

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

Name: Name suppressed
Date Received: 4 August 2020

Partially
Confidential

Dear Ministers,

I am writing to you as a licensed shooter and Law-abiding firearm owner. I have significant concerns over the “Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020”, currently before the NSW Parliament.

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.

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. Changes required to the Bill are:

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.

I thank you for the opportunity to provide feedback, 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. 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”.

- 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?

These are common options on legal firearms as used for sport and target competition and are not currently illegal, but could be under this proposed legislation. As written this could easily lead to misinterpretation.

Section 51J, (2), (d) establishes the intent that “the person possesses a firearm precursor for the purposes of manufacturing a firearm or firearm part” but does not differentiate between legal (by licenced firearms users, as mentioned above) or illegal possession. As mentioned above, there are many alterations/additions/parts/substances that are commonly used legally on firearms by licenced users and pose no increased public risk.

Yours Sincerely