

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

Name: Name suppressed
Date Received: 6 August 2020

Partially
Confidential

Dear Ministers,

I am writing to you as a licensed shooter and law-abiding firearm owner. As a law-abiding firearms licence holder, I support legislation that helps to prevent the criminal use of firearms. 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.

The listing of "computer software and plans" as precursors could be troublesome. A lot of computer files and books have been published, many of which show drawings or plans to explain the complex inner workings of firearms, with the primary purpose of educating users on their safe operation, maintenance and performance. Having full information of the method of operation and maintenance of a firearm is critical to using it correctly and safely. The proposed Bill needs to specify that licenced firearm users who have a legitimate need to stock spare parts, 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.

Alterations required to the Bill are as follows:

- 1. 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))*
- 2. 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.*
- 3. Remove Section (51 K (2)) which breaches common law.*
- 4. Add a requirement that internal reviews of decisions involving firearms matters have to be completed within a reasonable, defined period of time.*
- 5. 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.*
- 6. 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.*

Most importantly, this Bill MUST differentiate between legal (licenced, law-abiding firearms users) and illegal (criminal) firearm possession/manufacture. As mentioned above, there are many alterations, additions, parts and materials, that are commonly used legally on firearms by licenced/law-abiding firearm users and pose no increased public risk.

Yours Sincerely,