

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

Organisation: Liberal Democrats, New South Wales Branch
Date Received: 13 August 2020

Committee Members,

I write to you on behalf of the New South Wales Branch of the Liberal Democrats.

We accept the intent of the Bill is to prevent the illegal manufacture of firearms and firearm parts, but are deeply concerned about both the scope of certain sections and the extent of some of the police powers it grants.

Our concerns are as follows:

1. We believe there is significant potential for definition creep with regards to “firearm part”, to potentially include the manufacture or possession of innocuous items with wide-ranging applications such as springs, screws, and grips. The Firearms Act currently defines a firearm part as “a barrel, breech, pistol slide, frame, receiver, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm”. We believe the amendment should be narrowed to those items, as currently defined in the Act.
2. Section 51J 2(b) is worded such that a person who financed a venture that was secretly involved in the illegal manufacture of firearm parts would have committed an offence even being unaware of the illegal operation. At the very least this should be reworded to ensure there is intent to commit an offence.
3. Section 51J 2(c) is even worse than part (b). It strangely presumes involvement by a landlord in the activities of tenants on their property. At the very least, there must be an onus to prove direct knowledge of the operation for an offence to exist.
4. Section 51J 2(d) is somewhat unclear. To what extent must intent be proven to establish that the firearm precursor is possessed “for the purposes of manufacturing a firearm or firearm part”? Under what grounds could this purpose be established? These are particularly important questions given the definition of “firearm precursor” is so broad that it could apply to something as innocuous as a screwdriver (“any object... capable of being used in the process of manufacturing of a firearm...”).
5. Section 51K 1 gives excessive discretion to inexperienced police officers to determine what are and are not “reasonable grounds”. We have seen where this can lead in relation to strip searches. Decisions to confiscate firearms and firearm parts should ideally be subject to a court order, but at the very least be reserved for high-ranking officers.
6. Section 51K 2 and Section 51K 3 are fundamentally illiberal. Compelling people to provide information without a court order or charge is a draconian step that is not even remotely justified in this case. They should be scrapped.
7. Section 72A 2A and 72A 2B grant unnecessary police power by assigning guilt by association to otherwise innocent bystanders. They should be scrapped.
8. Section 72A 2D is too broad. While “the safety of any person” is reasonable grounds, “the effective execution of the search” is not. This power could be badly abused and the clause should be reworded to exclude this.
9. Section 74 AB gives other jurisdictions power to subject New South Wales residents to invasive searches and property confiscation. Crucially, this gives New South Wales residents no

recourse to fight these orders without travelling to the jurisdictions in question and challenging them in courts. We suggest amending the Bill so that the existence of out-of-state Firearms Prohibition Orders could be cited as a reason for issuing a separate one in New South Wales.

We hope you will take our concerns and suggestions on board.

Kind Regards,
Liberal Democrats, New South Wales Branch