

Submission
No 184

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

Organisation: Australian Gun Safety Alliance

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Parliament of New South Wales
Legislative Council
Portfolio Committee No.5 – Legal Affairs

Provisions of the Firearms and Weapons Legislation (Criminal Use) Bill 2020

Submission August 2020

Introduction

We understand that the Amendment Bill is limited to a few issues and does not undertake to review the National Firearms Agreement or the *Firearms Act 1996*. However, we note that many submissions to the Committee have already strayed into these areas. Those submissions regurgitate many of the same themes propagated by gun advocates such as questioning the need for licensing, registries, or broader controls.

The Australian community has made it very clear that they support Australia's strong gun safety framework and indeed many would like it strengthened. Australians cringe at the apparent laissez-faire approach to firearms in countries like the USA and are thankful that we have a culture that respects the safety of the community ahead of the recreation pursuits of a few.

The Australian Gun Safety Alliance supports the principle on which our National Firearms Agreement is based:

“...that firearms possession and use is a **privilege** that is conditional on the **overriding need to ensure public safety**, and that public safety is improved by the safe and responsible possession, carriage, use, registration, storage and transfer of firearms.”

We appreciate the opportunity for input to the proposed amendments to the *Firearms Regulation 2017*. It has only been relatively recently that gun safety advocates have been consulted in the formulation or amendment to firearm policy and regulations.

We were involved in the consultation process with Asst. Minister Jason Wood MP in Canberra where the ban on bump stocks and the national amnesty were discussed. We were very supportive at that time and we are pleased to support efforts by NSW to implement these initiatives.

The Australian Gun Safety Alliance

Despite the National Firearms Agreement being reaffirmed in 2017 by all jurisdictions, none are entirely compliant. This is primarily due to the influence of those with a self-interest in the firearms community. Whether they be importers, retailers, manufacturers or represent shooters, as a group they are well resourced, organised, and influential.

Despite the evidence that demonstrates the public benefit of Australia's gun reforms there is a persistent effort to undermine or water down the Agreement. This is despite regular reports that show nearly 90% of the Australian population support our gun safety framework, or indeed would like it strengthened.

In order to provide governments with greater insights from safety advocates, a credible coalition of concerned individuals and like-minded organisations have come together to publicly hold all governments to account for compliance with the National Firearms Agreement. Together we will provide a balanced debate in support of firearm safety and withstand the continued pressures on governments by the “gun lobby” in terms of influence and donations.

We offer the following comments on the proposed amendments.

- (a) to create a new offence of knowingly taking part in the unauthorised manufacture of firearms or firearm parts and to provide that the offence will include being in possession of certain matter (referred to as a firearm precursor) for the purposes of manufacturing a firearm or firearm part,

We agree that any unauthorised use of a firearm, its manufacture or possession should be an offence. This is a natural extension of the principle of ensuring public safety.

It seems clear that amendments to Section 51J does not preclude lawful, authorised, and licensed individuals carrying out their normal business.

The clarification of firearm precursor strengthens the definitions and protects the emerging concerns of 3D printing of items protected in section 51F.

Once again, we aware that some firearm enthusiasts use 3D printing to replace or repair firearms. This seems to be still lawful if they are authorised and licensed to do so.

- (b) to confer seizure powers on police officers in relation to the new offence,

Section 51K is a natural consequence of the new offence.

- (c) to require firearms prohibition orders to be reviewed every 10 years by the Commissioner of Police

We support section 73A that ensures all firearm prohibition orders have a review period of 10 years stipulated.

- (d) to provide that the power of a police officer to search a person who is subject to a firearms prohibition order for firearms or firearm parts may also be exercised in relation to any other person who is present on the subject person's premises,

We support the various amendments required to allow police to fully enforce firearm prohibition orders. The outcome of these amendments prevents firearms being available to prohibited persons via those in the vicinity.

This is a further strengthening of the Act to prevent illegal use of firearms.

Amendment of Weapons Prohibition Act 1998 No 127

Schedule 2 amends the Weapons Prohibition Act 1998 to create an offence of taking part in the unauthorised manufacture of prohibited weapons and parts of prohibited weapons along the same lines as the offence of taking part in the unauthorised manufacture of firearms or firearm parts.

We agree with the amendment to the Weapons Prohibition Act 1998 as a consequence to the amendments to the Firearms Act 1996.

Amendment of Firearms Regulation 2017

Schedule 3 amends the Firearms Regulation 2017 to prescribe the provisions of the laws of other jurisdictions under which firearms prohibition orders are made so that those orders may be enforced in this State as if they were orders made under the principal Act.

We agree with this important amendment to ensure the strength of our national approach to firearm safety and enable NSW police to enforce orders made in other States.

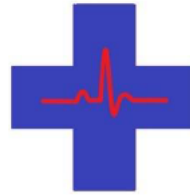
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