

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

Organisation: Lithgow Fire Arms Factory Museum
Date Received: 3 September 2020



Lithgow Small Arms Factory Museum

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2nd July, 2020

The Hon. Robert Borsak, MLC
Chair,
NSW Legislative Council's Portfolio Committee No5
Parliament House
Macquarie Street
SYDNEY NSW 2000

RE: Provisions of the Firearms and Weapons Legislation (Criminal Use) Bill 2020

Dear Mr Borsak,

Thank you for the opportunity to submit this letter as our submission to the Inquiry into the Provisions of the Firearms and Weapons Legislation (Criminal Use) Bill 2020.

1. Opening Comments

We make the following opening comments:

- a) The proposed Bill has many interpretations which make it unsatisfactory. There is the potential for the proposed Bill to severely restrict the way this Museum operates. Museums are an acknowledged and reliable source of subject matter information of an historical, technical and/or cultural nature. They have exhibits of significance. This proposed Bill will prevent the Museum from using plans and drawings for internal technical publications. It will destroy our ability to make available our archives for those researching firearms or machine tools. It would be in breach of the law due to the fact the Museum has historical machine tools which were used by the Lithgow Small Arms Factory.
- b) The lack of consultation on this matter is one of the ongoing and most frustrating aspects of Government process in relation to firearms. It seems to us that Government consultation occurs only when it suits the Government to do so. The Amendment of the Firearms Regulation in 2017 is another example where lack of proper communication was in play.
- c) The Museum is not opposed to having legislation which endeavours to eliminate or substantially reduce criminal use. Ever since the Firearms Act 1996 was introduced, the legislative and administrative process has been unrelenting, with many innocent stakeholders having been caught 'in the net' without any reduction in criminal use. Our position is that there are laws already in place to stop criminal use and adding more non-targeted legislation means that more innocent stakeholders are impacted unnecessarily.



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- d) The Museum, through designated authority, holds a Museum Permit and Firearms Dealer Licence. Both the Permit and Licence cover categories of firearms governed by security standards. The Museum houses a vast collection of historical objects and artefacts and archival information pertaining largely to the Lithgow Small Arms Factory and these include:
- Moulds
 - A range of historic equipment, including milling, casting and rifling equipment which is on display in a building adjacent to the Museum
 - Blueprints, plans, drawings, documentation and explanatory notes (Museum archives)
 - Publications and magazines (Museum library)
 - Partly formed rifle components from raw material to finished components showing processes of manufacture.
- e) We are close to completing a 3-year research project detailing the history, technical features and design changes of the Lithgow and Slazenger sporting rifles which were made at the Factory post World War 2. Our work will be captured in a publication, in which we intend to include drawings and blueprints.

2. Specific Comments on the Bill

Section 51J of the Bill outlaws 'the unauthorised manufacture of firearms or firearms parts' and 'having possession of a firearm precursor for the purposes of manufacturing a firearm or firearm part'. The Bill goes on to state that a person would be in breach 'regardless of whether a firearm or firearm part is actually manufactured'. The Bill also states that 'a person takes part in the manufacture of a firearm or firearm part if the person provides the premises...'.

- a) This Museum holds a variety of stated precursors as mentioned in Section 1 above. We also have other objects which could be deemed to be precursors. We also provide premises and facilities. We may in some cases require a repair or a component part to be made for a specific object, in line with the Museum's need to ensure its objects and displays are to a standard suitable for exhibiting. The proposed Bill is drafted in such a widely interpretable fashion. One interpretation is that a Museum like ours is in breach of the law because of what we have and do. The question which needs asking is why put Museums in this situation. It seems there is an underlying suspicion by the authorities to 'throw the net out as far and wide as possible' hoping something would land but not knowing exactly what that is. There is a presumption that Museum objects and materials could lead to the manufacture of firearms or parts. It is totally absurd, unnecessary and plainly lacking any form of understanding or knowledge of Museums.
- b) The reference and coverage of the term 'firearm precursor' as drafted is so broad and non-specific. Anyone can have a precursor – a bit of metal, a machine or even a



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sectionalised firearm drawing from a magazine or book. In our case and as our opening comments suggest, the Museum, at the discretion of law enforcement officers, could be judged to be within the proposed Bill's definition of 'precursors', thus leading to immediate possession and seizure by the Police. In other words, this Museum could lose a substantial part of its collection which has been designated as being of Australian and World significance by UNESCO. It is ludicrous and would be completely untenable and disastrous to the Museum without there being any impact on addressing the criminal use element.

We have provided at Attachment 1 several examples of possible 'precursors' to illustrate our position but we are no wiser as to whether they 'fall within or outside the net' of the proposed Bill.

- c) The proposed Bill gives considerable power to a Police Officer to 'seize and detain any firearm, firearm part or firearm precursor' based on reasonable grounds suspicion. This is an open-ended provision and especially so regardless of whether a firearm or part is in fact made. The Museum for example may:
- Hold an educational forum providing technical information on a specific class of firearms with associated drawings;
 - Write a detailed technical article on a specific firearm or piece of equipment;
 - Have a detailed, sectionalised cut-out of a specific firearm on display; or
 - Fabricate a part or component in order to return an object to its original state.

To what extent could a Police Officer see any or all of these as being an offence under the proposed Bill. The simple answer is the proposed Bill is unclear – it becomes a matter of interpretation. Given that 50% of our UNESCO listed archives potentially fall within the scope of the proposed Bill, why should the Government have the right to destroy history and learning. What is wrong with giving the community the opportunity to study and learn about historic manufacturing machines, firearms and paper or electronic based records.

- d) The Museum has thousands of objects, artefacts and archives which could well fall into the proposed Bill's remit as precursors. If that is indeed the case, what is alarming is how will the data be collected and verified. If the authorities think that Museums like ours are going to devote their time to provide the information with ongoing updates, then the whole matter becomes administratively insane. We do not have the time to waste on this.
- e) We have time and time again insisted to the Government that Museums need to be given total exclusion from the Firearms Act and associated Regulations. By the very fact we are a Museum and operate solely to preserve, educate and promote, the pigeonholing of Museums with other firearm categories is totally unreasonable and unfair. It is downright an insult to Museums and their standing in the community that Government has no appreciation of the intrinsic value that Museums have and



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provide. This proposed Bill is a clear example of this – it fails to recognise that many innocent people and organisations will be adversely impacted.

Recommendations

In our view, the proposed Bill is dangerous and untargeted and the impact is severe on the non-criminal use. The Museum recommends that:

1. The proposed Bill should be overturned and stopped since it is overly interpretable and unclear as to how it will be executed;
2. The Firearms Act 1996, No 46 already contains provisions in relation to illegal firearms manufacture and supply, inclusive of blueprints, namely, Sections 50AA, 50A, 50B, 51, 51a, 51BA and 51F. If the existing law in relation to criminal use is inadequate, then address that specific issue rather than complicating the matter;
3. The proposed Bill must exclude Museums on the basis of the historical, educational and community significance they provide and make it clear that possession of precursors by Museums is not an offence under the Bill;
4. The Government must stop the practice of issuing pieces of legislation as the cure of all problems and take time to genuinely engage with and understand the views of stakeholders.

We are happy for my name and position and our submission to be published in full on your website and are happy to participate in any hearings the Committee may hold.

I can be reached on _____ or by email on _____ should you wish to contact me.

Renzo Benedet
President & Secretary

Encl: Attachment 1 - Firearms & Weapons Legislation (Criminal Use) Bill 2020 - Precursors or Not?