

**Submission
No 164**

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

Name: Mr Joseph O'Connor

Date Received: 9 August 2020

9th August, 2020

Submission in response of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020.

Dear Ministers,

I am writing to you as an engineer, primary producer 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.

Is the intention to make every person who owns basic tools or has basic materials a potential criminal?

Is the intention to allow the police to loosely justify what is otherwise an invasion of their home?

Is the intention to undermine any common law principals that this country is lucky to enjoy?

The provisions of this Bill are far too ambiguous, open to police misinterpretation and provides an avenue for the abuse of power. As it stands the Bill creates a serious threat to any person who has basic tools and everyday materials. Nearly every household, farm or commercial premises you’ve ever visited or worked at will possess everyday tools. Not only that steel, plastic, timber and a multitude of composite materials could now be perceived as firearm precursors used to make firearm parts. These materials are absolutely everywhere. This definition has the potential to net the majority of the population and subject all of them to a prohibition order. All over a drill press and some sheet metal.

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.

The changes required to the Bill are:

1. Remove the presumption that persons who provide a premise for lease, supply finance, materials or equipment are actually involved in the manufacture of firearms or firearm parts. (Section 51 J (2) (a)-(c))

It should astound you that the presumption of guilt has found its way into our parliament. It’s amazing that we have the presumption of innocence it all. It should be cherished. Any form of legislation that goes anywhere near this line of thinking should be swiftly left out. Instead, legislation should provide powers necessary to appropriately deal with those who have been proven guilty of a crime. It should not provide reason to prosecute on conjecture. This is appalling.

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. The process shall be subject to rigid documented.
4. Remove Section (51 K (2)) which breaches common law.
5. Add a requirement that internal reviews of decisions involving firearms matters shall 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 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.

Our legislative system has grown in complexity over the many years that it has existed. So too, the challenges we face as a society. You would find it hard not to be aware of the trends that you could reasonably suspect these laws are aimed at addressing, particularly trends in the United States.

You **must** also remain vigilant of, regardless of political persuasion, a set of laws that could be misused by left, right or centre.

A set of laws that undermine common law and undermine the presumption of innocence, is precisely, that kind of red flag.

Every law has unforeseen side effects. At least in this case you can see it clearly.

Yours Faithfully,

Joseph Peter O'Connor

B.Eng (Mech), MIEAust