

Submission  
No 265

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

**Organisation:** St. George Hunters & Anglers Association Inc  
**Date Received:** 21 October 2020

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# ST. GEORGE HUNTERS & ANGLERS ASSOCIATION INC.

REGISTERED OFFICE :

TEL:

24 May 2020

The Hon. David Elliott MP  
Minister for Police & Emergency Services  
GPO Box 5341  
SYDNEY NSW 2001  
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Dear Minister

## RE: FIREARMS AND WEAPONS LEGISLATION AMENDMENT (CRIMINAL USE) BILL 2020

I write on behalf of the St. George Hunters & Anglers Association Inc. (STGHAA), a Club of some 50 members who enjoy legal firearms ownership and actively participate in competition shooting, hunting and angling and have done so safely and without incident for over 40 years.

The NSW Government in proposing the above Bill, while well intentioned, is far reaching in its application and could inadvertently impact adversely on members of our Club and the wider legal firearms ownership community in general.

After reading the exposure draft of the Bill, I would like to make the following comments on behalf of the STGHAA for your consideration :

### From the **Outline of provisions – Schedule 1 Amendment of Firearms Act 1996 No: 46; Offence of taking part in unauthorised manufacture of firearms or firearms parts :**

**IF** the proposed Bill is intended to apply only to firearms dealers or those people who are subject of a firearms prohibition order, then it should be stated right up front, because as it stands the Bill could I believe, be applied to any legal firearms owner.

**Schedule 1(3).** Looking at the definitions of terms **takes part** and **firearms precursor** used in this Schedule:

1. “The term **takes part** includes the possession of a **firearms precursor** for the purposes of manufacturing a firearms or firearm part”; while
2. “A **firearms precursor** is defined as any object, device, substance, material, or documents used or capable of being used in the process of manufacturing a firearms or firearm part (including computer software or plans). The offence will apply regardless of whether a firearms or firearm part is actually manufactured” .....

Looking at these terms individually :

A person who **takes part** is considered in breach by merely possessing a **firearms precursor** regardless of whether a firearm or firearm part is actually manufactured.

***Surely this is legal over reach !***

A **firearms precursor** among other things includes ‘documents, material, computer software or plans’. Again, a legal firearm owner could be considered in breach by something as simple as say, looking on the internet to see how a firearms action works or how a suppressor is made - ‘regardless of whether a firearms or firearm part is actually manufactured’.

***More legal over reach !***

Similarly, a legal firearm owner could be considered in breach merely by owning or simply having a reference book on how the firearm was manufactured; quite often a book provided by the firearms manufacturer when purchasing the firearm.

***Again more legal over reach !***

Many legal firearms owners have books accumulated over the years on weapons which are now prohibited - does possession of such literature "regardless of whether a firearm or firearm part is actually manufactured", place one in breach of the Bill ?

**Schedule 1 Section 51K Power to seize, firearm parts and firearm precursors:**

- (1) A police officer may seize and detain any firearm, firearm parts or ***firearm precursor*** (including a computer or data storage device on which a ***firearms precursor*** is held or contained) that the officer suspects on reasonable grounds may provide evidence of the commission of an offence under section 51J....." regardless of whether a firearms or firearm part is actually manufactured".

The foregoing is a wide ranging virtually unfettered power for police and brings into question the word 'reasonable'.

Throughout this 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.

However no such 'reasonability' is extended to legal firearms owners who may find themselves inadvertently in breach of the Bill (regardless of whether a firearm or firearm part is actually manufactured) merely by being in possession of a ***firearms precursor*** i.e. any object, device, substance, material or document including computer software or plans.

***Again, I believe this is legal overreach.***

Sir, as stated at the start of this letter, I can understand the need for this Bill, but I ask that, after considering the above comments, you take steps to ensure that innocent legal firearms owners are not found in contravention of the Bill through its wide ranging powers and the unintended consequences it could have.

Yours faithfully

Peter G Snelling  
Secretary & Public Officer

TEL:

COPY: President Game Management Council of NSW.