

Submission
No 193

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

Name: Name suppressed
Date Received: 11 August 2020

Partially
Confidential

Dear Members,

Thank you for the opportunity to provide feedback. As a law-abiding firearms license holder I support legislation that helps to prevent the criminal use of firearms. However, I have significant concerns over the “Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020”, currently before the NSW Parliament.

I strongly 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 offense or without probable cause.

Changes required to the Bill are:

1. 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 licensed 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.
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. Add a requirement that internal reviews of decisions involving firearms matters have to be completed within a reasonable, defined period of time.
5. 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 hope the above comments will help in improving the feedback on this proposed legislation.

Yours sincerely,