

**Submission
No 120**

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

Name: Mr Damien Armstrong

Date Received: 1 August 2020

Dear Ministers,

Thank you for the opportunity to provide feedback. 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.

I passionately believe that the provisions of this Bill are 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.

You may well say that is notion on mine is far-fetched, however my business has been subject to this very type misinterpretation relating to firearms. My business needed to import a pneumatic pipe as a replacement part to a piece of theatrical stage effects equipment. I have been back and forth between Department of Home Affairs for 21 months now, because a AFP representative “interpreted” a piece of threaded hydraulic pipe as a “weapon component”

The fundamental problem is that 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. Also it makes police assume responsibilities of fully qualified weaponry expert without any of the underpinning knowledge and qualifications.

The listing of “computer software and plans” as precursors could be troublesome. Most firearms owners are students of their development and history. A lot of computer files and books have been published many of which show drawings or plans to explain the workings of firearms with the primary purpose of educating users on their safe operation and providing instructions for the disassembly and reassembly for maintenance purposes.

Having full information of the method of operation and maintenance of a firearm is critical to using it correctly and safely. As written this proposed bill could easily lead to misinterpretation. The proposed bill needs to specify that licenced firearm users and other legitimate users who have a legitimate need to make a part or make minor modifications to a registered firearm, are not captured by this Bill; and the mere possession of everyday items or hardware by licenced firearm users is not an offence under this proposed bill. This proposed legislation could have the unintended effect of making any published material on firearms and their maintenance a “precursor” to illegal activity.

As my legally elected political representative in this matter it is my will that you table the following changes to the Bill:

1. Remove the presumption that persons who rent premises, supply finance, materials or equipment are actually involved in the manufacture of firearms or firearm parts. (Section 51 J (2) (a)-(c))
2. Remove 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))
3. Decisions to confiscate firearms and equipment suspected of being firearms precursors, should only be made by police of the rank of Inspector and above, and only after careful

consideration and such decision must be documented in writing.

4. Remove Section (51 K (2)) which breaches common law.

5. Add a requirement that internal reviews of decisions involving firearms matters have to be completed within a reasonable, defined period of time.

6. Amend the bill to make it perfectly clear that (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. 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.

Yours Faithfully,

Damien Armstrong