

Submission
No 200

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

Name: Name suppressed

Date Received: 12 August 2020

Partially
Confidential

Dear Sir or Madam,

I have a number of concerns regarding the proposed Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020.

Firstly, why do we need it? What factually based evidence is there to show that these amendments are even necessary to reduce crime?

Law abiding firearms owners seem to be the only group affected by changes to firearm legislation.

Without amendments to this Bill, law abiding firearms owners and others could inadvertently become potential criminals overnight. Simply by performing cleaning, general maintenance or make minor modifications to a registered firearm(s). Even people who own and possess everyday tools, which could be perceived as firearm precursors used to make firearm parts.

Sections 51J and 51K are of significant concern. The definitions are far too ambiguous. There is a very real danger these provisions are open to misinterpretation and abuse of power by Police. Particularly, junior Police officers that have little (if any) training/education, experience and interest in firearms.

There are numerous alterations/additions/parts/substances that are commonly used legally on firearms by licenced users which pose no public risk.

The bill should be amended 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.

My concern regarding the misinterpretation of the legislation, also relates to Section 51K and the definition of “reasonable grounds”. The power and therefore decision to seize firearms, firearm parts or ‘precursors’, should not be left to inexperienced officers. This decision should be made by an officer of or above the rank of Inspector and preferably with training/education, experience and interest in firearms. The basis of this decision should also be provided in writing.

This would prevent the unnecessary seizure of a persons property and therefore reduce the number and time taken for internal reviews and legal procedures.

Also of major concern is the proposed new Section 51K(2) and (3) which compels a person to provide assistance or information to Police. This is completely contrary to a persons’ fundamental right to silence under Common Law and by virtue of Section 89 of the Evidence Act 1995.

Section 51 K (2) & (3), which compels a person to provide assistance or information to police, should be completely removed.

If I can help further, please do not hesitate to contact me.

Yours Sincerely,