

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

Organisation: GameCon
Date Received: 14 August 2020



**GAME MANAGEMENT COUNCIL
OF NEW SOUTH WALES
(GAMECON NSW) INCORPORATED**

A Submission on behalf of the

Game Management Council of New South Wales
P.O. Box 234 Wahroonga 2076 NSW

In Reference to

**INQUIREY of FIREARMS AND WEAPONS LEGISLATION
AMENDMENT (CRIMINAL USE) BILL 2020**

By Douglas Shupe: Chairman

The Game Management Council of New South Wales (“GameCon NSW”) (formerly known as the Joint Committee of Recreational Hunting Associations) was established in 1985 to provide an umbrella group for hunting clubs and associations within New South Wales.

Our organisation is recognised as a Peak Body within the NSW Firearms Act.

GameCon NSW is a non-profit hunting and conservation group representing hunters, fishermen and dog owners through its affiliated organisations.



GAME MANAGEMENT COUNCIL OF NEW SOUTH WALES (GAMECON NSW) INCORPORATED

The Member Organisations of GameCon are:

1. Australian Conservation Hunting Club
2. Australian Deer and Game Hunters Club
3. Australian Hunters International
4. Blue Mountains Field Sports Association
5. Federation of Hunting Clubs
6. Hunters & Fishermen Association of NSW "ARTEMIS"
7. Maria's Hunting Club
8. NSW Deerstalkers (Deerstalkers)
9. St George Hunters and Anglers Association
10. Hunter District Hunting Club

I welcome the opportunity to submit comments on the draft, Criminal Use Bill 2020.

We are aware of a number of mature, ethical and responsible adults who have endured extreme emotional and financial stress after receiving poor decisions made by police. We know of one individual who had his entire life's work destroyed and bankrupted by what is best described as clerical error.

It is our contention that this Draft Legislation is poorly written and conceived.

1. Club Armourers are not excluded. Typically they will have parts lists and drawings of firearms owned / registered to assist with maintenance and/or part ordering.
 - a. In addition they will often possess spare parts that have been left over or swapped out.
 - b. A club armourer has no intention of maintaining or repairing illegal firearms but could logically be caught up in this draft, as written.
2. Not only does it seem to criminalise intent but the possibility of intending to manufacture.
 - a. One struggles to imagine a defence for possibly intending to manufacture.
3. It is imperative that licenced individuals are specifically exempted by stating they are authorised to maintain firearms, retain and create parts for the firearms they legally possess.
4. Minister Elliot in his speech emphasised prohibition orders and their perceived benefits. Is it possible that the original intention was to have the proposed precursor regulations



GAME MANAGEMENT COUNCIL OF NEW SOUTH WALES (GAMECON NSW) INCORPORATED

only apply to those under a prohibition order? If so it needs to be stated.

5. Whilst reasonable people can see what the government is trying to achieve it is obvious the net has been cast too wide. It would appear one can contravene the provisions of the act if:
 - a. You are in possession of a part for legally owned firearms.
 - b. One undertakes repairs on a legal firearm
 - c. You hold any diagrams to aid in dismantling your firearm for cleaning and preventive maintenance. Diagrams and instructions always accompany firearms when purchased.
 - d. The power to search is too wide. One could be returning from a gun range possessing a firearm and ammunition and quite innocently contravene the regulations and be charged. Knowledge of any purported illegal activity does not seem to be required.
 - e. The Minister has made a number of reassurances but the basis of those assurances must be clearly reflected.
 - f. The provisions have to be properly fleshed out so that it is not illegal to have a part for a registered firearm in your possession or to undertake a repair upon the firearm yourself.
6. Popular books such as Gun Digest Book of Exploded Gun Drawings have over 1,000 drawings of all firearms available in the USA. It contains isometric schematics of what we know as Category D firearms i.e. semi-automatic rifles and shotguns, selective fire longarms. e.g. Uzi pistols, Thompson Machine guns, Colt AR 15 & AR 16 rifles, SAR-48 Rifle (SLR made by Springfield).
 - a. It appears that merely possessing an owners or operators' manual of prohibited weapons could be illegal if a police officer thinks it is and conversely legal if the office feels it's legal. Quality regulations are specific and do not leave it up to differences of interpretation or bias.
7. As written the unintended consequences of this bill are mind boggling.
8. One is left with the impression that the authors are oblivious to the large numbers of individuals who derive great enjoyment working with metal. It is commonplace for such hobbyists to own metal lathes, milling machines and other machine and/or hand tools that could be employed to produce firearms if they chose to do so. However, they **will not** because they are responsible law abiding citizens. They would not have a firearm licence if they weren't.
9. Our concerns appear to be validated by Glenn Kable's Submission #74 regarding Items 5 & 7. He states, *"It is to be kept in mind that out of 1,500 interactions (2,500 individual searches), firearms, firearm parts, or ammunition, was only detected in 2% of cases (does*



GAME MANAGEMENT COUNCIL OF NEW SOUTH WALES (GAMECON NSW) INCORPORATED

this warrant the draconian implications of having such legislation, when search warrant applications may have resolved these breaches regardless).”

- a. GameCon agrees with Mr Kable.
10. We are aware of cases where Suspension of Firearm Licence forms are not dated by police officers. Information received is that an undated form negates the 28 day limit and creates a de facto never ending suspension; thereby effectively becoming a revocation since the firearms have been seized and are not returned, six or more months later. People who have experienced this endure great difficulty and frustration appealing the decision because NCAT won't review a non-decision. It is our understanding that an undated form is regarded as no decision. Busy people with limited resources would tend to give up asserting themselves and may be left with an unjust outcome. The point is that current law is not always being enforced in a manner consistent with original intent.
11. Throughout the draft document at Section 51K(1), Section 74A(1) (1)(a), Section 74A(2A)(a); Section 74A(2D) and 74AA the word “reasonable” is used to allow police action to be taken. What is reasonable to one officer could be unreasonable to another. Surely, such wide-ranging wording could lead to ruinous consequences when inappropriate decisions are made. If the document retains use of the word **reasonable**, a definition must be provided.
12. Attachment: Legal Advice by Mainstone Lawyers.
 - a. The advice accurately reflects the realities regarding potential outcomes.
13. Our members sincerely object to the increased likelihood of suffering unintended legal peril due to draconian and poorly composed legislation. Regulations which were purportedly created to control organised crime and yet expose law abiding citizens to disastrous outcomes are unjustifiable.

End