

Submission
No 222

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

Name: Name suppressed
Date Received: 13 August 2020

Partially
Confidential

Dear

Mr. Elliot

I disagree with the amendments made to the Firearms Act and want to address some key points made in your 2nd reading speech of the bill. Firstly, the definition of a precursor is very broad. It does not appear to have an enclosed list and this could facilitate net widening; a process in which people are unintentionally dragged into the criminal justice system merely because they possessed "an object or document" that has not been clearly defined. The Firearms Act has a schedule of items not deemed to be a firearm as the definition was very broad. No such schedule exists in this amendment and making one would be very impractical due to the broad nature of the definition. It would take years of case law, assuming a matter made it into the Supreme Court or Court of Criminal Appeal, for interpretation and precedent to be set. Who knows how many people would have been drawn into the Criminal Justice System and the amount of money that would be spent processing those people.

Secondly, I want to address your point in paragraph 13 where you stated the new law allegedly addressed "a major loophole in the current national approach to illegal manufacture of firearms whereby a criminal could have all the parts or components lying around them but can get away with not being charged because there is no complete firearm as a result". This statement is misleading because offences already exist for such set of crimes. Attempt is recognised as an offence under s 51CA of the Firearms Act. Undertaking steps to manufacture a firearm is an offence whether or not it involves ACTUAL firearm parts or manufacturing machinery because somebody has demonstrated a commitment to the physical and mental elements of the offence. Someone who possesses firearms components can still be charged with attempting to manufacture a firearm being that they are a few steps away from having a complete gun. Furthermore under s 50AA(2) it is also an offence to possess firearms without a licence or permit.

Finally, I want to address the actual necessity of these amendments. Why do such amendments need to be made when there are myriad of offences already being enforced?