

Submission
No 211

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

Organisation: Name suppressed
Date Received: 13 August 2020

Partially
Confidential

Committee of Inquiry NSW Legislative Council

Honourable Members

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

and many of the Branch Members disagree with the implications that Licensed Firearm Owners may have imposed upon them through this Bill and must ask that this Bill fail in its current form.

We are supportive of the NSW Police and understand the difficulties with making a successful prosecution and share their disappointment when obvious criminals get off on technicalities.

This Bill, in its current form, has a lot of negative implications for normal citizens and Firearm owners.

The negative aspects have been covered sufficiently in other Submissions made to this Bill although I would like to draw your attention to Submission No. 27 from Firearms Lawyer Simon Munslow and wish to state that the _____ agrees with the comments and assertions of Mr Munslow in his submission.

In particular, we wish to inform you that many of our 525 Members are hobbyists and tinkers and while they do not make whole firearms, they may tinker and modify parts on their firearms and model trains and planes where it is legal to do so.

To our knowledge, they definitely do not make firearms or firearm parts for the black market or for criminal activities.

These are Law abiding people who may get caught in the proposed changes as outlined in this Bill.

This Bill has other implications that may erode and remove basic Freedoms and Fundamental rights for no overall beneficial gain for society as a whole and we all appear to be heading down the road of being guilty criminals until we can prove we are not.

We expressly disagree with having to give passwords with the threat of years in gaol if we do not. The presumption of innocence until proven guilty must be included in all of our laws.

We understand that if we are not guilty, we should have faith in the Legal System to reflect this (as long as we have lots of money to do so.)

However, I would like to point out that there is a vast disparity, even when found innocent, in the actual punishment between those citizens who do not own Firearms and other citizens who do own Firearms.

For example, if two separate people, one who does not own Firearms or have a Firearms Licence and the other citizens who does own Firearms and does have a Firearms Licence are charged with separate but the same offence - let's say they were each manufacturing a shaft for a local neighbouring farmers tractor and a Police Officer has mistaken the shaft for a pistol barrel. Both citizens have no prior offences and are volunteers and all-round nice blokes in the community.

They are both charged, make initial court appearance, a Judge rule no case and it is dismissed or they both make bail and await their future court date, get lawyers etc.

For the purpose of the argument we will say that both were found not guilty and no action taken.

The overall process will be similar for both of these people.

The person without the firearms licence may go home and go about his normal life without much disruption.

The initial and final process for the Licensed Firearms owner is a whole lot different and a lot more distressing.

When a Firearms Owner is arrested, he will have to surrender his Firearms Licence and every firearm that he has or owns will be confiscated and held by the Police.

He will not be able to participate in competitions, go hunting or even hold, clean or shoot a firearm as he no longer possesses a Firearms licence.

This will be for the whole period until after his court case when he then needs to apply for his licence and once his licence is granted, he may then request that his firearms be returned from the police. It is not an automatic result.

Please look up farmer Dave Dunstan who used a rifle without a bolt or ammunition (in fact it could be argued that it was a steel bar, not a firearm) to stop a drug inhibited bloke with a knife entering his home and see the ordeal he went through.

In fact just google 'farmer stops burglar with rifle' and see multiple consequences for Law abiding firearm owners.

Depending on Court time etc., this whole process may take six months to a year if lucky but may extend to a lot longer period.

So due to this extra mandatory punishment that Licensed Firearm Owners must endure when they go through this process, we believe that there must be some accountability for the NSW Police and as such, only high ranking Police Officers with experienced judgement can make the decision to remove a Licensed persons firearms and disrupt their life for possibly a couple of years.

By the way, this mandatory punishment of having our firearms and Licence removed is for all charges, not just firearms. This includes the ramifications of trying to break up a pub fight, a malicious AVO or social illicit drug use and I believe some traffic infringements will see you being scrutinised with the 'fit and proper' person test – we cannot be involved. (although it would not be possible to walk away if someone was being kicked to death but in this day and age, one would probably get a knife in the guts for his trouble -even though we have a law that we cannot carry a knife in public- how does that not work??.)

We have to be very law-abiding people in the main.

So while the agrees there needs to be workable laws and we must follow these laws, we believe that safeguards must be written into Legislation to protect the people from overzealous, vindictive or agenda driven Policing and as such we ask that this Bill in its current form fail.