

**Submission
No 258**

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

Name: Mr Stephen Larsson

Date Received: 13 August 2020

Submission to the

Inquiry into the Provisions of the

**Firearms and Weapons Legislation Amendment
(Criminal Use) Bill 2020**

by
Stephen Larsson

PART I - Apprehension of Bias

There are grounds to believe the minister responsible for the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 (the Bill) - the Minister for Police and Emergency Services, the Hon. David Elliott (Minister Elliott) - holds personal views which could objectively have influenced him in the construction of the Bill.

I submit there is credible evidence to indicate Minister Elliott has a potential conflict of interest in firearm matters. If the minister has not made a conflict of interest disclosure in relation to firearm matters, and the potential conflict appropriately managed in the preparation of this Bill, he could be breach of the Ministerial Code of Conduct.¹

Background

In Budget Estimates on 10 March 2020, Minister Elliott was questioned by the Committee Chair about the following comment he made on Facebook on 17 March 2019:

“Have I missed something here ‘cause I’m really struggling with the whole “shooters have rights too” thing.”

The comment was part of lengthier comment by Minister Elliott on a purported preference deal between political parties which was reported by the ABC that day. The Minister’s full post on Facebook is provided in Attachment 1.

The Minister responded to the Chair’s line of questioning, stating:

“My view is that firearm holders do not have rights; they have obligations, because on that day there would have been some discussion about the right to bear arms in the United States.”²

The article on which the Minister commented in his post on Facebook was published on-line by the ABC the same day i.e. 17 March 2019 and is provided in full in Attachment 2.

Contrary to the Minister’s assertion, as can be seen in Attachment 2 there was no “context”, “debate” or even a passing mention in the ABC article about “the right to bear arms in the United States.”

On further questioning by the Chair whether the Minister stood by his comment, Minister Elliott repeating his belief about ‘shooters rights’ twice more:

¹ A **conflict of interest** arises in relation to a Minister if there is a conflict between the public duty and the private interest of the Minister, in which the Minister’s private interest could objectively have the potential to influence the performance of their public duty. Without limiting the above, a Minister is taken to have a conflict of interest in respect of a particular matter on which a decision may be made or other action taken if: (a) any of the possible decisions or actions (including a decision to take no action) could reasonably be expected to confer a private benefit on the Minister or a family member of the Minister, and (b) the nature and extent of the interest is such that it could objectively have the potential to influence a Minister in relation to the decision or action.

Independent Commission Against Corruption Regulation 2017.

<https://www.legislation.nsw.gov.au/#/view/regulation/2017/479/app1>

² [Budget Estimates, Portfolio Committee No. 5 – Legal Affairs, Police and Emergency Services, 10 March 2020, pp 31-32.](#)

“Yes, because I do believe that firearm holders have obligations. They do not have rights.” and

“I just said that I do not think firearm shooters have rights. I do not think they have a right to bear arms. But we - ”

Apprehension of Bias Test

The test for apprehended bias is discussed at length by John Griffiths SC.³

The test is... whether a fair-minded lay observer with knowledge of the material objective facts *might* reasonably apprehend that the judicial or administrative decision-maker *might* not bring an impartial and unprejudiced mind to the resolution of the question at hand.

As Griffiths points out, it is well established that the same objective test applies to judges, tribunal members and other public decision-makers.

In my view, based on the comments in his Facebook post on 17 March 2019, and his responses to questions during Budget Estimates on 10 March 2020, Minister Elliott’s comments do *not* pass the apprehension of bias test – i.e. he has *not* brought an impartial and unprejudiced mind to the construction of the Bill.

Request to the Committee

I respectfully ask the Committee to consider whether:

- (a) apprehension of bias in the construction of the Bill is substantiated;
- (b) Minister Elliott has ever disclosed any conflict of interest regarding firearm matters;
- (c) Minister Elliott has breached s7 of the Ministerial Code of Conduct; and
- (d) this matter should be referred to the Standing Committee on Parliamentary Privilege and Ethics Committee, notwithstanding this committee consists of 5 government members and only one non-government member.

³ John Griffiths SC. Apprehended Bias in Australian Administrative Law.
<http://www.austlii.edu.au/au/journals/FedLRev/2010/15.pdf>

PART II – Details of the Bill

Part II of this submission comments on specific subsections of the Bill. For the sake of clarity and ease of reading, each subsection of the Bill is reproduced followed by the author's comments under a sub-heading 'Comment'.

Comments are set out with reference to the proposed amendments to the Firearms Act 1996. The same comments apply to the corresponding clauses of the Weapons Prohibition Act 1998.

51J Offence of taking part in unauthorised manufacture of firearms or firearm parts

- (1) A person who—
- (a) knowingly takes part in the manufacture of a firearm or firearm part, and
 - (b) knows, or ought reasonably to know, that the manufacture of the firearm or firearm part is not authorised by a licence or permit, is guilty of an offence.
- Maximum penalty—imprisonment for 20 years.

Comment

Section 51J(1) is absurd. Like most sports enthusiasts licensed firearm owners are passionate and take particular pride in tuning their equipment (firearm) to meet their specific needs and obtain the best possible performance. Tuning a firearm can include making adjustments to the stock, the sights, the trigger, adjusting barrel vibration and harmonics, bedding the action, making adjustments to scope mounts, bolt handles, magazine followers, extractors etc. An almost universal objective among firearm owners is striving to improve accuracy.⁴

As it is written, s51J(1) would preclude *licensed* firearm owners from simply tuning their firearm. This is akin to precluding an avid tennis player from tuning their tennis racket by re-stringing their racket to their individual playing style, adding vibration dampeners to the strings, changing the grip, or adding weights to the handle.

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- (2) For the purposes of this section, a person **takes part** in the manufacture of a firearm or firearm part if—
- (a) the person takes, or participates in, any step, or causes any step to be taken, in the process of that manufacture, or
 - (b) the person provides or arranges finance for any step in that process, or
 - (c) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management, or
 - (d) without limiting paragraph (a) – the person possesses a firearm precursor for the purposes of manufacturing a firearm or firearm part.

Comment

Sections 51J(2)(a)-(c) raise extreme concerns. As written, subsections (a) – (c) could potentially see a bank manager (for arranging finance) or a landlord (for providing premises) in breach despite the assurances by the Minister in his second reading speech.

Section 51J(2)(d) raises extreme concern. It removes the common law right to the presumption of innocence; it presumes a person *takes part* in the manufacture of a firearm or firearm part merely by being in possession of a 'firearm precursor'. The presumption that a *firearm precursor* is possessed expressly for the purpose of manufacturing a firearm or firearm part is open to

⁴ In search of rifle accuracy. [Sporting Shooter magazine 1 May 2013](#).

abuse by police.

Section 51J(2) is altogether unreasonable, unjust, oppressive, lacks checks and balances, and is open to abuse by police. I draw the Committee's attention to two examples which demonstrate that NSW police are simply incapable of correctly applying the "reasonable grounds" test set out in the Law Enforcement (Powers and Responsibilities) Act 2002.

Firearm Prohibition Orders

In a review of police use of firearm prohibition order (FPO) search powers the NSW Ombudsman found that of 634 people subjected to an FPO search only 407 (64%) were subject to an FPO – a staggering 227 (36%) were not.⁵

Strip Searches

In the misconduct investigation by the Law Enforcement Conduct Commission (LECC) into strip searches by NSW Police, neither Officer MIS3, Officer MIS7, nor Officer MIS6 had satisfied themselves to the requisite standard as to whether there were 'reasonable grounds' that strip searches were necessary.⁶

-
- (3) In this section and in section 51K –
firearm precursor means any object, device, substance, material or document used or capable of being used in the process of manufacturing a firearm or firearm part, including (but not limited to) the following—
- (a) moulds for making firearm parts,
 - (b) milling, casting or rifling equipment,
 - (c) digital blueprints within the meaning of section 51F,
 - (d) computer software or plans.

Comment

Section 51J(3) raises extreme concern.

The definition of *firearm precursor* is ambiguous and very broad. It includes any *object* (e.g. piece of metal), *device* (e.g. screwdriver, electric drill) or any *substance* (e.g. lubricating or cutting oil) found in any residential garage in NSW. The interpretation of *firearm precursor* is open to misinterpretation and abuse by police.

While Minister Elliott stated in his second reading speech "*this bill does not criminalise legitimate firearms owners*" this is *not* explicitly stated in the bill. If Minister Elliott is sincere, he should have no objection to supporting an amendment to the Bill to include safeguard provisions which would make it abundantly clear that:

- (a) 'legitimate' (i.e. licenced) firearm owners who have need to make a part or make minor modifications to a registered firearm, or a firearm that is not required to be registered under the Act, are not captured by this Bill; and

⁵ Review of police use of the firearms prohibition order search powers. Ombudsman NSW, August 2016.

<https://www.ombo.nsw.gov.au/news-and-publications/publications/reports/legislative-reviews/review-of-police-use-of-the-firearms-prohibition-order-search-powers-august-2016>

⁶ Report of the Monitoring of NSW Police Force Misconduct Matter Investigation – LMI1703786. LECC 21 July 2020. <https://www.lecc.nsw.gov.au/news-and-publications/publications/investigation-lmi1703786-s134-s138-report-july-2020.pdf>

- (b) the mere possession of everyday items or hardware items by licenced firearm owners is not an offence under this Bill.
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- (4) This section applies in relation to a person regardless of whether a firearm or firearm part is actually manufactured.

Comment

Section 51J(4) raises extreme concerns. It reverses the common law right to presumption of innocence.

I urge Committee members to consider very carefully the potential consequences of s51J(4). The erosion of basic legal rights in NSW has increased in recent years and has attracted critical comment from numerous commentators including the Chief Justice of NSW, the Honourable Tom Bathurst.

I encourage Committee members to read the incisive comments by the Chief Justice on legislative encroachments on basic legal rights in his 2016 opening of the law term address published in the *Judicial Officers' Bulletin*⁷ which were the subject of an article in *Sydney Morning Herald*.⁸ Of particular note, his Honour said:

"It is important, therefore, that we, as lawyers, appreciate the extent of any encroachment on these rights. It is equally important to form a view, on which minds might differ, as to whether the encroachments are both individually and cumulatively justified. If we don't do that, we may end up in a position where, without protest, those rights are so substantially diminished that the underpinning of the basis on which we conduct our profession is itself substantially impaired."

His Honour also spoke about 'scrutiny mechanisms' and the 'culture of justification' within our society, which meant:

"...as a democracy, that every exercise of public power is expected to be justified by reference to reasons which are publicly available to be independently scrutinised for compatability with society's fundamental commitments."

51K Power to seize firearms, firearm parts and firearm precursors

- (1) A police officer may seize and detain any firearm, firearm part or firearm precursor (including a computer or data storage device on which a firearm precursor is held or contained) that the officer suspects on reasonable grounds may provide evidence of the commission of an offence under section 51J.
- (2) In exercising a power under subsection (1), a police officer may direct any person whom the police officer believes on reasonable grounds to be in charge of or otherwise responsible for the thing that has been seized to provide assistance or information (including a password or code) that may reasonably be required by the police officer to enable the officer to access any information held or contained in the thing that has been seized.

⁷ Judicial Officers' Bulletin. [The nature of the profession; the state of the law. March 2016, Volume 28 No. 2.](#)

⁸ Sydney Morning Herald. [Chief Justice Tom Bathurst warns of threat to basic legal rights, 4 February 2016.](#)

- (3) A person must not—
 (a) without reasonable excuse, fail to comply with a direction under subsection (2), or
 (b) in purported compliance with a direction under subsection (2), provide any information knowing that it is false or misleading in a material respect.
Maximum penalty—50 penalty units or imprisonment for 2 years, or both.
- (4) Division 1 of Part 17 of the Law Enforcement (Powers and Responsibilities) Act 2002 applies to anything seized under this section as if it had been seized under that Act.

Comment

Section 51K raises very serious concern. It provides that *any* police officer, even an inexperienced junior constable, may seize a firearm, firearm part or ‘firearm precursor’.

We saw from the Law Enforcement Conduct Commission (LECC) inquiry into strip searches that NSW Police have poor understanding of, and the ability to apply the ‘*reasonable grounds*’ test under the Law Enforcement (Powers and Responsibilities) Act 2002.⁹

As it stands the Bill applies to both *licensed* firearm owners and un-licensed firearm owners (i.e. criminals). It contains none of the safeguards for *licensed* firearm owners that are provided in the Crimes (Serious Crimes Prevention Orders) Act 2016 in which a serious crime prevention order (SCOP) may only be applied for by:

- The Commissioner of Police
- The Director of Public Prosecutions, or
- The New South Wales Crime Commission.

Given that SCPOs may only be applied for by three entities, there is no justification for the extraordinary powers in this Bill to be made available to all police officers, let alone junior constables.

If, as Minister Elliott asserts in his second reading speech, “*FPOs are a very effective tool in reducing gun violence*”, “*FPOs have proven a key element in suppression strategies used against outlaw motorcycle gangs and other organised criminal groups*” and “[t]heir imposition can allow for heightened scrutiny of those engaged in criminal enterprise, and if breached they provide for serious penalties” the purported need for the current Bill, with all its shortcomings, is not persuasive, let alone compelling.

The number of charges for ‘manufacture firearm without licence/permit’ between 2011 and 2020 are provided in Attachment 3.

Section 51K(2) compels a person to provide assistance or information to police. The common law right to silence should not be extinguished nor should citizens be compelled to assist police by saying or doing anything which may incriminate them, as this Bill requires.

Citizens should not be coerced by threat of penalty to make any comment or provide assistance

⁹ During the LECC strip search inquiry Chief Commissioner, the Hon M F Adams QC, was critical of decisions made by police officers based on ‘reasonable grounds’: “I mean, what is a reasonable suspicion? Courts continuously quote a particular judgment, which, when you look at it, does not in fact advance knowledge very far. And that is because, in a way, how long is a piece of string? There is no bright line here.”

or information to police without first obtaining legal advice.

Sections 51K(2) and (3) should be amended to provide appropriate safeguards and protect the fundamental right to silence.

73A Review of firearms prohibition orders

- (1) The Commissioner is to review a firearms prohibition order after the order has been in force for 10 years.
- (2) The review must be completed within the period of 6 months of that 10-year period.
- (3) In the case of a firearms prohibition order in force immediately before the commencement of this section and that has been in force for more than 10 years, the review is to be completed within 12 months of that commencement.
- (4) For avoidance of doubt, a firearms prohibition order that is subject to review remains in force unless it is revoked by the Commissioner under section 73.

Comment

Section 73A requires review of each FPO within 6 months of its expiry date.

I submit it is highly unlikely a review of FPOs within 6 months of expiry will actually occur unless there is a dramatic change in productivity and/or personnel resources at the NSW Firearms Registry.

In response to a question on 26 May 2020 from the Hon. Robert Borsak, Minister Elliott advised the number of applications for ‘internal review’ of decisions by the NSW Firearms Registry were as follows: 2017 (75); 2018 (343); 2019 (412) and 1 Jan to 1 May 2020 (149). As at 29 May 2020 there were 217 Internal reviews awaiting assessment.¹⁰

Despite the statutory requirement under s53(6) of the Administrative Decisions Review Act 1997 that internal reviews are completed within 21 days, applicants applying to the Firearms Registry receive the following automated message:

“If you have not been notified of the outcome of the internal review within 21 days, the internal review is taken to have been finalised under section 53(9)(b) of the Administrative Decisions Review Act and if you have the right to seek a review of the decision by the NSW Civil and Administrative Tribunal, you may then proceed to make an application to the Tribunal if you wish.”

The Minister ought to reasonably know that completing a review of all FPOs within 6 months of their expiry is unlikely, given the already extensive delays by the Firearms Registry completing internal reviews in the statutory time frame.

Section 74A(1)

- (1) The powers of a police officer under this section—
 - (a) may only be exercised if reasonably required to determine whether a person who is subject to a firearms prohibition order has committed an offence under section 74, and
 - (b) may be exercised immediately following the service of a firearms prohibition order on a person but only if the person has been given an opportunity to surrender all firearms, firearm parts or

¹⁰ [Question 1468 – the Hon. Robert Borsak MLC, 26 May 2020. Question and Answers Paper No. 261.](#)

ammunition lawfully in the person's possession.

Comment

Section 74A(1)(a) my earlier reservations and comments about police being able to correctly apply the "reasonably required" test also apply to this section.

Section 74A(1)(b) could be of concern if police do not give the person served with an FPO a verbal or written instruction that they are required to surrender any firearms in their possession forthwith. Secondly, this section should perhaps include a reasonable timeframe in which to surrender any firearms in possession – say 1-2 minutes.

Section 74A(2A)–(2F)

(2A) A police officer who enters premises under subsection (2) may also conduct a search—

- (a) of any other person who the officer reasonably suspects is in possession of a firearm, firearm part or ammunition and who is present on those premises, or
- (b) of any other vehicle, vessel or aircraft situated on those premises, for any firearms, firearm parts or ammunition.

(2B) Division 4 of Part 4 of the Law Enforcement (Powers and Responsibilities) Act 2002 extends to the search of a person conducted under this section.

(2C) Before entering premises under subsection (2), a police officer must—

- (a) announce that the officer is authorised to enter the premises, and
- (b) give any person who is present on the premises an opportunity to allow entry.

Comment

Section 74A(2A)(a) my earlier reservations and comments about police being able to correctly apply the "reasonably required" test also apply to this section.

Section 74A(2C) is open to abuse by police. The evening news often shows vision of police officers banging on someone's door yelling "Police, open the door" then immediately breaking down the door without giving the occupants a reasonable opportunity to allow entry. In my view giving occupants just 1-2 seconds to open the door is unreasonable and consideration should be given to including a reasonable timeframe for occupants to respond to police banging on the door at 5am e.g. say 30-60 seconds.

(2D) A police officer is not required to comply with subsection (2C) if the officer believes on reasonable grounds that immediate entry is required to ensure the safety of any person or to ensure that the effective execution of the search powers conferred on the officer under this section is not frustrated.

(2E) If premises are entered under subsection (2) while the occupier is not present, a police officer is, as soon as reasonably practicable, to notify the occupier of that entry.

(2F) A police officer may, in exercising a power conferred by subsection (2) to enter premises, use such force as is reasonably necessary to enter the premises.

Comment

Section 74A(2D) – (2F) my previous reservations and comments about police being able to correctly apply the "reasonably required" test also apply to these sections.

Part III - Errors in NSW Firearms Registry Published Reports

This part of the submission relates not to the substance of the Bill *per se* but rather draws the Committee's attention to the related matter of widespread numerical errors in the numbers of Firearms Prohibition Orders (FPO) and Weapons Prohibition Orders (WPO) published by the NSW Firearms Registry.

At the time of writing (August 2020) two quarterly reports on the number of FPOs and WPOs have been published on the Firearms Registry website:

1 October 2019 – 31 December 2019¹¹

- Total Firearm Prohibition Orders served in NSW to date (Table 1.1)
- Total Firearm Prohibition Orders served 1 Oct. 2019 – 31 Dec. 2019 (Table 1.2)
- Total Weapon Prohibition Orders served in NSW to date (Table 1.3)
- Total Weapon Prohibition Orders served 1 Oct. 2019 – 31 Dec. 2019 (Table 1.4)

1 January 2020 – 31 March 2020¹²

- Total Firearm Prohibition Orders served in NSW to date (Table 1.1)
- Total Firearm Prohibition Orders served 1 Jan. 2020 – 31 Mar. 2020 (Table 1.2)
- Total Weapon Prohibition Orders served in NSW to date (Table 1.3)
- Total Weapon Prohibition Orders served 1 Jan. 2020 – 31 Mar. 2020 (Table 1.4)

These quarterly reports state the information contained "has been prepared by the Firearms Registry and is **correct as at 31 December 2019** [and 31 March 2020] unless otherwise specified."

The numbers for *Total Firearm Prohibition Orders Served in NSW to Date* (Table 1.1) and *Total Weapon Prohibition Orders Served in NSW to Date* (Table 1.3) as at 31 March 2020 cannot be reconciled with the corresponding Tables in the report ending 31 December 2019.

As shown in Attachment 4 and Attachment 5 the numbers for FPOs and WPOs simply do not add up – literally.

It seems the NSW Firearms Registry Commander has not learned any lessons from the 2018-2019 audit by the NSW Audit Office which found "[t]he Registry's processes do not ensure all data is accurate when added to the register."¹³

By continuing to collate and publish incorrect data the NSW Firearms Registry:

- diminishes confidence in the Registry among its customers and the public;
- misleads readers on the *true* status of the data presented – this can lead to incorrect conclusions and inappropriate policy proposals; and
- impedes proper public scrutiny.

Request to the Committee

I respectfully request the Committee recommend:

¹¹ [Firearm Prohibition and Weapon Prohibition Orders Information, 1 Oct. 2019 – 31 Dec. 2019](#)

¹² [Firearm Prohibition and Weapon Prohibition Orders Information, 1 Jan. 2020 – 31 Mar. 2020](#)

¹³ Audit Office of New South Wales. [Audit Report - Firearms Regulation, 28 February 2019](#).

- (a) the data for Firearm Prohibition Orders and Weapon Prohibition Orders be corrected and re-published with an explanatory note by the NSW Firearms Registry,
- (b) the NSW Police Force write to all relevant State and Commonwealth agencies including:
- Australian Institute of Criminology
 - NSW Crime Commission
 - Audit Office of New South Wales
 - NSW Attorney General
 - Bureau of Crime Statistics and Research (BOCSAR),
- advising them of the errors in the NSW Firearms Registry FPO and WPO reports.

Disclosure:

The author of this submission works in the NSW Parliamentary office of the Shooters, Fishers and Farmers Party. This is a private submission. The author did not consult with, seek, nor receive any input from any Parliamentary member of the Shooters, Fishers and Farmers Party in the preparation of this submission.

Attachment 1: Facebook post by Minister Elliott, 17 March 2019

**David Elliott MP**
March 17 · 🌐

Am I the only one who finds this slightly hypocritical? So Michael Daley and Labor promises not to weaken gun laws but does a preference deal with a party that advocates the liberalising of gun laws. Have I missed something here 'cause I'm really struggling with the whole "shooters have rights too" thing.

<https://mobile.abc.net.au/.../michael-daley-threate.../10909658...>

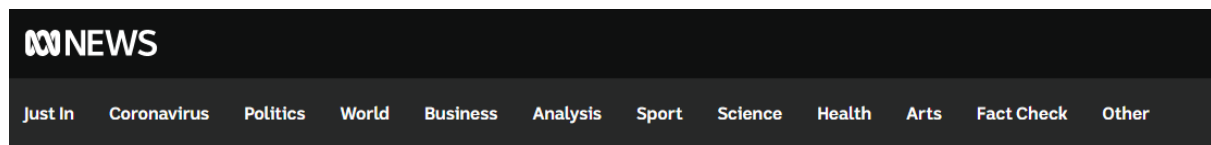


ABC.NET.AU
Daley says 'I'll resign' if guns laws change but deal with Shooters Party remains

 36
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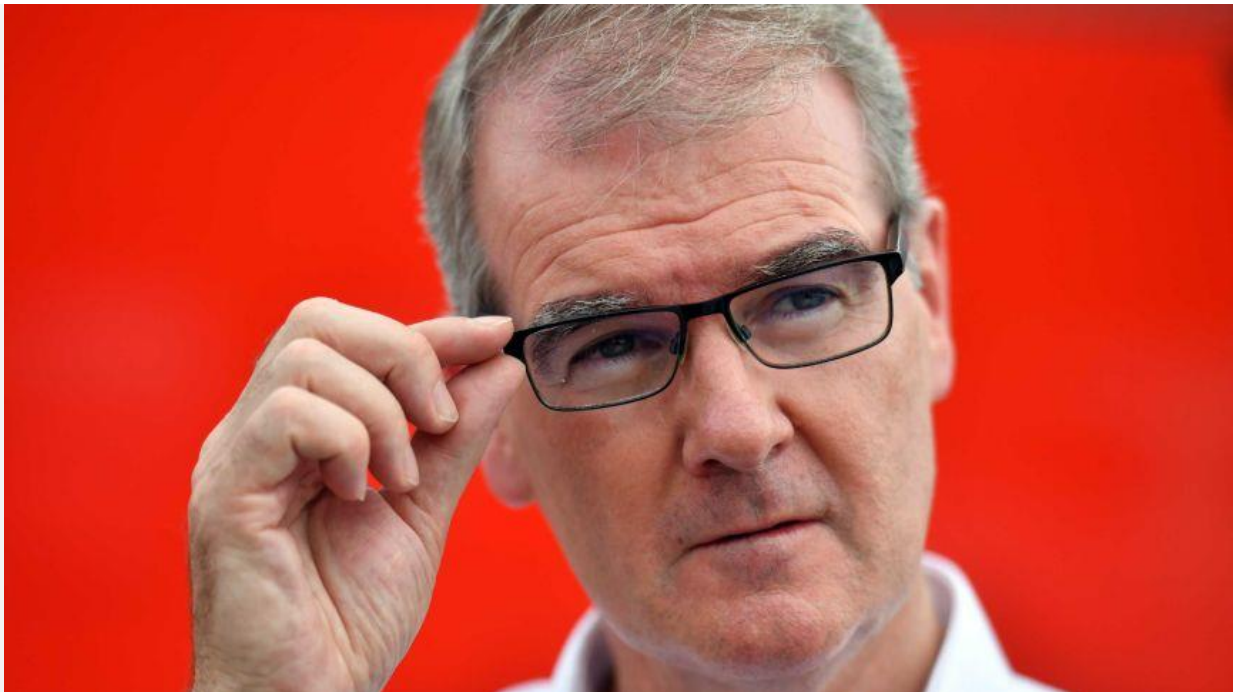
Source: Facebook



Daley says 'I'll resign' if NSW guns laws change but deal with Shooters Party remains

By state political reporter [Sarah Gerathy](#)

Posted Sunday 17 March 2019 at 1:40pm, updated Sunday 17 March 2019 at 2:28pm



Michael Daley said under no circumstances would gun laws be relaxed in NSW. (AAP: Mick Tsikas)

New South Wales Labor leader Michael Daley says he will resign from parliament if the state's guns laws are weakened, despite his party cutting a preference deal with the Shooters, Fishers and Farmers Party ahead of this Saturday's state election.

Key points:

- The Shooters, Fishers and Farmers Party wants gun laws relaxed in NSW
- Despite negotiating a preference deal with the party, Mr Daley has ruled out any weakening of gun laws
- Premier Gladys Berejiklian has repeatedly ruled out any deal with the Shooters Party

Mr Daley is under renewed pressure over the preference swap in the wake of the deadly shootings in Christchurch, which once again put the issue of gun control on the political agenda.

The Shooters, Fishers and Farmers Party has previously demanded the relaxation of the National Firearms Agreement introduced by John Howard, and continues to advocate for a review of the administration of the firearms act in New South Wales.

[Polls are predicting a hung parliament from this Saturday's vote](#), with the Shooters Party potentially holding great bargaining power in any potential negotiations to form government.

Mr Daley said under no circumstances would Labor would support a weakening of the state's gun laws, either in government or opposition.

"If the Liberal and Nationals and Shooters combine to weaken the gun laws in NSW I will resign from Parliament," Mr Daley said.

"I will not be a part of a Parliament that weakens the gun laws in New South Wales, it will not happen if I am premier.

"There's a big leap between what's on a how-to-vote card and what might be in legislation."

The Premier Gladys Berejiklian today echoed her warning that Labor's preference deal with the Shooters, Fishers and Farmers Party sent a dangerous message.

"It concerns me because it legitimises a party, being the Shooters Party, who support the reduction or dilution of our guns laws," Ms Berejiklian said.

During the election campaign Ms Berejiklian has repeatedly ruled out accepting the support of Shooters MPs to form government if the voters deliver a hung parliament.

She urged Mr Daley to do the same.

"The Shooters support giving guns to 10-year-olds, they support bringing semi-automatics into NSW," Ms Berejiklian said.

"I don't stand for that, I never have, I never will. And I think the Labor leader and his party need to make the same call," she said.

When asked whether he would accept the Shooters numbers' to secure minority government in a hung parliament, Mr Daley said he "wouldn't get into hypotheticals".

But he added: "I won't form a coalition with anybody."

Mr Daley said strong gun control was one of his "core beliefs", pointing out that as an Australian Customs officer he had "crawled through containers looking for firearms" and as a police minister had rejected the Shooters Party's demands for concessions to the laws.

"I've said no to them once in Customs, I've said no to them twice when I was a minister, if I am premier I will say no to them again."

In the Coalition's first term of government the Shooters Party shared the balance of power in the Upper House.

During that time the party managed to secure an agreement allow hunting in national parks in exchange for supporting the government's power privatisation legislation, but a backlash forced the premier Barry O'Farrell to renege on the deal.

Posted 17 March 2019, updated 17 March 2019

Source: <https://www.abc.net.au/news/2019-03-17/michael-daley-threatens-to-resign-if-nsw-gun-laws-weakened/10909658>

Attachment 3:

Charges under the Firearms Act for Manufacture Firearm without Licence/Permit



NSW Criminal Court Statistics April 2011 to March 2020
Number of finalised charges under selected sections and lawparts of the Firearms Act 1996 by outcome

Legislation	Section	Description and Lawpart	Outcome	Apr 2011 - Mar 2012	Apr 2012 - Mar 2013	Apr 2013 - Mar 2014	Apr 2014 - Mar 2015	Apr 2015 - Mar 2016	Apr 2016 - Mar 2017	Apr 2017 - Mar 2018	Apr 2018 - Mar 2019	Apr 2019 - Mar 2020
Firearms Act 1996	50A(1)	Manufacture firearm w/o licence/permit-T2 - Lawpart 48361	Guilty	1	1	0	1	2	1	5	3	1
Firearms Act 1996	50A(1)	Manufacture firearm w/o licence/permit-T2 - Lawpart 48361	Not Guilty	0	0	0	0	2	0	0	0	0
Firearms Act 1996	50A(1)	Manufacture firearm w/o licence/permit-T2 - Lawpart 48361	Other*	1	0	0	2	1	1	1	2	0
Firearms Act 1996	50A(1)	Manufacture firearm w/o licence/permit-T2 - Lawpart 48361	Total	2	1	0	3	5	2	6	5	1
Firearms Act 1996	50A(2)	Manufacture pistol w/o licence/permit-SI - Lawpart 48362	Guilty	2	0	1	2	4	3	19	1	0
Firearms Act 1996	50A(2)	Manufacture pistol w/o licence/permit-SI - Lawpart 48362	Other*	0	0	1	0	2	0	6	0	0
Firearms Act 1996	50A(2)	Manufacture pistol w/o licence/permit-SI - Lawpart 48362	Total	2	0	2	2	6	3	25	1	0
Firearms Act 1996	50A(2)	Manufacture prohibited firearm w/o licence/permit-SI - Lawpart 48363	Guilty	6	0	0	8	1	2	3	1	3
Firearms Act 1996	50A(2)	Manufacture prohibited firearm w/o licence/permit-SI - Lawpart 48363	Other*	0	0	1	1	0	1	0	0	1
Firearms Act 1996	50A(2)	Manufacture prohibited firearm w/o licence/permit-SI - Lawpart 48363	Total	6	0	1	9	1	3	3	1	4
Firearms Act 1996	51F(1)	Possess digital blueprint for manufacture of firearms-T2 - Lawpart 86821	Guilty	0	0	0	0	0	0	0	1	2
Firearms Act 1996	51F(1)	Possess digital blueprint for manufacture of firearms-T2 - Lawpart 86821	Total	0	0	0	0	0	0	0	1	2

Source: NSW Bureau of Crime Statistics and Research

Reference: ap20-19118

Please retain this reference number for future correspondence

NOTE: Data sourced from the NSW Bureau of Crime Statistics and Research must be acknowledged in any document (electronic or otherwise) containing that data. The acknowledgement should take the form of **Source: NSW Bureau of Crime Statistics and Research**

Note 1: These figures are the number of charges brought, rather than the number of persons charged. A charge refers to an instance of a particular type of offence being charged against a person.

Note 2: There were no finalised charges under section 45(6)c, Lawpart 27081

*Other includes dismissed by lower courts due to mental illness, withdrawn by prosecution, and otherwise disposed of (eg transferred to Drug Court, deceased)

Attachment 4: NSW Firearm Prohibition Orders Information

Source: [NSW Firearms Registry – Firearms Data](#)

Note: For each Police Area Command (PAC) and Police District (PD) the number in shaded cell *should* equal the sum of the two preceding cells.

Firearms Prohibition Orders	Total Firearm Prohibition Orders served in NSW to date 31 December 2019 (Table 1.1)	Total Firearm Prohibition Orders served 1 January 2020 to 31 March 2020 (Table 1.2)	Total Firearm Prohibition Orders served in NSW to date 31 March 2020 (Table 1.1)
Wollongong	105	2	105
Tweed/Byron	51	2	51
Tuggera Lakes	104		
The Hume PD	56	2	56
The Hills	41	1	
Sydney City PAC	31	1	31
Sutherland Shire PAC	53	2	
Surry Hills	15	3	15
St George PAC	123	3	
South Sydney PAC	69	3	69
South Coast PD	102	7	
Ryde PAC	47	1	47
Riverina PD	114	5	
Richmond	45	3	45
Quakers Hill PAC	83	7	
Pt & Ps Marine Area Command	3		3
Port Stephens-Hunter PD	148	5	
Parramatta	45		45
Oxley PD	65	3	
Orana Mid Western PD	139	9	139
Northern Beaches PAC	34	2	
North Shore PAC	29		29
Newcastle City	163	1	
New England PD	103		103
Nepean PAC	179	7	
Murrumbidgee PD	68	3	68
Murray River PD	79	6	
Mt Druitt	134	5	134
Monaro PD	38	4	
Mid North Coast	116	5	116
Manning / Great Lakes	56		
Liverpool City PAC	235	13	235
Leichhardt	52		
Lake Macquarie	124	2	124
Lake Illawarra	146	4	
Kuring Gai	30	2	30
Kings Cross	25	1	
Inner West PAC	30		30
Hunter Valley PD	137	4	
Hawkesbury	42	1	42
Fairfield City PAC	250	3	
Eastern Suburbs PAC	28	1	28
Eastern Beaches	90	7	
Cumberland PAC	266	4	266
Coffs / Clarence	68		
Chifley PD	88	3	88
Central West PD	62	3	
Central North PD	51	3	51
Campsie	94	2	
Campbelltown City PAC	191	1	191
Camden PAC	70		
Burwood PAC	59	3	59
Brisbane Water	153	6	
Blue Mountains	30	1	30
Blacktown	57		
Barrier PD	36	4	36
Bankstown	273	5	
Auburn PAC	176	2	176

Attachment 5: NSW Weapon Prohibition Orders Information

Source: [NSW Firearms Registry – Firearms Data](#)

Note: For each Police Area Command (PAC) and Police District (PD) the number in shaded cell *should* equal the sum of the two preceding cells.

Weapon Prohibition Orders	Total Weapon Prohibition Orders served in NSW to date 31 December 2019 (Table 1.3)	Total Weapon Prohibition Orders served 1 January 2020 to 31 March 2020 (Table 1.4)	Total Weapon Prohibition Orders served in NSW to date 31 March 2020 (Table 1.3)
Wollongong	7	2	
Tweed/Byron	6	1	
Tuggera Lakes	13		13
The Hume PD	7	2	
The Hills	3	1	3
Sydney City PAC	9	1	
Sutherland Shire PAC	8	2	8
Surry Hills	3	3	
St George PAC	15	3	15
South Sydney PAC	6	3	
South Coast PD	28	11	28
Ryde PAC	8	1	
Riverina PD	17	3	17
Richmond	5	2	
Quakers Hill PAC	11	5	11
Pt & Ps Marine Area Command	0		
Port Stephens-Hunter PD	27	6	
Parramatta	3		3
Oxley PD	3	1	
Orana Mid Western PD	28	8	28
Northern Beaches PAC	4	1	
North Shore PAC	1		1
Newcastle City	15	1	
New England PD	19		19
Nepean PAC	21	7	
Murrumbidgee PD	6	2	6
Murray River PD	19	2	
Mt Druitt	21	4	21
Monaro PD	6	3	
Mid North Coast	20	3	20
Manning / Great Lakes	3		
Liverpool City PAC	29	13	29
Leichhardt	9	1	
Lake Macquarie	16	2	16
Lake Illawarra	29	4	
Kuring Gai	4	1	4
Kings Cross	1	1	
Inner West PAC	3	2	3
Hunter Valley PD	15	4	
Hawkesbury	7	1	7
Fairfield City PAC	25	4	
Eastern Suburbs PAC	3		3
Eastern Beaches	22	5	
Cumberland PAC	34	6	34
Coffs / Clarence	11		
Chifley PD	9	2	9
Central West PD	11	3	
Central North PD	12		12
Campsie	18	1	
Campbelltown City PAC	16	4	16
Camden PAC	7	1	
Burwood PAC	9	4	9
Brisbane Water	25	6	
Blue Mountains	4	1	4
Blacktown	7		
Barrier PD	8	3	8
Bankstown	36	3	
Auburn PAC	12	2	12