

**Submission
No 186**

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

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Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020

Schedule 1[1] and [2] make it clear that the authority conferred by a firearms dealer licence includes the manufacturing of firearm parts for those firearms to which the licence applies.

Schedule 1[3] makes it an offence (with a maximum penalty of imprisonment for 20 years) for a person to knowingly take part in the manufacture of a firearm or firearm part knowing that the manufacture of the firearm or firearm part is not authorised by a licence or permit under the principal Act. The term **takes part** includes the possession of a firearm precursor for the purposes of manufacturing a firearm or firearm part. A **firearm precursor** is defined as any object, device, substance, material or document used or capable of being used in the process of manufacturing a firearm or firearm part (including computer software or plans). The offence will apply regardless of whether a firearm or firearm part is actually manufactured and double jeopardy provisions are included to ensure that a person is not liable to be convicted of both the new offence and another manufacturing offence under the principal Act that relates to the same or substantially the same act.

Assuming I am reading this correctly, only a licenced dealer is able to manufacture a firearm part. The wording suggests that anyone else who does is liable for imprisonment for up to 20 years.

Does the author of this have any idea how unreasonable this is?

Example: I am a licenced firearm owner who has a registered rifle that has a broken part. I have some tools, whether basic or sophisticated, that along with my skills enables me to repair the part, or manufacture a replacement. The mere possession of those tools, let alone commencing the repair, makes me a criminal. This would apply even if it were not a critical part for the operation of a firearm, such as an attachment for a sight, or even a sight itself.

Example: I am a licenced firearm owner who has a registered rifle that has a broken part. I don't have the tools or the skill to repair the part or make a replacement. I have a friend, whether a licenced firearm owner or not, who does have the equipment and skills. He helps me by effecting the repair or making a replacement. We are now both criminals.

Example: I am a licenced firearm owner who owns a registered target rifle – a rifle specifically made for a particular competition. To improve my competitiveness, I decide to make a new stock that not only makes it easier to use in the specific environment associated with the competition, but is customised to suit the dimensions of my hand, arm and my body generally. I am now a criminal.

Example: I am a licenced firearm owner who has a firearm component, not being a functioning firearm or a registerable part such as a barrel, that I decide to modify to use with a registered firearm. I am now a criminal.

Is the intent of this legislation that anyone with some metal or wood, with some tools of a simple or sophisticated nature, becomes a criminal? It appears from the wording provided that this will be the case.

As a licenced firearm owner, and a committee member of a shooting club, I am concerned about the potential for unauthorised people to be in possession of firearms. This applies whether the firearm is commercially produced and illegitimately acquired or illegitimately manufactured.

To the extent that this legislation applies to illegitimate and criminal acquisition and use of firearms I have no problem with it.

However, to apply similar provisions to a licenced firearm owner, making repairs or improvements to a registered firearm is a grossly unreasonable step. It is equally unreasonable to criminalise someone, whether they be a skilled friend or a commercial engineering organisation, who assists in the repair or modification of a firearm. (This would not extend to passing possession of a firearm to such a person if they were not appropriately licenced, of course. I see no problem with giving them a part to repair or reproduce a replacement, though.)

I can see some reasonable motivation for legislation to prohibit the illegitimate manufacture of firearms or parts intended to be under the radar and for criminal use.

I deplore the introduction of legislation that makes people who are law-abiding and licenced firearm owners into criminals for repairing or improving a registered firearm.

It is time for a re-think to eliminate what I assume are unintended consequences of the proposed legislation.

Yours sincerely,

William Irvine