

**Submission  
No 110**

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

**Name:** Mr Steve Graham

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The Hon. David Elliott, MP  
52 Martin Place  
SYDNEY NSW 2000

20/06/2020

A submission in response to the proposed :

Firearms and Weapons Amendment (Criminal Use) Bill 2020

Dear Mr Elliott

About myself, I'm 65 years of age and received my first firearm at age 7. I've handled firearms all my life mainly hunting game for the table in the field. I have lived through the time when it was not unusual to carry firearms on a bus or train without question, ride through the streets of Castle Hill with an air rifle slung over my back without question and purchase a shooters licence over the police counter for \$5. I've been a Firearms Trainer for many years, helped introduce the Firearms Safety Training Scheme in the 1990's and I'm a Life Member of a major NSW hunting club and was President of that club for 12 years. I believe society's values have changed with the rise of violent content on social media and the influence of violent video games and movies which devalue life and reward and encourage violence on an heroic level. I've watched our, (the Law Abiding Firearms Owners) gun rights erode over the years through, I believe, no fault of our own. So:

I write you in relation to the proposed Firearms and Weapons Amendment (Criminal Use) Bill 2020.

I believe the amendments which are designed to capture the illegal manufacture of prohibited firearms and components also captures and in turn affects the innocent law abiding firearms owner. This can deem them to be breach of the law by going about what I consider to be normal activities.

In particular in reference to 51J and 51K :

***51J Offence of taking part in unauthorised manufacture of firearms or firearm parts***

***(2) A person takes part in the manufacture of a firearm or firearm part if—***

***(a) the person takes, or participates in, any step, or causes any step to be taken, in the process of that manufacture, or***

***(b) the person provides or arranges finance for any step in that process, or***

***(c) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management, or***

***(d) without limiting paragraph (a) – the person possesses a firearm precursor for the purposes of manufacturing a firearm or firearm part.***

51J (2)

(a) Quite simply it could be interpreted that Law Abiding Firearms Owners would be in breach if they were to modify the sighting mechanism, replace an interchangeable barrel, lighten or increase the tension on the trigger pull, cartridge magazine, add a telescopic sight etc.... these are basic activities of an average LAFO. Does a friend handing a screw driver to a LAFO working on his sighting mechanism qualify in this regard? It would appear so.

(b) Quite simply it could be argued that ANYBODY that gives financial help to ANYBODY in relation to (a) eg a financial institution.

(c) Quite simply open to interpretation. The implication is that the onus is on the Landlord / homeowner / relative whomever it may be to know at all times that an alleged firearms offence is taking place on their property. Knowing that a drill, or machine oil is on the premises would be an offence ?

**(3) In this section and in section 51K—**

***firearm precursor means any object, device, substance, material or document used or capable of being used in the process of manufacturing a firearm or firearm part, including (but not limited to) the following—***

***(a) moulds for making firearm parts,***

***(b) milling, casting or rifling equipment,***

***(c) digital blueprints within the meaning of section 51F,***

***(d) computer software or plans.***

***(4) This section applies in relation to a person regardless of whether a firearm or firearm part is actually manufactured.***

(3) (a)(b)(c)(d) Simply too wide ranging, many 'so called' firearm precursors could be found in any handy mans garage or on a computer.

( but not limited to ) ? Does this imply garage tools ? I believe the local hardware store may be in breach by being a supplier of such items.

(4) Possession of such 'things' certainly does not mean intent and is an affront to any LAFO to be accused of such.

#### ***51K Power to seize firearms, firearm parts and firearm precursors***

***(1) A police officer may seize and detain any firearm, firearm part or firearm precursor (including a computer or data storage device on which a firearm precursor is held or contained) that the officer suspects on reasonable grounds may provide evidence of the commission of an offence under section 51J.***

***(2) In exercising a power under subsection (1), a police officer may direct any person whom the police officer believes on reasonable grounds to be in charge of or otherwise responsible for the thing that has been seized to provide assistance or information (including a password or code) that may reasonably be required by the police officer to enable the officer to access any information held or contained in the thing that has been seized.***

***(3) A person must not—***

***(a) without reasonable excuse, fail to comply with a direction under subsection (2), or***

***(b) in purported compliance with a direction under subsection (2), provide any information knowing that it is false or misleading in a material respect.***

***Maximum penalty—50 penalty units or imprisonment for 2 years, or both.***

#### ***51K (1) (2) (3)(a) (b)***

Due to the definition of ( *firearm precursor* ) being so broad, I believe this section would be too open to interpretation by the police officer/s. This could lead to false arrest. There needs to be more clarification as to the exact definition ( *firearm precursor* ) so as not to disadvantage the LAFO.

### **Conclusion**

As previously stated I believe the amendments which are designed to capture the illegal manufacture of prohibited firearms and components also captures and in turn affects the innocent law abiding firearms owner. This can deem them to be breach of the law by going about what I consider to be normal activities.

### **Recommendations**

It would seem that this amendment has been hastily conceived, ill prepared and with little consideration for whom it may adversely affect in its execution.

Obviously common sense should prevail here as this amendment in its current form will only serve to harm and disadvantage the very people it's attempting to protect, i.e. law abiding citizens

I would think effective consultation with the people this is going to affect would be key to a successful outcome. To this end I would suggest either scrapping the amendment completely in its current form or seek advice from The Shooters Fishers and Farmers Party or other peak bodies that represent, and, are totally conversant with the concerns of the Law Abiding Firearms Owners like myself.

Yours Sincerely

Steve Graham