maintenance of firearms in the last 200 years. Many of these are today available in electronic format, or by simply searching the freely available online patent history of firearms. Legislation that seeks to criminalise the possession of such literature will very easily lead to misinterpretation of the proposed legislation and cause great confusion to the public.

Under WH&S rules it is a legal requirement for manufacturers to provide information necessary for the safe operation, use and maintenance of products supplied to the market, and that includes firearms. Such information commonly explains the principles of operation and shows details of how to identify individual component parts and their correct assembly, which is essential for their safe operation, but under this proposed legislation could be made illegal when no criminal intent has been established.

The proposed legislation does not define how the use of “precursors” or “take part in the manufacture of a firearm or firearm part” are to be applied only when their use in illegal firearm possession is proven. In other words the presumption that a “precursor” is possessed for the purpose of manufacturing a firearm, or part, is very open to misinterpretation.

In addition, section 51K (2) compels a person to provide assistance or information when that could very well breach their common law right to silence. People in such positions should be allowed to firstly obtain independent legal advice.

We applaud the attempt to introduce legislation that seeks to restrict and prevent the criminal use of firearms. Any criminal use of firearms reflects badly on legal firearms users in the eyes of the public. However, the proposed legislation, as it stands now, is too open to misinterpretation and lacks appropriate safeguards. As many of the items proposed to be called 'precursors' are common in everyday legal applications, the legislation needs to outline how it is to be applied only when there is evidence of criminal use, rather than just possession, given that legal possession of the same items occurs daily and commonly.

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