

Submission  
No 262

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

**Organisation:** New South Wales Corps of Marines Inc

**Date Received:** 14 August 2020

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## *New South Wales Corps of Marines Inc.*

Approved Collecting Club  
405987042

Historical Re-enactment permit No 407323653..  
Approved Target Shooting Club  
405986980

Approved Hunting Club.  
405987018

**ABN 28 237 835 498**

Dear Ministers,

**RE: PROVISIONS OF THE FIREARMS AND WEAPONS LEGISLATION (CRIMINAL USE) BILL 2020**

As president of The New South Wales Corps of Marines (NSWCOM) I should like to make the following submission to your committee on behalf of the licenced firearms members of our incorporated association.

The NSWCOM is an association of members who use registered firearms in the interpretation of history often before members of the general public. The association is a licenced hunting, target and collecting club under the current firearms legislation. We recognise the New South Wales Muzzle Loaders Association as our peak body, however we as a group hold serious concerns regarding the proposed changes to legislation that this bill encompasses.

Based on a review of the proposed amendments, we believe that some provisions of this Bill are ambiguous and may be open to misinterpretation and potential abuse of policing powers. In its present form we believe that the Bill will allow police to act on suspicion of an offence or without probable cause. We believe that the Bill does not differentiate between licenced firearms owners and criminals.

We feel that as it stands the Bill creates a serious threat of criminalising licenced firearms owners and other persons who may undertake maintenance and repairs on behalf of themselves or others. The

ambiguity of the definition of 'firearms precursors' will lead to those who own or are in possession of everyday tools used in the maintenance of their firearms to be significantly and seriously impacted if they were interpreted as being 'firearm precursors' used to manufacture firearms or firearms parts by this Bill.

## Clarifications and Recommendations

### Clarifications

We ask for the following concerns to be clarified by the committee:

- If a licenced firearms owners were to carryout maintenance such as change a barrel, repair a stock, change a spring or frizzen etc. Is this considered an offence under this Bill.
- Is it an offence to undertake safety repairs of your own or others firearms , as in the case of our Historic re-enactments, as these weapons require on going maintenance and repairs?
- Does this Bill apply to prohibited weapons only or to licenced weapons as well?

### Recommendations

We should like to submit the following recommendations to the committee:

- Remove the presumption that persons who rent premises, supply finance, materials or equipment are involved in the manufacture of firearms or firearms parts. (Section 51 J (2) (a) – (c))
- Remove the presumption that materials and equipment are firearms precursors, where police have no evidence of firearms or firearms parts being manufactured. (Section 51J (2) (d))
- Decisions to confiscate firearms and equipment suspected of being firearms precursors, should be made by police of the rank of Inspector and or above, and only after careful consideration and such decisions must be documented in writing.
- Remove Section (51K (2)) which may be a breach of common law.
- Add a requirement that internal reviews of decisions involving firearms matters are to be completed within a reasonable, defined period of time.
- Amend the Bill to remove ambiguity and make it perfectly clear that:
  - The possession of everyday items or tools, published materials used in historical research and other instructional material in any form, by a licenced firearms owner for a licenced firearm is not an offence under this Bill,
  - Licenced firearms owners who have a legitimate need to make a part or minor modification to a registered firearm, or
  - A firearm that is not required to be registered under the Act, are not captured by this Bill.
- Remove Section (51K (2) & (3)) which compels a person to provide assistance or information to police, as this may breach the right to silence under common law.

We thankyou for your consideration

Yours faithfully