

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

Name: Name suppressed
Date Received: 31 July 2020

Partially
Confidential

3rd August, 2020

Dear Ministers:-

Chair: [Borsak, Robert](#) (SFF, LC Member)
Deputy Chair: [Shoebridge, David](#) (GRNS, LC Member)
Members: [Buttigieg, Mark](#) (ALP, LC Member)
[Jackson, Rose](#) (ALP, LC Member)
[Khan, Trevor](#) (NAT, LC Member)
[Maclaren-Jones, Natasha](#) (LIB, LC Member)
[Ward, Natalie](#) (LIB, LC Member)

Thank you for the opportunity to provide feedback on the "Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020", currently before the NSW Parliament.

As a law-abiding firearms licence holder, I support legislation that helps to prevent the criminal use of firearms. Unfortunately, the current legislation draft has several deficiencies that are likely to cause *unintended consequences*.

It is reasonable to suggest that this Bill is too ambiguous and open to police misinterpretation and abuse of power. As it stands the Bill creates a serious threat to all licensed firearm owners and other persons. People who own and possess everyday tools which could now be perceived as firearm precursors used to make firearm parts, could be significantly negatively impacted by this Bill.

The Bill does NOT differentiate between licensed firearm owners and criminals.

The Bill entitles police to act on 'suspicion of an offence' or '*without probable cause*'.

Section 51J establishes the offence of "take part in the manufacture a firearm or firearm part". Subsequent paragraphs explain the meanings of "*Take Part*" and what constitutes a "*precursor*" but they do not determine what constitutes "*manufacture*".

Reasonable questions that flow from the current wording in the proposed legislation include:-

- Does the machining of a handgun slide to adapt different sights constitute manufacture?
- Does the threading of a barrel or the machining of sight mounting surface constitute manufacture?
- Does the alteration of a stock to allow the fitting of a cheek support or a bipod constitute manufacture?
- If I alter or adapt a component that allows me to fit, for example, a modern telescopic sight to an older firearm is that illegal "manufacture of a part" under this proposed legislation?
- If I modify a screw to secure the sight or grip to my firearm, because an original component is not available, am I guilty of illegal "manufacture of a part" under this proposed legislation?

I strongly suggest the Bill:

1. Removes the presumption that materials and equipment are firearm precursors, where police have no evidence of firearms or parts being manufactured. (Section 51 J (2) (d))
2. Makes decisions to confiscate firearms and equipment suspected of being firearms precursors, the prerogative of a *Police Inspector* and above, and only after careful consideration and such decision must be documented in writing.
3. Removes Section (51 K (2)) which *breaches Common Law*.
4. Adds a requirement that internal reviews of decisions involving firearms matters have to be completed within a reasonable, defined period of time.

Proposed amendments to the bill to make it perfectly clear in this instance includes :-

(a) the mere possession of everyday items or tools, published materials and other instructional materials in any form, by license firearm owners *is not an offence under this bill*;

(b) licensed firearm owners who have a legitimate need to make a part or minor modification to a registered firearm, or a firearm that is not required to be registered under the Act, *are not captured by this Bill. 7.*

(c) Remove section (51 K (2) & (3)), which compels a person to provide assistance or information to police, as this breaches the *right to silence under Common Law*.

The listing of "computer software and plans" as *precursors* could be troublesome.

Most firearms owners are 'students' of firearm development and their history and a host of computer files and books have been published, with many showing drawings or plans to explain the workings of firearms. The primary purpose is to educate users on their safe operation and maintenance.

Having full information of the method of operation and maintenance of a firearm is *critical to using it correctly and safely*.

This proposed legislation could have the *unintended effect of making any published material on firearms and their maintenance a "precursor" to illegal activity*.

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,