

Submission
No 237

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

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Partially
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Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020.

The Firearms Act essentially prohibits everything unless it's specifically permitted. It's been drafted with numerous bureaucratic, administrative, catch-all provisions with severe penalties for even minor technical breaches, creating a minefield for firearms owners to negotiate. All made worse when a previous Police Commissioner directed his officers from the start to adopt a zero tolerance, to-the-letter-of-the-law enforcement approach, barring any use of discretion in such matters. It was soon discovered that many of the provisions of the Act were extremely elastic and could extend well beyond what was considered to be the intended purpose of the legislation. That often resulted in unnecessary action in cases where firearms owners were caught out unwittingly breaching the Act, engaging in previously normal legitimate activities where there was no mischief, no menace and no public safety issue and there are numerous examples of that. Rather than a reduction in firearms crime or an improvement in public safety, all it produced was a list of hapless victims amongst firearms owners. In fact it appeared to them to be more a campaign to cancel firearms licences at every opportunity rather than achieve improvement in those areas.

When the Minister assures us then, that "this Bill does not criminalise legitimate firearms holders", most of them would not be assured at all. They would well understand what the Bill is aimed at but have learned not to expect any relief by way of a common sense and discretionary approach to it's enforcement.

The Commissioner has wide discretionary powers under the Act and this Bill, with it's further wide-ranging provisions and extreme penalty of 20 years imprisonment, as well as the unfortunate history of enforcement of the legislation, is a major cause for concern. There needs to be included in the Bill, or perhaps in the Act generally, a clause that excludes normal activities that cause no harm, or at least some explanatory note for guidance in enforcing it's provisions to make it clear that those activities are excluded.

It has been pointed out too, that in addition to this new Bill, there is already a problem involving Sec. 8 of the Act, which on a strict reading and the wide dictionary definitions of the activities listed there, essentially prohibits firearms licence holders from engaging in many of their normal, routine and essential activities such as cleaning and maintaining firearms in a safe condition or testing their accuracy by shooting at a paper target and that problem should be addressed too.

By all means have the Commissioner target the drug dealers, criminal gangs and would-be terrorists who are most likely to be involved in the sort of thing covered by the Bill, but leave legitimate firearms owners involved in their regular activities out of it.